

JANUARY 2, 1997

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ISSUE 97-01



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filed not later than December 19, 1996

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 (360) 753-7470.

REPUBLICATION OF OFFICIAL DOCUMENTS

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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 January 1997 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.

WASHINGTON STATE REGISTER

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Olympia, WA 98504-0552

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
Chair, Statute Law Committee

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Code Reviser

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Editor

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Subscription Clerk

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].

1996 - 1997
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>
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, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
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97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
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97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
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97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
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97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

¹All documents are due at the code reviser's office by **12:00 noon** on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

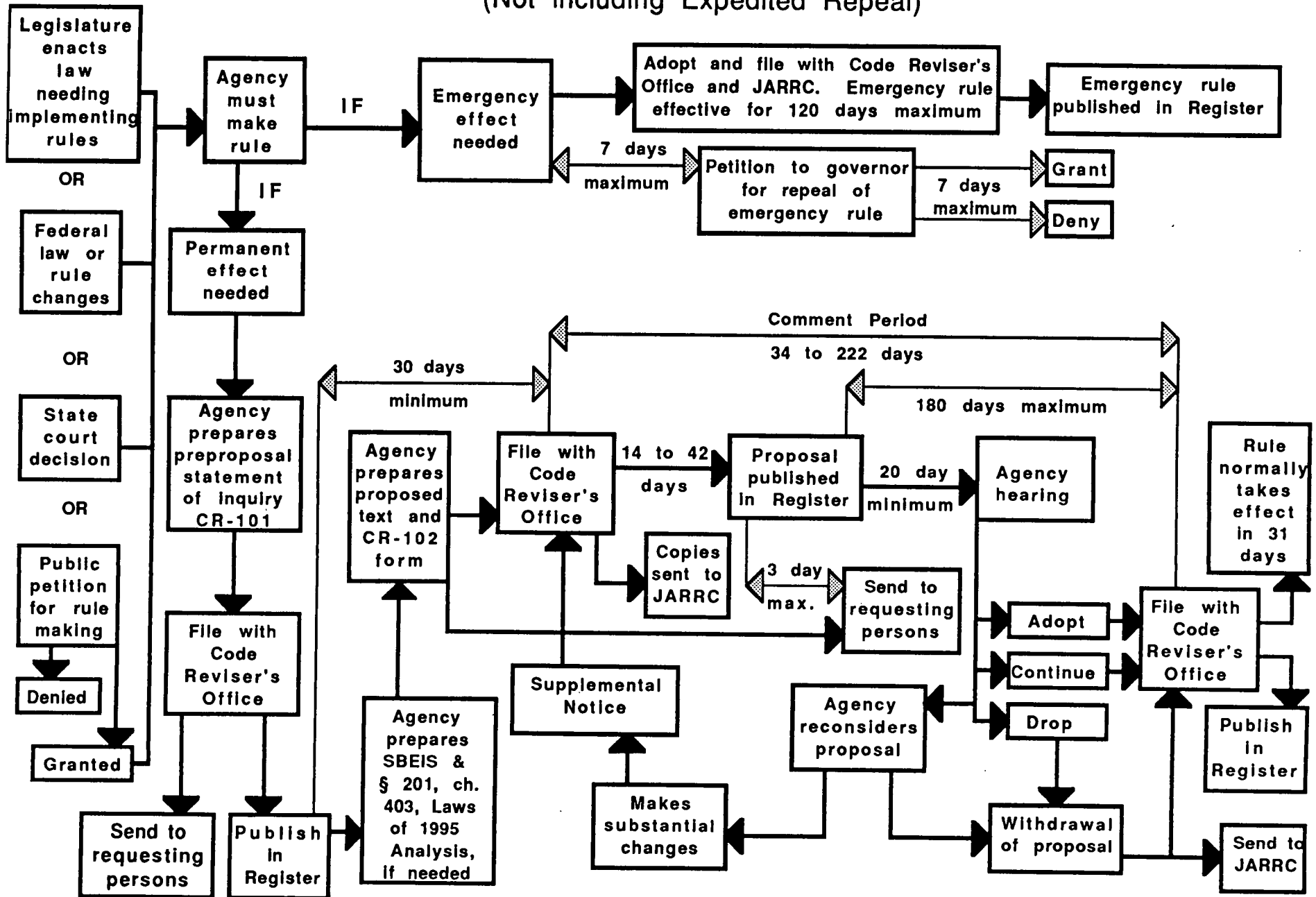
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 97-01-010
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed December 6, 1996, 3:50 p.m.]

December 12, 1996
 Larry Davis
 Executive Director

Subject of Possible Rule Making: WAC 180-51-050
 High school credit—Definition.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 28A.230.090 and 28A.305.130.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The proposed rule will make
 permanent the current credit equivalency definition that one
 high school credit shall equal five quarter or three semester
 hours of college or university level course work.

Other Federal and State Agencies that Regulate this
 Subject and the Process Coordinating the Rule with These
 Agencies: No other federal or state agency regulates this
 subject.

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

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before
 publication by sending written comments to Rules Coordina-
 tor, State Board of Education, P.O. Box 47206, Olympia,
 WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-
 3631. For telephone assistance contact Larry Davis, (360)
 753-6715.

December 6, 1996
 Larry Davis
 Executive Director

WSR 97-01-046
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed December 12, 1996, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 180-40
 WAC, Pupils, related to procedural due process rights of
 students.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 28A.305.160.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: To make clarification and
 technical changes to WAC 180-40-260, 180-40-310 and
 other sections as may be necessary.

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

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

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before
 publication by sending written comments to Rules Coordina-
 tor, State Board of Education, P.O. Box 47206, Olympia,
 WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-
 3631. For telephone assistance contact Larry Davis, (360)
 753-6715.

WSR 97-01-048
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed December 12, 1996, 10:58 a.m.]

Subject of Possible Rule Making: Relating to the
 TIAA/CREF retirement plan.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: To allow greater tax deferral
 for TIAA/CREF participants; to simplify plan administration;
 and to reflect greater flexibility and improved access to
 TIAA/CREF account funds for participants.

Process for Developing New Rule: Normal process
 including filing of CR-101, CR-103 (emergency rules filed
 December 6, 1996); CR-102 filed as soon as possible
 (permanent rules anticipated to be adopted in March 1997
 followed by appropriate CR-103 - permanent rules filing).

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before
 publication by contacting Claire Krueger or Larry Lael, State
 Board for Community and Technical Colleges, P.O. Box
 42495, Olympia, WA 98504-2495, (360) 753-7413, or FAX
 (360) 586-6440.

December 10, 1996
 Claire C. Krueger
 Executive Assistant
 Administrative Rules Coordinator

WSR 97-01-083
PREPROPOSAL STATEMENT OF INQUIRY
BATES TECHNICAL COLLEGE

[Filed December 18, 1996, 9:35 a.m.]

Subject of Possible Rule Making: Amending chapter
 495A-120 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 28B.50.140(13), 28B.10.900, 28B.10.901,
 28B.10.902, 28B.10.903.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The state hazing law (SSB
 5075) requires the agency to adopt rules for students and
 others that provide sanctions for conduct defined as hazing.
 The proposed rules will be included in the student conduct
 code.

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; and
 the college has a policy-making process that includes
 conducting a hearing to ensure that all interested staff and
 students have an opportunity for input and comment on any
 proposed policy, procedure or rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Jon Thorpe, Senior Vice-President, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405-4895, FAX (206) 596-1663. All comments must be received by January 31, 1997, at 5:00 p.m.

December 16, 1996
Jon G. Thorpe
Senior Vice-President

WSR 97-01-084

PREPROPOSAL STATEMENT OF INQUIRY BATES TECHNICAL COLLEGE

[Filed December 18, 1996, 9:36 a.m.]

Subject of Possible Rule Making: Chapter 495A-141 WAC, Parking and traffic regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To protect and control pedestrian and vehicular traffic; to assure ingress and egress at all times for emergency traffic; minimize traffic disturbances during class hours; to regulate the use of parking spaces and protect students, staff, and state-owned property.

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; and the college has a policy-making process that includes conducting a hearing to ensure that all interested staff and students have an opportunity for input and comment on any proposed policy, procedure, or rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Jon Thorpe, Senior Vice-President, Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405-4895, FAX (206) 596-1663. All comments must be received by January 31, 1997, at 5:00 p.m.

December 16, 1996
Jon G. Thorpe
Senior Vice-President

WSR 97-01-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed December 18, 1996, 11:07 a.m.]

Subject of Possible Rule Making: Chapter 468-16 WAC, Prequalification of contractors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.01.101, 47.28.030, and 47.28.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minor revisions to chapter 468-16 WAC are required to add clarity to the procedures for determining the qualifications of contractors for performing highway construction. Provides additional instruction for determining the maximum bidding capacity rating for a firm

with an established ESOP (employee stock ownership plan), and suspension of qualification for failure to comply with EEO 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 submitting written comments to Ken Walker, Office Manager Contract Ad and Award, P.O. Box 47360, Olympia, WA 98504-7360, FAX (360) 705-6810.

December 18, 1996
S. A. Moon
Deputy Secretary
for Operations

WSR 97-01-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration) (Public Assistance)

[Filed December 18, 1996, 11:44 a.m.]

Subject of Possible Rule Making: WAC 388-513-1320 Institutional status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, and 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Medicaid shall not be denied to a person in a nursing facility who did not establish residency before entering the nursing facility.

Process for Developing New Rule: The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

December 18, 1996
Sydney Doré
for Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-01-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration) (Public Assistance)

[Filed December 18, 1996, 11:46 a.m.]

Subject of Possible Rule Making: WAC 388-507-0710 and 388-513-1350.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adopt new federal standards concerning the MNIL and community spouse resource standard effective January 1, 1997.

Process for Developing New Rule: The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

December 18, 1996
 Sydney Doré
 for Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-01-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 19, 1996, 10:20 a.m.]

Subject of Possible Rule Making: Amending list of protected species; migratory game birds and trapping seasons; hunting regulations and boundaries; private lands wildlife management areas; hunting auctions and raffles; permit hunts; game reserves; hunting hours; big game tagging; and landowner damage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.030, 77.12.040, and 77.32.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are additional species that would benefit from being classified as protected. Recreational opportunity.

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, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2504. Contact by February 15, 1997, rule proposal filing expected to be March 5, 1997.

December 19, 1997 [1996]
 Evan Jacoby
 Rules Coordinator

WSR 97-01-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 19, 1996, 10:21 a.m.]

Subject of Possible Rule Making: Noxious weed control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 75.20.108, and ESSB 5633, Laws of 1996.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Fish and Wildlife is required to develop rules for the control of various noxious weeds and purple loosestrife. Will assist in the elimination of noxious weeds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. Certain activities are controlled by county weed control agencies, whose input will be solicited.

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 Karen Terwilliger, Assistant Director, Habitat Division, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2600. Contact by March 1, 1997; expected rule filing March 5, 1997.

December 19, 1997 [1996]
 Evan Jacoby
 Rules Coordinator

WSR 97-01-125
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed December 19, 1996, 11:00 a.m.]

Subject of Possible Rule Making: Revision of existing rules and standards for certification of seed potatoes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.14 RCW, Planting stock.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of these rules is proposed to make Washington state seed potato certification activities more closely aligned with other states' programs, federal export standards, and current market demands. Several obsolete portions of the existing rules may be eliminated and an updated format adopted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture Agricultural Marketing Service sets export standards for this commodity. The proposed changes in Washington State Department of Agriculture rules would move the state standards into closer conformity with federal export standards (therefore facilitating export trade); however, the United States Department of Agriculture's standards are not mandatory for state programs or interstate trade.

Process for Developing New Rule: This proposal is submitted at the request of the affected industry. The Washington State Department of Agriculture has met with representatives of the seed potato industry on several occasions and with the Seed Potato Commission at least twice in developing this proposal. There are currently approximately eighteen certified seed potato growers in Washington, and each of them has been consulted by mail.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Wrapsir, Plant Services Inspector, Washington State Department of Agriculture,

Laboratory Services Division, 1000 North Forest Street,
Suite 202, Bellingham, WA 98225, phone (360) 676-6739,
FAX (360) 738-2458, or Roger Hawley, Chairman, Wash-
ington Seed Potato Commission, P.O. Box 286, Lynden, WA
98264, phone (360) 354-4670, FAX (360) 354-4670.

December 19, 1996
Mary A. Martin Toohey
Assistant Director

WSR 97-01-011
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed December 6, 1996, 3:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-038.

Title of Rule: Chapter 180-86 WAC.

Purpose: Clarification and addition of investigative priorities, factors to be considered in issuing discipline orders and broad categories of acts or omissions of misconduct.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: Same as Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard M. Wilson, Superintendent of Public Instruction, Olympia, (360) 753-2298.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by January 9, 1997.

Date of Intended Adoption: January 24, 1997.

December 6, 1996

Larry Davis

Executive Director

NEW SECTION

WAC 180-86-080 Factors to be considered prior to issuing orders. Prior to issuing any disciplinary order under this chapter the superintendent of public instruction or designee shall consider, at a minimum, the following factors to determine the appropriate level and range of discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;

- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

NEW SECTION

WAC 180-86-116 Investigative priorities—Levels of acts or omissions of misconduct. (1) The superintendent of public instruction or designee shall prioritize the investigation of alleged certificated individual misconduct, lack of fitness or unprofessional conduct in the following descending order:

(a) Level I. Level I actions shall have the highest investigative priority and are those allegations, if proven true, for which permanent mandatory revocation shall be the appropriate disciplinary action. They include the following convictions for which permanent revocation of a certificate is mandatory under RCW 28A.410.090:

(i) Physical neglect of a child under chapter 9A.42 RCW;

(ii) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW);

(iii) Sexual exploitation of a child under chapter 9.68A RCW;

(iv) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(v) Promoting prostitution of a minor under chapter 9A.88 RCW;

(vi) The sale or purchase of a minor child under RCW 9A.64.030; or

(vii) Violation of similar laws of another jurisdiction.

(b) Level II. Level II actions shall have the next investigative priority and are those allegations, if proven true, for which revocation may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Sexual activity with children and/or students;

(ii) Engaging in acts of violence leading to bodily injury;

(iii) Selling and/or manufacturing illegal drugs; or

(iv) Other activity that if convicted would result in a felony conviction.

(c) Level III. Level III actions shall have the next investigative priority and are those allegations, if proven true, for which suspension may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Illegal drug possession and/or use;

(ii) Threats related to persons or property;

(iii) Alcohol abuse;

(iv) Reckless conduct where no bodily injury results;

(v) Engaging in unauthorized corporal punishment;

(vi) Verbal or physical sexual harassment of students;

(vii) Engaging in activity that demonstrates poor professional judgment; or

(viii) Other activity that if convicted would result in a misdemeanor conviction.

(d) Level IV. Level IV actions shall have the next investigative priority and are those allegations, if proven true, for which a reprimand may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Practicing with a lapsed or expired certificate;
- (ii) Isolated failure to timely evaluate certificated personnel; or
- (iii) Hiring a person for a certificated role who does not possess a valid certificate.

(2) All cases shall be monitored periodically to determine if their priority level should change as a result of information uncovered during the investigation.

(3) Notwithstanding any provision of this section to the contrary, the office of professional practices reserves the right to reprioritize the investigation of complaints based upon the efficient use of available resources and/or the relative urgency or lack of urgency in resolving various complaints in the public interest, and the right to recommend forms of discipline appropriate to the offenses committed.

WSR 97-01-012
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed December 6, 1996, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-19-007.

Title of Rule: Transitional bilingual instruction program rules (or limited English proficiency student program rules).

Purpose: To assure that limited English proficiency student programs enable students to achieve competency in English in compliance with state and federal laws.

Statutory Authority for Adoption: RCW 28A.180.060, [28A.180.080, 28A.300.040(1), and Washington Constitution Article 3, Section 22.

Statute Being Implemented: Chapter 28A.180 RCW and 20 U.S.C. § 1703(f).

Summary: WAC 392-160-004 is amended to reference state and federal statutory requirements respecting instructional programs for limited English proficiency students (hereafter referred to as "LEP students" and/or "LEP student programs").

WAC 392-160-005 is amended to list examples of permissible alternative LEP student instructional programs and services.

WAC 392-160-010 is amended to require notice of an LEP student's rights to services and to waive services and to recognize an LEP student's right to other special needs program services.

WAC 392-160-015 is amended to reorganize wording and to delete a provision respecting reassessment that is relocated to new section WAC 392-160-016.

New section WAC 392-160-016 relocates the reassessment provision deleted from WAC 392-160-015(5) and requires that the evaluation of LEP student academic

progress be conducted the same year(s) evaluation(s) of regular education student progress is (are) conducted.

WAC 392-160-020 is amended to also recognize LAS/O and LAS R/W, IDEA proficiency tests and the Woodcock Munoz language survey as approved language proficiency tests and to require that grade 3-12 students who are fluent in oral English be assessed in English reading and writing comprehension.

WAC 392-160-029 is amended to condition the approval of LEP student program funding applications upon completeness, accuracy and program adequacy.

WAC 392-160-035 is amended to delete program exit provisions that are relocated to new section WAC 392-160-036 and expanded upon by new section WAC 392-160-037.

New section WAC 392-160-036 relocates the approved test provision that is deleted from WAC 392-160-035(2).

New section WAC 392-160-037 relocates the thirty-five percentile exit standard that is deleted from WAC 392-160-035(1); adds a second alternative reading, writing, speaking and academic proficiency exit standard; and adds requirements that students who have exited from an LEP student program be reviewed to determine whether they are succeeding in the regular program and, if a student is not succeeding due to a language barrier, that the student's deficiency be remedied.

WAC 392-160-040 is amended to require that alternative instructional LEP student programs be based upon sound educational theory; to recognize that alternative instructional programs are permissible for students who are advanced in their transition to English and best served by individual monitoring; and to require the submission of an alternative instructional program implementation plan to SPI.

New section WAC 392-160-050 recognizes that LEP students may be segregated as necessary to address their educational needs and requires that their physical facilities be comparable to those provided non-LEP students.

New section WAC 392-160-060 requires that LEP students also be provided access to gifted programs if they can meaningfully participate in both the LEP student program and a gifted program and also be provided access to necessary special education services.

New section WAC 392-160-070 establishes certification, training and/or experience, and language skill requirements for LEP student teachers and/or classified staff and criteria for granting exceptions to the requirements.

New section WAC 392-160-080 requires that state basic education funding generated by LEP students be used in support of their instruction to the greatest extent practicable.

New section WAC 392-160-090 limits state reimbursement to expenditures included in a district's approved LEP program budget and limits state reimbursement for indirect costs to ten percent.

New section WAC 392-160-091 requires that districts with two hundred or more eligible LEP students evaluate the effectiveness of their programs at least every three years using relevant indicators.

WAC 392-160-045 is repealed.

Reasons Supporting Proposal: To update chapter 392-160 WAC in order to strengthen limited English proficiency student programs, and assure that the rules comport with legal requirements.

Name of Agency Personnel Responsible for Drafting: Robert E. Patterson, AG, Olympia, (360) 664-2540; Implementation: Helen Valdez, Superintendent of Public Instruction, Olympia, (360) 753-2573; and Enforcement: John Pearson, Superintendent of Public Instruction, Olympia, (360) 753-1545.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is necessary because of federal law, 20 U.S.C. § 1703(f).

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above. The anticipated effect of the changes is stronger or more effective limited English proficiency student programs.

Proposal Changes the Following Existing Rules: See Summary above.

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: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on January 28, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by January 13, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, by January 27, 1997.

Date of Intended Adoption: January 29, 1997.

December 6, 1996
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-004 Purpose. The purpose of this chapter is to ~~((set forth policies and procedures for the implementation of a transitional bilingual instructional program))~~ implement and assure compliance with the state Transitional Bilingual Instruction Act (chapter 28A.180 RCW) and the requirement of the federal Equal Educational Opportunity Act that appropriate action be taken to overcome language barriers that impede equal participation by students in instructional programs (20 U.S.C. § 1703(f)).

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-005 Definitions. As used in this chapter:

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a student and reinforces them in the English language; and

(c) Tests students in the subject matter in English (or in a student's native language, when appropriate).

(2) "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence.

(3) "Eligible student" means any student who meets the following two conditions:

(a) The primary language of the student must be other than English; and

(b) The student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program and/or services" means a program of instruction ~~((which may include English as a second language and))~~ that is designed to enable the student to achieve competency in English. Such programs and services may include:

(a) English as a Second Language (ESL), Sheltered English, ESL content classes;

(b) Cognitive Academic Language Learning Approach (CALLA);

(c) ESL tutoring (in limited circumstances, appropriate for a few advanced students in the school district);

(d) Instruction by mainstream teachers trained in ESL strategies, second language acquisition, multicultural awareness; and

(e) Individual monitoring where students who are advanced in their transition to English are provided individual assistance, counseling, and guidance and are assigned to regular education staff trained in ESL strategies, second language acquisition, and multicultural awareness to complete the individual's transition to English. Such individual monitoring may be the only instruction a transitional bilingual student receives.

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; ~~((and))~~

(3) Shall notify the parents or guardians of limited English proficient students of students' rights to transitional bilingual or alternative instructional program services and of the right to waive such services;

(4) Shall offer to make available the services of other special needs programs for which the student qualifies; and

(5) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for students of culturally different backgrounds and use of curriculum materials and program models.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)**WAC 392-160-015 Identification of eligible students.**

~~(1) ((District procedures—Identification of primary language required:))~~ Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

(a) Provisions for the identification of a student's primary language pursuant to an interview with or a written questionnaire directed to the student and the student's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing students as provided for in this section, WAC 392-160-020, and 392-160-035.

~~(2) ((Deadline for determining eligibility of newly enrolled students:))~~ The primary language and eligibility of each newly enrolled student shall be established no later than the twentieth school day after the date upon which the student commences attendance at a particular school district.

~~(3) ((Newly enrolled students who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled student whose))~~ No approved test need be administered if, in the professional judgment of school personnel, the students' eligibility is reasonably apparent by reason of:

(a) The student's ability to communicate reasonably well in his or her non-English primary language; and

(b) The student's inability to communicate in English to any practical extent as determined by an interview with the student by appropriate school district staff. ~~((No other approved test need be administered if the professional judgment of the school personnel is that the student is eligible as defined in WAC 392-160-005(3):))~~

~~(4) ((All other newly enrolled students—Determination of eligibility:))~~ The eligibility of all ~~((newly))~~ other enrolled students:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

~~((5) Annual reassessment of all students required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress of the student. This evaluation must include but not be limited to the administration of a standardized test in reading and language arts as set forth in WAC 392-160-035:))~~

NEW SECTION

WAC 392-160-016 Reassessment required. Each year that the district conducts an overall academic evaluation of regular education students, the school district shall conduct an evaluation of the overall academic progress of each eligible student. This evaluation must include, but not be limited to, the administration of a standardized test in reading and language arts as set forth in WAC 392-160-036.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)

WAC 392-160-020 Approved tests for determining initial eligibility—English proficiency scores. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled students (other than those who speak little or no English) whose primary language is other than English:

(a) Language assessment scales ~~((LAS))~~ - oral, and reading and writing LAS/O and LAS R/W; and Pre-LAS);

(b) Basic inventory of natural language (BINL);

(c) Bilingual syntax measure (BSM); ~~((and))~~

(d) Secondary level English proficiency test (SLEP). (To be used only at 8-12 level);

(e) IDEA proficiency tests (IPT); and

(f) Woodcock Munoz language survey.

(2) Scores which establish an English skills deficiency: In the event a student scores within the appropriate range provided by the test maker to establish such English skill deficiency, the student's English skills shall be deemed sufficiently deficient or absent to impair learning .

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

(4) Students in grades three through twelve who are fluent in oral English, as determined by the above test(s), must be assessed in English reading and writing comprehension.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-029 Program approval. Program approval by the superintendent of public instruction ~~((shall))~~ will be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be ~~((approved: Provided, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application))~~ reviewed for completeness and accuracy of the application and for adequacy of the program.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-035 Three-year limitation~~((— Testing—Program exit requirements)). ((†))~~ No student shall continue to be entitled to a transitional bilingual or alternative instructional program after the student has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): *Provided*, That each such student who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the student's learning impairment (i.e., unable to ~~((score above the 35th percentile on an approved test))~~ satisfy the program exit requirements of WAC 392-160-037) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

~~((2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its students.~~

~~((3) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level.))~~

NEW SECTION

WAC 392-160-036 Testing. The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its students.

NEW SECTION

WAC 392-160-037 Program exit requirements. (1) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student:

(a) Has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level; and/or

(b) Has become English proficient in reading, writing, speaking and comprehending and academically able to participate in the district's regular education program without the use of simplified English materials.

(2) The district shall have in place a plan for the annual review of exited students' academic progress to ensure that each exited student is able to succeed in the districts' regular academic program. At a minimum, the exited students will be reviewed annually for two consecutive years. If an exited student is not succeeding academically, the district must determine if the student's lack of success is due to language barrier. If the student's lack of success is due mainly to language barrier, the district must take appropriate steps to remedy the deficiency.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)

WAC 392-160-040 Alternative instructional program. School districts under one or more of the following nonexclusive conditions may elect to provide an alternative instructional program: *Provided*, That such alternative instructional program is based on sound educational theory and:

(1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success;

(2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible students;

(3) Bilingual instruction cannot be provided affected students without substantially impairing their basic education program because of their distribution throughout many grade levels or schools, or both; or

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

(5) Individual students are advanced in their transition to English and individual students are best served by an individual monitoring, as described in WAC 392-160-005; and

(6) School districts that elect to provide an alternative instructional program must submit a program implementation plan as part of its application under WAC 392-160-026.

NEW SECTION

WAC 392-162-050 Segregation and comparable facilities. (1) Limited English proficient students may be segregated from their nonlimited English proficient peers only to the degree necessary to achieve the goals of the districts' transitional bilingual or alternative instructional program.

(2) Physical facilities for transitional bilingual or alternative instructional programs must be comparable to those provided to nonlimited English proficient students.

NEW SECTION

WAC 392-160-060 Access to specialized programs. (1) Generally, limited English proficient students shall have access to specialized programs offered by a district and may not be excluded therefrom unless educationally justified by the needs of the student or by the specialized nature of the program.

(2) Gifted/highly capable. If a district has a process for locating and identifying gifted/highly capable students, it must also locate and identify limited English proficient, gifted/highly capable students who could meaningfully participate in the program. Such students may be excluded from program participation only if the time for the highly capable program would unduly hinder the students' participation in a transitional bilingual or alternative instructional program or the highly capable program itself requires proficiency in English language skills for meaningful participation.

(3) Special education. If a district has a process for locating and identifying handicapped students, it must also locate and identify limited English proficient, handicapped students who could benefit from the program. Alternative language services and special education services shall be provided to students who need them.

NEW SECTION

WAC 392-160-070 Staff qualifications and training.

All employees of a school district who provide transitional bilingual or alternative instruction and/or services shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of satisfactory employment as demonstrated by a record of adequate performance reviews in an approved transitional bilingual or alternative instructional program within the five-year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate bilingual or English as a second language endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of students with limited English proficiency offered by an institution approved by the state board of education for teacher certification purposes.

(c) Certificated staff who are assigned to teach in a transitional bilingual education classroom shall possess proficiency in speaking, reading and writing both languages.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience working with limited English proficient students, and shall work under the direct supervision of certificated staff. Classified staff who provide native language assistance shall possess the appropriate level of skill in speaking, reading and writing both languages.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the grade level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are

above and beyond certification requirements imposed by the state board of education for one year at a time and only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

(a) Is unavoidable;

(b) Will be addressed pursuant to a realistic plan for training and/or otherwise obtaining qualified certificated and classified staff; and

(c) Will not likely result in a significant reduction in the quality of the district's transitional bilingual or alternative instructional program.

NEW SECTION

WAC 392-160-080 Coordination and maximization of use of funds. School districts shall coordinate the use of funds from federal, state, and local sources in serving students who are limited English proficient, and make efficient use of these resources in the delivery of services to such students.

School districts shall use state basic education funds generated by limited English proficient students, to the greatest extent practicable, in the instruction of those students.

NEW SECTION

WAC 392-160-090 Allowable expenditures. Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures included on the approved program budget: *Provided*, That beginning with expenditures for the 1996-97 school year, the allowed indirect expenditure rate shall not exceed ten percent.

NEW SECTION

WAC 392-160-091 Program evaluation. Each school district with two hundred or more students identified as eligible for the state transitional bilingual program, shall evaluate its program at least every three years to determine that it is effective in teaching students English and providing the students with equivalent access to the school district's core curriculum. School districts shall use student grades and achievement test scores in its program evaluation. School districts may use drop out rates, participation in extra curricular activities, student/teacher/parent surveys, etc. If a school district's program is not effective in teaching students English and providing them access to the district core curriculum, the school district shall modify its program to make it effective.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-160-045 Handicapped students—No transitional bilingual entitlement.

WSR 97-01-017
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed December 6, 1996, 4:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-045.

Title of Rule: Estimating hours worked by part-time community college faculty.

Purpose: To bring the standards for calculating hours worked by part-time community college faculty for purposes of the teachers' retirement system (TRS) into conformity with similar standards promulgated by the legislature and the Employment Security Department.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.32.270, 41.32.010 (26)(b) and (37).

Summary: Actual hours worked are often not tracked for part-time community college instructors. For this reason, it becomes necessary to input hours worked. The proposed rules adopt a method for imputing those hours that is consistent with rules adopted by the Employment Security Department (WAC 192-16-002) and statutes enacted by the legislature (RCW 28B.50.4891).

Reasons Supporting Proposal: The proposed rules have been adopted as emergency rules to ensure that they will be effective throughout the 1996-97 school year. Adopting the permanent rules will make sure the rule will remain in effect permanently.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA, (360) 709-4747; Implementation and Enforcement: Greg Deam, 1025 East Union Avenue, Olympia, WA, (360) 709-5328.

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 permanently codifies a method currently used by the department and the community colleges for estimating hours worked by part-time community college instructors. Under the rule a community college determines how many hours are required of a full-time instructor and multiplies those hours by the ratio of a part-time instructor's load to a full-time load (e.g. .5) to arrive at an estimate of the hours worked by a part-time instructor. The purpose of the rules is to establish a consistent method for estimating hours worked by part-time instructors. The anticipated effect is to continue the situation established by the emergency rule where community colleges have clear guidance on how to perform the calculation.

Proposal Changes the Following Existing Rules: The proposed rule amends WAC 415-112-330 so that it only applies to K-12 teachers' retirement system members. The rule deletes the provisions from WAC 415-112-330 that deal with part-time community college instructors and presents them in a revised version in new WAC 415-112-335.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement

Systems. No private businesses are affected by the rules, therefore, no small business impact statement is required.

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 that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on January 22, 1997, at 1:00.

Assistance for Persons with Disabilities: Contact Paul Neal by January 20, 1997, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 6, 1996

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-21-084, filed 10/18/91, effective 11/18/91)

WAC 415-112-330 ((Amount of) Calculating service credit for plan I K-12 employees. ((1) This section shall apply only to persons who became members prior to October 1, 1977.

((2)) For plan I members who are employed ((as classroom teachers)) by a school district, a school year shall consist of one hundred eighty days. One year of service credit shall be granted to a plan I member who is employed as a classroom teacher for one hundred forty-four or more days during a school year. A fractional year of credit shall be granted to a plan I member who is employed for at least twenty days but less than one hundred forty-four days during a school year. The fraction shall be that produced by using the days employed as the numerator and one hundred eighty as the denominator. ((In the absence of an indication in the contract or elsewhere concerning what constitutes one day of employment))

(1) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, a plan I classroom teacher shall be granted one day of credit for every seven hours ((the teacher works and for which the teacher is compensated)) of compensated employment.

((3) For members who are employed as community college academic employees as defined by chapter 28B.52 RCW, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Academic employees shall be granted one full year of service credit for eighty percent of the full-time annual load as defined in their institution's negotiated agreement. In the absence of a definition of full-time annual load in the agreement, the official board-adopted college policy will apply. Percents of load of at least eleven percent (reported as not less than twenty days per fiscal year) and less than eighty percent (reported as eighty percent of the individual college academic calendar or one hundred thirty-four days per fiscal year, whichever is greater) will be applied pro rata. Percent of load will be converted to days for institution reporting and

~~for retirement benefit calculation purposes. Nonacademic employees will have their service credit reported and benefits calculated based on actual days worked. Where there is no definition of full-time load in either the collective bargaining agreement or the official board adopted college policy, service credit will be calculated pursuant to subsections (4) and (5) of this section.~~

~~(4) For members who are employed as community college classroom instructors, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Such a classroom instructor shall be granted one year of service credit for teaching thirty six quarter hours or twenty four semester hours. A fractional year of credit shall be granted to such instructors who teach at least five but less than thirty six quarter hours, or at least three but less than twenty four semester hours. The fraction shall be that produced by using the quarter hours taught as the numerator and forty five as the denominator, or the semester hours taught as the numerator and thirty as the denominator.~~

~~(5) Members who are not employed as classroom instructors and who are employed for one hundred forty four or more days during a fiscal year shall be granted one year of service credit. A fractional year of credit shall be granted to a member who is employed for at least twenty days but less than one hundred forty four days. The credit granted shall be the fraction produced by using the days employed as the numerator and one hundred eighty as the denominator. Where there is no indication in the contract or elsewhere concerning what constitutes one day of employment,))~~

~~(2) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, plan I K-12 employees other than school district classroom teachers will earn one day of credit ((shall be granted)) for every eight hours ((the member works and for which the member is)) of compensated(= *Provided, That* counselors and librarians who are employed by a community college district in an instructional position as defined in RCW 41.32.010 (11)(a)(ii) and paid on an hourly rate shall be granted one day of credit for every seven hours the member works and for which the member is compensated.~~

~~(6) The fact that a member is granted a fractional year of service credit under this section shall not be determinative as to whether that member was employed less than full-time in a year used to determine benefits under RCW 41.32.497, 41.32.498, and 41.32.520, for purposes of determining whether the member held a bona fide part time position and what earnable compensation the member would have received under RCW 41.32.011)) employment.~~

NEW SECTION

WAC 415-112-335 Calculating service credit for part-time community and technical college employees. Most community and technical colleges employ academic employees under contracts expressed in terms of a certain number of contact hours, which are usually limited to actual time spent in the classroom. Most academic positions require more time to be spent providing services to the college than are reflected in the contact hours. However, actual hours worked are not submitted by the academic employees nor recorded by the college. This subsection adopts a method for estimating hours of work in order to

determine membership eligibility and service credit in plan I and plan II. This estimate is to be used solely for that purpose. The estimate is not a representation by the department of actual hours worked and is not to be used as a basis for calculating other benefits or salary for technical college and community college academic employees.

(1) **Plan I.** In order to estimate the number of days worked by a TRS I technical college or community college faculty academic employee for a particular month, the college will:

(a) Determine the number of working days in the month as defined by the college's adopted academic calendar;

(b) Determine the part-time workload for the employee. The part-time workload is the percentage of the part-time employees' weekly in-class teaching hours to the weekly in-class teaching hours required of a full-time instructor in that employee's discipline at the college; and

(c) Multiply the number of working days in the month by the academic employee's part-time workload.

The resulting number is an estimate of days worked by the academic employee during the month. The college will report this estimate to the department for the sole purpose of determining plan I service credit and/or membership eligibility.

(2) **Plan II.** Determining service credit for plan II requires the college to estimate hours worked rather than days worked. To estimate hours worked, the college uses the steps described in subsection (1) of this section and takes two additional steps:

(a) Determine the number of hours in a full-time work day. In the absence of a definition of the number of hours in a full-time work day in the collective bargaining agreement or elsewhere, the college will use seven hours;

(b) Multiply the estimated days worked as determined in subsection (1) of this section by the number of hours in a full-time work day.

The resulting number is an estimate of hours worked by the academic employee during the month. The college will report this estimate to the department for the sole purpose of determining plan II service credit and/or membership eligibility.

(3) **Definitions.** "In-class teaching hours" means contact classroom and lab hours in which full-time or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

WSR 97-01-030

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed December 10, 1996, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-023.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. and chapter 308-96A WAC, Vehicle licenses.

Purpose: Implementation of chapter 225, Laws of 1996 (SSB 5250). Administrative amendments to update and clarify existing rules.

Other Identifying Information: Sections 6 through 11, chapter 225, Laws of 1996.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.12.420, [46.12].430, [46.12].440, [46.12].450, 46.16.307, and [46.16.]380.

Summary: The proposed rule making will provide instructions for licensure of newly identified classes of vehicles; collector vehicle, parts cars, street rod vehicles, and kit vehicles. Administrative changes are proposed to clarify existing rules.

Reasons Supporting Proposal: The rule making is proposed to implement chapter 225, Laws of 1996 (SSB 5250).

Name of Agency Personnel Responsible for Drafting: Marlene Epp, 1125 Washington Street S.E., Olympia, WA, (360) 902-3823; **Implementation:** Debra McCurley, 1125 Washington Street S.E., Olympia, WA, (360) 902-4045; and **Enforcement:** Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: No new sections are being proposed.

Proposal Changes the Following Existing Rules: WAC 308-56A-150, establishes Washington State Patrol inspection validity dates for new use class vehicles and makes administrative changes; WAC 308-56A-160, establishes model year for new use class vehicles and makes administrative changes; WAC 308-56A-470, authorizes title brand for street rod vehicles and makes administrative changes; WAC 308-96A-073, makes administrative changes for clarity; WAC 308-96A-074, makes administrative changes for clarity; and WAC 308-96A-075, repealed. This criteria is established in RCW 46.16.307.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030. The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA, on January 28, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by January 27, 1997, TDD (360) 664-8885.

Submit Written Comments to: Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by January 27, 1997.

Date of Intended Adoption: January 31, 1997.

December 9, 1996
Nancy Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 91-04-024, filed 1/29/91, effective 3/1/91)

WAC 308-56A-150 Certificate of inspection. (1) An application for ~~((title))~~ certificate of ownership must be accompanied by a certificate of inspection signed by an authorized inspector and must include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) From a state, jurisdiction or province other than Washington;

(b) ~~((One that has been))~~ Reported destroyed since the last certificate of ownership was issued;

(c) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record; ~~((or))~~

(f) A used vehicle and no Washington record can be found;

(g) A kit vehicle not previously titled as such; or

(h) A street rod not previously titled as such.

(2) No fee will be charged when a vehicle has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of licensing, or a vehicle license agent.

(3) Inspections will normally be accomplished by the Washington state patrol.

(4) The director may ~~((at his discretion,))~~ designate other competent inspecting agencies to perform ~~((the))~~ inspections required under ~~((items))~~ subsection (1)(a) ~~((and (b) above))~~ of this section if the vehicle is located in a foreign state or province and the requirement for inspection by the Washington state patrol will cause undue hardship.

(5) When the inspection is done by the Washington state patrol, the certificate of inspection will be valid for the following periods of time after the inspection date:

(a) Vehicles from a state or province other than Washington: Sixty days;

(b) ~~((One that has been))~~ Vehicles reported destroyed: Ten days;

(c) ~~((A))~~ Homemade, assembled, ~~((or))~~ rebuilt vehicles, street rods, and kit vehicles: Ten days;

(d) ~~((One whose))~~ Vehicles with identification number ~~((has been))~~ removed, defaced, altered, destroyed, ~~((or has become))~~ illegible or ~~((is))~~ missing: Ten days;

(e) ~~((One))~~ Vehicles with ~~((or))~~ structural change in, or modification of, body or frame changing the class designation or body type: Ten days;

(f) ~~((A))~~ Used vehicles ~~((and))~~ with no Washington record ~~((can be found)):~~ Sixty days;

(g) ~~((A))~~ Vehicles required ~~((inspection))~~ to be inspected under subsection (1)(a) through ~~((1)(f) above))~~ (h) of this section and held for sale by a licensed dealer: One year; and

(h) ~~((One that has been))~~ Vehicles referred for inspection for any reason not listed above: Ten days.

AMENDATORY SECTION (Amending WSR 94-17-044, filed 8/10/94, effective 9/10/94)

WAC 308-56A-160 Model year—How determined.

Model year is the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced so long as the actual production period is less than two years.

(1) The model year for a vehicle, including kit vehicles defined in RCW 46.04.251, is the model year assigned by the manufacturer. The manufacturer shall adopt a standard for assigning model year based on either the date of manufacture or features of the vehicle. The standard must be such that all vehicles assigned a model year which are manufactured on the same date with the same features are assigned the same model year. The model year shall be designated on the manufacturer's certificate of origin (MCO) or similar documents provided by the ~~((completed))~~ completing vehicle manufacturer. The model year of a kit vehicle shall not be the model year of the vehicle the kit replicates.

(2) Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles shall assign the model years as provided in subsection (1) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the ~~((final stage))~~ completing manufacturer, the ~~((final stage))~~ completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(3) In the event an original manufacturer has not assigned a model year or the vehicle is rebuilt, home made, street rod assembled, or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for ~~((title))~~ certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles ~~((~~kit vehicles, and replicas without an MCO~~))~~ will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the ~~((assembled))~~ vehicle most closely resembles.

(4) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar document.

(b) "Incomplete vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the

completed vehicle, that requires further manufacturing operation, other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

AMENDATORY SECTION (Amending WSR 92-03-077, filed 1/14/92, effective 2/14/92)

WAC 308-56A-470 Issuance of certificates—

Contents. Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, in addition to all other vehicle and owner identification, a description of any facts or brands pertaining to previous license or operations of the vehicle. Facts pertaining to the vehicle may include but are not limited to:

(1) The vehicle having been rebuilt;

(2) Brands or special certificates previously issued by ~~((previous))~~ other states or jurisdictions;

(3) Previous use of the vehicle such as: A taxicab or for hire vehicle with six seats or less; ~~((or))~~

(4) The vehicle being previously owned and operated by a government agency; or

(5) The vehicle is a street rod vehicle.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-073 Vehicles over forty years old—

Horseless carriage plates. (1) Any motor vehicle which is at least forty years old ~~((or older,))~~ and is owned and operated primarily as a collector ~~((~~to item~~))~~ vehicle shall, upon application and acceptance by the department, be issued one special horseless carriage commemorative license plate in lieu of a regular license plate. Any vehicle to be so licensed must be capable of being operated upon the highway.

(2) In addition to paying all other license fees required by law, each applicant for a horseless carriage commemorative license plate shall pay an additional license fee of thirty-five dollars.

(3) The special license plate shall be issued for the life of the vehicle and shall be transferred with the vehicle. The single plate shall be displayed on the rear of the vehicle.

(4) Horseless carriage commemorative license plates shall be assigned a separate ~~((numerical))~~ "horseless carriage" series ~~((commencing with "HORSELESS CARRIAGE 1."))~~.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-074 Vehicles over thirty years old—

Collector vehicle license plates. (1) Any motor vehicle which is at least thirty years old ~~((or older,))~~ and is owned and operated primarily as a collector ~~((~~to item~~))~~ vehicle shall, upon application and acceptance by the department, be issued one special collector vehicle license plate in lieu of a

regular license plate. Any vehicle so licensed must be capable of being operated upon the highway.

(2) In lieu of a collector vehicle license plate the applicant may be authorized to display a Washington state issued vehicle license plate designated for use in the year of the vehicle's manufacture.

(3) In addition to paying all other license fees required by law, each applicant for a collector vehicle license plate shall pay an additional license fee of thirty-five dollars.

(4) Collector vehicle license plates are valid for the life of the vehicle and shall be transferred with the vehicle. The license plate shall be displayed on the rear of the vehicle.

(5) Collector vehicle license plates shall be assigned a separate ((numerical)) "collector vehicle" series ((commencing with "Collector Vehicle 0001.")).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-075 Collector cars—Use limitations.

WSR 97-01-044

PROPOSED RULES

NOXIOUS WEED CONTROL BOARD

[Filed December 12, 1996, 8:32 a.m.]

Continuance of WSR 96-20-112.

Preproposal statement of inquiry was filed as WSR 96-17-091.

Title of rule: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Purpose: To reschedule the public hearing date, location, and the adoption date.

Name of Agency Personnel Responsible for Drafting: Laurie McLellan, Kent, Washington, (206) 872-2972; Implementation: Ray Fann, Kent, Washington, (206) 872-2972; and Enforcement: K. Diane Dolstad, Olympia, Washington, (360) 902-2071.

Hearing Location: General Administration Building, 210 11th Avenue S.W., Room G3, Olympia, WA 98504, on January 21, 1997, at 9:00 a.m. - 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie McLellan by January 20, 1997, TDD (360) 902-1996, or (206) 872-2972.

Submit Written Comments to: Laurie McLellan, 1851 South Central Place, Suite 211, Kent, WA 98031, FAX (206) 872-6320, by January 20, 1997.

Date of Intended Adoption: January 21, 1997.

December 11, 1996

Laurie McLellan
Executive Secretary

WSR 97-01-056

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed December 12, 1996, 1:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-112.

Title of Rule: Chapter 446-16 WAC, Washington state identification section and chapter 446-20 WAC, Employment—Conviction records.

Purpose: Standardize terminology used to refer to criminal history record information. Amendments should lessen possible confusion when dealing with criminal record information stored at the state patrol identification and criminal history section.

Statutory Authority for Adoption: Chapters 10.97 and 43.43 RCW.

Summary: Amend sections of chapters 446-16 and 446-20 WAC to standardize terminology.

Reasons Supporting Proposal: Standard terms will lessen possible confusion for agencies and persons who deal with criminal history record information and the Washington State Patrol identification and criminal history section.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Susie Coon, 321 Cleveland Avenue, Tumwater, WA, (360) 705-5101; and Enforcement: Captain John Broome, 321 Cleveland Avenue, Tumwater, WA, (360) 705-5350.

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: These rules cover the administration of criminal history record information and conviction records by the Washington State Patrol identification and criminal history section. Currently, the rules use different terminology to describe the same things. These amendments will standardize terms, thereby lessening possible confusion when dealing with criminal history record information.

Proposal Changes the Following Existing Rules: Standardize terminology between chapters 446-16 and 446-20 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendments will not change procedures and will not affect small businesses.

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

Hearing Location: Washington State Patrol Main Conference Room, 210 11th Avenue S.W., General Administration Building, 1st Floor, Olympia, WA, on February 6, 1997, at 1:30 - 2:30 p.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by January 31, 1997, (360) 753-0626.

Submit Written Comments to: Ms. Susie Coon, Washington State Patrol Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, FAX (360) 664-9461, by January 27, 1997.

Date of Intended Adoption: February 14, 1997.

December 11, 1996
Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-010 Definitions. For the purposes of these rules, the following words and phrases shall have the following meanings:

(1) "Criminal ((offender)) history record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal ((offender)) history record information" shall not include intelligence, analytical or investigative reports and files.

(2) "Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

(3) "Disposition" shall mean that result which is reached at a determination of criminal proceedings against an individual at any stage in the criminal justice system and resulting in the culmination or final disposal of the criminal charge.

(4) "Section" shall mean the section on identification of the Washington state patrol established in RCW 43.43.700, et seq.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)**WAC 446-16-025 Expungement of arrest records.**

(1) A person desiring the destruction of his fingerprints and/or other identifying data, pursuant to RCW 43.43.730, shall make his request therefor on a form furnished by the Washington state patrol (~~section on identification. The request shall be mailed or delivered to the central office of the section located at 3310 Capitol Boulevard, Tumwater, Washington~~) identification and criminal history section.

(2) The request shall be completed, signed by the person whose record is sought to be expunged and his signature witnessed. It shall include the address of the applicant, the printed name and the address of the witness to the applicant's signature and such other information requested on the application as identifies the applicant and the offense for which the request of expungement is made.

(3) The request shall include reasonable proof that the person making the request for expungement is the same person whose fingerprints or other identifying data are sought to be expunged. Such proof shall include fingerprints of the applicant if requested by the section.

(4) The request shall include reasonable proof that the person making the request has no prior criminal record and that he has been found not guilty of the offense for which the fingerprints and/or other identifying data were taken or was finally released without a conviction for such offense having been obtained or has other lawful grounds for expungement. Such proof shall include the furnishing of all details pertaining to the finding of not guilty or release without conviction of such criminal charges. Where the finding or release is based on an order of a court, the applicant shall furnish a certified or xeroxed copy of the court order.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)

WAC 446-16-030 Inspection by the subject of their record. (1) Any person desiring to inspect criminal ((~~offender~~)) history record information which refers to himself may do so at the central office of the Washington state (~~identification section located at 3310 Capitol Boulevard, Tumwater, Washington~~) patrol identification and criminal history section, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal ((~~offender~~)) history record information pertaining to himself shall first permit their fingerprints to be taken by the section for identification purposes if requested to do so. The section, in their discretion, may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed 15 minutes, shall be allowed each individual to examine criminal ((~~offender~~)) history record information pertaining to themselves.

(4) No person shall be allowed to retain or reproduce any criminal ((~~offender~~)) history record information pertaining to themselves except for the purpose of challenge or correction of entries of arrests by submitting law enforcement agencies of the state of Washington. Visual examination only shall be permitted of such information unless the individual asserts their belief that criminal ((~~offender~~)) history record information from a submitting law enforcement agency of the state of Washington concerning them is inaccurate, incomplete or maintained in violation of the law; and unless they request correction or completion of the information on a form furnished by the section, or requests expungement pursuant to WAC 446-16-025.

(5) If any person who desires to examine criminal ((~~offender~~)) history record information pertaining to himself is unable to read or is otherwise unable to examine same because of a physical disability, they may designate another person of their own choice to assist them. The person about whom the information pertains shall execute, with their mark, a form provided by the section consenting to the inspection of criminal ((~~offender~~)) history record information pertaining to himself by another person for the purpose of it being read or otherwise described to them. Such designated person shall then be permitted to read or otherwise describe or translate the criminal ((~~offender~~)) history record information to the person about whom it pertains.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-070 Report contents—General. The report of disposition shall be made on forms provided by the section. The name of the subject about which the report is made, the designated fingerprints of the subject, the name of the original contributor of the fingerprint or arrest record, and the original arrest number shall be entered on the disposition report exactly the same as they appear on the fingerprint card or arrest record previously forwarded to the section. The ((~~section~~)) state identification number should be indicated on the disposition report if known.

AMENDATORY SECTION (Amending WSR 92-15-014, filed 7/6/92, effective 8/6/92)

WAC 446-16-080 Report time limitations. All of the information requested on the disposition report shall be completed and the report mailed to the Washington state patrol identification and criminal history section, (~~PO-Box 42623, Olympia, Washington 98504-2623,~~) within 10 days of the date that a disposition becomes effective.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-100 Prosecutorial agencies—Reporting responsibilities. (1) The prosecutor or city attorney shall complete the disposition report if he determines not to (~~press~~) file charges or the case is not otherwise acted upon by a judicial body. In such cases, the prosecutor or city attorney shall mail the completed disposition report to the section within 10 days from the date that it is determined no further judicial action will be taken on the charges.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-110 Courts—Reporting responsibilities. Where the disposition of criminal charges occurs as a result of action taken by or within the jurisdiction of any court in the state of Washington, the disposition of such charges shall be reported to the identification and criminal history section pursuant to rules of the supreme court of the state of Washington on forms approved by the supreme court and supplied by the section.

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-120 Audit of reporting compliance. The identification and criminal history section shall administer a compliance audit procedure at least once annually to insure that all disposition reports have been received and added to the criminal (~~offender~~) history record information. The identification and criminal history section shall prepare listings of all criminal (~~offender~~) history record information for which no disposition report has been received and has been outstanding for more than 9 months since the date of arrest. Each criminal justice agency shall be furnished with a list of outstanding disposition reports for criminal (~~offender~~) history record information of persons who were arrested or against whom charges were filed by that agency. Within 30 days of receipt of such list, each criminal justice agency shall provide the identification and criminal history section with a current disposition report or status report for each person for whom a disposition report is overdue.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--|
| WAC 446-16-040 | Reporting of persons detained in custody. |
| WAC 446-16-050 | Report by social and health services on change of parole |

status—Other changes—
Requirements.

AMENDATORY SECTION (Amending Order 80-2, filed 7/1/80)

WAC 446-20-050 Criminal justice agencies. (1) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations.

(a) The Washington state patrol, including the state identification section;

(b) Foreign, federal, state, and local governmental law enforcement agencies;

(c) The adult corrections division of the department of social and health services or the department of corrections as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;

(d) The board of prison terms and paroles;

(e) Courts at any level, if they exercise criminal jurisdiction, for the administration of criminal justice.

(2) Only that subunit of the following agencies which detects, prosecutes, or that work under the direction of the courts shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

(a) Federal, state and local prosecutorial, correctional programs, agencies or departments;

(b) The liquor control board as specified in RCW 66.44.010 (enforcement division);

(c) The department of labor and industries as specified in chapter 7.68 RCW (victims of crime compensation);

(d) The state fire marshal as specified in RCW 48.48.060(2);

(e) An agency or portion thereof that has been certified as a criminal justice agency pursuant to WAC 446-20-060.

AMENDATORY SECTION (Amending Order 80-2, filed 7/1/80)

WAC 446-20-090 Inspection of record by the subject of record. (1) Any person desiring to inspect criminal history record information which pertains to himself may do so at the central records keeping office of any criminal justice agency or at the (~~state identification section located at 3310 Capitol Boulevard, Tumwater, Washington~~) Washington state patrol identification and criminal history section, during normal business hours, Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to himself shall first permit his fingerprints to be taken by the criminal justice agency for identification purposes, if requested to do so. The criminal justice agency in its discretion may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to himself.

(4) Visual examination only shall be permitted of such information unless the individual asserts his belief that criminal history record information concerning him is inaccurate, or incomplete; and unless he requests correction or completion of the information on a form furnished by the

criminal justice agency, or requests expungement pursuant to RCW 10.97.060. Retention or reproduction of nonconviction data is authorized only when it is the subject of challenge.

(5) If any person who desires to examine criminal history record information pertaining to himself is unable to read or is otherwise unable to examine same because of a physical disability, he may designate another person of his own choice to assist him. The person about whom the information pertains shall execute, with his mark, a form provided by the criminal justice agency consenting to the inspection of criminal history information pertaining to himself by another person for the purpose of it being read or otherwise described to him. Such designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

(6) Each criminal justice agency shall develop procedures to ensure that no individual improperly retains or mechanically reproduces nonconviction data during the process of inspection.

AMENDATORY SECTION (Amending Order 80-2, filed 7/1/80)

WAC 446-20-100 Inspection—Timeliness and manner of agency response. (1) A criminal justice agency not maintaining criminal history record information of the individual requesting inspection shall not be obligated to further processing of inspection request.

(2) A criminal justice agency maintaining criminal history record information of the individual requesting inspection shall respond in the manner following and as soon as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(a) If the criminal history record information concerns offenses for which fingerprints were not submitted to the ~~((identification))~~ Washington state patrol identification and criminal history section, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency.

(b) If the criminal history record information concerns offenses for which fingerprints were submitted to the identification section, the agency upon request of the subject of the record, shall forward the request to the ~~((identification))~~ Washington state patrol identification and criminal history section for processing.

(c) At the ~~((identification))~~ Washington state patrol identification and criminal history section the request shall cause a copy of all Washington state criminal history record information in the files of the ~~((identification))~~ Washington state patrol identification and criminal history section relating to the individual requester to be forwarded to the criminal justice agency submitting the request.

(d) Upon receipt by the criminal justice agency of the requester's criminal history record information from the ~~((identification))~~ Washington state patrol identification and criminal history section, the agency shall notify the requester at his designated address or telephone number that the requested information is available for inspection. The subject of the criminal history record information must

appear at the agency during its normal business hours for purpose of inspecting the record.

AMENDATORY SECTION (Amending Order 80-2, filed 7/1/80)

WAC 446-20-170 Secondary dissemination. (1) Criminal justice agencies that receive state ~~((rap sheets))~~ criminal history record information from the identification section of the Washington state patrol may disseminate them further, "but only to the same extent to which the identification section itself would be authorized to make a dissemination in the first instance." Nonconviction data based on an incident that arose in the jurisdiction of that agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information.

(2) Noncriminal justice agencies certified to receive criminal history record information from whatever source may use it only for the specific purpose for which the agency is certified and shall not disseminate it further.

(3) Use of criminal history record information contrary to chapter 10.97 RCW or chapter 446-20 WAC may result in suspension or cancellation of certification.

AMENDATORY SECTION (Amending Order 91-004, filed 12/4/91, effective 1/4/92)

WAC 446-20-280 Employment—Conviction records.

(1) A ~~((transcript of a))~~ conviction record will be furnished consistent with the provisions of RCW 43.43.815, upon the submission of a written or electronic request of any employer, accompanied by fingerprints and other identifying data of the employee or prospective employee.

(2) Fingerprints shall be submitted on cards of the type specified by the ~~((identification))~~ Washington state patrol identification and criminal history section, and shall contain a certification by the employer that the information is being disseminated to and will be available only to persons involved in the hiring, background investigation, or job assignment of the person whose record is disseminated, that the record will be used only as necessary for the purposes enumerated in this section, and that the request for conviction data is for one of the following purposes:

(a) Securing a bond required for any employment;

(b) Conducting preemployment and postemployment evaluations of employees and prospective employees who, in the course of employment, may have access to information affecting national security, trade secrets, confidential or proprietary business information, money, or items of value; or

(c) Assisting an investigation of suspected employee misconduct where such misconduct may also constitute a penal offense under the laws of the United States or any state.

AMENDATORY SECTION (Amending WSR 92-15-015, filed 7/6/92, effective 8/6/92)

WAC 446-20-285 Employment—Conviction records—Child and adult abuse information. After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon ~~((the submission~~

of a) written or electronic request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6), and as amended by chapter 9A.44 RCW;

(2) Department of health disciplinary authority final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary authority final decision; for the businesses and professions defined in chapter 9A.44 RCW; and

(3) Civil adjudications of child abuse, as amended by chapter 9A.44 RCW.

~~((This))~~ Criminal history information will be furnished from the Washington state patrol, consistent with the provisions of RCW 43.43.830 through 43.43.840, ~~((on an approved request for criminal history information form available from the Washington State Patrol, Identification and Criminal History Section, PO Box 42633, Olympia, Washington, 98504-2633))~~ upon receipt of a written or electronic request.

School districts, the superintendent of public instruction, educational service districts and their contractors will also receive conviction information under RCW 10.97.030 and 10.97.050 pursuant to chapter 159, Laws of 1992.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification and criminal history section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in RCW 43.43.830 through 43.43.845.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match, where the applicant's name and date of birth as submitted varies from that of the record contained by the ~~((identification))~~ Washington state patrol identification and criminal history section, the right thumb fingerprint impression will be used for identification verification purposes only. An **exact name and date of birth match** will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.

(d) After processing a properly completed request for criminal history information form, if the conviction record,

disciplinary authority final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the ~~((applicant))~~ business or organization by the ~~((state patrol))~~ Washington state patrol identification and criminal history section within fourteen working days of receipt of the request. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

AMENDATORY SECTION (Amending Order 91-005, filed 9/24/91, effective 10/25/91)

WAC 446-20-500 Sex offender registration. RCW 9A.44.130 requires any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense to register with the county sheriff for the county of that person's residence. The sheriff is required to forward the registration information to the section within five working days. The Washington state patrol is mandated to maintain a central registry of sex offenders consistent with chapters 10.97, 10.98, and 43.43 RCW. The following regulations implement the provisions of this act.

AMENDATORY SECTION (Amending Order 91-005, filed 9/24/91, effective 10/25/91)

WAC 446-20-510 History retention. Sex offender registration information will be maintained in the offender's criminal history file according to retention periods outlined in RCW 9A.44.140. Once an offender is registered, a notation of "registered sex offender" shall be printed on the ~~((rap sheet))~~ transcript of record for that individual.

AMENDATORY SECTION (Amending WSR 92-15-015, filed 7/6/92, effective 8/6/92)

WAC 446-20-520 Photographs. Photographs should be of the polaroid type and in color. These are not to be file photos. A new photo is required.

On the reverse side of the photo, write full name, date of birth, and SID number. Paperclip (no staples please) the photo to the fingerprint card with the registration information completed and forward to Washington state patrol, identification and criminal history section ~~((PO Box 42633, Olympia, WA 98504-2633))~~.

AMENDATORY SECTION (Amending Order 91-004, filed 12/4/91, effective 1/4/92)

WAC 446-20-530 Refundable fee. Agencies are to bill the Washington state patrol identification and criminal history section for the actual registration cost not to exceed thirty-two dollars for each registration which shall include

photographs and fingerprints submitted pursuant to RCW 9A.44.130. This fee will further ensure that direct and indirect costs at the county level associated with the provisions of this chapter are refunded by the Washington state patrol identification and criminal history section on a monthly basis upon receipt of an invoice from the county sheriff indicating the number of registrations submitted.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-20-110 Deletion—Notification.

**WSR 97-01-057
PROPOSED RULES
WASHINGTON STATE PATROL**
[Filed December 12, 1996, 1:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-111.

Title of Rule: Chapter 204-60 WAC, Standards and specifications for additional lamps and flags for use on snow removal and highway maintenance equipment.

Purpose: Amend rule to allow refuse haulers to use alternate lights when vehicle equipment obscures regular headlamps.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.300.

Summary: Add refuse haulers to the rule which governs the use of additional equipment for snow removal and highway maintenance vehicles.

Reasons Supporting Proposal: Change will increase safety by allowing refuse haulers to use additional equipment if the current equipment obscures headlamps.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Carol Morton, 4242 Martin Way, Olympia, WA, (360) 412-8934; and Enforcement: Captain Tim Erickson, 210 11th Avenue S.W., General Administration Building, Room G21, Olympia, (360) 753-0360.

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: Current rule sets standards for placement of additional headlamps and amber lights for snow removal and highway maintenance vehicles. The proposed changes would allow refuse haulers to use the same standards for additional lamps.

Proposal Changes the Following Existing Rules: Add verbiage which would allow refuse haulers to place additional headlamps on the vehicles. The rules apply existing standards to refuse haulers. The amendments would also allow refuse haulers to use amber lights in certain circumstances.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is optional. Refuse haulers may choose not to place additional lights on vehicles.

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

Hearing Location: Washington State Patrol Main Conference Room, 210 11th Avenue S.W., General Administration Building, 1st Floor, Olympia, WA, on January 23, 1997, at 8:30 - 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by January 16, 1997, (360) 753-0626.

Submit Written Comments to: Ms. Carol Morton, State Patrol Equipment Review Unit, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by January 16, 1997.

Date of Intended Adoption: February 3, 1997.

December 11, 1996
Annette M. Sandberg
Chief

**Chapter 204-60 WAC
STANDARDS AND SPECIFICATIONS FOR ADDITIONAL LAMPS AND FLAGS FOR USE ON SNOW REMOVAL ((AND)), HIGHWAY MAINTENANCE EQUIPMENT, AND REFUSE HAULERS**

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

WAC 204-60-010 Promulgation. By authority vested in the ~~((state commission on equipment))~~ Washington state patrol in RCW 46.37.005 and 46.37.300, the following standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment, and refuse haulers in lieu of the lamps otherwise required on motor vehicles, are hereby adopted.

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

WAC 204-60-030 Standards for lights. (1) Additional headlamps may be positioned sufficiently high enough to clear operating equipment provided they are aimed at an angle to avoid blinding oncoming traffic while on their routes, involved in construction, maintenance, and/or operations. Regular mounted headlamps must be used by refuse haulers when transporting refuse to the dump site. Auxiliary headlamps may be used if necessary.

When the refuse haulers' collections container is in a position to obscure the headlamps, the truck will use the alternate lights and will not exceed twenty miles per hour.

(2) Additional operating lamps may be located on the top of the cab or at other locations to illuminate plowing, abrasive spreading or other equipment.

(3) Red lights on highway equipment: No flashing red warning signal except those required by RCW 46.37.150, shall be displayed or used on any highway equipment.

(4) Amber lamps on highway equipment: Amber colored lamps required on the following equipment shall comply with the specifications set forth in ~~((paragraph (6)))~~ subsection (5) of this section:

(a) Power shovels or other similar highway maintenance equipment shall be equipped with a flashing amber lamp and red flag on an extension designating the maximum danger limit created by the swing of the cab while operating along the traffic lane.

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(b) A flashing amber lamp shall be used on all other equipment which creates a potential hazard to traffic in order to serve as a warning to the traveling public. This equipment includes those vehicles and trailers for construction, maintenance and operations.

(c) A flashing amber lamp shall be used on the knuckle of all manlift-type platform trucks with articulating boom, where the knuckle is capable of being rotated beyond the side of the truck.

(d) The minimum light intensity of the lamp filament shall not be less than twenty-one candle power.

(e) The lamp or lamps shall be mounted on the cab or other high point of the equipment so as to be visible at all times, at least from the front and rear of the vehicle, from a distance of five hundred feet in normal sunlight.

~~((6))~~ (5) The flashing amber lamp for use on highway construction, maintenance, refuse haulers, and operations equipment shall be illuminated only:

(a) When the equipment is actually involved in construction, maintenance collecting refuse, and/or operations.

(b) When the equipment is traveling to or from the job site and is unable to maintain, either because of equipment limitations, or other reasons, at least one-half posted or prevailing speed.

WSR 97-01-058

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed December 12, 1996, 2:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-22-049.

Title of Rule: WAC 204-90-040 Body requirements.

Purpose: Amend rule to comply with chapter 225, Laws of 1996 (SSB 5250), which makes hoods and bumpers optional on street rods and kit vehicles.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.513, 46.37.517.

Statute Being Implemented: RCW 46.37.518.

Summary: Add verbiage stating that hoods and bumpers are optional equipment on street rods and kit vehicles.

Reasons Supporting Proposal: Amendments will bring the administrative rule in to line with new statutory language from chapter 225, Laws of 1996.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Carol Morton, 4242 Martin Way, Olympia, WA, (360) 412-8934; and Enforcement: Captain Tim Erickson, 210 11th Avenue S.W., General Administration Building, Olympia, WA, (360) 753-0360.

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: Current rule sets body minimum requirements for special motor vehicles. Under chapter 225, Laws of 1996, hoods and bumpers are now optional equipment for street rods and kit vehicles. This change is necessary so the administrative rule is in line with the new statute.

Proposal Changes the Following Existing Rules: Add verbiage stating that hoods and bumpers are now optional equipment on vehicles defined as street rods and kit vehicles by the Washington State Patrol vehicle identification inspectors.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is necessary to bring the minimum requirements for special motor vehicles in to line with current law. The changes will make the rule less restrictive.

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

Hearing Location: Washington State Patrol Main Conference Room, 210 11th Avenue S.W., General Administration Building, Olympia, WA, on January 23, 1997, at 9:00 - 11:00.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by January 16, 1997, (360) 753-0626.

Submit Written Comments to: Ms. Carol Morton, State Patrol Equipment Review Unit, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by January 16, 1997.

Date of Intended Adoption: February 3, 1997.

December 11, 1996
Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending Order 83-05-01, filed 5/13/83)

WAC 204-90-040 Body requirements. (1) Defroster and defogging devices: Every enclosed special motor vehicle shall be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January, 1938, are exempt from this requirement.

(2) Door latches: Every enclosed special motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood shall be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

(4) Enclosed passenger compartment: A special motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine shall be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A special motor vehicle shall be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A special motor vehicle shall be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. Bumpers or exact replicas of bumpers

for Type I vehicles meeting the original specifications of a recognized manufacturer shall satisfy the requirements of this section.

Bumpers are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

Bumpers, unless specifically exempted above, shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.

The maximum bumper heights will be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement shall be made to the bottom of the frame rail. Maximum heights are as follows:

	Front	Back
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. to 10,000 lbs. GVWR	28 Inches	30 Inches

(7) Fenders: All wheels of a special motor vehicle shall be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference shall be from at least 15° in front and to at least 75° to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time shall the tire come in contact with the body, fender, chassis, or suspension of the vehicle.

(8) Frame: A special motor vehicle shall be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it shall be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. (~~Specialty fabricated frames shall meet the Specialty Equipment Manufacturing Association "Recommended practice for chassis construction of special motor vehicles."~~)

**WSR 97-01-059
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE**

[Filed December 13, 1996, 9:03 a.m.]

Continuance of WSR 96-21-140.

Preproposal statement of inquiry was filed as WSR 96-17-028.

Title of Rule: Personal injury protection (PIP).

Other Identifying Information: Insurance Commissioner Matter No. R 96-6.

Summary: Continuance of adoption date.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail inscomr@aol.com, FAX (360) 586-3535.

Date of Intended Adoption: January 16, 1997.

December 12, 1997 [1996]

Ida T. Zodrow

Deputy Commissioner

**WSR 97-01-064
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed December 13, 1996, 10:42 a.m.]

Continuance of WSR 96-22-084.

Title of Rule: WAC 251-14-120 Requests for mediation and arbitration.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 13, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by February 7, 1997, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by February 11, 1997.

Date of Intended Adoption: February 13, 1997.

December 13, 1996

Dennis Karras

Secretary

**WSR 97-01-066
PROPOSED RULES
GROWTH MANAGEMENT
HEARINGS BOARDS**

[Filed December 13, 1996, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21[-033].

Title of Rule: Rules of practice and procedure: Growth Management Hearings Boards, chapters 242-02 and 242-04 WAC.

Purpose: In order to reflect recent legislative changes (1995 and 1996) and board experience, the boards need to amend their rules of practice and procedure.

Other Identifying Information: Amends chapters 242-02 and 242-04 WAC.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Statute Being Implemented: Chapter 36.70A RCW.

Summary: The proposed amendments to the boards rules of practice and procedure updates the rules to reflect recent legislative changes and board experience.

Reasons Supporting Proposal: (1) The following sections of chapters 242-02 and 242-04 WAC are amended to reflect necessary housekeeping changes. Typical changes include board name changes, statutory cross references, technical and editorial corrections: WAC 242-02-010, 242-02-030, 242-02-040, 242-02-074, 242-02-110, 242-02-130, 242-02-210, 242-02-220, 242-02-260, 242-02-510, 242-02-522, 242-02-660, 242-02-710, 242-02-880, 242-02-892, 242-02-910, and 242-04-050.

(2) The following sections of chapter 242-02 WAC are amended to reflect reorganization and recodification (with minor amendments) of existing rules: WAC 242-02-520

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Record, portions recodified; WAC 242-02-520 changed to 242-02-52001 Exhibit lists; and WAC 242-02-520 changed to 242-02-52002 Documentary evidence.

(3) The following sections are proposed as new sections to chapter 242-02 WAC: WAC 242-02-832 Reconsideration and 242-02-834 Publication of final decisions and orders.

(4) The following sections are proposed to be repealed: WAC 242-02-820 and 242-02-840 through 242-02-870, ... initial decisions and WAC 242-02-250 and 242-02-260, ... petitions for cross review.

(5) The following sections are proposed to be amended to reflect consistency with the Administrative Procedure Act (chapter 34.05 RCW), the Growth Management Act (chapter 36.70A RCW): WAC 242-02-040, definitions; WAC 242-02-060, service; WAC 242-02-240, timeframes; WAC 242-02-270, intervention; WAC 242-02-310, service of papers; WAC 242-02-533, board member disqualification; WAC 242-02-560, one hundred eighty-day timeline for final decisions; WAC 242-02-650, rules of evidence; WAC 242-02-660 and 242-02-670, notice; and WAC 242-02-832, reconsideration.

The following sections are proposed to be amended to clarify and simplify the boards rules of practice and procedure: WAC 242-02-070, board member participation - transcripts; WAC 242-02-210, modifies contents of petition for review; WAC 242-02-532, procedural motions deemed denied - twenty days; WAC 242-02-570, exhibits attached to briefs; WAC 242-02-634, SEPA, SMA, GMA standards of proof; WAC 242-02-830, grounds for reconsideration; and WAC 242-02-890, compliance hearing notice and procedures.

Name of Agency Personnel Responsible for Drafting: Ed McGuire, Bill Nielsen and Dennis Dellwo; Implementation and Enforcement: Eastern Washington Growth Management Hearings Board, Suite 818 Larson Building, 6 South 2nd Street, Yakima, WA 98901, (509) 454-7803, FAX (509) 454-7294, Board Members: Skip Chilberg, Dennis Dellwo and Judy Wall; Western Washington Growth Management Hearings Board, 111 West 21st Street, Suite 1, P.O. Box 40953, Olympia, WA 98504-0953, (360) 664-8966, FAX (360) 664-8975, Board Members: Les Eldridge, Nan Henrickson and Bill Nielsen; and Central Puget Sound Growth Management Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, (206) 389-2625, FAX (206) 389-2588, Board Members: Ed McGuire, Joe Tovar, and Chris Towne.

Name of Proponent: Central Puget Sound, Eastern and Western Growth Management Hearings Boards, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change updates the board's rules of practice and procedure to reflect legislative changes and experience.

Proposal Changes the Following Existing Rules: See Reasons Supporting Proposal above.

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: Conference Room, Central Puget Sound Growth Management Hearings Boards, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, on January 23, 1997, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Diane Rennell by January 16, 1997, TDD (206) 389-2625.

Submit Written Comments to: Ed McGuire, FAX (206) 389-2588, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 13, 1997 [1996]

E. G. McGuire

Board Member

Central Puget Sound

Growth Management Hearings Boards

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-010 Organization. Three growth management hearings boards were established pursuant to chapter 36.70A RCW. Each board is an independent quasi-judicial agency of the state of Washington with three members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. These rules were developed and adopted jointly by all three boards pursuant to RCW 36.70A.270(((6))) (7). They should be read in conjunction with the act and the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-030 Jurisdiction. This section is intended to be general and informational only, and failure to list matters over which a board has jurisdiction at law shall not constitute any waiver of or withdrawal from such jurisdiction.

(1) Geographic jurisdiction. Each board shall hear only those matters pertaining to the cities and counties located within its jurisdictional boundaries. The boundaries are as follows:

(a) The Eastern Washington board includes all counties and the cities now or subsequently located within these counties that are required or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) The Central Puget Sound board includes and is limited to King, Pierce, Snohomish and Kitsap counties, and the cities now or subsequently located within those counties; and

(c) The Western Washington board includes all counties and the cities now or subsequently located within those counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board boundaries;

(d) Skamania County, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of the Western or Eastern Washington boards.

(2) Subject matter jurisdiction. Each board shall hear and determine petitions alleging that a state agency, county, or city is not in compliance with the requirements of the act,

or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments (~~thereto~~) adopted under the act or chapter 90.58 RCW; or, petitions from cities or the governor relating to an adopted county-wide planning policy; or, that the twenty-year growth management planning projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(3) Jurisdictional issues. Any party to a proceeding before a board may, by motion, challenge the jurisdiction of that board in any petition for review. A board may, upon its own motion, raise such an issue.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-040 Definitions. As used in this title, the following terms shall have the following meaning:

(1) "Act" means chapter ~~((17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.))~~ 36.70A RCW, and subsequent amendments.

(2) "Board" means the Eastern Washington, Western Washington or Central Puget Sound growth management hearings board.

(3) "Hearing examiner" means an authorized agent of a board who has a demonstrated knowledge of land use planning and law, appointed to assist the board in the performance of its hearing function as delegated by the board as provided by the act.

(4) "Joint boards" means the three independent boards meeting or acting jointly.

(5) "Party" means any person named in the caption of a case before a board.

(6) "Person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit, or public or private organization or entity of any character.

(7) "Petitioner" means a person who appeals any matter or who brings a petition for rule making to the board. A petitioner is a party to a case before the board.

(8) "Presiding officer" means any member of a board, or a hearing examiner, who is assigned to conduct a conference or hearing as directed by a board. The presiding officer shall be designated pursuant to WAC 242-02-521 and have authority as provided by WAC 242-02-522.

(9) "Publication" means:

(a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published, or the date the city publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology;

(b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations or other enactments, or subsequent amendments pursuant to RCW 36.70A.290(2), or the date the county publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology.

(10) "Respondent" means a person who is named as a responding party in any petition for review before a board.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-060 Computation of time. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a ~~((Saturday, a))~~ Sunday~~((;))~~ or a legal holiday, and then it is excluded and the next succeeding day which is neither a ~~((Saturday, a))~~ Sunday~~((;))~~ nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-070 Quorum. (1) Joint boards. For the purpose of adopting, amending or repealing these rules, at least two members of each board must concur.

(2) Individual board. For purposes of making orders or decisions or transacting other official business, two members of a board shall constitute a quorum and may act even though one position on the board is vacant. One member or designated hearing examiner may hold hearings and take testimony. The findings of such member or hearing examiner shall not become final until approved by a majority of the board in accordance with WAC 242-02-840. A board member who does not attend a hearing shall review a transcript or recording of the hearing before signing the decision. In instances of a tie vote, the procedures described in WAC 242-02-870 shall apply.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-074 Regular meetings. (1) Regular meetings of each board will be held at its principal office or designated location at the following times:

(a) Eastern Washington board - ~~((every Tuesday))~~ on the first Wednesday of each month at ((10:30)) 10:00 a.m.

(b) Western Washington board - ~~((every))~~ on the second Wednesday of each month at ((10:30)) 11:00 a.m.

(c) Central Puget Sound board ~~((at 10:00 a.m.))~~ on the second Thursday of each month at 10:00 a.m.

(2) The joint boards shall meet annually at a time and location to be announced.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-110 Appearance and practice before a board—Who may appear. Practice before a board in hearings shall be open to the following persons who have met the standing requirements of chapter 36.70A RCW:

(1) A party to a case before the board may participate personally or, if the party is a corporation, organization, informal association, or other artificial person, by a duly authorized representative;

(2) Whether or not participating individually, any person may be advised and represented at one's own expense by an attorney or ~~((, if permitted by provision of law,))~~ other representative;

(3) Attorneys at law practicing before the board must be duly qualified and entitled to practice in the courts of the state of Washington; and

(4) Other persons permitted by law.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-130 Ex parte communication. No one in a proceeding before a board shall make or attempt to make any improper ex parte communications with board members, hearing examiners, or presiding officers prohibited by the Administrative Procedure Act, RCW 34.05.455. An ex parte communication is direct or indirect contact with board members or staff by only one party without notice and opportunity for all other parties to participate. To avoid the occurrence of any improper ex parte communications, written communication with the opposing parties copied or a telephone conference call to the board with all parties on-line are strongly suggested. Questions on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis. Attempts by anyone to make ~~((such))~~ prohibited ex parte communications shall subject such person to the sanctions of WAC 242-02-120 and 242-02-720.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-210 Petition for review—Forms—Contents. A petition for review shall substantially contain:

(1) A caption in the following form:

BEFORE THE . . . GROWTH MANAGEMENT
HEARINGS BOARD
STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

(2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the challenged order, determination, publication, or other action or, in the case of an alleged failure to act ((from which the appeal is)), the date by which the action was required to be taken;

(c) A detailed statement of the legal issues presented for resolution by the board that specifies the provision of the act or other statute being violated and, if applicable, the provision of the document in violation that is being appealed;

(d) A statement ~~((indicating))~~ specifying the type and the basis of the petitioner's standing before the board pursuant to RCW 36.70A.280(2). Petitioners shall distinguish between participant standing under the act, governor certified standing, standing pursuant to the Administrative Procedure Act, and standing pursuant to the State Environmental Policy Act, as the case may be;

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature ~~((of))~~ and signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the applicable provisions of the document being appealed, ((if applicable, may)) shall be attached to the petition for review.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-220 Petition for review—Time for filing. (1) A petition relating to whether or not an adopted comprehensive plan, development regulation, shoreline master program or subsequent amendments, is in compliance with the goals and requirements of the act or chapter 90.58 or 43.21C RCW shall be filed with a board within sixty days from the date of publication by the legislative body of the county or city as specified by RCW 36.70A.290(2).

(2) A petition relating to an adopted county-wide planning policy shall be filed within sixty days of its adoption as specified in RCW 36.70A.210(6).

(3) A petition alleging that the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted can be filed at any time.

(4) For all other matters, a petition must be filed with a board within sixty days of the final written decision, order, determination, publication, or action being entered.

(5) A petition relating to the failure of a state agency, city or county to take an action by a deadline specified in the act may be brought at any time after the deadline for action has passed.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-240 Date of filing—Facsimile and telegraph. (1) The date of filing shall be the date of actual receipt by a board at its office. The date stamp placed on the petition shall be presumptive evidence of the date of receipt.

(2) Filing of any documents with a board by electronic telefacsimile transmission is at the risk of the sender and shall not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated by the board's facsimile machine shall be presumptive evidence of the date and time of receipt of transmission.

(b) The original document and three copies must be mailed or otherwise transmitted to the board within twenty-four hours of sending the facsimile transmission.

(c) Documents over fifteen pages in length may not be filed by FAX without prior approval of the presiding officer.

(3) A FAX copy shall constitute an original solely for the purpose of establishing the date a document was filed.

PROPOSED

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-250 Notice of appearance~~((s))~~ and answer ~~((and petition for cross review))~~. (1) The respondent shall file a notice of appearance with the board and serve a copy on the petitioner and all other parties promptly after having been served with a petition for review. The notice of appearance shall be dated, signed and contain the respondent's address and telephone and FAX numbers.

(2) The respondent, at its option, may file an answer to the petition for review. The respondent shall file the original and three copies with the board and serve a copy on the petitioner. Answers shall be filed no later than twenty days from the date of service of the petition for review. Answers shall be verified in the same manner as the petition for review.

~~((3) A respondent may file a petition for cross review. The respondent shall file the original and three copies with the board and serve a copy on all other parties within thirty days after the service of the petition for review or any amendment to the petition. The petition for cross review shall conform in all respects to the requirements for a petition for review.))~~

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-260 Amendments to petitions for review~~((s))~~ and answers ~~((and petitions for cross review))~~. (1) A petition for review~~((s))~~ or answer ~~((or petition for cross review))~~ may be amended as a matter of right until thirty days after its date of filing.

(2) Thereafter any amendments shall be requested in writing by motion, and will be made only after approval by a board or presiding officer. Amendments shall not be freely granted and may be denied upon a showing by the adverse party of unreasonable and unavoidable hardship, or ~~((unless))~~ by a board's finding that granting the same would adversely impact a board's ability to meet the time requirements of RCW 36.70A.300 for issuing a final order. The board may, upon motion of a party or upon its own motion, require a more complete statement of the nature of the claim or defense or any other matter stated in a pleading.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-270 Intervention. (1) Any person ~~((whose interest may be substantially affected by a proceeding before a board))~~ at any time may by motion request status as an intervenor in ~~((the))~~ a case.

(2) In determining whether a person qualifies as an intervenor, the presiding officer shall apply any applicable provisions of law and may consider the applicable superior court civil rules (CR) of this state. The granting of intervention must be in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.

(3) If the person qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the motion;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer shall timely grant or deny each motion and specify conditions, if any.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-310 Service of papers. (1) Parties filing pleadings, ~~((documents))~~ briefs, exhibits and other documents or papers with a board shall also promptly serve copies upon all other parties.

(2) Service upon a party's attorney or other authorized representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon the parties ~~((or))~~ and their attorney or representative of record, if any.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-510 Notice of hearing—Setting of time and place. (1) Within ten days of the filing of a petition for review, a board or presiding officer will schedule a hearing date and notify the parties of the date.

(2) The board or presiding officer will thereafter schedule a place for the hearing.

(3) A written notice of the date and location of the hearing shall be sent to all parties not less than twenty days prior to the hearing date.

(4) The notice shall identify the appeal to be heard, the names of the parties to the appeal and their attorneys or other authorized representatives, if any, and shall specify the time and place of hearing. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(5) The notice shall state that if a limited-English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.

(6) The notice may also include an order fixing the prehearing date and/or deadlines as provided in these rules.

(7) Defects in notice may be waived if the waiver is knowing and voluntary.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-520 Record. ~~((+))~~ Within thirty days of service of a petition for review, the respondent shall file with the board and serve a copy on petitioner(s) of an index

of all material used in taking the action which is the subject of the petition for review. The index shall contain sufficient identifying information to enable unique documents to be distinguished. In addition, the written or tape recorded record of the legislative proceedings where action was taken shall be available to the petitioner for inspection.

~~((2) Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.~~

~~(3) The board or the presiding officer shall establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. A copy of any document listed on the final list of exhibits shall be served on the opposing party or parties by the time specified by the board or presiding officer. One copy of each document shall also be filed with the presiding officer to be used as an "original" exhibit. Prior to the beginning of a hearing, each of the parties shall also provide the board with three copies (four copies if a hearing examiner is the presiding officer) of each document being offered as an exhibit.~~

~~(4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.))~~

NEW SECTION

WAC 242-02-52001 Exhibit lists. (1) Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.

(2) The board or the presiding officer may establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. The board or presiding officer may elect not to require the filing of final exhibit lists and instead, require that a copy of any document cited in a brief shall be served on the opposing party or parties by the time specified by the board or presiding officer and an original and three copies of the exhibits be filed with the board.

(3) A presiding officer may order the use of a stipulated exhibit list in lieu of or in addition to preliminary and/or final exhibit lists.

(4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.

NEW SECTION

WAC 242-02-52002 Documentary evidence. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of the Administrative Procedure Act and WAC 242-02-650.

(2) Where applicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing be submitted to the board and to other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted as required in (a) of this subsection not be received in evidence in the absence of a clear showing that the offering party had good cause for the failure to produce the evidence sooner, unless it is submitted for impeachment or rebuttal purposes;

(c) That all documents so presented and examined be deemed authentic unless written objection is filed within fourteen days after receipt. A party will be permitted to challenge such authenticity at a later time only upon a clear showing of good cause for failure to have filed such written objection.

(3) The presiding officer may limit the documentary evidence to that identified on a preliminary, stipulated and/or final list of exhibits and/or to those exhibits cited in a brief. A party may submit additional documentary evidence at the time of hearing only upon a showing of good cause.

(4) When only portions of a document are to be relied upon, the offering party shall adequately identify and prepare the pertinent excerpts and shall supply copies of such excerpts to the presiding officer and to the other parties. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-521 Designation of presiding officer.

A board shall designate the presiding officer for each case at the time it issues its notice of hearing pursuant to WAC 242-02-510. In the event the presiding officer subsequently changes, the board shall promptly notify the parties.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-522 Presiding officer—Powers and duties. It shall be the duty of the presiding officer to conduct conferences or hearings as directed by a board in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules to:

(1) Inspect the petition for review to determine whether, on its face, compliance with the jurisdictional and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the full board for resolution;

(2) Take appropriate action with respect to the qualifications of the parties or the parties' attorney(s) or other authorized representative(s) to appear before a board;

(3) Administer oaths and affirmations if witnesses are permitted to testify;

(4) Issue subpoenas as provided in RCW 34.05.446;

(5) Rule on all procedural matters, objections and motions unless a board determination is required;

(6) Rule on all evidentiary matters including offers of proof;

(7) When applicable, question witnesses called by the parties in an impartial manner as needed to develop any facts deemed necessary to fairly and adequately decide the issue;

(8) Issue orders joining other parties, on motion of any party, when it appears that such other parties may have an interest in, or may be affected by the case;

(9) Consolidate cases for hearing when such consolidation will expedite disposition and avoid duplication of testimony and when consolidation will not unduly prejudice the rights of any party;

(10) Hold conferences for the settlement or amplification of the issues;

(11) Regulate the course of the case prior to ~~((and))~~, during and after the hearing;

(12) Encourage the parties to stipulate to the admissibility of documents in advance of a hearing and to rule on issues concerning the content of the record;

(13) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(14) Take any other action necessary and authorized by these rules ~~((or))~~, the act, or the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-532 Motions—Time for filing and hearing. (1) A motion can be filed at any time unless otherwise specified in these rules or by a board or presiding officer.

(2) After prehearing or other order. If a prehearing order or other order has been entered establishing a deadline for filing motions, no written motion may be filed after the date specified in the order without written permission of the board or presiding officer.

(3) A board or presiding officer, after taking into consideration when the motion was received and the complexity of the issues raised, may, in its discretion, schedule a hearing for argument of a motion at the time of a prehearing conference or at a separate hearing time, or may defer consideration of the motion until commencement of the hearing on the petition for review. A board or presiding officer may also limit argument on a motion to briefs.

(4) A motion, other than a dispositive motion or motions to supplement the record, is deemed denied unless the board takes action within twenty days of filing of the motion.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-533 Motion to disqualify for cause. (1) A motion to disqualify a hearing examiner acting as the presiding officer, or any board member, for ~~((bias, prejudice,~~

~~interest or other cause)) any reason provided under chapter 34.05 RCW, with supporting affidavit(s), must be filed at least seven days before the board holds a prehearing conference, or if facts establishing grounds for disqualification are subsequently discovered, promptly after discovery of such facts.~~

(2) The board shall promptly rule upon such a motion.

(3) If a motion for disqualification is granted and a presiding officer was disqualified as a result, the remaining board members shall promptly designate a new presiding officer.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-550 Prehearing conference. A prehearing conference is optional at the discretion of the presiding officer. The purpose of a prehearing conference is to:

(1) Determine the feasibility of and encourage settlement of the matter or any portion thereof;

(2) Obtain a stipulation of relevant facts including a board's jurisdiction and the party's standing in the matter;

(3) Obtain agreement as to the issues of law and fact presented and their simplification, limitation, or resolution;

(4) ~~((Determine the authenticity and admissibility of exhibits;~~

~~((5))) Determine the qualifications of expert witnesses, if they are permitted to testify;~~

~~((6))) (5) Receive any motions concerning qualification of individual board members to hear the matter;~~

~~((7))) (6) Obtain information as to the number of expert and/or lay witnesses expected to be called by the parties and their names, addresses and telephone numbers~~((if the board has previously authorized supplemental or additional evidence to be presented at the hearing));~~~~

~~((8))) (7) Set subsequent deadlines, if and when appropriate, for filing final exhibit and witness lists, filing motions, and completing discovery; establish a briefing schedule, limit the length of briefs; and decide other matters related to the conduct of the hearing;~~

~~((9))) (8) Determine the approximate time necessary for the presentation of evidence and/or argument of the respective parties; and~~

~~((10))) (9) Obtain all other information which may aid in the prompt disposition of the matter.~~

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-560 Hearing—Continuances. Because of the provisions of RCW 36.70A.300, continuances and extensions of time will be granted only on a board's initiative or upon timely request of a party setting forth in detail the reasons for such a request and a date by which such reason will no longer apply. ~~((In the latter instance,))~~ The board will continue or extend the matter only upon a finding of good cause and in order to prevent manifest injustice. Unless specifically authorized by law, neither a board nor the parties before it may extend the one hundred eighty-day limit specified in RCW 36.70A.300 for issuing a final decision and order.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-570 Briefs. (1) A petitioner, or a moving party when a motion has been filed, shall submit a brief on each legal issue it expects a board to determine. Failure by such a party to brief an issue shall constitute abandonment of the unbriefed issue. Briefs shall enumerate and set forth the legal issue(s) as specified in the prehearing order if one has been entered.

(2) The original and three copies of briefs and exhibits not previously filed with the board in the pending case and that are cited in the brief shall be filed with a board at least five business days prior to the hearing unless otherwise provided by a board or presiding officer. When briefs and exhibits are filed, a copy shall also be served on ((all other parties)) each party, unless otherwise directed by a board or presiding officer. A board or presiding officer may permit or require the filing of additional briefs.

(3) Clarity and brevity are expected to assist a board in meeting its statutorily imposed time limits. A presiding officer may limit the length of a brief and impose format restrictions.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-634 Standard of proof. (1) If an appeal concerns a lack of compliance with the act, a board shall find compliance unless it finds by a preponderance of the evidence that the respondent erroneously interpreted or applied the act.

(2) If an appeal concerns shorelines, the board shall review the proposed master program or amendment for compliance with the requirements of chapter 90.58 RCW and the act, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW, as applicable, as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(3) If an appeal concerns a shoreline of state-wide significance, a board will uphold the decision by the department of ecology unless the board, by clear and convincing evidence, determines that the decision of the department of ecology is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) If an appeal concerns a threshold determination made pursuant to the State Environmental Policy Act, the threshold determination is subject to review under the "clearly erroneous" standard.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-650 Rules of evidence—Admissibility criteria. (1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the presiding officer, the offered evidence is the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer

shall exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) A board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the presiding officer (~~may~~) shall refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts, or by incorporation by reference.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-660 Official notice—Matters of law. A board or presiding officer may officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals, and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register.

(2) Washington state law. The Constitution of the state of Washington; decisions of the state courts; acts, resolutions, records, journals, and committee reports of the legislature (~~(, resolutions, records, journals, and committee reports)~~); decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; (~~and~~) all rules, orders, and notices filed with the code reviser; and codes or standards that have been adopted by an agency of this state or by a nationally recognized organization or association.

(3) Laws of other states. The constitutions of other states; decisions of state courts; acts, resolutions, records, journals and committee reports of other state legislatures; decisions of other states administrative agencies; executive orders and proclamations issued by a governor of another state; and codes or standards that have been adopted by an agency of another state.

(4) Counties and cities. Ordinances (~~and~~), resolutions, and motions enacted by cities, counties, or other municipal subdivisions of the state of Washington.

~~((4) Governmental organization. Organization, territorial limitations, officers, departments and general administration of the government of the state of Washington, the United States, the several states, federally recognized Indian tribes, and foreign nations.))~~

(5) Growth management hearings boards. Orders and decisions of any board.

(6) Joint boards. Rules of practice and procedure.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-670 Official notice—Material facts. In the absence of conflicting evidence, a board or presiding officer, upon request made before or during a hearing, may officially notice:

(1) Business customs. General customs and practices followed in the transaction of business.

(2) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible

sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency.

(3) Technical or scientific facts. Technical or scientific facts within a board's specialized knowledge.

(4) Request. Any party may request, orally or in writing, that official notice be taken of a material fact. The board or presiding officer may take official notice of a material fact on its own initiative. If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.

((4)) (5) Statement. Where a decision of a board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.

((5)) (6) Objection to taking of official notice. Any party may object to a request that official notice of a material fact be taken, when the request is made.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-710 Failure to attend—Default or dismissal—Setting aside. (1) When a party to a proceeding has, after proper notice, failed to attend a hearing or any other matter before a board or presiding officer, a motion for default or dismissal may be sought by any party to the case or raised by a board ~~((or presiding officer))~~ upon its own motion or by a presiding officer. Any order granting the motion shall include a statement of the grounds for the order and shall be served upon all parties to the case.

(2) Within seven days after service of the default order or dismissal under subsection (1) of this section, the party against whom the order was entered may file a written objection requesting that the order be vacated and stating the specific grounds relied upon. The board may, for good cause, set aside an order of dismissal or default.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-830 Disposition of petition for review—Final decision and order. ~~((+))~~ When the hearing on the petition for review has been ~~((heard))~~ held and the record reviewed by a majority of a board, a written final decision and order containing appropriate findings and conclusions, ~~((that is concurred in by at least two members, may))~~ shall be issued.

~~((2))~~ After issuance of a final decision under this section, any party may file a petition for reconsideration with a board. Such petition must be filed within ten days of service of the final decision. The original and three copies of the petition for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

~~(3) The filing of a petition for reconsideration shall suspend the final decision of a board until the petition is denied or a modified decision is entered by the board.~~

~~(4) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (2) of this section.~~

~~(5) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.)~~

NEW SECTION

WAC 242-02-832 Reconsideration. (1) After issuance of a final decision under this section, any party may file a petition for reconsideration with a board in accordance with subsection (2) of this section. Such petition must be filed within ten days of service of the final decision. The original and three copies of the petition for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

(2) A petition for reconsideration shall be based on any one of the following grounds:

(a) Errors of procedure or misinterpretation of fact, material to the party seeking reconsideration;

(b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing;

(c) Clerical mistakes in the final decision and order.

(3) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (1) of this section.

(4) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.

NEW SECTION

WAC 242-02-834 Publication of final decision and orders. Copies of all final decisions and orders are available from the board that entered the decision and order. Code Publishing Company, POB 51164, Seattle, WA 98115-1164 is the official publisher of all final decisions and orders entered by the boards. In addition, final decisions and orders are available from CD Law, 1000 2nd Ave., Ste. #1610, Seattle, WA 98104 and Law BBS, Washington St. Bar Association, 2001 Sixth Ave., Ste. 500, Seattle, WA 98121-2599.

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AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-880 Disposition of petition for review—Transcripts. The following shall be the policy of each board with regard to transcription of the record:

(1) A board, in its discretion, may at any time cause a transcript to be printed. Any person may obtain a copy upon payment of the reasonable costs thereof.

(2) In any case when a board shall not cause the transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to assume the cost of producing the same.

(3) When an appeal is taken from any final decision and order of a board to ~~((the Superior Court of Thurston County))~~ a reviewing court, the appealing party is responsible for ordering and paying for the transcript of the hearing.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-02-890 Postdecision hearing—Determination of compliance or noncompliance with final order.

(1) In those cases where a board finds that a state agency, county, or city is not in compliance with the requirements of the act or chapter 43.21C RCW as it relates to plans, development regulations and amendments under the act, or chapter 90.58 RCW as it relates to the adoption or amendment of a shoreline master program, the board shall remand the matter to the affected state agency, county, or city, specifying a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply.

(2) After the compliance deadline specified in subsection (1) of this section, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300 a board~~((by issuing a notice, or on the motion of a party,))~~ shall schedule a hearing for the purpose of determining compliance that is specified in a notice of compliance hearing. The time and place of the compliance hearing shall be at the discretion of a board but shall be given the highest priority of business.

(3) ~~((One))~~ The presiding officer shall set forth the format of a compliance hearing in the notice of compliance hearing. The burden of proving compliance at a compliance hearing shall be on the state agency, county, or city that was originally found not in compliance. The petitioner(s), any other parties and any interested person with standing to challenge the legislation enacted in response to a board's final order may participate in the compliance hearing.

(4) In addition to determining at a compliance hearing whether a state agency, county, or city is in compliance with the requirements of the act, a board shall reconsider its final decision and order and decide if a determination of invalidity previously made should be rescinded or modified, or, if no determination of invalidity had previously been made, whether one should now be imposed.

(5) If a motion for a compliance hearing has been filed by a city or county subject to a determination of invalidity, a board shall schedule and conduct the hearing and issue a finding of compliance or noncompliance or modify or rescind a determination of invalidity within forty-five days

of the filing of the motion under subsection (2) of this section.

~~((4))~~ (6) In instances where a city or county subject to a determination of invalidity has not filed a motion under subsection (2) of this section, and in instances where a determination of invalidity was not initially made, a board shall strive to issue a finding of compliance or noncompliance in a timely manner after the compliance hearing. A board may schedule additional hearings as appropriate before or after issuing a finding of compliance or noncompliance.

(7) If the board finds that the respondent is not in compliance, the board shall transmit its finding to the governor. A board may recommend to the governor that sanctions authorized by the act be imposed.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-892 Appeals of a board's final decision and order. (1) Any party aggrieved by a final decision of a board may appeal the decision to ~~((Thurston County))~~ superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of issuance of the final order of the board.

(2) A board shall follow the procedures established in RCW 34.05.518 in the event that direct appellate review is sought.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 242-02-554 Prehearing conference—Documentary evidence.
- WAC 242-02-820 Disposition of petition for review.
- WAC 242-02-840 Disposition of petition for review—Initial decision and order.
- WAC 242-02-850 Disposition of initial decision—Exceptions.
- WAC 242-02-860 Disposition of petition for review—Finality of initial decision and order.
- WAC 242-02-870 Disposition of petition for review—Final decision and order—Exceptions filed.

AMENDATORY SECTION (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

WAC 242-04-050 Communications with each board or the joint boards. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth Management Hearings Board
Suite 818 Larson Building
6 South 2nd Street
Yakima, Washington 98901
(509) 454-7803
(509) 454-7292 FAX
- (b) Western Washington Growth Management Hearings Board
111 West 21st Avenue, Suite 1
P.O. Box 40953
Olympia, Washington 98504-0953
(360) 664-8966
(360) 664-8975 FAX
- (c) Central Puget Sound Growth Management Hearings Board
2329 One Union Square
600 University Street
Seattle, Washington 98101-1129
(206) 389-2625
(206) 389-2588 FAX

(2) All communications with the joint boards, except a petition for rule making pursuant to WAC 242-02-052, shall be addressed in care of the (~~Western~~) Eastern Washington board.

**WSR 97-01-069
PROPOSED RULES
TRANSPORTATION COMMISSION**

[Filed December 16, 1996, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-010.

Title of Rule: WAC 468-500-001 Commission meetings.

Purpose: To designate the commission's monthly meeting schedule.

Statutory Authority for Adoption: RCW 47.01.061 and 42.30.070.

Summary: Specifies that the commission meets on the third Thursday of each month and the Wednesday immediately preceding that day each month.

Reasons Supporting Proposal: This action was initiated to provide a schedule of the commission's regular monthly meetings.

Name of Agency Personnel Responsible for Drafting: Pam Andersen, Olympia, (360) 705-7070; Implementation and Enforcement: Chris Rose, Olympia, (360) 705-7070.

Name of Proponent: Washington State Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Specifies that the commission meets on the third Thursday of each month and the Wednesday immediately preceding that day each month.

Proposal does not change existing rules.

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: Transportation Commission, Room 1D2, Transportation Building, Olympia, Washington 98504, on February 19, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Commission Office by February 6, 1997, TDD (360) 705-6980, or 1-800-486-8392.

Submit Written Comments to: Chris Rose, Administrator, Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, FAX (360) 705-6802, by February 6, 1997.

Date of Intended Adoption: February 19, 1997.

December 9, 1996

Chris R. Rose
Administrator

NEW SECTION

WAC 468-500-001 Commission meetings. Regular public meetings of the Washington state transportation commission are held monthly on the third Thursday of every month and on the Wednesday immediately preceding that day commencing at 9:00 a.m. or such other time as determined by the commission chair. Each such regular meeting shall be held in the transportation commission meeting room (1D2) in the Transportation Building, 410 Maple Park Drive, Olympia, Washington. Persons desiring to know the starting time for a specific meeting can call the commission office at (360) 705-7070.

**WSR 97-01-075
PROPOSED RULES**

DEPARTMENT OF TRANSPORTATION

[Filed December 17, 1996, 10:02 a.m.]

Continuance of WSR 96-22-063.

Preproposal statement of inquiry was filed as WSR 96-03-044.

Title of Rule: Conduct and management of emergency air search and rescue disaster relief.

Other Identifying Information: Chapter 468-200 WAC.

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on January 13, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by January 9, 1997.

Submit Written Comments to: Bill Brubaker, Department of Transportation, Aviation Division, FAX (206) 764-4001, by January 9, 1997.

Date of Intended Adoption: January 13, 1997.

December 17, 1996

S. A. Moon
Deputy Secretary
for Operations

PROPOSED

WSR 97-01-077
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed December 17, 1996, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-048.

Title of Rule: Relating to the TIAA/CREF retirement plan.

Purpose: To allow greater tax deferral for TIAA/CREF participants; simplify plan administration; and to reflect greater flexibility and improved access to TIAA/CREF account funds for participants.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: WAC 131-16-010, 131-16-011, 131-16-021, 131-16-050, and 131-16-060.

Summary: To achieve the maximum tax-deferral advantages for affected employees, the new rules must go into effect at the beginning of the tax year — January 1, 1997. The rules were filed on an emergency basis December 6, 1996.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Larry Lael, State Board Office, 319 7th Avenue, Olympia, WA, (360) 753-3661; and Enforcement: Larry Lael and respective personnel officers at each college, (360) 753-3661.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state board supports adoption of rules on a permanent basis.

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

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

Proposal Changes the Following Existing Rules: Allows greater tax deferrals (maximum) for affected employees (participants); simplifies plan administration; and reflects greater flexibility and improve access to TIAA/CREF account funds for participants.

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: Pierce College at Puyallup, 1601 39th Avenue S.E., Puyallup, WA 98374-2222, on March 6, 1997, at 10 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger by March 1, 1997, TDD (360) 753-3680.

Submit Written Comments to: Larry Lael or Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 32495, Olympia, WA 98504-2495, FAX (360) 586-6440, by March 1, 1997.

Date of Intended Adoption: March 6, 1997.

December 17, 1996
 Claire C. Krueger
 Executive Assistant

Administrative Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-010 Designation of community and technical college system retirement plan. There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall entitle such employees to purchase retirement annuities from the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called the TIAA/CREF plan, subject to the provisions of WAC 131-16-011 through 131-16-066. This retirement plan is intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. Notwithstanding the previous sentence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-011 Definitions. For the purpose of WAC (~~(431-16-005)~~) 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any (~~individual~~) employee who is eligible to purchase retirement annuities through the TIAA/CREF plan (~~(and whose required contribution to such plan is matched by the employing college district or the state board pursuant to the provisions of WAC 131-16-050)~~) who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system: *And provided further*, That not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's

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accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community college education as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or who otherwise would be eligible for membership in the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may

become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) ~~((Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.))~~ As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate pursuant to an irrevocable salary reduction agreement. Such participation shall commence upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-050 Contribution rates established. (1) Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty-five ~~((and))~~; seven and one-half percent each pay period thereafter ~~((and the employing district or state board shall contribute a like sum. A participant may further elect to increase the rate to ten percent of salary each pay period after attaining age fifty and the employing district or state board shall contribute a like sum))~~ through and including age forty-nine; and ten percent of salary each pay period after attaining age fifty. Employees who are participants on December 31, 1996, shall make a one-time, irrevocable election to contribute to the plan on a pretax or after-tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402(g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be one hundred percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant.

(2) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

(3) ~~((Any))~~ In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an

eligible employee may enter into ~~((an))~~ a voluntary agreement with the college district or state board to reduce the employee's monthly salary by ~~((the amount of the required employee's monthly contribution and any))~~ a supplemental amount, within the limits prescribed in the Internal Revenue Code ~~((: Provided, That no more than one agreement for such salary reduction may be made within any tax year of the employee, except to the extent otherwise permitted by the Internal Revenue Code)).~~

AMENDATORY SECTION (Amending WSR 93-01-015, filed 12/4/92, effective 1/4/93)

WAC 131-16-060 ((Repurchase of annuity contract under certain conditions.)) Cashability. ((In the event a participant leaves the employ of all Washington community and technical college districts and the state board and the participant requests repurchase of his or her TIAA/CREF accumulation, such repurchase is authorized: Provided, That TIAA/CREF's published repurchase guidelines applicable to the participant's contract are followed.)) Notwithstanding WAC 131-16-062(1), upon termination of employment at all community and technical college districts and the state board for at least one hundred eighty consecutive calendar days, a participant may elect to receive a lump sum payment of his or her TIAA/CREF account pursuant to the settlement options being made available by TIAA/CREF at that time.

WSR 97-01-078

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed December 17, 1996, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-19-089.

Title of Rule: Eastern Washington University student conduct code (amendments, repealer, and new section).

Purpose: To implement rule changes which amend the sections of the student conduct code to clarify or describe new expectations and processes regarding the relationship between civil and criminal laws and university disciplinary proceedings; activities which violate the university's expectations of conduct, including new sections on sexual misconduct and harassment, hazing, and abuse of computing facilities. Also, to amend potential sanctions and the disciplinary proceedings used in enforcing appropriate student conduct. Student rights under the code are proposed for amendment and the section on academic misconduct proposed for repeal.

Other Identifying Information: Chapter 172-120 WAC.

Statutory Authority for Adoption: RCW 28B.35.120.

Statute Being Implemented: RCW 28B.10.900, [28B.10.901, [28B.10.902 for WAC 172-120-040.

Summary: See Purpose above and full text of proposed amendments, repealer, and new section.

Reasons Supporting Proposal: To clarify and/or describe new expectations and processes regarding the relationship between civil and criminal laws and university disciplinary proceedings, activities which violate the university's expectation of conduct, including text regarding

sexual misconduct, harassment, hazing, and abuse of computing facilities. Also, proposed changes amend potential sanctions and the disciplinary proceedings used in enforcing appropriate student conduct. Student rights under the code are proposed for amendment and the section on academic misconduct is proposed for repeal.

Name of Agency Personnel Responsible for Drafting and Implementation: Brian Levin-Stankevich, Eastern Washington University, Cheney, (509) 359-6319; and Enforcement: Marshall Drummond, Eastern Washington University, Cheney, (509) 359-2371.

Name of Proponent: Eastern Washington University, public and governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Agency recommends adoption.

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

Proposal Changes the Following Existing Rules: Rules are changed to meet purpose described. See full text of proposal.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes do not impact small businesses.

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

Hearing Location: Eastern Washington University, Pence Union Building, Cheney, Washington, on January 24, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Angie Moskalonek by January 22, 1997, (509) 359-2371.

Submit Written Comments to: Jo Rogers, FAX (509) 359-2266, by January 20, 1997.

Date of Intended Adoption: January 24, 1997.

December 16, 1996

Jo Rogers, Director

Administrative Personnel
and University Training

NEW SECTION

WAC 172-120-015 Definitions. For purposes of the student conduct code, chapter 172-120 WAC, the definitions of this section apply throughout the chapter.

(1) "Student" includes all persons taking courses at the university, both full and part time. Nonmatriculated, international students attending language institutes or foreign study programs at the university are also considered students under the terms of this code.

(2) "University" refers to the facilities, property, programs, activities and members of the Eastern Washington University community.

AMENDATORY SECTION (Amending Order 1-22-81, filed 2/25/81)

WAC 172-120-020 Interest of the university relevant to a student code. The university is a special-purpose, as opposed to general-purpose community, and as such must devise procedures and regulations to control disruptive elements which would deter the university from furthering its mission—providing learning experiences for its students, transmitting and advancing knowledge and providing

services to the greater community. Special university interests provide a foundation for building a code of conduct.

(1) The university has a primary concern with matters which impinge (~~upon~~) on academic achievement and integrity.

(2) The university has a concern with conduct which breaches the peace, causes disorder(~~er~~) and substantially interferes with the rights of others.

(3) The university has an interest in behavior which threatens or actions which imperil the physical and mental health and safety of members of the university community.

(4) The university has an obligation to protect its property and the property of members of its community from theft, damage, destruction(~~er~~) or misuse.

(5) The university has a commitment to meet its contractual agreements.

(6) The university has an obligation to support and be guided by laws of the land.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-030 (~~The problems of dual membership~~) Relationship between civil and criminal laws and university disciplinary proceedings. (~~Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. Students who incidentally violate institutional regulations in the course of their off campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.~~) Many offenses actionable under this code are also violations of federal, state or local laws. A student may face criminal and civil prosecution as well as university disciplinary action for violation of these laws. The university reserves the right to initiate action for offenses that have an impact on the educational or administrative functions or the general well-being of the university. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings in the courts. University proceedings are not subject to challenge or dismissal referencing, as a basis, that criminal charges involving the same incident have been dismissed or reduced.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-040 Conduct code. The following are defined as offenses which are subject to disciplinary action by the university. The university has the authority to promulgate additional or more specific rules supplementary to the offenses listed in this section (~~provided they are consistent with the student bill of rights in effect at the time and public notification has been given~~).

(1) Dishonesty and misrepresentation. All forms of academic dishonesty (including but not limited to cheating(~~er~~) and plagiarism), knowingly furnishing false informa-

tion to the university, forgery, alteration or misuse of university documents, records or instruments of identification (~~with intent to defraud~~).

(2) Disruptive conduct. Conduct which intentionally disrupts or obstructs teaching, research, administration, disciplinary proceedings, freedom of movement or other lawful activities on the university campus.

(3) Physical abuse and threat of physical abuse. Detention (~~er~~), physical abuse, threats, intimidation or coercion of any person, or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the university, or at any university-sponsored or supervised functions.

(4) Sexual misconduct. Sexual misconduct includes, but is not limited to:

(a) Unwanted verbal (including telephone), written (including electronic media), pictorial or physical conduct of a sexual nature which a reasonable person would consider to be harassing, intimidating, hostile, offensive and/or which adversely affects the learning or living environment of the campus;

(b) Unwanted, forceful, sexual contact. The use of force may include, but is not limited to use of body weight, pushing or hitting, coercion or threats;

(c) The use of force (body weight, hitting or pushing, use of a weapon, threats to kidnap or kill, for example) to overcome earnest resistance to engaging in sexual intercourse. Earnest resistance may be verbal, physical or both;

(d) Sexual intercourse, when the victim is incapable of consent by reason of mental incapacity, drug/alcohol intoxication or physical helplessness, and force is or is not used.

(5) Harassment. Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being is prohibited. Harassment is defined as conduct which has the purpose or effect or unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment.

(6) Property violations. Theft from, or malicious damage to, or malicious misuse of university property or the property of any person, when such property is located on the university campus.

(~~er~~) (7) Failure to comply with a proper order.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus.

(~~er~~) (b) Being an accessory to any person on the university campus who is or who is not a member of the associated students of Eastern Washington University who violates this code.

(~~er~~) (b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so or the violation of sanctions imposed after such proceedings.

(8) Alcohol and substance violations.

(a) Use, possession, distribution, or sale of alcoholic beverages except as permitted by university policy and state law on university premises or in university-controlled facilities.

(b) Use, possession, distribution, or sale of any controlled substance or illegal drug on university premises or in university-controlled facilities.

~~((8))~~ (9) Possession of weapons. No individual shall have on his/her person, in his/her vehicle~~(s)~~ or otherwise in his/her possession any gun, pistol, or firearm or explosives, dangerous chemicals or other dangerous weapons or instruments on the university campus or other university property except as follows:

(a) Authorized law enforcement officers ~~((shall be))~~ are permitted to carry arms while on duty and engaged in their regular duties.

(b) Activities requiring use of the prohibited items may be conducted ~~((upon))~~ on approval of the activity by the board of trustees.

(c) Persons ~~((shall be))~~ are permitted to have firearms in their possession directly ~~((enroute))~~ en route to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms.

~~((9))~~ (10) Violation of local, county, state or federal law. Violation of a local, county, state, or federal law, whether it be on-campus or off-campus, only when a definite university interest is involved and where the student misconduct distinctly and adversely affects the university's pursuit of its educational mission.

~~((10))~~ (11) Incitement. Intentionally inciting others to engage in any of the conduct prohibited in this code, which incitement leads directly to such conduct.

~~((11))~~ (12) Assisting conduct violations. Being an accessory to any person on the university campus who is or who is not a member of the associated students of Eastern Washington University who violates this code. The unauthorized entry into or onto, or the unauthorized remaining in, or upon, any public or university facilities.

~~((12))~~ (13) Attempted violations. All attempts to perform acts of misconduct prohibited by this section ~~((shall))~~ are also ~~((be))~~ subject to disciplinary action.

(14) Trespass. The unauthorized entry into or onto, or the unauthorized remaining in or on any public or university facilities.

(15) Disorderly conduct. Disorderly or obscene conduct on university property or at university-sponsored events.

(16) Violation of university policies. Violation of the university general conduct code, chapter 172-122 WAC.

(17) Abuse of computing facilities. Theft or other abuse of computer facilities, access or time as defined in university computing guidelines and policies.

(18) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(19) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(20) Demonstration. Participation in a campus demonstration which violates the university regulations governing campus assembly and peaceful demonstration.

(21) Hazing. Any action required of or imposed on current or potential members of an organization or group which, regardless of location of the incident or consent of the participant(s):

(a) Produces or is reasonably likely to produce bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation or ridicule; or

(b) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations or policies, or which is known by the compelling person(s) to be contrary to the individual's moral or religious beliefs.

(22) Group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in subsections (1) through (22) of this section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-050 Sanctions. ~~((If any person is found guilty, one or more of the sanctions available shall be:))~~ If any student or student organization is found to have violated any of the offenses enumerated at WAC 172-120-040, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions.

(1) Minor disciplinary sanction:

(a) Admonition: An oral statement to a student that he/she is violating ~~((or has violated institution))~~ university rules and regulations.

(b) Warning: Notice, orally or in writing, that continuation or repetition of conduct found wrongful, within a specified period of time stated in the warning, may cause ~~((for))~~ more severe disciplinary action.

(c) Censure: A written reprimand for violation of specified regulations, including notice of the possibility of more severe disciplinary sanctions in the event of the finding of a violation of any regulation within a stated period of time.

(d) Disciplinary probation: Formal action placing condition ~~((upon))~~ on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions~~(s)~~ which may include conditions such as limiting the student's participation in university-related ~~((privileged))~~ privileges or extra-curricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the university. Disciplinary probation shall be for a specified period of time.

(e) Restitution: Reimbursement for damage or destruction to the property of the university or others for loss of property as a result of theft or negligence, or for medical expenses from violations of this code. This may take the form of appropriate service or other compensation. Failure to make arrangements to pay will result in cancellation of the student's registration and will prevent the student from

~~(re)registration~~) future registration until the conditions of sanction are satisfied.

(f) Fines: The disciplinary officer and the university disciplinary committee may assess monetary fines up to a maximum of two hundred dollars against individual students for violation of university rules or regulations or for failure to meet the university's standards of conduct. Failure to pay promptly such fines (~~(promptly)~~) will prevent the student from (~~(re)registration~~) future registration. Failure to pay may result in additional sanctions. Appeal through chapter 172-124 WAC is solely to dispute the existence of the alleged debt and not to rehear the matter which resulted in the sanction of the fine itself.

(g) Loss of privileges: Denial of specified privileges for a designated period of time.

(h) Discretionary sanctions: Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed to the disciplinary officer or judicial body.

(i) Loss of financial aid: In accordance with RCW 28B.30.125, a person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time.

(j) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) Suspension: Exclusion from classes and other privileges or activities as set forth in a written notice for a specified period of time. Conditions of readmission shall be stated in the order of suspension.

(b) Dismissal: Permanent separation of the student from the university with no promise (implied or otherwise) that the student may return at any future time. The student will also be barred from university premises.

(3) Loss of institutional, financial aid funds. Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time.

(4) Group sanctions:

(a) Probation: Formal action placing conditions on the group's continued recognition by or permission to function at the university. The probationary conditions will apply for a specified period of time. Violation of the conditions of probation or additional violations while under probation may result in more severe sanctions.

(b) Social probation: Prohibition of the group from sponsoring any organized social activity, party or function, or from obtaining a permission for the use of alcoholic beverages at social functions for a specified period of time.

(c) Charter restriction: The temporary withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but may only be imposed by the president of the university or the president's designee.

(d) Charter revocation: The permanent withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but can only be imposed by the president of the university or the president's designee.

(e) Additional sanctions: In addition to or separately from the above, any one or a combination of the following may be concurrently imposed on the group:

(i) Exclusion from intramural competition as a group;

(ii) Denial of use of university facilities for meetings, events, etc.;

(iii) Restitution; and/or

(iv) Fines.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-060 Discipline functionaries. (1)

University disciplinary officer:

The university president shall designate a person to be the university disciplinary officer who shall review and decide questions of university interest. The university disciplinary officer may investigate and make decisions in some instances of code violation.

(2) University disciplinary committee:

A university disciplinary committee composed equally of student and faculty representatives will provide a hearing and will make decisions on all disciplinary cases referred or appealed to it. The members of the committee and their terms of office shall be:

(a) (~~(Five)~~) Six members of the faculty and/or administration appointed by the president of the university for three-year terms.

(b) (~~(Five)~~) Six students who shall be appointed by the president of the associated students of Eastern Washington University, with the advice and consent of the associated students legislature, as provided for in the constitution of the associated students of Eastern Washington University for one-year terms. No student shall be eligible for appointment who holds any position with any of the associated student courts, serves as an attorney general or assistant attorney general in any of the student courts, or is in any way affiliated with any judicial, quasi-judicial, or advocacy position with the courts of the associated students of Eastern Washington University.

(c) A nonvoting chair shall be elected for a one year term by the committee from outside the committee. Re-election of the chair is permissible.

(d) Six voting members constitute a quorum.

(e) In the event the chair is not in attendance, the quorum shall select a voting member to preside at the hearing.

(f) Members of the disciplinary committee shall not participate in any case in which they are a defendant, complainant(~~(s)~~) or witness, in which they have a direct or personal interest or bias, or in which they have acted previously in an advisory or adjudicatory capacity. A committee member's eligibility to participate in a case may be challenged by parties to the case or by other committee members, but decisions in this regard shall be made by the committee as a whole.

(g) In the event members of the disciplinary committee are disqualified or disqualify themselves from hearing a case, a temporary (for that case only) replacement shall be appointed. If the member is a student, the temporary appointment will be made by the associated students of Eastern Washington University president. If the member is

a faculty member or administrator, the temporary appointment will be made by the university president.

(3) Student courts:

Student courts, the associated students superior court and those established by the associated students legislature as lesser courts to the associated students superior court, may act on such internal disciplinary problems as they feel competent to deal with effectively. If the student court is inoperative, or if it decides to do so, the student court may refer cases involving alleged violations of rules (~~upon~~) on which that court may extend jurisdiction to the university disciplinary officer or the university disciplinary committee.

AMENDATORY SECTION (Amending Order 1-22-81, filed 2/25/81)

WAC 172-120-070 Initiation of disciplinary procedures. The object of this code is to provide fair and reasonable procedures with which to deal with problems of student conduct. ~~((The student charged with misconduct shall be entitled to due process as defined in Article II, section 10, of the associated students of Eastern Washington University constitution and WAC 172-120-140.~~

~~A person wishing to charge a student with a violation of the conduct code may:~~

~~(a) Make the charge in a student court if that system has jurisdiction; or~~

~~(b) Prefer charges with the university disciplinary officer. Nothing in this code shall prohibit or limit the right of persons to go directly to the civil authorities and prefer charges in instances of alleged violations of local, county, state, or federal law.~~

~~The university disciplinary committee shall have appellate jurisdiction in those situations where the student has appealed from the imposition of a disciplinary action by the university disciplinary officer or by a student court.)~~

~~(1) Any student, faculty member, staff member or the university may file a complaint against a student or student organization for any violation of the student conduct code.~~

~~(2) A person wishing to charge a student with a violation of the conduct code may:~~

~~(a) File a written charge with a student court when that system has jurisdiction; or~~

~~(b) File a written charge with the office of the dean of students or other designated officer.~~

~~(3) In instances of alleged violations of local, county, state or federal law, nothing in this conduct code will prohibit or limit the right of persons to go directly to the civil and/or criminal authorities and file charges.~~

~~(4) University disciplinary proceedings may be instituted against a student charged with the violation of a local, county, state, or federal law which is also a violation of this conduct code; for example, if both violations result from the same, factual situation, without regard to the possibility of civil litigation or criminal prosecution. Proceedings under this conduct code may be carried out prior to, simultaneously with or following criminal proceedings off campus.~~

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-080 Authority of university disciplinary officer. When the university disciplinary officer receives a complaint against a student or student organization for a violation of the code, the disciplinary officer will review the complaint to determine if there is sufficient evidence to hear the matter and explain to the complainant his/her rights under the student conduct code and possible avenues of action which the complainant has against the student or student organization, including reference to remedies under civil law as well as possible remedies under the student code. If the university disciplinary officer decides to initiate a disciplinary proceeding against the accused student or student organization, the disciplinary officer will then ~~((eath))~~ notify the accused student ~~((charged))~~ or student organization for an initial conference. ~~((At this time))~~ This notification includes a written list of charges. During the initial conference, the university disciplinary officer will ~~((provide the accused student with a))~~ review with the accused student the written list of ~~((the))~~ charges, provide the student with a copy of the student conduct code and any other relevant university policies and ~~((will))~~ explain the student's rights under the student code and what possible ramifications may occur under civil law, if any. The disciplinary officer will further explain the disciplinary procedures, the individual's or organization's rights and responsibilities in the disciplinary process, and possible penalties under the student code and advise that the student ~~((that he/she))~~ must, within twenty-four hours after receipt of this explanation, decide ~~((whether he/she wishes))~~ to have ~~((his/her))~~ the case heard by the university disciplinary officer, or by the university disciplinary committee, and sign a statement declaring the same. The committee must receive at least seventy-two hours notice as to the time and place of the hearing. The student may, at this time, waive his/her right to prior notice about a disciplinary hearing and request that the case be heard immediately following the initial conference.

~~((1))~~ (1) If the student accused of violating the student conduct code chooses a hearing before the university disciplinary officer, that officer, after considering the evidence against a student so charged, ((the university disciplinary officer)) may take any of the following actions:

~~((1))~~ (a) Terminate the complaint, exonerating the student.

~~((2))~~ (b) Dismiss the charge after whatever counseling and advice is deemed appropriate.

~~((3))~~ (c) Refer the student to the mental health review board when it is reasonably determined from the available evidence that such referral is appropriate.

~~((4))~~ (d) Impose any number of sanctions from WAC 172-120-050(1) (minor disciplinary sanction).

~~((5))~~ (e) Refer the case to the university disciplinary committee in the event the university disciplinary officer deems major disciplinary sanction may be warranted or if the student requests that his/her case be heard by the committee.

(2) If the student requests that the case be heard by the university disciplinary committee rather than the university disciplinary officer, the committee may take any of the sanctions listed in subsections (1), (2), (3)(c) and (4) of this

section, except that the committee may impose a major disciplinary sanction as defined in WAC 172-120-050(2).

(3) If a student accused of violating the conduct code has withdrawn or withdraws from the university after the filing of any charge against him/her, either:

(a) A registration hold will be placed on the student's academic record and the student will be notified that disciplinary action may be initiated on the student's reentry or application for readmission; or

(b) The university may proceed with the disciplinary action or disciplinary committee hearing.

(4) The disciplinary officer has the right to place a hold on a student's transcript or registration pending the student's satisfaction of a disciplinary sanction imposed for violation of this code.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-090 Consolidation of cases permissible. In the event that one or more students are charged with the same misconduct arising from the same occurrence, the disciplinary committee or university disciplinary officer shall be authorized to consolidate the hearings as practical (~~(; however)~~), as long as consolidation does not prejudice the rights of any students.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-100 Hearings procedure. Hearings shall be conducted in a manner which is informal and, at the same time, assures fundamental fairness of procedure.

(1) Hearings before the university disciplinary officer or the university disciplinary committee (~~(will generally be open)~~) shall be closed hearings (~~(, but upon request by either the complaining witness or the student charged, the hearing shall be closed)~~). Admission of any person to the hearing shall be at the discretion of the judicial body or officer. In hearings involving more than one accused student, the chairperson of the judicial body or the disciplinary officer, at his/her discretion may permit the hearings concerning each student to be conducted separately.

(~~(a) In all cases in which an open hearing occurs, the chair of the committee shall have the discretion to reasonably limit the amount of attendees at such hearing. If at any time during the conduct of a hearing, invited guests or attendees are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room. In those cases in which the chair decides that because of disruption the hearing cannot be conducted fairly in an open session, the chair may direct that the hearing be recessed and that the remainder be conducted in closed session.~~)

(~~b) Any students attending a disciplinary committee hearing as an invited guest or as attendee who continues to disrupt the proceedings after the chair of the committee has asked them to cease and desist thereof, shall be subject to disciplinary action.~~)

(2) A written record or a tape recording of the testimony before the university disciplinary committee shall be kept. It may be reviewed by the student at any reasonable time prior to the final disposition of the case. (~~(A record of)~~) Records from all proceedings will be kept and filed with the

university disciplinary officer for a period of seven years. These disciplinary proceedings and records shall be the property of the university and are confidential.

(~~(3) Students may have an adviser of his/her choice to present or assist in the presentation of his/her case, subject to the limitations of (b) of this subsection. Students must render three days' notice prior to the hearing of the prospective representation if he/she intends to be represented by a duly licensed attorney. In the event the student chooses a duly licensed attorney to represent him/her in proceedings before the disciplinary committee, an assistant attorney general for the state of Washington shall represent the university therein.~~)

(a) In those instances in which both sides are represented by a duly licensed attorney, the assistant attorney general of the state of Washington representing the university shall present the case against the student to the disciplinary committee or the university disciplinary officer for appropriate findings and action.

(b) In the instance where duly licensed attorneys are not representing either the university or the accused student, the university shall be represented by the university disciplinary officer, or his/her designee; however, the representative of the university shall be acceptable to the complaining witness or witnesses; however, no one may represent the university or the student charged unless he/she is a member of the student body, faculty, classified staff, or administrative staff of Eastern Washington University.

(~~4~~) (a) Disciplinary records will be made available to hearing boards and university personnel as needed for valid educational purposes.

(b) Any student may review his/her own disciplinary records by contacting the dean of students' office.

(c) Except as outlined in these procedures, the university will not communicate a student's disciplinary record to any person or agency outside the university without the prior, written consent of the student, except as required by law. If the student is a minor, the student's parents or legal guardians may review these records.

(3) The complainant and the accused have the right to be assisted by any (one) advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the university disciplinary officer or the university disciplinary committee. The accused student can, however, speak with his or her advisor during the hearing. If the student utilizes an attorney as an advisor, the student must give to the university disciplinary officer or committee two days' notice of intent to do so. If the student elects to be advised by an attorney, the university disciplinary officer or committee may elect to have the university advised by an assistant attorney general.

(4) The following guidelines apply only to hearings before the university disciplinary committee:

(a) The complainant, the accused and the disciplinary committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the disciplinary committee. The complainant and the accused may submit questions to be asked of all witnesses to the disciplinary committee;

(b) Any person, including the accused student or any member of the accused organization, who disrupts a hearing may be excluded from the proceedings;

(c) Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the disciplinary committee at the discretion of the chairperson.

(5) The disciplinary officer or presiding chairperson of the disciplinary committee will exercise control over the hearing. All procedural questions are subject to the final decision of the disciplinary officer or the chairperson of the disciplinary committee.

(6) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice that a hearing regarding the university's allegation that he/she violated the student code is being held at a certain time and place, will be considered in determining whether the ~~((university disciplinary committee))~~ judicial body hearing the case has sufficient cause to believe that the accused student is guilty of violating any of the written list of charges presented him/her pursuant to WAC 172-120-080. However, the complete record of the student's or student organization's prior conduct and academic performance may be taken into account by the disciplinary officer or disciplinary committee in imposing any sanction(s).

(a) In determining whether sufficient cause, as stated in the foregoing paragraph, ~~((does))~~ exists, the university disciplinary officer or in the instance of a hearing, the university disciplinary committee, shall decide whether a preponderance of the evidence indicates that the student charged ~~((did violate))~~ violated the student code by engaging in the conduct for which he/she was charged pursuant to WAC 172-120-080.

(b) For the purposes of this code, the phrase, "preponderance of the evidence," ~~((shall))~~ means that it is more likely that the student charged ~~((did violate))~~ violated the student code by engaging in the conduct for which he/she is charged than that he/she did not.

(c) The chair of the university disciplinary committee ~~((shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law))~~ is not bound by the rules of evidence observed by courts and may exclude incompetent, irrelevant, immaterial~~((s))~~ and unduly repetitious evidence.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-110 ~~((Disciplinary committee--))~~ Deliberations and sanctions. (1) ~~((The university disciplinary committee))~~ After the hearing, the judicial body having heard the matter will meet in closed session and decide by majority vote whether the preponderance of the evidence indicates that the student ~~((has or has not))~~ violated the ~~((rules he/she is charged with having violated))~~ conduct code. If the decision is that the student ~~((did engage))~~ engaged in an act of misconduct in violation of the rules with which he/she is charged with having violated, the committee will by majority vote determine what sanction from WAC 172-120-050 shall be imposed. If the university disciplinary committee was the body which heard the matter, it will deliberate in the manner described above, but will

determine what sanctions it will recommend that the president impose ~~((upon))~~ on the student. This recommendation to the president must be ~~((accomplished))~~ made within five working days of the time when the ~~((proceedings are))~~ hearing is terminated.

(2) In the course of ~~((the committee's decision as to))~~ determining what sanctions ~~((it))~~ shall ~~((recommend))~~ be imposed ~~((by the president, it))~~ or recommended, the judicial body hearing the matter may consider any evidence of past misconduct that the chair of the committee deems relevant; such evidence may be presented by the university disciplinary officer or his/her designee.

(3) No ~~((recommendation for the imposition of))~~ sanction(s) may be imposed based solely ~~((upon))~~ on the failure of the accused student to answer the charges or appear at the hearing~~((, but))~~. The decision must be based ~~((upon))~~ on the evidence ~~((considered prior to the committee's decision or on))~~ presented at the hearing to include the evidence of past misconduct deemed relevant ~~((by the chair of the university disciplinary committee)).~~

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-120 Appeals. (1) ~~((Any student feeling aggrieved by the imposition of minor disciplinary sanctions by the university disciplinary officer or by a student court shall have a right of appeal to the disciplinary committee, provided a written notice of appeal is received by the committee within five days after notice of disciplinary action is given--))~~ If the accused student or student organization feels aggrieved by the imposition of disciplinary sanctions by the disciplinary officer or by a judicial body other than the university disciplinary committee, that student or student organization shall have a right to appeal the decision to the university disciplinary committee. The appeal must be in writing and received by the committee within five days after imposition of the sanction. Appeals to the university disciplinary committee shall be filed with the dean of students or other designated office. The written notice of appeal shall set forth:

(a) The student's name;

(b) The nature of the disciplinary action imposed; and

(c) The reasons why the ~~((recommendation regarding disciplinary action should be reversed, set aside or modified. The))~~ student or student organization feels that the imposition of that sanction is unjust and what remedy the student or student organization is seeking. Before making a decision, the university disciplinary committee may request a written report of the case from the ~~((disciplinary officer or student court before making its decision))~~ judicial body which heard the case. The committee shall also have the right to request additional written information or explanation from any of the parties to the proceeding before rendering its decision. In making its decision, the committee shall only consider the written record before it, the student's notice of appeal~~((, the written report of the disciplinary officer or student court))~~ and such other information and explanation it has requested from the parties to the proceeding. ~~((There shall be no further appeal from any action of the disciplinary officer--))~~ The committee may consider the complete record of the student's or student organization's prior conduct and

academic performance in imposing any sanctions. The committee is empowered to affirm, reverse, remand, or modify (only to a less severe sanction) ((the recommendation regarding disciplinary action of the university disciplinary officer or a student court)). The university disciplinary committee's hearing of a matter on appeal is the final level of appeal on the matter.

(2) Appeals to the president:

((a) Any student aggrieved by the disciplinary committee's recommendation as to what disciplinary action the president should take (as distinguished from appellate consideration by the committee), shall have)) When the university disciplinary committee is the judicial body to first hear a case, the aggrieved student or student organization has a right of appeal to the president, or the president's designee ((, within five days after notice of the recommendation of disciplinary action is given)) by following the steps listed in subsection (1) of this section for filing an appeal. The president or the president's designee may request a written report of the case from the university disciplinary committee before making a decision. The president or the president's designee may also request additional information from any of the parties to the proceedings before rendering a decision. In making a decision, the president of the university or the president's designee shall only consider the written record and such other information requested from the parties to the proceeding.

((b) If a complaining witness feels aggrieved by the decision of the university disciplinary officer or by the university disciplinary committee's recommendation to the president, he/she may petition the president to remand the charges back to the disciplinary officer or the university disciplinary committee for a rehearing of the matter as charged.

(3) The written notice of appeal by an aggrieved student or a petition by an aggrieved complaining witness shall set forth:

(a) The student's name or the complaining witness's name;

(b) The nature of the disciplinary action requested or imposed; and

(c) Reasons why the disciplinary sanction recommended should be reversed, set aside, or modified, or in the case of a petitioning complaining witness, the reasons why the disciplinary matter should be reheard by the university disciplinary officer or the university disciplinary committee.

(4) The president may request a written report of the case from the disciplinary committee before making a decision. The president shall also have the right to request additional information or explanation from any of the parties to the proceeding before rendering a decision. In making a decision, the president shall only consider the written record, the student's notice of appeal, the petition of a complaining witness if such is filed, the written record of the disciplinary committee, and such other information and an explanation requested from the parties to the proceeding.) In the instance in which the president has received a finding that the university student code has been violated, the president may, in considering what disciplinary sanction should be imposed, affirm, reverse, remand((;)) or modify ((only to a less severe sanction)) the recommendation of the university disciplinary committee. In imposing any sanctions, the

president may consider the complete record of the student's or student organization's prior conduct and academic performance.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-130 Interim suspension permitted.

(1) Disciplinary actions of the university will be implemented by the president of the university, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the university will be invoked only after completion of the procedures established for the review of disciplinary cases and after the ((employee or)) student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, ((if the safety of one or more individuals is imperiled, property is endangered, or the university's ability to function is in question, the president or an authorized representative may summarily suspend for stated cause an employee or the enrollment of any student. In all such cases, the individual is entitled to a hearing, upon written request, before the appropriate group or official as specified under discipline procedures as soon as such a hearing can be held, but not to exceed ten days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the university)) in situations where there is cause to believe that the student or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities of others or imperil the physical or mental health and safety of members of the university community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including but not limited to assignment to alternate university housing or removal from university housing, limitation of access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to remain in the university.

(2) In all such cases, the student or student organization is entitled to personally appeal before the dean of students or designee as soon as is reasonably possible but not later than ten days after the action is taken, unless the student requests an extension in order to review the following issues only:

(a) The reliability of the information concerning the student's behavior;

(b) Whether or not the student's continued presence or prior or present behavior warrants interim suspension for the causes listed in subsection (1) of this section.

PROPOSED

As a result of the meeting between the dean of students and the student, the dean may recommend to the president or the president's designee either continuation or termination of the interim suspension action and/or initiate disciplinary procedures in accordance with this conduct code.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-140 ((Judicial proceedings—))
Procedural rights of students. (((1) Rights of the accused.

(a) An accused student has the right to a fair and impartial hearing before the appropriate committee composed of members of the campus community.

(b) No student may be asked by a university official or judiciary body to give information or to answer any question concerning the alleged violation of this chapter which he/she is suspected of having committed until he/she has been informed of:

(i) The fact that he/she is suspected of having violated this chapter and the section he/she is suspected of having violated;

(ii) The nature and approximate date of the activity in which he/she is suspected of having engaged;

(iii) The fact that he/she need not give any information regarding the alleged acts.

(e) In all judicial proceedings, the student shall enjoy the right to speak on his/her own behalf.

(d) Both the judiciary body and the student shall enjoy the right to call any persons whom he/she wishes to speak concerning the case, subject to the rules of privilege recognized by law and rules excluding evidence which is incompetent, irrelevant, immaterial or unduly repetitious.

(e) The accused student has the right to know his/her accusers and to cross examine them and any others presenting evidence against the accused.

(f) A student shall not be subjected to university judicial action more than once for the same violation of a regulation.

(g) The burden of proof rests with the accuser. Said burden shall be carried if guilt is indicated by a fair preponderance of the evidence considered as a whole.)) (1) Any student or student organization charged with any violation(s) of the student conduct code has the following rights in disciplinary procedure:

(a) A fair and impartial hearing before the appropriate judicial body composed of members of the campus community;

(b) Notice of the charge(s) against them and the basis for the charge(s);

(c) To remain silent when charged with any act which may be a violation of criminal law, to avoid self incrimination;

(d) Seven calendar days' notice before a disciplinary hearing;

(e) To know who is bringing the accusation(s) against the accused;

(f) The right to speak on his/her own behalf in all judicial proceedings;

(g) To consult an advisor;

(h) One appeal; and

(i) To be subjected to university judicial action only one time for the same offense.

(2) Any student or student organization brought before the university disciplinary committee has these additional rights:

(a) To call any person(s) as a witness who may have information regarding the case;

(b) To view the material to be presented against them in advance of the hearing;

(c) To hear the testimony of all witnesses;

(d) To present questions to be asked of all witnesses;

and

(e) To have a record made of the hearing.

(3) The burden of proof rests with the accuser. This burden shall be carried if guilt is indicated by a fair preponderance of the evidence when considered as a whole.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 172-120-150 Academic misconduct.

WSR 97-01-080

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 17, 1996, 2:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-084.

Title of Rule: State fair fund—Proration, chapter 16-700 WAC.

Purpose: To amend the formula for the allocation of state fair funds to community and area fairs and to add qualifying language to the rule.

Statutory Authority for Adoption: RCW 15.76.180.

Statute Being Implemented: Chapter 15.76 RCW, Agricultural fairs, youth shows.

Summary: The amendment will allow the director of agriculture to adjust the minimum basic allocation to community fairs under certain circumstances and allocate fair funds to area fairs under the same merit formula as county fairs.

Reasons Supporting Proposal: The changes will allow the director of agriculture to make proportional changes in state aid to agricultural fairs and ensure an equitable allocation of state funds to the different classifications of fairs when receipts to the fair fund decline.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Walter Swenson, 1111 Washington Street, Olympia, WA, (360) 902-1928.

Name of Proponent: Washington State Fairs Commission, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state legislature has declared it is in the public interest to hold agricultural fairs and established the "fair fund" to assist fairs in developing programs to train youths and promote agriculture and rural living. The fair fund is funded by a portion of the parimutuel horseracing receipts

collected by the state. As a result of the closure of Longacres racetrack in 1993, the fair fund has declined by thirty-three percent. However, the fair fund allocation formula has not allowed for a proportional reduction in allocations to all classes of fairs receiving allocations from the fund. The proposed rule change will modify the allocation formula and allow for a more equitable allocation of funds to agricultural fairs.

Proposal Changes the Following Existing Rules: The proposed changes will (1) give the director of agriculture authority to reduce the minimum allocation to community fairs when the fair fund revenues decline, and (2) change the method of allocating funds to area fairs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule change will only affect agricultural fairs which are considered not-for-profit businesses.

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

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, Room 205, 1111 Washington Street, Olympia, WA, on January 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by January 22, 1997, TDD (360) 902-1996, or (360) 902-1800.

Submit Written Comments to: Walter Swenson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98501-2560, FAX (360) 902-2089.

Date of Intended Adoption: February 5, 1997.

December 19 [17], 1996

William E. Brookreson

Assistant Director

Agency Operations

[AMENDATORY SECTION (Amending Order 1279, filed 11/28/72)]

WAC 16-700-010 Activity reports required. Any area county fair desiring to apply for an allocation from the state fair fund under the provisions of chapter 61, Laws of 1961, must submit to the director annually, on or before February 15 of the following year, reports covering all of its activities on forms to be supplied by the director, and include a ~~(county)~~ certified auditor's report of receipts and expenditures attributed to the fair. Any ~~(area or)~~ community fair or youth show must submit to the director annually, on or before December 1, the reports of its activities on forms to be supplied by the director.

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

[AMENDATORY SECTION (Amending Order 1662, filed 12/14/79)]

WAC 16-700-021 Qualifications. (1) Any ~~(area or)~~ community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

((+)) (a) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, llamas, dogs, and poultry and rabbits (poultry and rabbits being in

one category) with at least five exhibits in each category, except poultry and rabbits and dogs which shall have ten; and

((+)) (b) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

((+)) (c) Each category, to qualify as per above, shall have at least three exhibitors.

((+)) (d) Each fair shall have at least twenty-five exhibitors in total.

(2) Such ~~(area or)~~ community fair, whose application is accepted by the director, shall be entitled to ~~(a)~~ an ~~(basic)~~ annual allocation of up to fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

((+)) (a) Three or more of the following categories: Beef, sheep, swine, dairy, horses, llamas or goats; or

((+)) (b) At least two of the following categories: Beef, sheep, swine, dairy, llamas and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

((+)) (c) Each category, to qualify as per above, shall have at least three exhibitors.

((+)) (d) Each fair shall have at least twenty-five exhibitors in total.

(e) All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an maximum annual allocation of up to ~~(only)~~ fifty percent reimbursement of premiums and prizes.

(3) Any area fair may not receive an allocation in excess of the total reimbursement of premiums and prizes.

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.

[AMENDATORY SECTION (Amending Order 847, effective 6/8/61)]

WAC 16-700-040 ~~Weight Consideration~~ given to community support. ~~(Due weight)~~ Special consideration ~~(shall)~~ may be given to each of the several criteria by which fairs are to receive a merit rating. Special consideration may be given, however, to small and comparatively isolated fairs with limited local resources when such fairs have shown that a maximum community effort has been made in support of these fairs.

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

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

[AMENDATORY SECTION (Amending Order 847, effective 6/8/61)]

WAC 16-700-050 Merit criteria. The merit of area, district, county and community fairs shall be determined on the basis of the following criteria:

(1) **Aims and purposes:** For what reason or purposes is the show held and what is the evidence of successful achievement of these aims and purposes?

(2) **Organization and management:** To what extent is the organization, its officers and management, and the physical ~~((setup))~~ facilities and financial resources geared to accomplish the objectives stated above?

(3) **Area served:** What is the extent of the area from which exhibits and exhibitors are drawn and the extent of the area served?

(4) **General attractiveness:** Are the agricultural, educational, commercial and recreational features well balanced, making the fair attractive to the fairgoing public?

(5) **Exhibits:** What is the number, quality and diversity of exhibits and their general rating judged by recognized standards of excellence, as well as their neatness and orderliness in all departments, in open and junior classes?

(6) **Community, county or area interest:** How is full participation and support of the area served indicated by (a) attendance, both paid and total, and (b) by active support of service clubs, farm organizations and other groups?

~~((7)) **Financial management:** What are the receipts from all sources, all expenditures, including building funds, capital improvements, financial reserves and obligations?))~~

~~((8))~~ (7) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available?

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

[AMENDATORY SECTION (Amending Order 847, effective 6/8/61)]

WAC 16-700-060 Criteria for youth shows and fairs. Youth shows and fairs shall be judged on a merit basis according to the following criteria:

(1) **Aims and purposes:** To what extent does the show supplement 4-H, FFA and other related youth programs and to what extent does it provide opportunity for showing results of supervised training in these programs?

(2) **Organization and management:** To what extent is the organization, its officers and management and the physical setup geared to accomplish the objectives stated above?

(3) **Scope:** What does the show include in the nature of youth participation, such as number of participants, kind and number of exhibits or displays, and the clubs or chapters represented?

(4) **Quality:** What is the general attractiveness of the show in all departments, the general rating of exhibits judged by recognized standards of excellence, and the neatness and orderliness in all departments?

(5) **Financial statement:** What are the receipts of all kinds, the expenditures, including salaries and wages, premiums paid, ~~((building fund accounts;))~~ financial reserves and general obligations?

(6) **Area and/or community support:** In what ways does the area served support this show?

(7) **Special activities:** To what extent does the show provide special activities for youth development, such as judging contests, educational demonstrations, banquets, barbecues, programs, or other supervised recreation?

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

[AMENDATORY SECTION (Amending Order 1279, filed 11/28/72)]

WAC 16-700-080 Qualifying premiums and prizes. Premiums and prizes that qualify for listing for allocation purposes shall be those paid for exhibits and educational contests, displays, and demonstrations of an educational nature. This is not to include judges fees and expenses, livestock sale revenues, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

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

WSR 97-01-082
WITHDRAWAL OF PROPOSED RULES
STATE BOARD OF EDUCATION
(By the Code Reviser's Office)
[Filed December 17, 1996, 4:00 p.m.]

WAC 180-20-005 and 180-20-045, proposed by the State Board of Education in WSR 96-12-089, appearing in issue 96-12 of the State Register, which was distributed on June 19, 1996, 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

WSR 97-01-086
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed December 18, 1996, 9:52 a.m.]

Continuance of WSR 96-20-122.

Preproposal statement of inquiry was filed as WSR 96-15-005.

Title of Rule: Fisheries regional enhancement group rules.

Purpose: Establish egg and carcass sale procedures and accounting.

Statutory Authority for Adoption: RCW 75.50.100.

Statute Being Implemented: RCW 75.50.100.

Summary: Provide accountability and procedure for carcass and egg sales.

Reasons Supporting Proposal: Accountability.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Thomas Parker, 1111 Washington Street, Olympia, WA, 902-2238; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 96-20-122.

Proposal Changes the Following Existing Rules: See WSR 96-20-122.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington, on January 31, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by January 16, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife Rules Coordinator, 600 North Capitol Way, Olympia, 98501, FAX (360) 902-2942, by January 30, 1997.

Date of Intended Adoption: January 31, 1997.

November 16, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 90-06, filed 1/30/90, effective 3/2/90)

WAC 220-140-010 Definitions. The following definitions apply to this chapter:

(1) "Regional fisheries enhancement group" or "group" means a nonprofit association established in compliance with Title 24 RCW, representing diverse interests, and which will work together within a predesignated area for the express purpose of enhancing salmon production and habitat in that area.

(2) ("~~Enhancement project~~" means a project undertaken or overseen by a group, whether publicly or privately funded, the goal of which project is an increase in the salmon resource of the state. Enhancement projects include both salmon production and salmon habitat improvement.

(3) ("~~Regional enhancement task force~~" means persons, representing diverse interests, who have been designated by the department of fisheries to review the establishing of groups, to select among competing prospective groups, and to review start up enhancement project applications. Should the legislature authorize a regional fisheries enhancement group advisory board, the board shall take over the responsibilities of the task force.) "Regional fisheries enhancement group's project surplus viable salmon eggs" means those viable salmon eggs that are surplus to both the needs of the

department and other public entities within the state and to the group itself. The priority for use of viable salmon eggs is as established in chapter 220-74 WAC.

NEW SECTION

WAC 220-140-040 Project funds from the sale of surplus salmon carcasses and eggs. (1) Regional fisheries enhancement groups whose projects produce surplus salmon carcasses and eggs may request that the department sell such surplus, providing the following conditions are met:

(a) Salmon must be returning to a department approved group facility (hatchery, trap or weir);

(b) An approved and current salmon rearing project must be on file with the department;

(c) The department must declare that a surplus exists beyond the needs of the department, tribes, other public entities, and group project requirements; and

(d) Use of funds generated by such sale will be approved by the regional fisheries enhancement group advisory board and the department, using the same procedure as established for handling moneys allocated from the regional fisheries enhancement group account.

(2) The department may sell the surplus salmon carcasses, nonviable eggs and viable eggs of a group project. Surplus viable salmon eggs shall be sold by the department as prescribed in chapter 220-74 WAC, Surplus salmon eggs. A group may not sell any salmon products resulting from its activities.

(3) All money received by the department from the sale of group surplus salmon carcasses, nonviable eggs and viable eggs shall be placed into the regional fisheries enhancement group account and used solely to fund the expenses of approved activities for the group that developed the project.

(4) All money received by the department from the sale of surplus salmon carcasses, nonviable eggs and viable eggs returning to state funded hatcheries shall be placed into the general regional fisheries enhancement group account. Eighty percent of this money will be distributed equally to each of the twelve groups and twenty percent will be used by the department to administer the program.

(5) All fish produced from an approved group project are intended for release into state waters. Live fish will not be transported from a group project without prior written approval of the department.

(6) Surplus carcasses from salmon returning to a group project may be seeded into and along streams if a plan to do so has been preapproved and coordinated by the department.

WSR 97-01-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)

[Filed December 18, 1996, 11:37 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 388-49-670 Intentional program violations—Disqualification penalties.

Purpose: Describes the various penalties assessed upon a person who intentionally violates a food stamp program rule.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Public Law 104-193.

Summary: Incorporates provisions in Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which added disqualification penalties and amended several existing requirements.

Reasons Supporting Proposal: Compliance is mandatory in Public Law 104-193 to administer the food stamp program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

Name of Proponent: United States Department of Agriculture, governmental.

Rule is necessary because of federal law: Public Law 104-193, Sections 813 and 820.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule incorporates new disqualification penalties written into Public Law 104-193. Committing the federal statute to state rule enables the state to enforce the new mandatory federal penalties and avoid a compliance issue with the federal government.

Increases intentional program violation penalties from six months to one year and twelve months to two years. Adds a ten-year penalty for misrepresentation or fraud to receive multiple benefits simultaneously. Adds permanent disqualification for trafficking coupons worth \$500 or more.

Proposal Changes the Following Existing Rules: Changes current six- and twelve-month penalties to twelve- and twenty-four months respectively. Doubles penalty to trafficking for controlled substances. Adds a ten-year penalty for misrepresenting circumstances to receive multiple benefits simultaneously. Adds a permanent penalty for trafficking food coupons worth \$500 or more.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not impact small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not cited in the statute.

Hearing Location: Lacey Government Center, 1009 College Street S.E., Room 104-B (behind Tokyo Bento restaurant), Lacey, WA 98503, on January 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by January 8, 1997, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 17, 1996

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3948, filed 3/1/96, effective 4/1/96)

WAC 388-49-670 Intentional program violations—Disqualification penalties. (1) The department shall disqualify the person or persons committing an intentional program violation as defined in WAC 388-49-020.

(2) The department shall apply the following disqualification penalties to a person committing an intentional program violation for offenses not related to those described in subsection (3) of this section:

(a) ~~((Six))~~ If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:

(i) Twelve months for the first ~~((disqualification))~~ violation;

(ii) Twenty-four months for the second violation;

(iii) Permanently for the third violation.

(b) ~~((Twelve))~~ If the violation ended before the household was notified of the penalties in subsection (2)(a) of this section:

(i) Six ~~months~~ for the ~~((second disqualification))~~ first violation; ~~((and~~

~~((e)))~~ (ii) Twelve months for the second violation;

(iii) Permanently for the third ~~((disqualification))~~ violation.

(3) The department shall apply disqualification penalties against a person for ~~((trading or receiving food coupons for controlled substances or firearms. The department shall impose))~~ the following activities:

(a) A ~~((one))~~ two-year disqualification penalty for a first conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(b) A ten-year disqualification penalty for a person found to have made a fraudulent statement or misrepresented information respecting identity or residence in order to receive multiple coupon benefits simultaneously; or

(c) A permanent disqualification for:

(i) The second conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(ii) The first conviction by a federal, state, or local court of the trading or receiving of food coupons for firearms, ammunition, or explosives; or

(iii) The first conviction by a federal, state, or local court for knowingly buying, selling, trading, or presenting for redemption food coupons of five hundred dollars or more in violation of section 15 (b) and (c) of the Food Stamp Act of 1977, as amended.

(4) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection (2)~~((a)))~~ and (3) of this section.

(5) When a court of law convicts a person of an offense which qualifies as an intentional program violation, the department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2) or (3) of this section, be imposed

PROPOSED

in addition to any civil or criminal intentional program violation penalties;

(ii) Impose a disqualification period as specified in subsection (2) or (3) of this section if the court fails to address disqualification or specify a disqualification period;

(iii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) Disqualification is ordered if the court does not specify a date; or

(B) Court finds such person or persons guilty if the court specifies a disqualification date; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(6) Before the disqualification is implemented, the department shall provide written notice informing the disqualified person of the disqualification and effective date.

(7) The department shall provide written notice to the remaining household member or members, if any:

(a) Of the allotment the household will receive during the period of disqualification; or

(b) That the household must re-apply because the certification period has expired.

(8) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

caused when a household fails to timely report earned income.

Proposal Changes the Following Existing Rules: WAC 388-49-640, the current rule allows the earned income deduction when computing and inadvertent household error food stamp overissuance. The rule deletes the deduction for all overissuances.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not meet the small business statement requirements.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not apply as the Department of Social and Health Services is not named in the statute.

Hearing Location: Lacey Government Center, 1009 College Street S.E., Room 104-B (behind Tokyo Bento restaurant), Lacey, WA 98503, on January 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by January 8, 1997, (360) 902-8317, or TTY (360) 902-8324.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 17, 1996

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-01-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services)
(Public Assistance)

[Filed December 18, 1996, 11:41 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-49-640 Overissuances, rule regulates policy respecting establishing and collecting food stamp overpayments.

Purpose: Implements Section 809 of Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: Public Law 104-193.

Summary: The rule amendment is to disallow the 20% earned income deduction when computing an overpayment which resulted from untimely reported earned income.

Reasons Supporting Proposal: Implements federal statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, (360) 413-3074.

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

Rule is necessary because of federal law, Public Law 104-193, Section 809 (e)(2)(C).

Explanation of Rule, its Purpose, and Anticipated Effects: The rule disallows the 20% earned income deduction when computing a food stamp benefit overissuance

AMENDATORY SECTION (Amending Order 3894, filed 9/7/95, effective 10/6/95)

WAC 388-49-640 Overissuances. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (9) of this section, the department shall determine the overissuance amount to be the difference between:

(a) The allotment actually authorized; and

(b) The allotment that should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall:

(a) Count the actual income received by the household;

(b) Not apply the twenty percent earned income deduction to ~~((that portion of))~~ earned income ~~((willfully or fraudulently unreported by the))~~ which the household ((member when committing an intentional program violation)) failed, without good cause, to report in a timely manner.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

(a) The amount of the overissuance; and

(b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset;

(b) The administrative error claim is less than one hundred dollars;

(c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household; or

(e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance;

(b) The department cannot locate the household; or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance by:

(a) A lump sum;

(b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or

(c) Allotment reduction.

(14) The department shall ensure a negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when a currently participating household is liable for an inadvertent household error or an intentional program violation.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) When allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation claim when:

(a) A household is liable for an inadvertent household error claim and fails to notify the department of their chosen repayment agreement or request a fair hearing and continued benefits within twenty days after receipt of the demand letter; or

(b) A household is liable for an intentional program violation claim and fails to inform the department of their chosen repayment agreement within ten days after receiving the demand letter; or

(c) After notification of failure to make payment according to a negotiated repayment schedule, the household member fails to:

(i) Make the overdue payments; or

(ii) Request renegotiation of the payment schedule.

(18) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(19) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(20) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

(21) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

(a) Determines that the originating state does not intend to pursue collection in Washington state; and

(b) Receives the following from the originating state:

(i) Documentation of the overissuance computation;

(ii) Overissuance notice prepared for the client; and

(iii) Proof of service that the client received the overissuance notice.

WSR 97-01-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 18, 1996, 11:49 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-538-110 Client grievances.

Purpose: To amend the rule to correct the cross reference in subsection (2)(a) from (2)(c) to (3).

Statutory Authority for Adoption: RCW 74.08.090.

Summary: Amend WAC 388-38-110 (2)(a) to give the correct cross reference to (3).

Reasons Supporting Proposal: Prior cross reference was incorrect.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-0529.

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 amendment will change an incorrect cross reference to a correct one.

Proposal Changes the Following Existing Rules: Changes the cross reference in subsection (2)(a) of WAC 388-538-110.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No businesses are affected by this change.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center, 1009 College Street S.E., Room 104-B (behind Tokyo Bento restaurant), Lacey, WA 98503, on January 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Manager by January 8, 1997, TTY (360) 902-8324, (360) 902-8317.

Submit Written Comments to: Merry Kogut, Manager, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 16, 1996

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3886, filed 8/29/95, effective 9/1/95)

WAC 388-538-110 Client grievances. (1) A client aggrieved by a decision of a 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:

(a) Shall exhaust a plan's grievance procedure before requesting a fair hearing, except as provided in subsection ~~((2)(e))~~ (3) of this section;

(b) Shall receive a written 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.

(c) May request a fair hearing when a:

(i) Grievance decision is adverse;

(ii) Plan does not respond in writing within thirty days from the date the client requests the grievance.

(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 and the client 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 managed care contractor shall advise a client of the client's right to request a fair hearing at the time the contractor notifies the client of the grievance decision.

PROPOSED

WSR 97-01-093
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 18, 1996, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-091.

Title of Rule: WAC 388-87-020 Assignment and subrogation and 388-505-0540 Assignment of medical support rights.

Purpose: Clarify assignment of rights and properly address different types of subrogation.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.09.522.

Summary: To assign Medical Assistance Administration-contracted managed care plans the rights and remedies of the department as they pertain to assignment of client rights to medical care support or payments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Anne DeJarnette, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 664-2320.

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: See above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no costs associated with the WAC change.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center, 1009 College Street S.E., Room 104-B (behind Tokyo Bento restaurant), Lacey, WA 98503, on January 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by January 8, 1997, TTY (360) 902-8324, or (360) 902-8317.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, Wa 98504-5850, FAX (360) 902-8292, by January 22, 1997.

Date of Intended Adoption: January 23, 1997.

December 16, 1996

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3900, filed 9/27/95, effective 10/28/95)

WAC 388-87-020 Subrogation. (1) For the purpose of this section, "liable third party" means:

(a) The tort-feasor or insurer of the tort-feasor, or both;
and

(b) Any person who is liable, under any contract or insurance purchased by the client or by any other person, to provide coverage for the illness or injuries for which the assistance or residential care is paid or provided by the department.

(2) As a condition of medical care eligibility ((as described under WAC 388-505-0540;)) a client shall assign to the state any right the client may have to receive payment from any liable third party ((for reimbursement of state-made expenses for medical care)). Except as provided in subsection (3) of this section, to the extent that payment has been made under medical care programs under chapter 74.09 RCW for health care items or services ((provided to the client)) furnished to an eligible client, the state shall have been subrogated to the client's rights to payment by any other party which has a legal or contractual liability to pay for those health care items or services.

(3) To the extent authorized by a contract executed under RCW 74.09.522, a managed health care plan has the rights and remedies of the department as provided in RCW 43.20B.060 and 70.09.180.

((2)) (4) The department shall not be responsible to pay for medical care for a client whose personal injuries are occasioned by the negligence or wrongdoing of another: *Provided, however,* That the secretary of the department or the secretary's designee may furnish the medical care required as a result of an injury to the client if the client is otherwise eligible for medical care and no other liable third party has been identified at the time the claim is filed, and the department shall thereby be subrogated to the rights of recovery therefore to the extent of the cost of medical care furnished by the department.

((3)) (5) The department may pursue its right to recover the value of medical care provided to an eligible client from any liable third party as a subrogee, assignee, or by enforcement of its public assistance lien as provided under RCW 43.20B.040 through 43.20B.070.

((4)) (6) Recovery pursuant to the subrogation rights, assignment, or enforcement of the lien granted to the department shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement. No settlement or judgment of a lien created under RCW 43.20B.060 shall be discharged or compromised without written consent of the secretary of the department or the secretary's designee. The department shall only consider compromise or discharge of a medical care lien as authorized by federal regulation at 42 CFR 433.139.

((5)) (7) The doctrine of equitable subrogation shall not apply to defeat, reduce, or prorate recovery by the department as to its assignment, lien, or subrogation rights.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-505-0540 Assignment of medical support rights. (1) As a condition of eligibility for any medical program, a client shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

- (a) A court order; or
- (b) An administrative agency order; or
- (c) Any third-party payments for medical care.

(2) When payments for covered services have been made under medical care programs under chapter 74.09 RCW, or under a contract between a managed health care plan and the department under RCW 74.09.522, for health care items or services furnished to an eligible client, if a third party has a legal or contractual liability to make payments, the state acquires the rights of the client to payment from any other party for those health care items or services.

(3) The client shall assign rights of payment to any medical care support the client may have in the client's own behalf or on the behalf of any other client for whom the client can legally assign such rights.

((3)) (4) As assignee of the eligible client's right to receive medical support payments, the department may sign coordination of benefit forms or other forms, as necessary, to ensure the efficient and proper payment of medical care support.

WSR 97-01-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Filed December 18, 1996, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-077 and 96-18-081.

Title of Rule: Aquaculture disease control.

Purpose: Amend rules for import and transfer of aquaculture products.

Statutory Authority for Adoption: RCW 75.08.080, 75.58.010.

Statute Being Implemented: RCW 75.08.080, 75.58.010.

Summary: Amend aquaculture rules to provide clarification. Require kelp importation permit.

Reasons Supporting Proposal: Industry has requested clarification.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 220-77-020, adds definitions for clarification; WAC 220-77-040, provides mechanism for reporting of diseases and insures health of Washington state aquaculture industry. Codifies current policy for clarification; and WAC 220-77-065, allows for importation of kelp as per SHB 2605, Laws of 1996.

Proposal Changes the Following Existing Rules: Clarifies current rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Imposes no new duties on small businesses. Provides clarification of existing

policy. Allows for importation of kelp which was previously prohibited.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, on January 31, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by January 14, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, Rules Coordinator, 600 North Capitol Way, Olympia, WA 98501, FAX (360) 902-2930, by January 30, 1997.

Date of Intended Adoption: January 31, 1997.

December 18, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-20-038 Shellfish—Import and transfer.

It shall be unlawful to import, transfer, ship or otherwise cause live shellfish of any kind or form or associated pest, predators or disease organisms, to be introduced into the ((marine)) waters of the state of Washington without first obtaining written permission from the director ((of fisheries)) or ((his)) the director's authorized agent. The permit shall accompany the shellfish during transit and at the point of introduction. It shall be unlawful for the permit holder to fail to comply with all terms, conditions and provisions of the permit or to perform any act in connection with the permit that is not specifically authorized in the permit. The permit may specify department inspections and transfer conditions for the import or transfer.

AMENDATORY SECTION (Amending Order 87-20, filed 3/27/97 [3/27/87], effective 4/27/97 [4/27/87])

WAC 220-77-020 Definitions—Aquaculture disease control. For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite or pest, occurring on or within an aquaculture product or other imported shellfish or finfish or on or within the water ((and)) or substrate associated with the aquaculture product shellfish, or finfish, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in indoor containers, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all ((members of the phyla mollusca, arthropoda, and echinodermata)) aquatic invertebrates except insects.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container or shellfish on an affected bed or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants. "Marine plants" do not include aquaria plants or phytoplankton.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of ~~(fisheries)~~ fish and wildlife.

(9) "Quarantine" is defined as isolation of the organism in a department approved facility.

(10) "Pest" is defined as parasite, parasitoid, predator, or fouling agent.

(11) "Established species" is defined as a species that has been propagated through aquaculture for at least ten years in Washington, or a species naturally reproducing within Washington.

(12) "West coast commerce region" is defined as the states of Alaska, California, Oregon, and Washington and the province of British Columbia.

(13) "Kelp" is defined as any species of brown algae of the order Laminariales.

(14) "Class A shellfish disease" is defined as an infectious disease which can cause significant mortality or loss of condition or quality in affected shellfish.

(15) "Class B shellfish disease" is defined as an infectious disease which is not known to cause significant mortality or loss of condition or quality in affected shellfish.

(16) "Market ready shellfish" are defined as aquatic invertebrate species which are intended for immediate human consumption and will not be placed into or come in contact with state waters.

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

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

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 87-20, filed 3/27/97 [3/27/87], effective 4/27/97 [4/27/87])

WAC 220-77-040 Shellfish aquaculture disease control. (1) It is unlawful for any person to import into or ~~((transport within the state of Washington shellfish aquacul-~~

~~ture products for planting in Washington waters))~~ possess live imported aquatic invertebrates, except market ready shellfish, without first ~~((having obtained a))~~ obtaining an aquatic invertebrate import permit ~~((to do so))~~ issued by the department. A copy of the permit shall accompany the shellfish aquaculture products at all times within the state of Washington, and must be presented upon request to department employees. ~~((Possession of an oyster transfer permit issued under RCW 74.24.110 will meet the requirements of this section)).~~

(2) ~~((The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native shellfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the shellfish aquaculture products.))~~ The director shall appoint a seven-member advisory committee consisting of one representative each from the department, the department of agriculture, the aquatic farmers of Washington, the federally recognized treaty tribes, private displayers of aquatic invertebrates, aquatic invertebrate ecologists, and aquatic invertebrate disease control specialists. The committee will advise the department on importation of aquatic invertebrates, make recommendations on classification of shellfish diseases, and review department policy. Recommendations of the committee are not binding on the commission or director.

(3) ~~((For))~~ Established species ~~((and established routes of commerce, the department will issue import and transfer permits if the following criteria are met:))~~ with current disease free tissue certification from areas of origin free of Class A shellfish diseases are eligible for continued importation.

(a) ~~((A regular pattern of importation with no more than a one year time lapse between importations))~~ An additional disease free tissue certification must be submitted every three years. The department will waive the certification requirement if there is sufficient information that the source area is free of Class A shellfish diseases.

(b) ~~((Documentation of recent mortality and disease history of the shellfish aquaculture product in the area of origin showing a lack of significant mortality.))~~

(c) ~~Verification that there has been no introduction of diseased stocks into the area of origin.~~

(d) ~~Documentation that the shellfish aquaculture product proposed for import is from the approved area)~~ Additional disease free certification may be required upon discovery or reports of disease at the geographic source.

(4) ~~((For))~~ Established species ~~((not from established routes of commerce, the department will additionally require the following before deciding whether to issue an import or transfer permit:))~~ from new areas of origin are eligible for import if health history documentation and disease free tissue certification are provided to the department. Import into quarantine is required for imports originating from outside the West Coast Commerce Region.

(a) ~~((Documentation of mortality and disease of the shellfish aquaculture product for the past ten years from the area of origin, together with similar information for closely related species, if deemed necessary))~~ Conditional importation approval will be initiated by permit application.

(b) ~~((A history of those diseases in the area of origin that may affect aquaculture products or native fauna and~~

~~flora~~) Presence of any Class A shellfish disease in the area of origin will result in denial of conditional approval.

(c) ~~((When applicable, documentation of an agreement with the appropriate governmental agency with management responsibility in the area of origin))~~ At least one additional disease free certification will be required during the first year of importation. In the absence of disease during the first year of importation, established species will be eligible for continued importation, and the provisions of subsection (3) of this section will apply.

(5) ~~((For))~~ Nonestablished species~~(, the department will additionally consider the following criteria, which will require the importer to provide a detailed life history and comply with the requirements of SEPA:~~

(a) The capability of the receiving facility to hold the shellfish aquaculture in)) for which a health history documentation has been initiated by permit application are eligible for importation only into quarantine. A SEPA checklist is required for any importation of a new species.

~~((b) The ability of the shellfish aquaculture product to naturally reproduce or interbreed with endemic species in state waters))~~

(6) ~~((For purposes of verification of the disease free status of shellfish aquaculture products in subsections (3), (4) and (5) of this section, the department may require sufficient samples for histological evaluation either prior to or after subjecting the shellfish aquaculture products to stress tests to detect latent disease conditions. In the event of failure to obtain permit approval, consideration will be given to introduction after hatchery production of a second generation stock))~~ Health history documentation will be based on available documentation over the five years prior to application for an import permit, unless a longer documentation is required for cause, and is required to be provided by the applicant. Disease free tissue certification is required from representative invertebrates proposed for import, and must be certified by a department-approved invertebrate health care professional.

(7) Department employees may inspect quarantine facilities used for permitted shellfish imports at reasonable times without prior notification.

(8) Importers are required to immediately report to the department any epizootic, significant mortality potentially attributable to an infectious disease or discovery of a Class A shellfish disease in an approved source area. The report is required to be made within 24 hours of the event or discovery. Annual reporting of the presence or absence of Class A or Class B shellfish diseases may be a condition of any permit.

(9) Violation of these rules or the conditions of a permit, confirmation of a Class A shellfish disease at the geographic source, or verification of a substantial shellfish mortality at the geographic source may result in suspension or revocation of the import permit.

~~((8))~~ In the event of denial, suspension or revocation of an ((importation or transfer)) import permit, the affected party may appeal ((the decision to the director. Additional appeals may be made)) through the Administrative Procedures Act. A suspended or revoked permit will remain suspended or revoked during the ((appellate)) appeal process.

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

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

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 220-77-065 Kelp importation—Permit required. (1) It is unlawful for any person to import kelp into the state of Washington for use in the herring spawn on kelp fishery without first having obtained a permit to do so issued by the department. A copy of the permit must accompany the imported kelp at all times until the kelp is placed into the marine environment and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure protection of aquaculture products and native species from disease when the director concludes that there is a risk of disease transmission associated with the imported kelp.

(3) A kelp import permit is not transferrable.

(4) Violation of these rules or the conditions of a permit may result in suspension or revocation of the kelp import permit. In the event of denial, suspension or revocation of a kelp import permit, the affected party may appeal through the Administrative Procedures Act. A suspended or revoked permit will remain suspended or revoked during the appeal process.

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 97-01-099
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed December 18, 1996, 12:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-047.

Title of Rule: New chapter 180-77A WAC, Program approval standards for vocational-technical certification.

Purpose: This proposed new chapter establishes approval standards for programs leading to vocational-technical certification.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.120.

Summary: The proposed new chapter establishes approval standards for programs leading to vocational-technical certification.

Reasons Supporting Proposal: The approval standards will assure the recipients of vocational-technical certification can demonstrate basic competencies for teaching.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

Chapter 180-77A WAC APPROVAL STANDARDS FOR VOCATIONAL- TECHNICAL TEACHER PREPARATION PRO- GRAMS

NEW SECTION

WAC 180-77A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130 (1) and (2) which authorizes the state board of education to approve educator preparation programs in institutions of higher education.

NEW SECTION

WAC 180-77A-004 Overview. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements. These rules also provide a framework for consistency and quality preparation of vocational-technical teacher certification candidates completing baccalaureate degrees or using industry or business and experience.

Specifically, this chapter describes the procedures and standards for colleges/universities and other agencies or institutions to be approved as providers of preparation programs for vocational-technical teacher certification. In addition to colleges and universities, programs may be provided by community and technical colleges, school

districts, educational service districts, or any combination of the above.

In addition, this chapter authorizes the establishment of a state-wide vocational-technical professional education council which will make recommendations to the state board of education regarding approval of the vocational-technical teacher preparation programs and will advise the programs on an ongoing basis. The council will consist of practicing vocational-technical teachers and administrators, representatives from business, industry, labor and the community, and representatives from colleges and universities and other program providers.

Finally, this chapter identifies the general standards which must be demonstrated by all successful applicants for vocational-technical teacher certification and the specific standards which will be demonstrated by those applying for certification in particular subject areas.

NEW SECTION

WAC 180-77A-006 Purpose. This chapter establishes, pursuant to WAC 180-77-004, procedures, standards, and criteria to be used in the development and approval of vocational-technical teacher preparation programs and identifies the knowledge and skill expected of all vocational-technical teacher certificate candidates.

NEW SECTION

WAC 180-77A-012 Required vocational-technical professional education council. In order to maintain quality and consistency in vocational-technical teacher preparation programs state-wide, the state board of education will establish a vocational-technical professional education council.

NEW SECTION

WAC 180-77A-014 Qualifications to be appointed to the vocational-technical professional education council. Each individual selected by an association, institution or the state board of education to membership as prescribed in WAC 180-77A-016 shall:

(1) Be a resident of the state of Washington or be employed by a school district of the state; and

(2) Have demonstrated commitment to the improvement of vocational-technical education within the context of WAC 180-77A-004.

NEW SECTION

WAC 180-77A-016 Vocational-technical professional education council—Membership. Appointments to the vocational-technical professional education council shall be made by the state board of education. The vocational-technical professional education council shall at a minimum consist of:

(1) Eight classroom vocational-technical teachers, one representing each vocational-technical major category identified in WAC 180-77-005 (agriculture education, business education, marketing education, family and consumer sciences education, technology education, trade and industrial, health occupations, and diversified occupations), recommended by the professional association of the major

category. At least twenty-five percent of the above appointees shall have earned their vocational-technical teacher certificates through business and industry experience.

(2) Two vocational administrators recommended by the Washington Association of Vocational Administrators.

(3) Two representatives from business, industry, labor and community appointed by the state board of education.

(4) One representative from each college and university with an approved program for vocational-technical teacher preparation, recommended by the institution.

(5) One representative of nonbaccalaureate vocational-technical teacher preparation providers, appointed by the state board of education.

(6) One representative of the community and technical colleges appointed by the state board of education.

(7) One representative, at large, recommended by the Washington Vocational Association.

NEW SECTION

WAC 180-77A-018 Substitute pay for members of the vocational-technical professional education council. Service on the vocational-technical professional education council by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

NEW SECTION

WAC 180-77A-020 Vocational-technical professional education council—Duties. The vocational-technical professional education council shall:

(1) Adopt operation procedures and meet on a regular basis.

(2) Make a recommendation to the state board of education regarding approval of all vocational-technical teacher preparation programs submitted for approval pursuant to the standards and criteria of this chapter.

(3) Establish the criteria that shall be used to determine acceptable basic skills for vocational-technical teacher certification candidates.

(4) Make recommendations for program changes to the colleges/university institutions or providers which must in turn consider and respond to the recommendations in writing in a timely fashion.

(5) Submit to the state board of education annually an executive summary of the activities of the council for the preceding year's meetings, including a report of all vocational-technical teacher preparation programs reviewed and approved, and other material related to the vocational-technical teacher preparation programs requested by the state board of education.

(6) Explore the role of the council as an appeals board in vocational-technical certification matters.

NEW SECTION

WAC 180-77A-025 Program approval. All programs leading to certification offered in Washington state to prepare vocational-technical teachers shall be approved pursuant to the requirements of this chapter.

NEW SECTION

WAC 180-77A-026 Existing approved programs. All existing approved vocational-technical teacher preparation programs shall be reviewed for approval under the approval standards of chapter 180-77A WAC prior to August 31, 2000, unless granted a waiver by the state board of education. The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval. In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

NEW SECTION

WAC 180-77A-028 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-031. Each college or university desiring to establish a vocational-technical teacher preparation program shall comply with the following in addition to all approval standards in chapter 180-78A WAC:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program.

(2) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165 and relevant subsections of WAC 180-77A-170, including, where appropriate, evidence related to positive impact on student learning.

(3) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

(4) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding program approval to the state board of education.

NEW SECTION

WAC 180-77A-029 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041. Each program provider, which shall be a college or university, community or technical college, school district, educational

service district, or any combination of the above, desiring to establish a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041 shall comply with the following:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program, identifying the agencies involved and the administrator of the program.

(2) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165, including, where appropriate, evidence related to positive impact on student learning.

(3) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

(4) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding approval to the state board of education.

NEW SECTION

WAC 180-77A-030 Length of time for which vocational-technical teacher program approval status shall be granted. (1) The state board of education shall approve all vocational-technical teacher preparation programs under these program approval standards for five years unless the state board of education approves a variation.

(2) The state board of education, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a vocational-technical teacher preparation program for compliance with the provisions of this chapter. If deviations are found, the state board of education is authorized to rescind program approval until the program provider submits an acceptable compliance agreement which will bring the vocational-technical teacher preparation program into compliance as soon as reasonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the vocational-technical teacher preparation program shall be placed on probationary status and the probationary status provision of WAC 180-77A-033 shall apply.

NEW SECTION

WAC 180-77A-033 Probationary status. Program providers with approved vocational-technical teacher preparation programs shall not lose official approval status until the state board of education has taken final action to disapprove the vocational-technical teacher preparation program: *Provided*, That programs shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the vocational-technical teacher preparation program for those candidates for certification currently enrolled in the vocational-technical teacher preparation program and who are scheduled to complete such vocational-

technical teacher preparation program within such academic years and for the purpose of regaining state board of education approval.

NEW SECTION

WAC 180-77A-037 Procedures for reestablishment of approval status for a vocational-technical teacher preparation program. The procedures for the reestablishment of state board of education approval of a vocational-technical teacher preparation program shall be the same as the procedure for initial approval as provided in WAC 180-77A-028 and 180-77A-029.

NEW SECTION

WAC 180-77A-040 Responsibilities of the designated program administrator. Each provider of an approved vocational-technical teacher preparation program pursuant to WAC 180-77A-029 shall require the administrator to coordinate the following responsibilities:

(1) Submit to the vocational-technical professional education council information required for obtaining and maintaining program approval.

(2) Coordinate the process established for the candidate's demonstration of required knowledge and skills.

(3) Establish procedures for providing the candidate with documentation of the successful demonstration of the required knowledge and skills.

(4) Establish a process to counsel the candidate's application process for certification.

(5) Coordinate management of operations and resources for the preparation program.

NEW SECTION

WAC 180-77A-057 Approval of vocational-technical teacher preparation program offered by an out-of-state provider within the state applicable to certification. No out-of-state provider shall offer a program of courses within Washington state for purposes of Washington state vocational-technical teacher certification without meeting all program approval requirements set forth in this chapter.

NEW SECTION

WAC 180-77A-165 General standards for all vocational-technical teacher certificate candidates. All candidates for initial vocational-technical teacher certification shall demonstrate competence in the following standards:

(1) Learning environments—The vocational-technical teacher is able to create and sustain safe learning environments which prepare diverse students for the workplace, advanced training, and continued education.

(2) Student characteristics and related instructional strategies—The vocational-technical teacher is able to identify the diverse needs of students and implement programs and strategies which promote student competency development and success.

(3) Personal and professional attributes—The vocational-technical teacher models personal and professional attributes and leadership skills which reflect productive life and work roles.

(4) **Partnerships**—The vocational-technical teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry, and families, which maximize resources and promote student self-sufficiency.

NEW SECTION

WAC 180-77A-170 Program area standards. In addition to the standards identified in WAC 180-77A-165, individuals completing baccalaureate programs from an approved college or university will demonstrate competency in the following standards in one or more of the following major categories of WAC 180-77-005.

(1) **Agriculture education.**

(a) The agriculture education teacher demonstrates essential skills and knowledge including the scientific/technical, safety and career information in the areas of: Natural resource science, agricultural economics, horticultural science, animal science, crop science, soil science, and agricultural technology and management.

(b) The agriculture education teacher demonstrates a philosophy of education which reflects the unique student/community and industry interaction and includes the technical, personal leadership, and school to work components which comprise a comprehensive agricultural education program.

(c) The agriculture education teacher develops a comprehensive instructional program based on identified agriculture industry needs while recognizing the social economic, demographic, diversity of the community in consultation with an appropriate advisory committee.

(d) The agriculture education teacher demonstrates personal and professional leadership skills as an integral part of agriculture programs and apply these competencies through the agriculture education student organization, FFA.

(e) The agriculture education teacher demonstrates the necessary skills and abilities to implement and manage a supervised agriculture experience including: Accounting practices, career experiences, entrepreneurial, and job-related skills.

(f) The agriculture education teacher develops and maintains a safe environment while dealing with agricultural chemicals, scientific apparatus and solvents during classroom, laboratory, and supervised agricultural experiences.

(g) The agriculture education teacher is able to develop and demonstrate the scientific process through the preparation of mechanical and research experiences in the classroom, laboratory, leadership, and supervised agriculture experiences.

(2) **Business education.**

(a) The business education teacher demonstrates workplace competencies in keyboarding and information processing, computer technology and applications, information systems and management, accounting principles and applications, business communications, and business systems, and procedures.

(b) The business education teacher demonstrates the ability to apply the principles of business management and entrepreneurship, leadership, economics, international business, business law, and computation.

(c) The business education teacher demonstrates teaching competence in keyboarding, information processing, and microcomputer applications; accounting and computation; specific business content areas of business management and procedures, business law, economics, business communications, career development, and work-based coordination; and integration of leadership development into the curriculum and management of Future Business Leaders of America (FBLA) activities.

(3) **Family and consumer sciences education.**

(a) The family and consumer sciences teacher demonstrates the ability to prepare students for family life and responsible participation and leadership in work and community roles.

(b) The family and consumer sciences teacher demonstrates knowledge and skills in individual and family wellness; resource creation, access maintenance and management; and individual and family development across the life span.

(c) The family and consumer sciences teacher creates environments and utilizes strategies which enhance student ability to value diverse populations and their contributions to society.

(d) The family and consumer sciences teacher demonstrates the ability to advocate for technological and societal change that benefits the family system.

(e) The family and consumer sciences teacher encourages the use of thinking skills and the planning process for problem solving and decision making through the designated vocational student organization for family and consumer sciences.

(4) **Marketing education.**

(a) The marketing education teacher models effective leadership traits and demonstrates the ability facilitate, supervise, and evaluate DECA student leadership activities.

(b) The marketing education teacher demonstrates the ability to link classroom learning of work and work-based learning to prepare students for the world of marketing.

(c) The marketing education teacher demonstrates a commitment to professional development.

(d) The marketing education teacher applies understanding of the foundations and functions of marketing, management, and entrepreneurial competencies.

(e) The marketing education teacher is able to successfully implement and provide leadership for a school-based enterprise as an instructional strategy.

(5) **Technology education.**

(a) The technology education teacher demonstrates knowledge and understanding of systems and concepts related to all areas of technological study referred to as core technologies including: Power and energy, controls, materials science, problem solving, and technology in society.

(b) The technology education teacher demonstrates knowledge and understanding of the relationship of mathematics, science, computer science, and communications to the technological process.

(c) The technology education teacher demonstrates competency in the areas of communications, manufacturing, construction, transportation, and bio-related with a concentration in at least one of the areas.

(d) The technology education teacher demonstrates ability to manage a traditional shop; as well as convert a

traditional shop to an exemplary technology education laboratory.

(e) The technology education teacher demonstrates knowledge and understanding of communications and technological concepts related to technical systems created for encoding, transmitting, receiving, decoding, storing, retrieving, and using information.

(f) The technology education teacher demonstrates the fundamental knowledge of manufacturing and manufacturing systems and technological concepts related to technical systems associated with research, extraction, processing, recycling, and conversion of materials for consumer and industrial goods.

(g) The technology education teacher demonstrates fundamental knowledge of construction and construction systems, including the technological concepts related to technical systems associated with the design, creation, and maintenance associated with construction of residential, commercial, industrial, and civil structures; as well as consideration of economics, management, power, and energy.

(h) The technology education teacher demonstrates knowledge and understanding of transportation systems, including technological concepts related to technical systems associated with the design, development, evaluation, and operation of subsystems, and components of terrestrial, marine, atmospheric, and space vehicles.

(i) The technology education teacher demonstrates knowledge and understanding of biological systems in areas such as botany, environmental biology, medical, and biotechnology and zoology.

NEW SECTION

WAC 180-77A-175 Work experience program standards. Individuals obtaining certification on the basis of business and industry work experience in the major categories of trade and industrial, health occupation, or any of the subcategories approved by the state board of education for WAC 180-77-005 shall be assessed on the basis of the requirements pursuant to WAC 180-77-041 and 180-77A-165.

NEW SECTION

WAC 180-77A-180 Vocational-technical teacher preparation specialty standards. In addition to the standards identified in WAC 180-77A-170 or 180-77A-175, individuals obtaining certification in the areas of coordinator of work-based learning or diversified occupations must demonstrate competency in the following standards.

(1) Coordinator of work-based learning.

(a) The work-based learning coordinator demonstrates the knowledge and ability to develop, implement, manage, and evaluate a diversified work-based learning program that utilizes local resources.

(b) The work-based learning coordinator models ethical behavior and demonstrates the ability to facilitate, supervise, and evaluate student leadership activities.

(c) The work-based learning coordinator demonstrates the ability to team with vocational-technical teachers and prospective employers to relate work-based learning with school-based learning and to measure student performance.

(d) The work-based learning coordinator demonstrates a commitment to professional development.

(e) The work-based learning coordinator demonstrates a current knowledge of the essential academic learning requirements and skills for entry level workers and uses a variety of methods to insure that students master the essential academic learning requirements.

(2) Diversified occupations.

(a) The diversified occupations teacher demonstrates competency in the areas of career exploration, employment acquisition, job retention, resource management (personal, community, workplace technology, consumerism), economic systems (entrepreneurship, economics), basis skills development, and leadership development.

(b) The diversified occupations teacher demonstrates the ability to link classroom learning with the world of work and coordinate work-based learning which prepares students for the world of work.

NEW SECTION

WAC 180-77A-195 Course work/internship waiver.

The provider of approved vocational-technical teacher programs may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university or approved provider determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

WSR 97-01-100

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed December 18, 1996, 12:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-045.

Title of Rule: New chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates.

Purpose: Rules governing standards for approval of educator certification programs are being revised/established to assure that educators in Washington state are prepared to work effectively in the education system created by the Improvement of Student Achievement Act of 1993.

Statutory Authority for Adoption: RCW 28A.305.120.

Summary: The process creates a new chapter which sets forth rules for standards for approval of certification programs for K-12 educators.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

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Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

**Chapter 180-78A WAC
APPROVAL STANDARDS FOR
PERFORMANCE-BASED PREPARATION PRO-
GRAMS FOR TEACHERS, ADMINISTRATORS,
AND EDUCATIONAL STAFF ASSOCIATES**

NEW SECTION

WAC 180-78A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130 (1) and (2) which authorizes the state board of education to approve educator preparation programs in institutions of higher education.

NEW SECTION

WAC 180-78A-004 Intent. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (ESHB 1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements.

NEW SECTION

WAC 180-78A-005 Purpose. In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the state board of education is establishing a newly designed performance-based preparation system for educators that will be aligned with these efforts. This chapter establishes the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by institutions of higher education in Washington state leading to teacher, administrator, and educational staff associates certification.

NEW SECTION

WAC 180-78A-006 Mission. The mission of the performance-based preparation system is to ensure that educators can demonstrate a positive impact on student learning as the foundation for preparing students to effectively participate in a diverse and democratic society.

NEW SECTION

WAC 180-78A-007 Minimum state standards. All state standards prescribed in this chapter for the approval of professional preparation programs are minimal standards for state approval. Where allowed colleges or universities may and are encouraged to develop program standards which exceed the minimums herein prescribed.

NEW SECTION

WAC 180-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is fully accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "A performance-based approved educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demon-

stration of a skill or skills related to the state goals and/or essential academic learning requirements.

NEW SECTION

WAC 180-78A-012 Organization of chapter 180-78A WAC. In order for users of this chapter to easily identify which sections apply to residency certificate programs and which sections apply to professional certificate programs, this chapter is organized as follows:

- (1) WAC 180-78A-000 through 180-78A-099 are applicable to both residency and professional certificate programs;
- (2) WAC 180-78A-100 through 180-78A-299 are applicable to residency certificate programs; and
- (3) WAC 180-78A-300 through 180-78A-399 are applicable to professional certificate programs.

NEW SECTION

WAC 180-78A-015 Professional education advisory committee. (1) The state board of education shall establish a professional education advisory committee to serve as the working committee of the board on matters pertaining to the preparation and certification of school personnel. The committee shall give advice and make recommendations to the board and the state superintendent about educator preparation and certification matters and participate in the review of preparation programs. The size of the committee shall be determined by the board but membership shall be comprised of regular members representing colleges and universities, specialized and general professional associations, school district administrators, school district boards of directors, nonpublic schools, the Washington state legislature, other business and lay organizations having interest in the preparation and certification of school personnel, and three members of the state board of education.

(2) The advisory committee shall have a four-member executive committee comprised of one member of the state board, one member representing higher education, one member representing certificated staff practitioners, and one member from among the other groups represented on the advisory committee. The chair of the advisory committee shall rotate at least every two years among the nonboard members of the executive committee.

(3) The executive committee shall have the authority to work with member groups, as necessary, to assure to the extent possible that the combined membership of the advisory committee reflects the racial, ethnic, geographic and gender diversity of the state.

(4) The advisory committee shall be responsible for adopting written operating procedures.

NEW SECTION

WAC 180-78A-025 Program approval. All programs leading to certification offered in Washington state to prepare teachers, principals, program administrators, superintendents, school counselors, school psychologists, and school social workers shall be approved pursuant to the requirements of this chapter.

NEW SECTION

WAC 180-78A-026 Existing approved programs. Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs. All professional education programs shall be reviewed for approval under the 1997 program approval standards by August 31, 2000. The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards. In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the approved preparation program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval. Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: *Provided*, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

NEW SECTION

WAC 180-78A-028 Procedures for initial approval of an educator preparation program. Each college or university desiring to establish a preparation program shall comply with the following:

(1) Advise the state board of education of the desire to establish the preparation program.

(2) Establish, pursuant to WAC 180-78A-065, the appropriate professional education advisory board.

(3) Develop, with the assistance of the professional education advisory board and designated officials of the state board of education, a written plan which provides timelines for the implementation of all applicable program approval standards during the first year of the preparation program and submit such report to the designated official of the state board of education for review and comment and, if requested, resubmit such plan to the designated official.

(4) Describe the criteria that the approved preparation program will use to assess, in multiple ways, over time, its candidates knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(5) Present the written plan to the state board of education which shall approve such written plan and grant initial approval status if the state board of education is satisfied that the college or university intends to meet all program approval standards in accordance with reasonable and practical timelines and that the college or university has made the needed commitments, specifically personnel and other resources, to implement the plan: *Provided*, That prior to making a judgment on the college or university's request for approval, the state board of education may review, if provided, written and oral evidence presented by the following:

- (a) The designated college or university official.
 (b) The superintendent of public instruction.
 (c) The chair of the applicable professional education advisory board.
 (d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.
 (6) The newly approved preparation program shall be approved for up to a two-year period.
 (7) During the second year of approval, the superintendent of public instruction shall conduct a site visit to determine if the program is in full compliance with the 1997 program approval standards.

NEW SECTION

WAC 180-78A-030 Length of time for which program approval status shall be granted. (1) The state board of education shall approve all preparation programs under the 1997 program approval standards for five years unless the state board of education approves a variation with the exception of new programs approved for up to two years under WAC 180-78A-028.

(2) The state board of education, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations are found, the state board of education is authorized to rescind program approval until the college or university submits an acceptable compliance agreement which will bring the preparation program into compliance as soon as reasonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the preparation program shall be placed on probationary status and the probationary status provision of WAC 180-78A-033 shall apply.

NEW SECTION

WAC 180-78A-033 Probationary status. Colleges and universities with approved preparation programs shall not lose official approval status until the state board of education has taken final action to disapprove the preparation program: *Provided*, That colleges or universities shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the preparation program for those candidates for certification currently enrolled in the preparation program and who are scheduled to complete such preparation program within such academic years and for the purpose of regaining state board of education approval.

NEW SECTION

WAC 180-78A-037 Procedures for reestablishment of approval status for an educator preparation program. The procedures for the reestablishment of state board of education approval of a preparation program shall be the same as the procedure for initial approval as provided in

WAC 180-78A-028 except that, if the preparation program continues to operate pursuant to the probationary status provision of WAC 180-78A-033, the state board of education may limit the content of the written plan required by WAC 180-78A-028(3) to program standards determined by the state board of education to be the cause of the college or university's probationary status.

NEW SECTION

WAC 180-78A-047 Annual reports by colleges and universities. Each college or university offering an approved preparation program shall submit annual reports covering the period from July 1 of the previous year to June 30 of the current year, containing the following:

- (1) An executive summary of the activities of each professional education advisory board.
- (2) Other material related to the preparation programs requested by the state board of education.

NEW SECTION

WAC 180-78A-057 Approval of preparation program offered by an out-of-state college or university within the state applicable to certification. No out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter and those set forth in the Degree Authorization Act, chapter 28A.85 RCW.

NEW SECTION

WAC 180-78A-060 Preparation of superintendents. In accordance with RCW 28B.10.140, the only public institutions authorized to prepare superintendents shall be the University of Washington and Washington State University.

NEW SECTION

WAC 180-78A-063 Responsibilities of deans, directors, or other designated administrators. Each college or university operating an approved preparation program shall require the dean, director, or other designee of the administrative unit required by WAC 180-78A-155(2) to coordinate the following college or university responsibilities:

- (1) Formation of professional education advisory boards.
- (2) Management of operations and resources for each preparation program.
- (3) Filing of affidavits and reports required by this chapter and chapter 180-79A WAC.
- (4) Dissemination of information relative to initial and continuing certification procedures and requirements.
- (5) The application process for certification.
- (6) Establishing and administering a process to counsel and assist applicants in the processing of applications for certificates and endorsements thereon: *Provided*, That colleges and universities need not provide such assistance to applicants who have completed less than fifteen quarter (ten semester) hours of course work at the respective college or university.

NEW SECTION

WAC 180-78A-065 Required professional education advisory board. Colleges and universities seeking approval by the state board of education as an approved preparation program and in order to maintain such approval status shall establish a professional education advisory board in accordance with the following:

(1) The program areas for which a college or university may seek approval and maintain an approved preparation program are:

- (a) Teacher.
- (b) Administrator.
- (c) Educational staff associate, school counselor.
- (d) Educational staff associate, school psychologist.
- (e) Educational staff associate, school social worker.

(2) A college or university may combine educational staff associate professional education advisory boards as long as one-half or more of the voting members are appointed by the associations representing the ESA roles involved and are divided equally among those roles.

(3) A college or university may have separate administrator professional education advisory boards for each administrator role as long as one-half or more of the voting members are appointed by the association representing the administrator role involved: *Provided*, That each administrator PEAB shall include at least one member appointed by AWSP and one appointed by WASA.

(4) The failure of a designated organization, as specified in WAC 180-78A-075 to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the approved preparation program to lose its approval status.

NEW SECTION

WAC 180-78A-068 Joint professional education advisory board. Any two or more colleges and/or universities may agree to have the same professional education advisory board for their respective preparation program at such college or university.

NEW SECTION

WAC 180-78A-073 Qualification to be appointed to professional education advisory boards. Except as otherwise provided in WAC 180-78A-074, appointees to service on professional education advisory boards from required agencies, other than the designee(s) of the college or university president, at the time of their appointment must be employed in or reside in a school district with which the college or university has a current written agreement to provide field experiences for students involved in the preparation program for which the professional education advisory board has responsibility. The purpose of this section is to ensure that the interest of such districts are considered in the deliberative process of the respective professional education advisory board.

NEW SECTION

WAC 180-78A-074 Additional membership on professional education advisory boards. Once established in accordance with the membership requirements of this chapter, professional education advisory boards may authorize the appointment of additional representatives from other school districts or other public and private agencies as long as one-half or more of the members of the professional education advisory board consist of representatives who meet the qualifications of WAC 180-78A-073 and who are from the role for which the professional education advisory board has responsibility. If any professional education advisory board receives a written request from other school districts or other public or private agencies for representation on such professional education advisory board, the current members of such professional education advisory board shall vote on such request at the next regular meeting of such board: *Provided*, That a college or university may elect to add private school representatives to a professional education advisory board without adding to the representation from the role for which the professional education advisory board has responsibility if the professional education advisory board authorizes such action by a majority vote.

NEW SECTION

WAC 180-78A-075 Professional education advisory boards—Membership. The professional education advisory boards shall at a minimum consist of the following:

(1) Teacher.

(a) One-half or more of the voting members shall be classroom teachers appointed by the president of the Washington Education Association: *Provided*, That a college or university that has placed more than fifty percent of its graduates of the teacher certification program within the previous three academic years in private schools may appoint up to one-half of the practitioners required by this subsection from nominations from faculties of private schools in which the college or university places student teachers or teachers.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one college or university representative who may serve in a voting or nonvoting role.

(2) Administrator.

(a) At least one-fourth of the voting members shall be administrators appointed by the president of the Association of Washington School Principals, and at least one-fourth of the voting members shall be administrators appointed by the president of the Washington Association of School Administrators.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one college or university representative who may serve in a voting or nonvoting role.

(3) School counselor.

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

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(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(4) School psychologist.

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(5) School social worker.

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

NEW SECTION

WAC 180-78A-080 Substitute pay for members of professional education advisory boards. Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

STANDARDS FOR APPROVING RESIDENCY CERTIFICATE PROGRAMS

NEW SECTION

WAC 180-78A-135 Candidate admission policies. Admission requirements to residency preparation programs shall include, but not be limited to, evidence that the candidate is competent in the basic skills required for oral and written communication, reading, and computation, demonstrated by one of the following options:

(1) Successful completion of an examination in the basic skills required for oral and written communication, reading, and computation; or

(2) Completion of a baccalaureate degree program; or

(3) Completion of a graduate degree program; or

(4) Completion of two or more years of college level course work and demonstrated basic skills competency through college level work and a written essay; or

(5) A combined score of more than the state-wide median score for the prior school year scored by all persons taking the Scholastic Assessment Test I: Reasoning Test or the American College Test (ACT).

NEW SECTION

WAC 180-78A-140 Program approval standards for approved preparation programs. The program approval standards for approved preparation programs for teachers, administrators, and educational staff associates are as follows:

(1) **Professional education advisory boards:** The college or university, in conformance with the provisions of WAC 180-78A-145, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each preparation program—i.e., teacher, administrator, school counselor, school psychologist, and school social workers.

(2) **Accountability:** Each college or university, in conformance with the provision of WAC 180-78A-150, has established a performance-based preparation program.

(3) **Resources:** A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78A-155, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in conformance with the provision of WAC 180-78A-160, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each college or university, in conformance with the provision of WAC 180-78A-165, has established policies requiring all candidates for certification to demonstrate knowledge and skills required for the particular certificate and areas of endorsement.

NEW SECTION

WAC 180-78A-142 Acceptance of alternative standards. For a given program, the state board of education may allow the substitution of the Council for Accreditation of Counseling and Related Education Program's (CACREP) or the National Association of School Psychologist's (NASP) standards for program approval standards (WAC 180-78A-140 (2) through (5)) for school counselor and school psychologist program approval. The state board of education may allow the substitution of the National Council for Accreditation of Teacher Education (NCATE) teacher education standards for program approval with any additions deemed necessary by the state board of education.

NEW SECTION

WAC 180-78A-145 Approval standard—Professional education advisory board. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated

to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-075.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board has reviewed annually follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board has seen, reviewed and approved annually an executive summary of the activities of the professional education advisory board for the period from July 1 through June 30 of the reporting year. The college or university has submitted the approved executive summary to the state board of education.

NEW SECTION

WAC 180-78A-150 Approval standard—Accountability. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates.

(2) Conduct follow-up studies of graduates, maintain placement records for all graduates and prepare annual placement and follow-up summaries.

(3) Submit annually the following to the state board of education for each approved program:

(a) The number of students enrolled in certificate programs during fall of the previous year;

(b) The number of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(c) Demographic characteristics, including gender, ethnicity, and citizenship of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(d) The number of full-time and part-time faculty and graduate teaching assistants teaching in approved programs during each term from summer through spring of the reporting year;

(e) Demographic characteristics of faculty teaching in approved programs including ethnicity and gender; and

(f) A brief narrative description of changes that occurred in certificate programs during the reporting year.

(4) Submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide

assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

Provided, Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

NEW SECTION

WAC 180-78A-155 Approval standard—Resources. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the resources program approval standard of WAC 180-78A-140(3):

(1) A separate administrative unit supports the preparation program whose composition and organization are clearly described in writing.

(2) An officially designated administrator is responsible for the management of operations and resources for the preparation program.

(3) Administrators and faculty in the preparation program have appropriate qualifications (including masters' or doctoral degrees) and have experience for the roles to which they are assigned.

(4) The institution has and implements an explicit plan with adequate resources to ensure hiring and retaining of a diverse faculty.

(5) Specific staff and/or faculty members in the unit are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.

(6) Financial resources are provided to support the preparation program.

(7) Facilities are provided to support the needs of the preparation program.

(8) Library, technology, and other informational resources must be sufficient in scope, breadth, and recency to support the preparation program.

NEW SECTION

WAC 180-78A-160 Approval standard—Program design. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-140(4):

(1) The curriculum is guided by a conceptual framework and is based on current research and best practice, is cohesive and integrated, is performance-based, and supports the state's student learning goals and for teacher preparation programs reflects the essential academic learning requirements.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-135 Candidate admission policies).

These candidates include members from underrepresented groups.

(3) Candidates attain/demonstrate academic competence in the educator role for which they are being prepared.

(4) A set of criteria/performances for program completion are established and published.

(5) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(6) Candidates complete an internship in which they demonstrate the required knowledge and skills: *Provided*, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-265, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-260.

(7) Programs reflect ongoing collaboration with P-12 schools.

(8) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: *Provided*, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

NEW SECTION

WAC 180-78A-165 Approval standard—Knowledge and skills. Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(5):

(1) **Teacher** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) The state goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including the essential areas of study for each endorsement area for which the candidate is applying (chapter 180-79A WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(k) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural backgrounds and with exceptionalities.

(l) Instructional strategies for developing critical thinking problem solving, and performance skills.

(m) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(n) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(o) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(p) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(q) Effective interactions with parents to support students' learning and well-being.

(r) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(s) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(t) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(u) Strategies for effective participation in group decision making.

(v) The standards, criteria and other requirements for obtaining the professional certificate.

(2) Effective August 31, 1997, **principal and program administrator** candidates will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying

and organizing information for use in decision making and monitoring.

(iii) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(ix) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements

or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) **Sensitivity:** Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensibilities.

(xvi) **Oral expression:** Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) **Philosophical and cultural values:** Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(xix) **Legal and regulatory applications:** Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) **Policy and political influences:** Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) **Public and media relationships:** Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) **Performance assessment.** An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(3) **Superintendent** candidates will complete a well-planned sequence of courses and/or experiences in an

approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) **Strategic leadership:** The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

- (i) Professional and ethical leadership.
- (ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

- (ii) Professional development and human resources.
- (iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

- (i) Organizational management.
- (ii) Interpersonal relationships.
- (iii) Financial management and resource allocation.
- (iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

- (i) Community and media relations.
- (ii) Federal and Washington state educational law, public policy and political systems.

(4) **School counselor** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation).

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating

disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, vocational, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) **School psychologist** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

(i) Learning theory.

(ii) Personality theory and development.

(iii) Individual and group testing and assessment.

(iv) Individual and group counseling and interviewing theory and techniques.

(v) Basic statistics.

(vi) Child development.

(vii) Exceptional children.

(viii) Social and cultural factors.

(ix) Deviant personality.

(x) Curriculum.

(xi) Research design.

(xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

(i) Intellectual and cognitive assessment.

(ii) Individual and group academic skills.

(iii) Personality assessment.

(iv) Assessment of perceptual skills.

(v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

(i) Data taking.

(ii) Frequency measures.

(iii) Qualitative and quantitative analysis of classroom behavior.

(iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

(i) Provide individual and group counseling to students and parents.

(ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

(i) Function on multidisciplinary teams in evaluating and placing students.

(ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

(i) Research. The candidate has knowledge and skill to:

(i) Evaluate and perform research.

(ii) Apply school-oriented research.

(iii) Construct criterion-referenced instruments with reference to such educational decisions as:

(A) Retention in grade.

(B) Acceleration and early entrance.

(C) Early entrance.

(6) **School social worker** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:

(i) Values.

(A) Knowledge of profession including values, skills, and ethics; and

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and
(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following practice:

(i) Theories of learning;

(ii) School law and professional ethics;

(iii) Computer technology in the workplace; and

(iv) Understanding of policies, laws, and procedures.

NEW SECTION

WAC 180-78A-195 Course work/internship waiver.

The college or university may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

NEW SECTION

WAC 180-78A-197 Special consideration for certain former para-educators.

An approved teacher preparation program may determine that a candidate who has work experience as a noncertificated para-educator may substitute his or her work experience for some teacher preparation program requirements if the candidate presents evidence that he or she has served as a para-educator within the previous seven years and that at least fifty percent of the candidate's work as a para-educator was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours in any one school year.

NEW SECTION

WAC 180-78A-201 Program approval—Teachers, collaboration with K-12 schools.

An approved preparation program annually shall develop and implement a plan to enhance the level of collaboration and interaction between the program's faculty and K-12 schools in the state. The plan shall require, to the maximum extent feasible, that each member of the full-time teacher preparation faculty annually provide instruction to students in the K-12 classroom in a public or approved private school setting in the state of Washington, during the regular school year. The instruction that will be provided must be in accordance with RCW 28A.405.010 and applicable state board of education rules.

NEW SECTION

WAC 180-78A-260 Program approval requirement—Field experience for school counselors.

Approved school counselor preparation programs shall require all students to complete a supervised internship in the schools that includes a minimum of four hundred hours of on the job professional service and one hour per week of individual supervision provided by the site supervisor. Site supervisors must be fully certificated school personnel and have a minimum of three years of professional experience in the role of school counselor. Faculty supervision including on-site visits will be provided on an ongoing basis. Prior to the internship, the student will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the student to develop basic counseling skills and integrate professional knowledge).

NEW SECTION

WAC 180-78A-265 Program approval requirement—Field experience for all administrators. An approved preparation program for administrators and, prior to August 31, 1997, for principals, shall require an internship of at least three hundred sixty hours: *Provided*, That effective August 31, 1997, an approved preparation program for principals shall require an internship which requires practice as an intern during a full school year. A "full school year" shall mean seven hundred twenty hours of which at least one-half shall be during school hours, when students and/or staff are present and include the principal performance domains as stated in WAC 180-78A-165: *Provided further*, That for a candidate seeking the P-12 principal certificate, the internship shall include P-12 administrative experience. The internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific skills pursuant to WAC 180-78A-165.

NEW SECTION

WAC 180-78A-266 Internship standards—State-funded administrator interns. (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

(a) Enrollment in a principal, superintendent or program administrator preparation program approved by the state board of education, pursuant to WAC 180-78A-028.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 180-78A and 180-79A WAC.

(c) Completion of up to forty-five internship days for school employees selected for a principal, superintendent or program administrator certification internship when K-12 students and/or staff are present; provided the internship shall meet the following criteria:

(i) The intern, mentor administrator and college/university intern supervisor shall cooperatively plan the internship, provided that the school district is encouraged to include teachers and other individuals in the internship planning process.

(ii) Principal and program administrator interns shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-165(2). Superintendent interns shall demonstrate competency in the standards identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-165(3).

(iii) The activities to be undertaken to implement the internship shall be outlined in writing.

(d) The intern, college/university supervisor and mentor administrator shall determine whether the intern days and the selected performance domains or competencies were demonstrated.

(2) Participating colleges/universities, and school districts may establish additional internship standards and shall report such standards to the state board of education.

(3) Each college/university shall submit a summary report of the internships to the state board of education.

STANDARDS FOR APPROVING PROFESSIONAL CERTIFICATE PROGRAMSNEW SECTION

WAC 180-78A-300 Professional certificate program approval. All professional certificate programs for teachers shall be approved pursuant to the requirements in WAC 180-78A-320 through 180-78A-365.

NEW SECTION

WAC 180-78A-301 Overview—Professional certificate program. Teachers who complete approved programs after August 31, 2000, shall be issued residency certificates that shall be valid for five years. To obtain a professional certificate, the residency teacher will need to have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to have completed a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and 18 criteria, pursuant to WAC 180-78A-365, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning.

During the implementation phase of the program, the employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates) and an individual selected by the candidate from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association, or educational service district) shall collaborate along with the college or university and the candidate in the development of an individualized professional growth plan.

The individualized professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria.

The individualized professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria.

The final component of the program will be an assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the approved program has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-302 through 180-78A-306.

NEW SECTION

WAC 180-78A-302 Field tests—Professional certificate approved programs. WAC 180-78A-300 through 180-78A-399 contain the rules and regulations for establishing a state board of education professional certificate approved program. These rules and regulations will become mandatory for teachers with residency certificates issued after August 31, 2000. The state board of education, or its designee, will establish procedures for approving a number of field tests which may lead to revisions in these rules and regulations prior to August 31, 2000.

The purpose of the field tests is to determine the system-wide feasibility of the proposed performance-based professional certification program, including the validity of the standards and criteria in WAC 180-78A-365.

The superintendent of public instruction will make relevant materials available and provide technical assistance to agencies and/or individuals participating in the field tests.

NEW SECTION

WAC 180-78A-303 Field tests—Selection of participating programs. Selection of programs by the state board of education or its designated agency to participate in the field tests will be based on the following:

(1) Eligibility criteria:

(a) Each college or university with an approved teacher preparation program is eligible to apply to conduct a field test of the professional teacher certification program.

(b) The field tests will require participating agencies and individuals to implement all of the components of the approved program as described in WAC 180-78A-320, 180-78A-340, 180-78A-345, 180-78A-350, 180-78A-355, 180-78A-360, and 180-78A-365, including the collection of data relevant to the issues to be addressed in WAC 180-78A-306.

(2) Applications for a limited number of field tests at public and private colleges and universities (for example, six) shall be approved according to the following selection criteria:

(a) The extent to which a specific application enhances the geographic diversity of the complete field test: Including, but not limited to, the identification of the public or private colleges and universities and identification of the specific school districts that will participate (e.g., suburban, rural and remote school districts, and private schools).

(b) The detailed workplan in the application with timelines for sufficient planning, implementation, and evaluation including, but not limited to, the following:

(i) Identification of two or more school districts that will participate in the field test.

(ii) Estimated number of candidates that will be involved in the field test.

(iii) Identification of professional certificate program administrator of the field test and/or a description of the qualifications of the person to serve in the role.

(iv) Experience and/or expertise in:

(A) Implementation of alternative delivery systems in rural and remote areas.

(B) Performance-based teacher assessment.

(C) Collaborative development of teacher education programs.

(c) The process described in the application for evaluating the field test, including a review of how such a program could be implemented collaboratively and in a cost-effective manner throughout the state.

(3) Timelines:

(a) On or before March 15, 1997, the state board of education will issue requests for proposals for field testing the professional certificate program.

(b) Proposals will be due by May 15, 1997.

(c) The state board of education or designated agency will approve field test proposals on or before June 15, 1997.

(d) Field test programs shall begin in accordance with the timeline submitted in the application.

NEW SECTION

WAC 180-78A-304 Field tests—Alternative models. The state board of education, or its designated agency, may waive one or more of the requirements in WAC 180-78A-301 through 180-78A-365, if compelling evidence is presented.

NEW SECTION

WAC 180-78A-305 Field tests—Participating teachers. Teachers who participate in the field test shall be issued professional certificates if the collaborating agencies verify that they have successfully completed the state board of education approved field test. Teachers who participate in the field test, who do not meet the requirements for the professional certificate, will be allowed to meet the requirements for the continuing certificate. In addition, participation in the field tests shall qualify teachers for one renewal, if needed, of their initial certificate.

NEW SECTION

WAC 180-78A-306 Field tests—Evaluation criteria. Programs approved for the field tests shall collect data related to all of the following criteria during and at the conclusion of the field test. Participating agencies shall provide interim reports at least annually and a final report, including recommendations for changes to the *Washington Administrative Code*, to the state board of education on the following criteria:

Demographics:

(1) Can the professional certificate program be implemented in a fair and equitable manner for:

(a) Teachers in any community: Rural and urban, near a college or university, or distant from a college or university,

(b) All teachers, e.g., public and private, elementary, secondary, special education and vocational teachers?

Standards:

(2) Are the three standards and the 18 criteria:

(a) The most appropriate and relevant standards and/or criteria?

(b) In need of revision (including additions or eliminations)?

(c) Supportive of the state goals and/or essential academic learning requirements?

Assessment:

(3) What should the role of each of the agencies involved in the implementation of the program be in regard to assessment?

(4) Are the assessments of the standards and criteria valid?

(5) What assessment procedures and benchmarks determine that a candidate has successfully demonstrated the standards and criteria in WAC 180-78A-365?

(6) For which of the standards and criteria can evidence of positive impact on student learning be obtained?

(7) What forms of evidence of impact on student learning should be required?

(8) How have collaborating agencies implemented the requirement that candidates provide "multiple forms of evidence, over time"?

(9) Is an "assessment seminar" the best means to assess the candidate's demonstration of the standards and criteria?

Could or should some/all of the standards and criteria be demonstrated through courses/activities in the instruction or assistance components of the individualized professional growth plan?

Implementation:

(10) What are the logistical challenges and time requirements associated with developing and implementing professional certificate programs for candidates and collaborating agencies and individuals?

(11) What are the direct and indirect costs associated with implementing professional certificate programs, especially to the candidate and how were the collaborating agencies and individuals compensated for their involvement?

(a) Can professional certificate programs be implemented primarily on candidate fees/tuition basis?

(b) Did the professional certificate programs utilize other financial resources?

(12) Which aspects of the professional certificate program should require traditional college course work, and which aspects of the program should provide alternatives to this course work?

Professional growth plans:

(13) How were the candidates' student/learning contexts and preassessments used to develop the individualized professional growth plan?

(14) How were the individualized professional growth plan and the instruction and assistance components organized and delivered?

(15) How were the individualized professional growth plan and the instruction and assistance components aligned

with the state's goals and essential academic learning requirements?

Other:

(16) What other relevant information needs to be reported to the state board of education as a result of the field tests?

NEW SECTION

WAC 180-78A-320 Responsibilities of the professional certificate administrator. Each approved professional certificate program shall identify a professional certificate administrator who shall have the primary responsibility for the overall administration of the program. The person serving as the professional certificate administrator may be an employee, or a joint employee, representing any of the collaborating agencies participating in the program.

NEW SECTION

WAC 180-78A-340 Program approval standards for professional certificate approved programs. The program approval standards for approved programs for teachers are as follows:

(1) **Professional education advisory boards.** The professional certificate program, in conformance with the provisions of WAC 180-78A-145 and 180-78A-345, has established and maintained a professional education advisory board to participate in decisions related to the development, implementation, and revision of the professional certificate program for teachers.

(2) **Accountability.** Each professional certificate program, in conformance with the provision of WAC 180-78A-350, has established a performance-based program.

(3) **Resources.** The professional certificate program, in conformance with the provision of WAC 180-78A-355, is responsible for providing the resources needed to develop and maintain quality professional programs.

(4) **Program design.** Each professional certificate program, in conformance with the provision of WAC 180-78A-360, is responsible for establishing a collaboratively developed, individualized, approved professional certificate program.

(5) **Knowledge and skills.** Each professional certificate program, in conformance with the provision of WAC 180-78A-365, has established policies requiring all candidates for certification to demonstrate the standards and respective criteria for obtaining the professional certificate.

NEW SECTION

WAC 180-78A-345 Approval standard—Professional education advisory board. The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-340(1).

(1) The professional education advisory board established for the preservice program in accordance with WAC 180-78A-075 shall also serve as the professional advisory board for the professional certificate program.

(2) The professional education advisory board has participated in the development of the professional certificate program and has recommended approval of the proposed

program prior to its submission to the state board of education for approval.

(3) The professional education advisory board has reviewed the annual summary on the status of all candidates in the program required by WAC 180-78A-350(7).

(4) The professional education advisory board has made recommendation(s), as appropriate, for program changes to the professional certificate administrator who shall implement the recommendation(s) within twelve months, or provide a rationale for why the recommendation(s) was not implemented.

NEW SECTION

WAC 180-78A-350 Approval standard—Accountability. The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-140(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based professional certificate program for teachers.

(2) Provide documentation that the respective professional education advisory board has participated in the development of and has approved the proposal.

(3) Identify the professional certificate administrator who shall be responsible for the administration of the professional certificate program.

(4) Describe the major responsibilities of each of the collaborating agencies. Identify the staff from one or more of the collaborating agencies who will be assigned the responsibility for reviewing applications for the professional certificate program; advising candidates once accepted; developing and implementing the individualized professional growth plan, the instruction and assistance components, and the assessment seminar; maintaining current records on the status of all candidates accepted into the professional certificate program; and for serving as the liaison with the superintendent of public instruction certification office in order to facilitate the issuance of the professional certificates when candidates have met the required standards.

(5) Establish the admission criteria that candidates for the professional certificate will need to meet in order to be accepted into the collaboratively developed professional certificate program.

(6) Describe the procedures that the approved program will use to determine that a candidate has successfully demonstrated the standards and criteria for obtaining the professional certificate.

(7) Prepare an annual summary on the status of all candidates in the program and submit the summary to the professional education advisory board.

(8) Submit any additional information to the professional education advisory board that it requests.

(9) Facilitate an on-site review of the program when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education.

Provided, That the on-site reviews shall be scheduled on a five-year cycle unless the state board of education approves a variation in the schedule.

Provided further, That institutions seeking National Council for the Accreditation of Teacher Education accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation whenever possible.

NEW SECTION

WAC 180-78A-355 Approval standard—Resources. The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the resources program approval standard of WAC 180-78A-340(3):

(1) Administrators, faculty, and teachers implementing the professional certificate program have appropriate qualifications (either academic, experience, or both for the roles to which they are assigned). Such responsibilities shall be shared, as appropriate, between and among the collaborating agencies.

(2) One of the collaborating agencies is assigned the responsibility for maintaining fiscal records in order to monitor and report on the costs of implementing the program both to the collaborating agencies as well as to the candidates whose fees and tuition costs should be primary source of fiscal support for the program.

(3) Instructional, technological, and other needed resources must be sufficient in scope, breadth, and recency to support the professional certificate program.

NEW SECTION

WAC 180-78A-360 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) To be eligible to apply for admission to a professional certificate program, a candidate shall be contracted as a teacher in a public or a state board of education approved private school and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

(2) The professional certificate program must be available to all candidates who are admitted to the program in Washington in a timely, fair, equitable, and fiscally responsible manner.

(3) The professional certificate program shall be collaboratively developed by an existing professional education advisory board with representation from its collaborating agencies. Additional agencies may participate in the development of the program if the professional education advisory board so chooses.

(4) Each program shall consist of:

(a) An individualized professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required to obtain the professional certificate.

(b) An assessment seminar designed to provide a variety of assessment opportunities for the candidate to demonstrate successfully each of the criteria related to the standards, pursuant to WAC 180-78A-365 and which may include college or university credit hours.

(5) The individualized professional growth plan shall be based on:

(a) An analysis of the instructional context for determining the appropriate strategies by which the teacher will be able to have a positive impact on student learning. In developing the analysis, consideration should be given, but not limited to, the following data collected in collaboration with the school district or building:

(i) The resources available at the approved private school or school district to support the instruction, including: Textbooks, technological resources, the assignment of teacher assistants, and administrator and/or peer teacher support;

(ii) The teaching assignments(s);

(iii) The age(s) and maturity of the students;

(iv) The number of special needs students in any specific class; and

(v) Other.

(b) A preassessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(6) A representative of the college/university, a representative of the candidate's employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates), and a representative, selected by the candidate, from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association or educational service district) as well as the candidate, shall participate in the development and approval of the professional growth plan.

(7) The individualized professional growth plan shall include assistance and instructional components and shall specify any required course work which may include college and university credit hours.

(8) The assessment seminar shall include performance-based assessments which shall include:

(a) K-12 student achievement data, whenever appropriate, related to one or more of the essential academic learning requirements now being developed by the commission on student learning.

(b) Evidence of a positive impact on student learning as defined in WAC 180-78A-010(8) for the standard of effective teaching. In determining positive impact on student learning, the candidate, in consultation with one or more of the collaborating agencies, shall determine, prior to instruction, the level of appropriate achievement of the K-12 student based on the analysis of the instructional context described in WAC 180-78A-360 (5)(a). The positive impact on student learning will then be determined on the basis of the extent to which the level of achievement was met. Candidates may need to repeat these assessments a number of times, utilizing alternative instructional strategies in order to demonstrate consistently a positive impact on student learning.

(c) A focus on the achievement of all, or a limited number of, students in a class. Teachers will not be required to provide assessment data for all their students for the full range of potential content and learning objectives.

(d) Multiple forms of evidence presented over time which may include, but are not limited to, the following: Classroom-based evidence of student learning; portfolios;

statements from parents, peer teachers, and/or administrators; and student scores on standardized achievement tests.

(9) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the assessment component and on the forms of relevant evidence that the candidate may submit.

(10) Candidates who do not successfully complete the assessment component shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

NEW SECTION

WAC 180-78A-365 Approval standard—Knowledge and skills. The following standards and criteria must be demonstrated successfully by the candidate in order to obtain a professional certificate:

(1) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for effective teaching which ensure student learning by:

(a) Using effective teaching practices;

(b) Using assessment to monitor and improve instruction;

(c) Establishing and maintaining a positive, student-focused, learning environment;

(d) Designing and/or adapting challenging curriculum that is developmentally appropriate;

(e) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

(f) Using information on student achievement and performance to advise and involve students and families;

(g) Integrating technology into instruction and assessment; and

(h) Informing, involving, and collaborating with parents and families to support student success.

(2) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(a) Evaluating the effects of his/her teaching through feedback and reflection;

(b) Establishing goals for professional improvement;

(c) Designing and implementing personal professional growth programs; and

(d) Remaining current in subject area(s), theories, practice, and research.

(3) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

(a) Participating in activities within the school community to improve curriculum and instructional practices;

(b) Participating in professional and/or community organizations;

(c) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

(d) Demonstrating communication skills and/or strategies that facilitates group decision making;

(e) Participating collaboratively in school improvement activities; and

(f) Incorporating democratic principles into his/her practice.

WSR 97-01-101
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed December 18, 1996, 12:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-042.

Title of Rule: Chapter 180-77 WAC, Standards for vocational certification.

Purpose: The proposed amendments are needed to clarify existing rules and policies for vocational certification and to modify the experience requirement.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: The proposed amendments clarify existing rules and policies for vocational certification and modify the experience requirement.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

WAC 180-77-003 Definitions. The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education which complies with chapter 180-78 WAC.

(2) "Vocational educator training" shall mean those vocational programs, courses, seminars and workshops offered for the purpose of vocational certification in compliance with chapter 180-85 WAC.

(3) "General safety" shall mean course work approved by the state board of education and/or its designee that is

designed to provide skill and knowledge common to all vocational instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the vocational instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

(6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

(7) "Occupational experience" shall mean paid or unpaid work experience in the career field to be taught.

(8) "One year of occupational experience" shall equal two thousand hours of employment.

(9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

(10) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.

(11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of occupational experience.

(12) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge in the discipline in which the application is being made.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

WAC 180-77-031 Requirements for vocational certification of instructors who complete approved college/university programs. Candidates for certification through the completion of approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081, 180-75-085 (1) and (2), and chapter 180-78 WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university (~~and shall have completed~~) which includes a minimum of forty-five quarter hours of study in the specific vocational (~~field~~) subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the major categories of WAC 180-77A-170, Program area standards.

(c) Candidates for the initial certificate shall complete a state approved vocational teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant vocational (~~field~~) subject area.

~~((e))~~ (d) Candidates for the initial certificate shall (~~also~~) demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques.

~~(Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of ten quarter hours of competency-based course work in the above areas.~~

~~(d))~~ (e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(f) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) ((within the past six years)) in the specific vocational field for which certification is sought. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject ((matter)) area certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject ((matter)) area to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject ((matter)) area certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

- (i) Six quarter hours or sixty clock hours of vocational educator training;
- (ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;
- (iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

WAC 180-77-041 Requirements for vocational certification of instructors ((who do not complete approved college/university programs)) on the basis of business and industry work experience. Candidates for

certification who have not completed approved programs set forth in WAC 180-77A-028 shall complete the following requirements in addition to those set forth in WAC 180-75-081 and 180-75-085 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific vocational ((field)) subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall ((also)) demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques((?)).

~~((vii)) School law;~~

~~((viii)) Issues related to abuse as specified in WAC 180-78-165(3).))~~

(c) Provided, until such time as ((the state board of education establishes approved procedures for the demonstration of the above knowledge and skills)) two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of vocational educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(d) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

(i) School law;

(ii) Issues related to abuse as specified in WAC 180-78-165(3).

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing

certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

WAC 180-77-120 Out-of-state candidates. Out-of-state applicants shall be eligible for Washington vocational certificates if they meet the standards in chapter 180-77 WAC or as follows: Provided, That candidates who apply for a vocational certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition of the issuance of a vocational certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

(a) Qualifies under provisions of the interstate compact;

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79-049;

(c) Holds an appropriate vocational certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed the ten quarter hours of academic study as specified in WAC ((180-77-031)) 180-77-041 (1)(c).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

WSR 97-01-102
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed December 18, 1996, 12:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-040.

Title of Rule: New chapter 180-79A WAC, Standards for teacher, administrator and educational staff associate certification; and repeal of chapter 180-75 WAC, Professional certification—General provisions and chapter 180-79 WAC, Professional certification—Preparation requirements.

Purpose: A new performance-based certification system for educators is being established by the State Board of Education to prepare individuals to work effectively with students in the education system created by the Improvement of Student Achievement Act of 1993.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: This process creates new chapter 180-79A WAC which sets forth rules for a new performance-based certification system and recodifies and/or consolidates certain rules from the current chapters 180-75 and 180-79 WAC. It also repeals chapters 180-75 and 180-79 WAC.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

Chapter 180-79A WAC
STANDARDS FOR TEACHER, ADMINISTRATOR,
AND EDUCATIONAL STAFF ASSOCIATE
CERTIFICATION

PROPOSED

NEW SECTION

WAC 180-79A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for the certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130(5) which authorizes the state board of education to specify the types and kinds of certificates necessary for the several departments within the common schools. (Note: RCW 28A.195.010 (3)(a) requires most private school classroom teachers to hold appropriate state certification with few exceptions.)

NEW SECTION

WAC 180-79A-005 Purpose. The purposes of this chapter are to establish the various certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

NEW SECTION

WAC 180-79A-010 State board of education performance-based certification system. The state board of education establishes a performance-based certification system to be fully implemented for all candidates applying for certification after August 31, 2000. The performance-based certification system shall include the issuance of a residency certificate, a professional certificate, and other certificates which the state board of education may add in the future.

NEW SECTION

WAC 180-79A-012 Public policy purposes of state board of education performance-based certification system. The policy purposes of state board of education performance-based certification system are:

- (1) To provide qualified educators for the emerging performance-based P-12 education system.
- (2) To assure that practitioners are more directly involved in decisions related to professional practice.
- (3) To recognize that there is a distinction between the level of competence of beginning educators and the competency of educators who have been able to demonstrate their competencies at a professional level.
- (4) To assure that all educators demonstrate their competencies before attaining the status of a professional educator.
- (5) To establish a certificate level that recognizes service at a high level of achievement.
- (6) To assure that all residency educators have the support required to assist them through their induction.
- (7) To assure each educator has a professional development plan.

NEW SECTION

WAC 180-79A-013 Knowledge and skill requirements of the performance-based certification system—Teachers. Each of the knowledge and skills required for the preparation and certification of teachers shall relate to one or more of the following three standards that all teachers will be required to demonstrate: Effective teaching, professional development, and leadership. The emphasis in the preservice preparation programs shall be on effective teaching; the emphasis in the program for the professional certificate shall be divided among each of the three categories; during the remainder of the teacher's career, the emphasis should be on professional development and leadership.

NEW SECTION

WAC 180-79A-015 Washington advisory council for professional certification standards—Purpose and selection. The state board of education shall establish, no later than December 31, 1997, Washington advisory councils for professional teaching standards for teachers, administrators, and educational staff associates. The purpose of the councils shall be to serve as working councils of the state board of education to advise the state board of education regarding the development and implementation of the certification system to be implemented in the year 2000.

(1) A majority of the advisory councils' members shall be practitioners in their respective roles.

(2) The state board of education shall solicit recommendations from the appropriate professional organizations for persons to serve on the councils.

(3) The board of education shall appoint council members on the basis of the recommendations received with consideration being given to educator roles, geographic distribution, gender, race, and ethnicity.

NEW SECTION

WAC 180-79A-020 Washington advisory council for professional teaching standards—Duties. (1) The Washington advisory council for professional teaching standards shall present recommendations to the state board of education in regard to the following:

(a) Establishing parameters for the development, monitoring, and evaluation of the field-tests of the professional certificate.

(b) Exploring the role of WACPTS in the alignment and review of the relationship between the standards for the residency certificate and the standards for the professional certificate.

(c) Exploring the role of WACPTS as an appeals board in certification matters.

(d) Monitoring and recommending revisions to the criteria for renewing the residency and professional certificate to ensure equity and fairness.

(2) In addition, WACPTS shall:

(a) Continue the discussion of the third level certificate; and

(b) Serve in a communications role regarding the performance-based certification system.

NEW SECTION

WAC 180-79A-022 Washington advisory councils for professional administrator standards and professional educational staff associates standards—Duties. The Washington advisory councils for professional administrator standards and for educational staff associate standards shall present recommendations to the state board of education no later than September 30, 2000, in regard to the following:

- (1) Standards to be used to obtain the professional certificates;
- (2) Standards for renewing the professional certificate;
- (3) Standards for obtaining the professional career certificate; and
- (4) The policies for implementing these standards.

In addition, the councils shall submit recommendations for the future composition, term of membership and responsibilities of the councils.

NEW SECTION

WAC 180-79A-025 Organization of chapter 180-79A WAC. In order for users of this chapter to easily identify which rules are applicable to the performance-based certification system and which rules are applicable to previous certification systems, the remainder of this chapter is organized as follows:

- (1) WAC 180-79A-100 through 180-79A-399 are applicable to all certification systems.
- (2) WAC 180-79A-400 through 180-79A-499 are applicable to certification systems preceding the performance-based system.
- (3) WAC 180-79A-500 through 180-79A-599 are applicable to the performance-based certification system.

NEW SECTION

WAC 180-79A-101 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 180-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended or regained.

(4) "Classroom teaching" means instructing pupils in an instructional setting.

(5) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: *Provided*, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction

that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

(6) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

NEW SECTION

WAC 180-79A-105 Equivalency of standards. Reasonable flexibility in interpretation of the requirements for certification may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. For example, advanced degrees in the same or related fields may be substituted for required lesser degrees. An annual report of the use of this rule shall be submitted to the state board of education by the superintendent of public instruction.

NEW SECTION

WAC 180-79A-110 Denial of application for certification or endorsement by approved professional preparation training institutions. Any person whose application for certification or for an endorsement is denied by an institution of higher education within the state with an approved professional preparation program, after exhausting any appeal procedures established by such institution, may apply directly to the superintendent of public instruction for such certificate or endorsement.

NEW SECTION

WAC 180-79A-115 Validity date. The validity date of a certificate or permit shall be the actual date of issuance.

NEW SECTION

WAC 180-79A-117 Uniform expiration date. All certificates issued for one or more stated years shall expire on August 31 of the stated year and shall be calculated as follows:

(1) Certificates issued prior to October 1 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the same calendar year regardless of the date of issuance.

(2) Certificates issued October 1 or later in the calendar year, other than limited certificates issued pursuant to WAC 180-79A-230, shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the next calendar year regardless of the date of issuance.

(3) All such certificates issued prior to the effective date of this section and scheduled to expire prior to August 31 of a given year, regardless of such stated expiration date, shall be valid until August 31 of the stated year of expiration.

NEW SECTION

WAC 180-79A-120 Certificate replacement. The superintendent of public instruction shall issue a replacement certificate to any person who files an application, pays the appropriate certification fee, and verifies by signature that

the original certificate has been lost or destroyed or that a legal name change has occurred.

NEW SECTION

WAC 180-79A-122 Good moral character and personal fitness—Necessary supporting evidence by applicants. All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) *Provided*, That, if the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a professional certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

NEW SECTION

WAC 180-79A-125 Affidavits from applicants. An individual's application for certification shall be signed under oath that the statements therein are true and correct. The application if not notarized by a notary public must conform with the formalities prescribed in RCW 9A.72.085. In addition, the application shall state that any knowingly false statement therein is punishable under perjury laws of the state of Washington.

NEW SECTION

WAC 180-79A-126 Other affidavits from applicants and certificate holders. Whenever this chapter requires an applicant or certificate holder to file an affidavit, it shall be in the same form as required by WAC 180-79A-125.

NEW SECTION

WAC 180-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing certificate is seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity:

(d) *Provided*, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does

not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

NEW SECTION

WAC 180-79A-131 Use of fee for certification. (1) Certification fees will be used solely for precertification preparation, professional in-service training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 and 180-78A-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

(e) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and in-service activities.

NEW SECTION

WAC 180-79A-140 Types of certificates. Four types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The vocational certificate authorizes service in vocational programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: *Provided*, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

NEW SECTION

WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates. The following requirements are to be met by candidates for certification as teachers including vocational teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-122 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: *Provided*, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-205.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-205, 180-79A-230, 180-79A-236, and 180-79A-241 and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must hold a valid teacher's certificate, excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 or chapter 180-77 WAC, or comparable out-of-state certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, or program administrator certificate; excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 or chapter 180-77 WAC, or comparable out-of-state certificates.

NEW SECTION

WAC 180-79A-160 Certificates—Previous standards.

(1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 180-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsection (7) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the state board of education may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification.

(8) Any person whose certificate, subject to expiration and issued under previous standards, has expired shall apply, except as noted under this section, for a new certificate pursuant to WAC 180-79A-161.

NEW SECTION

WAC 180-79A-161 Application for certification. An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-79A-170 or renewal pursuant to WAC 180-79A-165, or unless otherwise stipulated by the provisions of WAC 180-79A-160 must meet the requirements in effect at the time of application.

NEW SECTION

WAC 180-79A-165 Renewal of certificate. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of WAC 180-79-160.

NEW SECTION

WAC 180-79A-170 Reinstatement of certificates. Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-79A-150(2) for candidates for certification.

(2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(3) *Provided*, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-79A-161 for a new certificate under requirements in effect at the time of application.

NEW SECTION

WAC 180-79A-200 Certification of out-of-state trained educational personnel—Interstate educational personnel contracts. The superintendent of public instruction is authorized to enter into interstate educational person-

nel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.690.010 and 28A.690.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

NEW SECTION

WAC 180-79A-205 Out-of-state candidates. Candidates for certification from other states shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact.
 (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Holds an appropriate degree from a regionally accredited college or university and also holds or has held an appropriate certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years.

(d) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(2) Continuing certificate. The continuing certificate shall be issued through August 31, 2000, on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates only if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) An approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

NEW SECTION

WAC 180-79A-210 Establishing equivalency for course work, degrees and programs completed in countries outside the United States. Certification candidates who have completed degree and/or approved professional preparation programs in a country other than the United States may be required to submit:

(1) A statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency

approved by the office of the superintendent of public instruction.

(2) A statement from an official of the college or university where the certification program was completed, indicating completion of the program and approval of the program by the agency governing certification in that country.

NEW SECTION

WAC 180-79A-215 Endorsements on teacher certificates for out-of-state candidates. Washington shall issue endorsements, where comparable endorsements exist, to candidates on the basis of endorsements awarded by other states: *Provided*, That in those subject areas where minimum credits are required for funding purposes, that number of credits shall be required to obtain the endorsement in these subject areas, e.g., special education, vocational education and traffic safety.

NEW SECTION

WAC 180-79A-220 Teacher and principal exchange permits. Teacher and principal exchange permits may be issued by the superintendent of public instruction to an individual admitted to the United States for the purpose of serving as an exchange teacher or principal. Such teacher or principal exchange permits shall be valid for one year and may be renewed once.

NEW SECTION

WAC 180-79A-225 Temporary permits. Temporary permits may be issued by the superintendent of public instruction and designated agents under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-79A-150(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction or designated agents—i.e., educational service districts or Washington state institutions of higher education.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for one hundred eighty consecutive calendar days unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer.

(5) The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.

(6) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

NEW SECTION

WAC 180-79A-230 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) Such certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons:

(i) Who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2); and

(ii) Who are highly qualified and experienced in subject matter to be taught in the common or nonpublic schools; or

(iii) Who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(iv) Who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(v) Who possess a state of Washington license for a registered nurse: *Provided*, That the district will be responsible for orienting and preparing individuals for their assignment as described in (c)(ii) of this subsection; or

(vi) Who have completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(b) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent or approved private school administrator;

(ii) The district or educational service district superintendent or approved private school administrator will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field.

(c) When requesting the conditional certificate for persons who are highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or

approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(ii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iii) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(d) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district or approved private school.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) *Provided*, That if the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: *Provided*, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: *Provided further*, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall

be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: *Provided further*, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-220 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

NEW SECTION

WAC 180-79A-236 Instructional specialist certificate. In order to provide opportunities for persons of unusual distinction or exceptional talent to teach in Washington, the state board of education establishes the instructional specialist certificate that shall be issued under the specific circumstances set forth below:

Instructional specialist certificate.

(1) Such certificates are issued upon application by the local school district or educational service district superintendent or approved private school administrator for a limited assignment and responsibility in a specified activity/field to persons:

(a) Who have unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards;

(b) Whose records of accomplishments or awards are documented by the local school district or educational service district superintendent or approved private school administrator who has requested such a certificate;

(c) Who meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2).

(2) Individuals who meet the following conditions may apply directly to the state board of education:

(a) They intend to teach in more than one school district or approved private school on an occasional or part-time basis;

(b) They provide documentation that there is widespread recognition at the state and/or national level of their unusual distinction or exceptional talent; and

(c) They meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2).

(3) Such certification applications will be reviewed by the office of the superintendent of public instruction and approved by the state board of education before issuance of the certificate.

(4) The hiring school districts or educational service district superintendent or approved private school administrator will establish the following conditions for employment:

(a) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or

approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(b) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to teaching the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(c) Within the first sixty working days of employment, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of study in pedagogy and/or child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(5) The certificate is valid for two years or less and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter only upon application to and approval by the state board of education. Such application shall include recommendations from all employing school districts or approved private schools, describing the extent to which the person was successful in his or her teaching assignment.

NEW SECTION

WAC 180-79A-241 Internship certificate. In order to broaden the base of persons eligible to pursue teaching careers, the state board of education establishes a teaching internship certificate pilot project under the specific circumstances set forth below:

Internship certificate.

(1) Candidates shall be eligible for internship certificates which allow the holder full authority to serve as a part-time or full-time teacher and will be subject to the local school district's or approved private school's evaluation procedures under the following conditions:

(a) Persons must possess a master's degree and have a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study; or a bachelor's degree with a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study and at least five years of relevant work experience, subsequent to the bachelor's degree, as determined by the college or university;

(b) Candidates must be admitted to an approved Washington state college or university teacher education program, and hold a contract for employment as a teacher in a participating school district or approved private school or be given written notice of other program or placement options if the candidate does not hold a contract. Candidates would be eligible for the internship certificate only upon completion of the college or university course work, as specified in subsection (2)(d) of this section, and employment in a participating school district or approved private school;

(c) Notwithstanding the provisions above or other provisions in this section, in order to conduct a field test of an alternative model for the internship certificate, Teach for America resident teachers participating in a professional

teaching residency shall be eligible for internship certificates for the two years of their residency program if they are employed by the Seattle School District.

The internship certificate shall be issued for up to two years. The internship certificates shall be endorsed on the basis of the academic requirements in WAC 180-79A-304. If a resident teacher does not continue in the program for the full two years, the certificate shall become invalid when the resident teacher leaves the program.

Prior to teaching under the internship certificate, the resident teacher shall have studied issues of abuse, child or adolescent psychology, classroom management, methods of instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in the content area, and the safety and supervision of children.

If a resident teacher has not completed such study in the summer training program, the Seattle School District shall be responsible for assuring that each resident teacher has completed the required study prior to teaching. The resident teacher shall continue study throughout the two years in appropriate workshops or courses as determined by the Seattle School District and Teach for America.

The resident teacher shall receive on-site assistance throughout the two years.

The assessment of the professional teaching residency field test will focus specifically on the effective recruitment of outstanding individuals (especially minority candidates), the performance-based assessment process, and the teaching effectiveness demonstrated by the resident teachers who complete the program.

At the completion of their two-year internships, resident teachers shall be eligible for the initial certificate upon recommendation by the Seattle School District and by a review board of experienced educators. The authorization for the Teach for America field test extends from the 1994-95 school year through the 1998-99 school year.

An advisory board shall be established by Teach for America and the Seattle School District to assure the active involvement of interested persons, including teachers, principals, representatives of higher education, administrators, and parents in the ongoing review of the professional teaching residency program in order:

- (i) To assure that the program is consistent with Seattle School District goals and priorities; and
- (ii) To provide ongoing feedback to Teach for America and the Seattle School District.

An evaluation of the program shall be completed prior to the close of the first school year by a professional education advisory committee subcommittee, which shall include a site visit to the Seattle School District and the collection of data from the resident teachers and other parties, including, but not limited to, relevant students, teachers, principals, administrators, and parents. Findings from the evaluations shall be reviewed by the professional education advisory committee. Recommendations for continuation, revisions, or discontinuation of the professional teaching residency program shall be submitted by the professional education advisory committee to the state board of education. On the basis of the evaluation, the state board of education may rescind the authorization for any additional recruitment of resident teachers prior to the beginning of the next school year.

Prior to September 1, 1998, the professional education advisory committee shall review the evaluations of the teaching residency program and make recommendations to the state board on its future status.

(2) The college or university approved internship program shall be designed as follows:

(a) Students shall proceed through the program as a cohort group;

(b) The program shall be a minimum of forty-five quarter hours (thirty semester hours) of upper division and/or graduate study and must meet the state board of education standards for approved programs;

(c) The program shall provide the intern a minimum of fifteen quarter hours (ten semester hours) of study prior to the beginning of the school year, five quarter hours (three semester hours) for each quarter/semester of the school year and fifteen quarter hours (ten semester hours) in the summer following the first year of teaching;

(d) Prior to beginning teaching, the candidate must complete a minimum of fifteen quarter hours (ten semester hours) of course work in pedagogy including but not limited to: Child or adolescent psychology, classroom management, methods instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in a content area, and the safety and supervision of children (the course work must include forty hours of observation of school students in learning situations);

(e) During each quarter/semester the interns shall participate in a college/university three hour seminar weekly in order to provide the interns with peer interaction and assistance on issues associated with their teaching experiences;

(f) The college/university shall assign a college supervisor to work with each intern;

(g) The school district or approved private school shall assign a staff member to serve as a mentor (who shall be selected using the criteria established for the teacher assistance program) for each intern;

(h) The school district or approved private school and the college/university shall specify in detail the resources they will provide and the procedures they will follow to assure that the intern is qualified to assume full-time responsibility when placed in the classroom as a teacher;

(i) The year of internship teaching shall be deemed comparable to the state board of education student teaching requirement, provided, the college/university evaluates the intern's teaching as satisfactory. The local school district or approved private school evaluation of the intern shall be shared with the college/university in making its decision;

(j) The internship certificate shall be issued for one year and may be renewed only once for one additional year to persons who for good cause were unable to complete the program upon recommendation by the college or university where the person is enrolled in the teacher education program.

(3) At least one college/university and one school district or approved private school that meet the following criteria shall be approved by the state board of education to conduct this pilot program:

(a) Colleges and universities and school districts or approved private schools wishing to participate in this program must submit joint proposals to the state board of

education for its consideration, provided, one college/university may have joint agreements with more than one school district or approved private school and may include within such agreements a cooperative arrangement with an educational service district.

(b) Colleges/universities and school districts or approved private schools shall submit a detailed description of the program based on the requirements in subsection (2) of this section, provided, the state board of education will consider modifications to the requirements if the proposal indicates how the intent of the program can be met in a different curricular design.

(4) The internship teaching program shall be reviewed annually by the respective professional education advisory board and evaluated by the professional education advisory committee during its third year of operation. After receiving the recommendation from the professional education advisory committee, the state board of education shall determine whether or not or under what circumstances the pilot project shall be continued.

(5) The pilot project shall terminate on August 31, 1999, with the exception of the field test described in subsection (1)(c) of this section unless the state board of education extends or revises the existing program.

NEW SECTION

WAC 180-79A-300 Certificate endorsement. Teacher certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s).

(2) In order to change or add an endorsement to any teaching certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-79A-130, and submit verification of completion of the necessary requirements specified in this chapter.

NEW SECTION

WAC 180-79A-302 Authorized endorsement for teachers. Endorsements for grade levels, and subject areas within such grade levels, for certificated teachers shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education;
- (b) Early childhood education.

(2) Grade kindergarten through grade eight endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades.

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art;
- (b) Music (broad subject area endorsement) and the specialized subject areas of:
 - (i) Choral music;
 - (ii) Instrumental music;
 - (c) Physical education;
 - (d) Reading;
 - (e) Designated foreign language;
 - (f) Special education;
 - (g) Learning resources;

(h) English as a second language;

(i) Bilingual education.

(4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama;
- (ii) English;
- (iii) Journalism;
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology;
- (ii) Chemistry;
- (iii) Earth science;
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology;
- (ii) Economics;
- (iii) Geography;
- (iv) History;
- (v) Political science;
- (vi) Psychology;
- (vii) Sociology.

(d) The specialized subject areas of:

(i) Comparative religion;

(ii) Instructional technology (formerly computer science);

- (iii) Health;
- (iv) Technology education (formerly industrial arts);
- (v) Mathematics;
- (vi) Philosophy.

(e) The vocational areas of:

- (i) Agriculture education;
- (ii) Business education;
- (iii) Family and consumer sciences education;
- (iv) Marketing education.

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

NEW SECTION

WAC 180-79A-304 Minimum preparation for endorsements for teachers. Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, and the areas of agriculture education, business education, family and consumer sciences education, marketing education, and technology education which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved

by the state board of education pursuant to chapter 180-79A WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work. The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

(3) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university and may not include student teaching credits.

(4) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours as defined in WAC 180-79A-304.

(5) When existing requirements regarding the number of credit hours, the titles for endorsements, and/or the essential areas of study are revised by the state board of education for any endorsement area, the candidate may, until the first day of September following two calendar years from the effective date of the rule change, obtain the endorsement by completing either the previous or the revised requirements. Following the September first date established above, all candidates shall meet the revised requirements to obtain an endorsement.

NEW SECTION

WAC 180-79A-306 Subject area endorsement recommendations by colleges and universities. Applicants for subject area endorsements may apply directly to a Washington college or university with an approved preparation program in the particular subject area. Only applicants who have provided sufficient evidence of completion of the required course work and the essential areas of study for the particular subject area endorsement or who have passed written examinations pursuant to WAC 180-79A-308 shall be recommended, by the college or university, to the superintendent of public instruction for an endorsement in such subject area: *Provided*, That nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

NEW SECTION

WAC 180-79A-308 Endorsement by examination. In lieu of completing the required number of credit hours and the essential areas of study, or any portion of such requirements, individuals may add endorsements to an initial or continuing teaching certificate by examination in one of the following ways:

(1) An individual may add an endorsement to a teaching certificate by obtaining a score of not less than one-half standard deviation below the mean on a graduate record examination in the subject matter area for which endorsement is sought.

(2) Washington colleges and universities with an approved preparation program for teachers may waive all or any portion of the requirement for a particular endorsement

and recommend the candidate to the superintendent of public instruction for the particular endorsement if the following conditions are met:

(a) The candidate is required to demonstrate subject matter competency for all or a portion of the requirement waived through passage of one or more written examinations.

(b) In the case of waiver of an essential area of study, a faculty member regularly responsible for teaching a course which covers that essential area of study must attest to the fact that the proposed examination is of sufficient scope and depth to evaluate the candidate's knowledge of the essential area of study.

NEW SECTION

WAC 180-79A-310 Subject area endorsements through SPI. Applicants for subject area endorsements may apply directly to the superintendent of public instruction for a particular subject area endorsement. The application for a particular subject area endorsement shall include the following:

(1) A list of the essential areas of study for a particular subject area endorsement.

(2) Space for the applicant to document the college or university credit hours and/or approved in-service education programs which meet the credit hour requirements in the essential area of study.

(3) Space for the applicant to list all college or university credit hours and approved in-service education programs which are applicable to the minimum credit hour requirements and to indicate which type of evidence—i.e., college transcripts, in-service records, or other reliable documentation—will be forwarded to the superintendent of public instruction.

(4) An affidavit to be signed by the applicant that the information submitted is accurate.

NEW SECTION

WAC 180-79A-311 Specialty areas of study. (1) Specialty areas of study in middle grades, gifted, and at-risk students shall be recognized by the state board of education on the basis of the following:

(a) Completion of twelve quarter hours (eight semester hours) of academic study from a regionally accredited college or university directly addressing knowledge and skills relevant to the respective specialty area as recommended by the respective college/university PEAB; and

(b) Recommendation of the individual by the college/university that has offered the specialty area of study.

(2) Specialty areas of study are not endorsements and shall have no bearing on assignment policies as outlined in chapter 180-16 WAC.

(3) The recognition of specialty areas of study shall in no way impact the requirements for obtaining or maintaining an initial or continuing certificate.

NEW SECTION

WAC 180-79A-312 Award of college or university credit hours for experience. College and/or university credit hours awarded by accredited institutions of higher education for knowledge acquired in occupational or other experiences shall be recognized as meeting the minimum course work credit hours and/or the essential areas of study for a particular subject area endorsement if the college or university notes on its issued transcript that credit hours have been awarded for specific courses offered by such college or university.

NEW SECTION

WAC 180-79A-315 In-service in lieu of college and university credit hours. The following shall govern the substitution of approved in-service education—i.e., sponsored by an approved in-service education provider pursuant to chapter 180-85 WAC—toward the minimum course work credit hours for a particular subject area endorsement and/or for meeting an essential area of study:

(1) The in-service education program must be offered by an in-service education agency approved pursuant to chapter 180-85 WAC.

(2) The in-service education program must be specifically designed by the in-service education agency to serve as a substitute for course work in the specified subject area or areas and/or as meeting a designated essential area of study. The criterion for determining whether the in-service education program is specifically designed for such purpose is whether the in-service program's content is recognized as equivalent in content to what is generally recognized as the content of an equivalent course in an accredited college or university.

(3) The length of the in-service education program is at least ten continuing education hours.

(4) The in-service education agency must hold the recipient accountable for successful completion of the in-service education program through evaluation by an examination or some other work product provided by the recipient.

(5) The in-service education agency must provide the recipient with a letter, certificate, or other written document which indicates the following:

(a) The in-service education agency has been approved by the state board of education.

(b) The subject area or areas and/or the designated essential area of study for which the in-service education program was specifically designed to meet.

(c) The number of continuing education hours awarded.

(d) A statement that the recipient received a passing mark on an examination or some other work product which was evaluated by the in-service education agency.

(6) The in-service education agency must provide the superintendent of public instruction with the following fourteen calendar days prior to commencement of the in-service program:

(a) The dates and location of places where the in-service program will be offered.

(b) The names and qualification of the instructor or instructors who will be assisting in the in-service program.

(c) An outline of the topics to be covered within each in-service session.

(d) A description of the examination or work product which will be used to evaluate the participants.

(e) An invitation for a representative of the superintendent of public instruction and representative of the professional education advisory committee to attend and observe the in-service program.

(7) Upon completion of an in-service education program, the in-service education agency must provide the superintendent of public instruction the following:

(a) A copy of all program materials distributed to participants.

(b) A copy of the evaluation instrument and the results therefrom.

(8) *Provided*, That no more than one-third of the minimum course work credit hours required for a subject area endorsement may be met through in-service based on ten hours of approved in-service education for one-quarter hour of credit.

NEW SECTION

WAC 180-79A-317 Evaluation of in-service in lieu of college and university credit hours by PEAC. The professional education advisory committee shall review materials submitted to the superintendent of public instruction pursuant to WAC 180-79A-315, conduct an evaluation of such in-service programs, and report to the superintendent of public instruction and the state board of education its recommendation regarding the continuation of such program and/or the advisability of removing or modifying the limitation on number of in-service credit hours that may be applied to an endorsement.

NEW SECTION

WAC 180-79A-320 Agriculture education—Subject area endorsements. In order to receive an endorsement in agriculture education, the candidate shall have completed the minimum course work credit hours in the subject area of agriculture—e.g., agriculture, agronomy, and animal science—including, but not limited to, credit hours in each of the following essential areas of study:

(1) Plant science, agronomy, or horticulture.

(2) Soil science.

(3) Animal science or animal husbandry.

(4) Agriculture mechanics.

(5) Agriculture economics.

NEW SECTION

WAC 180-79A-322 Anthropology—Subject area endorsement. In order to receive an endorsement in anthropology, the candidate shall have completed the minimum course work credit hours in the subject area of anthropology, including, but not limited to, credit hours in each of the following essential areas of study:

(1) Cultural anthropology.

(2) Physical anthropology.

(3) Archeology.

NEW SECTION**WAC 180-79A-324 Art—Subject area endorsement.**

In order to receive an endorsement in art, the candidate shall have completed the minimum course work credit hours in the subject area of art, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Art history or criticism.
- (2) Aesthetics or philosophy of art.
- (3) Drawing.
- (4) Painting.
- (5) Sculpture.
- (6) Instructional methods in art.

NEW SECTION**WAC 180-79A-326 Bilingual education—Subject area endorsement.**

In order to receive an endorsement in bilingual education, the candidate shall have completed the minimum course work credit hours in the subject area of bilingual education, which shall include, but not be limited to, one-half or more of the minimum course work credit hours for an endorsement in a designated foreign language and credit hours in each of the following essential areas of study:

- (1) Linguistics.
- (2) Instructional methods in English as a second language.
- (3) History and/or theories of bilingual education.
- (4) Instructional methods in bilingual education.

NEW SECTION**WAC 180-79A-328 Biology—Subject area endorsement.**

In order to receive an endorsement in biology, the candidate shall have completed the minimum course work credit hours in the subject area of biology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Genetics.
- (2) Ecology or evolution theory.
- (3) Botany, including laboratory experience therein.
- (4) Zoology, including laboratory experience therein.
- (5) Laboratory management and safety.
- (6) Science technology and society or bioethics.

NEW SECTION**WAC 180-79A-330 Business education—Subject area endorsement.**

In order to receive an endorsement in business education, the candidate shall have completed the minimum course work credit hours in the subject area of business education—e.g., business administration, business education, and accounting—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Business organization or management.
- (2) Office procedures or applications.
- (3) Information processing, word processing, or machine transcription.
- (4) Microcomputer application.
- (5) Instructional methods in keyboarding.
- (6) Instructional methods in accounting.

NEW SECTION

WAC 180-79A-332 Chemistry—Subject area endorsement. In order to receive an endorsement in chemistry, the candidate shall have completed the minimum course work credit hours in the subject area of chemistry, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Organic chemistry, including laboratory experience therein.
- (2) Inorganic chemistry, including laboratory experience therein.
- (3) Analytic chemistry, including laboratory experience therein.
- (4) Physical chemistry.
- (5) Laboratory management and safety.

NEW SECTION**WAC 180-79A-333 Comparative religion—Subject area endorsement.**

In order to receive an endorsement in comparative religion, the candidate shall have completed the minimum course work credit hours in the subject area of comparative religion, including but not limited to, credit hours in each of the essential areas of, history and/or development of comparative religious thought, and issues and trends in modern religions, plus two other essential areas of study:

- (1) History and/or development of comparative religious thought.
- (2) Issues and trends in modern religions.
- (3) Ethics.
- (4) Aesthetics.
- (5) Epistemology.
- (6) Metaphysics.
- (7) Logic.
- (8) History of philosophy.

NEW SECTION**WAC 180-79A-334 Instructional technology (formerly computer science)—Subject area endorsement.**

In order to receive an endorsement in instructional technology, the candidate shall have completed the minimum course work credit hours in the subject area of instructional technology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Technology and society, i.e., ethical use.
- (2) Computer networks and telecommunication system, e.g., Internet.
- (3) Instructional hardware usage and classroom applications.
- (4) Instructional software, including word processing, data base management systems, spreadsheets and use of multimedia tools, e.g., sound, video, hypertext, and graphics.
- (5) Development of student learning activities which integrate technology tools and telecommunications.

NEW SECTION

WAC 180-79A-336 Designated foreign language—Subject area endorsement. In order to receive an endorsement in a designated foreign language, the candidate shall have completed the minimum course work credit hours in

the subject area of the designated foreign language, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Writing/composition in the designated foreign language.
- (2) Conversation in the designated foreign language.
- (3) Reading in the designated foreign language.
- (4) History and culture of the designated foreign language.

NEW SECTION

WAC 180-79A-338 Drama—Subject area endorsement. In order to receive an endorsement in drama, the candidate shall have completed the minimum course work credit hours in the subject area of drama, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Acting skills.
- (2) Theater production.
- (3) Theater history or history of drama.
- (4) Creative drama.
- (5) Theater directing.

NEW SECTION

WAC 180-79A-340 Early childhood education, regular—Subject area endorsement. In order to receive an endorsement in early childhood education, regular, the candidate shall have completed the minimum course work credit hours in the subject area of early childhood education—e.g., preschool, early childhood, and elementary education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) All essential areas of study for an endorsement in elementary education.
- (2) Issues and trends in early childhood education.
- (3) Instructional methods in early childhood or preschool education.

NEW SECTION

WAC 180-79A-342 Early childhood education, special education—Subject area endorsement. In order to receive an endorsement in early childhood education, special education, the candidate shall have completed the minimum course work credit hours in the subject area of special education and early childhood education, the credit hours in each of the essential areas of study for an endorsement in the subject area of special education, and credit hours in each of the following essential areas of study:

- (1) Issues and trends in early childhood education.
- (2) Instructional methods in early childhood education.

NEW SECTION

WAC 180-79A-344 Earth science—Subject area endorsement. In order to receive an endorsement in earth science, the candidate shall have completed the minimum course work credit hours in the subject area of earth science—e.g., geology, mineralogy, oceanography, astronomy, and meteorology—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Physical geology.

- (2) Historical geology.
- (3) Environmental geology.
- (4) Oceanography.
- (5) Astronomy.
- (6) Meteorology.

NEW SECTION

WAC 180-79A-346 Economics—Subject area endorsement. In order to receive an endorsement in economics, the candidate shall have completed the minimum course work credit hours in the subject area of economics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Macroeconomics.
- (2) Microeconomics.
- (3) History and/or development of economic thought.

NEW SECTION

WAC 180-79A-348 Elementary education—Subject area endorsement. In order to receive an endorsement in elementary education, the candidate shall have completed the minimum course work credit hours in the subject area of elementary education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Child growth and development.
- (2) Classroom organization and management.
- (3) Instructional methods in reading.
- (4) Instructional methods in mathematics.
- (5) Instructional methods in language arts.
- (6) Instructional methods in science.
- (7) Instructional methods in social studies.
- (8) Instructional methods in art.
- (9) Instructional methods in music.
- (10) Instructional methods in physical education.
- (11) Instructional methods in health education.

NEW SECTION

WAC 180-79A-350 English—Subject area endorsement. In order to receive an endorsement in English, the candidate shall have completed the minimum course work credit hours in the subject area of English, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Writing/composition.
- (2) American literature.
- (3) World literature representing a variety of diverse cultures, including British literature.
- (4) Linguistics or structure of language.

NEW SECTION

WAC 180-79A-352 English as a second language—Subject area endorsement. In order to receive an endorsement in English as a second language, the candidate shall have completed the minimum course work credit hours in the subject area of English as a second language—e.g., English, elementary education, and English as a second language—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Structure of language or language acquisition.
- (2) Culture and learning for the ESL student.

- (3) Instructional methods in language arts for the ESL student.
- (4) Instructional methods in reading for the ESL student.
- (5) Instructional methods in English as a second language.

NEW SECTION

WAC 180-79A-354 English/language arts—Broad subject area endorsement. In order to receive an endorsement in English/language arts, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of English/language arts, the credit hours in each of the essential areas of study for an English subject area endorsement, and credit hours selected from the essential areas of study in each of the specialized English/language arts subject areas of:

- (1) Drama.
- (2) Speech.
- (3) Journalism.

NEW SECTION

WAC 180-79A-356 Geography—Subject area endorsement. In order to receive an endorsement in geography, the candidate shall have completed the minimum course work credit hours in the subject area of geography, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Physical geography.
- (2) Human or cultural geography.
- (3) Economic geography.
- (4) North American or other regional geography.
- (5) Map reading and analysis.

NEW SECTION

WAC 180-79A-358 Health—Subject area endorsement. In order to receive an endorsement in health, the candidate shall have completed the minimum course work credit hours in the subject area of health, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Substance use and abuse.
- (2) Wellness and illness.
- (3) Nutrition.
- (4) Human physiology.
- (5) Safety education.

NEW SECTION

WAC 180-79A-360 History—Subject area endorsement. In order to receive an endorsement in history, the candidate shall have completed the minimum course work credit hours in the subject area of history, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Washington state or Pacific Northwest history and government.
- (2) United States history.
- (3) World, Western, or Pacific Rim history or civilizations.

NEW SECTION

WAC 180-79A-362 Family and consumer sciences education (formerly home and family life education)—Subject area endorsement. In order to receive an endorsement in family and consumer sciences education, the candidate shall have completed the minimum course work credit hours in the subject area of family and consumer sciences education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Family relations.
- (2) Child growth and development.
- (3) Nutrition.
- (4) Consumer education or resource management.

NEW SECTION

WAC 180-79A-364 Technology education (formerly industrial arts)—Subject area endorsement. In order to receive an endorsement in technology education, the candidate shall have completed the minimum course work credit hours in the subject area of technology education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Industrial safety.
- (2) Technology education.
- (3) Industrial arts program management.
- (4) Manufacturing, construction, communications, or transportation.

NEW SECTION

WAC 180-79A-366 Marketing education—Subject area endorsement. In order to receive an endorsement in marketing education, the candidate shall have completed the minimum course work credit hours in the subject area of marketing education—e.g., business administration, business or marketing education, and economics—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Selling.
- (2) Economics.
- (3) Retail management.

NEW SECTION

WAC 180-79A-368 Journalism—Subject area endorsement. In order to receive an endorsement in journalism, the candidate shall have completed the minimum course work credit hours in the subject area of journalism, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) News and feature writing.
- (2) Copy editing.
- (3) News production.
- (4) Copy makeup and design.
- (5) Legal rights and liabilities of the press.

NEW SECTION

WAC 180-79A-370 Learning resources—Subject area endorsement. In order to receive an endorsement in learning resources, the candidate shall have completed the minimum course work credit hours in the subject area of

learning resources, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Library/media materials selection.
- (2) Materials production.
- (3) Literature for children and young adults.
- (4) Information services.
- (5) Learning resources management.
- (6) Instructional methods in learning resources.

NEW SECTION

WAC 180-79A-372 Mathematics—Subject area endorsement. In order to receive an endorsement in mathematics, the candidate shall have completed the minimum course work credit hours in the subject area of mathematics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Euclidean geometry.
- (2) Non-Euclidean geometry.
- (3) Differential calculus.
- (4) Integral calculus.
- (5) Discrete mathematics.

NEW SECTION

WAC 180-79A-374 Music—Broad subject area endorsement. In order to receive an endorsement in music, the candidate shall have completed the minimum course work credit hours in the subject area of music, the requirements for an endorsement in the specialized subject areas of choral music and instrumental music, and at least an additional six quarter (four semester) hours of credit hours of performance experience in both choral music and instrumental music.

NEW SECTION

WAC 180-79A-376 Choral music—Subject area endorsement. In order to receive an endorsement in choral music, the candidate shall have completed the minimum course work credit in the subject area of music, including at least three quarter hours (two semester hours) of performance experience in choral music, and credit hours in each of the following essential areas of study:

- (1) Score reading.
- (2) Music theory.
- (3) Music history and/or culture.
- (4) Conducting.
- (5) Instructional methods in choral music.
- (6) Instructional methods in general music.

NEW SECTION

WAC 180-79A-378 Instrumental music—Subject area endorsement. In order to receive an endorsement in instrumental music, the candidate shall have completed the minimum course work credit hours in the subject area of music, including at least three quarter hours (two semester hours) of performance experience in instrumental music, and credit hours in each of the following essential areas of study:

- (1) Score reading.
- (2) Music theory.
- (3) Music history and/or culture.
- (4) Conducting.

- (5) Instructional methods in instrumental music.
- (6) Instructional methods in general music.

NEW SECTION

WAC 180-79A-379 Philosophy—Subject area endorsement. In order to receive an endorsement in philosophy, the candidate shall have completed the minimum course work credit hours in the subject area of philosophy, including but not limited to, credit hours in a minimum of four of the following areas of essential study:

- (1) Ethics.
- (2) Aesthetics.
- (3) Epistemology.
- (4) Metaphysics.
- (5) Logic.
- (6) History of philosophy.

NEW SECTION

WAC 180-79A-380 Physical education—Subject area endorsement. In order to receive an endorsement in physical education, the candidate shall have completed the minimum course work credit hours in the subject area of physical education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Care and prevention of student injury including first aid.
- (2) Kinesiology.
- (3) Exercise physiology.
- (4) School physical education, sports, or athletic law.
- (5) Sociology and/or psychology of sports.
- (6) Instructional methods in physical education for the handicapped.
- (7) Instructional methods in physical education.

NEW SECTION

WAC 180-79A-382 Physics—Subject area endorsement. In order to receive an endorsement in physics, the candidate shall have completed the minimum course work credit hours in the subject area of physics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Mechanics, including laboratory experience therein.
- (2) Electricity and magnetism, including laboratory experience therein.
- (3) Light and sound, including laboratory experience therein.
- (4) Thermodynamics, modern physics, or astronomy.

NEW SECTION

WAC 180-79A-384 Political science—Subject area endorsement. In order to receive an endorsement in political science, the candidate shall have completed the minimum course work credit hours in the subject area of political science, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) American government.
- (2) International relations or studies.
- (3) Comparative government or political systems.
- (4) Political theory.

NEW SECTION

WAC 180-79A-386 Psychology—Subject area endorsement. In order to receive an endorsement in psychology, the candidate shall have completed the minimum course work credit hours in the subject area of psychology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Human behavior.
- (2) Learning theories.
- (3) Developmental psychology.
- (4) Interpersonal psychology.

NEW SECTION

WAC 180-79A-388 Reading—Subject area endorsement. In order to receive an endorsement in reading, the candidate shall have completed the minimum course work credit hours in the subject area of reading, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Reading development.
- (2) Reading diagnosis and prescription.
- (3) Children and adolescent literature.
- (4) Instructional methods in reading.
- (5) Instructional methods in reading in the content areas.

NEW SECTION

WAC 180-79A-390 Science—Broad subject area endorsement. In order to receive an endorsement in science, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of science, the credit hours in each of the essential areas of study for a chemistry, physics, biology, or earth science subject area endorsement, and at least nine quarter (six semester) credit hours selected from the essential areas of study in each of the specialized science subject areas of:

- (1) Chemistry, including laboratory experience therein.
- (2) Physics, including laboratory experience therein.
- (3) Biology, including laboratory experience therein.
- (4) Earth science.

NEW SECTION

WAC 180-79A-392 Sociology—Subject area endorsement. In order to receive an endorsement in sociology, the candidate shall have completed the minimum course work credit hours in the subject area of sociology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Group behavior.
- (2) Social institutions.
- (3) Social process.
- (4) Theory and history of sociology.

NEW SECTION

WAC 180-79A-394 Social studies—Broad subject area endorsement. In order to receive an endorsement in social studies, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of social studies, the credit hours in each of the essential areas of study for a history subject area endorse-

ment, credit hours in American government, and credit hours selected from the essential areas of study in each of the specialized social studies subject areas of:

- (1) Economics.
- (2) Anthropology, sociology, or psychology.
- (3) Geography.

NEW SECTION

WAC 180-79A-396 Special education—Subject area endorsement. In order to receive an endorsement in special education, the candidate shall have completed the minimum course work credit hours in the subject area of special education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Exceptionality.
- (2) Alternative delivery systems and strategies for special education.
- (3) Student assessment and evaluation.
- (4) Procedural and substantive legal issues in special education.
- (5) Instructional methods in special education.

NEW SECTION

WAC 180-79A-398 Speech—Subject area endorsement. In order to receive an endorsement in speech, the candidate shall have completed the minimum course work credit hours in the subject area of speech, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Public speaking.
- (2) Debate.
- (3) Group process.
- (4) Interpersonal communication.

NEW SECTION

WAC 180-79A-403 Levels of certificates, initial and continuing. Two levels of certification may be issued: *Provided*, That, after August 31, 2000, initial and continuing certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-160.

(1) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-405 and 180-79A-160(7). Initial administrator and educational staff associate certificates shall not be subject to renewal.

(2) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-405(2).

NEW SECTION

WAC 180-79A-405 Initial and continuing certificates—Renewal requirements. The following shall apply to initial and continuing certificates issued pursuant to this chapter:

- (1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work require-

ments from a regionally accredited institution of higher education for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of college credit course work (normally 100 level or higher) from a regionally accredited institution of higher education since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-160 will apply.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

NEW SECTION

WAC 180-79A-415 Academic requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Initial.

Candidates for the initial certificate shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79A-302 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: *Provided*, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates for a continuing certificate shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work

or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

NEW SECTION

WAC 180-79A-417 Experience requirement for continuing certification—Teachers. In addition to the academic requirements specified in WAC 180-79A-415, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

NEW SECTION

WAC 180-79A-420 Academic requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-424.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(2) Principal.

(a) Initial.

The candidate shall hold a master's degree and have completed an approved program for the preparation of principals.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall have completed a program based on the state principal performance domains included in WAC 180-78A-257. Such program shall consist of at least fifteen quarter (ten semester) hours of graduate (post-initial) course work

offered by a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, as determined in consultation with and approved by the employer.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy or physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy, physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

NEW SECTION

WAC 180-79A-422 Experience requirement for initial endorsement—Principals. In addition to the academic requirements specified in WAC 180-79A-420(2), candidates applying for initial administrator's certificate with a principal's endorsement prior to August 31, 1998, as a condition for the issuance of such endorsement, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

NEW SECTION

WAC 180-79A-423 Experience requirement for continuing certification—Administrators. In addition to the academic requirements specified in WAC 180-79A-420, candidates applying for continuing administrator certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

NEW SECTION

WAC 180-79A-424 Child abuse course work requirement for continuing certification—Administrators. Candidates who apply for a continuing administrator certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

NEW SECTION

WAC 180-79A-430 Academic requirements for certification—School counselors, school psychologists, and school social workers. Candidates for school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-435: *Provided*, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive written examination required in such master's degree program: *Provided*, That if any candidate has been awarded a master's degree without a comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) School counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge

included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the social worker examination of the Academy of Certified Social Workers or the National Teacher Examination—School Social Worker Specialty Area examination required for certification as a school social worker by the National Association of Social Workers.

(b) Continuing. The candidate shall hold a master's degree in social work.

NEW SECTION

WAC 180-79A-433 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist. Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 180-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing from a National League of Nursing accredited program.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester

hours) of post-baccalaureate course work in education, nursing, or other health sciences.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in

speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: *Provided*, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology or audiology.

NEW SECTION

WAC 180-79A-435 Child abuse course work requirement for continuing certification—Educational staff associate. Candidates who apply for a continuing educational staff associate certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

NEW SECTION

WAC 180-79A-440 Experience requirement for continuing certification—ESAs. In addition to the academic requirements specified in WAC 180-79A-430 and 180-79A-433, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

NEW SECTION

WAC 180-79A-445, Supervised experience requirement for continuing certification. In order to obtain a continuing certificate, school counselors, school psychologists and school social workers who hold initial ESA

certificates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

NEW SECTION

WAC 180-79A-503 Levels of certificates—Residency and professional. Two levels of certificates may be issued after August 31, 2000: *Provided*, That a professional certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-304.

(1) Residency certificate. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-510(1).

(2) Professional certificate. The professional certificate is valid for seven years and shall be subject to renewal pursuant to WAC 180-79A-510(2).

NEW SECTION

WAC 180-79A-510 Residency and professional certificates for teachers—Renewal requirements. The following shall apply to residency and professional teacher certificates issued pursuant to this chapter.

(1) Residency certificate. Residency certificates shall be renewed under one of the follow options:

(a) Individuals who hold, or have held, a residency certificate and are enrolled in a professional certificate program may have the certificate renewed for an additional two years upon verification by the professional certificate administrator that the candidate is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who have not been employed as contracted teachers in Washington may have their residency certificates renewed for an additional five years by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(2) Professional certificate. A professional certificate may be renewed for additional seven year periods. Prior to August 31, 2000, the state board of education will establish requirements for renewal of the professional certificate.

NEW SECTION

WAC 180-79A-515 Academic requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Residency. Candidates for the residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79A-302 (3)(a) through (e) and (4).

(2) Professional.

(a) Candidates for the professional certificate shall have completed a state board of education approved, collaboratively developed program, pursuant to WAC 180-78A-300 through 180-78A-365.

(b) Candidates who apply for a professional certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(c) Candidates for a professional certificate shall have been granted at least two subject area endorsements.

NEW SECTION

WAC 180-79A-517 Experience requirement for professional certification—Teachers. In addition to the academic requirements specified in WAC 180-79A-515(2), candidates for professional teachers' certificates shall provide, as a condition for the issuance of a professional certificate, documentation that they have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

NEW SECTION

WAC 180-79A-520 Requirements for certification for administrators and education staff associates under the performance-based certification system. Academic and experience requirements, as well as applicable conditions, for residency and professional certificates for administrators and educational staff associates shall be approved by the state board of education prior to August 31, 2000.

WSR 97-01-103
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed December 18, 1996, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-043.

Title of Rule: Chapter 180-16 WAC, State support of public schools.

Purpose: The proposed amendments clarify and simplify both the rules and the process for exceptions to the rules.

Statutory Authority for Adoption: RCW 28A.150.-220(6), 28A.410.010.

Summary: The proposed amendments clarify and simplify both the rules for assignment of certificated personnel and the process for necessary exceptions to these rules.

Reasons Supporting Proposal: The current rules regarding assignment of certificated personnel are overly complicated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 2799 [7299] New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 9-87, filed 6/1/87)

WAC 180-16-221 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education, effective August 31, 1987, shall comply with the following:

(1) Classroom teachers (~~(specified below)~~) with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

~~((a))~~ (2) Classroom teachers with initial or endorsed continuing teacher certificates (~~(issued pursuant to WAC 180-79-060 if such teachers were eligible for such certificates prior to August 31, 1987, and such certificates were applied for prior to July 1, 1988 or if such teachers would~~

~~have been eligible for such certificate prior to August 31, 1987, but for one of the three-year experience requirement and such experience is completed and the certificate is applied for prior to August 31, 1988;~~

~~(b) Classroom teachers with standard certificates issued or reinstated pursuant to WAC 180-80-215;~~

~~(c) Classroom teachers with provisional certificates issued, reissued, or reinstated pursuant to WAC 180-80-210 and who have completed a ninety school-day assignment as a classroom teacher;~~

~~(d) Classroom teachers whose standard certificate has been converted pursuant to WAC 180-79-045 to a continuing certificate;~~

~~(e) Classroom teachers with initial certificates issued, reissued, or reinstated pursuant to WAC 180-80-705 and who have completed a ninety school-day assignment as a classroom teacher;~~

~~(f) Classroom teachers with continuing certificates issued or reinstated pursuant to WAC 180-80-705.~~

~~(2) Classroom teachers specified below)) may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.~~

~~((a) Classroom teachers with continuing certificates issued pursuant to WAC 180-79-060 after August 31, 1987, unless such teachers were eligible for such certificates prior to August 31, 1987, and applied for such certificates prior to July 1, 1988 or unless such teachers would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and such experience is completed and the certificates are applied for prior to August 31, 1988;~~

~~(b) Classroom teachers with initial certificates issued pursuant to WAC 180-79-060 and immigrant alien and temporary permits;~~

~~(c) Classroom teachers with provisional certificates issued pursuant to WAC 180-80-210 and who have not completed a ninety school-day assignment as a classroom teacher;~~

~~(d) Classroom teachers with initial certificates issued pursuant to WAC 180-80-705 and who have not completed a ninety school-day assignment as a classroom teacher.))~~

~~(3) Classroom teachers with initial or endorsed continuing teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.~~

~~(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.~~

~~(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.~~

~~(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial or endorsed continuing~~

teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-79A-302.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a vocational education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-171-701.

(11) For the purpose of this section, the term "specified grades" shall mean any grade preschool through twelve specified by the classroom teacher's endorsement. In the event the teacher is assigned to an ungraded classroom, the chronological age of such students shall be converted for the purpose of compliance with this section to the grade level such students would have been assigned but for the ungraded classroom assignment.

((4)) (12) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teachers endorsement and courses or classes which the board of directors of the district determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

((5)) (13) Exceptions to the assignment requirements of subsection ((2)) (1) of this section must comply with WAC 180-16-222.

((6)) (14) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

AMENDATORY SECTION (Amending WSR 94-24-040, filed 12/2/94, effective 1/2/95)

WAC 180-16-222 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment policy specified in WAC 180-16-221 shall be limited to the following:

(1) ((Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(2) Any certificated person holding a limited certificate as specified in WAC 180-79-230 or a vocational education certificate as specified in chapter 180-77 WAC or any person holding a nonimmigrant alien permit issued pursuant to WAC 392-193-055, may be assigned as per the provisions of such section or chapter.

(3) Any certificated teacher may be assigned to courses offered in basic education subject areas not included within the list of endorsements specified in WAC 180-79-080.

(4) Any certificated teacher with at least two full school years of classroom teaching experience who has not been placed on probation pursuant to RCW 28A.405.100 during the past two years may be assigned for one year to an out-of-endorsement assignment under the following conditions:

(a) A designated representative of the district and the classroom teacher so assigned will mutually develop a written plan which would provide necessary assistance to the teacher so assigned, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment; and

(b) The following conditions apply regarding required observations and evaluations:

(i) Teachers cannot be assigned out-of-endorsement full-time if they would be subject to evaluation under RCW 28A.405.100(1) in such assignment. Teachers so assigned must be eligible for short form evaluation as provided in RCW 28A.405.100(5).

(ii) Any observation conducted in an out-of-endorsement part-time assignment will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(iii) Teachers who are assigned out-of-endorsement full or part time, and who are eligible pursuant to state and district criteria, shall be encouraged to participate in the district's professional growth plan option.

(e) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-171-701, including the request for a waiver from the superintendent of public instruction required by subsection (5) of this section.

(5) School districts may assign classroom teachers out of their endorsement areas for two additional years if such assignment(s) complies with WAC 180-16-223.

(6) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(7) Any certificated teacher who holds one of the specific subject area endorsements (i.e., drama, English, journalism, and/or speech) related to the broad area of English/Language Arts, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(8) Any certificated teacher who holds one of the specific subject area endorsements (i.e., biology, chemistry, earth science, and/or physics) related to the broad area of science, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned

endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(9) Any certificated teacher who holds one of the specific subject area endorsements (i.e., anthropology, economics, geography, history, political science, psychology, and/or sociology) related to the broad area of social studies, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(10) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area. Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial or endorsed continuing teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any such teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to dismissal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; and

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teachers.

(2) Teachers with initial or endorsed continuing teacher certificates who have not completed provisional status with a school district under RCW 28A.405.220 may be assigned to one out-of-endorsement assignment for a maximum of two periods (not more than forty percent full-time equivalent) a day. Conditions described in subsection (1)(a) through (d) of this section shall apply to teachers so assigned.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-16-223 Temporary out-of-endorsement assignment criteria.
- WAC 180-16-224 Second and third year temporary out-of-endorsement criteria.

WSR 97-01-104
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed December 18, 1996, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-046.

Title of Rule: Chapter 180-85 WAC, Professional certification—Continuing education requirement.

Purpose: The proposed amendments to this chapter repeal procedures which are no longer necessary because the certificate expiration date is now written on the continuing certificate. Other proposed changes clarify auditing and approval procedures.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 96-08-013, filed 3/25/96, effective 4/25/96)

WAC 180-85-025 Continuing education—Definition. As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, awarded by a regionally accredited institution of higher education, pursuant to WAC 180-78-010(6).

(2) All continuing education credit hours awarded by a vocational-technical (~~(institute)~~) college pursuant to WAC 180-85-030(3) (~~and 180-85-083~~) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 180-83 WAC.

AMENDATORY SECTION (Amending Order 28-88, filed 12/14/88)

WAC 180-85-030 Continuing education credit hour—Definition. As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of instruction in course work provided by a vocational-technical (~~(institute)~~) college, one continuing education credit hour shall be granted.

(4) For each sixty minutes of approved in-service education including reasonable time for breaks and passing time, one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable.

(5) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings—such as district, building, or area meetings within an agency, district, or building—to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) Social hours, independent study, or actual meal time.

(6) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the nearest half hour of credits actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of three continuing education credit hours.

AMENDATORY SECTION (Amending Order 28-88, filed 12/14/88)

WAC 180-85-200 In-service education approval standards. In-service education programs provided by approved in-service education agencies shall meet the following program standards:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify

the topics to be covered, the days and times of each presentation, and the names and short description of qualifications of each instructor—e.g., degrees and current professional position.

(3) All in-service education instructors shall have academic and/or professional experience which specifically qualifies them to conduct the in-service education program—e.g., a person with expertise in a particular subject, field, or occupation.

(4) Program materials, including the program agenda, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) The in-service education program shall be evaluated by the participants to determine the success of the program, including the following:

(a) The extent to which the written objectives—i.e., subsection (1) of this section—have been met;

(b) The quality of the physical facilities in which the program was offered;

(c) The quality of the oral presentation by each instructor;

(d) The quality of the written program materials provided by each instructor; and

(e) Suggestions for improving the in-service education program if repeated.

(6) The in-service education agency shall compile the evaluations required in subsection (5) of this section in summary form.

(7) The designated administrator of each in-service education program shall assess the value and success of such program and periodically report his or her findings to the governing or advisory board which authorized the in-service program.

(8) The standards for recordkeeping as provided in WAC 180-85-205 shall apply.

(9) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(10) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(11) Note: The provisions of this section (~~and WAC 180-85-202~~) do not apply to credit hours awarded by a college or university or course work continuing education hours awarded by a vocational-technical (~~institute~~) college.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-210 Assurances of compliance with program and recordkeeping standards. Annual assurances (~~by approved in-service education agencies~~) shall be completed as follows:

(1) School districts shall be requested, when submitting the annual basic education compliance report, to provide an assurance that any in-service education program to be provided by such district and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(2) Approved private schools shall be requested, when applying for annual approval, to provide an assurance that any in-service education program to be provided by such private school and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(3) **Approved in-service agencies and other in-service education agencies seeking approval status shall provide on forms provided by the superintendent of public instruction, an annual assurance that any in-service education program to be provided by such agency and for which continuing education credit hours will be granted shall comply with the applicable program standards and recordkeeping within this chapter. Such forms shall contain such other information related to the continuing education program provided by the approved in-service agency as requested by the superintendent of public instruction.**

NEW SECTION

WAC 180-85-211 Annual approval procedures. On an annual basis a list shall be submitted to the state board of education which shall include new applicants for approval as an approved in-service agency and agencies which were previously approved by the state board of education which no longer wish to serve as an approved in-service education agency.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-215 Selective audit of records of in-service education agencies. (~~The superintendent of public instruction shall audit school district compliance with the provisions of this chapter as a part of the state staff review provided by WAC 180-16-195(2).~~) All (~~other~~) approved in-service education agencies shall be audited by the superintendent of public instruction on a selective basis, which may include responses to complaints or other evidence of possible noncompliance, with the number of actual audits per year left to the discretion of the superintendent of public instruction.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-85-110	SPI subsequent notice to certificate holders of continuing education requirement.
WAC 180-85-115	SPI notice of lapsed certificate.
WAC 180-85-120	Appeal from determination of lapsed status.
WAC 180-85-135	Practicing with lapsed certificate.

WSR 97-01-105
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed December 18, 1996, 12:08 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 96-16-041.

Title of Rule: Chapter 180-86 WAC, Professional certification—Policies and procedures for administration of certification proceedings.

Purpose: The proposed amendment is part of a larger effort to consolidate and clarify rules regarding certification.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: The proposed amendments recodify and/or consolidate certain sections from the current chapter 180-75 WAC which logically fit in chapter 180-86 WAC. (Other sections from chapter 180-75 WAC will be moved to a new chapter 180-79A WAC. Chapter 180-75 WAC will be repealed.)

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

GENERAL PROVISIONS

NEW SECTION

WAC 180-86-011 Valid certificate required. Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles.

Any certificate issued pursuant to chapter 180-77 or 180-79A WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-79A-140 if such certification is required by statute or rules of the state board of education, unless such certificate

is under suspension or until such certificate expires, lapses, or is revoked.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
180-75-081	180-86-013
180-75-083	180-86-014

WSR 97-01-106

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed December 18, 1996, 12:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-16-044.

Title of Rule: Chapter 180-78 WAC, Professional certification—Approved preparation programs by colleges and universities.

Purpose: The proposed amended and new sections will move existing sections from chapter 180-79 WAC which are referenced in chapter 180-78 WAC and need to be retained when chapter 180-79 WAC is repealed.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130.

Summary: This process moves existing sections from chapter 180-79 WAC into chapter 180-78 WAC.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: New Market Vocational Skills Center, 7299 New Market Street, Tumwater, WA 98501, on January 23, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Judy Rus by January 13, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357.

Date of Intended Adoption: January 24, 1997.

December 18, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 94-24-041, filed 12/2/94, effective 1/2/95)

WAC 180-78-205 Program approval requirement—General knowledge required by all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker. An approved preparation program shall require all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker to complete course work that covers the general knowledge required in WAC ((180-79-134)) 180-78-207 for all candidates for certification unless waived pursuant to WAC 180-78-215, 180-78-235, or 180-78-285: *Provided*, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to complete course work that covers the performance domains required by WAC 180-78-257.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-215 Program approval requirement—General knowledge required by all candidates for certification as teachers. An approved preparation program for teachers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131 and 180-79-136)) 180-78-207 and 180-78-217 for all candidates for certification as teachers: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: *Provided further*, That in the event the candidate has served as a teacher aide in a public or an approved private school and the candidate so requests and provides appropriate documentation, the college or university must evaluate the candidate pursuant to WAC 180-78-225.

AMENDATORY SECTION (Amending WSR 94-24-041, filed 12/2/94, effective 1/2/95)

WAC 180-78-235 Program approval requirement—General knowledge required by all candidates for certification as administrators. An approved preparation program for administrators shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131 and 180-79-140)) 180-78-207 and 180-78-237 for all candidates for certification as administrators: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: *Provided further*, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification

to complete course work that covers the performance domains required by WAC 180-78-257.

AMENDATORY SECTION (Amending WSR 94-24-038, filed 12/2/94, effective 1/2/95)

WAC 180-78-285 Program approval requirement—General knowledge required for all school counselor, school psychologist and school social worker candidates for certification. An approved preparation program for school counselors, school psychologists and school social workers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131)) 180-78-207 for all candidates for certification: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
180-79-131	180-78-207
180-79-136	180-78-217
180-79-140	180-78-237

**WSR 97-01-107
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS**
[Filed December 18, 1996, 1:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-124.

Title of Rule: Collection of fees.

Purpose: To amend chapter 296-116 WAC to reflect a new pilot license fee implemented by chapter 175, Laws of 1995.

Other Identifying Information: WAC 296-116-070.

Statutory Authority for Adoption: RCW 88.16.090(3).

Statute Being Implemented: RCW 88.16.090(3).

Summary: The 1995 legislature set a new pilot license fee of \$2,500. per pilot per year which is an increase of \$1,000. over the old fee.

Reasons Supporting Proposal: This is a housekeeping amendment.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, WA, 515-3904.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and

PROPOSED

PROPOSED

Fiscal Matters: This fee increase was implemented on July 1, 1995, pursuant to statutory authority.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed would increase the annual pilot license fee by \$1,000. according to the changes passed by the 1995 legislature.

Implementation of the proposed change to this rule will align the annual pilot license fee with the statutory language already in effect since July 1, 1995. This is a housekeeping amendment.

Proposal Changes the Following Existing Rules: The annual pilot license fee increase from \$1,500. to \$2,500.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is being considered in the context of the legislative action previously taken.

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

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on February 13, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by February 10, 1997, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 515-3969, by February 6, 1997.

Date of Intended Adoption: February 13, 1997.

December 18, 1996
Peggy Larson
Administrator

AMENDATORY SECTION (Amending Order 88-13, Resolution No. 88-13, filed 7/1/88)

WAC 296-116-070 Collection of fees. All pilots shall pay an annual license fee of ~~((one))~~ two thousand five hundred dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his/her fee for that year shall be reduced to five hundred dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

**WSR 97-01-108
PROPOSED RULES**

**BOARD OF
PILOTAGE COMMISSIONERS**

[Filed December 18, 1996, 1:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-122.

Title of Rule: Duties of pilots.

Purpose: To provide clear direction for pilots to perform their duties by adopting reporting procedures, forms, and definitions relating to pilot incidents, near-miss occurrences, and navigational safety concerns.

Other Identifying Information: WAC 296-116-200.

Statutory Authority for Adoption: Chapter 88.16 RCW.
Statute Being Implemented: Chapter 88.16 RCW.

Summary: Pilot reporting forms and procedures are proposed that will be required under duties of pilots relating to incidents, near-miss occurrences, and navigational safety concerns.

Reasons Supporting Proposal: Clarification of reporting procedures is necessary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Reporting forms have been adopted by the board and are currently in use.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule clarifies the duties of a pilot relating to reporting requirements and definitions of a pilot incident, a near-miss occurrence, and a navigational safety concern.

Forms have been adopted and are in use which are described in the proposed rule.

Proposal Changes the Following Existing Rules: An incident and a near-miss occurrence are defined and reporting procedures for each are described.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule applies to state licensed pilots and will impose no economic impact on private industry.

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

Hearing Location: Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on February 13, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by February 10, 1997, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 515-3969, by February 6, 1997.

Date of Intended Adoption: February 13, 1997.

December 18, 1996
Peggy Larson
Administrator

AMENDATORY SECTION (Amending Order 73-6, filed 5/11/73)

WAC 296-116-200 Duties of pilots. (1) In any case where a vessel in the charge of a state licensed pilot (~~((shall go aground, collide with another vessel, or dock, or shall meet with any casualty, or be injured or damaged in any way))~~) is involved in an incident or near-miss occurrence, the said pilot shall ~~((, within ten days thereafter,))~~ make ~~((written))~~ a report ~~((thereof))~~ to ~~((said))~~ the board ~~((, and))~~ in the following required manner:

(a) Pilots report of incident. A state licensed pilot involved in an incident shall notify the board by telephoning or radioing the Marine Exchange of Puget Sound as soon as the situation is stabilized or within one hour of reaching

shore. The pilot shall also complete the board required Pilot's Report of Incident form and file it with the board as soon as possible after the incident, but in no event more than ten days afterwards. An incident includes an actual or apparent collision, allision or grounding, as well as a navigational occurrence which results in actual or apparent personal injury or property damage or environmental damage.

(b) Pilot's report of marine safety occurrence. A state licensed pilot involved in a near-miss occurrence shall complete the board required Pilot's Report of Marine Safety Occurrence form and file it with the board as soon as possible after the near-miss occurrence, but in no event more than ten days afterwards. A near-miss occurrence is where a pilot successfully takes action of a nonroutine nature to avoid a collision with another vessel, structure or aid to navigation, to avoid a grounding of the vessel or to avoid causing damages to the environment. Information relating to near-miss occurrences provided by a pilot on this form shall not be used for imposing any sanctions or penalties against said pilot. A state licensed pilot may also use this form on a voluntary basis for reporting out of the ordinary occurrences or concerns for navigational safety encountered or observed during the course of piloting a vessel.

Completion of these forms does not replace or relieve a pilot from any other reporting requirements under federal, state or local law. The board of pilotage commissioners may ((thereupon)), ((either)) with or without a complaint being made against ((the said)) a pilot, investigate the matter reported upon. ((In any case of apparent damage being sustained or caused by a vessel under his charge, the pilot shall file his written report as soon as possible after returning to shore. It is important that the board be promptly advised of the facts in all cases of accident, without delay.))

(2) Pilots will report to the pilot office and to the aids to navigation officer of the U.S. Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that my come to their knowledge.

(3) Any pilot who shall fail, neglect or refuse to make a report to the board of pilotage commissioners as required by the pilotage laws of the state, or by these rules and regulations, for a period of ten days after the date when the said report is required to be made, shall be subject to having his license suspended at the discretion of the board, and if he fails to report for a period of thirty days the board may, at its discretion, revoke his license.

(4) Pilots when so notified in writing shall report in person to the board, at any meeting specified in such notice.

(5) Any pilot summoned to testify before the pilotage board shall appear in accordance with such summons and shall make answer, under oath, to any question put to him which deals with any matter connected with the pilot service, or of the pilotage waters over which he is licensed to act. He shall be entitled to have his attorney or advisor present during any such appearance and testimony.

(6) Any pilot who shall absent himself from his pilotage duties or district for a period of sixty days without permission of the board of pilotage commissioners shall be liable to suspension or to the forfeiture of his license.

(7) A pilot on boarding a ship, if required by the master thereof, shall exhibit his license, or photostatic copy thereof.

(8) When a pilot licensed under this act is employed on an enrolled ship, the same rules and regulations shall apply as pertain to registered ships.

(9) Any state licensed pilot assigned to pilot a vessel entering, leaving, or shifting berths under its own power in any of the waters subject to the provisions of chapter 88.16 RCW shall before assuming pilotage obligations for such vessel obtain assurance from the master that the vessel meets all requirements for safe navigation and maneuvering. In addition, the pilot shall obtain assurance that the ship's officers will maintain navigation procedures by all navigational aids available to insure that the vessel's position is known at all times. If the pilot in his professional judgment considers the vessel to be incapable of safe navigation and maneuvering due to performance limitations, he shall refuse to assume the obligations of pilotage for such vessel until such limitations have been corrected and shall promptly notify the pilot's control station and the chairman of the board of pilotage commissioners of such action.

WSR 97-01-113
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed December 19, 1996, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-081.

Title of Rule: Shellfish transfer.

Purpose: Clarify shellfish transfer rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Clarifies internal shellfish transfer. Reduce requirements for imported shellfish. Clarify that aquaculture disease control includes shellfish other than oysters.

Reasons Supporting Proposal: Aquaculture protection.

Name of Agency Personnel Responsible for Drafting:

Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reformats restricted shellfish areas in Puget Sound and Willapa Bay. No anticipated effect from the reformat. Provides for a pamphlet serving as a transfer permit for shellfish transfer except from restricted to unrestricted areas. Will eliminate a permit requirement. Continues requirement for a permit for transfer between restricted to unrestricted areas.

Proposal Changes the Following Existing Rules: Primarily clarification. Eliminates permit requirement and restrictions on imports.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal creates no new economic burden for small businesses. On the

contrary, it eliminates a regulatory burden, clarifies existing restricted shellfish areas, and repeals sections dealing with inspection, certification, importation period, and shipping seasons for imports.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington, on January 31, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by January 16, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by January 30, 1997.

Date of Intended Adoption: January 31, 1997.

December 19, 1997 [1996]

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 847, filed 9/24/69)

WAC 220-72-002 Promulgation. In order to suppress and prevent the spread of infectious, contagious, communicable diseases and pests affecting (~~oysters~~) shellfish, the following regulations are adopted [WAC (~~220-72-013~~) 220-72-011 through (~~220-72-094~~) 220-72-085].

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.

NEW SECTION

WAC 220-72-011 Restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as restricted shellfish areas:

(1) Dungeness Bay—inside and westerly of a line projected from the most southerly tip of Dungeness Spit southerly to the mainland.

(2) Drayton Harbor — inside and southerly of a line projected from the end of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and easterly and inside of a line projected from 48°46'32" N. Lat., 122°40'00" W. Long. due south to a point 48°45'55" N. Lat., 122°40'00" W. Long and then due east to the mainland.

(4) Samish Bay — inside and easterly of a line starting at the most westerly tip of the point at the south entrance of Chuckanut Bay and projected in a southerly direction to William Point on Samish Island.

(5) Padilla Bay—southerly of a line starting at William Point on Samish Island and projected southerly to March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay and following latitude 48 degrees 20 minutes north.

(7) Liberty Bay—inside, westerly and northerly of a line projected true south from Tower Point.

(8) Dyes Inlet — inside and northerly of a line projected true east from the most northern tip of Rocky Point to the mainland in the vicinity of southern Tracyton.

(9) Burley Lagoon — inside and northerly of the Purdy bridge.

(10) Case Inlet — Rocky Bay and North Bay—northerly of a line projected true west from the westerly tip of Windy Bluff across Case Inlet through the northerly tip of Reach Island to the west shore of Case Inlet.

(11) Hammersley Inlet—Oakland Bay — inside, westerly and northerly of a line starting at Munson Point and projected in a southerly direction to Eagle Point.

(12) Totten Inlet—Oyster Bay — Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most southern tip of the Steamboat Island bridge.

(13) Eld Inlet—

(a) Mud Bay—inside, southerly and westerly of a line starting at Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—southerly of a line starting at the end of the DuPont Dock and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long and then projected southeasterly to the most southerly tip of Bolton Peninsula.

(b) Tarboo Bay — northerly and easterly of a line starting at the most northern tip of Long Spit and then projected true west to the mainland.

(c) Rendsland Creek — easterly and inside of a lines drawn from:

Point No. 1 at 47°23'02.7" N. Lat.
123°06'42.8" W. Long. thence to

Point No. 2 at 47°23'02.7" N. Lat.
123°06'55" W. Long. thence to

Point No. 3 at 47°23'16.6" N. Lat.
123°06'55" W. Long., then projected true east to the mainland.

(d) Lynch Cove—easterly of a line starting at Cady Creek on the north shore and projected in a southwesterly direction to a point at 47°23'02.4" N. Lat., 122°56'12.4" W. Long.

(e) Hamma Hamma Flats—inside and westerly of lines drawn from:

Point No. 1 at 47°33'15" N. Lat.
123°01'42" W. Long. thence to

Point No. 2 at 47°32'54" N. Lat.
123°01'06" W. Long. thence to

Point No. 3 at 47°32'54" N. Lat.
123°01'48" W. Long. thence to

Point No. 4 at 47°32'21" N. Lat.
123°01'54" W. Long.

(f) Dosewallips Delta — inside and westerly of lines drawn from:

- Point No. 1 at 47°41'03" N. Lat.
122°53'45" W. Long. thence to
Point No. 2 at 47°41'03" N. Lat.
122°52'24" W. Long. thence to
Point No. 3 at 47°42'20.6" N. Lat.
122°52'24" W. Long. thence to
Point No. 4 at 47°42'20.6" N. Lat.
122°53'39" W. Long.

(g) Point Whitney — inside and westerly of a lines drawn from:

- Point No. 1 at 47°45'43.7" N. Lat.
122°51'02" W. Long. thence to
Point No. 2 at 45°45'56" N. Lat.
122°51'02" W. Long. thence to
Point No. 3 at 45°45'56" N. Lat.
122°51'12" W. Long. thence to
Point No. 4 at 47°45'45" N. Lat.
122°51'12" W. Long.

(16) Henderson Inlet—South Bay — inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

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

NEW SECTION

WAC 220-72-015 Restricted shellfish areas—Willapa Bay All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay within the following areas are designated as restricted shellfish areas:

- (1) Middle Sands—inside of lines drawn from:
Point No. 1 at 46°30'00" N. Lat.
124°01'20" W. Long. thence to
Point No. 2 at 46°30'00" N. Lat.
124°00'50" W. Long. thence to
Point No. 3 at 46°27'50" N. Lat.
124°00'50" W. Long. thence to
Point No. 4 at 46°28'20" N. Lat.
124°01'15" W. Long. and thence to point of beginning.

(2) Nemah — inside of lines drawn from:

- Point No. 1 at 46°33'00" N. Lat.
123°56'47" W. Long. thence to
Point No. 2 at 46°32'23" N. Lat.
123°55'44" W. Long. thence to
Point No. 3 at 46°30'55" N. Lat.
123°56'00" W. Long. thence to
Point No. 4 at 46°30'43" N. Lat.
123°56'36" W. Long. thence to
Point No. 5 at 46°30'50" N. Lat.
123°57'20" W. Long. thence to
Point No. 6 at 46°31'34" N. Lat.
123°57'41" W. Long. thence to
Point No. 7 at 46°32'37" N. Lat.

123°57'25" W. Long. and thence to point of beginning.

(3) Bay Center—inside of lines drawn from:

- Point No. 1 at 46°38'48" N. Lat.
123°57'30" W. Long. thence to
Point No. 2 at 46°38'40" N. Lat.
123°57'25" W. Long. thence to
Point No. 3 at 46°38'30" N. Lat.
123°58'10" W. Long. thence to
Point No. 4 at 46°38'45" N. Lat.

123°58'15" W. Long. and thence to point of beginning.

(4) Cedar River inside of lines drawn from:

- Point No. 1 at 46°42'23" N. Lat.
123°57'53" W. Long. thence to
Point No. 2 at 46°42'55" N. Lat.
123°59'25" W. Long. thence to
Point No. 3 at 46°43'25" N. Lat.
123°59'25" W. Long. thence to
Point No. 4 at 46°44'10" N. Lat.
123°58'35" W. Long. thence to
Point No. 5 at 46°44'12" N. Lat.
123°58'10" W. Long. thence to
Point No. 6 at 46°44'00" N. Lat.
123°57'55" W. Long. thence to
Point No. 7 at 46°43'27" N. Lat.
123°57'52" W. Long. thence to
Point No. 8 at 46°42'55" N. Lat.

123°57'35" W. Long. and thence to point of beginning.

AMENDATORY SECTION (Amending Order 847, filed 9/24/69)

WAC 220-72-070 Unrestricted shellfish areas. All waters, tidelands and ((oyster)) shellfish handling facilities operated in conjunction with said waters and tidelands of Puget Sound, Grays Harbor and Willapa Bay lying outside the restricted shellfish areas as defined in chapter 220-72 WAC are hereby designated as unrestricted shellfish areas.

AMENDATORY SECTION (Amending Order 847, filed 9/24/69)

WAC 220-72-073 Unlawful acts—((Oyster)) Shellfish transfer. It shall be unlawful ((without first obtaining written permission from the director of fisheries or his authorized agent)) to move or transfer any ((oysters, oyster seed, oyster cultch, oyster shell,)) shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), ((oystering)) aquaculture equipment (including aquaculture vehicles and vessels), ((boats, seows, other material)) or any marine organisms adversely affecting ((oysters)) shellfish between unrestricted shellfish areas, between restricted shellfish areas, ((from a restricted shellfish area into an unrestricted area)) and from an unrestricted shellfish area into a restricted shellfish area without first obtaining and having in possession for each shellfish transfer a current copy of the Washington Department of Fish and Wildlife pamphlet "Import and transfer of oysters, clams, and other shellfish (including aquatic invertebrates) in Washington state." ((The director of fisheries or his authorized agent may require such written permit be obtained by any person,

~~firm or corporation to move or transfer oysters, oyster seed, oyster cultch, oyster shell, oystering equipment, boats, sews, other material or any marine organisms adversely affecting oysters within an unrestricted shellfish area or within a restricted shellfish area.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 847, filed 9/24/69)

WAC 220-72-076 Unlawful acts—Permit ~~((display))~~ **required.** It shall be unlawful to ~~((execute any))~~ transfer ~~((of))~~ shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), aquaculture equipment (including aquaculture vehicles and vessels) from a restricted area into an unrestricted area without obtaining written permission from the Director of Fish and Wildlife or the Directors authorized agent. Such written ~~((under a permit required by this Order unless such))~~ permit ~~((is))~~ must be affixed to or otherwise ~~((accompanies))~~ accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill-infested ~~((oysters, oyster shell))~~ or marine organisms harmful to ~~((oysters, shellfish, areas found to have aquatic diseases or pests (including the oyster drill Ceratostoma inornatum) will be immediately considered restricted by the Department of Fish and Wildlife. The department will immediately notify property owners of the restricted status.~~

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.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1045, filed 3/8/73)

WAC 220-72-085 Imports—Written permission. It shall be unlawful to import into the state of Washington any ~~((oysters))~~ shellfish, (oyster) shellfish shell or (oyster) shellfish seed for the purpose of ~~((planting))~~ placing into state waters without written permission from the department of ~~((fisheries))~~ fish and wildlife. ((This permission must be applied for at least 30 days prior to the start of any seed oyster packing. The application shall state the maximum quantity to be imported, the general area where they can be inspected, the name of the exporter, and the approximate time the shipment will be made.))

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

Reviser's note: 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 220-72-013 Restricted shellfish areas—Drayton Harbor.
- 220-72-016 Restricted shellfish areas—Samish Bay.
- 220-72-019 Restricted shellfish areas—Padilla Bay.
- 220-72-022 Restricted shellfish areas—Similk Bay.
- 220-72-025 Restricted shellfish areas—Liberty Bay.
- 220-72-028 Restricted shellfish areas—Dyes Inlet.
- 220-72-031 Restricted shellfish areas—Case Inlet—Rocky Bay and North Bay.
- 220-72-034 Restricted shellfish areas—Hammersley Inlet—Oakland Bay.
- 220-72-037 Restricted shellfish areas—Totten Inlet—Oyster Bay.
- 220-72-040 Restricted shellfish areas—Eld Inlet—Mud Bay.
- 220-72-043 Restricted shellfish areas—Nisqually Flats.
- 220-72-046 Restricted shellfish areas—Hood Canal—Quilcene Bay.
- 220-72-049 Restricted shellfish areas—Hood Canal—Lynch Cove.
- 220-72-052 Restricted shellfish areas—Hood Canal—Hamma Hamma Flats.
- 220-72-055 Restricted shellfish areas—Henderson Inlet—South Bay.
- 220-72-058 Restricted shellfish areas—Willapa Bay—Middle Sands.
- 220-72-061 Restricted shellfish areas—Willapa Bay—Nemah.
- 220-72-064 Restricted shellfish areas—Willapa Bay—Bay Center.
- 220-72-067 Restricted shellfish areas—Willapa Bay—Cedar River.))
- 220-72-070 Unrestricted shellfish areas.
- 220-72-082 Imports—Inspection.
- 220-72-088 Imports—Certification.
- 220-72-091 Imports—Importation period.
- 220-72-094 Imports—Shipping season.

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

**WSR 97-01-114
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed December 19, 1996, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-149.

PROPOSED

Title of Rule: To adopt WAC 232-28-266, landowner damage hunts.

Purpose: To adopt WAC 232-28-266, landowner damage hunts, to establish a landowner damage hunting system to alleviate complaints and payments.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: A quota of six hundred deer permits and one hundred elk permits is proposed to be available at the local level to address landowner damage problems.

Reasons Supporting Proposal: To avoid the damage claims of landowners and help resolve damage issues.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will provide a mechanism to issue special permits to landowners. The purpose is to alleviate damage and the effect will be to reduce damage payments.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

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

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington 98368, on January 31 - February 1, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by January 20, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by January 20, 1997.

Date of Intended Adoption: January 31, 1997.

December 19, 1996

Evan Jacoby

Legal Counsel

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

<u>1997-1998</u>	<u>1998-1999</u>	<u>1999-2000</u>
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 100 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

**WSR 97-01-115
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed December 19, 1996, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-149.

Title of Rule: To amend WAC 232-28-262 1997 Bighorn sheep auction permits.

Purpose: To amend WAC 232-28-262 1997 Bighorn sheep auction permits, this amendment limits the area for hunting bighorn sheep if a person gets a bighorn sheep auction permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See above.

Reasons Supporting Proposal: A disease outbreak earlier this year severely reduced populations of bighorn sheep in the Blue Mountains.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

NEW SECTION

**WAC 232-28-266 1997-98, 1998-99, 1999-2000
Landowner damage hunts. LANDOWNER DAMAGE HUNTS**

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

<u>1997-1998</u>	<u>1998-1999</u>	<u>1999-2000</u>
August 1- March 31	August 1- March 31	August 1- March 31

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment limits the area for hunting bighorn sheep after obtaining an auction permit. There are several other areas that hunting is still allowed.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

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

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington 98368, on January 31 - February 1, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by January 20, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by January 20, 1997.

Date of Intended Adoption: January 31, 1997.

December 19, 1996

Evan Jacoby

Legal Counsel

[AMENDATORY SECTION] (Amending WSR 96-12-054, filed 5/31/96)

WAC 232-28-262 1997 Bighorn sheep auction permits.

AUCTIONING OF PERMIT

The Director will select a conservation organization(s) to conduct the 1997 auction. Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, 1997

Hunt Area: (~~Anywhere in eastern Washington south of Interstate 90.~~) Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Clemon Mountain), or Sheep Unit 12 (Lincoln Cliffs).

Bag Limit: One Bighorn Ram

AUCTION HUNT PERMITTEE RULES

(1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

(5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

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

**WSR 97-01-116
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed December 19, 1996, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-149.

Title of Rule: To amend WAC 232-28-263 1997 Raffle permits.

Purpose: To amend WAC 232-28-263 1997 Raffle permits, this amendment limits the area for hunting bighorn sheep if a person gets a bighorn sheep raffle permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See above.

Reasons Supporting Proposal: A disease outbreak earlier this year severely reduced populations of bighorn sheep in the Blue Mountains.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment limits the area for hunting bighorn sheep after obtaining a raffle permit. There are several other areas that hunting is still allowed.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

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

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington 98368, on January 31 - February 1, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by January 20, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by January 20, 1997.

Date of Intended Adoption: January 31, 1997.

PROPOSED

December 19, 1996
Evan Jacoby
Legal Counsel

AMENDATORY SECTION [(Amending WSR 96-18-067
(Order 96-143), filed 8/30/96)]

WAC 232-28-263 1997 Raffle permits

RAFFLE PERMIT HUNTS

The following raffle permits will be issued to individuals selected through a drawing:

- (1) Deer Raffle Permit Hunt
(a) Bag limit: One additional any buck deer.
(b) Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157 and 485 are closed.
(c) Open season: The deer raffle((#)) Number of permits: 1
(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.
- (2) Elk Raffle Permit Hunt
(a) Bag limit: One additional any bull elk.
(b) Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.
(c) Open season: The elk raffle permit holder may hunt in any 1997 general or permit archery, muzzleloader, or modern firearm season.
(d) Weapon: The raffle permit hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.
(e) Number of permits: 1
(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.
- (3) Bighorn Sheep Hunt
(a) Bag limit: One bighorn ram
(b) Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Clemon Mountain), or Sheep Unit 12 (Lincoln Cliffs). ~~((Anywhere south of interstate 90 in eastern Washington.))~~
(c) Open season: September 1-October 31, 1997.
(d) Weapon: Hunter may use any legal weapon.
(e) Number of permits: 1
(f) Raffle tickets cost \$10.00 including a 50 cent vendor fee.
(g) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
(h) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
(i) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
(j) If requested by the department, the permittee is required to accompany Department officials to the site of the kill.
(k) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.
- (4) Moose Hunt

- (a) Bag limit: One moose of either sex
(b) Open area: Hunter may hunt in any open moose unit.
(c) Open season: October 1-November 30, 1997.
(d) Weapon: Hunter may use any legal weapon.
(e) Number of permits: 1
(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.
(g) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area.
(h) If requested by the department, the permittee is required to accompany department officials to the site of the kill.

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 97-01-117
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed December 19, 1996, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-149.

Title of Rule: To amend WAC 232-28-260 Special hunting seasons.

Purpose: To amend WAC 232-28-260 Special hunting seasons, to establish a reward permit hunt and establish a quota level to reward citizens who turn in poachers.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amended WAC outlines the steps necessary to establish a poacher reward system.

Reasons Supporting Proposal: Establishing a poacher reward system provides incentive for people to turn in poachers and will discourage people from poaching.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Acting Assistant Director, Enforcement Program, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Once an individual turns in a poacher and the poacher is arrested and convicted, the individual who turned in the poacher may be eligible for a reward. Discourages people from poaching.

Proposal Changes the Following Existing Rules: See above.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

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

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington 98368, on January 31 - February 1, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by January 20, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by January 20, 1997.

Date of Intended Adoption: January 31, 1997.

December 19, 1996

Evan Jacoby

Legal Counsel

AMENDATORY SECTION [(Amending WSR 96-18-066 (Order 96-142), filed 8/30/96)]

WAC 232-28-260 Special hunting seasons (1) The Commission may establish special hunting seasons limited to species and/or weapon type.

(2) The Commission establishes the following types of special hunting seasons, called permit hunts, for purposes of taking specified wildlife:

- (a) General permit hunts;
- (b) Persons of disability permit hunts;
- (c) Youth permit hunts;
- (d) Senior citizen permit hunts;
- (e) Advanced hunter education permit hunts.

(3) In addition to the requirements for general permit hunts, the following are hunt requirements for:

(a) **Persons of Disability Permit Hunts:** Only applicants with a Washington disabled hunter permit are eligible to apply for any persons of disability permit hunts.

(b) **Youth Permit Hunts:** Only applicants sixteen years old or younger on opening day of the permit hunt will be eligible to apply for the youth permit hunts.

(c) **Senior Citizen Permit Hunts:** Only applicants sixty-five years of age or older on opening day of the permit hunt will be eligible to apply for senior citizen permit hunts.

(d) **Advanced Hunter Education Permit Hunts:** Only applicants who have successfully completed the Washington department of fish and wildlife advanced hunter education (AHE) course will be eligible to apply for AHE permit hunts.

(4) **Deer and elk special hunting seasons permit hunt application:**

(a) To apply for permit hunts for deer, applicants must have a valid Washington hunting license and a valid deer transport tag. Each applicant must have the proper transport tag as identified in the current deer hunting permit tables.

(b) To apply for permit hunts for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current elk hunting permit tables.

(c) No refunds or exchanges for deer or elk transport tags will be made for persons applying for permit hunts.

(d) Holders of deer or elk permit hunts may hunt only with a weapon in compliance with their transport tag during the permit hunts.

(5) Mountain goat, moose, mountain sheep, and cougar permit hunts applications:

(a) To apply for permit hunts for mountain goat, moose, mountain sheep, or cougar applicants must have a valid Washington hunting license. Those who have previously drawn a Washington mountain sheep or moose permit are ineligible to apply for that species. This restriction on eligibility does not apply to permits awarded pursuant to a raffle hunt.

(b) No refunds or exchanges for mountain goat, moose, mountain sheep, or cougar transport tags will be made for persons drawing for permit hunts.

(c) **Permit hunting report:** A hunter report will be sent to each mountain goat, moose, mountain sheep, and cougar permit hunts holder and must be returned to the department of fish and wildlife within ten days after the close of the permit hunts.

(6) **General permit hunts application:**

(a) **Partnership applications** will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) **Application deadline:** To qualify for the drawing all applications must be postmarked no later than the first Friday of May or received at a department of fish and wildlife office no later than 5:00 p.m. on the first Friday of May of the year of the drawing.

(c) An applicant's name may appear on only one single special permit hunt application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) **Incomplete Applications:**

(i) To be eligible for the deer or elk permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid deer or elk transport tag number for each applicant.

(ii) To be eligible for the special mountain goat, moose, mountain sheep, or cougar permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, and a valid Washington hunting license number for each applicant.

(iii) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must

be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate Applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the hunt. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.

(7) The Commission establishes auction and raffle Private Lands Wildlife Management Areas (PLWMA) hunts:

(a) The Commission may authorize, by agreement with PLWMA, the sale, auction, or raffle of hunts on PLWMAs.

(b) PLWMA auction/raffle hunts are awarded to hunt big game or wild turkey. The PLWMA manager will conduct the raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.

(c) The PLWMA manager conducting an authorized big game auction or raffle will provide an annual report to the department of fish and wildlife prior to December 31. The report will include information on how the event was administered, where and when it occurred, who the winners are, the cost of tickets and numbers sold.

(8) The Commission establishes raffle hunts:

(a) The Commission may establish big game and wild turkey raffle permit hunts. The director may conduct the raffle or may contract to a non-profit wildlife conservation organization (registered 5013c) for marketing. The organization may retain the vendor fee for each raffle ticket sold to cover expenses incurred.

(b) There is no limit on the number of tickets a person may purchase. Raffle tickets cost no more than \$25.00 each with a 50 cent vendor fee included in the price. All raffle permits are void on January 1 following the date of issuance.

(c) The organization interested in conducting a raffle for an authorized permit hunt shall submit a proposal outlining its experience and plans to conduct a raffle. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules. The proposal shall include:

(i) Name of the organization, articles of incorporation, and contact person.

(ii) The date, time and place of the proposed raffle drawing.

(iii) The approximate number of people expected to attend the function.

(iv) Past experience in conducting raffles and special functions.

(v) Other marketing strategies to be used.

(vi) Portion of funds to be retained by the organization.

(d) The director will select an organization to conduct a raffle.

(i) Revenue potential to the department will be a key criterion in applicant selection.

(ii) The department shall enter into a contract with the raffling organization identifying specific terms of the contract.

(iii) The director may authorize a nonprofit wildlife conservation organization to sell raffle tickets for the department and retain a vending fee of 50 cents for each ticket sold.

(e) The department or organization conducting a raffle shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.

(i) The department or organization shall inform the public of date, time and place of the raffle and hold the drawing as specified.

(ii) Raffle tickets sales conducted through agency license vendors or the director authorized nonprofit wildlife conservation organization vendor must be received at the department's Olympia office headquarters on or before the last business day prior to the public drawing. Contracting organizations conducting hunting raffles must account for raffle tickets and funds received. A representative of the department will monitor the drawing.

(iii) Additional tickets may be purchased at the raffle site prior to the drawing.

(iv) One winner and two alternates shall be drawn at the drawing.

(v) The raffling organization shall notify the department of the name, address and phone number of the raffle permit winner and two alternates immediately (but no later than ten business days) after the drawing. The department will notify the winner and two alternates by mail. The winner must claim the raffle permit during the regular business hours within 30 days of the drawing or he/she shall be disqualified and the department will offer the raffle permit to the first alternate. The first alternate must claim the raffle permit within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will not offer the raffle permit.

(vi) The department's share of the raffle revenue shall be returned to the department within 30 days of the drawing.

(f) Residents and nonresidents shall be eligible to purchase raffle tickets.

(g) There shall be no refunds for any raffle ticket purchases.

(h) The raffle winners must purchase a valid hunting license and species transport tag prior to issuance of the raffle permit. An additional big game transport tag may be purchased for a raffle permit hunt.

(i) The department will issue the permit to the person whose name appears on the winning ticket. Raffle tickets may not be resold or reassigned.

(j) All revenue to the department from a species permit raffle shall be used for the management and benefit of that species.

(9) Poacher Reward - Bonus Points:

(a) A person who has provided information concerning an illegal take of endangered species as defined by WAC 232-12-014 or a big game species as defined in RCW 77.08.030 which leads to the arrest and conviction for killing or hunting endangered or big game species in closed seasons (RCW 77.16.020 Subsection 1) and/or exceeding the bag limit (RCW 77.16.020 Subsection 2) is eligible.

(i) Only one poacher reward will be awarded per conviction regardless of the number of violations.

(ii) If two or more persons provide information regarding the same illegal take, only the informant with the most timely and applicable information regarding the illegal take as determined by the department will be eligible to receive a poacher reward in bonus points.

(iii) Upon the conviction in a district or superior court, the informant shall be awarded 10 bonus points as a reward and applied to only one species of choice.

(iv) The normal rules for bonus points in the weighted permit drawing system apply except that an informant may not apply his/her points received as a poacher reward to a partnership application.

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 97-01-122
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 19, 1996, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-22-107 filed on November 6, 1996.

Title of Rule: Chapter 296-17 WAC, Workers' compensation, classifications and reporting rules - drywall industry.

Purpose: Agency is proposing to change the basis of premium for the drywall industry from worker hours to material installed and providing a discounted rate to contractors who comply with special reporting rules.

Statutory Authority for Adoption: RCW 51.04.020(1), 51.16.035, and 51.16.100.

Statute Being Implemented: RCW 51.16.035.

Summary: The department proposes to establish a new general reporting rule specific to the drywall industry (WAC 296-17-45006); amend one existing general reporting rule (WAC 296-17-45003); establish four new risk classifications for the drywall industry (WAC 296-17-52114 through 296-17-52117); establish a new base rates table for the new classifications (WAC 296-17-89502); and repeal two existing classification definitions (WAC 296-17-52107 and 296-17-52112).

Reasons Supporting Proposal: RCW 51.16.035 requires the Department of Labor and Industries to maintain a classification plan and rating system which facilitates the collection of premium and encourages workplace safety. The changes proposed are intended to achieve this goal on a voluntary basis.

Name of Agency Personnel Responsible for Drafting: Frank Romero, Classification Services, Tumwater, Washington, (360) 902-4748; Implementation: Kathy Kimbel, Program Manager for Employer Services, Tumwater, Washington, (360) 902-4835; and Enforcement: Doug

Mathers, Chief Field Auditor, Tumwater, Washington, (360) 902-4750.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Contractors have asked the Department of Labor and Industries to change the way premiums are charged within the drywall industry. For most industries, workers' compensation insurance rates are based on hours worked by employees. While the worker hour system works well for most industries this method of paying premium is unfair when a large segment of workers within an industry are not paid an hourly wage. The drywall industry is one in which many workers are paid on the basis of material installed (piece work), not the hours they work. As a result, employers have developed a variety of ways of converting payroll to hours worked. In many instances the conversion of payroll to hours worked has resulted in the under reporting of work hours to us. Under reporting results in higher premiums paid by employers. To help remedy the problem of under reporting and provide greater fairness to employers engaged in drywall work the basis of premium is proposed to be changed from hours worked to material installed. To help minimize the effects that this change might have on the affected contractor community the department is offering discounted rates to employers that meet certain conditions.

Proposal Changes the Following Existing Rules: The proposed rules change the basis of workers' compensation premiums are paid; establish four new classifications, two of which have discounted rates; repeals the two existing drywall classifications; established new base rates for the classifications on a material installed basis (square feet); and modifies an existing general reporting rule applicable to construction contractors.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Contractors are currently keeping material records for other purposes including the pricing of their services and making bid proposals. The proposed premium rates are set at the same overall level as the rates adopted under a worker hour system for 1997 so the industry will face no added costs with these changes.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 51.16.035 requires the Department of Labor and Industries to establish a classification plan and rate system which facilitates the collection of premiums and encourages a safe work environment. The system is based on legislative standards and rate setting which are exempt.

Hearing Location: Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on February 3, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Frank Romero by January 30, 1997.

Submit Written Comments to: FAX (360) 902-4721, by February 2, 1997.

Date of Intended Adoption: February 24, 1997.

December 19, 1996
 Mike Watson
 for Mark O. Brown
 Director

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-45003 (~~(Special construction industry rule-)~~) **Building, construction and erection contractor reporting rules.** ~~((1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.~~

~~In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.~~

~~Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.~~

~~Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.~~

~~(2) Subcontracted work. The general contractor as defined in RCW 18.27.010, who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.~~

~~(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean~~

~~up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.~~

~~(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.~~

~~(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.~~

~~(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.~~

~~(7) Construction superintendent or project manager. Applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers can be assigned classification 4900 provided such employees have no direct control over work crews and are not performing construction labor at the job site or project location. An employee performing superintendent or project manager duties and some type of construction labor or control over a work crew shall not be permitted a division of work hours between classification 4900 and any other construction classification, all work hours are to be reported in the applicable construction classification.)~~ (1) Who does this rule apply to? If you are a building, construction or erection contractor and we have assigned one

or more of the following classifications to your business this rule applies to you: 0101, 0102, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0522, 0523, 0524, 0525, 0601, 0602, 0603, 0607, 0608, and 0701.

(2) How are classifications assigned to my business?

We will assign a classification or number of separate classifications which describe the business(es) you are involved in. For example, if you are a plumbing contractor we will assign a plumbing classification to your business (classification 0306). The plumbing classification covers all of the various phases of plumbing work such as rough in plumbing work, house to sewer hookup if performed by employees of the plumbing contractor and installation of the fixtures. In some cases we will assign several classifications to your business. For example, if you were building a house (single-family dwelling) and you were going to do the foundation, framing, roofing and finish carpentry we would assign your business classification 0217 for the foundation work; classification 0510 for framing the structure; classification 0507 for installing the roofing material; and classification 0513 for finish carpentry work. We will not assign separate classifications to your business for work activities which are included within a classification which we have assigned to your business. For example, if you are a concrete foundation contractor and you employ a carpenter to make and set foundation forms, you would report the carpenter's hours in the concrete foundation classification (0217) and not a carpentry classification (0510).

(3) What happens if I have several classifications assigned to my business but I did not keep track of the time my employees spent on the different phases of construction. If we have assigned more than one classification to your business, you should keep track of the actual time your employees spend under each classification which we have assigned to your business. If we audit your business, and we find that you did not keep accurate time records required by WAC 296-17-35201 we will assign all work hours in question to the highest rated classification assigned to your business.

(4) Who can I call if questions on how to use the different classification which you have assigned to my business? We would be happy to assist you with this and other questions you might have. You can call us at (360) 902-XXXX Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. Pacific time and one of our representatives will assist you.

(5) Can I report all of my construction operations under one classification? Yes, you can report all construction operations in one classification if we have preapproved it. To obtain this approval you must contact your policy manager. Your policy manager will ask you for a breakdown of the estimated project hours by phase of construction for the construction project. We will send you a letter confirming the classification which will apply to a project when you have requested a single classification.

(6) If you approve a single classification for one of my projects does this preapproval apply to all of my projects? No, the single classification approval only applies

to a specific project or group of projects which are specified in our letter to you.

(7) Can I be held liable for unpaid premiums of subcontractors which I use? Yes, if you want to avoid being held responsible for unpaid premiums on work you subcontract out to others (RCW 51.12.070), you should only use currently licensed or registered contractors (chapter 18.27 or 19.28 RCW).

(8) How can I be sure that a contractor is licensed or registered with you? The best way is to ask the contractor for their license or registration number and expiration date and then call us to verify that the information is correct. It's a good idea to write this information down somewhere that you can locate easily, it may come in handy in the future. If we audit you, we will ask you for a list of the subcontractors that you have used during a specific period of time, their license or registration number and the expiration date of the license or registration. You can simplify the audit by making and keeping this list as a part of your regular business records.

(9) What happens if you audit me and I do not have a list of the contractors described in subsection (8) of this section? If we audit you, and you are unable to provide us with this list while we are doing the audit, we will allow you a reasonable amount of time to provide us with this list. In the event that you do not provide us this list, or we cannot verify that a contractor that you used has paid premiums on the work you subcontracted to them and they were either not licensed or registered, or we determine that their license or registration was not current when you used them, we will charge you for the premiums they should have paid.

(10) Do I need any other information on subcontracted work? If you purchase materials such as but not limited to roofing material, framing lumber, concrete, or sheet rock, and supply this material to a contractor on a job you are working on, you should keep a record which shows the volume of material you have supplied (square feet) to the contractor; the project name or location; the date when the material was given to the contractor or delivered to the construction site; the approximate completion date of the contracted work; the name of the contractor that performed the work for you; their contractor license or registration number; and the expiration date of their license or registration. We will ask you for this information if we audit your business.

(11) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your

employees in classification 0510 "wood frame building construction."

(12) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are cleaning a construction site where a wood frame building was erected you would report their work time in classification 0510 "wood frame building construction." If your employees are cleaning a construction site where a nonwood frame building was erected you would report their work time in classification 0518 "nonwood frame building construction." If your employees are cleaning other nonbuilding construction sites you would report their work time in the same classification that applied to the construction work that generated the nonbuilding construction debris. For example, if you are doing site cleanup for a concrete contractor that was involved in pouring and finishing sidewalks and drive ways, you would report the work time of your employees involved in this construction site clean-up project in classification 0217 "concrete flatwork."

(13) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site? We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction."

(14) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site? Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and over spray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning we will allow you to report their work time in classification 6602 "janitors."

(15) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup can I divide their work time between the janitor and a construction classification? No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work

or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification. We would be happy to assist you with this and other questions you might have. You can call us at the phone number listed in subsection (4) of this section and one of our representatives will assist you.

(16) Can I use a shop classification to report the work time of one of my employees who works in my shop or yard? If you have a shop or yard where you maintain and store construction equipment and machinery, and/or store materials which you use in your construction business, you may qualify for a separate shop classification. There are several conditions which must be met before we will assign a shop classification to your business. A separate rule (WAC 296-17-675) describes these conditions. If you would like to see if you qualify for a shop classification you can call us at the phone number listed in subsection (4) of this section and one of our representatives will assist you.

(17) What classification do I use to report my construction superintendent or project manager? We have a special classification (4900) which may apply to your business but there are several conditions which must be met before we will assign this classification to your business. A separate rule (WAC 296-17-64999) describes these conditions. If you would like to see if you qualify for a special classification you can call us at the phone number listed in subsection (4) of this section and one of our representatives will assist you.

NEW SECTION

WAC 296-17-45006 Special drywall industry rule.

(1) Why are we changing the way you pay premiums? Under Washington law (RCW 51.16.035), we are given the authority to establish how workers' compensation insurance rates are computed. For most industries, workers' compensation insurance rates are based on hours worked by employees. While the worker hour system works well for most industries, this method of paying premium is unfair when a large segment of workers within an industry are not paid an hourly wage. The drywall industry is one in which many workers are paid on the basis of material installed (piece work), not the hours they work. As a result, employers have developed a variety of different ways of converting payroll to hours worked to comply with our hourly reporting requirements. In many instances the conversion of payroll to hours worked has resulted in the under reporting of work hours to us. Under reporting results in higher premium rates which you pay. To help remedy the problems caused by using work hours as the basis of how you pay premiums, and to provide greater fairness to employers engaged in drywall work, the premium for classifications 0522, 0523, 0524 and 0525 is based on material installed (square feet).

(2) How can I qualify for a discounted rate? For each drywall industry classification, we will establish a second classification covering the same activity. The second classification will carry a discounted rate. To qualify for a discounted classification and rate you will be required to meet all of the following conditions:

(a) Attend a special claims, risk management and premium reporting workshop which we will offer.

(b) Submit complete and accurate premium reports when they are due and be current with all premium reports and payments. If you owe us money (premiums) for any period prior to December 31, 1996, we will allow you to report in the discounted classifications provided that all current reports and premiums are filed and paid on time and you maintain a current payment agreement with us for any past due premium. You will not be allowed to use a discounted classification if you fail to submit reports and make premium payments on time. This requirement applies to any classification assigned to your business and for any exposure (hours, square feet, etc.) which occurs after January 1, 1997.

(c) Provide us with a supplemental quarterly report which shows by employee the amount of material they installed or finished during the quarter, the wages you paid them during the quarter, the basis for how they are paid (piece rate, commission, hourly, etc.) and their rate of pay per unit/hour.

(d) Provide us with a voluntary release of information form that we can give to the material supply dealer that you use. We will use this release form to obtain material sales records. This will aid us as we verify the information you supply us on your premium and supplemental reports.

(e) For any work which you subcontract to others, you must maintain the records described in WAC 296-17-45003.

(f) Keep and retain the payroll and employment records described in WAC 296-17-35201.

If you do not meet all of the above conditions, we will not assign the discounted rates to your business and you will be required to pay premiums in the nondiscounted classification(s).

(3) Can I be disqualified from using the discounted rates? Yes, your business will be disqualified from using the discounted premium rates if you do not file premium reports on time; if you fail to pay premiums on time; or if you under report or misclassify the work performed by your employees.

(4) How long will I be disqualified from using the discounted classifications? If we disqualify your business from using the discounted classifications, the disqualification will be for three years (thirty-six months) from the period of last noncompliance.

(5) I have several businesses, if one of my businesses is disqualified from using the discounted rates will that affect my other businesses? Yes, if you have ownership interest in a business which has been disqualified from using the discounted rates, and you also have ownership interest in other construction businesses which have separate industrial insurance accounts or subaccounts, all businesses in which you have ownership interest will be disqualified from using the discounted rates.

(6) What if I make a mistake in how I reported to you, should I correct the error? Yes, you should send in a revised report with an explanation of the error you are trying to correct. If we audit your business, and we determine that you have under reported exposure in any classification assigned to your business, all exposure which you reported in the discounted classifications for the audit period will be reclassified to the nondiscounted classifications.

(7) If I disagree with an audit or other decision can I still use the discounted rates while we are resolving the issue? If you are involved in a dispute with us over the

status of an independent contractor, the issue being whether an individual is a covered worker; the proper classification of work your employees performed, or under reporting, you may qualify for the discounted classifications by paying the disputed amount while the issue is under dispute. If the issue is resolved in your favor we will refund any moneys which you paid which were disputed. We will not pay interest on the refunded amount.

NEW SECTION

WAC 296-17-52114 Classification 0522.

Wallboard installation - nondiscounted rate
This classification excludes wallboard taping and texturing work which is to be reported separately in classification 0523.

Special note: The basis of premium for this classification is material installed (square feet).

NEW SECTION

WAC 296-17-52115 Classification 0523.

Wallboard taping and texturing - nondiscounted rate
This classification includes incidental painting when performed by employees of an employer subject to this classification but excludes wallboard installation which is to be reported separately in classification 0522.

Special note: The basis of premium for this classification is material finished (square feet).

NEW SECTION

WAC 296-17-52116 Classification 0524.

Wallboard installation - discounted rate
This classification excludes wallboard taping and texturing work which is to be reported separately in classification 0525.

Special note: The basis of premium for this classification is material installed (square feet).

NEW SECTION

WAC 296-17-52117 Classification 0525.

Wallboard taping and texturing - discounted rate
This classification includes incidental painting when performed by employees of an employer subject to this classification but excludes wallboard installation which is to be reported separately in classification 0524.

Special note: The basis of premium for this classification is material finished (square feet).

NEW SECTION

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective
January 1, 1997

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Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0522	0.0242	0.0090	0.0003
0523	0.0151	0.0059	0.0003
0524	0.0160	0.0060	0.0003
0525	0.0100	0.0039	0.0003

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-52107 Classification 0515.
- WAC 296-17-52112 Classification 0520.

**WSR 97-01-123
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed December 19, 1996, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-17-092.

Title of Rule: Impairment rating examinations.

Purpose: Current rules are unclear and inconsistent with regard to who may perform an impairment rating. Changes are necessary to clarify the language and make the rules consistent.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.112, 51.32.114, 51.36.015.

Statute Being Implemented: RCW 51.04.020, 51.04.030, 51.32.112, 51.32.114, 51.36.015.

Summary: WAC 296-20-200, 296-20-210, 296-20-220 and 296-23-265 are unclear and inconsistent with regard to who may perform an impairment rating. Changes are necessary to clarify the language and make the rules consistent.

Name of Agency Personnel Responsible for Drafting: Carol Britton, Tumwater, Washington, (360) 902-6818; Implementation and Enforcement: Joseph G. Bell, Tumwater, Washington, (360) 902-6696.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rule corrections is to make the administrative code consistent and clarify who may perform impairment rating examinations for Washington state workers' compensation. WAC 296-20-01002 defines physician as a person licensed to perform medicine and surgery or osteopathic medicine and surgery. WAC 296-20-200, 296-20-210, 296-20-220, states physicians may determine the extent of bodily impairment. WAC 296-23-265 allows examiners approved by the department and licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, or dentistry to perform independent medical examinations. It

also allows attending physicians licensed to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry to perform an impairment rating examination for workers under their care.

Proposal Changes the Following Existing Rules: WAC 296-20-200, "doctor" or "examiner" replaces "physician." "Experts authorized to perform rating examinations" replaces "medical."

WAC 296-20-210, "doctor" or "examiner" replaces "physician." Doctors who may determine permanent bodily impairment are made consistent with WAC 296-23-265. Specifies chiropractic evaluations of permanent impairment may be performed only where the worker has been clinically managed by a chiropractor.

WAC 296-20-220, "examiner" replaces "examining physician."

WAC 296-23-265 is written in a new format which includes new sections WAC 296-23-26501, 296-23-26502, 296-23-26503, 296-23-26504, 296-23-26505, 296-23-26506, and 296-23-267, "doctor" replaces "physician." Attending chiropractors on the department's approved examiner list may perform a rating examination for a worker under their care.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No statement was prepared because the proposed changes do not involve any additional costs to any industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed rule changes do not subject a violator to a penalty or sanction, affect the issuance of a license, or permit, or make a significant amendment to a policy or regulatory program. The proposed rule changes are consistent with the current practice of who may perform independent medical examinations and impairment ratings.

Hearing Location: Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on January 28, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Carol Britton, (360) 902-6818.

Submit Written Comments to: Carol Britton, RN, IME Project Manager, FAX (360) 902-4249, by February 11, 1997.

Date of Intended Adoption: March 14, 1997.

December 19, 1996
Mike Watson
for Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 91-07-008, filed 3/8/91, effective 5/1/91)

WAC 296-20-200 General information. (1) The department of labor and industries has promulgated the following rules and categories to provide a comprehensive system of classifying unspecified permanent partial disabilities in the proportion they reasonably bear to total bodily impairment. The department's objectives are to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities pursuant to RCW 51.32.080(2).

(2) The following system of rules and categories directs the (~~examining physician's~~) examiner's attention to the

PROPOSED

actual conditions found and establishes a uniform system for conducting rating examinations and reporting findings and conclusions in accord with broadly accepted medical principles.

The evaluation of bodily impairment must be made by ~~((medical))~~ experts authorized to perform rating examinations. This system recognizes and provides for this. After conducting the examination, the ~~((examining physician))~~ examiner will choose the appropriate category for each bodily area or system involved in the particular claim and include this information in the report. The ~~((physician))~~ examiner will, therefore, in addition to describing the worker's condition in the report, submit the conclusions as to the relative severity of the impairment by giving it in terms of a defined condition rather than a personal opinion as to a percentage figure. In the final section of this system of categories and rules are some rules for determining disabilities and the classification of disabilities in bodily impairment is listed for each category. These last provisions are for the department's administrative use in acting upon the ~~((medical))~~ expert opinions which have been submitted to it.

(3) In preparing this system, the department has complied with its duty to enact rules classifying unspecified disabilities in light of statutory references to nationally recognized standards or guides for determining various bodily impairments. Accordingly, the department has obtained and acted upon sound established medical opinion in thus classifying unspecified disabilities in the reasonable proportion they bear to total bodily impairment. In framing descriptive language of the categories and in assigning a percentage of disability, careful consideration has been given to nationally recognized medical standards and guides. Both are matters calling for the use of expert medical knowledge. For this reason, the meaning given the words used in this set of categories and accompanying rules, unless the text or context clearly indicates the contrary, is the meaning attached to the words in normal medical usage.

(4) The categories describe levels of physical and mental impairment. Impairment is anatomic or functional abnormality or loss of function after maximum medical rehabilitation has been achieved. This is the meaning of "impairment" as the word is used in the guides mentioned above. This standard applies to all persons equally, regardless of factors other than loss of physical or mental function. Impairment is evaluated without reference to the nature of injury or the treatment therefore, but is based on the functional loss due to the injury or occupational disease. The categories have been framed to include conditions in other bodily areas which derive from the primary impairment. The categories also include the presence of pain, tenderness and other complaints. Workers with comparable loss of function thus receive comparable awards.

(5) These rules and categories (WAC 296-20-200 through 296-20-690) shall only be applicable to compensable injuries occurring on or after the effective date of these rules and categories.

(6) These rules and categories (WAC 296-20-200 through 296-20-690) shall be applicable only to cases of permanent partial disability. They have no applicability to determinations of permanent total disability.

AMENDATORY SECTION (Amending Order 88-09, filed 6/24/88)

WAC 296-20-210 General rules. These general rules establish a uniform standard for conducting examinations and submitting reports of examinations. These general rules must be followed by ~~((physicians))~~ doctors who make examinations or evaluations of permanent bodily impairment.

(1) Examinations for the ~~((medical))~~ determination of the extent of permanent bodily impairment shall be made only by ~~((physicians))~~ doctors currently licensed ~~((to practice medicine))~~ in medicine and surgery (including osteopathic and podiatric) or dentistry, and department-approved chiropractors. A chiropractic evaluation of permanent impairment may be performed only where the worker has been clinically managed by a chiropractor.

(2) Whenever an examination is made, the ~~((physician))~~ examiner shall record, among other pertinent information, the complete history as obtained from the person examined; the complete history of past injuries and diseases; the complaints; the age, sex, height and weight; x-ray findings and diagnostic tests made or reviewed in connection with the examination; the diagnosis; and all findings, including negative findings, in all bodily areas and systems where a detailed review of systems reveals past or present complaints. The ~~((physician))~~ examiner shall record his conclusions as to: Whether the residuals of the injury are fixed; whether treatment is required for the injury and, if so, any treatment shall be described. If the ~~((examining physician))~~ examiner finds residuals of the injury are fixed, he shall record the appropriate category or categories of permanent impairment for diagnoses attributable to the industrial injury or occupational disease. Conditions or impairments not attributable to the industrial injury or occupational disease shall be described and diagnosed in the report, with a description of how they affect the person examined and the appropriate category of permanent impairment where possible.

(3) The ~~((examining physician))~~ examiner shall not assign a percentage figure for permanent bodily impairment described in the categories established herein.

(4) Reports shall specify diagnoses and medical terms as listed in current procedural terminology (CPT), current medical information and terminology (CMIT), international classification of diseases adopted (ICDA), or standard nomenclature of disease, except when otherwise specified in these rules.

(5) Workers who are scheduled for disability examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those conditions under which the accompanying person is allowed to be present during the disability examination process.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-20-220 Special rules for evaluation of permanent bodily impairment. (1) Evaluations of permanent bodily impairment using categories require uniformity in procedure and terminology. The following rules have been enacted to produce this uniformity and shall apply to all evaluations of permanent impairment of an unspecified nature.

(a) Gradations of relative severity shall be expressed by the words "minimal," "mild," "moderate" and "marked" in an ascending scale. "Minimal" shall describe deviations from normal responses which are not medically significant. "Mild," "moderate" and "marked" shall describe ranges of medically significant deviations from normal responses. "Mild" shall describe the least severe third. "Moderate" shall describe the middle third. "Marked" shall describe the most severe third.

(b) "Permanent" describes those conditions which are fixed, lasting and stable, and from which within the limits of medical probability, further recovery is not expected.

(c) "Impairment" means a loss of physical or mental function.

(d) "Total bodily impairment," as used in these rules, is the loss of physical or mental function which is essentially complete short of death.

(e) The ~~((examining physician))~~ examiner shall not assign a percentage figure for permanent bodily impairment described in the categories established herein.

(f) The method of evaluating impairment levels is by selection of the appropriate level of impairment. These descriptive levels are called "categories." Assessments of the level of impairment are to be made by comparing the condition of the injured workman with the conditions described in the categories and selecting the most appropriate category.

These rules and categories for various bodily areas and systems provide a comprehensive system for the measurement of disabling conditions which are not already provided for in the list of specified permanent partial disabilities in RCW 51.32.080(1). Disabilities resulting from loss of central visual acuity, loss of an eye by enucleation, loss of hearing, amputation or loss of function of the extremities will continue to be evaluated as elsewhere provided in RCW 51.32.080.

The categories have been classified in percentages in reasonable proportion to total bodily impairment for the purpose of determining the proper award. Provision has been made for correctly weighing the overall impairment due to particular injuries or occupational disease in cases in which there are preexisting impairments.

(g) The categories of the various bodily areas and systems are listed in the order of increasing impairment except as otherwise specified. Where several categories are given for the evaluation of the extent of permanent bodily impairment, the impairments in the higher numbered categories, unless otherwise specified, include the impairments in the lesser numbered categories. No category for a condition due to an injury shall be selected unless that condition is permanent as defined by these rules.

The ~~((examining physician))~~ examiner shall select the one category which most accurately indicates the overall degree of permanent impairment unless otherwise instructed. Where there is language in more than one category which may appear applicable, the category which most accurately reflects the overall impairment shall be selected.

The categories include appropriate subjective complaints in an ascending scale in keeping with the severity of objective findings, thus a higher or lower category is not to be selected purely on the basis of unusually great or minor complaints.

(h) When the examination discloses a preexisting permanent bodily impairment in the area of the injury, the ~~((examining physician))~~ examiner shall report the findings and any category of impairment appropriate to the ~~((workman's))~~ worker's condition prior to his industrial injury in addition to the findings and the categories appropriate to the ~~((workman's))~~ worker's condition after the injury.

(i) Objective physical or clinical findings are those findings on examination which are independent of voluntary action and can be seen, felt, or consistently measured by ~~((examining physicians))~~ examiners.

(j) Subjective complaints or symptoms are those perceived only by the senses and feelings of the person being examined which cannot be independently proved or established.

(k) Muscle spasm as used in these rules is an involuntary contraction of a muscle or group of muscles of a more than momentary nature.

(l) An involuntary action is one performed independently of the will.

(m) These special rules for evaluation of permanent bodily impairment shall apply to all examinations for the evaluation of impairment, in accordance with RCW 51.32.080, for the body areas or systems covered by or enumerated in WAC 296-20-230 through 296-20-660.

(n) The rules for evaluation of each body area or system are an integral part of the categories for that body area or system.

(o) In cases of injury or occupational disease of bodily areas and/or systems which are not included in these categories or rules and which do not involve loss of hearing, loss of central visual acuity, loss of an eye by enucleation or loss of the extremities or use thereof, ~~((examining physicians))~~ examiners shall determine the impairment of such bodily areas and/or systems in terms of percentage of total bodily impairment.

(p) The words used in the categories of impairments, in the rules for evaluation of specific impairments, the general rules, and the special rules shall be deemed, unless the context indicates the contrary, to have their general and accepted medical meanings.

(q) The rating of impairment due to total joint replacement shall be in accordance with the limitation of motion guidelines as set forth in the "Guides to the Evaluation of Permanent Impairment" of American Medical Association, with department of labor and industries acknowledgement of responsibility for failure of prostheses beyond the seven year limitation.

AMENDATORY SECTION (Amending WSR 95-04-056, filed 1/26/95, effective 3/1/95)

WAC 296-23-265 Who may perform independent medical examinations ~~((examiner:))?~~ ~~((1))~~ Independent medical examinations must be performed in accordance with WAC 296-20-200 by examiners approved by the department and licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, or dentistry except:

(a) Attending physicians licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry may perform an impairment rating examination for a worker under their care at the direction of the state fund or self-insurer.

(b) The independent medical examination may be performed by a board-certified specialist licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry selected by the department or the self-insurer if the worker does not live in Washington, Oregon, or Idaho.

(c) The independent medical examination may be performed by a treating physician in a department approved chronic pain management program accredited by the commission on accreditation of rehabilitation facilities. The examiner must be licensed to perform medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or dentistry.

(2) All other examiners who wish to do independent medical examinations of workers under Title 51 RCW, whether purchased by the department or self-insurers, must:

(a) Submit a completed department application to the medical director at the department of labor and industries; and

(b) Receive the medical director's approval to be an "approved examiner."

(3) Approved examiners will be listed on the department's approved examiners list. Examiners may be suspended or removed from the approved examiners list by the medical director. Such examiners shall not receive worker referrals from the department or self-insurers.

(4) The factors the medical director may consider in approving or disapproving or suspending examiners include, but are not limited to, any one or a combination of the following:

(a) Board certification;

(b) Complaints from workers about the conduct of the examiner;

(c) Disciplinary proceedings or actions;

(d) Experience in direct patient care in the area of specialty;

(e) Ability to effectively convey and substantiate medical opinions and conclusions concerning workers;

(f) Quality and timeliness of reports; and

(g) Geographical need of the department and self-insurer.

(5) Examiners must be available and willing to testify at the department fee schedule rate on behalf of the department, worker, or employer.

(6) Complaints from workers about examiner conduct during an independent medical examination must be prompt-

ly forwarded from self-insurer and department staff to the office of the medical director.

(7) The standards for independent medical examiners, the application for approved examiner status and maximum fee schedule for performing examinations are published in a medical examiners' handbook available from the Office of the Medical Director, Department of Labor and Industries, Olympia, WA 98504.

(8) Fees for independent medical examinations are determined by the dollar value published in the medical examiners' handbook.) Doctors in Washington, Oregon, or Idaho who wish to perform independent medical examinations for the department or self-insurers providing coverage to workers covered under Title 51 RCW must be approved examiners. Independent medical examinations must be performed according to WAC 296-20-200 by the following:

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Examiner is:	Doctors licensed to practice:				
	Medicine & surgery	Osteopathic medicine & surgery	Podiatric medicine & surgery	Chiropractic	Dentistry
In Washington, Oregon, or Idaho and is approved by department to perform IMEs	Yes	Yes	Yes	Yes	Yes
Not in Washington, Oregon, or Idaho and is a board certified specialist	Yes	Yes	Yes	No	Yes
The treating physician in a department approved chronic pain management program	Yes	Yes	Yes	No	Yes

NEW SECTION

WAC 296-23-26501 How do doctors become approved examiners? Doctors must submit a completed department application to the provider review and 44322, Olympia, WA 98504 and receive the medical director's approval. Approved examiners will be included on the department's approved examiners list.

NEW SECTION

WAC 296-23-26502 Where can doctors get an application to become an approved examiner and other information about independent medical examinations? The application for approved examiner status and the standards for independent medical examiners are published in the *Medical Examiners' Handbook* available from the department of labor and industries.

NEW SECTION

WAC 296-23-26503 What factors does the medical director consider in approving, suspending or removing doctors from the approved examiners list? The medical director may consider several factors in approving, disapproving, or suspending examiners. Examples include, but are not limited to:

- (1) Board certification;
- (2) Complaints from workers about the conduct of the examiner (see WAC 296-23-26506);
- (3) Disciplinary proceedings or actions;
- (4) Experience in direct patient care in the area of specialty;
- (5) Ability to effectively convey and substantiate medical opinions and conclusions concerning workers;
- (6) Quality and timeliness of reports;
- (7) Geographical need of the department and self-insurer;
- (8) Availability and willingness to testify on behalf of the department, worker, or employer; and

(9) Acceptance of the department fee schedule rate for testimony.

NEW SECTION

WAC 296-23-26504 What happens if an examiner is suspended or removed from the approved examiner list by the medical director? Examiners who are suspended or removed from the approved examiners list will not receive examination referrals from the department or self-insurers. In addition, suspended or removed examiners will not be reimbursed for examinations performed at the request of other referral sources.

NEW SECTION

WAC 296-23-26505 Is there a fee schedule for independent medical examinations? The maximum fee schedule for performing independent medical examinations is published in the *Medical Examiners' Handbook* available from the department.

NEW SECTION

WAC 296-23-26506 Can a worker file a complaint about an independent medical examiner's conduct? Workers can send written complaints about the examiner's conduct during an independent medical examination to the self-insurer or department. Complaints received by the self-insurer and department staff must be promptly forwarded to the provider review and education unit. Based on the nature of the complaint, the department may refer the complaint to the department of health.

NEW SECTION

WAC 296-23-267 When may attending doctors perform impairment rating examinations? Attending doctors may perform impairment rating examinations for workers under their care at the direction of the state fund or self-insurer if licensed to perform:

- Medicine and surgery;
- Osteopathic medicine and surgery;
- Podiatric medicine and surgery;
- Dentistry; or
- Chiropractic (chiropractors must be on the approved examiners list).

Attending doctors performing rating exams must be available and willing to testify on behalf of the department, worker, or employer and accept the department fee schedule rate for testimony.

WSR 97-01-126
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed December 19, 1996, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-049.

Title of Rule: Personal use rules.

Purpose: Amend sturgeon harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets sturgeon size limit and release rules.

Reasons Supporting Proposal: Sturgeon conservation.

Makes Washington and Oregon rules the same in concurrent waters.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; **Implementation:** Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and **Enforcement:** Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Modify sport sturgeon rules to conserve the sturgeon resource while providing recreational opportunity.

Proposal Changes the Following Existing Rules: Modify harvest rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal affects recreational fishing only.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington, on January 31, 1997, at 8:00.

Assistance for Persons with Disabilities: Contact Robin Ayers by January 14, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by January 30, 1997.

Date of Intended Adoption: January 31, 1997.

December 19, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) ~~((Catch and release only in the Columbia River and all tributaries upstream from Priest Rapids Dam.))~~ Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) ~~((2))~~ 1 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and

(ii) Maximum size is ~~((66))~~ 60 inches in length(;

~~((iii))~~ Not more than one of the two fish may be less than 48 inches in length; and

~~((iv))~~ Not more than one of the two fish may equal or exceed 48 inches in length)).

(c) The possession limit is two daily limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use limit of ~~((15))~~ 10 sturgeon.

(2) Smelt: 20 pounds. The daily limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

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

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-305 Sturgeon—Catch and release. It is unlawful to retain sturgeon taken from:

(1) Those waters of the Snake River or tributaries upstream from Lower Granite Dam;

(2) Those waters of the Columbia River and tributaries upstream from ~~((Grand Coulee))~~ Priest Rapids Dam;

(3) Those waters of the Columbia River between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period July 1 through December 31. Sturgeon that are hooked must be immediately released and returned to the water.

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WSR 97-01-127
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Filed December 19, 1996, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-080.

Title of Rule: Commercial fishing rules.

Purpose: Amend shellfish harvest and reporting rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-52-040, established maximum 20 pots per groundline in Puget Sound crab fishery. Establishes common rules for user groups, and simplified enforcement. This limit complies with the implementation of the shellfish decision *United States v. Washington*. Prohibits use of groundlines in coastal and coastal harbor crab fisheries. Comports with intent of RCW 75.30.350, slows harvest rate, and reduces gear conflicts. Eliminates Puget Sound buoy brand inspection, deemed ineffective in preventing early gear setting.

WAC 220-52-046, sets new crab fishing seasons as per the implementation of the shellfish decision in *United States v. Washington*.

WAC 220-52-050, reduces directed trawl fishery on spot prawns to comply with the implantation of the shellfish decision in *United States v. Washington*.

WAC 220-52-075, changes reporting requirements for shrimp trawl to comply with the implementation of the shellfish decision in *United States v. Washington*.

WAC 220-69-240, changes reporting requirements for shrimp to comply with the implementation of the shellfish decision in *United States v. Washington*.

WAC 220-88A-070, changes shrimp pot season to comply with the implantation of the shellfish decision in *United States v. Washington*.

WAC 220-88A-080, changes shrimp trawl season and gear requirements to comply with the implementation of the shellfish decision in *United States v. Washington*.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: 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. These rules, although not required by an express declaration of the court in *United States v. Washington*, implement the intent of the parties to allocate shellfish. Action to alleviate a disproportional effect

upon small businesses has been considered by the court, and the department is incapable of taking any other action.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Point Hudson Resort and Marina, Point Hudson Harbor, Port Townsend, Washington, on January 31, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by January 14, 1997, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, 98501, FAX (360) 902-2930, by January 30, 1997.

Date of Intended Adoption: January 31, 1997.

December 18, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-040 Crab fishery—Lawful and unlawful. (1) It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while fishing with said gear or having commercially caught food fish or other species of shellfish aboard.

(2) Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs, for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein.

(3) It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein: *Provided*, That following the close of a commercial crab season, permission may be granted by the director on a case-by-case basis for fishermen to recover shellfish pots that have become irretrievable due to extreme weather conditions. Fishermen must apply to fisheries patrol for such permission within twenty-four hours prior to the close of season.

(4) It is unlawful for any person to take, or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(5) It is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district with more than 100 shellfish pots or ring nets in the aggregate, and it shall be unlawful for any group of persons using the same vessel to take or fish for crabs for commercial purposes in Puget Sound with more than 100 shellfish pots or ring nets in the aggregate, provided it shall be unlawful for any person, or group of persons using the same vessel, to take or fish for crabs for commercial purposes with more than 20 shellfish pots or ring nets in the aggregate within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the

outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(6) It is unlawful for any person to take or fish for Dungeness crabs for commercial purposes in the Puget Sound licensing district with more than 20 pots per groundline, and it shall be unlawful to use or operate a groundline unless such gear meets the following requirements:

(a) A buoy, staff, flag, and radar reflector must be attached at each end of the groundline;

(b) Flags attached at each end of the groundline must be orange in color;

(c) Buoys attached at each end of the groundline must be marked in a visible and legible manner with the department of fish and wildlife approved and registered buoy brand issued to the license;

(d) Buoys attached at each end of the groundline must be marked with the number of pots attached to the groundline; and

(e) Staffs with attached flags at each end of the groundline must be at least four feet above the water surface.

(7) In coastal waters, Grays Harbor, Willapa Bay and the Columbia River no crab pot gear may be attached or connected to other crab pot gear by a common groundline or any other means.

(8) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department of fisheries personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

~~((7) It is unlawful for any licensed fisher to fish for or possess Dungeness crab taken for commercial purposes with shellfish pot gear from Puget Sound waters unless the fisher has on his/her person a current Puget Sound crab pot/buoy brand certificate. The certificate shall contain space for: Vessel name; name of vessel operator(s); buoy brand(s) to be used; number of pots to be fished; Puget Sound endorsement number. The certificate may be obtained at a time and place specified by the director prior to the season opening upon inspection of all pots and buoys to be fished. Inspected gear must meet the requirements of legal gear as defined in WAC 220-20-010 and 220-52-043 in order to be certified. It is unlawful for a fisher to have aboard the fishing vessel or in the water more pots than the number shown on the certificate or to have buoys aboard the vessel with numbers other than those shown on the certificate. Upon inspection of gear, the certificate may be amended during the fishing season.))~~

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-046 Crab fishery—Seasons and areas.

It is unlawful to fish for or possess Dungeness crabs taken for commercial purposes except during the lawful open seasons and areas as follows:

~~(1) ((All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except 25C, 27A, 27B, 27C, 28A, 28B, 28C, and 28D—open October 1 through April 15, provided that it is unlawful to set any crab gear prior to 9:00 a.m. on the opening day of the season.~~

~~(2)) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open beginning 8:00 a.m. October 1st through the following April 15th except Areas 25C, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and the closures provided for in this section.~~

(2) The following areas are closed to non-Indian commercial crab fishing:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the western boundary of Birch Bay State Park to Birch Point are closed through November 7th through the last day of February each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15th of each year and when open there is a 30 pot per vessel limit in these waters.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, and 26D.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 31 of each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1 through October 31 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected .4 nautical miles due northwest from Rocky Point to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24B and 26A inside lines projected from the five-meter tower between Gendey Island and Priest Point to the north tip of Jetty Island and from the five-meter tower to the Rucker Hill radio tower at Pigeon Creek No. 1.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom contour in Chuckanut Bay.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman's Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Harbor and Columbia River waters - open December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28 unless the coastal crab fishery is delayed, in which case the following provisions apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director will, by emergency rule, establish the softshell crab demarcation line.

(b) It is unlawful for a fisher to fish north of the soft-shell crab demarcation line for the first thirty days following the opening of a delayed season unless the fishery license holder or primary operator certifies that the vessel designated for use on that license did not participate in the coastal crab fishery south of the softshell crab demarcation line during the previous forty-five days. This certification is an instrument for purposes of RCW 40.16.030.

(c) Fishers may not set crab gear north of the softshell crab demarcation line more than sixty-four hours in advance of the season opening time.

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.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-050 Shrimp fishery—Coastal waters.

It is unlawful to fish for or possess shrimp taken for commercial purposes from coastal waters except as provided for in this section:

(1) Trawl gear:

(a) Season - Open to trawl fishing April 1 through October 31 of each year.

(b) Gear restrictions - The following gear is prohibited:

(i) Shrimp trawl gear having a mesh size greater than two inches in the intermediate or codend. It is lawful to have mesh larger than two inches in the wings or body of the trawl.

(ii) It is unlawful for any (~~fisherman~~) fisher to be in possession of any gear having mesh size greater than two inches in the intermediate or codend while any shrimp are aboard the vessel.

(c) **Species restriction** - It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

(d) **Licensing:**

(i) A shrimp trawl—non-Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.

(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.

(2) **Shellfish pot gear:**

(a) **Season** - Open to shellfish pot gear fishing the entire year.

(b) **Gear restrictions** - No mesh restriction.

(c) **Species restriction** - It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

(d) **Licensing:**

(i) A shellfish pot fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.

(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.

(3) **Minimum number of shrimp per pound:**

The count must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This subsection applies only to loads of 3,000 pounds of shrimp or more.

(4) **Incidental catch:**

(a) It is unlawful to take salmon incidental to any shrimp fishery.

(b) It is unlawful to retain more than ~~((1,500))~~ 500 pounds per fishing day of any bottomfish species with not more than 300 pounds of sablefish per landing taken incidental to a shrimp trawl fishery ~~((in which ocean pink shrimp comprise more than one half of the volume of shrimp aboard. It is unlawful to retain more than 1,000 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which spot prawns comprise more than one half of the volume of shrimp aboard. If a species or species complex trip limit established under))~~, except that it is unlawful to land bottomfish in excess of any limit established for the fishery in bottomfish WAC 220-44-050 ~~((is less than 1,500 pounds or 1,000 pounds respectively, it is unlawful to land in excess of that trip limit))~~.

(c) It is unlawful to retain any species of shellfish taken incidental to any lawful shrimp fishery, except that it is lawful to retain octopus ~~((and))~~, squid and up to 30 pounds of spot prawns.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-075 Shellfish harvest logs. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, shrimp other

than ocean pink shrimp, squid, octopus, or sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp other than ocean pink shrimp, squid, octopus, scallops, clams, or sand shrimp aboard. The vessel operator must submit the harvest logs for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC 220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(1) Vessel operators engaged in commercial harvest of shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fisheries boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale. In addition, vessel operators engaged in commercial harvest of shrimp in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, or 27C (Hood Canal) must record the total number of pots they have in the water and the total number of buoys attached to those pots, and the department's copy of the completed harvest log must be submitted weekly, postmarked no later than Friday and showing harvest activity for the period Thursday of the week previous to submission through Wednesday of the week the harvest log is submitted.

(2) Vessel operators engaged in commercial harvest of shrimp other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second and the beginning and end of each tow, tow speed, duration of tow and estimated weight of shrimp of each species caught for each tow before leaving the catch area where taken.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location, and the approximate number of sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught

for each tow or dive hour before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel WDF boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of octopus, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel WDF boat registration number, gear type and amount, catch area and hours fished. Weights of octopus must be recorded on landing or sale.

(8) Vessel operators engaged in commercial harvest of sand shrimp, except when taken incidental to any other lawful fishery, must record the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens), total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(3) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts made by individuals or consumers at retail.

(b) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish gatherer shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(c) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(d) Private sector cultured aquatic products.

(4) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: *Provided*, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(5) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 15 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(6) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fisheries, Olympia, Washington; telephone (360) 753-6637.

(7) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(8) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific

whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(9) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Such report must be by telephone call to the Point Whitney Shellfish Laboratory or by facsimile transmission (FAX) to the Point Whitney Shellfish Laboratory.

(10) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-070 Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restriction. It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) Seasons - All waters of Puget Sound are open to shellfish pot gear April 16 through October 15 except:

(a) Open in Shrimp District((s 1-),) 2((, and 3)) from May 16 through September 15 only((, except those waters of Shrimp District 1 within a line from the entrance to the Cape George Marina projected southwesterly to the easternmost tip of Diamond Point thence southeasterly to the westernmost tip of Beckett Point thence following the shore to the point of origin are closed to shrimp fishing)).

(b) Closed in Shrimp Districts 1, 3, 4, 5 and 6 unless opened by emergency regulation.

(c) Open in the waters of Lopez Sound south of a line projected east and west from the northern tip of Trump Island from July 10 through October 15 only.

(d) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 42 fathom depth contour from Onamac Point, Camano Island, to Sunset Beach, Camano Island.

(e) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 26A within two nautical miles of the number 1 bell buoy at Possession Point.

(2) Gear restrictions -

(a) In all areas, maximum 100 pots per fisher, except:

(i) Maximum 75 pots per fisher in Marine Fish-Shellfish Management and Catch Reporting Area 28B.

(ii) Maximum ((25 pots per fisher in Shrimp District 1- (iii) Maximum)) 50 pots per fisher in Shrimp District((s) 2 ((and 5-

(iv) Maximum 10 pots per fisher in Shrimp District 3)).

(b) In all shrimp districts:

(i) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five

pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(ii) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(c) In Shrimp District((s) 2 ((and 5)):

(i) The entire top, bottom and sides of the pot, except entrance tunnels, must be constructed of mesh material having a minimum mesh of such size that a 7/8 inch square peg can pass through without changing the shape of the opening.

(ii) All entrance tunnels must open into the pot from the sides.

(iii) The sum of the maximum widths of all entrance tunnels must not exceed one-half of the perimeter of the bottom of the pot.

(3) Spot shrimp size restriction: It is unlawful to possess spot shrimp taken by shellfish pot gear that average more than 20 shrimp per pound as sampled by a minimum of two samples of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession.

AMENDATORY SECTION (Amending Order 94-96, filed 9/7/94, effective 10/8/94)

WAC 220-88A-080 Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except as provided for in this section:

(1) Seasons - Open April 16 through October 15 in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, ((21A,)) 22A, ((22B,)) 23A, 23B, 23C, 25A, 25B and 29 except ((closed in)):

(a) ((Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank Buoy from April 16 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Potos Island from June 1 through June 30.) Closed in the waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island, until July 10th of each year.

(b) Closed in Marine Fish-Shellfish Management and Catch Reporting Area 20A in waters less than 60 fathoms deep, and no trawling is allowed from April 16 through July 15.

(c) Trawling is prohibited in waters less than 100 feet deep.

(d) Shrimp Districts 1, 2, 3 ((and)), 4 and 5.

(2) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(a) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and 22A is 25 feet.

(b) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 23D, 25A, 25B, and 29 is 60 feet.

WSR 97-01-131

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed December 19, 1996, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-19-065.

Title of Rule: Credit for reinsurance from alien insurance companies.

Purpose: In 1996 the legislature amended RCW 48.12.160 regarding when a domestic insurance company may take credit on ceded risks reinsured by an insurer not authorized in this state. These proposed rules will establish criteria and procedures under which the commissioner can determine that such a credit for reinsurance from alien insurance companies is permitted.

Other Identifying Information: Insurance Commissioner Matter No. R 96-10.

Statutory Authority for Adoption: RCW 48.02.060, 48.12.160 (as amended by chapter 297, Laws of 1996).

Statute Being Implemented: RCW 48.12.160 (amended) - see chapter 297, Laws of 1996.

Summary: These proposed rules establish the criteria and procedures which the commissioner will use to determine when a credit for reinsurance ceded to an alien insurer maintaining a trust is permitted. These proposed rules are generally based on the credit for reinsurance model regulation of the National Association of Insurance Commissioners.

Reasons Supporting Proposal: Rules are required and desirable to effectuate the amendments made to RCW 48.12.160 by chapter 297, Laws of 1996. That legislation was enacted to allow insurers to take credit for reinsurance ceded to certain insurance companies maintaining a trust fund.

Name of Agency Personnel Responsible for Drafting: Jim Tompkins, Lacey, Washington, (360) 407-0537; **Implementation and Enforcement:** John Woodall, Lacey, Washington, (360) 407-0535.

Name of Proponent: Insurance Commissioner Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1996 legislature amended RCW 48.12.160 to permit domestic insurance companies to take a credit on their financial statements for reinsurance placed with an insurance company not authorized in this state that maintains a trust fund. These proposed rules establish the criteria and procedures under which the commissioner will determine that such a credit for reinsurance from an alien insurance company maintaining a trust fund will be permitted. The rules are based upon the model regulation for credit for

reinsurance of the National Association of Insurance Commissioners.

The adoption of rules is required by chapter 297, Laws of 1996. The legislation was enacted to permit such a credit for reinsurance to domestic insurance companies for reinsurance ceded to alien insurance companies maintaining a trust fund.

Proposal Changes the Following Existing Rules: The proposed amendments offer an alternative method a domestic insurer that maintains a trust fund may use to take a credit on its financial statement for reinsurance with an insurance company not authorized in this state.

This proposal changes the following sections of chapter 284-13 WAC in the following manner: WAC 284-13-505 and 284-13-515 propose new definitions; WAC 284-13-520 repeals and amends portions of section such that it conforms with current statutes; WAC 284-13-530 and 284-13-535 propose new "significant legislative rules"; WAC 284-13-540 modifies references to conform with changes in statute; WAC 284-13-550 modifies references and text to conform with new statute and proposed new rules; WAC 284-13-560 modifies references and text to conform with new statutes and proposed new rules; WAC 284-13-570 includes statutory clarification; WAC 284-13-590 changes the effective date to conform with proposed rules; WAC 284-13-595 proposes a new "significant legislative rule."

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement is required. Attached is a statement that summarizes both the economic costs and benefits of the proposed rules.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule making includes some new sections that can be classified as "significant legislative rules."

EVALUATION OF PROBABLE COSTS AND BENEFITS
and
SMALL BUSINESS ECONOMIC IMPACT STATEMENT
Credit for Reinsurance

Background: This evaluation covers three proposed rules and is completed to demonstrate that the proposed rules impose no additional costs on the regulated industry affected by the proposed rules. An analysis of the economic impact on small businesses is also included as part of this evaluation. The 1996 legislature amended RCW 48.12.160 to permit domestic insurance companies to take credit on their financial statements for reinsurance placed with an insurance company not authorized in this state that maintains a trust fund. Without this amendment, domestic companies may not take credit on ceded risk to alien reinsurers unless these insurers have obtained a letter of credit according to rules set forth in WAC 284-13-540. This practice of meeting credit standards is not changed in these proposed rules (WAC 284-13-530, 284-13-535, and 284-13-595). These proposed rules introduce an additional option to establish credit such that a domestic company may take credit for ceded risks reinsured by an alien insurer that **either** establishes a letter of credit **or** establishes a trust fund determined by the commissioner to meet certain standards. These rules are proposed as part of a legislative request to establish criteria and procedures under which the commissioner will determine that such a

PROPOSED

credit for reinsurance will be permitted (chapter 297, Laws of 1996).

Because these rules extend the options available to the insurers, rather than limit or modify the previously established option, they do not impose any direct costs on the regulated body. In addition, by establishing an alternative form of accreditation for alien insurers, the proposed rules potentially benefit domestic insurers wishing to take credit for ceded risks. Three new significant legislative rules are proposed to provide for this allowance of a credit: WAC 284-13-530, 284-13-535, and 284-13-595.

Federal Law and Other State Law: These proposed rules are not required by federal law or federal regulation. These rules do not require any person to take an action that violates requirements of any other federal or state law. The rules propose amending WAC 284-13-500 in order to carry out the statutory requirements set forth in RCW 48.12.160.

Industry Codes: The proposed rules would affect all alien insurers that reinsure risks ceded by domestic insurance companies. The rules impact domestic insurers that take credit on ceded risk reinsured by alien companies. The Standard Industrial Classifications Manual's industry codes for these companies include: 6311, 6321, 6331, 6351, 6361, 6399, 6411.

Probable Costs: The proposed rules are written as part of a legislative request (RCW 48.12.160 (1)(b)) to establish criteria and procedures under which the commissioner determines that credit for reinsurance from an alien insurance company maintaining a trust fund is permitted. To carry out this request, one of the proposed rules establishes a list of financial information that an alien company must provide to the commissioner in order to verify that the trust fund meets credit standards (WAC 284-13-530). If the alien company chooses to establish the trust fund in accordance with these rules, they will have to incur the costs of filing the required information; however, this alien company is also free to forego all of the filing requirements proposed in this rule and instead establish a letter of credit in accordance with WAC 284-13-540. Therefore, because the filing requirements are optional and the costs only incurred if the insurer chooses the newly incorporated trust fund option, no additional costs are directly imposed on insurers by these rules.

Representatives of the alien insurance companies that would be affected by the proposed rules have testified that the proposed requirements to establish a trust fund would offer a financially desirable alternative to the fees associated with establishing a letter of credit. Furthermore, these requirements are based on the credit for reinsurance model regulation of the National Association of Insurance Commissioners (NAIC). Most of the alien insurers that offer reinsurance to domestic insurers in the state of Washington already comply with similar trust fund filing requirements established by other states based on the same NAIC model regulation. In order to be in compliance with the proposed Washington state rules, many of these companies would essentially be photocopying documents they have filed previously with other states. Representatives of insurance companies impacted by these rules strongly supported the 1996 amendment to RCW 48.12.160 that authorizes the proposed rules.

The commissioner recognizes the potential for costs associated with the time required to read and comprehend

the new rules; however, this would be a cost associated with any rules that carry out this legislative request. Compliance with the proposed rules should not increase the costs of administration to the insurance industry; however, it will have a financial impact on the Office of Insurance Commissioner. The OIC will have to devote staff time to administer the new trust fund requirements and track the information requested. The OIC will bear the costs of its administration.

Probable Benefits: The rules extend the options available to the insurers, rather than limit or modify the previously set criteria for establishing credit connected to reinsurance. Representatives of insurance companies that would be potentially impacted by this rule strongly supported the 1996 amendment to RCW 48.12.160 that authorizes the proposed rules. These companies prefer the flexibility to establish either the letter of credit or the trust fund in accordance with the way they do business.

By permitting the use of trust funds for reinsurance credit, these assuming companies would potentially realize savings by avoiding fees associated with obtaining letters of credit. These savings could potentially be passed on to cedent companies in the state of Washington. In addition, cedents may also appreciate the expanded number of reinsurers from which domestic ceding insurers may take credit, which provides for a more stable reinsurance capacity in the state.

Small Business Impact: The proposed rules do not impose a disproportionately higher economic burden on small businesses within the four-digit classification. The only small businesses that may be affected by the rules are domestic insurers that choose to take credit, as an asset or as a deduction from loss or claim, risks ceded to an alien reinsurer. The proposed rules would have a beneficial impact to these small cedent companies. The rules allow alien reinsurers to establish trust funds as an alternative to obtaining letters of credit. Representatives of the insurance industry claim that by permitting the use of trust funds for allowance of a credit, these assuming companies will realize savings by avoiding fees associated with obtaining letters of credit. These savings could potentially be passed on to the domestic insurers taking credit on ceded risk which includes small businesses. In addition, small companies would also likely appreciate the expanded number of reinsurers from which small cedent companies may take credit, thus providing a more stable reinsurance capacity for small domestic companies in the state of Washington.

The only filing requirements associated with the proposed rules are optional and would only be potentially imposed on alien reinsurance companies. None of these alien insurers are considered to be "small businesses," as defined in RCW 19.85.020(1). Small businesses will not be required to change their business practices in any way.

Mitigation: Mitigation to reduce the economic impact of the proposed rules on small businesses would not be appropriate because there are no cost impacts on small businesses. The proposed rules are actually a form of mitigation themselves because all potential impacts on small businesses are beneficial. In order to ensure the least burdensome filing alternatives associated with the rules, the commissioner designated staff to study the regulations already in place in other states regarding credit for reinsurance. In order to reduce potential filing costs, the OIC

drafted rules based on the NAIC model regulation. This NAIC model regulation is followed by most states that allow domestic companies to take credit for reinsurance provided by alien companies. By following this model and communicating with other states, these rules have been drafted consistently with regulations regarding this issue in many other states. This consistency minimizes the potential administrative compliance costs to the industry because many of these alien insurance companies are familiar and already in compliance with the regulations of other states.

Industry Involvement: Businesses that will be affected by the proposed rules were invited to provide input to the OIC throughout the rule-writing process. Throughout October, November, and December of 1996, OIC staff worked closely with representatives of the insurance industry to formalize draft rules regarding credit for reinsurance. During the first week of December, representatives of the insurance industry were contacted and asked specifically to discuss the financial impacts of the proposed rules. Also, as part of a legislative request, OIC staff members have devoted a great deal of time studying the issue and meeting with members of the National Association of Insurance Commissioners that have experience with the trust fund accreditation regulations. In addition, a copy of the proposed rule will be sent to the Association of Washington Businesses and to the Independent Business Association. Insurers known to be interested in the rules, regardless of size, were directly involved.

Conclusion: The rules extend the options available to insurers rather than limit or modify the previously established option. They do not impose any direct costs on the regulated body. The proposed rules benefit domestic insurers that cede risk reinsured by alien companies by making it easier for them to take credit on this ceded risk. The proposed rules also benefit the alien insurers that reinsure risk ceded by the domestic companies by allowing them the flexibility to establish either the letter of credit or the trust fund in accordance with the way they do business. As required by RCW 34.05.328, the commissioner must demonstrate that the probable benefits of a proposed rule exceed its probable costs. Based on the fact that the proposed rules provide more options to insurers and impose no additional costs, the probable benefits of this rule exceed the probable costs.

Hearing Location: Insurance Commissioner's 2nd Floor Conference Room, 14th and Water, Olympia, Washington 98504-0255, on January 24, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact: Steve Carlsberg, TDD (360) 664-3154 by January 22, 1997.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail inscomr@aol.com, FAX (360) 586-3535, by January 23, 1997.

Date of Intended Adoption: February 7, 1997.

December 19, 1996
Melodie Bankers
Rules Coordinator

NEW SECTION

WAC 284-13-505 Actual reinsurance. Ceding insurers, have at times, entered into reinsurance agreements primarily as financing arrangements which have the principle purpose of producing increased surplus for the ceding insurer, typically on a temporary basis, but which provide little or no indemnification of insurance risks by the reinsurer. Credit for reinsurance shall not be allowed in any accounting or financial statement of the ceding insurer in respect to any so-called reinsurance contract unless, in such contract, the reinsurer undertakes to indemnify the ceding insurer, not only in form but in fact, against all or a part of the loss or liability arising out of the original insurance.

NEW SECTION

WAC 284-13-515 Qualified United States financial institution. A qualified United States financial institution means an institution that:

- (1) Is organized or, in the case of a U.S. office of a foreign banking organization, licensed under the laws of the United States or any state thereof;
- (2) Is regulated, supervised, and examined by U.S. federal or state authorities having regulatory authority over banks and trust companies;
- (3) Has been designated by the Securities Valuation Office of the National Association of Insurance Commissioners as meeting its credit standards for issuing or confirming letters of credit; and
- (4) Is not affiliated with the assuming company.

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-520 Credit for reinsurance—Certain reinsurers maintaining trust funds. (1) Pursuant to RCW 48.12.160 (1)(a), the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer described in subsection (2) of this section which, as of the date of the ceding insurer's statutory financial statement, maintains a trust fund in an amount prescribed below in a qualified United States (~~bank~~) financial institution as provided in (~~RCW 48.12.160~~) WAC 284-13-515, for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the commissioner substantially the same information as that required to be reported on the NAIC annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund.

(2) The trust fund for a group of insurers that includes (~~individual~~) incorporated and unincorporated underwriters shall consist of funds in trust in an amount not less than the group's aggregate gross liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of the United States ceding insurers of any member of the group. The group shall make available to the commissioner annual certifications by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter member of the group.

~~(3) ((The trust under RCW 48.12.160 (1)(a) or (b)(i) shall be established in a form approved by the commissioner and complying with that statute and this section. The trust instrument shall provide that:~~

~~(a) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied thirty days after entry of the final order of any court of competent jurisdiction in the United States.~~

~~(b) Legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's United States policyholders and ceding insurers, their assigns and successors in interest.~~

~~(c) The trust shall be subject to examination as determined by the commissioner.~~

~~(d) The trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust.~~

~~(e) No later than February 28 of each year the trustees of the trust shall report to the commissioner in writing setting forth the balance in the trust and listing the trust's investments at the preceding year end, and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.~~

~~(f) No amendment to the trust shall be effective unless reviewed and approved in advance by the commissioner.)) The credit allowed for reinsurance shall not be greater than the amount of funds held in trust.~~

~~(4) The trust established shall comply with WAC 284-13-535.~~

NEW SECTION

WAC 284-13-530 Credit for reinsurance—Certain alien reinsurers maintaining trust funds. (1) Under RCW 48.12.160 (1)(b), the commissioner shall allow credit for reinsurance ceded by a domestic insurer to a single assuming alien insurer which, as of the date of the ceding insurer's statutory financial statement, maintains a trust fund in an amount not less than the assuming alien insurer's liabilities attributable to reinsurance ceded by United States domiciled insurers plus maintain a trustee surplus of not less than twenty million dollars, and the assuming alien insurer maintaining the trust fund has received a registration from the commissioner. The assuming alien insurer shall report on or before February 28 to the commissioner substantially the same information as that required to be reported on the NAIC annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund. To be registered the assuming alien insurer must:

(a) File a properly executed Form AR-1 under WAC 284-13-595 as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records under chapter 48.03 RCW.

(b) File with the commissioner a certified copy of a letter or a certificate of authority or of compliance issued by the assuming alien insurer's alien domiciliary jurisdiction and the domiciliary jurisdiction of its United States reinsurance trust.

(c) File with the commissioner within sixty days after its financial statements are due to be filed with its domiciliary

regulator, a copy of the assuming alien insurer's annual financial report converted to United States dollars, and a copy of its most recent audited financial statement converted to United States dollars.

(d) File annually with the commissioner on or before February 28, a statement of actuarial opinion in conformance with the NAIC's annual statement and instructions attesting to the adequacy of the reserves for United States liabilities which are backed by the trust fund. Unless the commissioner notifies the assuming alien insurer otherwise, the opinion may be given by an actuary of the assuming alien insurer, who is duly qualified to provide actuarial opinions in the domiciliary jurisdiction of the assuming alien insurer.

(e) File and maintain with the commissioner a list of the assuming alien insurer's United States reinsurance intermediaries.

(f) File and maintain with the commissioner copies of service and management agreements, including binding authorities, entered into by the assuming alien insurer.

(g) File annually with the commissioner a holding company registration statement containing the information required by RCW 48.31B.025 (2)(a) through (e) in the form proscribed in WAC 284-18-920.

(h) File annually with the commissioner the assuming alien insurer's account and report which reports the overall business of the assuming alien insurer in United States dollars.

(i) File other information, financial or otherwise, which the commissioner reasonably requests.

(2) If the commissioner determines that the assuming alien insurer has failed to meet or maintain any of these qualifications, the commissioner may, consistent with chapters 48.04 and 34.05 RCW, revoke the registration of the assuming insurer maintaining the trust fund. No credit shall be allowed a domestic ceding insurer with respect to reinsurance ceded after December 31, 1997, if the assuming alien insurer's registration under this section has been denied or revoked by the commissioner.

(3) The required amount of the trust shall be based upon the gross United States liabilities, including incurred but not reported claims (IBNR), of the assuming alien insurer reduced only for those liabilities for which specific collateralization has been provided to individual ceding companies, with such adjustments, if any, as the commissioner may from time to time consider appropriate.

(4) The credit allowed for reinsurance shall not be greater than the amount of funds held in trust.

(5) The trust established shall comply with WAC 284-13-535.

NEW SECTION

WAC 284-13-535 Trust fund requirements. The trust under RCW 48.12.160 (1)(a), (b) or (c)(i) shall be established in a form filed with and approved by the commissioner and complying with that statute and this section. The trust instrument shall provide that:

(1) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied thirty days after entry of the final order of any court of competent jurisdiction in the United States.

(2) Legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's United States policyholders and ceding insurers, their assigns and successors in interest.

(3) The trust shall be subject to examination as determined by the commissioner.

(4) The trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust.

(5) No later than February 28 of each year the trustees of the trust shall report to the commissioner in writing setting forth the balance in the trust and listing the trust's investments at the preceding year end, and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

(6) Furnish to the commissioner a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter.

(7) At least sixty days, but not more than one hundred twenty days, prior to termination of the trust, written notification of termination shall be delivered by the trustee to the commissioner.

(8) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by RCW 48.12.160, WAC 284-13-520 and 284-13-530 or if the grantor(s) of the trust has been declared insolvent or placed in receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight over the trust or other designated receiver all of the assets of the trust fund. The assets shall be applied in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of insurance companies. If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor(s) of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(9) No amendment to the trust shall be effective unless:

(a) It has been reviewed and approved in advance by either the commissioner of the state where the trust is domiciled or the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted responsibility for regulatory oversight of the trust; and

(b) It has been filed with the commissioner and it has not been disapproved within thirty days of its receipt by the commissioner.

(10) The form of the trust and any amendments to the trust shall also be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled.

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-540 Credit for reinsurance ceded to an assuming insurer that does not have a certificate of authority. Pursuant to RCW 48.12.160 (1)(~~(b)~~) (c), the commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer (~~(not meeting the requirements of RCW 48.12.160 (1)(a))~~) in an amount not exceeding the liabilities carried by the ceding insurer. Such reduction shall not be (~~(it)~~) greater than the amount of funds or other assets that are of the types and amounts that are authorized under chapter 48.13 RCW, held subject to withdrawal by and under the control of the ceding insurer, including funds or other such assets held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder. Such security must be held in (~~the~~) a qualified United States financial institution as defined in WAC 284-13-515 subject to withdrawal solely by, and under the exclusive control of, the ceding insurer (~~(or, in the case of a trust, held in a qualified United States financial institution as defined in RCW 48.12.160 (1)(b)(ii))~~). This security may be in the form of:

(1) Deposits or funds that are assets of the types and amounts that are authorized under chapter 48.13 RCW; or

(2) Clean, irrevocable, unconditional, and "evergreen" letters of credit issued or confirmed by a qualified United States institution, as defined in (~~RCW 48.12.160 (1)(b)(ii))~~) WAC 284-13-515, effective no later than December 31 of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs.

An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to this section shall be allowed only when the requirements of WAC (~~284-13-550 or~~) 284-13-560 are met.

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-550 Trust agreements qualified under WAC 284-13-540. (1) As used in this section:

(a) "Beneficiary" means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator, or liquidator).

(b) "Grantor" means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the assuming alien insurer not holding a certificate of authority for that kind of business.

(c) "Obligations," as used in subsection (~~(3)~~) (2)(k) of this section, means:

(i) Reinsured losses and allocated loss expenses paid by the ceding company, but not recovered from the assuming insurer;

(ii) Reserves for reinsured losses reported and outstanding;

(iii) Reserves for reinsured losses incurred but not reported; and

(iv) Reserves for allocated reinsured loss expenses and unearned premiums.

(2) Required conditions.

(a) The trust agreement shall be entered into between the beneficiary, the grantor, and a trustee which shall be a qualified United States financial institution as defined in ~~((RCW 48.12.160 (1)(b)))~~ WAC 284-13-515.

(b) The trust agreement shall create a trust account into which assets shall be deposited.

(c) All assets in the trust account shall be held by the trustee at the trustee's office in the United States ~~((, except that a bank may apply for the commissioner's permission to use a foreign branch office of such bank as trustee for trust agreements established pursuant to this section. If the commissioner approves the use of such foreign branch office as trustee, then its use must be approved by the beneficiary in writing and the trust agreement must provide that the written notice described in (d)(i) of this subsection must also be presentable, as a matter of legal right, at the trustee's principal office in the United States))~~.

(d) The trust agreement shall provide that:

(i) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee;

(ii) No other statement or document is required to be presented in order to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;

(iii) It is not subject to any conditions or qualifications outside of the trust agreement; and

(iv) It shall not contain references to any other agreements or documents except as provided for under (k) of this subsection.

(e) The trust agreement shall be established for the sole benefit of the beneficiary.

(f) The trust agreement shall require the trustee to:

(i) Receive assets and hold all assets in a safe place;

(ii) Determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may whenever necessary negotiate any such assets, without consent or signature from the grantor or any other person or entity;

(iii) Furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;

(iv) Notify the grantor and the beneficiary within ten days, of any deposits to or withdrawals from the trust account;

(v) Upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title, and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and

(vi) Allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw such asset upon condition that the proceeds are paid into the trust account.

(g) The trust agreement shall provide that at least thirty days, but not more than forty-five days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.

(h) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.

(i) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.

(j) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct, or lack of good faith.

(k) Notwithstanding other provisions of this regulation, when a trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, where it is customary practice to provide a trust agreement for a specific purpose, such a trust agreement may, notwithstanding any other conditions in this regulation, provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, for the following purposes:

(i) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;

(ii) To make payment to the assuming insurer of any amounts held in the trust account that exceed one hundred two percent of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or

(iii) Where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten days prior to the termination date, to withdraw amounts equal to the obligations and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution as defined in ~~((RCW 48.12.160(2)))~~ WAC 284-13-515 apart from its general assets, in trust for such uses and purposes specified in (k)(i) and (ii) of this subsection as may remain executory after such withdrawal and for any period after the termination date.

(l) Notwithstanding other provisions of this regulation, when a trust agreement is established in conjunction with a reinsurance agreement covering life, annuities, and disability risks, where it is customary practice to provide a trust agreement for a specific purpose, such a trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, for the following purposes:

(i) To pay or reimburse the ceding insurer for:

(A) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of the policies; and

(B) The assuming insurer's share under the specific reinsurance agreement of surrenders and benefits or losses paid by the ceding insurer, under the terms and provisions of the policies reinsured under the reinsurance agreement.

(ii) To make payment to the assuming insurer of amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer; or

(iii) Where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of liabilities, to the extent that the liabilities have not been funded by the assuming insurer, and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution as defined in WAC 284-13-515 apart from its general assets, in trust for such uses and purposes specified in (1)(i) and (ii) of this subsection as may remain executory after such withdrawal and for any period after the termination date.

(m) The reinsurance agreement entered into in conjunction with the trust agreement may, but need not, contain the provisions required by subsection (4)(a)(ii) of this section, so long as these required conditions are included in the trust agreement.

(n) Notwithstanding any other provision in the trust instrument, if the grantor(s) of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight or other designated receiver all of the assets of the trust fund. The assets shall be applied in accordance with the priority statutes and laws of the state in which the trust is domiciled applicable to the assets of insurance companies in liquidation. If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy claims of the United States ceding insurers of the grantor(s) of the trust, the assets or any part thereof shall be returned to the trustee for distribution in accordance with the trust agreement.

(3) Permitted conditions.

(a) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than ninety days after receipt by the beneficiary and grantor of the notice, and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than ninety days after receipt by the trustee and the beneficiary of the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the

grantor and all assets in the trust have been duly transferred to the new trustee.

(b) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any such interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.

(c) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions which the trustee determines are at least equal in market value to the assets withdrawn and that are consistent with the restrictions in subsection (4)(a)(ii) of this section.

(d) The trust agreement may provide that the beneficiary may at any time designate a party to which all or part of the trust assets are to be transferred. Such transfer may be conditioned upon the trustee receiving, prior to or simultaneously, other specified assets.

(e) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.

(4) Additional conditions applicable to reinsurance agreements.

(a) A reinsurance agreement, which is entered into in conjunction with a trust agreement and the establishment of a trust account, may contain provisions that:

(i) Require the assuming insurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what the agreement is to cover;

(ii) Stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash (United States legal tender), certificates of deposit (issued by a United States bank and payable in United States legal tender), and investments of the types permitted by Title 48 RCW or any combination of the above, provided that such investments are issued by an institution that is not the parent, subsidiary, or affiliate of either the grantor or the beneficiary. The reinsurance agreement may further specify the types of investments to be deposited. Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, then the trust agreement may contain the provisions described by this paragraph in lieu of including such provisions in the reinsurance agreement;

(iii) Require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations, or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may whenever necessary negotiate these assets without consent or signature from the assuming insurer or any other entity;

(iv) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and

(v) Stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver, or conservator of such company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

(A) To pay or reimburse the ceding insurer for:

(I) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement because of cancellations of such policies;

~~((B) To reimburse the ceding insurer for))~~ (II) The assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;

~~((C) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer liabilities for policies ceded under the agreement. The account shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported), loss adjustment expenses, and unearned premium reserves; and~~

~~((D) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.))~~ (III) Any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(B) To make payment to the assuming insurer of amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(b) The reinsurance agreement may also contain provisions that:

(i) Give the assuming insurer the right to seek approval from the ceding insurer to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:

(A) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or

(B) After withdrawal and transfer, the market value of the trust account is no less than one hundred two percent of the required amount.

The ceding insurer shall not unreasonably or arbitrarily withhold its approval.

(ii) Provide for(=

~~(A) The))~~ return of any amount withdrawn in excess of the actual amounts required for (a)(v)((A), (B), and (C)) of this subsection ~~((or in the case of (a)(v)(D) of this subsection any amounts that are subsequently determined not to be due;)), and~~

~~((B))~~ for interest payments((=)) at a rate not in excess of the prime rate of interest((=)) on the amounts held pursuant to (a)(v)((C)) of this subsection.

(iii) Permit the award by any arbitration panel or court of competent jurisdiction of:

(A) Interest at a rate different from that provided in (b)(ii)((B)) of this subsection;

(B) Court or arbitration costs;

(C) Attorney's fees; and

(D) Any other reasonable expenses.

(c) Financial reporting. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming alien insurer in financial statements required to be filed with ~~((this department))~~ the insurance commissioner in compliance with the provisions of this regulation when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but such reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

(d) Existing agreements. Notwithstanding the effective date of this regulation, any trust agreement or underlying reinsurance agreement in existence prior to December 31, ~~((1993))~~ 1996, will continue to be acceptable until December 30, ~~((1994))~~ 1997, at which time the agreements will have to be in full compliance with this regulation for the trust agreement to be acceptable.

(e) The failure of any trust agreement to specifically identify the beneficiary as defined in subsection (1)(a) of this section shall not be construed to affect any actions or rights which the commissioner may take or possess pursuant to the provisions of the laws of this state.

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-560 Letters of credit qualified under WAC 284-13-540. (1) The letter of credit must be clean, irrevocable, and unconditional and issued or confirmed by a qualified United States financial institution as defined in ~~((RCW 48.12.160 (1)(b)(iii)))~~ WAC 284-13-515. The letter of credit shall contain an issue date and date of expiration and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit shall also indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents, or entities, except as provided in subsection (8)(a)((iii)(A)) of this section. As used in this section, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator, or liquidator).

(2) The heading of the letter of credit may include a boxed section which contains the name of the applicant and

other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked to indicate that such information is for internal identification purposes only.

(3) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.

(4) The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" which prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than thirty days' notice prior to expiry date or nonrenewal.

(5) The letter of credit shall state whether it is subject to and governed by the laws of this state or the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 400), and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

(6) If the letter of credit is made subject to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 400), then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 19 of Publication 400 occur.

(7) The letter of credit shall be issued by a qualified United States financial institution authorized to issue letters of credit, pursuant to RCW 48.12.160 (1)(b)(ii).

(8) Reinsurance agreement provisions.

(a) The reinsurance agreement in conjunction with which the letter of credit is obtained may contain provisions which:

(i) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover.

(ii) Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:

(A) To pay or reimburse the ceding insurer for:

(I) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurers, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies; and

((B) To reimburse the ceding insurer for) (II) The assuming insurer's share under the specific reinsurance agreement of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurers, under the terms and provisions of the policies reinsured under the reinsurance agreement;

((C) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement (such amount shall include, but not be limited

to, amounts for policy reserves, claims and losses incurred, and unearned premium reserves); and

(D) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.)) (III) Any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(B) Where the letter of credit will expire without renewal or be reduced or replaced by a letter of credit for a reduced amount and where the assuming insurer's entire obligations under the specific reinsurance remain unliquidated and undischarged ten days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of the liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer and exceed the amount of any reduced or replacement letter of credit, and deposit those amounts in a separate account in the name of the ceding insurer in a qualified United States financial institution as defined in WAC 284-13-515 apart from its general assets, in trust for such purposes specified in (a)(ii)(A) of this subsection as may remain after withdrawal and for any period after the termination date.

(iii) All of the foregoing provisions of (a) of this subsection should be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.

(b) Nothing contained in (a) of this subsection shall preclude the ceding insurer and assuming insurer from providing for:

(i) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to (a)(ii)((C)) of this subsection; and

(ii) The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or (, in the case of (a)(ii)(D) of this subsection,)) any amounts that are subsequently determined not to be due.

(c) When a letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities, and disability, where it is customary practice to provide a letter of credit for a specific purpose, then the reinsurance agreement may, in lieu of (a)(ii) of this subsection, require that the parties enter into a "trust agreement" which may be incorporated into the reinsurance agreement or be a separate document.

((D) A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this department unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement. Further, the reduction for the letter of credit may be up to the amount available under the letter of credit but no greater than the specific obligation under the reinsurance agreement which the letter of credit was intended to secure.))

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-570 Other security. A ceding insurer may take credit for unencumbered funds withheld by the ceding insurer in the United States subject to withdrawal solely by the ceding insurer and under its exclusive control. The credit shall not be greater than the funds held.

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-590 Contracts affected. All new and renewal reinsurance transactions entered into after December 1, ((1993)) 1996, shall conform to the requirements of this regulation if credit is to be given to the ceding insurer for such reinsurance.

NEW SECTION

WAC 284-13-595 Form AR-1.

FORM AR-1
CERTIFICATE OF ASSUMING ALIEN INSURER

I, _____,
(name of officer) (title of officer)

of _____,
(name of assuming insurer)

the assuming alien insurer under a reinsurance agreement with one or more insurers domiciled in Washington, hereby certify that

_____ ("Assuming Insurer");
(name of assuming insurer)

1. Submits to the jurisdiction of any court of competent jurisdiction in the State of Washington for the adjudication of any issues arising out of the reinsurance agreement, agrees to comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or any appellate court in the event of an appeal. Nothing in this paragraph constitutes or should be understood to constitute a waiver of Assuming Insurer's rights to commence an action in any court of competent jurisdiction in the United States, to remove an action to a United States District Court, or to seek a transfer of a case to another court as permitted by the laws of the United States or of any state in the United States. This paragraph is not intended to conflict with or override the obligation of the parties to the reinsurance agreement to arbitrate their disputes if such an obligation is created in the agreement.
2. Designates the Insurance Commissioner of the State of Washington as its lawful attorney upon whom may be served any lawful process in any action, suit or proceeding arising out of the reinsurance agreement instituted by or on behalf of the ceding insurer.
3. Submits to the authority of the Insurance Commissioner of the State of Washington to examine its books and records and agrees to bear the expense of any such examination.
4. Submits with this form a current list of insurers domiciled in the State of Washington reinsured by Assuming Insurer and undertakes to submit additions to or deletions from the list to the Insurance Commissioner at least once per calendar quarter.

Dated: _____
(name of assuming insurer)

BY: _____
(name of officer)

(title of officer)

WSR 97-01-132
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 96-05—Filed December 19, 1996, 11:25 a.m.]

Continuance of WSR 96-24-089.

Preproposal statement of inquiry was filed as WSR 96-12-081.

Title of Rule: Amendments to agricultural burning, chapter 173-430 WAC.

Purpose: Continuation of adoption date from December 19, 1996, to January 7, 1997.

Date of Intended Adoption: January 7, 1997.

December 18, 1996

Mary Riveland

Director

PROPOSED

WSR 97-01-136
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE

[Filed December 19, 1996, 11:47 a.m.]

Continuance of WSR 96-24-103.

Preproposal statement of inquiry was filed as WSR 96-17-080.

Title of Rule: Criteria for determining when the benefits provided in a contract are and are not reasonable in relation to the amount charged by health carriers as regulated under RCW 48.44.010(3) and 48.46.020(1).

Purpose: This filing replaces the proposed rule filed as WSR 96-24-103 on December 4, 1996. This proposed rule differs from the previous filing in that it does not apply to disability insurers, whose financial structure may not lend itself to a full cost-of-service analysis. These criteria do not apply to Medicare supplement and long-term care products of health care service contractors and health maintenance organizations whose rates are governed by other rules. This rule allows those who submit rate filings to know what to plan for and what to expect and helps to make the process fair, credible and understandable for all who are affected by the rate decisions. The criteria help make the rate review process uniform among health carriers.

Other Identifying Information: Insurance Commissioner Matter No. R 96-7.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.020(2), 48.44.050, 48.46.060(3), and 48.46.200.

Statute Being Implemented: RCW 48.44.020, 48.47.060.

Summary: Washington statutes state that the Insurance Commissioner may disapprove a health benefit contract or agreement on the grounds that the benefits are unreasonable in relation to the amount charged. They further state that contracts and agreements shall be submitted for approval to the commissioner and the rates of any such plans shall be reasonable in relation to the benefits.

Reasons Supporting Proposal: The historical approach to determining when the benefits provided in a contract were reasonable was a fixed "loss ratio" test established in 1981. This test was repealed as outdated and no longer meaningful. Many carriers have requested a replacement for the repealed regulation. While it is possible for the commissioner's staff

to evaluate the reasonableness of contracts filed by health carriers in the absence of published criteria, an explicit set of criteria adopted as a rule will make the process of evaluating rate filings more efficient and equitable. Such a set of criteria allows those who submit rate filings to know what to plan for and what to expect and helps to make the process fair, credible and understandable for all who are affected by the rate decisions. The criteria help make the rate review process uniform among health carriers.

Name of Agency Personnel Responsible for Drafting: Bethany Weidner, Olympia, Washington, (360) 664-2532; Implementation and Enforcement: Ida Zadrow, Olympia, Washington, (360) 407-0197.

Name of Proponent: Deborah Senn, Insurance Commissioner, public, and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes criteria for evaluating reasonableness based on three types of charges that are included in premiums. Carriers must demonstrate that they have accounted for and allocated the following cost elements in a reasonable and verifiable manner: (1) Expected value of all future claims costs; (2) prudently incurred nonclaims costs; and (3) contribution to surplus, considering investment income and the level of surplus available to the carrier.

The purpose of this proposed rule is to fulfill the statutory requirement that the commissioner ensure that health plan charges are reasonable. The impact of the rule will be to make the evaluation process clearer, simpler, and fairer to all affected by health plan rate changes.

Note: The hearing for this rule replaces the hearing previously scheduled for January 13, 1996. The January 13, 1996, hearing is canceled.

Proposal does not change existing rules.

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.

(b) What industry is affected by the proposed rule? The industry code that would be affected by this rule includes Hospital and Medical Service Plans, industry code #6324. In Washington, such plans are called health care service contractors (HCSCs) and health maintenance organizations (HMOs).

(c) List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to businesses. Most rates filed by health care service contractors (HCSCs) and health maintenance organizations (HMOs) are currently subject to review by the commissioner. The commissioner has the statutory authority to disapprove these rates if the benefits provided therein are "unreasonable in relation to the amount charged" (RCW 48.44.020 (2)(d) and 48.46.060 (2)(d)). Although rate analysts for the Office of the Insurance Commissioner evaluate rates based on criteria included in this proposed rule, the commissioner believes it is important to set forth the standards used in a rule. The purpose of this proposed rule is to set forth the criteria on which a rate filing is to be evaluated. The intended result is to achieve

uniformity in the rate review process for all carriers, consistent with applicable statutes and regulations, standard actuarial practices, and standards for financial reporting.

Because rate filings are presently subject to review by the commissioner, this rule does not impose new direct costs on the carriers; however, the commissioner recognizes the potential for costs associated with the time required to read and comprehend the new rule. The goal of this impact statement is to determine whether this potential cost would disproportionately affect smaller carriers doing business in Washington state.

(d) What will be the compliance costs for industries affected? The intent of the proposed rule is to set forth in rule a consistent set of criteria on which to evaluate rate increases proposed by HCSCs and HMOs. These proposed criteria will be used by the OIC to determine whether a proposed rate increase is unreasonable in relation to benefits. The commissioner recognizes the potential for costs associated with the time required to read and comprehend the new rule; however, this would be a cost associated with any rule establishing criteria pursuant to RCW 48.44.020 (2)(d) and 48.46.060 (2)(d).

(e) What percentage of the industries in the four-digit standard industrial classification will be affected by the rule? This proposed rule would affect one hundred percent of the HCSCs and HMOs that request rate increases for health benefit plans subject to OIC rate regulation under RCW 48.44.020 and 48.46.060.

(f) Will the rule impose a disproportionately higher economic burden on small businesses within the four-digit classification? In order to evaluate the effects of this proposed rule on large and small HCSCs and HMOs, it is important to recognize the varying structure of the carriers within the industry. Tables 1 and 2 (shown below) describe the types of health benefit plans that are currently offered by the largest and smallest HCSCs and HMOs in Washington state. The carriers will remain anonymous to maintain confidentiality. Of the smallest carriers described in Table 1, 50% exclusively offer health plans that are not subject to this proposed rate review rule (e.g. Medicaid plans, Medicare supplement plans). Thus, if these carriers continue offering these same types of plans, they would not be affected by the proposed rule. Conversely, all of the largest six carriers described in Table 2 offer plans that are subject to rate review by the commissioner and would be subject to this proposed rule. Due to the types of benefit plans small carriers choose to offer, many are effectively excluded from the requirements of this proposed rule. Thus, this proposed rule does not appear to disproportionately burden smaller HCSCs and HMOs.

Table 1

Smallest Six HCSCs and HMOs

<u>Types of Plans Marketed by Carrier</u> (1995 data)				
Health Carrier	Standard Rates or Community Rated Plans	Non-standard Rates or Negotiated Rate Plans	Medicare Supplement Plans	State or Federally funded Plans (<u>not</u> subject to OIC rate review)
	Subject to OIC Rate Review and subject to the rate standards set forth in this proposed rule		Subject to OIC Rate Reviews, but <u>not</u> subject to this proposed rule	<u>Not</u> Subject to OIC Rate Review
A				X
B				X
C*			X	
D	X			
E	X	X		
F	X	X	X	X

* carrier intends to market individual and group plans in the future.

Table 2

Largest Six HMOs and HCSCs

<u>Types of Plans Marketed by Carrier</u> (1995 data)				
Health Carrier	Standard Rates or Community Rated Plans	Non-standard Rates or Negotiated Rate Plans	Medicare Supplement Plans	State or Federally funded Plans (<u>not</u> subject to OIC rate review)
	Subject to OIC Rate Review and subject to the rate standards set forth in this proposed rule		Subject to OIC Rate Reviews, but <u>not</u> subject to this proposed rule	<u>Not</u> Subject to OIC Rate Review
A	X	X	X	X
B	X	X	X	X
C	X	X	X	X
D	X	X	X	X
E	X	X	X	X
F	X	X	X	X

(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? Potential costs of this rule have been reduced (see (i)) to a negligible amount.

(h) What steps will the commissioner take to reduce the costs of the rule on small businesses? The commissioner will ensure that no extraneous requirements are included in the rule. Also, see part (i) for more information.

(i) Which mitigation techniques have been considered and incorporated into the proposed rule? Based on

written comments from and discussions with representatives of HCSCs and HMOs, the commissioner eliminated several provisions from the proposed rule that would have required carriers to provide sample rates for a specified benefit level for each major product. Elimination of these provisions has reduced the analytical work and paperwork required to comply with the proposed rule. On November 19th, carriers were invited to a meeting to discuss issues regarding the proposed rule. A previous version of the rule would have included disability insurers in its scope. After reviewing comments from persons affected by the rules, the original

PROPOSED

rule was amended to exclude disability insurers and a new CR-102 and amended rule were proposed.

(j) Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why? The drafting staff considered including a formula to be used by carriers to determine when a rate increase would be judged reasonable, but this was rejected on the grounds that: (i) Such a formula would not implement the statutory requirement that a rate increase or decrease request be evaluated on the basis of the charges being reasonable in relation to benefits and (ii) such a formula would be a "cookie-cutter" approach that might disadvantage one type of carrier versus another.

(k) Briefly describe the reporting, record-keeping, and other compliance requirements of the proposed rule. The rate review criteria are designed to be consistent with applicable statutes and regulations, standard actuarial practices, and standards for financial reporting. It is not the intent of this rule to require record keeping that is not consistent with the standard practice and sound financial management of health carriers. Specific reporting requirements will be described under a separate rule.

(l) List the kinds of professional services that a small business is likely to need in order to comply with the reporting, record-keeping, and other compliance requirements of the proposed rule. In the event an HCSC or HMO has difficulty comprehending the intent of the proposed rule, the Insurance Commissioner will make resources available to assist the carrier in understanding and complying with the proposed rule. This is consistent with the OIC's current approach to rate filing by carriers.

(m) Analyze the cost of compliance including, specifically:

- **Cost of equipment:** No additional cost of equipment expected.
- **Cost of supplies:** No additional cost of supplies expected.
- **Cost of labor:** Firms may possibly need to hire consulting labor to assist them in making their initial filing under the revised criteria.
- **Cost of increased administration:** No additional cost of increased administration expected.

(n) Compare the cost of compliance for small business with the cost of compliance for the largest businesses in the same four-digit classification, using one or more of the following (as specifically required by RCW 19.85.040 (1)(a), (b), and (c)). HCSCs and HMOs offering individual and group plans based on standard, nonnegotiated rates are currently subject to community rating statutes (RCW 48.44.022, 48.44.023, 48.46.064, and 48.46.066). Rate proposals for all state and federally funded plans are subject to appropriate state and federal regulation. The target of the proposed rate review rules is to provide a consistent set of criteria for all plans under the jurisdiction of the OIC. One need for the rule is to evaluate merit pooling rates as thoroughly as rates of different types of plans. It is important to note the structure of the smallest and largest carriers described in Tables 3 and 4 (shown below). Again, the carriers will remain anonymous to maintain confidentiality. Although 50% of the smallest carriers offer individual and group plans that are subject to rate review by the OIC, these small carriers market very few

large group policies, and none of these policies are based on merit pools. Conversely, large carriers earn the largest percentage of the premiums from large group plans that include plans based on merit pool rates. Also, as described in part (f), if carriers were to continue providing the types of plans they are now marketing, only half of the small carriers would be affected by this rule while all of the large carriers would be impacted by the proposed rule.

Table 3

**Smallest HCSCs and HMOs
Percentage of Enrollees Categorized by Plan Types (1995 data)**

Health Carrier	Community Rated Plans (standard, non-negotiated rates)	Negotiated Rate Plans (experience rates)	Other Types of Plans
A			100%
B			100%
C*			100%
D	100%		
E	75%	25%	
F	36%	36%	28%

* carrier intends to market individual and group plans in the future

Table 4

**Largest HCSCs and HMOs
Percentage of Enrollees Categorized by Plan Types (1995 data)**

Health Carrier	Community Rated Plans (standard, non-negotiated rates)	Negotiated Rate Plans (experience and merit pool rates)	Other Types of Plans
A*	Data not available	Data not available	18 %
B	39 %	45 %	16 %
C	31 %	57 %	12 %
D	26 %	60 %	14 %
E	18 %	69 %	13 %

* Beginning January 1, 1996, it became a statutory requirement to use community rating for small groups (groups with under fifty members). This particular carrier combined small and large groups and rated these groups together prior to 1996, thus no data disaggregated by group type is available before this year.

(o) **Have businesses that will be affected been asked what the economic impact will be?** Yes. All carriers were informed of the commissioner's intent to draft a rule regarding rate review criteria for all health carriers in August 1996. The CR-101 for this rule was filed on August 21st of this year. All carriers were sent copies of the proposed rule on November 8, 1996, and were asked to provide comments regarding this proposed rule to the commissioner. On November 19th, carriers were invited to a meeting to discuss issues regarding the proposed rule. A CR-102 was filed on December 4, 1996, that included a proposed rule. That rule would have included disability insurers in its scope. After reviewing comments from persons affected by the rule, the original rule was amended to exclude disability insurers and a new CR-102 and amended rule were filed December 19, 1996.

(p) **How did the commissioner involve small businesses in the development of the proposed rule?** All small HCSCs and HMOs were invited to provide feedback

to the commissioner regarding the intent to draft a rule pertaining to rate review standards in August of 1996. Also, all small carriers were sent copies of the draft rule on November 8, 1996 and asked to provide comments to the commissioner. All small carriers were also invited to participate in a meeting to discuss issues related to this rule held on November 19, 1996. The commissioner also notified the Washington Health Extra, a newsletter distributed to many small carriers, and information about the rule and the meeting appeared in the issue published the first week of November.

(q) **How and when were affected small businesses advised of the proposed rule?** Small carriers were advised of the proposed rule in writing on November 8, 1996. Also, see parts (o) and (p) for more details.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail inscomr@aol.com, phone (360) 664-3790, FAX (360) 586-3535. Please specify that you are requesting a copy of the amended small business economic impact statement for Rule 96-7.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are not significant legislative rules, as defined at RCW 34.05.328 (5)(c)(iii).

PROPOSED

Hearing Location: General Administration Building, 1st Floor Auditorium, 11th and Columbia, Olympia, Washington, on January 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Steve Carlsberg, TDD (360) 664-3154, by January 22, 1997.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail inscomr@aol.com, FAX (360) 586-3535, by January 22, 1997.

Date of Intended Adoption: February 6, 1997.

December 19, 1996

Deborah Senn

Insurance Commissioner

SUBCHAPTER G

CRITERIA FOR REASONABLENESS OF HEALTH PLAN RATES

NEW SECTION

WAC 284-43-700 Demonstration that benefits provided are reasonable in relation to the amount charged for a contract per RCW 48.44.020 (2)(d) and 48.46.060 (3)(d). (1) For the purposes of this section, a health benefit plan is a contract (including dental-only and vision-only plans) of a health care service contractor or health maintenance organization offered by a health care service contractor or health maintenance organization to provide, arrange, reimburse, or pay for health care services, except the following: Long-term care insurance (governed by chapter 48.84 RCW), and Medicare supplemental health insurance (governed by chapter 48.66 RCW).

(2) The commissioner can disapprove a health care service contractor's or health maintenance organization's health benefit plan if the benefits provided therein are unreasonable in relation to the amount charged for the contract. A rate is reasonable in relation to benefits if it is based on the following four elements:

(a) An actuarially sound estimate of the expected value of all future claims costs associated with the filing. Claims costs and capitation expenses or staff expenses used in the actuarial estimate should recognize, as applicable, the savings associated with managed care provisions used with new or revised products. Such managed care provisions may include provider discounts associated with network changes; global contracts for procedures; utilization review activities and other types of professional or institutional utilization management.

(b) An actuarially sound estimate of all prudently incurred claims settlement expenses, operational and administrative expenses that are reasonably allocated to the filing.

(c) A reasonable, expected cost of capital or contribution to surplus to the extent not offset by investment income and other income and considering the level of unassigned surplus available to the carrier.

(d) When a carrier files rates with the commissioner, it must demonstrate that it has accounted for and allocated each of these costs in a reasonable and verifiable manner so that the commissioner can determine whether the proposed rates satisfy the requirements of RCW 48.44.020 and 48.46.060.

(3) For purposes of this section, equity or net worth shall be computed under statutory accounting principles ("SAP"), which must be reconciled to the books and records of the company. However, at the carrier's option or in the case of a not-for-profit company, the carrier's statutory surplus may be used instead. In the absence of a reasonable means to allocate equity or unassigned surplus to specific products or groups of products, the equity calculation and related cost of capital calculation will be made on a total company basis. The rate therein derived will be assigned to the contract filing at issue.

WSR 96-24-006
PERMANENT RULES
GAMBLING COMMISSION

[Order 305—Filed November 21, 1996, 11:25 a.m., effective January 1, 1997]

Date of Adoption: November 15, 1996.

Title of Rule: WAC 230-02-240 Commercial gambling manager defined, 230-04-143 Licensing of commercial gambling managers, 230-04-145 Licensing of charitable or nonprofit gambling managers—Application procedures, 230-08-025 Accounting records to be maintained by distributors and manufacturers, 230-30-025 Progressive pull tab games—Definitions—Restrictions—Manner of conducting—Record keeping—Approval, 230-30-040 Step-up pull tab games and carry-over jackpots—Definitions—Restrictions, 230-30-070 Control of prizes, 230-30-075 Punchboard and pull tab prize restrictions—Minimum percentage of prizes available, 230-30-080 Pull tab dispensing limitations, 230-30-102 Pull tab series assembly and packaging, and 230-30-103 Standards for construction of pull tabs.

Purpose: WAC 230-02-240, this rule defines the term "commercial gambling manager" and requires the licensure of a commercial gambling manager if such person is responsible for supervising the operation of progressive jackpot pull tab games; WAC 230-04-143, this rule requires the licensure of a commercial gambling manager, with limited exceptions, for the operation of progressive jackpot pull tab games; WAC 230-04-145, this amendment requires persons responsible for supervision of a progressive jackpot pull tab game for a charitable or nonprofit organization, to be licensed as a charitable or nonprofit gambling manager. In addition, this authorizes the agency to retain the entire license application fee once a charitable or nonprofit gambling manager begins working under a temporary license; WAC 230-08-025, this rule requires the manufacturers and distributors of progressive jackpot pull tab games to separately track the sale of such games; WAC 230-30-025, this rule authorizes progressive jackpot prizes on pull tab games and sets forth restrictions under which such games shall be conducted. A progressive jackpot pull tab allows a pull tab player the chance to win an additional prize if they pick the winning jackpot pull tab; WAC 230-30-040, this rule authorizes step-up pull tabs, which involve a predetermined number of pull tabs within a series that allow the player the opportunity to immediately open a second pull tab on a game board. Upon opening this secondary pull tab, these players receive a prize. These prizes include a limited number of jackpot prizes. If no pull tab player wins the jackpot prize before the game is removed, such prize will be carried over to another step-up pull tab game; WAC 230-30-070, "step-up" prizes have historically been authorized for punchboards. This amendment authorizes step-up prizes for pull tab games as well; WAC 230-30-075, this amendment authorizes progressive jackpots to exceed the \$500 prize restriction on standard punchboard and pull tab games, with a maximum limit of \$5,000. It also authorizes carry-over jackpot prizes on step-up punchboards and pull tabs to exceed the \$500 restriction on standard punchboard and pull tab games, with a maximum limit of \$2,500; WAC 230-30-080, for the limited application to a progressive pull tab series, this amendment allows the use of more than one pull tab machine and expands the cap on total number of pull

tabs in a series from 10,000 to 50,000; WAC 230-30-102, this amendment allows progressive jackpot pull tab series to be packaged in more than one container, provided certain guidelines are followed. It also includes additional house-keeping changes; and WAC 230-30-103, this rule requires the winning and losing sheets for progressive pull tab games to be manufactured at the same time and on the same paper stock.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-240, 230-04-145, 230-08-025, 230-30-070, 230-30-075, 230-30-080, 230-30-102, and 230-30-103.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.120, 9.46.0273, 9.46.310, 34.05.313.

Adopted under notice filed as WSR 96-19-083 on September 18, 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 3, amended 8, 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 3, amended 8, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 3, amended 8, 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: January 1, 1997.

November 20, 1996

David D. Shaw

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-09-062 (Order 268), filed 4/18/95, effective 5/19/95)

WAC 230-02-240 Commercial gambling manager defined. A "commercial gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized commercial gambling activities, and who has the authority to make decisions regarding the operation of such gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A gambling manager may be: An owner; partner; officer of a corporation; or a person designated by any of the above. A gambling manager's duties include, but are not limited to the following: Hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies. A commercial gambling manager is required to be licensed if they are responsible for supervising the operation of progressive jackpot pull tab games as authorized in WAC 230-30-025.

NEW SECTION

WAC 230-04-143 Licensing of commercial gambling managers. *What application procedures must I complete to working as a commercial gambling manager?*

(1) On or before the first day he or she actually performs work as a commercial gambling manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission). In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked.

(2) If an applicant elects to perform the duties of a commercial gambling manager prior to receiving a license, as authorized under provisions of paragraph (5)(a) and (5)(b) below, the commission shall retain the entire application fee regardless of the disposition of the application.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a progressive jackpot pull tab game shall not be required to be additionally licensed as a commercial gambling manager to perform duties in connection with the activity.

(4) The operator of a progressive jackpot pull tab game or partner or officer of the entity operating activity for which the applicant will work shall sign the application of each such commercial gambling manager acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

When can I begin working as a commercial gambling manager?

(5) No person shall act as a commercial gambling manager for the operation of progressive jackpot pull tab games unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a commercial gambling manager unless he or she has been issued a license by the commission.

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 95-09-062 (Order 268), filed 4/18/95, effective 5/19/95)

WAC 230-04-145 Licensing of charitable or nonprofit gambling managers-Application procedures. Each charitable or nonprofit organization licensed to conduct gambling activities shall designate gambling managers who

will be responsible to the officers or board of directors for the proper conduct of the activity and safeguarding of all funds generated by such. An individual may be designated as the gambling manager for more than a single activity if so noted on the application for each activity. No person shall perform the duties of a gambling manager, as set out in WAC 230-12-079, unless they have been approved by the commission. Applicants for a license to perform duties of a gambling manager shall comply with the following procedures:

Who must apply for a charitable or nonprofit gambling manager license?

(1) Gambling managers responsible for the following functions of a charitable or nonprofit organization shall be licensed by the commission:

(a) Primary manager of Class D and above bingo games;

(b) Primary manager of Class C and above punchboards and pull tabs;

(c) Any employee responsible for supervision of gambling managers required to be licensed by (a) or (b) of this subsection; ~~(and)~~

(d) The employee assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and who is responsible for safeguarding assets purchased with gambling funds or managing the disbursement of gambling funds when:

(i) The organization is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(ii) The organization has an established trust and/or endowment fund and gambling receipts in excess of one hundred thousand dollars have been contributed to such funds(-); and

(e) An employee responsible for supervision of the operation of progressive jackpot pull tab games, as authorized in WAC 230-30-025.

What must I do if I wish to begin work as a gambling manager before I have received my permanent license?

(2) Prior to performing duties as a licensed gambling manager, each applicant shall:

(a) Submit a completed application to the commission on or before the first day the applicant begins working: *Provided*, That an applicant shall not perform any of the duties of a gambling manager prior to issuance of a license by the commission if one or more of the following conditions exist:

(i) The applicant has been previously denied a license or had a license suspended or revoked by the commission;

(ii) The applicant has been served administrative or criminal charges and such charges are pending at the time of the application;

(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to any offense set forth in RCW 9.46.158; or

(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules of the commission.

(b) Complete a training course provided by the commission within thirty days after the first day worked as required

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by WAC 230-04-020. Individuals that have been performing duties or assigned responsibilities that require a gambling manager license under this section, for at least ninety days prior to the effective date of this section, may be exempted from such training by the director. Types of training required:

(i) Individuals applying for a license under the provisions of subsection (1)(a), (b), or (c) of this section shall attend training for each gambling activity for which they have been assigned primary or secondary oversight responsibility; and

(ii) Individuals applying for a license under the requirements of subsection (1)(d) of this section shall attend training related to safeguarding assets and proper uses of gambling funds.

(3) If an applicant elects to perform the duties of a charitable or nonprofit gambling manager prior to receiving a permanent license as authorized under the provisions of subsection (2) above the commission shall retain the entire application fee regardless of the disposition of the application.

What must the application contain?

~~((3))~~ (4) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the organization;

For how long will a gambling manager license be valid?

~~((4))~~ (5) A gambling manager license shall be valid for a period not to exceed one year beginning on the date of issuance or the date the application was submitted if the applicant began working prior to licensure, as authorized by subsection (2)(a) of this section, whichever occurs first: *Provided*, That should a licensed gambling manager's employment with the organization listed on the license application be terminated, for any reason, the license shall become immediately void. This individual must reapply for a license prior to performing gambling manager duties for any other charitable or nonprofit organization. Prior to granting a license to a previously licensed gambling manager, the commission shall conduct an investigation to determine the continued qualification of the individual. Such investigation may include inquiries to the previous employer;

What are the fees governing this type of license?

~~((5))~~ (6) The fee for this license shall be as required by WAC 230-04-204: *Provided*, That if an applicant is changing employment from one licensee to another prior to the expiration date as specified in subsection (4) of this section, the fee shall be as required for license renewal;

Can an organization have more than one gambling manager?

~~((6))~~ (7) An organization may appoint more than one gambling manager who is responsible for supervising bingo games or punchboard and pull tab operations. The manager assigned the highest level of authority for each specific activity shall be designated on the application as the "primary gambling manager" and all others as "assistant gambling managers."

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-08-025 Accounting records to be maintained by distributors and manufacturers. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity.

What system of accounting must I use and how long must I keep my records?

(1) The required records shall be recorded using the double entry accounting system and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least once a month and provide a monthly balance for each account.

What are the minimum requirements that must be included in a record system?

The minimum record system shall include the following:

~~((1))~~ (2) Sales invoices - every manufacturer and distributor shall record every sale, return, or any other type of transfer of punchboards/pull tabs, pull tab dispensing devices or bingo equipment including cards, by completing a standard sales invoice or credit memo. Distributors shall use an invoice in a format prescribed and approved by the commission that includes a separate line for each identification and inspection services stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the identification and inspection services stamp number made by the distributor. These invoices shall set out the following information:

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: *Provided*, That manufacturers and distributors may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

(b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered;

(c) The customer's name and an adequate business address;

(d) A full description of each item sold, including the identification and inspection services stamp number for each item, if attached, and all information required by WAC 230-08-040;

(e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g) The sales invoice shall be prepared in at least three parts: *Provided*, That invoices for sales to operators shall be prepared in at least four parts. Invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer: *Provided*, That an additional copy of distributor invoices shall be provided to the operator;

(ii) One shall be retained in an invoice file by customer name; and

(iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h) Information documenting the sales of progressive jackpot pull tabs must be separately tracked, invoiced, and maintained in its own filing system. *Provided*, that a computerized system, which is capable of separately tracking this information and providing immediate output of the data, is sufficient for this requirement.

~~((+))~~ (i) Credit memos for returned items shall be prepared in the same detail as (a) through (g) of this subsection.

~~((2))~~ (3) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

- (a) The date of the sale;
- (b) The invoice number of the sale;
- (c) The customer name or person remitting a payment;
- (d) Sales shall be categorized at least by the following:
 - (i) Punchboards that pay out cash prizes;
 - (ii) Punchboards that pay out merchandise prizes;
 - (iii) Pull tabs that pay out cash prizes;
 - (iv) Pull tabs that pay out merchandise prizes;
 - (v) Pull tab dispensing devices;
 - (vi) Merchandise that is intended for use as a prize on a punchboard or pull tab series;
 - (vii) Bingo equipment;
 - (viii) Other types of sales directly related to gambling activities, including but not limited to, equipment leases, equipment sales, and supplies; and
 - (ix) Sales and leases of general purpose equipment and supplies indirectly related to gambling activities, including cash registers, scales, tables, chairs, glue sticks, souvenirs, etc.

(e) Total amount of the invoice.

~~((3))~~ (4) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

- (a) The date the check was issued or payment made;
- (b) The number of the check issued;
- (c) The name of the payee; and
- (d) Each disbursement shall be categorized by type of expense.

~~((4))~~ (5) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales

journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

- (a) The date the payment was received;
- (b) The name of the person remitting the payment;
- (c) The amount of payment received.

~~((5))~~ (6) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale;

~~((6))~~ (7) Bank reconciliation - a bank reconciliation shall be performed each month. In addition, all funds that have not been deposited at year end shall be reconciled in an account titled "cash on hand";

~~((7))~~ (8) Copies of all financial data which support tax reports to any and all governmental agencies;

~~((8))~~ (9) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection services stamps purchased. These records shall include enough details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:

- (a) The name of the purchaser;
- (b) The date of the sale; and
- (c) The invoice number recording the sale.

~~((9))~~ (10) An alternative format may be used for subsections ~~((+))~~ (2)(a), (2)(g)(ii), (2)(g)(iii), (2)(h), ~~((2))~~ (3), and ~~((3))~~ (4), of this section upon advance written approval from the commission.

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 230-30-025 Progressive jackpot pull tab games - Definitions - Restrictions - Manner of conducting - Record keeping - Approval. For purposes of this title, the following definitions, restrictions, operating procedures, and record keeping requirements apply to such devices.

(1) Definitions:

(a) Progressive jackpot prize - A minimum jackpot prize plus the accumulation of a predetermined dollar amount of each pull tab sale. The jackpot shall increase for each pull tab sale until a player redeems the winning jackpot tab.

(b) Bank system - a set of up to ten dispensing devices networked together. These devices shall be linked to a computer system capable of calculating total sales and the accumulation of the jackpot prize.

What are the operating conditions governing dispensing devices used for progressive jackpot pull tabs?

(2) Progressive jackpot pull tab dispensing devices may be operated under the following conditions:

(a) All machines in a bank system must be located together on the license premises;

(b) Each bank system must be linked to a computer system which monitors all sales and the accumulation of the jackpot prize;

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(c) A licensee may have more than one bank system operating at one time, but at no time shall a bank system exceed ten machines;

(d) From the effective date of this rule, the number of progressive pull tab dispensing devices per location shall be limited to ten machines for commercial stimulant licensees and twenty machines for charitable or nonprofit licensees. The director may approve an increase in the number of machines upon receipt of a written request by the licensee if the director determines that the licensee is in compliance with all regulations and approval would not be detrimental to the interests of the commission and/or the public;

Under what conditions may progressive jackpot pull tab games be operated?

(3) Progressive jackpot pull tab games shall be conducted in the same manner as other pull tab games. In addition, the following requirements apply:

(a) An owner or licensed commercial or charitable or non-profit gambling manager shall be on the premises at all times during the operation of progressive jackpot pull tab games;

(b) Tabs shall be stored in secured locations with access limited to authorized individuals only;

(c) The licensee shall have sufficient funds available to pay all prizes upon redemption of winning tabs. Failure to have sufficient funds available shall be *prima facie* evidence of defrauding the public in violation of RCW 9.46.190;

(d) The current jackpot prize total must be clearly displayed near the bank of machines at all times during the sale of progressive pull tabs. The maximum jackpot prize amount shall also be disclosed near the bank of machines;

(e) One flare shall be prominently displayed near the bank of machines;

(f) The following are prohibited for use with progressive jackpot pull tab games:

(i) Substitute flares;

(ii) Merchandise prizes; and

(iii) Last sale prizes.

What are the operating conditions governing prizes and the payout regiment?

(4) The following conditions apply to the prize and payout regiment for progressive jackpot pull tab games:

(a) Only the minimum possible jackpot prize shall be included in determining the sixty percent payout, as required by WAC 230-30-075;

(b) The manufacturer shall determine the minimum jackpot amount needed to meet the sixty percent payout requirement;

(c) Operators may increase the minimum jackpot amount prior to putting the game in play;

(d) The maximum progressive jackpot prize shall not exceed five thousand dollars, as required by WAC 230-30-075(2). However, operators may elect to set the maximum jackpot at an amount less than five thousand dollars; and

(e) The licensed operator shall set the amount to be added to the jackpot prize for each ticket sold. This amount will remain the same for each pull tab sold from a game; Provided, that the jackpot prize may not exceed the maximum jackpot prize detailed in (4)(d) above;

How must winning tabs be redeemed?

(5) Winning tabs shall be redeemed in the same manner as required by WAC 230-30-070. The following requirements also apply:

(a) For jackpot prizes one thousand two hundred dollars and over, the winner's full name, address, and social security number shall be recorded on a separate form for income tax purposes;

(b) At least the minimum jackpot prize amount shall be paid by check. The licensee shall record the check number in addition to the information required in WAC 230-30-070(5). These checks may not be cashed on the licensed premises; and

(c) All jackpot winning tabs must be defaced immediately upon receipt;

What records must I keep, and for how long must they be retained?

(6) All record keeping requirements outlined in WAC 230-08-010 must be followed, in addition to the following:

(a) All winning tabs and winner information for jackpot prizes, along with the game flares, must be retained for one year from the date in which the games were removed from play;

(b) Licensees shall record progressive jackpot games on a separate monthly record in a format prescribed by the commission. This format must contain the following in addition to the information required by WAC 230-08-010(9):

(i) Dollar amount of each pull tab sale contributed to the jackpot;

(ii) Separate prizes paid figures for jackpot prizes and regular prizes; and

(iii) Prizes paid by check;

(c) Licensees are required to maintain records for each game/bank system detailing:

(i) The beginning jackpot prize amount;

(ii) The number of tickets sold out of each dispensing device; and

(iii) The ending jackpot prize amount;

(d) The above records must be maintained for a period of not less than three years from the end of the fiscal year for which the records are kept.

What aspects of a progressive pull tab system require agency approval and what standards are applicable to this approval process?

(7) The director shall approve all progressive jackpot pull tab games and all progressive jackpot dispensing devices. In addition, the director shall approve all computer software used to link dispensing devices, accrue jackpot prizes, and store data used in preparing records. Any costs related to the approval of progressive jackpot pull tab games, progressive jackpot dispensing devices, and computer software used to link dispensing devices, accrue jackpot prizes, or store data used in preparing records shall be billed to the persons requesting approval.

(a) The following shall be approved prior to sale in Washington:

(i) The progressive jackpot dispensing device;

(ii) The process used to manufacture the progressive jackpot games;

(iii) The secondary win code system;

(b) Computer software requiring the approval of the Director shall be subject to the following standards;

(i) For each game, no person other than the maker of the software shall be able to alter data once it is input into the system;

(ii) The system must stop accruing when the jackpot amount reaches \$5,000 or the maximum amount predetermined by the operator;

(iii) A record of transactions for a game must be retained in memory until the transactions have been totaled, printed, and cleared by the operator regardless of whether the unit's primary power source is interrupted.

NEW SECTION

WAC 230-30-040 Bonus pull tab games and carry-over jackpots - Definitions - Restrictions. For purposes of this title, the following definitions, restrictions, and requirements apply to bonus pull tab games and carry-over jackpots:

(1) Definitions:

(a) Bonus pull tab game - A pull tab game that includes a predetermined number of pull tabs which allow a player the opportunity to advance to a bonus section to determine the prize.

(b) Carry-over jackpot prizes - A designated jackpot prize on a bonus pull tab game which, if not won, is carried over to another bonus pull tab game. There is no progression of the jackpot prize based on sales or receipts.

What are the requirements of bonus pull tab games?

(2) Bonus pull tab games must comply with the following:

(a) Each flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106 (2)(b);

(ii) The number of chances available to advance and win a larger prize; and

(iii) The number of winning tabs at each prize level;

(b) Only guaranteed or minimum prizes may be used in calculating the sixty percent payout required by WAC 230-30-075.

(c) "Last sale" prizes are not allowed on bonus pull tab games.

What additional requirements apply to bonus pull tab games with carry-over jackpots?

(3) Bonus pull tab games with carry-over jackpot prizes must meet the following additional requirements:

(a) The carry-over jackpot prize amount shall not be included in the sixty percent payout calculation;

(b) The amount of the carry-over jackpot prize and the method of carry-over shall be determined by the manufacturer and disclosed on the flare;

(c) Carry-over jackpot prize amounts may not exceed two thousand five hundred dollars as required by WAC 230-30-075(2); and

(d) Carry-over jackpot prizes are authorized only on flares designed for bonus pull tab games. No substitute flares are allowed.

In bonus pull tab games with carry-over jackpots, how must winning tickets be redeemed and what records should I keep?

(4) The following requirements apply to the redemption of winning tickets and record keeping for bonus pull tab games with carry-over jackpots:

(a) For jackpot prizes one thousand two hundred dollars and over, the winner's full name, address, and social security number shall be recorded on a separate form for income tax purposes;

(b) All winning tabs and winner information for jackpot prizes over five hundred dollars, along with the game flares, must be retained for at least one year from the date from which the games were removed from play;

(c) Winning tabs shall be redeemed in the same manner as required by WAC 230-30-070. For prizes where the winning tab is part of the flare, the amount of the prize awarded and the information required to be documented in WAC 230-30-070 (7)(a) shall be recorded on a separate piece of paper, as authorized by WAC 230-30-070 (7)(c); and

(d) Operators are required to maintain a separate record documenting the flow of carry-over jackpots from one game to another.

(e) Once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted from the flare.

What aspects of bonus pull tab games with carry-over jackpots require agency approval, and what standards are applicable to this approval process?

(5) The Director shall approve all bonus pull tab games with carry-over jackpot prizes.

(a) The following shall be approved prior to sale in Washington:

(i) The manufacturing process used to manufacture bonus pull tab games with carry-over jackpot prizes; and

(ii) The secondary win code system.

(b) Any costs related to the approval of bonus pull tab games with carry-over jackpot prizes shall be billed to the persons requesting approval.

AMENDATORY SECTION (Amending WSR 94-23-094 [95-23-109 and 95-24-048], filed 11/17/94 [11/22/95 and 11/30/95], effective 1/1/95 [1/1/96])

WAC 230-30-070 Control of prizes. What may be awarded as a punchboard or pull tab prize?

(1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(a) Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(b) Additional chances on a punchboard or pull tab game may not be awarded as a prize. Provided, That prizes may involve the opportunity to advance and win bonus prizes on the same punchboard or pull tab game as set forth in subsection (3) below. ((1) Prizes may not involve the

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opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to obtain the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.))

What is a bonus prize?

(2) A bonus prize is a prize offered in a bonus pull tab game, defined in WAC 230-30-040(1). The awarding of the prize involves an immediate, additional opportunity to advance to a section of the game to determine the prize.

((Display of prizes:

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punchboard or pull tab series and in plain view;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both subsections (a) and (b) of this subsection;

(d) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises;

(e) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(f) Upon determination of a winner of any cash prize of twenty dollars or more, or of any merchandise prize with a retail value of twenty dollars or more, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punchboard, or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9A.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare;

(g) Effective January 1, 1996, through December 31, 1996, all punchboard and pull tab licensees must display a commission-supplied sign notifying players of the change in flare prize deletion from five dollars to twenty dollars. This notice must be displayed in plain view in the area where punchboards and pull tabs are played.))

What additional requirements apply to the offering of bonus prizes?

(3) The bonus prizes may not be less than the highest prize available, whether cash or merchandise, which might otherwise have been won by the punch or pull tab for which the opportunity was awarded. Each punchboard or pull tab game offering bonus prizes must clearly indicate on its flare the terms and conditions under which the bonus prize may be won, including the amount of the bonus prize. ((Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.))

How must prizes be displayed?

(4) The licensee shall display prizes so that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises. In addition, the following requirements apply.

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punchboard or pull tab series and in plain view;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both subsections (a) and (b) of this subsection; ((Cash in lieu of merchandise prizes. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.))

What is the procedure for removing prizes from flares and presenting prizes to winning players?

(5) The following procedures apply to the removal of prizes from the game flare and the presentation of prizes to winning players:

(a) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(b) Upon determination of a winner of any cash prize of twenty dollars or more, or of any merchandise prize with a retail value of twenty dollars or more, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punchboard, or pull tab dispensing device upon which such reference may appear, and from any

other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. On bonus punchboards and bonus pull tab games, once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted on the flare. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare. ((Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.))

What must I do if someone buys out a punchboard or pull tab game?

(6) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that are required to be, but have not been, deleted from the flare when the punchboard or pull tab series is completely played out. ((Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of twenty dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.))

What is the procedure for redemption of winning pull tabs or punches?

(7) Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto. ((Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.))

(8) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of twenty dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment. ((Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross receipts.))

What special operating conditions apply to spindle, banded, or jar type pull tab games which award merchandise prizes only?

(9) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 94-24-054 (Order 261), filed 12/5/94, effective 1/5/95)

WAC 230-30-075 Punchboard and pull tab prize restrictions-Minimum percentage of prizes available. No operator shall put out for play and no distributor or manufacturer shall sell or otherwise provide to any person in this

state, or for use in this state, any punchboard or pull tab series that:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punchboard or pull tab series: *Provided*, That for the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus fifty percent of that actual cost.

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash((+)): *Provided, that progressive jackpot pull tab prizes, as authorized in WAC 230-30-025, shall not exceed five thousand dollars; and carryover jackpot prizes on bonus flares, as authorized in WAC 230-30-040, shall not exceed two thousand five hundred dollars;* or

(b) A merchandise prize, or combination merchandise prize, for which the operator has expended more than five hundred dollars.

(3) Has multiple winners on an individual pull tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section.

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or

(b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION [(Amending WSR 95-23-109, filed 11/22/95)]

WAC 230-30-080 Pull tab dispensing limitations. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device or container until any other series of pull tabs previously in, or upon, the device or container has been played out or permanently removed from public play.

(b) *Provided*, that in the use of a multiple series dispensing device, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed out for public play shall be removed from the dispensing device or container until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers; or

(b) Those pull tabs removed by commission representatives or other law enforcement agency inspecting the device; or

(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

(5) Once a pull tab has been removed from public play it shall not again be put out for public play, except tabs removed under subsections (4)(b) and (c) above.

(6) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device or container used for dispensing that series((-)): *Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may utilize more than one machine for a series.*

(7) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than ((+0,000)) *ten-thousand individual pull tabs((-):* *Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may contain up to fifty-thousand individual pull tabs.*

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.

AMENDATORY SECTION (Amending WSR 94-07-084 (Order 250), filed 3/16/95 [3/16/94], effective 4/16/94)

WAC 230-30-102 Pull tab series assembly and packaging. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in one container and in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light. *Provided, that progressive jackpot pull tab games, as authorized by WAC 230-30-025, may be packaged in more than one container under the following conditions:*

(a) *All boxes are shrink wrapped and sealed with a sticker or seal of the manufacturer;*

(b) *Each individual box must be identically labeled with a manufacturer designed referencing system to include:*

(i) Individual box reference and total boxes per series;

(ii) Series number; and

(iii) Identification and inspection services stamp number;

(c) *Each case must be labeled to include:*

(i) Case reference and total cases per set; and

(ii) Series number; and

(d) Each box and/or case must be packaged and shipped together. Cases must be specially marked to easily identify the contents during shipping.

(2) Winning pull tabs shall be distributed and mixed among all other pull tabs in a series so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined. The pull tab series must be assembled so that no placement of winners or losers exist that allows the possibility of prize manipulation or "pick out." Manufacturers shall not manufacture or offer for sale

in Washington any pull tab series in which the winning pull tabs are not distributed and mixed among all other pull tabs in that series.

(3) Manufacturers will mix pull tabs prior to placing them in their final packing container. The mix shall insure that pull tabs are separated from the original collated row position and dispersed amongst all rows in the final packing container.

(4) Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: *Provided*, That this information may be printed on the ~~((back of the))~~ flare or the outside of the package, box or container in which the pull tabs are packed. This information must be readily available to commission staff from the manufacturer upon request. For progressive jackpot pull tab games, the packing slip and flare must be packaged with the first box of the series.

(5) Manufacturers of pull tabs shall print on the outside of the die cut box, package or other container of pull tabs the following message "Washington State law requires that pull tabs NOT sold through a mechanical pull tab dispensing device must be removed from the packaging container and mixed before selling to the public. Failure to remove and mix pull tabs from a packaging container may result in a minimum five day suspension of a license for each series not mixed." *Provided*, That the above information may be printed on a crack and peel sticker and placed on the outside of the die cut box, package or other container of pull tabs. The above information may be printed on a colored packing slip and placed inside the package of pull tabs.

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

AMENDATORY SECTION (Amending WSR 94-07-084 (Order 250), filed 3/16/94, effective 4/16/94)

WAC 230-30-103 Standards for construction of pull tabs. (1) All pull tabs manufactured for use in the state of Washington after January 1, 1992 shall utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the director prior to use within the state. Punchboards are exempt from the secondary verification code requirements.

(2) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light. Winning and losing sheets for each game must be manufactured using the same paper stock and must be manufactured at the same time for all progressive jackpot pull tab games.

(3) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(4) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name

of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(5) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(6) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(7) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(8) Length and width.

(a) Vendable pull tabs.

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(9) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot

be determined prior to being opened through the use of high intensity lights, peeking, or any other method.

(10) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from nonwinning, altered or forged pull tabs. The manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the gambling commission a letter explaining the game protection and will keep the commission informed on any changes. Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this requirement.

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 96-24-007
PERMANENT RULES
GAMBLING COMMISSION

[Order 304—Filed November 21, 1996, 11:30 a.m., effective January 1, 1997]

Date of Adoption: November 15, 1996.

Title of Rule: WAC 230-04-140 Licensing of public card room employees, 230-04-190 Issuance of license—Expiration—Restrictions, 230-04-202 Fees—Bona fide charitable/nonprofit organizations, 230-04-203 Fees—Commercial stimulant and other business organizations, 230-04-204 Fees—Individuals, 230-04-220 Prorating and refunding of fees, 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps, and 230-08-125 Annual activity reports (~~by operators of Class A, B, and C bingo, all classes of raffles, and bona fide~~) Certain activities operated by charitable or nonprofit (amusement games) organizations.

Purpose: WAC 230-04-140, this amendment authorizes the agency to retain the entire license application fee once a public card room employee begins working under a temporary license; WAC 230-04-190, this amendment provides the expiration dates for licenses of charitable or nonprofit gambling managers and makes modifications to the procedure for license renewal payments; WAC 230-04-202, this amendment increases the license fees for bona fide charitable or nonprofit organizations for all license types and classes and establishes a new "combination license" scheme and fee rate; WAC 230-04-203, this amendment increases the license fees for commercial stimulant and other business organizations for all types and classes of licenses; WAC 230-04-204, this rule adds "commercial gambling manager" to individuals subject to licensing fee requirement, in addition to making nominal increases to all other individual fees; WAC 230-04-220, this amendment provides that once an applicant for an individual license has started performing the applicable job duties, the commission will not refund any portion of the license fee; WAC 230-08-017, this amendment establishes the identification and inspection service stamp fees for (1) step-up pull tab games with carry-over jackpot prizes; (2) progressive jackpot pull tab games; and (3) progressive

jackpot pull tab dispensing devices; and WAC 230-08-125, this amendment makes housekeeping changes to the procedures and requirements applicable to annual activity reports.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-140, 230-04-190, 230-04-202, 230-04-203, 230-04-204, 230-04-220, 230-08-017, and 230-08-125.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.116.

Adopted under notice filed as WSR 96-19-084 on October 2, 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 0, amended 8, 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 8, repealed 0.

Effective Date of Rule: January 1, 1997.

November 20, 1996

David D. Shaw

Rules and Policy Coordinator

AMENDATORY SECTION [(Amending Order 167, filed 4/14/87)]

WAC 230-04-140 Licensing of public card room employees. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): Provided, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B

or Class D license only. In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked.

(3) If an applicant elects to perform the duties of a card room employee prior to receiving a license as authorized under the provisions of paragraph (1)(a) and (b) above, the commission shall retain the entire application fee regardless of the disposition of the application.

~~((3))~~ (4) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

~~((4))~~ (5) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical 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 94-23-007, [filed 11/3/94,] effective 1/1/95)

WAC 230-04-190 Issuance of license—Expiration—Restrictions. (1) **Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs;
- (e) Social card games; and
- (f) Fund raising events as defined in RCW 9.46.0233:

Provided, That any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.

(2) **Commercial amusement games.** The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

(3) **Commercial stimulant card games.** The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of

a specified premises to be used by persons to play authorized card games.

(4) **Public card room employee.** The commission may issue a license to any person to perform duties in a public card room.

(5) **Commercial stimulant punchboards and pull tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

(6) **Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.

(7) **Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

(8) **Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

(9) **License expiration.** Each such license shall be valid for one year from the date that it is issued: *Provided,* That license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;

(c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days;

(d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: *Provided*, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

(e) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: *Provided*, a ~~((bingo game))~~ charitable or nonprofit gambling manager license shall expire as set out in WAC 230-04-145.

(10) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a prelicensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: *Provided*, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(11) The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least ~~((eight))~~ one thousand two hundred dollars;

(b) The applicant pays an administrative processing fee ~~((of twenty five dollars))~~ as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection (9) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus ~~((twenty five dollars))~~ an administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203.

(12) **Conditions of license issuance.** All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations

passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

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

AMENDATORY SECTION (Amending Order 260 [WSR 95-02-003 and 94-23-093], [filed 12/22/94 and 11/17/94], effective 1/22/95 [and 1/1/95])

WAC 230-04-202 Fees-Bona fide charitable/nonprofit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEES
1. AMUSEMENT GAMES (Fee based on annual gross gambling receipts)		
* Class A	Premises only	\$ ((50)) 52
Class B	Up to \$10,000	\$ ((50)) 52
Class C	Up to \$25,000	\$ ((265)) 276
Class D	Up to \$50,000	\$ ((425)) 443
Class E	Over \$50,000	\$ ((740)) 772

* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

2. BINGO GROUP (Fee based on annual gross gambling receipts)		
((#)) Class A	Up to \$ 15,000	\$ ((50)) 52
Class B	Up to \$ 50,000	\$ ((155)) 161
Class C	Up to \$ 100,000	\$ ((315)) 329
Class D	Up to \$ ((300,000)) 250,000	\$ ((850)) 886
Class E	Up to \$ 500,000	\$ ((1,430)) 1,492
((##)) Class F	Up to \$1,000,000	\$ ((2,870)) 2,996
Class G	Up to \$1,500,000	\$ ((4,140)) 4,324
Class H	Up to \$2,000,000	\$ ((5,530)) 5,776
Class I	Up to \$2,500,000	\$ ((6,910)) 7,216
Class J	Up to \$3,000,000	\$ ((8,290)) 8,658

PERMANENT

(HH) Class K	Up to \$3,500,000	\$ ((9,300))	9,712
Class L	Up to \$4,000,000	\$((10,630))	11,102
Class M and above	Over \$4,000,000	\$((11,960))	12,492

Class N	Up to \$2,000,000	\$25,000	\$((8,610))	8,490
Class O	Over \$2,000,000	Nonapplicable	\$((9,460))	8,992
				9,880

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

3. CARD GAMES

Class A	General (Fee to play charged)	\$((530))	553
Class B	Limited card games - hearts, rummy, (mah jongg) mahjongg, pitch, pinochle, and cribbage (Fee to play charged)	\$((155))	161
Class C	Tournament only - no more than ten consecutive days per tournament	\$ ((50))	52
Class D	General (No fee to play charged)	\$ ((50))	52

4. FUND-RAISING EVENT

Class A	One event - not more than 24 consecutive hours	\$((315))	329
Class B	One event - not more than 72 consecutive hours	\$((530))	553
Class C	Additional participant in joint event (not lead organization)	\$((155))	161
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$((210))	219
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$((530))	553

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCHBOARDS/
PULL TABS

	(Fee based on annual gross gambling receipts)		VARIANCE
Class A	Up to \$ 50,000	\$ 5,000	\$ ((505))
			527
Class B	Up to \$ 100,000	\$ 5,000	\$ ((900))
			940
Class C	Up to \$ 200,000	\$10,000	\$((1,700))
			1,774
Class D	Up to \$ 300,000	\$10,000	\$((2,470))
			2,578
Class E	Up to \$ 400,000	\$10,000	\$((3,190))
			3,330
Class F	Up to \$ 500,000	\$10,000	\$((3,850))
			4,020
Class G	Up to \$ 600,000	\$10,000	\$((4,460))
			4,658
Class H	Up to \$ 700,000	\$10,000	\$((5,020))
			5,242
Class I	Up to \$ 800,000	\$10,000	\$((5,530))
			5,776
Class J	Up to \$1,000,000	\$20,000	\$((6,270))
			6,548
Class K	Up to \$1,250,000	\$25,000	\$((6,960))
			7,268
Class L	Up to \$1,500,000	\$25,000	\$((7,600))
			7,938
Class M	Up to \$1,750,000	\$25,000	\$((8,130))

6. RAFFLES

	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ ((50))
		52
Class B	Up to \$10,000	\$ ((155))
		161
Class C	Up to \$25,000	\$ ((315))
		329
Class D	Up to \$50,000	\$ ((530))
		553
Class E	Up to \$75,000	\$ ((850))
		886
Class F	Over \$75,000	\$((1,270))
		\$1,326

7. COMBINATION LICENSE

<u>CLASS A</u>	Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$100
<u>CLASS B</u>	Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$260
<u>CLASS C</u>	Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$600

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$((25))
		26

((8-))

9. PERMITS

AGRICULTURAL	(See WAC 230-04-191)	\$((25))
		26
FAIR-BINGO		
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$((50))
		52

((9-))

10. CHANGES

NAME	(See WAC 230-04-310)	\$((25))
		26
LOCATION	(See WAC 230-04-320)	\$((25))
		26
FRE	(Date or time) (See WAC 230-04-325)	\$((25))
		26
LICENSE CLASS	(See WAC 230-04-260)	\$((25))
		26

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DUPLICATE LICENSE	(See WAC 230-04-290)	\$(25) <u>26</u>
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~~((40-))~~

11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$(25) <u>26</u>
EXCEEDING LICENSE CLASS REVIEW,	(See WAC 230-04-260)	As required
INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-08-017)	As required

~~((41-))~~

12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$(25) <u>26</u>
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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical 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 95-12-052, [filed 6/2/95,] effective 7/3/95)

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
I. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, ((mah-jongg)) mahjongg, and/or cribbage (Fee to play charged)	\$(455) <u>161</u>
Class C	Tournament only, no more than ten consecutive days per tournament.	\$(455) <u>161</u>
Class D	General (No fee to play charged)	\$(50) <u>52</u>
Class E	General (Fee to play charged)	
E-1	One table only	\$(370) <u>386</u>
E-2	Up to two tables	\$(635) <u>663</u>
E-3	Up to three tables	\$(1,060) <u>1,106</u>
E-4	Up to four tables	\$(2,120) <u>2,214</u>
E-5	Up to five tables	\$(3,190) <u>3,330</u>

2. COMMERCIAL AMUSEMENT GAMES (Fee based on annual gross gambling receipts)

* Class A	Premises only	\$(265,815) <u>276,816</u>
Class B	Up to \$ 50,000	\$(370) <u>386</u>
Class C	Up to \$ 100,000	\$(950) <u>992</u>
Class D	Up to \$ 250,000	\$(2,120) <u>2,214</u>
Class E	Up to \$ 500,000	\$(3,720) <u>3,884</u>
Class F	Up to \$1,000,000	\$(6,380) <u>6,662</u>
Class G	Over \$1,000,000	\$(7,980) <u>8,334</u>

* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

3. PUNCHBOARDS/ PULL TABS (Fee based on annual gross gambling receipts)

			VARIANCE*
Class A	Up to \$50,000	\$ 5,000	\$(505) <u>527</u>
Class B	Up to \$100,000	\$ 5,000	\$(900) <u>940</u>
Class C	Up to \$200,000	\$10,000	\$(1,700) <u>1,774</u>
Class D	Up to \$300,000	\$10,000	\$(2,470) <u>2,578</u>
Class E	Up to \$400,000	\$10,000	\$(3,190) <u>3,330</u>
Class F	Up to \$500,000	\$10,000	\$(3,850) <u>4,020</u>
Class G	Up to \$600,000	\$10,000	\$(4,460) <u>4,658</u>
Class H	Up to \$700,000	\$10,000	\$(5,020) <u>5,242</u>
Class I	Up to \$800,000	\$10,000	\$(5,530) <u>5,776</u>
Class J	Up to \$1,000,000	\$20,000	\$(6,270) <u>6,548</u>
Class K	Up to \$1,250,000	\$25,000	\$(6,960) <u>7,268</u>
Class L	Up to \$1,500,000	\$25,000	\$(7,600) <u>7,938</u>
Class M	Up to \$1,750,000	\$25,000	\$(8,130) <u>8,490</u>
Class N	Up to \$2,000,000	\$25,000	\$(8,610) <u>8,992</u>
Class O	Over \$2,000,000	Nonapplicable	\$(9,460) <u>9,880</u>

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR (Fee based on annual gross sales of gambling related supplies and equipment)

(a) Class A	Nonpunchboard/pull tab only	\$(530) <u>553</u>
Class B	Up to \$ 250,000	\$(1,060) <u>1,106</u>

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Class C	Up to \$ 500,000	\$(1,590) 1,660
Class D	Up to \$1,000,000	\$(2,120) 2,214
Class E	Up to \$2,500,000	\$(2,760) 2,882
Class F	Over \$2,500,000	\$(3,400) 3,550

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING

EVENT EQUIPMENT DISTRIBUTOR		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$(210) 219
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$(530) 553

5. MANUFACTURER (Fee based on annual gross sales of gambling related supplies and equipment)

Class A	Machines only	\$ ((530)) 553
Class B	Up to \$ 250,000	\$(1,060) 1,106
Class C	Up to \$ 500,000	\$(1,590) 1,660
Class D	Up to \$1,000,000	\$(2,120) 2,214
Class E	Up to \$2,500,000	\$(2,760) 2,882
Class F	Over \$2,500,000	\$(3,400) 3,550

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS

AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		
Class A	One location and event only (See WAC 230-04-191)	\$ ((25)) 26
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$(155) 161
RECREATIONAL GAMING ACTIVITY (RGA) (See WAC 230-02-505 and 230-25-330)		
		\$ ((50)) 52

7. CHANGES

NAME	(See WAC 230-04-310)	\$(25) 26
LOCATION	(See WAC 230-04-320)	\$(25) 26
BUSINESS	(Same owners)	\$(50) 52
CLASSIFICATION LICENSE CLASS (See WAC 230-04-340) (See WAC 230-04-260)		
	New class fee, less previous fee paid, plus	\$(25) 26
DUPLICATE LICENSE OWNERSHIP	(See WAC 230-04-290)	\$(25) 26
	(See WAC 230-04-340)	\$(50)

OF STOCK LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	52 \$(50) 52
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8. SPECIAL FEES

INVESTIGATION IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-04-240) (See WAC 230-08-017)	As required As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$(25) 26
EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-260) (See WAC 230-08-017)	As required As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

9. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$(25) 26
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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.

AMENDATORY SECTION (Amending Order 289 [WSR 96-09-070], [filed 4/16/96,] effective 7/1/96)

WAC 230-04-204 Fees—Individuals. Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NONPROFIT GAMBLING MANAGER		
	Original	\$(155) 161
	Renewal	\$(75) 78
	Change of Employer	\$(75) 78
2. COMMERCIAL GAMBLING MANAGER		
	Original	\$161
	Renewal	\$78
	Change of Employer	\$78
3. DISTRIBUTOR'S REPRESENTATIVE		
	Original	\$(210) 219
	Renewal	\$(130) 135
	Change of Employer	\$(50) 52

((2))

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(3)

4. MANUFACTURER'S REPRESENTATIVE	Original	\$((240)) 219
	Renewal	\$((130)) 135

(4)

5. PUBLIC CARD ROOM EMPLOYEE	Original	\$((155)) 161
	Renewal	\$((75)) 78

(5) 6. OTHER FEES

CHANGE OF NAME	(See WAC 230-04-310)	\$((25)) 26
DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	\$((25)) 26
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

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

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

AMENDATORY SECTION [(Amending WSR 92-22-058, filed 10/29/92)]

WAC 230-04-220 Prorating and refunding of fees.

(1) Unless otherwise provided by law, there will be no prorating or refunding of any license fee subsequent to issuance of a license or permit for the following actions:

- (a) Discontinuation of business;
- (b) Voluntary surrender of a license or permit; and
- (c) When a license or permit has been suspended, revoked, or otherwise canceled.

(2) Upon denial, voluntary withdrawal or administrative closure of an application for license, adoption or change of trade name, or change of location; the commission shall retain that portion of the fee tendered therewith as is necessary to offset its costs of processing and investigating the ~~((propriety of issuance of the license))~~ application: Provided, That the commission shall retain the entire fee when an individual license applicant performs any or all portions of the duties for which a permanent license is sought.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION [(Amending WSR 94-23-007, filed 11/3/94)]

WAC 230-08-017 Control of gambling equipment-Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, and operators shall maintain close control over all gambling equipment in their possession. Each transfer of such equipment shall be documented by completing an invoice or other written record setting forth the information required by WAC 230-08-040. Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

(1) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

- (a) Punchboards and pull tab series;
- (b) Pull tab dispensing devices;

(c) Disposable bingo cards: *Provided*, That this requirement applies to cards shipped for use in Washington state after December 31, 1993. All inventory on hand at the distributor and operator level at the close of business on December 31, 1993, shall be exempt from this requirement; ~~((and))~~

(d) Coin or token-activated amusement games operated at any Class A amusement game license location;

(e) Electronic bingo card daubers; and

(f) Other gambling equipment or devices, as determined by the director.

(2) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: *Provided*, That a licensed owner of controlled gambling equipment may purchase and attach stamps per WAC 230-30-018;

(3) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

(a) Punchboards and pull tabs;

(i) Standard - twenty-~~((six))~~ seven cents;

(ii) Progressive pull tab series - ten dollars per series;

(iii) Bonus pull tab series with carry-over jackpot prizes - five dollars;

(b) Pull tab dispensing devices:

(i) Mechanical and electro-mechanical - twenty-~~((six))~~ seven cents;

(ii) Electronic - pull tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull tabs, accounting for income or prizes, and other functions determined by the director - one hundred dollars annually.

(c) Disposable bingo cards:

(i) Sets of individual cards or sheets of cards - twenty-~~((six))~~ seven cents;

(ii) Collations of cards - one dollar and ~~((six))~~ ten cents(~~((:))~~).

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(d) Coin or token-activated amusement games operated at any Class A amusement game license location - twenty-five dollars annually;

(e) Electronic bingo card daubers - ten dollars annually;

(f) Other equipment or devices - the actual cost of inspection or approval, as determined by the director.

(4) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year: *Provided*, That annual identification and inspection services stamps shall be purchased and attached to electronic pull tab dispensing devices, coin operated amusement games, and electronic bingo card daubers located in the state on December 31, 1996, prior to the operation of such devices on or after January 1, 1997.

~~((4))~~ (5) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: *Provided*, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed in the following manner:

(a) Punchboards - on the reverse side in an area that will not obstruct removal of punches: *Provided*, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) Pull tabs - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; ~~((and))~~

(c) Pull tab dispensing devices - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded; and

(d) Disposable bingo cards - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: *Provided*, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons.

~~((5))~~ (6) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval; and

~~((6))~~ (7) Any person requesting commission staff review, inspection, and/or evaluation of equipment, paraphernalia, services, or schemes related to licensed gambling activities shall reimburse the commission the cost to conduct such. If the ~~((requestor))~~ person requesting the service is

currently licensed, there will be no assessment of cost for the first hour of service. A deposit of estimated cost may be required prior to performance of such service.

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.

AMENDATORY SECTION [(Amending WSR 90-10-007, filed 4/19/90)]

WAC 230-08-125 Annual activity reports ((by operators of Class A, B, and C bingo, all classes of raffles, and bona fide))-Certain activities operated by charitable or nonprofit ((amusement games)) organizations. Each ((licensee for the operation of all classes of)) charitable or nonprofit organization licensed to operate raffles ((and bona fide charitable or nonprofit))₂ amusement games, ((and)) Class A, B, or C bingo games, or combination license shall submit to the commission an annual summary of ((each separate licensed activity on a form supplied by the commission-)) all such activities. The annual report shall be completed as follows:

(1) The report form shall be furnished by the commission, and the completed report shall be received in the office of the commission or postmarked no later than ((30)) thirty days following the expiration of such organization's license year.

(2) The report shall be signed by the highest ranking officer or his/her designee. If the report is prepared by someone other than this officer, then the preparer shall include his/her name and phone number on the report((-));

(3) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

~~((4))~~ (a) The gross gambling receipts from the conduct of each licensed activity;

~~((2))~~ (b) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity. Donated prizes will be recorded at the fair market value of the prize at the time they were received by the organization;

~~((3))~~ (c) The net gambling receipts for each activity;

~~((4))~~ (d) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person((- *Provided that*)): *Provided, That* RCW 9.46.0277 and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle;

~~((5))~~ (e) The net income from each activity;

~~((6))~~ (f) The total number of sessions conducted during the year; and

~~((7))~~ (g) The total number of players participating in bingo games.

~~((8))~~ Net income from the operation of) (4) In addition, organizations that operate retail sales activities ((operated))

in conjunction with bingo games shall report the net income from such.

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

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

WSR 96-24-008
PERMANENT RULES
GAMBLING COMMISSION

[Order 303—Filed November 21, 1996, 11:35 a.m.]

Date of Adoption: November 15, 1996.

Title of Rule: WAC 230-02-105 Annual measurement period—Defined, 230-02-123 Charitable or nonprofit organizations—Net return defined, 230-02-138 Positive cash flow from the bingo operation—Defined, 230-02-362 Primary market area defined, 230-02-364 Secondary market area defined, 230-02-366 Impact market area defined, 230-02-455 Social pastime defined, 230-02-503 Fund raising defined, 230-02-530 Circumstances outside the control of the licensee—Defined, 230-02-535 Permanent interruption of customer flow—Defined, 230-02-540 Temporary interruption of customer flow—Defined, 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception, 230-20-059 Maximum gross gambling receipts for bingo games—Prize and expense limitations—Minimum net return required, 230-20-060 Petitioning the director for a variance from net return requirements, 230-20-062 Minimum net return from bingo games—Sanctions, 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required, 230-20-102 Bingo prizes—Record of winners, 230-20-120 No free food or beverages to be provided at bingo games—Exceptions, 230-20-125 Discounts and promotional gifts—Authorized—Limits, 230-20-190 Bingo card prices, 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions, 230-20-249 Speed bingo—Operating procedures—Restrictions, and 230-20-325 Manner of conducting a raffle.

Purpose: WAC 230-02-105, this defines the term "annual measurement period" as the licensee's fiscal year; WAC 230-02-123, this defines the term "net return" as the total amount of return from the operation of bingo games after payment of reasonable prizes and necessary expenses. This rule further outlines the specific accounting which must take place to compute net return, including the handling of any local gambling taxes; WAC 230-02-138, this rule defines the term "positive cash flow from the bingo operation" as the operation of bingo games and associated activities at an income and expense level that does not require the use of cash or investment resources to sustain; WAC 230-02-362, this rule defines the term "primary market area" as the area within ten miles of the premises of a Class E or above bingo game; WAC 230-02-364, this defines the term "secondary market area" as the area within a ten to twenty-five mile radius from the premises of a Class E or above bingo game; WAC 230-02-366, this rule defines the term "impact market area" as the area that starts at the premises of an operating Class E or above bingo game and extends to a radius located

fifty miles from such premises; WAC 230-02-455, this defines the term "social pastime" as a gambling activity conducted primarily for entertainment. This definition applies to charitable or nonprofit organizations that are either licensed to receive \$250,000 or less in annual gross gambling receipts, or are operating under the limited nonlicensure qualifications of RCW 9.46.0321. Further, any licensee that pays wages or rent to conduct bingo is deemed to be operating bingo for purposes of fund raising, (as opposed to operating under the term "social pastime") and is subject to net return requirements; WAC 230-02-503, this defines the term "fund raising" as a gambling activity which is operated with a profit motive and which is conducted for purposes of obtaining funds for a charitable or nonprofit organization's programs. Organizations conducting bingo are deemed to be "fund raising" when licensed to receive more than \$250,000 in gross gambling receipts; WAC 230-02-530, this defines the term "circumstances outside the control of the licensee" as any factors that impact an organization's ability to operate bingo games that is not within the control of the board of directors; WAC 230-02-535, this defines the term "permanent interruption of customer flow" as a decrease in a bingo operator's customer base that lasts more than six months, and is caused by circumstances outside the control of the licensee; WAC 230-02-540, this defines the term "temporary interruption of customer flow" as a decrease in a bingo operator's customer base for less than six months, when the circumstances that caused the decrease are outside the control of the licensee; WAC 230-12-050, this rule clarifies that use of electronic point-of-sale bank cards is not the use of credit. In addition, charitable and nonprofit organizations may accept credit cards for participation in raffles. Further, promotional gifts authorized by WAC 230-20-125 are exempted from the credit, loan, and gift prohibition; WAC 230-20-059, this rule establishes the minimum net income requirements that bingo operators must meet to ensure they are raising enough funds for their charitable or nonprofit programs; WAC 230-20-060, this rule sets forth the criteria for petitioning the director for a variance from net income requirements; WAC 230-20-062, this rule outlines the restrictions and procedures applicable to a bingo licensee that is out of compliance with the minimum net return provisions of WAC 230-20-059 and 230-20-060; WAC 230-20-064, this rule has been replaced by new rules WAC 230-02-105, 230-02-123, 230-02-126, 230-02-138, 230-02-362, 230-02-364, 230-02-366, 230-02-455, 230-02-503, 230-02-530, 230-02-535, 230-02-540, 230-20-059, 230-20-060, and 230-20-062. These new rules organize the definitions, duties, and procedures applicable to bingo operators into a more defined structure; WAC 230-20-102, this rule makes housekeeping changes; WAC 230-20-120, this rule clarifies that Class D and above bingo licensees are prohibited from providing food and beverages to players at a rate less than the usual and custom price. In addition, licensees who both fail to meet the minimum net return requirements of WAC 230-20-059 and operate a snack bar at a net loss will be in violation of this section; WAC 230-20-125, this rule authorizes the enhancement of bingo games through the use of both promotional discounts and gifts and "frequent player" incentives. In addition, procedural, monetary, and frequency of use restrictions for such promotions and incentives are further detailed; WAC 230-20-190,

this rule allows participation without payment of the usual and customary charge in bingo games conducted by Class D or higher licensees, under promotions authorized by WAC 230-20-125. In addition, Class A, B, and C bingo licensees are prohibited from allowing free play before applicable house rules are produced in writing; WAC 230-20-242, this rule authorizes and establishes the procedures for offering bonus prizes based on a winning player's birth date; WAC 230-20-249, this rule authorizes and establishes the rules for conducting speed bingo; and WAC 230-20-325, this rule authorizes and establishes the procedure for offering discounted and bundled raffle tickets.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-20-064; and amending WAC 230-12-050, 230-20-102, 230-20-120, 230-20-190, 230-20-242, and 230-20-325.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205, 9.46.075.

Adopted under notice filed as WSR 96-19-085 on September 18, 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 16, amended 6, repealed 1.

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 16, amended 6, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 16, amended 6, 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.

November 20, 1996

David D. Shaw

Rules and Policy Coordinator

NEW SECTION

WAC 230-02-105 Annual measurement period—Defined. "Annual measurement period" means the licensee's fiscal year as set forth in the license application.

NEW SECTION

WAC 230-02-123 Charitable or nonprofit organizations—Net return defined. "Net return" is the total amount of return from the operation of bingo games after payment of reasonable prizes and necessary expenses. Net return is expressed as a percent of bingo gross gambling receipts and is computed by dividing bingo gross gambling receipts into the combined net income from bingo games, punchboards/pull tabs, amusement games, raffles conducted in conjunction with bingo games, and food, drink, or other retail sales activities conducted in conjunction with bingo games. For purposes of computing net return, local gambling taxes for bingo, punchboards/pull tabs, and amusement games, whether paid or accrued, will be added to the accounting net income.

NEW SECTION

WAC 230-02-138 Positive cash flow from the bingo operation - Defined. "Positive cash flow from the bingo operation" means operating bingo games and associated activities at an income and expense level that does not require the use of the licensee's cash or investment resources to sustain the bingo game operation. A licensee will be deemed to have a "positive cash flow" from the bingo operation during any measurement period when the combined gross income of the operation during that same measurement period, less all prizes and expenses, whether paid or accrued, is greater than zero. For purposes of computing total expenses for this section, the use of resources that do not require a current use of funds, such as amortization and depreciation of assets shall not be considered an expense of the bingo operation.

NEW SECTION

WAC 230-02-362 Primary market area defined. "Primary market area" means the area that starts at the premises of an operating class E or above bingo game and extends to a radius that is located ten miles from such premises.

NEW SECTION

WAC 230-02-364 Secondary market area defined. "Secondary market area" means the area that starts at a radius that is located ten miles from the premises of an operating class E or above bingo game and extends to a radius that is located twenty-five miles from the premises.

NEW SECTION

WAC 230-02-366 Impact market area defined. "Impact market area" means the area that starts at the premises of an operating class E or above bingo game and extends to a radius that is located fifty miles from such premises.

NEW SECTION

WAC 230-02-455 Social pastime defined. "Social pastime" means a gambling activity conducted primarily for entertainment. Charitable or nonprofit organizations are deemed to be conducting bingo as a social pastime when licensed to receive \$250,000 gross gambling receipts or less annually or operating under the provisions of RCW 9.46.0321: Provided, That any licensee that pays wages or rent to conduct bingo shall be deemed to be operating bingo for purposes of fundraising and must comply with net return requirements for their class of license, as set forth in Table 1 of WAC 230-20-059.

NEW SECTION

WAC 230-02-503 Fund raising defined. "Fund raising" means a gambling activity conducted for purposes of obtaining funds for a charitable or nonprofit organization's programs and which is operated with a profit motive. Organizations are deemed to be conducting bingo for fund raising to support the purposes of the organization

when licensed to receive more than \$250,000 gross gambling receipts.

NEW SECTION

WAC 230-02-530 Circumstances outside the control of the licensee - Defined. "Circumstances outside the control of the licensee" means any factors that impact an organization's ability to operate bingo games that are not directly or indirectly under the control of the board of directors. The following examples of such circumstances may be considered by the director:

- (i) Premises destroyed or condemned;
- (ii) Lease for the premises expires without an option to renew;
- (iii) Unanticipated increases to rent that would put the licensee in jeopardy of being in violation of net return requirements;
- (iv) Significant nonbingo gambling activities operated within a licensee's impact market area by organizations outside the jurisdiction of the commission;
- (v) Closure of arterial exit ramps if within five miles of the premises;
- (vi) Loss of customer parking;
- (vii) Cancellation of public transportation; or
- (viii) Other permanent factors demonstrated by a licensee.

NEW SECTION

WAC 230-02-535 Permanent interruption of customer flow - Defined. "Permanent interruption of customer flow" means a decrease in the customers available to a licensee for longer than a six-month time period, when the circumstances which caused the interruption are outside the control of the licensee.

NEW SECTION

WAC 230-02-540 Temporary interruption of customer flow - Defined. "Temporary interruption of customer flow" means a decrease in the normal customers available to a licensee for a period of six months or less when the circumstances that caused the decrease are outside the control of the licensee. Examples of such interruptions are street repairs, damage to premises, inclement weather, etc.

AMENDATORY SECTION (Amending Order 253, filed 6/15/94)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited(~~(s)~~)—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity. The consideration required to participate in the activity shall be collected in full, by cash (~~(or)~~), check, or electronic point-of-sale bank transfer, prior to participation(~~(—Provided)~~): Provided, That this prohibition shall not apply to the following situations:

- (1) The consideration paid for the opportunity to play a punchboard or pull tab series may be collected immediately

after the play is completed only when such consideration is ten dollars or less; (~~(or)~~)

(2) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(a) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(b) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

(3) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles; and

(4) Promotional gifts detailed below:

(a) The providing of free or discounted food, drink, or merchandise to card players at a public card room;

(b) Promotional activities conducted as a part of bingo games and authorized by WAC 230-20-125;

(c) Performances as authorized by WAC 230-20-111;

(d) Free play for card playing as authorized by WAC 230-40-050(4);

(e) "Free roll" or customer appreciation tournaments as authorized by WAC 230-40-055(2); and

(f) Promotional game cards meeting the standards of WAC 230-46-070 (1), (a), (b), (c), (d), (e).

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

Reviser's note: 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 230-20-059 Minimum net return required for bingo games—Prize and expense limitations—Maximum gross gambling receipts. Bingo shall be conducted only as a social pastime or for fund raising to support the purpose(s) of a charitable or nonprofit organization. Organizations licensed to conduct bingo games shall comply with the following procedures and limitations:

(1) Gross gambling receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-202 or as restricted by the commission under WAC 230-20-062;

(2) To ensure that organizations licensed to conduct bingo games meet the intent of RCW 9.46.010 and retain funds adequate to promote charitable and nonprofit programs, such organizations shall not award prizes or pay expenses to conduct bingo games that are excessive. Organizations that fail to retain at least the minimum net return for their class of license, as set forth in Table 1 of this

section and as adjusted by the director, may be deemed to have paid excessive prizes or unnecessary expenses from the operation of bingo games. As a result, the commission may restrict the organization's gross gambling receipts, prizes, and/or expenses from bingo games or the organization may

be subject to other enforcement actions recommended by the director.

(3) This rule will apply to organizations with measurement periods beginning on or after January 1, 1996.

Table 1

License Class Requirements**/**	Annual Gross Gambling Receipts	Maximum Prize Payout Limits*	Annual Minimum Net Return
A	Up to \$ 15,000	No Limits	No Limits****
B	\$15,000 - 50,000	No Limits	No Limits****
C	50,001 - 100,000	No Limits	No Limits****
D	100,001 - 250,000	No Limits	No Limits****
E	250,001 - 500,000	Max of 85.0%	At least 2.0%
F	500,001 -1,000,000	Max of 84.0%	At least 4.0%
G	1,000,001 -1,500,000	Max of 82.0%	At least 6.0%
H	1,500,001 -2,000,000	Max of 80.0%	At least 8.0%
I	2,000,001 -2,500,000	Max of 78.0%	At least 10.0%
J	2,500,001 -3,000,000	Max of 76.0%	At least 12.0%
K	3,000,001 -3,500,000	Max of 74.0%	At least 14.0%
L	3,500,001 -4,000,000	Max of 72.0%	At least 15.0%
M	4,000,001 -4,500,000	Max of 72.0%	At least 16.0%
N	4,500,001 -5,000,000	Max of 72.0%	At least 16.0%
O	5,000,001 -5,500,000	Max of 72.0%	At least 16.0%
P	5,500,001 -6,000,000	Max of 72.0%	At least 16.0%
Q	Over 6,000,000	Max of 72.0%	At least 16.0%

* = Applies only to licensees restricted by WAC 230-20-062.

** = Combined net income from punchboards/pull tabs, bingo, amusement games, raffles (when conducted in conjunction with the bingo game), and sales of food, drink, or other retail items, if applicable, plus local gambling taxes, as a percent of bingo gross gambling receipts.

*** = When a licensee is required to upgrade its license class in the last quarter of its annual license period, compliance with net return requirements will be measured at the lower license class.

**** = Combined net return must be equal to or greater than zero if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net return.

NOTE 1: The minimum net return requirements set forth in this table may be adjusted by the director.

NOTE 2: Net income requirements for charitable or nonprofit organizations that operate pull tabs, but do not operate bingo, are detailed in WAC 230-30-052.

NEW SECTION

WAC 230-20-060 Petitioning the director for a variance from net return requirements. The director may allow a licensee that is being impacted by one or more factors set forth in this subsection a variance to return less funds than the requirements set out in Table 1 of WAC 230-20-059. When petitioning the director for such a variance,

the licensee bears the burden of clearly setting forth all facts to demonstrate that it qualifies to be granted the variance.

What factors will be considered by the director in a request for a variance?

(1) In determining the scope and period of time for variances, the director shall consider at least the following factors:

(a) The competition from gambling activities within a licensee's impact market area;

(b) Whether the organization has been previously licensed to conduct bingo at any level prior to beginning operations;

(c) Circumstances outside the control of the licensee that directly impact the bingo game;

(d) The impact on the licensee's charitable or nonprofit programs;

(e) The licensee's record of compliance with net return requirements prior to being impacted by any new factors;

(f) The level of prizes being paid by the licensee; and

(g) Other factors defined by the licensee.

What are the reasons for requesting a variance?

(2) Variances granted by the director under subsection (1) of this section shall be limited cumulatively to a total of two percentage points and individually to those set forth below in this subsection. The director may extend or modify a variance at the end of the approval adjustment period if a licensee demonstrates continued impact and a request for an extension is received prior to the end of the adjustment period. The following variances are authorized:

PERMANENT

(a) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the primary market area of an operating class E or above bingo game, and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual minimum net requirements may be decreased by up to a maximum of two percentage points, depending on the size of the game impacting the licensee, for a period not to exceed two annual measurement periods after operation of the new game begins; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual minimum net return requirement may be decreased by up to a maximum of one percentage point for a period not to exceed one annual measurement period after operation of the new game begins.

(b) When a new class E or above or any bingo game not under the jurisdiction of the commission begins operations within the secondary market area of an operating class E or above bingo game and the new game operates on two or more occasions common to the current game, then the minimum net return requirement may be decreased by one percentage point for a period not to exceed one annual measurement period after operation of the new bingo game begins;

(c) When an organization is forced to move its game:

(i) Within its primary market area - the actual cost of the move and expenses incurred during the time period the game is closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period of six months after beginning operation in the new location;

(ii) Outside its primary market area - the actual cost of the move and expenses incurred during the time period closed for the move shall be factored out of the computation of net return for the period. In addition, the minimum net return requirement may be decreased by one percentage point for a period not to exceed the first two annual measurement periods of operation in the new location;

(d) When an organization has not been previously licensed to conduct bingo at any level begins operation, the minimum net return requirement may be decreased by two percentage points for the first annual measurement period;

(e) When an organization experiences a temporary interruption in customer flow, the minimum net return requirement may be decreased by no more than two percentage points during the annual measurement period.

(f) When an organization experiences circumstances outside of its control, the minimum net return requirement may be decreased by up to two percentage points for up to two annual measurement periods, depending upon the severity of the impact; and

(g) When an organization experiences other factors within its impact market area, the director shall make a determination on a case-by-case basis but shall not exceed two percentage points or two measurement periods.

What do I have to do to request a variance?

(3) A licensee requesting a variance of the minimum net return requirements in Table 1 of WAC 230-20-059 shall

bear the burden of clearly setting forth all facts to demonstrate that it qualifies to be granted the variance and shall follow these procedures:

(a) Submit a written petition to the director as soon as the factor impacting the bingo game is discovered. In no case may the petition be submitted later than thirty days following the end of the annual measurement period for which a variance is requested. This petition shall be detailed and include the specific circumstances for which such relief is sought;

(b) Provide objective evidence regarding the scope of the impact on the organization's charitable or nonprofit programs if a variance is not granted;

(c) Provide the date the factor causing the impact began and the estimated ending date, if known; and

(d) Provide a copy of the most recently issued financial statements if not currently on file with the commission.

How are variances calculated?

(4) For purposes of this section, variances shall begin on the first day of the next calendar quarter after the impact for which the variance is granted begins and continues for the number of calendar quarters authorized by the director. Variances that span more than one annual measurement period shall be prorated over all measurement periods by multiplying the variance by the portion of the measurement period for which the variance is authorized.

Example: If a licensee is granted a two percent variance (.02) for one year at the beginning of the last quarter of the licensee's annual measurement period, the variance would be prorated as follows: a one-half percent (.05%) variance in the current measurement period [computed by multiplying the variance percent (.02) times one quarter (.25)]; and one and one-half percent variance (1.5%) in the subsequent measurement period [computed by multiplying the variance (.02) times three quarters (.75)].

(5) This rule will apply to organizations with measurement periods beginning on or after January 1, 1996.

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.

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 230-20-062 Minimum net return from bingo games—Sanctions. A licensee that fails to comply with the minimum net return provisions of WAC 230-20-059, or as adjusted by the director pursuant to WAC 230-20-060, shall have its license restricted or be subject to summary suspension and revocation of its license. The following restrictions and procedures apply to this section:

(1) Any licensee that does not achieve the minimum net return for its class of license during any calendar quarter and whose net return falls below the annual minimum requirements when measured for its annual measurement period shall take immediate steps to ensure net return requirements for the annual period will be met by completing the following:

(a) Any licensee that is out of compliance by less than one percentage point shall, upon discovery of the problem, immediately evaluate prices, prize structure, and expenses for bingo and all activities conducted in conjunction with the bingo game and develop a plan to gain compliance. The plan and the degree to which the licensee implements the plan may be used as a part of the director's decision to grant a variance to a licensee, if one is later sought, and/or for recommendations made to the commission regarding actions to limit the organization's license class;

(b) Any licensee that is out of compliance by one percentage point or more, but less than three percentage points, shall report the condition to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter and shall take immediate steps to increase net return for bingo and all associated activities by either increasing prices, decreasing prizes, decreasing expenses, or a combination of all, and:

(i) Provide to the commission no later than forty-five days following the end of the quarter a written plan of actions to gain compliance. This plan shall be evaluated by commission staff. The plan and the degree to which the licensee implements the plan may be used as a part of the director's decision to grant a variance to a licensee and/or recommendations to the commission regarding actions to limit or summarily suspend the organization's license;

(ii) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(iii) If requested by the director, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager, and the licensed gambling manager responsible of the bingo game shall meet with commission staff to discuss the action plan.

(c) Any licensee that is out of compliance by three percentage points or more shall, in addition to the requirements in subsection (b) above, immediately freeze all controllable expenses for bingo and all other activities operated in conjunction with bingo. The licensee must also take the following actions:

(i) Reduce expenses for bingo and all other activities operated in conjunction with bingo to a level that does not exceed twenty percent of gross gambling receipts or sales;

(ii) Reduce prizes to the level set forth as guidelines in Table 1 of WAC 230-20-059 for its class of license; and

(iii) Increase prices and/or decrease expenses for snack bar operations to a level that will result in a profit being earned from this activity.

What if I have not met the net income requirements, but I am still making money for my organization's stated purposes?

(2) Any licensee that fails to achieve the minimum net return requirement for its class of license, including any variance authorized by the director, during any measurement period and maintains a positive cash flow from the bingo operation for the same period shall have its license class for the next annual license period reduced to the license class equal to the level of net return actually achieved. Provided, the license class to which the licensee is reduced must authorize at least one-half of the maximum gross gambling receipts of the current license class. Provided further, That the reduction for the first violation shall be a maximum of

two license classes. A licensee limited under this section will not be granted an increase in license class until it has demonstrated the ability to maintain net return requirements at or above the minimum level for the class of license sought. Achieving net return requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability;

What if I have not met the net income requirements and I am no longer contributing towards the organization's stated purposes?

(3) Any licensee that fails to achieve the minimum net return requirement during any annual measurement period and fails to maintain a positive cash flow from the bingo operation for the same period shall be deemed to be operating primarily for gambling purposes and shall be subject to summary license suspension and license revocation; and

What if my license has been downgraded and I want to operate at a higher level again?

(4) A licensee that has had its gross gambling receipts restricted by this section may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission. The commission may take testimony from other parties that may be affected by approval of the petition during the hearing. The petitioner must ensure that an officer of the organization and the licensed gambling manager responsible for the bingo operation attends the public meeting and is prepared to answer questions from the commissioners and/or staff regarding the petition and bingo game operations. Any approval granted under this section may be made contingent upon future compliance or other factors as determined by the commission. In addition to the requirements set forth in WAC 230-20-060(3), petitions for relief under this section must include the following:

(a) The portion of the organization's programs that are charitable as compared to nonprofit;

(b) Income available to fund programs from other sources; and

(c) Estimated time that the maximum gross gambling receipts limit for its current license will be reached.

(5) This rule will apply to organizations with a measurement period beginning on or after January 1, 1996.

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 230-20-064.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91)

WAC 230-20-102 Bingo prizes—Record of winners. All payments of prizes for bingo games shall be accounted for and documented in a manner that affords independent verification of the amount paid and the fact of distribution to winners(-); *Provided, That Class A and B bingo licensees,*

organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair are exempt from all portions of this rule if the requirements of WAC 230-08-015 are followed. Payment of all prizes shall be documented using the following procedures:

What are the receipting and recordkeeping requirements for bingo prizes?

(1) A prize receipt shall be completed for each prize awarded at bingo games. The following minimum information shall be recorded for each prize awarded:

- (a) The date;
- (b) The game number;
- (c) The complete name and address of the winner:

Provided, That an address of the winner is not required if ~~((the following control procedures are followed:~~

~~((i)) prizes greater than \$300 are paid by check or a combination of cash or check((:)) and:~~

~~((ii)) (i) Checks ~~((must be))~~ are drawn on the licensee's gambling bank account;~~

~~((iii)) (ii) Checks ~~((will be))~~ are made payable only to the winner: *Provided*, That checks for prizes won by players under age ~~((+8))~~ eighteen may be made payable to the guardian or immediate family member accompanying the player;~~

~~((iv)) (iii) The game number and prize receipt number ~~((shall be))~~ are notated on the check;~~

~~((v)) (iv) Checks used ~~((must be))~~ are of a type that provides a duplicate copy. The copies become a part of the daily bingo records and must be maintained as such;~~

~~((vi)) (v) All original checks ~~((must be))~~ are returned by the bank to the licensee. Original checks shall be available for inspection upon demand by the commission; and~~

~~((vii)) (vi) Checks drawn on the licensee's gambling account ~~((shall))~~ are not ~~((be))~~ cashed or otherwise redeemed by the licensee or on the licensee's premises((:)).~~

(d) The dollar amount of the prize or the licensee's cost of noncash prizes;

(e) A full description of all noncash prizes;

(f) The check number, if any portion of the prize is paid by check; and

(g) The initials of the bingo worker making the payout and the cashier making the payment.

(2) Prize receipts shall be consecutively issued in an ascending order. Prize receipts bearing a number below the highest number issued during a session shall be voided and retained with the daily records. ~~((Prize receipts shall be printed by a commercial printer and meet the following standards:~~

~~(a) Manufactured of two-part, self-duplicating paper that provides for an original and a duplicate copy;~~

~~(b) Imprinted with the name of the licensee and a consecutive ascending number that does not repeat in at least 100,000 occurrences: *Provided*, That Class E and smaller licensees may utilize receipts that are not imprinted with the licensee's name and which the consecutive number does not repeat in at least 1,000 occurrences; and~~

~~(c) Provide space for the licensee to record the information required by subsection (1) above.))~~

(3) The original of each prize receipt shall be given to the winner and a duplicate copy shall be retained by the licensee as a part of its records for a period of not less than three years. ~~((Prize receipts shall be consecutively issued in an ascending order. Prize receipts bearing a number below the highest number issued during a session shall be voided and retained with the daily records.))~~

How must prize receipts be printed?

(4) Prize receipts shall be printed by a commercial printer and meet the following standards:

(a) Manufactured of two-part, self-duplicating paper that provides for an original and a duplicate copy;

(b) Imprinted with the name of the licensee and a consecutive ascending number that does not repeat in at least 100,000 occurrences: *Provided*, That Class E and smaller licensees may utilize receipts that are not imprinted with the licensee's name and which the consecutive number does not repeat in at least 1,000 occurrences; and

(c) Provide space for the licensee to record the information required by subsection (1) above.

~~((The original of each prize receipt shall be given to the winner and a duplicate copy shall be retained by the licensee as a part of its records for a period of not less than three years.))~~

What records must a licensee keep for the acquisition of prize receipts?

(5) All prize receipts purchased or otherwise obtained must be accounted for by the licensee. Prize receipts purchased or otherwise obtained by the licensee shall be documented on a vendor's invoice. This invoice, or a photocopy thereof, shall be maintained on the premises and available for inspection by commission staff. The following information shall be documented on the purchase invoice:

- (a) Name of the vendor;
- (b) Name of the purchasing organization;
- (c) Date of purchase;
- (d) Number of receipts purchased; and
- (e) The beginning and ending receipt number.

For progressive prize type games, how may increases to the prize pool be accrued and accounted for?

(6) Increases to the prize pool for progressive prize type games may be accrued and treated as prizes awarded during the current session if the following conditions are met:

(a) Prize receipts will be issued only when the prize is actually awarded;

(b) Full details of accrued prizes outstanding at the end of each calendar quarter, will be furnished on the licensee's activity report;

(c) Once an election is made to accrue prizes for a particular game, all increases to that prize must be accrued;

(d) Prizes must be accrued after the completion of each session in which they are increased;

(e) A reconciliation of the prize fund shall be made on each "Daily summary - Cash control" record;

(f) The amount of prize accrued shall be deposited in the gambling receipts account per WAC 230-12-020;

(g) The balance of the gambling receipts banking account shall not be reduced at any time below the amount of prizes accrued and currently being offered: *Provided*,

That accrued prizes may be transferred to a special bank account, for this purpose, if the balance is maintained at a level equal to or greater than the amount of prizes accrued and currently being offered; and

(h) In the event management elects to discontinue games for which prizes have been accrued, the operator shall amend all activity reports and tax returns previously submitted to reflect the actual prizes awarded.

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

AMENDATORY SECTION (Amending Order 12, filed 2/14/74)

WAC 230-20-120 No free food or beverages to be provided at bingo games~~((;))~~—**Exceptions.** ~~((No licensee for the operation of))~~ **Class D or above bingo** ~~((games))~~ licensees shall not provide food or beverages to players for free, or for a consideration which is less than the current normal and usual retail price in the city or county in which the gambling activity is operated ~~((for such prepared food or beverage, to players in such bingo games: Provided, That this provision shall not apply to Class A and B bingo licensees))~~. Licensees that fail to meet minimum net return requirements of WAC 230-20-059, Table 1, and operate a snack bar at a net operating loss may be deemed to be in violation of this section.

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 230-20-125 Discounts and promotional gifts—Authorized—Limits. To increase profits from bingo games and enhance the entertainment aspect of such, licensees may conduct limited promotional activities. The following restrictions and procedures apply to promotional activities conducted as a part of bingo games:

What general restrictions apply to discounts and promotions for bingo?

(1) Licensees may promote bingo games by providing players discounts or gifts of nominal value on up to eight occasions annually under the following conditions:

(a) Licensees may offer players discounts or reductions in the price to play bingo for purposes of evaluating the effectiveness of advertising of bingo games if:

(i) Discounts are only awarded to players that present a coupon that was issued by the licensee for a specific date and session;

(ii) Coupons shall not be available on the licensed premises: Provided, That this section does not prevent the sale of newspapers in which such coupons are printed on the licensed premises;

(iii) Coupons are printed in newspapers or similar media that are normally sold or delivered to an individual's residence;

(iv) The discount does not exceed fifty percent of the minimum cost to play or three dollars, whichever is less;

(v) Any conditions or restrictions of the discount are disclosed in all advertisements offering the discount; and

(vi) Records required by subsection (2) of this section are maintained.

(b) Licensees may award promotional gifts to players if:

(i) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift are awarded;

(ii) The gifts are treated as prizes; and

(iii) A record is completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts.

What are the general receipting and recordkeeping requirements for discounts and promotional gifts?

(2) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

(3) Records must be maintained as a part of the daily bingo records that provide full details of each discount or gift awarded. All discounts must be reconciled to sales and cash on the "Bingo daily record-Cash control" record. Such records must include at least the following details:

(a) Time and date of the activity;

(b) Full description of the activity, including any conditions or restrictions;

(c) A copy of all advertisements for such promotions; and

(d) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

What restrictions apply to special recognition "birthday gifts?"

(4) Licensees may provide special recognition gifts to players during the calendar week of their birthday. These gifts are excluded from the eight occasion limitation if the following requirements are met:

(a) Such gifts shall not exceed a value of three dollars;

(b) The recipient's name and date of birth are recorded;

and

(c) These gifts are treated as prizes and applicable records are maintained.

What restrictions, and receipting and recordkeeping requirements apply to "frequent player" promotions?

(5) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions or for spending a specific dollar amount to play bingo over a period of time if:

(a) These "frequent player" incentives shall be redeemed only for promotional marketing gifts, whose cost does not exceed one half of one percent of the dollar amount spent by the player through the licensee's cash register receipting method of sales;

(b) These incentives shall be accumulated in the form of "credits" or "points" that equate to a specified number of dollars spent by the player;

(c) Such credits or points shall have no cash or partial redemption value;

(d) Players shall be informed of any expiration date of points or credits earned;

(e) The licensee shall develop a control system to account for points or credits issued, redeemed, or expired. Credits or points shall be controlled by issuing points at the time of cash register receipting method sale and recorded either with a computer-based tracking system or approved manual system. The following conditions apply to accumulation records:

(i) If cards are used, cards shall meet all of the requirements set forth for tickets used for receipting for bingo income in WAC 230-20-104 and the recording of credits on such cards shall be accomplished by means under control of the licensee, such as stamps, punches, employee initials, etc.; and

(ii) Computer-based records used to record points shall be approved by the commission staff.

AMENDATORY SECTION (Amending WSR 95-12-051, filed 6/2/95)

WAC 230-20-190 Bingo card prices. No person shall be allowed to play in a bingo game conducted by Class D or higher licensee for free ((not) or without first paying the licensee's normal and usual charge ((therefor, except that this provision shall not apply to bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under chapter 9.46 RCW)), except as authorized by WAC 230-20-125. Class A, B, or C licensees allowing free play shall develop house rules governing such. These rules shall be in writing and available for review by commission staff, local law enforcement, or taxing authorities upon request.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 263 [293], filed 12/5/94 [6/18/96])

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. ~~((Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-064. The following activities are authorized:))~~

What activities are authorized for consideration as part of a bingo game?

(1) The following activities are authorized:

(a) Drawings.

(b) Creativity and originality contests. A competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought.

(c) "Good neighbor" schemes. Prizes are awarded based upon the seating location of a player(s) in regards to the winner of a bingo game.

(d) Second element of chance schemes. An additional chance is offered to win an increased minimum bingo game after the winner(s) of the game has been determined by calling numbers and symbols.

(e) Birthday bonus schemes. Prizes are awarded to a player who wins a bingo game during the same calendar week in which the player's birthday occurs. ~~((Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-105 are followed and;~~

~~(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;~~

~~(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;~~

~~(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;~~

~~(d) Licensees may restrict the awarding of tickets to players that are:~~

~~(i) Winners of bingo games;~~

~~(ii) "Good neighbors"; or~~

~~(iii) Other players that meet predetermined specific requirements;~~

~~(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records;))~~

What general restrictions apply to the awarding of prizes for these activities?

(2) Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-059. ((Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contest in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC

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~~230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records;))~~

What additional restrictions apply to drawings?

(3) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-104(2)5 are followed and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;

(d) Licensees may restrict the awarding of tickets to players that are:

(i) Winners of bingo games;

(ii) "Good neighbors"; or

(iii) Other players that meet predetermined specific requirements;

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records. ~~((("Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:~~

~~(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and~~

~~(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records;))~~

What additional restrictions apply to creativity and originality contests?

(4) Creativity and originality contests. A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to eight occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of

participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records. ~~((Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:~~

~~(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;~~

~~(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty five chances or the probability of winning the highest prize is .008 or greater;~~

~~(c) The scheme does not require the player to risk any portion of a prize already won;~~

~~(d) Every possible outcome of the scheme provides the player with an additional prize;~~

~~(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:~~

~~(i) The players minimum odds of winning the highest prize;~~

~~(ii) How a winner is determined;~~

~~(iii) Any contingencies or special requirements that may affect the outcome;~~

~~(iv) The cash value of the highest prize available; and~~

~~(v) Any financial burden that must be borne by the winner, such as taxes or registration fees;~~

~~(f) All requirements of WAC 230-20-010 are met before cards are purchased; and-~~

~~(g) The scheme and supporting records contain control factors necessary for commission audit);)~~

What additional restrictions apply to "good neighbor" schemes?

(5) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records. ~~((Licensees may award promotional gifts to bingo players on up to six occasions annually if:~~

~~(a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and~~

~~(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.))~~

What additional restrictions apply to second element of chance schemes?

(6) Second element of chance schemes. Licensees may use these schemes to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

What additional restrictions apply to birthday bonus prizes?

(7) Birthday bonus prizes. Licensees may offer birthday bonus prizes subject to the following restrictions:

(a) The maximum bonus prize is fifty dollars;

(b) The player's birthday must be within the calendar week that the winning combination occurred and the bonus is paid;

(c) A licensee may award only one birthday bonus to any player during any calendar year;

(d) In addition to all requirements of WAC 230-20-102, the prize receipt for such prizes must include:

(i) The address of the winner;

(ii) The player's date of birth; and

(iii) The type of identification provided by the player to verify the winner's date of birth.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 230-20-249 Three number speed bingo—Operational procedures—Restrictions. Licensees may play "speed bingo" if the conditions set forth in this section are followed:

(1) For purposes of this section, "three number speed bingo" is defined as a bingo game that:

(a) Is played using a reduced number of balls and special cards with less than twenty-five spaces;

(b) The rate of calling numbers is faster than normal;

(c) The price to play includes an "ante," which is retained by the licensee, and a wager that begins at three units and decreases by one for each number covered on a player's card; and

(d) players compete against all other players for a pool of prizes that varies according to the numbers covered by players during the game;

(2) The following restrictions apply to speed bingo:

(a) The price to play speed bingo, including wagers, shall not exceed two dollars per card, per game;

(b) The price to play shall be the same for each card;

(c) The licensee shall not retain any part of players' wagers and all wagers not covering a called number on a player's card shall be paid to winners. If there is more than one winner, wagers shall be equally split among all winners: Provided, That licensees may develop a scheme for splitting odd numbers of chips between winners; and

(d) Gross gambling receipts for speed bingo shall be only the amount of fees collected from players for tickets to participate and excludes wagers and prizes paid to players.

(3) Speed bingo shall be played as follows:

(a) The game shall be played using thirty numbered balls, with numbers one through seventy-five available for use;

(b) Special cards that have three spaces imprinted with numbers that correspond to the numbers on the balls utilized for play;

(c) Tickets shall be used by players to participate in the game. The following procedures apply to tickets:

(i) Players shall purchase tickets for play prior to start of any game;

(ii) Tickets may be valued at any price below two dollars Provided, That the combined value of the ticket and wagers may not exceed two dollars per card, per game;

(iii) The ticket receipting method set forth in WAC 230-20-105 shall be used to receipt for income received to play games;

(iv) All tickets shall be stamped with the calendar date at the time sold to players;

(v) Different colored tickets shall be used for each session speed bingo is played; and

(vi) Tickets sold and collected from players shall be reconciled to cash for each session.

(d) Wagers shall be made and prizes paid using wagering chips. Wagers may be valued at any price as long as the total value of wagers and tickets does not exceed two dollars per card, per game. The requirements of WAC 230-40-070 shall be followed for wagering chips and banking services;

(e) Each player pays the licensee one ticket for each bingo card played for each game;

(f) Each player's beginning wager is three chips for each bingo card played during any single game. A player must have three chips for each card being played prior to the beginning of the game;

(g) During play of the game, players place a wagering chip on each number on their cards that is matched with called numbers. Once a wagering chip is used to cover a valid number, it is retained by the player and no longer available to be won by the game winner(s). Wagering chips must remain on the number on the card until all losing wagers are collected from players by the licensee. The bingo worker collecting wagers must verify that covered numbers are valid;

(h) The first player to cover all three numbers on any card is the winner;

(i) After the winning card is verified, all unprotected chips are collected from all players and paid to the winner.

(4) The following WAC sections are not applicable to speed bingo:

(a) WAC 230-20-010 (1)(b) requiring all prizes available to be disclosed to players prior to their paying to participate: Provided, That licensees shall disclose the per-card cost to play and the amount of wagers required to play a single card;

(b) WAC 230-20-240(2) requiring that seventy-five balls, numbered one through seventy-five, be used to conduct games;

(c) WAC 230-20-240 (4)(a) requiring bingo cards to have twenty-five spaces;

(d) WAC 230-20-240(5) requiring Class F and above licensees to use disposable or electronically-generated bingo cards;

(e) WAC 230-20-101 regarding the ticket receipting method;

(f) WAC 230-20-246(6) requiring the symbol or number to be displayed to players: Provided, That the symbol or number must be displayed by use of a flashboard required by WAC 230-20-240(3) and the flashboard and audio system shall be fully functional; and

(g) WAC 230-08-080(2) and WAC 230-20-102 regarding records for prizes awarded.

AMENDATORY SECTION (Amending Order 287 [WSR 96-07-077], [filed 3/19/96,] effective 7/1/96)

WAC 230-20-325 Manner of conducting a raffle. ~~((All raffles shall be conducted by selling individual chances for not more than twenty-five dollars and awarding prizes by selecting winners by a random drawing from among all chances sold. The following operating procedures apply:))~~

What are the general requirements for conducting a raffle?

(1) All raffles shall be conducted by selling individual chances for not more than twenty-five dollars and awarding prizes by selecting winners by a random drawing from among all chances sold; ((All raffle chances shall be consecutively numbered tickets or other objects imprinted with letters or symbols that are not repeated within the population of all chances sold for a specific raffle;))

(2) All raffle chances shall be consecutively numbered tickets or other objects imprinted with letters or symbols that are not repeated within the population of all chances sold for

~~a specific raffle; ((Raffle chances sold to the general public or for raffles that do not require the winner to be present at the drawing shall consist of a ticket that includes a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion retained by the raffle operator shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner;))~~

(3) No person shall be required to obtain more than one chance to enter a raffle; ((All participants in a raffle must be informed of all rules by which such prizes may be won at the time of sale of a chance. This information shall be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. The following information shall be provided to each participant:

(a) The cost of each chance;

(b) All prizes available, whether cash or merchandise;

(c) Date and time of drawing;

(d) Location of drawing;

(e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and

(f) Name of organization conducting raffle;))

What additional requirements apply to raffles offered to the general public and raffles that do not require the winner to be present at the drawing?

(4) Raffle chances sold to the general public or for raffles that do not require the winner to be present at the drawing shall consist of a ticket that includes a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion retained by the raffle operator shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner; ((No person shall be required to pay, directly or indirectly, more than twenty-five dollars in order to enter any raffle;))

What information must be provided to raffle participants and when must such information be provided?

(5) All participants in a raffle must be informed of all rules by which such prizes may be won at the time of sale of a chance. This information shall be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. The following information shall be provided to each participant:

(a) The cost of each chance;

(b) All prizes available, whether cash or merchandise;

(c) Date and time of drawing;

(d) Location of drawing;

(e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and

(f) Name of organization conducting raffle; ((Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle;))

What are the restrictions on raffle entry fees and ticket prices?

(6) No person shall be required to pay, directly or indirectly, more than twenty-five dollars in order to enter

any raffle: *Provided*, That the sale of more than a single ticket to a single participant or the sale of a booklet of tickets under approval of the director, as authorized by subsection (7) of this section, shall not be deemed a violation of this section; ((No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets: *Provided*, That noncash incentive awards may be provided to members selling tickets if:

(a) Individual awards do not exceed a fair market value of ten dollars;

(b) The awards are based on the number of chances sold; and

(c) The fair market value of the total amount awarded for an individual raffle does not exceed two percent of the gross gambling receipts of the raffle.))

(7) Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle((?)): *Provided*, That the director may authorize a licensee to sell tickets at a discount if:

(a) A petition for approval for discount sales is received at the Lacey headquarters office at least thirty days prior to beginning the raffle for which such approval is requested. Each petition for approval to sell discounted raffle tickets shall include at least the following:

(i) A full description of the discount scheme;

(ii) The accounting controls and records to be used; and

(iii) A facsimile of the tickets and booklet cover planned for the raffle.

(b) Any licensee requesting approval for this activity shall reimburse the commission for all costs in reviewing and approval of such under the guidelines set forth in WAC 230-08-017;

(c) The organization has a class E or higher raffle license;

(d) Participants must be allowed to purchase a single ticket;

(e) Discounted tickets must be bundled into booklets that:

(i) Contain not more than five tickets;

(ii) Are not removed from the booklet and sold individually; and

(iii) The booklet cover of each ticket booklet is imprinted with a control number that meets the requirements of subsection (1) of this section.

(f) The maximum discount for a ticket bundled into a booklet is twenty percent of the single ticket price;

(g) The value of each ticket sold, net of the discount, shall be imprinted on the ticket; and

(h) Accounting procedures must be established that provide controls necessary to allow commission staff the ability to audit gross gambling receipts from such tickets; ((No person shall be required to obtain more than one chance to enter a raffle.))

What are the limits on what may be offered as a prize or reward for either selling or purchasing tickets?

(8) No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets: *Provided*, That

noncash incentive awards may be provided to members selling tickets if:

(a) Individual awards do not exceed a fair market value of ten dollars;

(b) The awards are based on the number of chances sold; and

(c) The fair market value of the total amount awarded for an individual raffle does not exceed two percent of the gross gambling receipts of the raffle; ((Each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle from which the winning tickets are to be drawn.))

What are the procedures for handling sold tickets?

(9) Each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle from which the winning tickets are to be drawn; ((The ticket collection receptacle shall be designed so that each ticket has an equal opportunity to be drawn: *Provided*, that an alternative drawing format to determine the winner may be utilized if such format is approved by the director before tickets are sold and the following requirements are complied with:

(a) The organization must have a current raffle license;

(b) The alternate format must meet the definition of a drawing as defined by WAC 230-02-500;

(c) The random selection process used in the alternative format shall be fully disclosed to each player prior to selling a ticket;

(d) Any alternate format utilized to determine the winners must be closely controlled by the licensee; and

(e) The written request to utilize an alternative drawing format shall contain, at a minimum, the following information:

(i) The time, date and location of the drawing;

(ii) The type of random selection process to be used and complete details of its operation;

(iii) The name and telephone number of the raffles manager; and

(iv) The signature of the organization's chief executive officer.))

What are the procedures for conducting a raffle drawing?

(10) The raffle license issued by the commission or a copy of the license shall be posted in plain view at the location at all times during the occasion when a drawing is being conducted.

(11) The ticket collection receptacle shall be designed so that each ticket has an equal opportunity to be drawn: *Provided*, that an alternative drawing format to determine the winner may be utilized if such format is approved by the director before tickets are sold and the following requirements are complied with:

(a) The organization must have a current raffle license;

(b) The alternate format must meet the definition of a drawing as defined by WAC 230-02-500;

(c) The random selection process used in the alternative format shall be fully disclosed to each player prior to selling a ticket;

December 5, 1996
 Merry Kogut, Manager
 Rules and Policies Assistance Unit

(d) Any alternate format utilized to determine the winners must be closely controlled by the licensee; and

(e) The written request to utilize an alternative drawing format shall contain, at a minimum, the following information:

- (i) The time, date and location of the drawing;
- (ii) The type of random selection process to be used and complete details of its operation;
- (iii) The name and telephone number of the raffles manager; and
- (iv) The signature of the organization's chief executive officer.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical 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 97-01-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 5, 1996, 9:51 a.m.]

Date of Adoption: December 5, 1996.

Purpose: The need standard is used to determine eligibility for various public assistance programs. The department is required to update the standard to reflect changes in the cost of living.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1250 and 388-250-1300.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-19-099 on September 18, 1996.

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 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.

AMENDATORY SECTION (Amending Order 3910, filed 10/11/95, effective 11/11/95)

WAC 388-250-1250 Standards of assistance—Need standards. (1) Effective September 1, (~~(1995)~~) 1996, 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	\$ ((800)) <u>788</u>
2	((1,011)) <u>996</u>
3	((1,252)) <u>1,233</u>
4	((1,472)) <u>1,450</u>
5	((1,696)) <u>1,670</u>
6	((1,925)) <u>1,896</u>
7	((2,223)) <u>2,190</u>
8	((2,461)) <u>2,424</u>
9	((2,703)) <u>2,662</u>
10 or more	((2,937)) <u>2,893</u>

(2) Effective September 1, (~~(1995)~~) 1996, 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	\$ ((500)) <u>481</u>
2	((632)) <u>608</u>
3	((783)) <u>752</u>
4	((920)) <u>884</u>
5	((1,060)) <u>1,019</u>
6	((1,204)) <u>1,157</u>
7	((1,390)) <u>1,336</u>
8	((1,539)) <u>1,478</u>
9	((1,690)) <u>1,624</u>
10 or more	((1,836)) <u>1,764</u>

AMENDATORY SECTION (Amending Order 3910, filed 10/11/95, effective 11/11/95)

WAC 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards. (1) Effective September 1, (~~(1995)~~) 1996, 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	\$ ((1,480)) <u>1,458</u>
2	((1,870)) <u>1,843</u>
3	((2,316)) <u>2,281</u>
4	((2,723)) <u>2,683</u>
5	((3,137)) <u>3,090</u>
6	((3,561)) <u>3,508</u>
7	((4,112)) <u>4,052</u>
8	((4,552)) <u>4,484</u>

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9	((5,000)) 4,925
10 or more	((5,433)) 5,352

NEW SECTION

WAC 208-660-025 Computer loan origination services and systems. (1) **Definitions.** "Computer loan origination (CLO) services" means the provision of information to consumers by a mortgage broker, lender, real estate agent or other person regarding interest rates and other loan terms available from different lenders.

"CLO system" means computer hardware or software which facilitates the provision of CLO services to consumers.

"CLO service provider" means a party who provides CLO services to consumers. The term does not include any person or entity exempted from chapter 19.146 RCW by RCW 19.146.020 (1)(a) through (g).

"CLO system provider" means a party who provides a CLO system.

(2) **CLO service providers may be subject to licensing.** Unless otherwise exempt under RCW 19.146.020, any person providing CLO services is subject to licensing as a mortgage broker under chapter 19.146 RCW, if the person or broker:

(a) Holds himself or herself out as able to obtain a residential mortgage loan for a consumer from a lender;

(b) Accepts a loan application from a consumer, assists a consumer in completion of a loan application, or submits a loan application on behalf of a consumer to a mortgage broker or lender;

(c) Accepts deposits from a consumer for payment of third-party services or any fees in connection with a loan, whether the fees are paid before, upon, or after the closing of the loan;

(d) Negotiates the interest rates or terms of a loan with the mortgage broker or lender on behalf of a consumer; or

(e) Provides to the consumer a good faith estimate or other disclosure required of mortgage brokers or other lenders by state or federal law.

(3) **Providers of CLO services must make disclosures.** If the consumer of the CLO service pays for the CLO service either directly or indirectly, the CLO service provider shall give a disclosure statement to the consumer. The disclosure statement shall state:

(a) The amount of the CLO fee which the CLO service provider charges the consumer for the CLO service;

(b) That the use of the CLO system is not required to obtain a residential mortgage loan; and

(c) That the full range of loans available may not be listed on the CLO system, and different terms and conditions, including lower rates, may be available from others not listed on the system.

(4) **Disclosure statement must be provided to consumer and retained by the CLO service provider.** Each CLO service provider must give the consumer a copy of the disclosure form when the first CLO service is provided to the consumer. The consumer shall sign and date the disclosure statement as evidence that the consumer received the form. CLO service providers must retain copies of written disclosure statements signed by consumers at an in-state office for two years.

(5) **Mortgage brokers may provide CLO systems—Conditions.** A licensed mortgage broker may provide CLO systems. Prior to providing any CLO system, a mortgage

(2) Effective September 1, ~~((1995))~~ 1996, 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	\$ ((925)) 890
2	((1,169)) 1,125
3	((1,448)) 1,391
4	((1,702)) 1,635
5	((1,964)) 1,885
6	((2,227)) 2,140
7	((2,571)) 2,472
8	((2,847)) 2,734
9	((3,126)) 3,004
10 or more	((3,396)) 3,263

WSR 97-01-003
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed December 5, 1996, 2:51 p.m.]

Date of Adoption: December 5, 1996.

Purpose: To establish rules governing computerized loan origination by parties other than mortgage brokers.

Citation of Existing Rules Affected by this Order: Amending WAC 208-660-025.

Statutory Authority for Adoption: RCW 42.320.040, 19.146.020 (1)(h), and 19.146.225.

Adopted under notice filed as WSR 96-15-128 on July 24, 1996.

Changes Other than Editing from Proposed to Adopted Version: In subsection (1) Definitions, limited the term "CLO service provider" to persons or entities covered by chapter 19.146 RCW.

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.

December 5, 1996

John L. Bley
 Director

PERMANENT

broker subject to licensing must notify the director in writing of its intent to provide the service. The notification shall include:

(a) Copies of any and all agreements between the licensee and the CLO service provider, including any and all business names and addresses where CLO services will be provided;

(b) Copies of any and all CLO disclosure statements which the CLO service provider shall give to consumers in connection with the provision of the CLO services.

(6) **CLO system providers and CLO service providers responsible for violations.** The department may hold both CLO service providers and CLO system providers responsible for any and all violations of chapter 19.146 RCW or chapter 208-660 WAC, and subject either or both the licensee or the service provider to any and all applicable fines and penalties.

RCW 41.34.040, the rule is adopted effective December 27, 1996.

Effective Date of Rule: December 27, 1996.

December 6, 1996

Sheryl Wilson, Chair

Employee Retirement Benefits Board

**Chapter 415-210 WAC
TEACHERS' RETIREMENT SYSTEM PLAN III—
DEFINED CONTRIBUTION PLAN**

NEW SECTION

WAC 415-210-020 Contribution rate options for TRS Plan III members. In administering RCW 41.34.040, a TRS Plan III member shall contribute from his or her compensation according to one of the following rate structures:

Option A	Contribution Rate
All ages.	5.0% fixed
Option B	
Up to age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
Option C	
Up to age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%
Option D	
All ages.	7.0%
Option E	
All ages.	10.0%
Option F	
All ages.	15.0%

**WSR 97-01-013
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed December 6, 1996, 4:41 p.m., effective December 27, 1996]

Date of Adoption: December 7, 1996.

Purpose: To permanently adopt additional contribution rate options created by the Employee Retirement Benefits Board (ERBB), in accordance with RCW 41.34.040, for members of Teachers' Retirement System (TRS) Plan 3.

Statutory Authority for Adoption: RCW 41.34.040, 41.50.050.

Adopted under notice filed as WSR 96-21-083 on October 16, 1996.

Changes Other than Editing from Proposed to Adopted Version: The additional contribution rate options in the proposed rule were: Option D at 10.0%; Option E at 12.5%; and Option F at 15.0%. The contribution rate options that were adopted by the ERBB, as a result of the public hearing on November 26, 1996, were as follows: Option D at 7.0%; Option E at 10.0%; and Option F at 15.0%.

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.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: In order to assist transferring TRS 2 members with the opportunity to select the newly adopted contribution rates prior to the expiration of the ninety day deadline for selection under

**WSR 97-01-014
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**
[Filed December 6, 1996, 4:44 p.m.]

Date of Adoption: December 6, 1996.

Purpose: To comply with the rule adoption requirement in RCW 41.50.165 regarding the method for determining the actuarial value of an increase to a member's benefit should he or she choose to purchase service credit under RCW 41.50.165.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.165.

Adopted under notice filed as WSR 96-21-047 on October 11, 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

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Recently Enacted State Statutes: New 10, 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 10, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, 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.

December 6, 1996

Sheryl Wilson

Director

Chapter 415-10 WAC

PURCHASE OF SERVICE CREDIT AFTER STATUTORY DEADLINE RCW 41.50.165

NEW SECTION

WAC 415-10-010 Can I purchase service credit after the statutory deadline? RCW 41.50.165 generally allows you to purchase service credit you failed to establish or reestablish within the statutory deadline.

(1) **You must pay the actuarial value of the increase to your retirement allowance.** The actuarial value of the increase to your benefit means the cost to the retirement system trust fund of:

(a) Including the additional service credit in your retirement allowance calculation; and

(b) Commencing your retirement allowance at an earlier age, if applicable. This second factor will not apply if your retirement system is LEOFF I, LEOFF II, PERS II, or TRS II, because length of service is not a factor in determining eligibility to retire in those systems.

(2) **The valuation is based upon economic assumptions.** The cost to the retirement system trust fund for the increased value to your benefit is calculated based upon interest rate assumptions adopted by the economic and revenue forecast council and actuarial factors adopted or approved by the state actuary.

NEW SECTION

WAC 415-10-020 Definitions. As used in this chapter:

(1) "Average earnings" means:

(a) The average of your two highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in PERS Plan I, TRS Plan I or WSPRS;

(b) The average of your five highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in Plan II.

(c) The basic salary attached to your position at the date of your service credit purchase if you are purchasing service credit in LEOFF Plan I.

(2) "Factor 1" means the actuarial cost factor calculated by the state actuary and adopted by the department. The actual factor used varies depending upon the time between the date of payment and the projected date of retirement. Generally, the longer the gap between date of payment and date of retirement the lower the factor.

(3) "Factor 2" is the actuarial factor calculated by the state actuary based upon demographic differences between the membership of the different retirement systems. Those factors are: .00788 (PERS I); .00698 (TRS I); and .00908 (WSPRS).

(4) "Factor 3" means the interest factor calculated by the state actuary and adopted by the department. This factor is used only when the service credit purchase lowers the projected retirement age and is based upon the higher cost to the system of the earlier retirement.

(5) "LEOFF" means the law enforcement officers' and fire fighters' retirement system established under chapter 41.26 RCW.

(6) "PERS" means the public employees' retirement system established under chapter 41.40 RCW.

(7) "Plan I" means the retirement system plan that includes persons who established membership before October 1, 1977. PERS, TRS and LEOFF are divided into Plan I and Plan II. WSPRS has only one plan.

(8) "Plan II" means the retirement system plan that includes persons who established membership on or after October 1, 1977. PERS, TRS and LEOFF are divided into Plan I and Plan II. WSPRS has only one plan.

(9) "Plan III" means the teachers' retirement system plan III established by RCW 41.32.831.

(10) "Service credit being purchased" means the number of service credit months or service credit years you are purchasing.

(11) "TRS" means the teachers' retirement system established under chapter 41.32 RCW.

(12) "WSPRS" means the Washington state patrol retirement system established under chapter 43.43 RCW.

(13) "Years of earlier retirement" equals the number of years or fractions of years you will be able to retire earlier as a result of your purchase of service credit.

(14) "Years of service" equals the total anticipated years of service you will have accrued at retirement, including the additional service credit you purchase under this section.

NEW SECTION

WAC 415-10-030 Calculation of cost to purchase service credit in LEOFF Plan I, LEOFF Plan II, PERS Plan II, or TRS Plan II. If you are a member of LEOFF Plan I, LEOFF Plan II, PERS Plan II or TRS Plan II, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following formula:

$$\text{Average Earnings} \cdot \text{Service Credit Being Purchased} \cdot \text{Factor 1} \\ = \text{Cost to purchase service credit}$$

NEW SECTION

WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS I, TRS I or WSPRS. If you are a member of PERS I, TRS I or WSPRS, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

<p><u>Part 1 Cost =</u></p> <p>Service Credit Being Purchased x Average Earnings x Factor 1</p>	<p><u>Part 2 Cost =</u></p> <p>Years of Service x Average Earnings x Factor 2 x Years of Earlier Retirement x Factor 3</p>
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Cost to purchase service credit = Part 1 Cost + Part 2 Cost.

The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of commencing your retirement allowance at the earliest possible age.

NEW SECTION

WAC 415-10-050 Restrictions on purchasing service credit. (1) You may not purchase service credit under RCW 41.50.165(2) if your deadline to establish or reestablish the service credit has not expired.

(2) If you are reestablishing credit you must purchase at least the service credit you earned in any one calendar month of employment.

(3) If you are establishing credit for the first time you must purchase the entire period of service. If you are not reestablishing credit canceled by a withdrawal of contributions, you must purchase the entire period of service.

(4) Your ability to purchase service credit may be limited by Internal Revenue Code restrictions. The department may limit the amount of service credit you may purchase in any calendar year in order to stay within the maximum employee contribution limits established by the Internal Revenue Code for 401(a) tax qualified plans.

(5) You may not make installment payments. If you purchase service credit under this section, you must make payment in a single lump-sum as determined by the department for each unit of service credit purchased.

(6) Purchasing service credit for periods prior to October 1, 1977, will not move you from Plan I to Plan II. Plan membership is based upon the date your retirement system membership was established. Purchasing prior service credit does not change the date you first established membership and therefore does not change your plan membership.

NEW SECTION

WAC 415-10-060 Crediting service credit purchases. If you do not purchase all of your previously withdrawn service credit, the department will recredit your purchased service beginning with the oldest month of service canceled by your withdrawal.

NEW SECTION

WAC 415-10-070 Requesting an estimate—Requesting a bill. (1) The department will provide you a service credit purchase estimate upon request. If, after receiving the estimate, you wish to purchase some or all of the available credit you must request a bill in writing. Your request must identify the amount of service credit you wish to purchase.

(2) Your bill will be based on a specific date of payment. The cost to purchase the service credit could change if you attempt to pay after the specific payment date listed on the bill. If you do not make payment by the bill's due date but still wish to purchase service credit, you must request a new bill from the department.

NEW SECTION

WAC 415-10-080 If I purchase service credit, can I receive a refund of my payments? (1) You may not receive a refund unless you separate from service and withdraw your contributions. Except as provided under subsections (2) and (3) of this section, your payments to purchase service credit under RCW 41.50.165(2) qualify as a part of your accumulated contributions. As with other accumulated contributions, you may not receive a refund of your payments unless you separate from service and withdraw all your contributions.

(2) Additional restrictions for TRS I members. If you are a TRS I member, 41.32.498(2) prohibits you from withdrawing payments made to purchase service credit under RCW 41.50.165(2) at the time of retirement.

(3) Additional restrictions for LEOFF II members. If you are a LEOFF Plan II member, payments made to purchase service credit under RCW 41.50.165(2) and interest on those payments may be refunded. However, such payments may not be included when calculating the one hundred fifty percent refund of contributions under RCW 41.26.540.

NEW SECTION

WAC 415-10-090 If I reenter employment after separating from service and withdrawing my plan contributions, must I restore all periods of service? If you separate from service, withdraw your plan contributions and then become reemployed with an employer and wish to restore your withdrawn contributions, you must restore all periods of service by repaying the accumulated contributions you withdrew plus interest, if applicable. This includes any payments you made under RCW 41.50.165(2) to purchase service credit plus any interest attributed to those payments.

NEW SECTION

WAC 415-10-100 Can I purchase TRS Plan II credit in TRS Plan III? Yes. (1) Transferring purchased TRS Plan II credit into TRS Plan III. If you purchase TRS Plan II service credit under this chapter and later elect to enter TRS Plan III, that credit will also transfer to TRS Plan III. Fifty percent of the money you paid to purchase the service credit will be credited to the TRS Plan III defined contribution account established under chapter 41.34 RCW.

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The other fifty percent will be credited to the TRS Plan III defined benefit portion established under RCW 41.32.831.

(2) **Purchasing TRS Plan II service credit after transferring to TRS Plan III.** You may purchase service credit initially available under TRS Plan II after you transfer to TRS Plan III. The service will be credited in TRS Plan III. Fifty percent of the money you pay to purchase the service credit will be credited to the TRS Plan III defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the TRS Plan III defined benefit portion established under RCW 41.32.831.

(3) **Service earned after transferring to TRS Plan III cannot be purchased.** Service earned as a Plan III member is automatically recredited if the member reenters membership and earns at least twelve service credit months. Plan III does not have any deadlines on establishing optional service. Because there are no deadlines for establishing or reestablishing service credit there is no provision for purchasing service credit earned in Plan III under RCW 41.50.165

WSR 97-01-015
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed December 6, 1996, 4:46 p.m.]

Date of Adoption: December 7 [6], 1996.

Purpose: To amend the department WAC implementing RCW 41.32.570 to reflect the recent changes to that statute as they apply to TRS Plan I retirees returning to work.

Citation of Existing Rules Affected by this Order: Amending WAC 415-112-0152 and 415-112-540.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 96-21-048 on October 11, 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 1, amended 2, 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 3, 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.

December 6, 1996

Sheryl Wilson

Director

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-0152 Day—Definition. (“Day” means) For purposes of administering RCW 41.32.570 and WAC 415-112-540 and 415-112-545:

(1) “Day” means seven compensated hours (“Seventy-five days” means);

(2) “One hundred five hours” is the number of compensated hours in fifteen days. For purposes of evaluating the postretirement employment restrictions of RCW 41.32.570, fifteen days is equal to one hundred five cumulative compensated hours;

(3) “Five hundred twenty-five hours” is the number of compensated hours in seventy-five days. For purposes of evaluating the postretirement employment restrictions of RCW 41.32.570 seventy-five days is equal to five hundred twenty-five cumulative compensated hours.

AMENDATORY SECTION (Amending WSR 91-21-084, filed 10/18/91, effective 11/18/91)

WAC 415-112-540 (~~Employment in public education limited for retirees.~~) How will returning to work affect my TRS I monthly pension? ((1) A retiree who returns to any type of service with any public educational institution shall be considered to be employed throughout the time during which he or she is engaged in such service or is under contract for such employment, even though the retiree does not return to membership in the teachers’ retirement system.

(2) ~~The employer of a teachers’ retirement system Plan I retiree must notify the teachers’ retirement system when that retiree exceeds seventy five days of employment for a public educational institution during a school year.~~

(3) ~~If the retiree is employed under a written contract and is employed by a public educational institution for more than seventy five days during a school year, the retiree’s pension benefits cease. Any pension benefits paid to the retiree after he or she has been employed for more than seventy five days in a school year will be treated as an overpayment by the department.~~

(4) ~~If the retiree is employed by a public educational institution as a substitute and is employed for more than seventy five days during a school year, the retiree’s monthly pension benefit will be reduced by five percent for each day of employment beyond the seventy five day limit until the monthly pension benefit is reduced to zero. Any pension benefits paid in excess of the amount allowed by this subsection will be treated as an overpayment by the department.~~

(5) ~~A retiree’s original monthly retirement allowance will be reinstated the day following termination of employment in a public educational institution, or at the end of the school year, whichever comes first.~~

(6) ~~A teacher’s Plan I retiree who enters the employment of a public educational institution may elect to return to membership. In that case the retiree’s monthly retirement allowance will cease as of the first of the month that the member enters employment.~~

(7) ~~Service as an independent contractor for a public educational institution shall not be considered employment for purposes of this section.~~) **This section implements RCW**

PERMANENT

41.32.570(1) which limits employment for TRS I retirees with public educational institutions to five hundred twenty-five hours regardless of the nature of service. In certain circumstances RCW 41.32.570 (2) and (3) allow additional service without suspension of your TRS I pension. Those limitations are discussed in WAC 415-112-545.

(1) You may return to any type of service with a public educational institution for up to five hundred twenty-five hours per school year without affecting your TRS I monthly pension. RCW 41.32.570(1).

(a) Your employer must notify the department if you work more than five hundred twenty-five hours for a public educational institution during a school year, unless you qualify for additional service under RCW 41.32.570 (2) or (3), see WAC 415-112-545.

(b) If you are a TRS Plan I retiree, you may elect to return to membership if you are employed by a public school. If you so elect, the department will suspend your monthly pension effective from the first of the month during which you return to employment.

(c) If you are a TRS Plan I retiree working for a public educational institution as a bona fide independent contractor as determined under WAC 415-02-110, you are not considered an employee of the institution and are not subject to the work limitations of RCW 41.32.570.

(2) If you work for more than five hundred twenty-five hours during a school year the department will suspend your monthly pension. In some cases you may be able to work an additional one hundred five hours, see WAC 415-112-545.

(a) If you return to any type of service with a public educational institution pursuant to a written contract or other continuing employment relationship, and you work for more than five hundred twenty-five hours during a school year, the department will suspend your monthly pension beginning with the five hundred twenty-sixth hour of employment.

(b) If you serve as a substitute teacher for more than five hundred twenty-five hours during a school year, the department will reduce your monthly pension by five percent for each day you work beyond the five hundred twenty-five hour limit until your monthly pension is reduced to zero.

(3) You must repay any monthly pension payment that you receive in excess of the amounts allowed under this section or WAC 415-112-545.

(4) The department will reinstate your pension at the end of the school year or after you terminate your employment. If the department suspends or reduces your monthly pension due to your reemployment, the department will reinstate the original amount of your pension, less deductions to recapture any overpayment, effective the day following your termination of employment, or at the end of the school year, whichever comes first.

(5) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Day"; "five hundred twenty-five hours" - WAC 415-112-0152.

(b) "Public educational institution" - WAC 415-112-0157.

(c) "School year" - WAC 415-112-0161.

(d) "Substitute teacher" - RCW 41.32.010(36).

NEW SECTION

WAC 415-112-545 How can I qualify for an additional one hundred five hours of service without having my TRS I monthly pension reduced? In addition to the five hundred twenty-five hours of service permitted for TRS I retirees under RCW 41.32.570(1), you are eligible to also serve for up to one hundred five more hours as a substitute teacher or substitute administrator without affecting your pension if you meet each of the following criteria. See RCW 41.32.570 (2) and (3).

(1) You must be employed by a school district. The option for TRS I retirees to work an additional one hundred five hours during a school year without affecting their pension is only available to school district employees. An employee of a school district participating in a multidistrict substitute cooperative is also covered. An employee of an educational service district, the State Schools For the Deaf or Blind, or an institution of higher education is not covered.

(2) You must be employed as a substitute teacher or substitute administrator.

(a) The term "substitute teacher" as used in RCW 41.32.570(2) is limited to classroom teachers serving on an on-call basis. A person working under a contract with a guaranteed number of hours or days does not qualify as a substitute teacher, see RCW 41.32.010(36).

Example: A school district employs a retiree as a substitute teacher under a contract for ninety days. Because the retiree is employed under a contract and not on an on-call basis, she may not serve for more than five hundred twenty-five hours as a substitute teacher without having her monthly pension suspended.

(b) A substitute administrator is a person who fills in for an absent administrator on a temporary basis. A substitute administrator can be employed under a contract with a guaranteed number of hours. Substitute administrator positions include but are not limited to:

- (i) Principal and assistant principal;
- (ii) Superintendent and assistant superintendent;
- (iii) Personnel manager;
- (iv) Business manager; and
- (v) School librarian.

(3) Your school district employer must adopt a resolution. Before a school district can employ a TRS I retiree for an additional one hundred five hours in a fiscal year without affecting his or her TRS I pension, the district must adopt a resolution establishing the need for the additional employment. Each resolution is valid only for the school year in which it is adopted. The resolution authorizes additional employment only on or after the date it has been adopted and cannot be applied retroactively.

(a) Authorizing additional hours for substitute teachers: To authorize a TRS Plan I retiree to work an additional one hundred five hours in a fiscal year as a substitute teacher, a school district must adopt a resolution stating that it has exhausted or can reasonably anticipate exhausting its list of qualified and available substitutes, and therefore, the services of retired teachers or administrators are necessary to address that shortage.

(i) If a school district is a member of a multidistrict cooperative, the board of each school district in the cooperative must adopt such a resolution.

(ii) After a resolution has been adopted, a school district may employ a TRS Plan I retiree as a substitute teacher for up to an additional one hundred five hours once its list of other qualified and available substitutes has been exhausted.

(b) Authorizing additional hours for substitute administrators: To authorize a TRS Plan I retiree to work an additional one hundred five hours in a fiscal year as a substitute administrator, a school district must adopt a resolution stating that an emergency exists and the services of a retired administrator or retired teacher are required because the school district cannot find a replacement administrator to fill a vacancy.

(4) **Your school district must provide information to the department.** If your school district employer is not a member of a multidistrict substitute cooperative, the district must:

(a) Within thirty days after a resolution is adopted:

(i) Send a copy of the resolution; and

(ii) If the resolution is for substitute teaching, send a list of all TRS Plan I retirees working for the school district as substitute teachers.

(b) During the fiscal year:

(i) Send a copy of any amendments to the resolution or to the list of TRS Plan I retirees working as substitutes;

(ii) Send written notice immediately if any TRS Plan I retiree works beyond six hundred thirty hours.

(c) At the end of the fiscal year: Send a letter indicating the total number of hours worked by each TRS Plan I retiree that exceeded the six hundred thirty hours.

(5) **If your employer is a member of a multidistrict substitute cooperative, the cooperative must provide the information.**

If you are employed by a school district which is a member of a multidistrict substitute cooperative, the cooperative must provide the information specified in subsection (4) of this section on behalf of each participating school district.

(6) **If you serve as a substitute teacher or substitute administrator for the additional one hundred five hours but you are not eligible to do so, the department will reduce your monthly pension.** If you and your school district employer do not meet each of the criteria under this section, you are not eligible to serve as a substitute teacher for the additional one hundred five hours under RCW 41.32.570 (2) or (3). If you serve for more than five hundred twenty-five hours during a school year, the department will reduce your monthly pension as provided under WAC 415-112-540(3).

(7) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Day"; "one hundred five hours"; "five hundred twenty-five hours" - WAC 415-112-0152.

(b) "School year" - WAC 415-112-0161.

(c) "Substitute teacher" - RCW 41.32.010(36).

WSR 97-01-016
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed December 6, 1996, 4:48 p.m.]

Date of Adoption: December 5, 1996.

Purpose: To codify department interpretations of the definition of "basic salary" for LEOFF Plan 1 and LEOFF Plan 2 found in RCW 41.26.030(13).

Statutory Authority for Adoption: RCW 41.50.050, 41.50.055.

Adopted under notice filed as WSR 96-18-074 on September 3, 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 44, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 44, 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.

December 6, 1996

Sheryl Wilson

Director

BASIC SALARY

NEW SECTION

WAC 415-104-298 Purpose and scope of basic salary rules. WAC 415-104-299 through 415-104-405 codify the department's existing interpretation of statutes and existing administrative practice regarding classification of payments as basic salary in LEOFF Plan I and LEOFF Plan II. The department has applied and will apply these rules to determine the proper characterization of payments occurring prior to the effective dates of these sections.

NEW SECTION

WAC 415-104-299 Basic salary table. The following table is provided as a quick reference guide to help you characterize payments under LEOFF Plan I and LEOFF Plan II. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it. See WAC 415-104-311 (Plan I) and WAC 415-104-360 (Plan II).

PERMANENT

Type of Payment	LEOFF I Basic Salary?	LEOFF II Basic Salary?
Additional Duty Pay	Yes - WAC 415-104-3205	Yes - WAC 415-104-360
Allowances (i.e. uniform)	No - WAC 415-104-3404	No - WAC 415-104-390
Basic Monthly Rate	Yes - WAC 415-104-3200	Yes - WAC 415-104-360
Cafeteria Plans	No - WAC 415-104-3303	Yes - WAC 415-104-367
Deferred Wages Attached to Position	Yes - WAC 415-104-3201(1)	Yes - WAC 415-104-363(1)
Deferred Wages not attached to a Position	No - WAC 415-104-3306	No - WAC 415-104-363(2)
Disability Payments	No - WAC 415-104-340	No - WAC 415-104-380
Education Attainment Pay	No - WAC 415-104-3301	Yes - WAC 415-104-375
Employer taxes/contributions	No - WAC 415-104-3401	No - WAC 415-104-383
Fringe Benefits	No - WAC 415-104-3402	No - WAC 415-104-385
Illegal Payments	No - WAC 415-104-3403	No - WAC 415-104-387
Leave Cash Outs/Severance	No - WAC 415-104-3304	No - WAC 415-104-400
Overtime	No - WAC 415-104-3305	Yes - WAC 415-104-370
Paid Leave	Yes - WAC 415-104-3203	Yes - WAC 415-104-373
Payments in Lieu of Excluded Items	No - WAC 415-104-350	No - WAC 415-104-405
Performance Bonuses	No - WAC 415-104-3302	Yes - WAC 415-104-377
Retroactive Salary Increase	Yes - WAC 415-104-3202	Yes - WAC 415-104-365
Reimbursements	No - WAC 415-104-3404	No - WAC 415-104-390
Retirement or Termination Bonuses	No - WAC 415-104-3406	No - WAC 415-104-395
Shift Differential	Yes - WAC 415-104-3204	Yes - WAC 415-104-379
Special Salary or Wages	No - WAC 415-104-330	Yes - WAC 415-104-375
Standby Pay	No - WAC 415-104-3405	No - WAC 415-104-393
Tuition/Fee Reimbursement	No - WAC 415-104-3404	No - WAC 415-104-390
Worker's Compensation	Not Applicable	No - WAC 415-104-380

PERMANENT

NEW SECTION

WAC 415-104-301 What is basic salary? (1) **Basic salary is the compensation used to determine LEOFF contributions and LEOFF retirement allowances.** A payment from an employer to a member does not qualify as basic salary unless it meets the statutory definition of basic salary in RCW 41.26.030(13) which is explained in greater detail in WAC 415-104-311 through 415-104-405.

(2) **The definition of basic salary is different for Plan I and Plan II.** WAC 415-104-311 through 415-104-350 define basic salary for Plan I. WAC 415-104-360 through 415-104-405 define basic salary for Plan II.

LEOFF PLAN INEW SECTION

WAC 415-104-305 Definitions. As used in WAC 415-104-299 through 415-104-405:

(1) "Salary or wages" means payments for services rendered by a law enforcement officer or fire fighter to an employer. Payments which are not for services rendered to an employer are not a salary or wage and do not qualify as basic salary.

(2) "Longevity pay" means a payment in addition to the basic monthly rate of pay that is:

(a) Based solely upon the length of employment with the employer; and

(b) Paid to all law enforcement officers or fire fighters who have served for the same length of time with the employer.

(3) "Position" means the employment held at any particular time. The employment held is defined by the duties required of the employee as a condition of employment.

Example: An employer employs two police officers, one who has a high school diploma and one who has a college degree. Although both officers have the same duties, the employer designates the first officer as an "officer 1" and the second officer as an "officer 2." The distinction between the two levels is conditioned upon different levels of education. The second officer is paid at a higher rate. For purposes of determining basic salary, both officers occupy the same position because both have the same duties. The difference in their two rates of pay is an education premium which does not qualify as basic salary, see WAC 415-104-3302.

(4) "Attached to a position" means a payment conditioned on specific duties required of the person holding the position.

NEW SECTION

WAC 415-104-311 How is basic salary for LEOFF Plan I determined? (1) **A payment is LEOFF Plan I basic salary if it is part of the basic monthly rate of salary or wages attached to the position or longevity pay.**

Special salary or wages are not part of the basic monthly rate and do not qualify as basic salary.

(2) **Basic salary is earned when the service is rendered, rather than when payment is made.**

Example: If a member works during July but does not receive payment for the work until August, the basic salary was earned during July and must be reported to the department as July earnings.

(3) **Salary characterizations are based upon the nature of the payment.** A payment is basic salary if it meets the criteria of subsection (1) of this section. The name given to the payment is not controlling in determining whether the payment is basic salary. The department determines whether a payment is basic salary by considering:

(a) What the payment is for; and

(b) Whether the reason for the payment brings it within the statutory definition of basic salary.

Example: A payment based upon educational attainment is not basic salary for LEOFF Plan I. Describing the payment as a "longevity" payment does not change the fact that the payment is for educational attainment. The payment will not be counted as basic salary despite being identified by the employer as a longevity payment.

(c) See the following sections for a discussion and examples of the following types of payments:

(i) "Salary or wages" - WAC 415-104-3200 through 415-104-3205;

(ii) "Special salary and wages" - WAC 415-104-330 through 415-104-3305;

(iii) "Payments excluded from basic salary because they are not a salary or wage" - WAC 415-104-340 through 415-104-3406.

NEW SECTION

WAC 415-104-3200 Basic monthly rate is LEOFF Plan I basic salary. The basic monthly rate of compensation paid by an employer to a member for services rendered is basic salary in Plan I. "Basic monthly rate" means the rate of salary or wages attached to a position excluding overtime or special salary or wages.

NEW SECTION

WAC 415-104-3201 Deferred payments. (1) **Deferred payments attached to a position are basic salary.** If an employee defers a portion of his or her basic monthly rate of pay it is still basic salary. Deferred payments may include, but are not limited to: Member contributions to LEOFF; salaries or wages deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar sections of the United States Internal Revenue Code.

(2) **Deferred wages that are not attached to a position are special salary or wages excluded from LEOFF Plan I basic salary.**

(a) Employer matching payments are not basic salary. If a member acquires an additional payment that is conditioned upon taking some action in addition to providing services, the payment is based upon the additional action. It

is not a salary or wage earned for services rendered. The payment is not basic salary.

Example: An employer offers to make a contribution to a deferred compensation plan only if the member elects to defer a portion of his or her salary. Because the member does not have an absolute right to receive the additional contribution for performing the duties required of his or her position, the payment is special salary or wages and is not basic salary.

(b) Additional deferred compensation offered to an individual is not basic salary. If an employer pays deferred compensation to a member in addition to the member's basic rate of pay, the payment is special salary or wages and does not qualify as basic salary.

NEW SECTION

WAC 415-104-3202 Retroactive basic salary increases attached to a position are LEOFF Plan I basic salary. If a payment is part of the basic monthly rate of salary or wages attached to a position or is a longevity payment, it is basic salary even if the payment is retroactive. Payments upon reinstatement or in lieu of reinstatement are not considered retroactive basic salary increases. For treatment of those payments see WAC 415-104-3203(3).

NEW SECTION

WAC 415-104-3203 Paid leave is LEOFF Plan I basic salary. Payments from an employer for authorized paid absences from work are basic salary.

(1) **Leave payments earned for services rendered:** Most LEOFF members earn a certain number of leave hours per month, such as sick leave. The leave hours are earned by rendering service during the month the leave was accumulated. The payment a member receives when he or she uses an earned leave day is a deferred salary or wage for services previously rendered. It is basic salary.

Example: Assume a member accrues eight hours sick leave per month. The accrued leave in the member's sick leave balance is earned for personal services rendered during a payroll period. When the member is absent from work and uses the sick leave, the sick leave payment is basic salary.

Leave payments earned for services rendered are basic salary only to the extent that they are equivalent to the basic salary a member would have earned had the member been working. The portion of any leave payment that exceeds that amount is not basic salary.

(2) **Leave payments not earned for services rendered:** If an employer authorizes a period of paid leave but does not require the use of leave previously earned for services rendered, the payment is not a salary or wage for services rendered. However, RCW 41.26.197 authorizes service credit for all periods of paid leave. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would

have earned had he or she been working. The portion of a leave payment that exceeds that amount is not basic salary.

Example: An officer is placed on administrative leave with pay pending an investigation. Although the officer is not rendering services, the period is creditable as an authorized paid leave period under RCW 41.26.197.

(3) **Payments upon reinstatement or in lieu of reinstatement are paid leave and therefore qualify as basic salary.** The payment will count as basic salary for the payroll periods when the person would have earned the payment had he or she been working.

(a) In order for a payment in lieu of reinstatement to qualify as paid leave the person's termination date must occur after the payroll period(s) when the payment would have been earned.

(b) Payments under WAC 391-45-410 are basic salary for the period(s) covered by the reinstatement.

(c) Payments upon reinstatement or in lieu of reinstatement are basic salary only to the extent that they equal the basic salary a member would have earned had the member been working.

(4) **Union leave.** Periods of authorized leave to serve as an elected official of a labor organization which meet the requirements of RCW 41.26.197 qualify for service credit. The salary payments provided by the employer subject to reimbursement from the union qualify as basic salary for LEOFF Plan I to the extent that the payments do not exceed the basic salary for the highest paid job class covered by the collective bargaining agreement negotiated between the labor organization and the employer. The portion of any payment identified as paid leave in excess of that amount is not basic salary.

NEW SECTION

WAC 415-104-3204 Shift differential is LEOFF Plan I basic salary. Additional payments to a member for working swing shift or night shift are attached to the duties of the position, e.g., working a nonstandard shift. Those payments are basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3205 Additional duty pay is LEOFF Plan I basic salary. Salary or wages that a member receives for additional duty assignments are a part of the basic salary attached to the member's position. Those payments are basic salary for LEOFF Plan I.

Example: A police officer is assigned to the bomb squad and receives an additional monthly payment for the hazardous duty assignment. The additional payment is for duties required by the employer as part of the member's position. It is attached to the position and is basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-330 What are special salary or wages? (1) Special salary or wages for services rendered are payments that do not qualify as basic salary because the payment is based upon the attributes of the individual instead of being attached to the position. A payment is not attached to a position if it is not tied to specific duties required of all persons holding the position. Payments that are not attached to a position include but are not limited to the payments described in WAC 415-104-3302 and 415-104-3303.

(2) Longevity pay is not attached to a position because it is based upon the attributes of an individual. It is, however, specifically included as part of basic salary under RCW 41.26.030.

NEW SECTION

WAC 415-104-3301 Educational premium payments are not LEOFF Plan I basic salary. (1) If an employer provides additional salary based upon the member's level of education that payment is based upon the attributes of the individual and is not attached to the position. It is a special salary or wage and is not basic salary.

Example: An employer employs two different law enforcement officers in the position of sergeant. Although their duties are the same, one sergeant receives 3% more in salary than the other because she has a bachelor's degree which the other lacks. The additional 3% is not attached to the position because it is not attached to any additional duties. It is not basic salary for LEOFF Plan I.

(2) Payments conditioned upon acquiring and maintaining a designated certification such as emergency medical technician are a form of educational premium pay. The payment is based upon the attributes of the individual and is not attached to the position. It is a special salary or wage and is not basic salary.

NEW SECTION

WAC 415-104-3302 Performance bonuses are not LEOFF Plan I basic salary. Payments to a member for meeting or exceeding performance goals set by the employer are not attached to a position and are not basic salary.

Example: An employer offers an annual bonus to members who do not have an accident for a year. The bonus is not part of the basic monthly rate of salary and is not basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3303 Cafeteria plans are not LEOFF Plan I basic salary. Compensation paid under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code which give the member an absolute right to receive cash in lieu of the fringe benefits offered is a special salary or wage. Such compensation is not basic salary. If there is no cash option, the value of the fringe

benefit is not a salary or wage and is not basic salary. See WAC 415-104-3402.

NEW SECTION

WAC 415-104-3304 Leave cash outs or other severance pay are not LEOFF Plan I basic salary. (1) A cash out for unused accrued leave is a deferred salary or wage for services previously rendered. A payment in lieu of an accrual of leave qualifies as a leave cash out. The payment is not basic salary in LEOFF Plan I because it is a special salary or wage in addition to the basic monthly rate of salary or wages.

(2) Any other form of severance payment based upon termination is special salary or wages and is not included as basic salary in LEOFF Plan I.

NEW SECTION

WAC 415-104-3305 Overtime is not LEOFF Plan I basic salary. Overtime, which is additional pay earned for working time in excess of regularly scheduled shift(s), is specifically excluded from basic salary for LEOFF Plan I by RCW 41.26.030 (13)(a). Overtime includes, but is not limited to:

(1) **Additional pay for working on a holiday.** If a member receives an extra payment because he or she worked on a scheduled holiday, the payment is overtime. The employer may make the additional payment when the holiday occurs or in a lump sum at some other time. In either case, the payment is not basic salary for LEOFF Plan I;

Example: A fire fighter works on Christmas day. In compensation for working a holiday, she is given the option of taking some other day off with pay or of receiving an extra day's pay in addition to her basic monthly rate of pay. If she opts for the extra day of pay, this payment is overtime and is not LEOFF Plan I basic salary. If she opts to take a day off, this is paid leave and qualifies as LEOFF Plan I basic salary.

(2) **Callback pay,** which is a special rate of pay some employers offer for being called back to work after the end of the member's regular shift;

(3) **Court pay,** which is an additional payment for appearing in court or performing other duties outside of a member's regularly scheduled shift.

NEW SECTION

WAC 415-104-3306 Deferred wages that are not attached to a position are not LEOFF Plan I basic salary. See WAC 415-104-3201.

NEW SECTION

WAC 415-104-340 Disability payments are not LEOFF Plan I basic salary. (1) Payments from an employer during periods of disability leave for a duty disability (RCW 41.26.120) or a nonduty disability (RCW 41.26.125) are not a payment from the employer for services

rendered. The payment is not basic salary for LEOFF Plan I.

(2) Any payment from a third party such as an insurance company for a period of excused absence from work because of an injury or other disability is not a payment from an employer for services rendered. The payment is not basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3401 Employer taxes and contributions are not LEOFF Plan I basic salary. (1) Any employer payment of the employer or member portion of taxes imposed by the Federal Insurance Contribution Act (FICA) is not a salary or wage to a member and does not qualify as basic salary for LEOFF Plan I.

(2) Employer contributions to LEOFF are not a salary or wage and are not basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3402 Fringe benefits are not LEOFF Plan I basic salary. Fringe benefits provided by an employer are not a salary or wage and therefore do not qualify as basic salary for LEOFF Plan I. Fringe benefits include but are not limited to:

(1) Any type of insurance such as medical, dental, or life insurance;

(2) Any contribution by an employer to meet the premium or charge for such plan or insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for members and/or their dependents.

NEW SECTION

WAC 415-104-3403 Illegal payments are not LEOFF Plan I basic salary. If an employer makes a payment without legal authority, that payment does not qualify as basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3404 Reimbursements or allowances in lieu of a reimbursement are not LEOFF Plan I basic salary. (1) **Reimbursements.** If an employer reimburses a member for expenses incurred in providing services for the employer, the purpose of the payment is to pay the member back for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and is not basic salary for LEOFF Plan I.

(2) **Allowances.** An allowance paid in lieu of a specific reimbursement for expenses a member is expected to incur in providing services for the employer is characterized the same as a specific reimbursement. The purpose of the payment is to reimburse the member for anticipated out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and does not qualify as basic salary for LEOFF Plan I.

Example: An employer provides an annual stipend for the purchase of a uniform or other clothing required for the performance of a member's duties. The payment is a reimbursement for

expenses incurred or expected to be incurred and is not basic salary for LEOFF Plan I.

(3) **Payments based on additional certification or qualifications.** If a member receives payments based upon personal expenses incurred in maintaining a certification or qualification, the payment is reimbursement, not compensation. It is not a salary or wage and is not LEOFF Plan I basic salary.

NEW SECTION

WAC 415-104-3405 Standby pay is not LEOFF Plan I basic salary. Payments to a member for time not actually worked when the member must be available to work if the need arises, are not a salary or wage for services rendered. Any such payment does not qualify as basic salary for LEOFF Plan I.

Example: Some employers provide payments to a member at less than the member's regular hourly rate in exchange for the member being available to come into work after his or her shift if called, although the member may not be called. Such payments, often referred to as "standby pay," are not basic salary for LEOFF Plan I.

NEW SECTION

WAC 415-104-3406 Retirement or termination bonuses are not LEOFF Plan I basic salary. (1) **Payments based on notification of intent to retire.** An additional payment based fully or partially on notification of a member's intent to terminate or retire is in consideration for the notification. The payment is not a salary or wage for services rendered and is not basic salary for LEOFF Plan I.

(2) **Payments based on retirement eligibility.** Payments based fully or partially on retirement eligibility are specific to the member and are not attached to the position. These payments are not LEOFF Plan I basic salary.

NEW SECTION

WAC 415-104-350 Payments in lieu. A payment or any other transfer in lieu of an item that does not qualify as basic salary is not basic salary for LEOFF Plan I.

LEOFF PLAN II

NEW SECTION

WAC 415-104-360 How is basic salary for LEOFF Plan II determined? (1) What payments are included in LEOFF Plan II basic salary? Other than the specific exclusions listed in WAC 415-104-397 and 415-104-401, a payment that is a salary or wage earned during a calendar month for personal services rendered by a member to an employer qualifies as LEOFF Plan II basic salary.

(a) Certain payments that are not for personal services rendered also qualify if there is a specific statutory provision identifying those payments as LEOFF Plan II basic salary. See WAC 415-104-373.

(b) Specific types of payments that qualify as LEOFF Plan II basic salary include, but are not limited to, the

payments described in WAC 415-104-363(1) and 415-104-365 through 415-104-379.

(c) Other payments not specifically listed qualify as basic salary for LEOFF Plan II only if those payments are a salary or wage for services rendered.

(2) **Basic salary is earned when the service is rendered, rather than when payment is made.**

(3) **Salary characterizations are based upon the nature of the payment.** Whether a payment is basic salary depends upon whether the payment is earned as a salary or wage for services rendered. The name given to the payment is not controlling. The department determines whether a payment is basic salary by considering:

(a) What the payment is for; and

(b) Whether the reason for the payment brings it within the statutory definition of basic salary.

NEW SECTION

WAC 415-104-363 Deferred wages. (1) **If earned for services rendered, deferred wages are basic salary.** If a member earns salary or wages for services rendered during a payroll period but defers receipt of payment, those earnings are basic salary for LEOFF Plan II. Deferred wages include, but are not limited to:

(a) Member contributions to LEOFF;

(b) Salaries or wages deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar sections of the United States Internal Revenue Code.

(2) **Deferred wages that a member does not have an absolute right to in exchange for rendering service to an employer are not basic salary.** If an employer offers additional payment that is conditioned on taking some action in addition to providing services, the payment is based upon the additional action and is not earned for services rendered. The payment does not qualify as basic salary for LEOFF Plan II.

Example: An employer offers to make a contribution to a deferred compensation plan on a member's behalf only if the member elects to defer a portion of his or her salary. Because the member does not have an absolute right to receive the contribution based solely on rendering service, the payment is not basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-365 Retroactive basic salary increases are LEOFF Plan II basic salary. A retroactive salary increase received for a pay period that a member worked is a salary or wage for services rendered and is basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-367 Cafeteria plans. Compensation received in any form under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code is basic salary for LEOFF Plan II if the member has an absolute right to receive cash or deferred payments in lieu of the fringe benefits offered. In such an instance, the

fringe benefits are being provided in lieu of cash and are considered basic salary, just as the cash would be. If there is no cash option, the value of the fringe benefit is not a salary or wage and is not basic salary for LEOFF Plan II. See WAC 415-104-385.

NEW SECTION

WAC 415-104-370 Overtime is LEOFF Plan II basic salary. Overtime, additional pay earned for working time in excess of regularly scheduled shift(s), is a salary or wage for services rendered. Overtime payments are basic salary for LEOFF Plan II. Overtime includes, but is not limited to:

(1) **Additional pay for working on a holiday.** If a member receives an extra payment because he or she worked on a scheduled holiday, the payment is overtime. The employer may make the additional payment when the holiday occurs or in a lump sum at some other time. In either case, the payment is basic salary for LEOFF Plan II;

Example: A fire fighter works on Christmas day. As compensation for working a holiday, she is given the option of taking some other day off with pay or of receiving an extra day's pay. If she opts for the extra day of pay, this payment is overtime and is LEOFF Plan II basic salary. If she opts to take a day off, this is paid leave and qualifies as LEOFF Plan II basic salary.

(2) **Callback pay,** which is a special rate of pay some employers provide members for being called back to work after the end of the member's regular shift;

(3) **Court pay,** which is an additional payment for appearing in court or performing other duties outside of a member's regularly scheduled shift.

NEW SECTION

WAC 415-104-373 Paid leave is LEOFF Plan II basic salary. Payments received from an employer for authorized paid absences from work are basic salary for LEOFF Plan II. These payments may or may not be for services rendered. Paid leave is basic salary only to the extent that it is the equivalent of the basic salary a member would have earned had the member been working. The portion of any payment identified as paid leave that exceeds that amount is not basic salary.

(1) **Leave payments earned for services rendered.** Most LEOFF members earn a certain number of leave hours per month, such as sick leave. The leave hours are earned by rendering service during the month the leave was accumulated. The payment a member receives when he or she uses an earned leave day is a deferred salary or wage for services previously rendered. It is basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

Example: Assume a member accrues eight hours sick leave per month. The accrued leave in the member's sick leave balance is earned for personal services rendered during a payroll period. When the member is absent from

work and uses the sick leave, the sick leave payment is basic salary.

mance goal, i.e., stays accident free for a year. If the member meets the goal and is paid the bonus, the bonus would be considered basic salary.

(2) **Leave payments not earned for services rendered.** If an employer authorizes a period of paid leave but does not require the use of leave previously earned for services rendered, the payment is not a salary or wage for services rendered. However, RCW 41.26.520 authorizes service credit for all periods of paid leave. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

(3) **Payments upon reinstatement or in lieu of reinstatement are paid leave and therefore qualify as basic salary.** The payment will count as basic salary for the payroll periods when the person would have earned the payment had he or she been working. In order for a payment in lieu of reinstatement to qualify as paid leave, the person's termination date must occur after the payroll period when the payment would have been earned. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

(4) **Union leave.** Periods of authorized leave to serve as an elected official of a labor organization which meet the requirements of RCW 41.26.520 qualify for service credit. The salary payments provided by the employer subject to reimbursement from the union qualify as basic salary for LEOFF Plan II to the extent that they do not exceed the highest paid job class covered by the collective bargaining agreement negotiated between the labor organization and the employer. The portion of any payment identified as paid leave in excess of that amount is not basic salary.

NEW SECTION

WAC 415-104-375 Salary or wages not attached to a position are LEOFF Plan II basic salary. A salary or wage for services rendered to an employer is basic salary for LEOFF Plan II regardless of whether the services are attached to a position.

Example: If an employee receives additional salary based upon his or her education, that additional salary is basic salary for LEOFF Plan II even if his or her position does not require that level of education. The payment of a higher salary based upon educational attainment is part of the total compensation for the services provided by the employee.

NEW SECTION

WAC 415-104-377 Performance bonuses are LEOFF Plan II basic salary. Payments you earn for meeting or exceeding performance goals set by your employer are a salary or wage for services rendered and qualify as basic salary for LEOFF Plan II. In order to qualify as basic salary, a performance bonus must be documented in an employer policy or specific agreement between the employer and member prior to earning the bonus.

Example: An employer offers an annual bonus to a member if he or she meets a certain perfor-

NEW SECTION

WAC 415-104-379 Shift differential is LEOFF Plan II basic salary. Additional payments to a member for working swing shift or night shift are a salary or wage for services rendered. Those payments are basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-380 Disability payments. (1) **Disability leave supplement.** Under certain circumstances, LEOFF II members are entitled to a disability leave supplement for periods of disability leave. See RCW 41.04.500 through 41.04.550.

(a) Employer contributions to the disability leave supplement under RCW 41.04.510(3) are not a salary or wage for services rendered and do not qualify as basic salary. Although the payments are paid leave, they are specifically excluded from basic salary by RCW 41.04.525.

(b) The member paid portion of the disability leave supplement is funded through use of the member's accumulated sick or vacation leave. This portion of the disability leave supplement is, therefore, basic salary, see WAC 415-104-373. The member will receive only partial service credit for the accumulated leave portion of the disability leave supplement.

(c) A member may apply to receive full service credit for some periods of duty disability under RCW 41.26.470(3).

(2) **Workers' compensation.** Payments made to a member under Title 51 RCW are neither a salary or wage for services rendered nor paid leave. The payments are not basic salary for LEOFF II. This is true whether the payments come from the workers' compensation trust fund or from an employers' self-insurance program authorized under Title 51 RCW.

(3) **Private insurance.** Some employers provide additional disability insurance as a supplement to workers' compensation. Any payment from a third party insurance company is neither paid leave nor payment for services rendered. It does not qualify as basic salary for LEOFF Plan II.

(4) **Disability leave banks.** If an employer maintains a disability leave bank which may be used to make salary replacement payments for members during periods of disability, such payments are paid leave and qualify as basic salary subject to the provisions of WAC 415-104-373: *Provided, however,* That if the leave provided to an employee is based upon leave earned by another employee then it is a form of shared leave and does not qualify as basic salary.

NEW SECTION

WAC 415-104-383 Employer taxes and contributions are not LEOFF Plan II basic salary. (1) Any payment by a member's employer of the employer portion of taxes imposed by the Federal Insurance Contribution Act is not a

salary or wage and does not qualify as basic salary for LEOFF Plan II.

(2) Employer contributions to LEOFF Plan II are not a salary or wage paid to the member and do not qualify as basic salary.

NEW SECTION

WAC 415-104-385 Fringe benefits are not LEOFF Plan II basic salary. Fringe benefits are not a salary or wage and therefore do not qualify as basic salary for LEOFF Plan II. Fringe benefits include, but are not limited to:

(1) Any type of insurance such as medical, dental or life insurance;

(2) Any employer contribution to meet the premium or charge for such plan or insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-367.

NEW SECTION

WAC 415-104-387 Illegal payments are not LEOFF Plan II basic salary. If an employer disburses a payment that the employer does not have legal authority to make, that payment does not qualify as basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-390 Reimbursements or allowances in lieu of a reimbursement are not LEOFF Plan II basic salary. (1) **Reimbursement.** If an employer reimburses a member for expenses incurred in providing services for the employer, the purpose of the payment is to pay the member back for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and is not basic salary for LEOFF Plan II.

(2) **Allowance.** An allowance paid in lieu of a specific reimbursement for expenses a member is expected to incur in providing services for the employer is characterized the same as a specific reimbursement. The purpose of the payment is to reimburse the member for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and does not qualify as basic salary for LEOFF Plan II.

Example: An employer provides an annual stipend for the purchase of a uniform or other clothing required for the performance of a members' duties. The payment is a reimbursement for expenses incurred or expected to be incurred and is not basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-393 Standby pay is not LEOFF Plan II basic salary. Payments to a member for time not actually worked when the member must be available to work if the need arises, are not a salary or wage for services rendered. Any such payment does not qualify as basic salary for LEOFF Plan II.

Example: Some employers provide payments to a member at less than the member's regular hourly rate in exchange for the member being available to come into work after his or her shift if called, although the member may not be called. Such payments, often referred to as "standby pay," are not basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-395 Termination or retirement bonuses are not LEOFF Plan II basic salary. An additional payment based on notification of a member's intent to terminate or retire is in consideration for the notification of intent to retire or terminate. The payment is not a salary or wage for services rendered and is not basic salary for LEOFF Plan II.

NEW SECTION

WAC 415-104-397 Statutorily excluded payments are not LEOFF Plan II basic salary. Payments authorized by a statute that excludes the payment from the calculation of a public retirement allowance do not qualify as basic salary.

NEW SECTION

WAC 415-104-401 Cash outs of accrued leave or other forms of severance pay are not LEOFF Plan II basic salary. (1) A cash out from an employer for unused accrued leave, is a deferred salary or wage for services previously rendered. However, the payment is not basic salary because it is specifically excluded from the definition of basic salary in RCW 41.26.030 (13)(b).

(2) **Other forms of severance pay are not basic salary.** Any form of severance payment received from an employer upon termination, is not included as basic salary in LEOFF Plan II because it is excluded from the statutory definition of basic salary.

NEW SECTION

WAC 415-104-405 Payments in lieu. A payment or any other transfer in lieu of an item that does not qualify as basic salary, is not basic salary. The only exception is compensation paid pursuant to bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-3302.

WSR 97-01-018
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed December 9, 1996, 9:27 a.m.]

Date of Adoption: December 4, 1996.

Purpose: To set reasonable fees to cover actual costs to produce copies of public records as allowed by chapter 341, Laws of 1995.

Citation of Existing Rules Affected by this Order:
Amending WAC 446-10-090.

Statutory Authority for Adoption: RCW 42.17.250, 42.17.300.

Adopted under notice filed as WSR 96-21-065 on October 15, 1996.

Changes Other than Editing from Proposed to Adopted Version: Language was changed to allow the agency the option to release public documents to the requester prior to receiving payment. This change is less restrictive than previous verbiage which required prepayment.

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 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 0, repealed 0.

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

December 6, 1996

Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending WSR 90-10-097, filed 5/2/90, effective 6/2/90)

WAC 446-10-090 Charge for public records. No fee shall be charged for the inspection of public records. The department shall charge a fee of ~~((ten))~~ fifteen cents per page of copy for providing copies of written public records and for use of the department copy and duplicating equipment, and actual costs for postage, mailing and ~~((UPS))~~ shipping services. The department may charge the actual cost for providing copies of public records, including duplications of photographs, audio tapes, video tapes, diagrams and/or drawings of collision scenes. These charges are the amounts necessary to reimburse the department for its actual costs incident to such copying and mailing.

Payment for the copying of public records may be required by the department prior to the release of the documents to the requester. Only company checks, money orders, or personal checks will be accepted as payment. No cash shall be allowed.

WSR 97-01-027
PERMANENT RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)
[Filed December 10, 1996, 8:55 a.m.]

Date of Adoption: December 6, 1996.

Purpose: The purpose of these rule changes is to correct and update housekeeping portions of the rules, eliminate the "substantive" "nonsubstantive" course approval

language and repeal the WAC dealing with agency disclosure (WAC 308-124D-040). Amending WAC 308-124-005 Organization, updates real estate program address to its current location; WAC 308-124A-020 Application for license—Fingerprinting, condenses rule language and indicates persons convicted of crimes may be required to submit fingerprint information prior to getting a license; WAC 308-124A-422 Application for broker license examination—Clock hour requirements, eliminates references to "substantive/nonsubstantive" real estate course distinction; WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee, corrects WAC reference to real estate law course; WAC 308-124A-600 Continuing education clock hour requirements, eliminates references to "substantive/nonsubstantive" real estate course distinction; WAC 308-124H-025 Application for course approval, eliminates references to "substantive/nonsubstantive" real estate course distinction; and repealing WAC 308-124D-040 Disclosure of agency representation, this WAC is no longer necessary with the creation of new chapter 18.86 RCW which addresses agency disclosure requirements for brokers and salespersons.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-124D-040; and amending WAC 308-124-005, 308-124A-020, 308-124A-422, 308-124A-570, 308-124A-600, and 308-124H-025.

Statutory Authority for Adoption: RCW 18.85.040 and chapter 18.86 RCW.

Adopted under notice filed as WSR 96-21-113 on October 22, 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 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 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 6, 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.

December 9, 1996

Kathy Baros Friedt
Director

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

WAC 308-124-005 Organization. The principal location of the Real Estate Program is at ~~((2424 Bristol Court SW))~~ 2000 4th Avenue West, Olympia, Washington 98502. A Spokane office is at 11530 East Sprague Avenue, Spokane, Washington 99206.

The department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the

governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salespersons and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for information regarding real estate licenses, the real estate commission, or the real estate program, may be sent in writing to the Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, Washington 98507-9015.

AMENDATORY SECTION (Amending Order PM 774, filed 9/30/88, effective 1/1/89)

WAC 308-124A-020 Application for a license—Fingerprinting. ((AH)) Persons who have been convicted of a crime within ten years of application ((~~must~~)) may be required to submit fingerprint identification, on a form provided by the department prior to issuance of a license ((~~for:~~

- (1) ~~A real estate salesperson license;~~
- (2) ~~An individual broker license;~~
- (3) ~~A corporation or partnership broker license;~~
- (4) ~~An associate real estate broker license; or~~
- (5) ~~A land development representative registration)).~~

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

WAC 308-124A-422 Application for broker license examination—Clock hour requirements. (1) Applicants for the broker's examination shall have successfully completed one hundred twenty clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in real estate law, a course in real estate brokerage management, a course in business management and one elective course. All courses completed to satisfy this requirement must be ((~~substantive~~)) approved real estate subject matter as defined in WAC 308-124H-025((+)) and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within five years prior to applying for the broker's examination.

(2) Courses in real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within five years of applying for the broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Applicants are required to complete one hundred twenty clock hours of approved course work in addition to real estate law, brokerage management, and business management when they are used for continuing education credit or to reactivate an inactive license.

AMENDATORY SECTION (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee. Any person desiring to be reinstated as a real estate licensee within two

years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law course specified in WAC ((~~308-124H-037~~)) 308-124H-011;

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.090 and/or 18.85.095, whichever applicable, within five years preceding the application for reinstatement.

(3) Former licensees, cancelled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

WAC 308-124A-600 Continuing education clock hour requirements. A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.165, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date; up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date.

(2) The thirty clock hours ((~~may~~)) shall be satisfied by evidence of ((~~at least twenty clock hours in courses designated by the commission as substantive real estate subject matter and not more than ten clock hours in courses designated by the commission as business skills and management courses~~)) completion of approved real estate courses as defined in WAC 308-124H-025.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.215(3);

(c) Course(s) was used to satisfy the requirements of RCW 18.85.095 (1)(b), real estate salesperson's license, RCW 18.85.095 (2)(a), real estate salesperson's practices course, and RCW 18.85.090, broker's license and WAC 308-124A-570, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

WAC 308-124H-025 Application for course approval. Courses shall meet the following requirements:

(1) Have a minimum of three hours of classroom work for the student. A classroom hour is a period of fifty minutes of actual classroom or workshop instruction, exclusive of examination time;

(2) Provide practical information related to the practice of real estate (~~and deal with substantive real estate subject matter~~) in any of the following real estate topic areas: Fundamentals, Practices, principles/essentials, Real Estate Law, legal aspects, Brokerage Management, Business Management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, escrow closing/settlement practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial (~~or~~;

~~(3) Provide practical information related to assisting licensees in improving their business skills and business management in order to enable them to better serve and protect the consumer in any of the following topic areas:~~), advertising (Regulation Z), agent supervision and broker responsibility, (~~cross-cultural communication~~) selling, listing, and marketing of real estate, theory and practices of relocation, (~~and accounting for real estate offices~~) or instructor development;

~~((4))~~ (3) Be under the supervision of an approved instructor approved to teach the course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Shall not include the following topics for clock hours: Product marketing, personal motivation, sales motivation, personal promotion, stress management, personal improvement, personality profiles, office and personal skills, or sales promotion. Clock hours will not be awarded for any time devoted to staff meetings, examinations, meals or transportation.

(5) Courses of thirty clock hours or more which are submitted (~~as substantive real estate subject matter courses~~) for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least seventy percent; essay

question examination keys shall identify the material to be tested and the points assigned for each question;

(6) Include textbook or instructional materials approved by the director, which shall be kept accurate and current. Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(7) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submitted for approval for clock hours pursuant to WAC 308-124H-011. No other courses shall use these phrases in their titles;

(8) Not have a title which misleads the public as to the subject matter of the course;

(9) Be offered by a tax-supported, public (~~vocational-technical institution,~~) technical or community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(10) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material, for approval by the director;

(11) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308-124H WAC;

(12) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax-supported, public (~~vocational-technical institution,~~) technical or community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (6) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law, brokerage management and business management courses required under RCW 18.85.090.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-124D-040 Disclosure of agency representation.

WSR 97-01-035
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed December 10, 1996, 4:10 p.m.]

Date of Adoption: December 1, 1996.

Purpose: Adoption of permanent rules to carry out the purpose of chapter 67.08 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 36-12-180; and amending chapter 36-12 WAC.

Statutory Authority for Adoption: Chapter 67.08 RCW.

Adopted under notice filed as WSR 96-20-058 on September 26, 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 16, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 27, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 43, repealed 1.

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 43, repealed 1.

Effective Date of Rule: Thirty-one days after filing. December 10, 1996 Pat Brown Administrator

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-010 Penalties. In cases of infraction of the law, the rules and regulations, orders of the ((profession- al athletic commission)) department, or the failure to fulfill any contracts or agreements, it shall rest with the ((commis- sion)) director to impose such penalties as may be ((deemed expedient)) authorized by law.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-011 "Promoter," "purse" defined. For purposes of brevity, in the following rules the word "promot- er" will be used to designate a club, corporation, organiza- tion, association or person holding license ((under this commission)) from the department. "Purse" will designate the sum of money or other compensation by way of guaran- tee, percentage or otherwise, paid to boxer.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-020 Boxing weights and classes.

- Strawweight up to 105 pounds
Light Flyweight over 105 to 108 pounds
Flyweight over 108 to 112 pounds ((or under))
Super Flyweight over 112 to 115 pounds
Bantamweight over ((+12)) 115 to 118 pounds
Super Bantamweight over 118 to 122 pounds
Featherweight over ((+18)) 122 to 126 pounds
((Junior lightweight over 126 to 130 pounds))
Super Featherweight over 126 to 130 pounds

- Lightweight over 130 to 135 pounds
((Junior welterweight over 135 to 140 pounds))
Super Lightweight over 135 to 140 pounds
Welterweight over 140 to 147 pounds
Super Welterweight over 147 to 154 pounds
Middleweight over ((+47)) 154 to 160 pounds
Super Middleweight over 160 to 168 pounds
Light Heavyweight over ((+60)) 168 to 175 pounds
Cruiserweight over 175 to 195 pounds
Heavyweight all over 195 pounds

No contests shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the ((commission)) depart- ment.

- ((112 lbs.-)) up to 118 lbs. not more than 3 lbs.
118 lbs.-126 lbs. not more than 5 lbs.
126 lbs.-((+30)) 135 lbs. not more than 7 lbs.
((+30)) 135 lbs.-((+35)) 147 lbs. not more than ((7)) 9 lbs.
((135 lbs.-140 lbs. not more than 9 lbs.- 140 lbs.-147 lbs. not more than 9 lbs.))
147 lbs.-160 lbs. not more than 11 lbs.
160 lbs.-175 lbs. not more than 12 lbs.
175 lbs.-195 lbs. not more than ((+5)) 20 lbs.
195 lbs. and over, no limit.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-030 Weighing time. (1) Contestants shall be weighed ((on the date)) within twenty-four hours of the scheduled ((match)) event, at the time designated by the ((commission)) department, in the presence of each other, ((a commission inspector and an official of the club promoting the match, on club scales or other)) the inspector and a promoter representative on scales approved by the ((commis- sion or)) department at such place or places as may be designated by consent of ((commission)) a department inspector. By special permission of the ((commission)) department, preliminary boxers may be allowed to weigh in and be examined not later than one hour before the sched- uled time of the first match on the card. The weight of each contestant shall be recorded on a report sheet ((provided)) approved by the ((commission)) department.

(2) At the official weighing-in of all contestants ((duly accredited newspaper, radio and television)), representatives ((may)) of print or electronic news media shall, upon request, be admitted.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-040 Ring and equipment. (1) Ring. The ring shall be not less than seventeen feet square or more than twenty-four feet within the ropes. The ring floor shall extend beyond the ropes not less than eighteen inches. The ring floor shall be padded in a manner as approved by the ((commission)) department. Padding must extend beyond the ring ropes and over the edge of the platform with a top covering of canvass, duck or similar material tightly stretched and laced to the ring platform. Material that tends

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to gather in lumps or ridges must not be used. ~~((Ring canvas))~~ Covering material must be in a clean and sanitary condition.

(2) **Height of ring.** The ring platform shall not be more than four feet above the floor of the building, and shall be provided with suitable steps for use of contestants. Ring posts shall be of metal, not more than four inches in diameter, extending from the floor of the building to a height of fifty-eight inches above the ring floor, and shall be properly padded. Ring posts shall be at least eighteen inches away from the ropes.

(3) **Ring ropes.** Ring ropes shall be at least ~~((three))~~ four in number, not less than one inch in diameter ~~((;))~~ and wrapped in soft material. The ropes shall be manila rope of standard manufacture. No wire or cable shall be used. The spacing of ropes shall consist of the lower rope eighteen inches above the ring floor, the second rope ~~((thirty-five))~~ thirty inches above the floor, the third rope ~~((fifty-two))~~ forty-two inches above the floor, and the fourth rope fifty-four inches above the floor. The lower rope shall have applied around it a padding of a thickness of not less than one-half inch and of a type and construction to be approved by the ~~((commission))~~ department. Two vertical stays or rope spacers of an elastic composition shall be utilized for additional rope stability. The vertical stays or rope spacers shall be evenly spaced between the ring posts on all four sides of the ring so as to maximize efficiency.

(4) ~~((Gong or))~~ **Bell.** There shall be a bell ~~((or gong))~~ at the ring no higher than the level of the ring platform. The bell ~~((or gong))~~ shall be of a clear tone so that the contestants and officials may easily hear it.

(5) **Obstructions.** ~~((The entire ring platform shall be cleared of all obstructions including buckets, stools, etc., the instant))~~ When the ten second signal is given by the timekeeper, ~~((and none of these articles))~~ all items shall be ~~((placed on the ring floor until the gong has ended))~~ promptly cleared from the ring and no items shall be left on the ring platform at the time the bell sounds to start the round.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-050 Gloves. (1) Gloves shall be examined by the ~~((commission))~~ inspector or his designated representative ~~((and the referee))~~. If padding is found to be misplaced or lumpy, or if gloves are found to be ~~((imperfect))~~ not in compliance with this chapter, or ill-fitting, they shall be changed before the contest starts. No breaking, skinning, roughing or twisting of gloves shall be permitted.

(2) Gloves for all main events shall be new, and furnished by club management, and so made as to fit the hands of any contestant whose hands may be unusual in size.

(3) ~~((New gloves or gloves which have been used before,))~~ All gloves shall be whole, clean, in sanitary condition, and subject to inspection by the ~~((referee))~~ inspector or ~~((commission representative as to condition))~~ designated representative for compliance with this chapter. Any ~~((such))~~ gloves found to be unfit or ill-fitting, shall be immediately discarded and replaced with gloves ~~((meeting the above requirements))~~ which comply with this chapter.

(4) ~~((All clubs shall have on hand an extra set))~~ In addition to those gloves which are required to be furnished

by a promoter at a contest at least one additional set of eight-ounce and ~~((an extra))~~ at least one additional set of ten-ounce gloves ~~((to be used))~~ shall be provided for use in case gloves are broken or in any way damaged during ~~((the course of a bout))~~ a contest. These extra sets of gloves shall be placed in the custody of the department representative at ringside prior to the start of the first contest.

(5) Contestants in all weight classes ~~((up to and including))~~ from strawweight through the welterweight class, shall wear no less than eight-ounce gloves. In ~~((the heavier))~~ all other classes, contestants shall wear no less than ten-ounce gloves ~~((shall be worn. All gloves must be approved by the commission))~~. When two contestants differ in weight classes, the contestants shall wear the gloves required for the higher weight classification.

(6) Gloves must have the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to an opponent's eye.

(7) Any glove or set of gloves may be only used once during the course of a boxing program and shall immediately after such use be wiped in their entirety with a damp cloth which has been soaked in a solution of water and ten percent chlorine bleach.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-060 Number of rounds. ~~((See RCW 67.08.080.))~~ No boxing contest or sparring exhibition held in this state whether under the provisions of statute or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be for a longer period than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, national, or regional or world championships the commission may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds.) Promoters shall not schedule less than twenty-six rounds of boxing, ~~((nor more than forty rounds,))~~ except with the ~~((written))~~ approval of the ~~((commission))~~ department for any one program. ~~((An emergency))~~ A standby bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-070 Bandages. (1) Bandages shall not exceed the following restrictions: One winding of surgeon's adhesive tape not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice, but shall not extend within one inch of the knuckles when hand is clenched to make a fist.

(2) Contestants shall use soft surgical bandages not over two inches wide, held in place by not more than two yards of surgeon's adhesive tape for each hand. One ten yard roll of bandage shall complete the wrappings for each hand. Bandages shall be ~~((adjusted))~~ applied in the dressing room in the presence of ~~((a commission))~~ the inspector or a designated representative and both contestants. ~~((Either))~~ A contestant may waive ~~((his))~~ the privilege of witnessing the bandaging of his or her opponent's hands.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-080 Ring equipment. Promoters shall provide all necessary equipment, subject to approval by the ~~((commission))~~ department, for use by the seconds and contestants at ~~((all events))~~ ringside. These items shall consist of a corner stool, spit bucket, ice bucket with ice, latex gloves, spray bottle with ten percent bleach/water mixture, paper towels, disposal bucket, and any other items the department deems reasonably necessary for the health and safety of the contestants.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-100 Officials. (1) The officials of boxing ~~((contests))~~ events shall consist of a minimum of two referees, a timekeeper, a physician, ~~((two or))~~ three judges, and ~~((a commission))~~ an inspector. ~~((At the discretion of the commission the three judge system may be used in lieu of the two judge and referee system.))~~ One extra referee and judge may be assigned to boxing events that have 40 to 49 rounds of boxing scheduled and two extra referees and judges may be assigned to events that have 50 or more rounds scheduled. Additional officials may also be added to an event when deemed appropriate by the department for the protection of the participants. The ~~((referee, commission inspector, judges, physician, and timekeeper))~~ event officials shall be assigned by the ~~((commission))~~ department.

(2) No licensee shall verbally or physically abuse a referee or any other ~~((commission))~~ event official.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-110 Referee. (1) The chief official of boxing ~~((contests))~~ events shall be the referee, who shall have general supervision over bouts and take his or her place in the ring prior to each contest. The referee shall maintain the safety and welfare of the contestants foremost at all times.

(2) The referee shall, before starting a contest, ascertain from each contestant the name of his or her chief second, and shall hold said chief second responsible for the conduct of his or her assistant seconds during the progress of the contest.

(3) The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his or her chief second only. The ~~((principals))~~ contestants, after receiving instructions, shall touch gloves and retire to their corners. ~~((They))~~ The contestants shall not intentionally touch gloves at the beginning of a round again until the beginning of the ~~((last))~~ final scheduled round.

(4) No person ~~((s))~~ other than the contestants and the referee may enter the ring during the progress of a round except at the direction or request of a referee.

(5) The referee ~~((shall)),~~ in lieu of the inspector or designated representative, may inspect the bandages and the gloves and make sure that no foreign substances have been applied to either the gloves or any part of a boxer's head or body to the detriment of an opponent.

(6) Referees ~~((must))~~ shall wear dark trousers ~~((and)),~~ light blue shirt and bow tie or uniforms subject to approval of the ~~((commission))~~ department.

(7) All referees must take an annual physical and eye examination similar to that given to all applicants for a boxers' license ~~((and they shall be examined before officiating in any contest by the commission physician before entering the ring the same as boxers; if such examinations indicate the referee is physically or otherwise disabled or incapacitated)).~~ The results of the examination shall be provided to the department. Referees shall be examined, during the day a contest is to be held, by the department physician for the purpose of determining his or her suitability for officiating in the contest. If such examination indicates the referee is unfit to perform his or her duties during the contest, such fact should be immediately reported ~~((in writing,))~~ by the examining physician to the inspector ~~((in charge)),~~ who shall take appropriate action to replace such referee.

AMENDATORY SECTION (Amending WSR 91-14-063, filed 6/28/91, effective 7/29/91)

WAC 36-12-120 Powers of referee—Penalties for fouls, butts. (1) ~~((The))~~ Referees shall have power to stop a contest ~~((at))~~ any time ~~((if he considers))~~ they think it is too one-sided, or if either contestant is in such condition that to continue might subject ~~((him))~~ them to serious injury ~~((and in either case)).~~ In the event a referee stops a contest pursuant to this subsection, the referee is authorized to render a decision.

(2) In cases where a boxer receives ~~((a cut eye or))~~ any ~~((other))~~ injury or cut which the referee ~~((may))~~ reasonably believes shall incapacitate the boxer, the referee shall call into the ring the ~~((commission))~~ department physician ~~((for examination of))~~ to examine the boxer ~~((before the referee shall render his decision in the matter)).~~ The physician shall provide the referee with an opinion as to the seriousness of the trauma.

(3) The referee shall stop a contest if, in ~~((his judgment there is stalling or faking by))~~ the referee's judgment, either or both contestants ~~((or))~~ are intentionally delaying or not putting forth the full effort of which the contestants are capable. The referee shall also stop a contest if there is collusion affecting the result, in which case ~~((he))~~ the referee shall recommend to the ~~((commission))~~ department that the purse or purses of the offending boxer or boxers be forfeited ~~((and paid to the commission)).~~

(4) The referee shall penalize any contestant who fouls ~~((his))~~ an opponent during a contest, by charging such contestant with the loss of points, whether such foul or fouls be intentional or unintentional. ~~((However,))~~ The referee shall use ~~((his own discretion))~~ reasonable judgment in determining the number of points ~~((if any,))~~ chargeable against the contestant in each instance ~~((depending upon the severity or harmlessness of the foul and its effect upon the opponent. The referee shall indicate on the official score card the number of points taken away from a contestant in any and all rounds in which he may find it necessary to charge the contestant with such loss)).~~ At the time of the infraction the referee shall ~~((at the conclusion of each round))~~ notify the judges of the number of points to be

deducted in accordance with ~~((his))~~ the referee's determination. Judges shall not deduct points without first receiving instruction from the referee.

(5) Persistent unintended fouling by a contestant requiring cautioning by the referee shall be noted ~~((on))~~ by the referee ~~(('s score card and called to the attention of the commission for appropriate punishment))~~ on the referee's report.

~~(6) ((No contestant may be awarded a contest on a claim of a low blow foul, nor may a contestant lose a decision by reason of a low blow foul. Except where a contestant commits two fouls and after being warned each time by the referee, he commits a third foul, the referee may then within his discretion award the decision to the contestant who has been fouled.~~

(7) Any boxer guilty of intentional foul tactics in a boxing contest may be disqualified and his purse withheld from payment, and the boxer shall be automatically suspended. Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by action of the commission.

~~(8) In the event of an unintentional foul (except as provided in subsection (9) of this section) other than low blow fouls, rendering an opponent incapacitated or unfit to continue (in the opinion of the referee))~~ An unintentional low-blow foul shall not, except as otherwise provided, be the basis for a referee to declare a contestant a winner or a loser of a contest. However, if the referee has already warned such contestant for two previous fouls, the unintentional low-blow foul would be a third foul and, accordingly, could be grounds for disqualification.

(7) If the referee determines a boxing contestant to have intentionally committed a foul, the referee may stop the contest, award the contest to the contestant who has been fouled, and shall notify the department.

(8) Except as provided in subsections (5), (6), (9), and (10) of this section, a single unintentional foul shall not be the basis of awarding a contest to the fouled contestant. If an unintentional foul renders a contestant unable to continue, the contest shall be terminated~~((;))~~ and no decision shall be rendered ~~((but the referee shall order withheld from payment the purses of both contestants; the referee shall make a full report thereof, as is otherwise indicated herein, and the matter shall be heard by the commission and be disposed of as the commission may in its judgment deem expedient. Referees are hereby required to report to the commission repeated or persistent intentional or unintentional fouling by any contestant, in which connection the commission may order a hearing and subject the offending contestant to such punishment, which may include a fine or suspension, or both)).~~

(9) If an accidental butt to the head occurs during any bout, the referee shall immediately warn the guilty boxer and ~~((he))~~ may penalize ~~((him))~~ the contestant by a deduction in points for the round~~((, at the same time he shall so notify the other contestant. Should any such penalty be charged against the boxer guilty of butting it shall be charged at the end of the round in which the butting occurred and the referee's score card shall be so marked at the conclusion of the round, at which time he shall also notify the judges; the referee shall explain in writing on the back of his card the nature and circumstances surrounding the penalty)).~~ If the

referee deducts points for a butt to the head, it shall be treated as a foul under subsection (4) of this section.

(10) If a ~~((boxer))~~ contestant is accidentally butted in a bout ~~((so that he))~~ and cannot continue, the referee shall:

(a) Call the bout a draw if the injured ~~((boxer))~~ contestant is behind in points, or

(b) Declare the injured ~~((boxer))~~ contestant the winner on a technical decision if he or she has a lead in points. When the judges scorecards are used, the majority ~~((vote as disclosed by the score cards))~~ shall prevail in determining the decision ~~((as specified in this section and the previous section hereof)).~~ If all three score cards differ the contest shall be declared a technical draw.

(c) If any accidental butt to the head occurs during the first three rounds of any contest ~~((the referee shall call the bout a no contest))~~ and renders a contestant unable to continue the referee shall declare the contest terminated and shall not award the contest to either contestant.

The provisions of (a) and (b) of this subsection do not apply in world championship matches.

~~((This rule applies only to accidental butting. Intentional butting is a foul and shall be penalized as such.))~~

(11) The referee shall use ~~((his))~~ reasonable discretion in deciding any matters that may come up during a contest and are not covered by these rules.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-130 Duties of referee—Injuries, knock-downs, falls. (1) In case of a knockdown the referee shall require the fallen contestant to take a count of eight. The referee may compel a hurt contestant to take an eight count ~~((whether or not he is down))~~ at any time. In the case of a cut in the area around the eye or ~~((similar))~~ serious laceration the referee shall consult with the ringside physician. Such consultation ~~((shall take place upon the conclusion of a round or with "time out" or in an emergency during the progress of any round. The termination of the bout shall be governed by the examining physician's decision))~~ may occur at any time. If it occurs during a round, the referee may interrupt the contest and direct the timekeeper to cease keeping time toward completion of the round while the physician examines the contestant and renders a decision on termination of the contest. The termination of a contest by the examining physician is final and may not be overruled by any official or the department.

(2) A contestant who goes down without being struck other than one who is attempting to rise following a knock-out, and stays down, shall be disqualified and the referee may render the decision to his or her opponent~~((, and)).~~ The referee shall recommend to the ~~((commission))~~ department that the purse of the offending boxer be forfeited and paid to the ~~((commission))~~ department.

(3) ~~((Should))~~ A contestant who:

(a) Leaves the ring during the one minute period between rounds and fails to be in the ring when the ~~((gong))~~ bell rings the signal to resume boxing~~((, or should a contestant fail to rise from his chair));~~

(b) Fails to continue the contest at the beginning of a round~~((, the referee shall start counting immediately, and))~~ shall immediately be placed on a count by the referee.

Unless the contestant (~~is on his feet in the ring~~) returns to the contest at the end of ten seconds the referee shall (~~declare him as counted out~~) award the contest to the other contestant.

(4) Should a contestant who is (~~"down"~~) knocked down arise before the count of (~~"ten"~~) is reached, and go down again immediately without being struck, the referee shall resume the count where (~~he left off~~) the count was when it was interrupted by the rising of the contestant.

(5) If (~~in any boxing contest during the rest period between rounds the referee shall decide that either of the contestants is not able to continue, or if the chief second of either of the contestants shall inform the referee that his boxer~~) the referee determines during the rest period in a contest that a contestant is unable to continue, or if a contestant's chief second informs the referee during the rest period that the contestant is unable to continue, and the referee concurs therein, (~~he shall render his decision before the gong or bell rings and then indicate on his score card~~) the referee shall terminate the contest and indicate on the referee's report that the opponent of the incapacitated (~~boxer~~) contestant is the winner of the contest on a technical knockout as of the round which has last been finished.

(~~5~~) (6) When a (~~boxer~~) contestant resumes boxing after having been knocked down or fallen or slipped to the floor, the referee shall wipe (~~any accumulated resin or other~~) all foreign material from the boxer's gloves (~~with a damp towel or on his shirt~~).

AMENDATORY SECTION (Amending Order 74-1, filed 11/19/74)

WAC 36-12-140 Method of counting over a boxer who is down. (1) When a contestant is knocked down the referee shall order the opponent to retire to the farthest neutral corner of the ring, pointing to the corner, (~~and immediately~~) while simultaneously beginning the count over the (~~boxer~~) contestant who is down. The referee is the sole judge as to whether (~~or not~~) there has been a knockdown.

(2) (~~He~~) The referee shall audibly announce the passing of each second, accompanying the (~~count~~) count with a visible arm motion (~~s of his arm~~), the downward motion indicating the end of each second.

(3) Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished the count of eight. The contestant may (~~take this count either on the floor or standing if he has not been struck hard enough to keep him down~~), but is not required to, rise before the referee has reached the count of eight.

(4) The timekeeper shall:

(a) Stand up and strike (~~with his hammer on~~) the edge of the platform with a hammer or other equipment approved by the department, at the end of each second(~~;~~); or

(b) By other effective signaling method, give the referee the correct one-second intervals for (~~his count~~) the purpose of maintaining the proper count of the passing seconds.

(5) Should the (~~opponent fail to stay in the farthest corner~~) standing contestant leave the farthest neutral corner to which he or she has been directed by the referee, the referee shall (~~cease counting until he has returned to it, and then go on with~~) interrupt the count. The count shall not be

resumed until the contestant returns to the neutral corner to which he or she was directed by the referee. When the contestant returns to the appropriate corner, the referee shall resume the count from the point at which it was interrupted.

(6) When (~~a boxer is clearly knocked down he shall be required to take a count of "8" whether or not he has regained his feet before the count of "8" has been~~) the referee determines a contestant has been knocked down primarily as a result of a blow, the referee shall require the contestant to be subjected to a count of eight before the contestant may resume the contest, regardless of whether the contestant rises from the ring floor prior to the count of eight being reached. This rule will prevent a boxer being struck while proper reflexes are absent and will also aid the referee in judging the condition of the boxer. If the contestant does not arise before the count of eight is reached, the referee must determine whether the contestant's reflexes and condition renders it appropriate to continue the contest.

(~~6~~) (7) If the (~~boxer who is down arises during the count the referee may, if he deems it advisable, step between the contestants long enough to assure himself that the boxer just arisen~~) referee deems it appropriate, he or she may defer resumption of a contest to determine whether a contestant who was knocked down and arises before a count of eight is reached is in fit condition to continue. If so assured (~~he~~) the referee shall, without loss of time, order both boxers to go on with the contest. During such intervention by the referee the striking of a blow by either boxer may be ruled a (~~"~~)foul(~~"~~).

(~~7~~) (8) If the contestant taking the count is still down when the referee calls the count of (~~"ten"~~) the referee shall wave both arms to indicate (~~that he~~) the contestant has been knocked out, and shall raise the hand of the opponent as winner. The referee's count is the official count. Upon the opinion and decision of both the physician and referee on any knockout, bad or continuous beating, a boxer will be suspended until such time as he takes a complete physical examination and is reinstated by such report from the (~~commission~~) department physician. This report will not include the (~~Seriological~~) blood test for (~~syphilis~~) communicable diseases, which is taken once a year.

(~~8~~) (9) In all (~~boxing bouts, including championship matches, when a boxer is clearly~~) contests where a contestant has been knocked down a total of three times in (~~any one~~) a round, the contest shall be terminated and the opponent shall be awarded the decision. (~~This rule may be waived by a unanimous vote of the commission.~~

(9) If the round ends during the count the timekeeper shall sound the gong once, thus indicating the termination of the three minute round and that the contestant who is down has not been counted out.

(10) The referee shall continue the count after the bell signifying termination of the round except in the final round.) (10) If a boxer is down and the referee is in the course of counting at the end of:

(a) A round other than the final scheduled round, the bell indicating the end of the round must not be sounded, but the bell must be sounded as soon as the downed boxer regains his feet and the referee indicates that the boxers should continue.

(b) The final round, the bell must be sounded indicating the end of the round and contest.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-150 When boxer falls from ring during round. (1) A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest may be helped back by anyone except his seconds or manager and the referee will allow a reasonable time for this return. When on the ring platform outside the ropes the contestant must reenter the ring immediately, then he may either resume the contest or stay down for a count, which in the latter case shall be started by the referee as soon as the fallen contestant is back in the ring.

(2) ~~((Should the contestant stall for time outside the ropes))~~ If a contestant intentionally declines to reenter the ring, the referee shall start the count ((without waiting for him to reenter the ring, and if he is not on his feet)) immediately. If the contestant is not in the ring within ten seconds, the referee shall ((declare him "knocked out.") award the contest to the other contestant on the basis of a knockout.

(3) When ~~((one boxer))~~ a contestant has fallen through the ropes the other shall retire to the farthest neutral corner and stay there until the count is completed or ((his opponent is on his feet in the ring. The referee must signal for the resumption of fighting when the fighter has returned to the ring)) the other contestant returns to the ring and the referee directs resumption of the contest.

(4) A contestant who deliberately wrestles or throws an opponent from the ring, or ~~((who hits him when he))~~ strikes an opponent who is partly out of the ring, and prevented by the ropes from assuming a position of defense may be disqualified, and the referee shall recommend to the ((commission)) department that the purse of the offending boxer ((or boxers)) be forfeited ((and paid to the commission)).

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-160 Report of referee—Withholding or forfeiture of purse. (1) A referee ~~((of any contest))~~ shall submit by mail or in person a report of any and all contests ~~((which he referees))~~ refereed. Any matter involving disregard of the rules or law must be included in the report and any recommendations relative to ~~((fines or))~~ suspensions of violators of the rules or law. ~~((Mail the report to the commission office.))~~ All referees must fully and explicitly describe the circumstances in which any ~~((bout))~~ contest is stopped on account of a technical knockout. ((When requested by the commission)) The referee's report must ~~((contain the exact reason for his actions in))~~ clearly state the reason for awarding the decision to the winner as a result of a technical knock-out.

(2) ~~((The referee shall recommend to the commission that they declare forfeited any remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which contestants are competing, if in his judgment such contestant or contestants are not honestly competing. It is the desire of the commission to strictly enforce the above, and every referee is ordered to warn competing boxers of the power of the~~

~~commission to hold up the purse or purses, should there be any apparent cause for such warning.~~

~~((3) In any case where the))~~ If a referee decides that both contestants are not ((honestly competing)) putting forth the full effort of which they are capable, the bout must be stopped before the end of the last round, and no decision be given. The announcer shall inform the audience((-)) that no decision has been rendered. ((In such cases the purses shall be forfeited. A contestant earns nothing and shall not be paid for a contest in which there is stalling, faking, dishonesty or collusion.)) The ~~((commission))~~ department shall have the power, independent of the referee ~~((or his decision.))~~ to determine the merits of any contest, and take whatever action it considers proper. Counting a boxer out, or disqualifying one of the contestants for fouling, is in effect giving a decision.

~~((4))~~ (3) A referee's decision rendered at the termination of any ((boxing)) contest is final and shall not be changed unless ((following the rendition of a decision the commission)) the director determines that any one of the following occurred:

- (a) There was collusion affecting the result of any contest;
- (b) The compilation of the scorecard of the referee or referee and judges shows an error which would mean that the decision was given to the wrong ~~((boxer.))~~ contestant; or
- (c) There was a clear violation of the laws or rules ~~((and regulations))~~ governing ~~((boxing))~~ contests which affected the result of any contest.

If the ~~((commission))~~ director determines that any of the above occurred with regards to any contest ~~((then))~~ the decision ~~((rendered))~~ shall be changed as the ~~((commission))~~ director may direct.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-170 ((Referee's)) Officials compensation fees to be paid by promoter. (1) The ~~((commissioner in each district))~~ department shall decide the fee schedule and number of ~~((referees))~~ officials to be used at each ~~((boxing card, in each city under his jurisdiction))~~ contest and said minimum fees shall be paid by the promoter of the event.

(2) Officials minimum compensation rate for nontitle, nontelevised bouts shall be as follows:

Judges	\$ 75.00
Timekeeper	\$ 75.00
Referee (preliminary)	\$110.00
Referee (main event)	\$125.00
Physician	\$250.00

(3) Officials minimum compensation rate for nontitle, televised bouts shall be as follows:

Judges	\$100.00
Timekeepers	\$100.00
Referee (preliminary)	\$135.00
Referee (main event)	\$200.00
Physician	\$250.00

(4) In the event of a championship or title fight, nationally televised or closed circuit televised bout, the officials shall be paid at the respective and prevailing scale of the sponsoring organization. The officials pay rate shall

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not be lower than the televised rate established in subsection (3) of this section.

(5) Travel mileage shall be paid to officials at the rate of \$.30 per mile beginning with the 41st mile.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-190 Duties of ((commission)) department inspector. (1) They shall attend to the forwarding of all reports to the ((commission office)) department; prepare reports on suspensions, applications for ((reinstallation)) reinstatement, and all other matters ((arising in their respective districts)) which require ((joint)) action by the ((commission)) department.

(2) ~~((Commission representatives shall have under their charge the issuing of licenses to boxers, managers, seconds, referees, timekeepers, promoters, physicians, judges, and announcers. They shall investigate applications for promoter licenses and report same to the commission but shall not issue promoter licenses except upon the order of the commission.~~

~~((3))~~ Inspectors shall report directly to the ((chief inspector of the district and be under his authority)) department.

~~((4))~~ (3) Inspectors shall be in charge of all details of the contest that do not come under the jurisdiction of the other officials.

~~((5))~~ (4) Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the physician's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the ((bout)) contest are enforced.

~~((6))~~ (5) Inspectors shall insist that promoters enforce the rule against gambling.

~~((7))~~ (6) Inspectors shall see that all seconds present a neat appearance and are attired according to the requirements of the rules.

~~((8))~~ (7) The referee's report shall be made on the form supplied for that purpose by the inspector. The referee shall sign the report in the presence of ((a commission representative)) the inspector after the termination of the ((show)) event.

~~((9))~~ (8) In accordance with the law, each inspector shall receive for each contest officially attended a fee not to exceed ((one)) two percent of the net gate of such contest up to a maximum of one hundred fifty dollars for closed circuit televised contests and five hundred dollars for all other boxing contests. Fifty dollars shall be the minimum charge for such fee with respect to closed circuit televised contests and one hundred dollars for all other contests.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-195 License fees. The ((commission's)) license year is July 1st through June 30th and license fees are paid annually. Fees are as follows:

- | | |
|-------------|-----------|
| (1) Manager | - \$40.00 |
| (2) Referee | - \$15.00 |
| (3) Boxer | - \$15.00 |

- | | |
|----------------|-----------|
| (4) Matchmaker | - \$40.00 |
| (5) Second | - \$15.00 |

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-200 ((Boxers)) Contestants. (1) ~~((Boxers))~~ Contestants may assume and use ring names, but the right to use any certain name is subject to the approval of the ((commission)) department and may be denied either at the time of presenting application for license or later, should reason for such denial be brought before the ((commission)) department.

(2) Contestants shall report to the inspector in the dressing room at least one hour before the scheduled time of the first match.

(3) Contestants shall box in proper costume, including such foul proof protection cups as shall be listed as approved by the ((commission)) department. Proper costume shall include abdominal guard, two pair of trunks of contrasting color, shoes and ((approved)) a custom-made individually fabricated mouthpiece.

Approved mouthpiece shall mean a custom-made individually fitted mouthpiece.

In addition, female ~~((boxers))~~ contestants shall also include a breast protector and body shirt with their ring costume.

~~((Each boxer shall be equipped and use throughout the bout a custom made individually fabricated mouth guard.))~~

(4) The use of grease or other substances that might handicap an opponent is prohibited.

(5) Contestants must be clean and present a tidy appearance.

(6) No contestant may absent himself or herself from a show in which he or she has signed or has been signed by his or her duly licensed manager, to appear, without a valid written excuse or furnishing a certificate from a ((commission)) department physician in advance in case of a physical disability. ~~((Any boxer who files a certificate from a commission physician stating that he is unable to fulfill a contract on account of a physical disability must, on being restored to the eligible list fulfill his contract with the same opponent or a suitable substitute as the promoter specified in the contract within a reasonable time, such period to be set by the commission, unless the boxer is released from the contract by mutual agreement.))~~

(7) When a ~~((boxer))~~ contestant competes anywhere in a ~~((bout))~~ contest of more than four rounds he or she will not be allowed to compete again until six days have elapsed.

When a ~~((boxer))~~ contestant competes anywhere in a ~~((bout))~~ contest of four rounds or less, he or she will not be allowed to compete again until two days have elapsed.

(8) No one shall be allowed in the ~~((boxer's))~~ contestant's dressing room except his or her manager, seconds and ~~((commission))~~ department or promoter representatives.

(9) Boxer's licensing requirements are:

- Completed application.
- Complete physical.
- Two small photos.

(d) Fee is listed under License fees WAC 36-12-195. (Forms are supplied by the ((commission)) department.)

These requirements must be received by the ~~((commission office))~~ department before a boxer appears in any event.

AMENDATORY SECTION (Amending Rule .04.210, filed 9/22/60, 3/17/60)

WAC 36-12-210 Down—A contestant shall be deemed "down" when. (1) A ~~((boxer))~~ contestant shall be deemed to be "down" when any part of ~~((his))~~ the body but ~~((his))~~ the feet is on the floor.

(2) A ~~((boxer))~~ contestant is considered "down" if he or she is hanging helplessly over the ropes and the referee has begun to count ~~((over him))~~. ~~((Referee can count a contestant out either on the ropes or on the floor.))~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-220 Fouls in boxing. (1)(a) Hitting below the belt.

(b) Hitting an opponent who is down or is getting up after being down.

(c) Holding an opponent with one hand and hitting with the other.

(d) Holding or deliberately maintaining a clinch.

(e) Wrestling, kicking, or roughing at the ropes.

(f) Pushing an opponent about the ring or into the ropes, or striking an opponent who is helpless as a result of blows and so supported by the ropes that ~~((he))~~ the opponent cannot fall.

(g) Butting with the head, the shoulder or using the knee or elbow.

(h) Hitting with the open glove or with the butt or inside of the hand, the elbow, the wrist and all back-hand blows.

(i) Purposely going down without being hit or for the purpose of avoiding a blow.

(j) Striking deliberately at that part of the body over the kidneys.

(k) The use of the pivot blow or the rabbit punch.

(l) Jabbing opponent's eyes with the thumb of the gloves.

(m) The use of abusive language in the ring.

(n) Any unsportsmanlike trick or action causing injury to an opponent.

(o) Hitting on the break.

(p) Hitting after the bell has sounded ending the round.

(q) ~~((Roughing at the ropes.~~

~~((Pushing an opponent about the ring or into the ropes.))~~ Intentionally spitting out of the mouthpiece.

(2) Any ~~((boxer))~~ contestant guilty of foul tactics in a boxing contest may be disqualified ~~((or fined, or both, and his purse withheld from payment, and the boxer))~~ and the contestant shall be automatically suspended. ~~((Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by the commission.))~~

(3) If a bout is stopped because of accidental fouling, the referee and physician shall determine whether the ~~((boxer))~~ contestant who has been fouled can continue or not and if his or her chances have not been seriously jeopardized as a result of the foul, may order the bout continued after a reasonable interval set by the referee, who shall so instruct the timekeeper.

If conditions, except as otherwise provided by these rules and particularly as otherwise provided by WAC 36-12-120(4), relating to accidental butting, make it necessary to stop the ~~((bout))~~ contest the referee shall order as follows, and so notify the ~~((boxers))~~ contestants, their managers, and the promoter, whose announcer shall notify the spectators:

(4) Referees shall not permit unfair practices that may cause injuries to a contestant, and are held strictly responsible for the enforcement of the rules. The only fair blow is a blow delivered with the padded knuckle part of the glove on the front or sides of the head and body above the belt. After sufficient warning has been given the referee shall punish persistent disregard of the rules.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-240 To prevent injury to ~~((boxers))~~ contestants—Physical qualifications and exams—Stimulants—Assumed name—Professional competing with amateur. (1) Any ~~((boxer))~~ contestant applying for a license must first be examined by a physician, to establish both physical and mental fitness for competition, and annually thereafter the ~~((boxer))~~ contestant must take this required examination. The fee for all examinations must be paid by the ~~((boxer))~~ contestant. The ~~((commission))~~ department may order examinations or other medical testing of ~~((boxers))~~ contestants at any time for the purpose of determining whether such ~~((boxer))~~ contestant is fit and qualified to engage in future contests. The printed form supplied to the physician must be filled out and returned to the ~~((commission))~~ department, by the physician, and must be in the possession of the ~~((commission))~~ department before the license application can be acted upon. The examination must be repeated and reports turned in once a year, as long as the ~~((boxer))~~ contestant is licensed by the ~~((commission))~~ department.

(2) The use of any controlled substances, alcohol or stimulants, or injections in any part of the body, either before or during a match, by any ~~((boxer))~~ contestant is adequate grounds for revoking ~~((his))~~ the contestant's license, as well as revoking the license of the person administering the same.

(3) Before a license is issued to any ~~((boxer))~~ contestant, the application for such license must be approved by the ~~((commission))~~ department.

(4) If a ~~((boxer))~~ contestant uses an assumed ring name, both the real name and his or her ring name must be included in the application. The word "killer" or "bloody" or any similar term must not be used by any contestant and must be eliminated from all advertisements and announcements referring to boxing.

(5) Whenever a licensed ~~((boxer))~~ contestant, because of injuries or illness, is unable to take part in a contest for which he or she is under contract, ~~((he))~~ the contestant (or ~~((his))~~ manager) must immediately report the fact to the nearest inspector, and submit to an examination by a physician designated by the inspector. The examination fee ~~((he))~~ shall be paid by the ~~((boxer))~~ contestant, or promoter, if the latter requests an examination.

(6) Any professional boxer engaging in amateur contests shall automatically have ~~((his))~~ their license revoked.

(7) All professional boxers (~~(should)~~) shall have attained their 18th birthday before being allowed to compete in any (~~(boxing)~~) contest in this state. No (~~(boxer under eighteen or)~~) contestant over thirty-six years old shall be granted a license except by special (~~(action of the commission)~~) waiver from the department.

(8) No license shall be issued to any applicant for a boxer's license who is found to be blind in one eye or whose vision in one eye shall be so poor as to cause any examining physician to recommend that no license be granted. This rule will be effective regardless of how keen the (~~(boxer's)~~) contestant's vision may be in the other eye. Nor shall a boxer's license be issued to any (~~(boxer)~~) contestant who has suffered a cerebral hemorrhage or any other serious head injury.

(9) When a (~~(boxer)~~) contestant has been knocked out, none of (~~(his)~~) the handlers are to touch (~~(him)~~) the contestant, except to remove (~~(his rubber mouth protector)~~) the mouthpiece until the attending physician enters the ring and personally attends the fallen (~~(boxer)~~) contestant, and issues such instructions as (~~(he sees fit)~~) deemed necessary to the (~~(boxer's)~~) contestant's handlers.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-250 Managers. (1) Managers must not sign a contract for the appearance of any (~~(boxer)~~) contestant with whom (~~(he has not a)~~) no written contract is on file with the (~~(commission)~~) department. Contracts between boxer and manager must be on a contract form (~~(approved by and)~~) furnished or approved by the (~~(commission, except that any particular contract form not furnished by the commission may be approved by the commission as a whole)~~) department. A contract between a manager and a boxer on file with the (~~(commission)~~) department will be recognized until such time as a court of competent jurisdiction determines it to be of no further force and effect.

(2) Managers must not attempt to select or insist upon the selection of any designated referee in a bout in which a boxer under his or her management is to appear and shall not have the name of such referee written into the official contract.

(3) Managers who act as seconds for their own boxers, exclusively, are not required to take out a second's license.

(4) Contracts between manager and boxer are not transferable except with approval and consent of the (~~(commission)~~) department and may be voided by the (~~(commission)~~) department for cause. (~~(In case of a minor, the contract must be executed by his a proper legal guardian. To settle dispute, a birth certificate may be required.)~~)

(5) All contracts between manager and boxer must be in writing and signed in triplicate, the original filed with the (~~(commission)~~) department for approval. Contracts must state the division of the boxer's earnings, which in no case shall allow the manager more than 33-1/3 percent of the boxer's purse, exclusive of amounts owed by the boxer to the manager under subsection (15) of this section.

(6) No assignment of any part or parts of a boxer's or a manager's interest in a contract can be made without the written approval and consent of the (~~(commission)~~) department.

(7) No manager shall be allowed to contract for the services of a boxer under his or her management for a match to take place on a date after the expiration of the contract between the boxer and the manager.

(8) Any boxer not under contract to a manager can make his or her own matches, sign contracts and need not apply for a manager's license to handle his or her own affairs.

(9) In cases where boxers sign contracts with managers the boxer's share of any purse which he or she may earn will not be less than 66-2/3 percent, exclusive of amounts owed to the manager under subsection (15) of this section.

(10) If a manager shall fail to make application for a license he or she shall forfeit all rights to boxers on whom he or she has filed contracts in this state and the boxer shall be free to sign contracts with other licensed managers. Managers must file contracts on all boxers under their management.

(11) If a manager is doing business for a boxer not signed to a contract, such boxer must personally sign all contracts for appearances for licensed promoters and (~~(his)~~) the signature must be properly witnessed.

(12) No boxer can have more than one manager without the express approval of the (~~(commission)~~) department.

(13) No contract shall be approved between a manager and a boxer for a period exceeding five years.

(14) All disputes between the parties of a boxer/manager contract, including the validity of the contract, shall be handled as a civil matter.

(15) Any manager who advances or loans any money to any boxer or incurs indebtedness on behalf of any boxer shall furnish a statement to the boxer. This statement shall be specific and shall set forth as to each transaction or item at least the following information: The amount of money involved, the date that the indebtedness occurred, the purpose of the indebtedness, and the name of the person to whom the debt is owed.

The manager shall obtain the boxer's signature and date of signature on each accounting, within fourteen days of the loan or obligation being incurred.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-260 Seconds. (1) Seconds and managers acting as seconds must be neatly attired when in the ring.

(2) A second holding only a second's license shall not attempt to act as a manager, or assist in any way in procuring matches, or take a share of the (~~(boxer's)~~) contestant's earnings. If found guilty of such actions he or she shall be suspended.

(3) Seconds shall not be more than three in number, including "house assistant second."

(4) A second shall not excessively coach a (~~(boxer)~~) contestant during a round and shall remain seated and silent when so directed by the (~~(commission)~~) department inspector on duty.

(5) Before a (~~(bout)~~) contest, the referee shall be informed of the identity of the chief second.

(6) Fans may be used between rounds, but swinging of towels is prohibited.

(7) Seconds shall not enter a ring until the bell indicates the end of a round. They shall leave the ring at the sound of the timekeeper's whistle ten seconds before a round is to begin, promptly removing all ~~((obstructions, buckets, stools, etc., promptly))~~ items in the ring and ensuring that no items are left on the ring platform at the ~~((sounding-of))~~ time the bell ~~((or-gong))~~ sounds to start the round.

(8) Violations of the above rules may result in an indefinite suspension of the offenders by the ~~((commission))~~ department and disqualification of their ~~((principal))~~ boxer.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-270 Matchmakers. (1) Matchmakers must observe all of the rules and requirements with respect to weight agreement and weighing-in, and the proper execution and filing of contracts.

(2) Matchmakers will be held responsible by the ~~((commission))~~ department if they make matches in which one of the principals is outclassed. Persistent lack of judgment in this matter will be regarded as cause for canceling the license of the matchmaker and the promoter which he represents, for the protection of both the ~~((boxers))~~ contestants and the public.

(3) Managers are not allowed to have more than three boxers under their management appear in any one show. Matchmakers must rigidly enforce this rule.

(4) Any promoter or matchmaker found guilty of managing a boxer shall have his license suspended, and in the case of a promoter, his club license may be revoked.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-280 Timekeeper. (1) The timekeeper must be seated at ringside close to the ~~((gong or bell. He))~~ bell and shall indicate the beginning and ending of each round by striking the ~~((gong or))~~ bell with a hammer.

(2) ~~((He shall provide himself with))~~ The timekeeper shall have a whistle and an accurate stopwatch that ~~((shall have))~~ has been properly examined before it is used.

(3) Ten seconds before the beginning of each round the timekeeper shall give a warning to the seconds of the contestants by blowing the whistle.

(4) In the event of a contest terminating before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) The timekeeper's procedure in the case of a knock-down is detailed in WAC 36-12-140(4) and 36-12-150.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-290 Announcer. (1) After contestants and their chief seconds are in the ring the announcer shall announce the names of the contestants, their correct weights, and other matters as may be directed by the ~~((commission))~~ department, inspector, or the promoter. Promoters shall provide the announcement of rounds. The announcer shall announce the decisions.

(2) All substitutions of contestants or changes in any boxing program shall be announced to the audience by the announcer before the first boxing contest.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-300 Judges. (1) The ~~((commission))~~ department inspector in charge at all boxing shows shall, before the start of each ~~((bout))~~ contest, give the judges a regulation scorecard. Judges shall score each round of the ~~((bout))~~ contest on this card and sign it at the conclusion of the contest.

(2) Judges shall score all contests and determine the winner through the use of the ten point must system. In this system the winner of each round receives ten points and the opponent a proportionately less number. If the round is even, each boxer receives ten points. No fraction of points may be given.

(3) The majority opinion on the judges~~(('s))~~ scorecards shall be conclusive and if there is no majority then the decision shall be a draw.

(4) At the termination of each contest, the referee will pick up and deliver the scorecards to a ~~((commission))~~ department representative. When the ~~((commission))~~ department representative has verified the results of the contest, the ring announcer shall be informed of the decision and shall announce the decision.

(5) The ~~((commission))~~ department inspector will deliver or mail all scorecards with the rest of ~~((his))~~ the reports to the ~~((commission))~~ department office.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-310 ~~((Commission))~~ Department physician. (1) Within ~~((eight))~~ twenty-four hours of entering the ring each contestant must be given a thorough physical examination by a physician who has been appointed by the ~~((commission))~~ department. Medical equipment to be utilized for the examination should consist of but not be limited to a blood pressure cuff, otoscope, ophthalmoscope, penlight, reflex hammer, stethoscope, thermometer, and tongue depressors.

(2) Should the boxer examined prove unfit for competition, through physical injury, faulty heart action, the presence of any infection or contagious disease, or any weakness or disability discovered by the examining physician, said boxer shall be rejected and barred from contest. This decision must be reported immediately to the promoter and the ~~((commission))~~ department inspector.

(3) The physician shall certify to the inspector in writing ~~((over his signature))~~ that the contestants passed ~~((by him))~~ are in good physical condition to engage in the contest, and shall ~~((give his))~~ provide the written report on the ~~((boxers))~~ contestants to the ~~((commission))~~ department inspector.

(4) The physician shall be in attendance at the ringside during all the contests and shall be prepared to assist should any serious emergency arise. The ~~((commission))~~ department physician at ringside will have the authority to stop a fight when he or she considers a boxer badly injured or in no shape to continue. Whenever a fight is stopped between rounds by the physician or otherwise because of injuries, the

opponent shall be credited with a TKO for the round just concluded. No ~~((bout))~~ contest shall be allowed to proceed unless the physician is ~~((in his seat))~~ at ringside.

(5) The ~~((commission))~~ department physician shall have a suitable place or room in which to make the examinations. Physicians, other than those licensed by the ~~((commission))~~ department shall not be allowed in the dressing room of any boxer before a ~~((bout))~~ contest.

(6) A boxer rejected by a ~~((commission))~~ department physician for disability will be placed on the suspended list until it is shown that such disability no longer exists.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-320 ~~((Regarding))~~ Suspensions. (1) Promoters and their matchmakers will not permit any person under suspension to take any part whatsoever, as a participant or in arranging or conducting matches or exhibitions, during the period of suspension.

(2) Every person ~~((debarred))~~ whose license has been revoked or suspended by the ~~((commission shall refrain from participating))~~ department shall not participate in any detail of matchmaking or ~~((holding bouts))~~ boxing promotion during such ~~((disbarment))~~ revocation or suspension.

(3) Any person holding a license ~~((under this commission))~~ from the department who has been suspended for using dishonest methods to affect the outcome of any contest, or for any conduct reflecting serious discredit upon the sport of boxing shall not be eligible for reinstatement.

(4) Any manager under temporary suspension shall be considered to have forfeited for the duration of ~~((his))~~ suspension all rights in this state held under the terms of any contract with a licensed boxer. Any attempt by a suspended manager to exercise such contract right shall make the suspension permanent, and a boxer who continues any of the contract relations with a suspended manager shall be indefinitely suspended.

(5) Any person holding a license ~~((under the commission))~~ from the department may be suspended for violations of the law ~~((or the))~~ rules, ~~((or for arrest))~~ or conviction ~~((on a charge))~~ of a crime involving moral turpitude, dishonesty, or corruption.

(6) A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing his or her own contract for matches. No payment of a boxer's earnings may be made by any licensed promoter to a manager under suspension, or to his or her agent, but the purse in full shall be paid to the boxer.

(7) Revocation of a manager's license ~~((or permanent suspension of a manager))~~ shall automatically cancel all ~~((of his))~~ the manager's contract rights in this state under any ~~((and all))~~ contracts with boxers made under authority of this ~~((commission))~~ department.

(8) In case of such revocation ~~((or permanent suspension))~~ the boxers are at liberty to operate independently and make their own matches, or to enter into contracts with other managers licensed by the ~~((commission))~~ department and in good standing.

(9) Following the knockout or technical knockout of a boxer, that boxer shall have his or her license to box suspended for a minimum period of thirty days for a TKO

and sixty days for a KO. Boxers will not be permitted to engage in any contact boxing during this period without approval of the ~~((commission))~~ department.

This suspension is to take effect immediately following the knockout or technical knockout. If the ~~((commission))~~ department feels that this suspension is not sufficient they may impose a longer period or the suspension may be for an indefinite period pending the outcome of a physical examination.

Any contestant who has lost six consecutive fights ~~((will be automatically suspended and cannot be reinstated until he has submitted))~~ shall submit to a complete medical examination ~~((, which will also include a neurological examination))~~ and any subsequent testing deemed necessary by a physician prior to their next bout.

(10) If at any time a boxer's ability to perform is questionable, whether for reasons of health, mental condition, or no longer possessing the ability to compete or for any other reason, the ~~((commission))~~ department may, upon being satisfied of the boxer's lack of ability to perform, retire the boxer from further competition.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-330 Contracts. (1) All contracts between promoters and boxers or their managers must be on the official forms supplied by the ~~((commission))~~ department. The original copy for the ~~((commission must))~~ department should be filed at the ~~((commission))~~ department office at least five days before the ~~((bout))~~ contest.

(2) All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of ~~((bouts))~~ contests, dates and names of opponents must be a part of the agreement and a separate contract signed for each ~~((bout))~~ contest. Each contract shall be accompanied by an affidavit, signed by the boxer or manager and properly attested, giving an accurate account of his or her ring record. Such affidavit shall be in a form and style prescribed by the ~~((commission))~~ department.

(3) ~~((All papers filed with the commission, shall be the property of the commission.))~~

~~((4))~~ No verbal agreement or written agreement other than the contract on the official contract form, and no "blanket contract" or option on a boxer's services will be recognized by the ~~((commission))~~ department. Such options and contracts are expressly prohibited.

~~((5))~~ (4) All contracts shall be paid in full according to their ~~((contracts))~~ terms, and no part or percentage of their remuneration may be withheld except by the order of the ~~((commission or its referee))~~ department, nor shall any part thereof be returned through arrangement with the boxer and his or her manager, to any matchmaker or promoter official.

~~((6 As a matter of record))~~ (5) All communications to the ~~((commission))~~ department regarding contracts, ~~((or))~~ violations or threatened violations ~~((thereof))~~, must be ~~((made in writing or by telegraph to the commission through its nearest chief inspector, and rulings of the chief inspector or the commission must be made only in writing or by telegraph))~~ written.

~~((7))~~ (6) If, through inclement weather ~~((in case of an outdoor show))~~, or other happening not within the control

of the promoter, a postponement becomes necessary, the ~~((commission))~~ department may grant an extension of the contracts ~~((and set a new date, and the action of the commission shall be binding upon all parties to the contracts))~~.

A small advance ticket sale shall not be regarded as a legitimate reason for a postponement or cancellation.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-340 Payment of contestants. (1) All payments of purses shall be made through the ~~((commission's))~~ department's inspector. Payments shall be made immediately after the contest or exhibition, or in case of a percentage contract, as soon as the percentage can be determined, but not later than seventy-two hours from the conclusion of the event.

The promoter's authorized representative shall deliver to the inspector, the checks made out by the promoter to the parties entitled to payment as follows:

If the contestant has no manager legally entitled to represent him, the check shall be made payable to the contestant in the full amount due him or her under ~~((his))~~ the signed contract with the promoter.

If the contestant has a manager the promoter shall provide a check made out by the promoter to the manager for the full contract amount. After receipt of payment the manager is then responsible for paying the purse share of 66-2/3 percent to ~~((his))~~ the boxer, excepting money owed to the manager pursuant to WAC 36-12-250(15).

The inspector shall deliver each check to the person it is made out to, and shall obtain a signed receipt for payment received on the printed form provided by the ~~((commission))~~ department. This receipt shall be mailed or delivered by the inspector to the ~~((commission))~~ department office along with the other required event reports.

(2) Should any promoter's check be protested, claim shall be made for the amount of the check upon the surety company, as provided in RCW 67.08.030.

Promoters will hold all endorsed payment checks for inspection at the ~~((commission's))~~ department's order.

~~((In the event the referee fails to render a decision at the termination of any bout, the promoter shall deliver payment checks covering such bout to the commission.))~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-350 Tickets. ~~((1) Promoters may use only tickets approved by the commission. The promoter shall provide to the commission before each event, a sworn inventory from the printer of all tickets printed showing number and prices, including any over prints, changes, or extras.~~

~~(2) No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.~~

~~(3) All tickets shall have the price and name of promoter and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.~~

~~(4) No ticket shall be sold except at the price printed on it.~~

~~(5) Tickets of different prices shall be printed in different colors on cardboard or heavy paper.~~

~~(6) No person shall be admitted to any boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.~~

~~(7) Complimentary tickets or passes shall be limited to two percent of the total tickets sold. All tickets exceeding this amount shall be subject to tax under RCW 67.08.050(2).~~

~~(8) Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.~~

~~(9) Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.~~

~~(10) The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.~~

~~(11)) Whenever an exhibition or contest is held, an authorized representative of the licensed promoter holding such event shall, in addition to the written report required by the ~~((commission))~~ department, give an accounting to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused. The inspector ~~((with))~~ may examine all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will then make a formal report to the ~~((commission by mail immediately))~~ department upon the completion of such examination. Any fraud on the part of the promoter's representative will be deemed the act of the promoter.~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-360 Promoters. All promoters must be licensed to promote boxing in the state of Washington. A license certificate is issued when a promoter's application has been approved by the ~~((commission))~~ department and a bond has been obtained and approved. Medical insurance must be obtained before any scheduled event takes place. (See RCW 67.08.030 and 67.08.040.)

(1) All boxing contests must be approved by the ~~((commission))~~ department. No promoter may release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties and the contest approved by the ~~((commission))~~ department.

(2) The grounds for denial or cancellation by the ~~((commission))~~ department for a boxing contest are as follows:

(a) The failure of the promoter or any person connected with the promotion and under the jurisdiction of the ~~((commission))~~ department to comply with any statute or rule regulating boxing in Washington.

(b) The contest would tend to be a mismatch based on the record, experience, skill, and condition of the contestants.

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(c) The contestants have not completed licensing requirements within the seventy-two hour time frame set by the ~~((commission))~~ department.

(d) The ~~((commission))~~ department does not have adequate staff to enforce the statutes and rules regulating boxing enacted and adopted to protect the health, safety, and welfare of the participants and consumers and guarantee the collection of revenue due to the state from the contest and all ancillary rights incidental thereto.

(3) Promoters will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(4) Promoters shall not schedule less than twenty-six rounds of boxing, nor more than forty rounds, for any one program except with the approval of the ~~((commission))~~ department. An emergency bout shall be provided in the event an arranged card breaks down and if it is necessary to put on another bout.

(5) Advance notices for all boxing shows must be in the office of the ~~((commission))~~ department seven days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the promoter for an emergency bout.

(6) Notice of any change in announced or advertised programs for any contest must be filed immediately with the ~~((commission))~~ department and the press. Notice of such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if the tickets or ticket stubs are presented at the box office at once. The box office must remain open a reasonable time to redeem such tickets.

(7) Substitutions will not be permitted in any ~~((bout))~~ contest unless ~~((more than twenty four hours before weighing in time of the day of the contest, and then will be permitted only when))~~ the substitute has been approved by the ~~((commission))~~ department.

(8) No intermission shall exceed a period of ~~((ten))~~ twenty minutes at any boxing show.

The time allowed for putting gloves on main event boxers within the ring, shall not exceed five minutes.

(9) No promoter, or club, or member, stockholder, or official of a club shall be permitted to act directly or indirectly as a manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.

(10) Every promoter must provide a suitable room or place and a scale for the examination of contestants by the ~~((commission))~~ department physician. The promoter must furnish ice bags, a stretcher, and a blanket at each boxing show, to be in readiness in the event same will be deemed necessary by the ~~((commission))~~ department physician. The promoter shall also ensure that the department physician is provided with emergency medical equipment at ringside. The equipment shall consist of but not be limited to airways, nonsurgical rubber gloves, sterile 4 x 4 gauze pads, and tongue depressors.

(11) Copies of all boxing contracts must be filed with the ~~((commission))~~ department. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

(12) Any promoter doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

~~((13))~~ ~~((Requests for charity shows must be referred to the commission.))~~

~~((14))~~ ~~((No soliciting of any kind by any individual, or organization shall be allowed in any boxing arena without the approval of the commission.))~~

~~((15))~~ All drinks shall be dispensed only in plastic or paper cups. Violations of this rule may result in the suspension or revocation of the offending promoter's license.

~~((16))~~ (14) Promoters must provide adequate security as approved by the ~~((commission))~~ department.

~~((17))~~ (15) A promoter shall not employ any unlicensed second, boxer, matchmaker, or announcer.

~~((18))~~ (16) No admission can be charged where boxers are training except with the approval of the ~~((commission))~~ department. When an admission fee is charged it shall be considered by the ~~((commission))~~ department as a charge for the privilege of seeing an exhibition of boxing, and the promoter or person making the charge for admission shall furnish the ~~((commission))~~ department with a certified written report, detailing the number of admissions and the total amount of money taken in, within seventy-two hours thereafter. The state tax of five percent on such gross receipts, exclusive of any federal taxes paid thereon shall be forwarded to the ~~((commission))~~ department with the report.

~~((19))~~ (17) The ~~((commission))~~ department requires that whenever any person, licensed by the ~~((commission))~~ department is approached with a request or suggestion that a sham or collusive contest be entered into or that the contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the ~~((commission))~~ department.

~~((20))~~ ~~((A commissioner, chief inspector, or any commission))~~ (18) Any department inspector supervising a contest or exhibition has the full power of the ~~((commission))~~ department in enforcing the rules and regulations of the ~~((commission))~~ department.

NEW SECTION

WAC 36-12-363 Miscellaneous provisions. (1) **Buildings.** Any building or facility where boxing events are held must meet state and local fire and safety requirements.

(2) **Discrimination.** Discrimination against any participant in regard to sex, race, color, creed or national origin shall be referred to the human rights commission.

(3) **Appeals.**

(a) Licensees may appeal any suspension or revocation to the department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the department office within twenty days from the date of the notice sent by the department.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-367 Participants. (1) Any person under the age of eighteen years old shall not be eligible for a license with the ~~((commission))~~ department.

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(2) All applications for a participant's license shall be in writing on a form furnished by the ~~((commission))~~ department. Any person who makes a false statement or misrepresents any information on an application may have his license denied or revoked by the ~~((commission))~~ department.

(3) All applicants for a participant's license shall be found after examination by a physician to be physically and mentally fit to participate in a wrestling show or exhibition.

(4) Upon application for a participant's license, all applicants shall pay a fee in the amount of fifteen dollars.

(5) Two small photos are required and must be provided to the ~~((commission))~~ department before a license can be issued.

(6) All licenses are valid from the time of issuance until the expiration of the licensing year. July 1st is the beginning of each license year.

(7) No licensed promoter is eligible for a participant's license.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-385 ~~((Commission))~~ Department inspector. (1) A ~~((commission))~~ department inspector shall attend all wrestling events scheduled. He will make sure all participants are properly licensed and that all laws, rules, and regulations are enforced.

(2) The inspector shall forward all reports and the gross revenue tax due from each event to the ~~((commission))~~ department office.

(3) ~~((In accordance with the law,))~~ Each inspector shall receive for each event officially attended, a fee not to exceed ~~((one))~~ two percent of the net gate of each event up to a maximum of ~~((three))~~ four hundred dollars and a minimum of ~~((twenty-five))~~ thirty-five dollars which shall be paid by the promoter.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-400 Timekeepers and announcers. Timekeepers and announcers will be provided by the promoter and must be licensed with the ~~((commission))~~ department. A completed application and two small photos are the licensing requirements for such license.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-410 Matches. (1) The promoter shall furnish the ~~((commission))~~ department with an advance notice, giving the names of the participants to be used prior to each event.

(2) ~~((Under no circumstances shall any))~~ Participants shall not engage another participant in any conduct outside of the ring which may endanger a spectator. Any wrestlers involved in this action will be suspended immediately for a period of time set by the ~~((commission))~~ department.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-415 Tickets. (1) Tickets must be printed and consecutively numbered.

(2) A ticket manifest must be provided to the ~~((commission))~~ department upon request.

~~((3)) All tickets must have prior approval by the~~ ~~commission~~

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-425 Contracts. Any contract or agreement between a participant and a promoter shall be in writing, signed by all parties, and made available to the ~~((commission))~~ department upon request.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-435 Records. Promoters shall maintain a full, true, and accurate set of books of account and other records of receipts and disbursements in connection with all shows or exhibitions, and the records shall be open for inspection and audit by representatives of the ~~((commission))~~ department for a period of six months after each event or exhibition.

AMENDATORY SECTION (Amending WSR 91-11-038, filed 5/10/91, effective 6/10/91)

WAC 36-12-450 Miscellaneous provisions. (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a ~~((commission))~~ department official shall be disqualified and subject to disciplinary action.

(2) Duties of licensees.

It shall be the duty of the promoter, his agents, employees, and the participants in any wrestling show or exhibition to maintain peace, order, and decency in the conduct of any show or exhibition. There shall be no abuse of a ~~((commission))~~ department official at any time. Foul and profane language by participants is prohibited.

(3) Responsibility of promoter.

(a) Each promoter shall be directly responsible to the ~~((commission))~~ department for the conduct of its employees and any violation of the laws, rules, or regulations of the ~~((commission))~~ department by any employee of a promoter shall be deemed to be a violation by the promoter.

(b) Promoters are responsible for any violations of the law or ~~((commission))~~ department rules by their participants.

(4) Postponement or cancellation.

A small advance sale of tickets shall not be regarded as a legitimate reason for a postponement or cancellation. Indoor wrestling shows or exhibitions shall not be ~~((cancelled))~~ cancelled for any reason except with the approval of the ~~((commission))~~ department.

(5) Discrimination.

~~((There shall be no))~~ Discrimination against any participant in regard to sex, race, color, ~~((or))~~ or

national origin shall be referred to the human rights commission.

(6) Appeals.

(a) Licensees may appeal any suspension(~~(r)~~) or revocation(~~(-or fine)~~) to the (~~(commission)~~) department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the (~~(commission)~~) department office within twenty days from the date of the notice sent by the (~~(commission)~~) department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 36-12-180 Chief inspectors.

**WSR 97-01-043
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed December 11, 1996, 12:40 p.m.]

Date of Adoption: December 11, 1996.

Purpose: This rule change brings Washington state into compliance with federal AFDC rules. Title IV-A of the Social Security Act and 45 CFR 233.100 (a)(3)(iv) include "quarter of coverage" as part of the work quarters definition for AFDC-E qualifying parents.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1385 Deprivation—Unemployment—Work quarters.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Adopted under notice filed as WSR 96-22-068 on November 4, 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 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 1, repealed 0.

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

December 11, 1996

Merry A. Kogut, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1385 Deprivation—Unemployment—Work quarters. The qualifying parent shall have one of the following:

(1) Six or more quarters of work within any thirteen calendar quarter period ending within one year before the application for assistance.

(a) A "quarter of work" means a calendar quarter in which the parent earned or received earned income of fifty dollars or more, or which is a "quarter of coverage" under Social Security Administration criteria, or participated in the OPPORTUNITIES program; FIP related education, training, or employment services; or JOBS program.

(b) A "calendar quarter" means three consecutive months ending March 31, June 30, September 30, or December 31.

(2) Receipt of or eligibility for unemployment compensation within one year of application for assistance.

**WSR 97-01-047
PERMANENT RULES
STATE BOARD OF EDUCATION**

[Filed December 12, 1996, 10:56 a.m.]

Date of Adoption: November 22, 1996.

Purpose: To make additional technical modifications necessary to implement chapter 321, Laws of 1996.

Citation of Existing Rules Affected by this Order: Amending WAC 180-40-245 and 180-40-260.

Statutory Authority for Adoption: RCW 28A.305.160.

Other Authority: Chapter 321, Laws of 1996.

Adopted under notice filed as WSR 96-20-102 on October 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 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.

December 12, 1996

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-40-245 Short-term suspension—Conditions and limitations. A short-term suspension may be imposed upon a student for violation of school district

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rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC 180-40-250, and the grievance procedures set forth in WAC 180-40-255:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s)

or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ~~(five)~~ ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-40-260 Long-term suspension—Conditions and limitations. A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a

consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socio economic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to ~~((short-term and))~~ long-term suspension ~~((s for more than a total of ten school days during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student))~~.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

WSR 97-01-049
PERMANENT RULES
SKAGIT VALLEY COLLEGE
 [Filed December 12, 1996, 11:00 a.m.]

Date of Adoption: December 9, 1996.

Purpose: Adopting WAC 132D-120-055 Antihazing policy.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 96-21-117 on October 22, 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 1, 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.

December 10, 1996
 Dr. Brinton Sprague
 Vice-President
 Educational Services

associate dean for student programs. Appeals are to be addressed to the dean of admissions and registration.

NEW SECTION

WAC 132D-120-055 Antihazing. Skagit Valley College prohibits student organizations and their members from engaging individually or collectively in hazing activities.

(1) Definition. Hazing is defined as any method of initiation into a student organization or living group or any pastime or amusement engaged in, with respect to such an organization or living group, that causes or is likely to cause bodily danger or physical harm or serious mental or emotional harm to any student or other person attending any institution of higher education. "Hazing" does not include customary athletic events or other similar contests or competitions.

(2) Activity. Hazing activity may include one or more of the following:

(a) Activities that expose individuals to embarrassment, abuse, ridicule or humiliation;

(b) Activities which have no meaningful relationship to the objectives of the organization;

(c) Activities that abuse the trust an organization is striving to build between its members and prospective members;

(d) Activities which interfere with academic pursuits or normal life functions.

(3) Examples. Examples of prohibited activities include pressure to swallow uncommon/common substances, forced consumption of alcohol or drugs, excessive exercise, physical or verbal abuse, personal humiliation, embarrassment, and sleep or sensory deprivation.

(4) Disciplinary action. Student organizations whose members participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary actions in accordance with Student Rights and Responsibilities (WAC 132-120). Disciplinary actions for individuals of student organizations or living groups participating in hazing activities may include forfeiture of any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college. Disciplinary action for student organizations or living groups may include deprivation of official recognition or approval granted by the college. Hazing violations are also misdemeanors punishable under state criminal law, according to RCW 9A.20.021.

(5) Impermissible conduct not amounting to hazing:

(a) associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated;

(b) may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse;

(c) is subject to any sanctions available under the student code of conduct, depending upon the seriousness of the violation.

(6) Complaints and appeals. Initial questions or complaints regarding hazing are to be directed to the

WSR 97-01-063
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed December 13, 1996, 10:28 a.m., effective December 14, 1996]

Date of Adoption: December 13, 1996.

Purpose: The purpose of this rule is to provide guidance for the safe enjoyment of skating activities on the state capitol campus without interfering with pedestrian and vehicular traffic or state business and to prevent physical damage to campus buildings, architectural elements, and monuments.

Citation of Existing Rules Affected by this Order: Amending chapter 236-12 WAC, which is amended by the addition of three new rules.

Statutory Authority for Adoption: RCW 46.08.150.

Adopted under notice filed as WSR 96-21-115 on October 22, 1996.

Changes Other than Editing from Proposed to Adopted Version: In new section WAC 236-12-18004, the citation of WAC 236-12-015(7) defining capitol campus has been removed. Citation of WAC 236-12-18005, defining "skating" for the new rule has been added. This is a corrective and clarifying edit.

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 3, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Under RCW 35.04.380, this rule is found to be necessary for the protection of public safety and welfare from imminent peril.

Finding: The immediate implementation of this rule is necessary to protect public health, safety, general welfare, and state assets from the imminent peril of injury and destruction due to unsafe skating activities.

In-line skating on the state capitol campus in the areas prohibited under the new rule, particularly parking garages, stairs, and ramps, is extremely hazardous to skaters as well as to pedestrian and vehicular traffic.

Skaters are jumping and skating backwards down the steps of the legislative building, and in the evenings, "hitching" rides by hanging onto the rear bumpers of moving vehicles on campus.

Pedestrians at the state library and other buildings popular with skaters (including the legislative, Cherberg, and O'Brien buildings) have complained of near collisions with skaters.

There has been one vehicle-skater collision in a parking garage in which the skater was seriously injured.

In-line skating on the state capitol campus in the areas prohibited under the new rule, particularly stairs, ramparts, monuments, and railings, is causing physical damage to these structures that is costly to repair, unsightly, and can render them, especially stair footings, unsafe for pedestrians.

Skaters are in the habit of waxing the edges of stone stair treads, ramps, and monuments to make them smooth and slippery. This creates an extremely unsafe situation for pedestrians using stairs. The wax discolors the stone and is very difficult to remove.

Skaters wax the marble edges and face of the Korean Veterans' War Memorial and skate down this monument. This is causing chipping in addition to the damage from the wax.

Waxed edges on steps, railing, and monuments all over campus are evidence of the continuing popularity of this destructive activity.

The state does not have any rules in effect regarding skating and is at high risk of being held liable for any accidents that may occur. The state must take immediate action to responsibly protect users of the campus as well as campus facilities from the imminent risk of injury.

Therefore, this rule will become effective immediately upon filing with the Office of the Code Reviser. In enforcing this new rule, the Washington State Patrol will make reasonable efforts to make the effective date known to persons who may be affected by it.

Effective Date of Rule: December 14, 1996.

December 13, 1996

John Franklin
Director

SKATING ON STATE CAPITOL GROUNDS

NEW SECTION

WAC 236-12-18003 Skating prohibited. Skating is only permitted on the state capitol grounds on streets and sidewalks as long as the skating activity does not interfere in any manner with efforts to conduct state business or pedestrian and vehicle traffic. Skating, as defined in WAC 236-12-18005, is specifically prohibited on stairs, curbs, walls, raised structural elevations, monuments, parking garages, ramps, railings and any structure or part thereof.

Skating activities taking place during the hours of darkness require the skater to wear reflective-type clothing.

NEW SECTION

WAC 236-12-18005 Definitions. (1) "Skating" refers to rollerblades, in-line skates and rollerskates.

(2) "Rollerblades/in-line skates" are defined as skates having rollers or wheels that are in line, generally consisting of four wheels.

(3) "Rollerskates" are generally defined as skates having four wheels, dual wheels in front and dual wheels in the rear.

(4) "Hours of darkness" is defined as the hours between sunset and sunrise.

NEW SECTION

WAC 236-12-18007 Violation—Penalty. Violation of WAC 236-12-18003 shall constitute a traffic infraction which is subject to the jurisdiction of Thurston County district court. Violations shall be ticketed by the Washington state patrol. The fine for violating WAC 236-12-18003 shall be twenty-five dollars.

WSR 97-01-065

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed December 13, 1996, 10:45 a.m.]

Date of Adoption: December 12, 1996.

Purpose: These rules pertain to labor relations, appeals, layoff and probationary/trial service periods.

Citation of Existing Rules Affected by this Order: Amending WAC 251-14-110, 251-06-070, 251-10-060, 251-11-110, 251-12-075, 251-12-080, 251-14-130, 251-19-050, and 251-19-060.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 96-22-084 on November 6, 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 0, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 9, 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 9, repealed 0.

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

December 13, 1996

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

WAC 251-14-110 Arbitration—Collective bargaining impasse—Grievance disputes. (1) When the director or designee is unable to resolve the collective bargaining impasse, the institution or the certified exclusive representative may submit such impasse to the board for arbitration. The board will hold a hearing at which the parties may submit evidence and argument in support of their respective positions. The decision of the board shall be final and binding.

(2) When the director or designee is unable to resolve a grievance dispute, the exclusive representative, employee

or employer may submit such dispute to the board for arbitration in accordance with WAC 251-14-130.

AMENDATORY SECTION (Amending WSR 90-02-052, filed 12/29/89, effective 2/1/90)

WAC 251-06-070 Allocation appeal~~((Higher education personnel board))~~. (1) The employee or employee representative may file a written appeal with the ~~((board))~~ director under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 251-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the board in determining the proper allocation of the position.

(2) ~~((Allocation appeals will be processed under the procedure provided in WAC 251-12-075 (1) or (2).))~~ The director shall investigate and issue a determination. Within thirty calendar days of the date of service of the director's determination, the employee, employee representative or institution may file written exceptions with the personnel appeals board as provided in Title 358 WAC.

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

WAC 251-10-060 Layoff lists—State-wide. (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: *Provided, That:*

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status; or

(ii) Lower class(es) in the same class series; or

(iii) Equivalent classes under the jurisdiction of the state department of personnel; or

(iv) Class(es) at the same or lower level as the class from which laid off and in which permanent status has not been held; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories, provided that, employees who have held permanent status in the class or in higher level classes in the series shall be certified prior to employees who have not held permanent status, and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be two years from the date of placement on the list.

(4) Referral from this list shall be on a rule of ~~((five))~~ seven.

(5) Employees appointed from this list shall be required to serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or the corresponding state agency department of personnel register. Failure to satisfactorily complete the trial service period shall not affect the employees' status on other state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Vacation leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

AMENDATORY SECTION (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

WAC 251-11-110 Presumption of resignation—Unauthorized absence. An employee may be presumed to have resigned his/her position when there has been an absence without authorized leave from the job for a period of three consecutive working days. Thereafter, a notice acknowledging the presumption of resignation shall be sent by certified mail to the last known address of the employee. Within seven calendar days after the date of service, the employee may petition the appointing authority in writing for reinstatement upon proof that the absence was involuntary or unavoidable. If a permanent employee petitions within the seven calendar days and is not reinstated, notification shall be given advising of the right to appeal to the ~~((higher education))~~ personnel appeals board ~~((per the provision of WAC 251-12-075))~~ as provided in Title 358 WAC.

AMENDATORY SECTION (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

WAC 251-12-075 Appeals from alleged violations of ~~((HEPB))~~ higher education personnel law or rules. Any employee, employee representative or appointing authority desiring to appeal an alleged violation of the higher education personnel law or rules adopted thereunder, may appeal such alleged violation ~~((to the board)).~~ ~~((Such))~~ ~~((#))~~ Appeals must be in writing and must be filed ~~((in the office of the director))~~ with the personnel appeals board as provided in Title 358 WAC within thirty calendar days after the effective date of the action appealed. ~~((The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:))~~

~~((1) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or))~~

~~((2) The director may investigate the case and based upon that investigation issue a determination. Within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may do one or more of the following:))~~

~~((a) Limit argument to the exceptions;))~~

~~((b) Request clarification of information upon which the director's determination was based;))~~

~~((c) Remand the case for further investigation;))~~

~~((d) Rehear the case in its entirety; or))~~

~~((3) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.))~~

AMENDATORY SECTION (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed ~~((in the office of the director))~~ with the personnel appeals board as provided in Title 358 WAC within thirty calendar days after the effective date of the action appealed.

AMENDATORY SECTION (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

WAC 251-14-130 Arbitration—Grievance—Procedure. Whenever arbitration of a grievance is requested of the personnel resources board pursuant to an agreement as authorized by WAC 251-14-060(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the specific issue(s) to be arbitrated.

(f) A statement of the relief sought.

(g) The signature and, if any, the title of the person filing the request for arbitration.

(h) A copy of the original grievance and the ~~((agency's))~~ institution's last written response to the grievance shall be attached to the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) The board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the hearings coordinator determines the request is incomplete, the person filing the request is notified of the portions which need to be supplemented or changed to comply with subsection (1) of this section. When the hearings coordinator determines that the request substantially complies with subsection (1) of this section, he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the board upon motion of the requesting party.

(4) After the request for arbitration is served on the opposing party(ies), the board or the board's designee may direct the parties or their representatives to engage in a prehearing conference(s) in accordance with WAC 251-12-232.

(5) The board's hearings coordinator shall schedule the arbitration for hearing pursuant to WAC 251-12-105.

(6) Within thirty calendar days from the date of service of the acknowledgment of the arbitration request, the respondent shall submit a written statement of issue(s) to be arbitrated. If no response is received, the petitioners' statement of issue(s) will be deemed to be the issue(s) at the arbitration hearing unless otherwise determined by the personnel resources board.

(7) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(8) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty calendar days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(9) The grievant shall have the burden of proof and go forward with the evidence.

(10) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(11) The provisions of chapter 251-12 WAC (Appeals) shall apply to the conduct of grievance arbitration hearings, except as otherwise provided in this section.

AMENDATORY SECTION (Amending WSR 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88)

WAC 251-19-050 Appointment—Probationary. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

- (a) Open-competitive or noncompetitive list.
- (b) Institution-wide layoff list - when the employee was in probationary status at the time of layoff.
- (c) State-wide layoff list.
- (d) Combined eligible list as provided in WAC 251-18-180(10) and 251-18-240 (3)(b)(ii) when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-19-110.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay and/or shared leave for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

- (a) The employee shall begin a probationary period in the new class;
- (b) The salary in the new class shall be established as provided in WAC 251-08-080;
- (c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

- (a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or
- (b) The class is lower in that same class series, or
- (c) The employee is being reallocated per the provisions of WAC 251-06-080 (1)(a), or
- (d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140(5).

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110.

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180 (3)(b).

(4) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(5) Reversion from trial service must be preceded by:

- (a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and
- (b) A reasonable opportunity to overcome identified deficiencies.

(6) An employee who is reverted may appeal to the board regarding:

- (a) Whether the employer complied with the requirements of subsection (5)(a) and (b) of this section; and
- (b) Whether the claimed deficiencies existed at the time of reversion.

(7) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

(8) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(9) Successful completion of the trial service period shall result in permanent status in the class.

(10) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

WSR 97-01-067

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 6009—Filed December 16, 1996, 8:56 a.m.]

Date of Adoption: December 15, 1996.

Purpose: To lay out rules for importation of animals to protect the animal health or public health of the state of Washington and to control or prevent the spread of brucellosis, tuberculosis and scrapie in cattle, goats and sheep within the state.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-082 and 16-86-015.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 96-16-080 on August 7, 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 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 0, repealed 0.

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

December 15, 1996

Jim Jesernig
Director

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested

for tuberculosis during the one hundred twenty to one hundred eighty-day period.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis (~~(calfood)~~) vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis (~~(calfood)~~) vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

~~(ii) ((Those cattle consigned directly to a federally inspected slaughter plant.~~

~~(iii))~~ Those cattle consigned directly to a restricted feedlot.

~~((iv))~~ (iii) Spayed heifers.

(c) Brucellosis (~~(calfood)~~) vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

~~(ii) ((Registered female beef cattle born before January 1, 1983, with age verification by registration papers.~~

~~(iii))~~ Cattle sold or consigned to a restricted feedlot.

~~((iv) Cattle sold or consigned to a federally inspected slaughter plant.~~

~~(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.~~

~~(vi))~~ (iii) Spayed heifers.

~~((vii))~~ (d) Cattle from a certified brucellosis free country (~~(where vaccination is prohibited by law: Provided, That))~~ may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, (~~(may))~~ issues a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from

known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

AMENDATORY SECTION (Amending Order 5032, filed 2/3/94, effective 3/6/94)

WAC 16-86-015 Washington cattle sale requirements. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfood vaccinates under twenty months of age and not parturient or post parturient.

(f) Official Washington or Canadian calfood vaccinates under thirty months of age as (~~(evidence))~~ evidenced by less than full development of the lower permanent second incisors. This exemption applies only to Washington resident cattle which bear an eartag showing a Washington vaccination (91 V series) or a Canadian vaccination certificate. Subdivision (e) of this subsection applies to all other female dairy breed cattle unless exempted by (a), (b), (c) or (d) of this subsection. Cattle exempted under this subsection may be tested if requested by a prospective buyer or to meet import requirements of another state or foreign country.

(2) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfood vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (b), (c), (d), or (e)(~~(-or-(f))~~) of this subsection.

~~(b) ((Registered female beef cattle born before January 1, 1983.~~

~~(e))~~ Cattle sold or consigned to a restricted feedlot.

~~((d)) (c) Cattle sold or consigned to a federally inspected slaughter plant.~~

~~((e)) (d) Cattle sold or consigned to a public livestock market for immediate slaughter only.~~

~~((f)) (e) Spayed heifers.~~

~~(3) ((Any dairy breed female cattle over eight months of age which are not exempted in subsection (2) of this section and which are found not to be vaccinated against brucellosis upon consignment to a public livestock market, shall be identified by branding with an "S" brand on the left hip prior to sale and released from the market. After "S" branding, the nonvaccinated cattle may be released by the director on a VS1-27 Form or other official permit to any of the following destinations:~~

~~(a) A restricted feedlot.~~

~~(b) A federally inspected slaughter plant.~~

~~(c) Another public livestock market for immediate slaughter only.~~

~~(d) Upon specific approval by the state veterinarian, nonvaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (a), (b), or (c) of this subsection.~~

~~(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.~~

~~(5)) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. ((Except)) These requirements:~~

~~(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)~~

~~(b) Steers and spayed heifers.~~

WSR 97-01-068

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 6010—Filed December 16, 1996, 9:00 a.m.]

Date of Adoption: December 15, 1996.

Purpose: To regulate the importation of animals into the state of Washington to protect animal health and public health.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-125.

Statutory Authority for Adoption: RCW 16.70.040.

Adopted under notice filed as WSR 96-16-079 on August 7, 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 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.

December 15, 1996

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

WAC 16-54-125 ((Skunks, foxes, and raccoons.))
Species prohibited by state health department. ((It shall be unlawful for any person, firm, or corporation to import or otherwise bring into the state of Washington any live skunk, fox, or raccoon, domestic or wild, without first securing a permit in writing from the director of agriculture, Olympia, Washington.)) WAC 246-100-191 (Animals, birds, pets—Measures to prevent human disease) prohibits certain species from being imported into Washington state except for exhibition by bona fide public or private zoological parks. The prohibited species and exempted entities are listed in WAC 246-100-191 (2)(a). Permits allowing importation to such entities may be issued by the director of the Washington state department of agriculture in consultation with the secretary of the Washington department of health.

WSR 97-01-070

PERMANENT RULES

PUGET SOUND AIR

POLLUTION CONTROL AGENCY

[Filed December 16, 1996, 4:05 p.m.]

Date of Adoption: December 12, 1996.

Purpose: Technical amendments to clarify sections of Regulations I and III.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 5.03, 6.04 and Regulation III, Sections 1.11, 2.01, 2.05.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-22-088 on November 6, 1996.

Changes Other than Editing from Proposed to Adopted Version: Amendments to Regulation I, Section 8.07 are being continued.

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.

December 13, 1996

John K. Anderson

Senior Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.03 REGISTRATION REQUIRED

(a) The registration requirements of this article do not apply to ~~((mobile sources))~~ motor vehicles; nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act; or to sources that require an operating permit under Article 7.

(b) It shall be unlawful for any person to cause or allow the operation of any source required to register under Section 5.03, unless it conforms to all the requirements of Article 5. Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.

- (1) Aerosol can-filling facilities;
- (2) Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
- (3) Agricultural drying and dehydrating operations;
- (4) Alumina processing;
- (5) Ammonium sulfate manufacturing plants;
- (6) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills) or AAA (New Residential Wood Heaters), applies;

(7) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (Asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;

(8) Any source that has elected to opt out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;

(9) Any source with the potential to emit any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

carbon monoxide	100
nitrogen oxides	40
sulfur dioxide	40
particulate matter (PM)	25
fine particulate matter (PM10)	15

volatile organic compounds (VOC)	40
lead	0.6
fluorides	3
sulfuric acid mist	7
hydrogen sulfide (H ₂ S)	10
total reduced sulfur (including H ₂ S)	10
(10) Asphalt and asphalt products production facilities;	
(11) Automobile or light-duty truck surface coating operations;	
(12) Baker's yeast manufacturing;	
(13) Brick and clay manufacturing plants, including tiles and ceramics;	
(14) Cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;	
(15) Chemical manufacturing plants;	
(16) Coal preparation plants;	
(17) Coffee roasting facilities;	
(18) Composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;	
(19) Concrete product manufacturers and ready-mix and premix concrete plants;	
(20) Crematoria or animal carcass incinerators;	
(21) Dry cleaning plants;	
(22) Ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;	
(23) Explosives production;	
(24) Flexible polyurethane foam production;	
(25) Flexible vinyl and urethane coating and printing operations;	
(26) Gasoline stations, bulk gasoline plants, and gasoline loading terminals;	
(27) Gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;	
(28) Glass manufacturing plants;	
(29) Grain, seed, animal feed, legume, and flour processing operations and handling facilities;	
(30) Ink manufacturers;	
(31) Landfills, active and inactive, including covers, gas collection systems, or flares;	
(32) Lead-acid battery manufacturing plants;	
(33) Lime manufacturing plants;	
(34) Metal casting facilities and foundries, ferrous and nonferrous;	
(35) Metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;	
(36) Metallurgical processing plants;	
(37) Mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;	
(38) Mineral wool production;	
(39) Mineralogical processing plants;	
(40) Municipal waste combustors;	
(41) Nitric acid plants;	
(42) Paper manufacturers, except Kraft and sulfite pulp mills;	
(43) Petroleum refineries;	

PERMANENT

- (44) Pharmaceuticals production;
- (45) Plastics and fiberglass product fabrication facilities;
- (46) Pneumatic materials conveying operations and industrial house-keeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;
- (47) Portland cement plants;
- (48) Primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;
- (49) Rendering plants;
- (50) Semiconductor manufacturing;
- (51) Shipbuilding and ship repair (surface coating);
- (52) Soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;
- (53) Sulfuric acid plants;
- (54) Surface-coating manufacturers;
- (55) Surface spray-coating operations, including automotive, metal, cans, pressure-sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates;
- (56) Synthetic fiber production facilities;
- (57) Synthetic organic chemical manufacturing industries;
- (58) Tire recapping facilities;
- (59) Vegetable oil production;
- (60) Wastewater treatment plants;
- (61) Wood treatment;
- (62) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I; or
- (63) Any source, including any listed above, that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES

A Notice of Construction and Application for Approval is incomplete until the Agency has received a plan examination fee as shown below:

Refuse Burning Equipment: (rated capacity)	
12 tons per day or less	\$5,000.00
greater than 12 tons per day but less than 250 tons per day	\$20,000.00
250 tons per day or greater	\$50,000.00
Storage Tanks: (gallons)	
less than 20,000	\$200.00
20,000 or more	\$500.00
Spray Painting Operation (per booth)	\$300.00
Gasoline Station	\$300.00
Dry Cleaner (per machine)	\$200.00
Landfill Gas System	\$1,000.00
Composting Facility	\$1,000.00
Soil Thermal Desorption Unit (initial)	\$2,000.00

Relocation of Approved Desorption Unit to New Address	\$700.00
Minor NOC Change not Involving a Change in Equipment	\$300.00
Relocation of Previously Permitted Portable Source to a New Address, except Soil Thermal Desorption Units	\$300.00
NOC Applicability Determination	\$100.00
Other (not classified above)	\$300.00
Additional Charges:	
SEPA Threshold Determination	\$100.00
Air Toxics Review (under Regulation III, Section 2.07 (c)(2))	\$500.00
Air Toxics Review (under Regulation III, Section 2.07 (c)(3))	\$5,000.00
Major Source, Major Modification, or Emission Increases greater than Prevention of Significant Deterioration Thresholds (see Regulation I, Section 6.07(d))	\$5,000.00
Opacity/Grain Loading Correlation (see Regulation I, Section 9.09(c))	\$5,000.00
Emissions Units Subject to an NSPS or NESHAP (except residential wood heaters, asbestos renovation or demolition, chromic acid anodizing, chromium electroplating, perchloroethylene dry cleaning, or cold solvent cleaners)	\$1,000.00
Public Notice (plus publication fees)	\$200.00

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AMENDATORY SECTION

REGULATION III SECTION 1.11 REPORTING REQUIREMENTS

(a) This section applies to all sources of toxic air contaminants ~~that~~ that (which) are subject to Article 5 or Article 7 of Regulation I.

(b) In addition to the reporting requirements of Article 5 or Article 7 of Regulation I, the owner or operator of an air contaminant source shall make reports to the Agency concerning the types and amounts of toxic air contaminants emitted and other relevant information needed to calculate such emissions.

(c) The owner or operator of an air contaminant source shall, upon request of the Agency, provide such existing or reasonably available information as necessary to assist the Agency to determine if the emissions of toxic air contaminants from the source may result in the exceedance of an ASIL contained in Appendix A of this Regulation III.

AMENDATORY SECTION

REGULATION III SECTION 2.01 APPLICABILITY

(a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:

- (1) Asbestos Removal Operations subject to Article 4 of Regulation III

(2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to Section 3.01 of Regulation III

(3) Solvent Metal Cleaners subject to Section 3.05 of Regulation III

(4) Perchloroethylene Dry Cleaners subject to Section 3.03 of Regulation III

(5) Petroleum Solvent Dry Cleaning Systems subject to Section 3.07 of Regulation II

(6) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II

(7) Graphic Arts Systems subject to Section 3.05 of Regulation II

(8) Can and Paper Coating Operations subject to Section 3.03 of Regulation II

(9) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II

(10) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II

(11) Coatings and Ink Manufacturing subject to Section 3.11 of Regulation II

(12) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III

(b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

AMENDATORY SECTION

REGULATION III SECTION 2.05 (~~REGISTERED~~) SOURCES OF TOXIC AIR CONTAMINANTS

(a) This section applies to all sources of toxic air contaminants that are subject to (~~required to be registered by~~) Article 5 or Article 7 of Regulation I, unless covered by specific rules referenced in Section 2.01 above.

(b) The Control Officer shall have the authority to conduct a screening evaluation of any source in accordance with Section 2.07 of this Regulation to determine if the toxic air contaminant emissions from the source would result in the exceedance of an ASIL contained in Appendix A of this Regulation III. The owner or operator of the source shall be informed of the results of any such screening evaluation.

(c) If, as a result of the screening evaluation conducted under (b) above, the Control Officer determines that the toxic air contaminant emissions from a source may result in the exceedance of an ASIL contained in Appendix A of this Regulation III, the Control Officer may issue an order requiring the owner or operator of the source to perform an analysis in accordance with Section 2.07 of this Regulation and may establish a schedule for submission of the analysis.

(d) It shall be unlawful for any person required to perform an analysis under (c) above, to cause or allow the continued operation of the source after the submission date established by the Control Officer, unless one of the following conditions is met:

(1) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL contained in Appendix A of this Regulation III; or

(2) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL

contained in Appendix A of this Regulation III after the installation of the Best Available Control Technology (BACT) and a compliance schedule for employing BACT is approved by the Control Officer; or

(3) BACT is employed on the source or a compliance schedule for employing BACT is approved by the Control Officer, and a risk analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not cause air pollution as defined in Section 1.07 of Regulation I.

WSR 97-01-079

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 17, 1996, 11:43 a.m., effective March 1, 1997]

Date of Adoption: December 17, 1996.

Purpose: Chapter 296-62 WAC, General occupational health standards, federal-initiated Occupational Safety and Health (OSHA) and Environmental Protection Agency (EPA) amendments relating to asbestos, as published in Federal Register Volume 59, Number 153, dated August 10, 1994, Federal Register Volume 60, Number 125, dated June 29, 1995, Federal Register Volume 60, Number 189, dated September 29, 1995; Federal Register Volume 60, Number 134, dated July 13, 1995; and Federal Register Volume 59, Number 23, dated February 3, 1994, are adopted. ESB 5397 (1995) also required the department adopt rules based on federal-initiated EPA amendments. These amendments have also been adopted.

Significant adopted amendments to the asbestos standard include:

- Incorporation of construction and shipyard work requirements to cover occupational exposures to asbestos in those industries.
- Reduction of the time-weighted permissible exposure limit to 0.1 fibers per cubic centimeter for all occupational exposures to asbestos in all industries.
- Creation of a classification scheme for asbestos construction and shipyard industry work which ties mandatory work practices to the work classification.
- Presumptive asbestos identification requirements for asbestos containing materials.
- Communication requirements for employers who conduct asbestos abatement work.
- Mandatory methods of control for brake and clutch repair.

Chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation, a federal-initiated Environmental Protection Agency (EPA) amendment relating to asbestos removal and encapsulation, as published in Federal Register Volume 59, Number 23, dated February 3, 1994, is adopted to add a reference to subsection (13) of WAC 296-65-015, Training course approval. This amendment makes asbestos supervisor and worker training requirements consistent with each other and with the federal standard.

Citation of Existing Rules Affected by this Order: Amending chapter 296-62 WAC, General occupational health standards, WAC 296-62-07701 Scope and application, 296-62-07703 Definitions, 296-62-07705 Permissible exposure

limits (PEL), 296-62-07706 Communication among employers, 296-62-07709 Exposure monitoring, 296-62-07711 Regulated areas, 296-62-07712 Requirements for asbestos removal, demolition, and renovation operations, 296-62-07713 Methods of compliance, 296-62-07715 Respiratory protection, 296-62-07717 Protective work clothing and equipment, 296-62-07719 Hygiene facilities and practices, 296-62-07721 Communication of hazards to employees, 296-62-07723 Housekeeping, 296-62-07725 Medical surveillance, 296-62-07727 Recordkeeping, 296-62-07733 Appendices, 296-62-07735 Appendix A—WISHA reference method—Mandatory, 296-62-07737 Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory, 296-62-07741, Appendix D—Medical questionnaires—Mandatory, 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory, 296-62-07747 Appendix G—Substance technical information for asbestos—Nonmandatory, 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory, 296-62-07751 Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations, 296-62-07753 Appendix J—Work practices and engineering controls for small scale, short duration asbestos renovation and maintenance activities, and chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation, WAC 296-65-015 Training course approval; and repealing chapter 296-62 WAC, General occupational health standards, WAC 296-62-07707 Identification and 296-62-07731 Dates.

Statutory Authority for Adoption: RCW 49.17.040, [49.17.]050, [49.17.]060.

Adopted under notice filed as WSR 96-18-114 on September 4, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-62-07703 Definitions.

- The words "as per WAC 296-155-775(9)" are added at the end of the definition of "demolition" for clarification.
- A reference is corrected from WAC 296-62-077 to 296-62-07701.
- Definition of competent person: In the last sentence, the word "involving" is added after the word "work." The corrected sentence reads, "For Class III and Class IV work involving less than 3 square feet or 3 linear feet ..."

WAC 296-62-07709 Exposure monitoring.

- The original words "those work" are reinstated to replace the proposed word "expected."
- WAC 296-62-07709 (3)(c)(iii): The words "this paragraph" are changed to "subsection (2)(c) of this section."
- Monitoring requirements in WAC 296-62-07709 (2)(d) are moved to 296-62-07709(3) which covers construction.

WAC 296-62-07711 Regulated areas.

- WAC 296-62-07711(8): The reference is changed from WAC 296-62-07729 to 296-62-07728.

WAC 296-62-07712 Requirements for asbestos removal, demolition, and renovation operations.

- WAC 296-62-07712 (2)(a) and (b): References to (10)(a) are corrected to (10)(b).
- WAC 296-62-07712 (6)(b): A reference is changed from WAC 296-62-07711 to 296-62-07709(3).
- WAC 296-62-07712 (7)(f)(i)(C): Change Room. The first two sentences are combined and modified to read, "A small change room made of 6-mil-thick polyethylene plastic should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his/her protective coveralls and remove them before leaving the work area."
- WAC 296-62-07712 (8)(b): The reference to (6)(b)(i) is corrected to (6)(b)(ii).
- WAC 296-62-07712 (9)(b): The reference to WAC 296-62-07711 is corrected to WAC 296-62-07709(3).
- WAC 296-62-07712 (10)(a): Two references are amended. The reference to WAC 296-62-07709 (3)(b) is corrected to WAC 296-62-07712 (9)(a)(ix) and the reference to WAC 296-62-07721 is corrected to WAC 296-62-07722.
- WAC 296-62-07712 (10)(c): The reference to (10)(a) is corrected to (10)(b).
- WAC 296-62-07712 (11)(c): A reference is changed from (7)(b) to (7).
- WAC 296-62-07712(12): A reference is changed from WAC 296-62-07721 to 296-62-07722.
- WAC 296-62-07712 (13)(b): A reference is changed from WAC 296-62-07721 to 296-62-07722.

WAC 296-62-07713 Methods of compliance.

- The section title is changed to "Methods of compliance for asbestos activities in general industry" to clarify which industries this section applies to.

WAC 296-62-07715 Respiratory protection.

- WAC 296-62-07715 (3)(a): The words "egress cartridge" are added after the words "HEPA filter" for clarification.
- WAC 296-62-07715 (3)(a)(ii): The exception note is moved. It is moved under WAC 296-62-07715 (3)(b) because it applies to both (a) and (b).
- WAC 296-62-07715 (3)(b): The beginning of the first sentence is modified to read, "For all Class I work excluded or not specified in (a)(i) and (ii) of this subsection, ..."
- WAC 296-62-07715 (3)(b), the phrase "or HEPA filter egress cartridge" after "... breathing cartridge" is added. Also the word "filter" is added after "HEPA" in the first sentence.
- WAC 296-62-07715 (5)(b): The second sentence is modified to read, "The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be constructed in accordance with WAC 296-62-07739, Appendix C." This change is made to be at-least-as-effective-as OSHA.

WAC 296-62-07721 Communication of hazards to employees.

- WAC 296-62-07721 (1)(a): The phrase "in WAC 296-62-077" is added after the sentence "... covered by asbestos construction work requirements."

- WAC 296-62-07721 (1)(c)(ii)(B): A reference to WAC 296-62-077 is corrected to WAC 296-62-07701.
- WAC 296-62-07721 (2)(a): A reference to WAC 296-62-07712 is corrected to WAC 296-62-07721(3).
- WAC 296-62-07721 (2)(b)(ii)(B): A reference to WAC 296-62-077 is corrected to WAC 296-62-07701.
- WAC 296-62-07721 (2)(c): An item (iii) is added and reads, "Upon written or oral request, a copy of the written report required in this section shall be made available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work."
- WAC 296-62-07721(8): The reference to WAC 296-62-07413 is corrected to WAC 296-62-05413.

WAC 296-62-07722 Employee information and training.

- WAC 296-62-07722(a): The reference to WAC 296-65-003(4) is changed to WAC 296-65-003.
- WAC 296-62-07722(3): This subsection is amended to read, "Training for employees performing Class I and Class II operations."
- WAC 296-62-07722 (4)(a): The beginning of this sentence is amended to read, "Training for employees performing Class III and IV operations ..."
- WAC 296-62-07722 (4)(b): The beginning of the first sentence is amended to read, "Training for Class III asbestos work exempted from certification requirements ..."
- WAC 296-62-07722 (4)(c): The beginning of the first sentence is amended to read, "Training for Class IV asbestos work exempted from certification requirements in chapter 296-65 WAC, safety standards for asbestos removal and encapsulation shall be ..."

WAC 296-62-07728 Competent person.

- WAC 296-62-07728 (4)(b)(ii): The beginning of the first sentence is amended to read, "For Class III and IV asbestos work involving less than three square feet or three linear feet of asbestos containing material, and asbestos work exempted from certification requirements in chapter 296-65 WAC, the competent person shall ..."

WAC 296-62-07735 Appendix A—WISHA reference method—Mandatory.

- The words "electronically conductive" are retained in WAC 296-62-07735 (1)(b).
- Air flow is changed from 0.5 liters per minute to 4.0 liters per minute.

WAC 296-62-07751 Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations.

- The reference to WAC 296-62-07709 (1)(a) is corrected to WAC 296-62-07709(3).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 2, amended 25, repealed 2; 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: March 1, 1997.

December 17, 1996

Mike Watson

for Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 96-05-056, filed 2/16/96, effective 4/1/96)

WAC 296-65-015 Training course approval. (1) Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. Approval shall be contingent on the sponsor's compliance, as applicable, with licensing requirements established by the state board of vocational education.

(2) Prior to receiving department approval, each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:

(a) Background information about course sponsors;

(b) Course locations and fees;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;

(f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors shall have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;

(g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods;

(i) Any restrictions on attendance (language, class size, affiliation, etc.);

(j) A list of any other states that currently approve the training course;

(k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and

(1) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials shall be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program
Department of Labor and
Industries
P.O. Box 44614
Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course shall be in the sole discretion of the department.

Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval which is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington shall reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement shall be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor shall limit each class to a maximum of thirty participants.

(13) The instructor to student ratio shall not exceed one-to-ten for any of the training required by WAC 296-65-005(13) and 296-65-007(14).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails

to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval shall include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(e) Verification of certificate information. Training providers of refresher training courses shall confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access.

(i) The training provider shall maintain all required records for a minimum of three years. The training provider, however, may find it advantageous to retain these records for a longer period of time.

(ii) The training provider must allow reasonable access to all of the records required by the MAP, and to any other

records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider shall notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(17) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination replacement will be used to verify that the training course is conducted in accordance with the program approved by the department.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07701 Scope and application. (1) WAC ((296-62-07701)) 296-62-07701 through 296-62-07753 applies to all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act.

(2) This section does apply to construction work as defined in WAC 296-155-012.

(3) This section does apply to ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-07703 Definitions. For the purpose of WAC ((296-62-077)) 296-62-07701 through 296-62-07753:

((1)) "Action level" means an airborne concentration of asbestos of 0.1 fiber per cubic centimeter (f/cc) of air calculated as an eight-hour time-weighted average.

(2) "Air lock" means a system for ingress or egress to minimize air movement between a contaminated area and an uncontaminated area, consisting of an enclosure with two curtained doorways at least six feet apart unless space prohibits.

((3)) "Accredited inspector" means any person meeting the accreditation requirements of the Federal Toxic Substance Control Act, Section 206(a)(1) and (3). 15 U.S.C. 2646(a)(1) and (3).

Aggressive method means removal or disturbance of building material by sanding, abrading, grinding or other method that breaks, crumbles, or disintegrates intact ACM.

Amended water means water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate ACM.

Asbestos(") includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

((4)) "Asbestos" includes PACM, as defined below.

Asbestos abatement project means an asbestos project involving three square feet or three linear feet, or more, of asbestos-containing material.

Asbestos-containing material (ACM) means any material containing more than 1% asbestos.

Asbestos project - definition as stated in WAC 296-65-003.

Authorized person(") means any person authorized by the employer and required by work duties to be present in regulated areas.

((5)) "Clean room" means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.

((6)) "Building/facility/vessel owner" means any legal entity or person who owns any public or private building, vessel, structure, facility, or mechanical system or the remnants thereof, including the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes. Also included is any lessee, who exercises control over management and recordkeeping functions relating to a building, vessel, and/or facility in which activities covered by this standard takes place.

Certified asbestos supervisor(") means an individual certified by the department under WAC 296-65-012. ((This person shall be capable of identifying existing asbestos hazards in the workplace and have the authority to take prompt corrective measures to eliminate them, as specified in WAC 296-62-202(6). The duties of the asbestos supervisor include at least the following: Establishing the negative-pressure enclosure, mini enclosure, glove bag, or any other engineering control used in an asbestos removal or encapsulation operation; ensuring the integrity of the control being used; supervising any employee monitoring required by the standard; ensuring that all employees involved in removal or encapsulation of asbestos wear the appropriate protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decontamination procedures specified in the standard; and ensuring that engineering controls in use are in proper operating condition and are functioning properly.

(7) "Curtained doorway" means overlapping plastic sheeting curtains, at least four mils in thickness, constructed and used at entrance and exit of regulated areas, and designed to restrict the movement of air from one area to another.

((8)) "Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.

Certified industrial hygienist (CIH) means one certified in the practice of industrial hygiene by the American Board of Industrial Hygiene.

Class I asbestos work means activities involving the removal of thermal system insulation or surfacing ACM/PACM.

Class II asbestos work means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

Class III asbestos work means repair and maintenance operations where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.

Class IV asbestos work means maintenance and custodial activities during which employees contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II, and III activities.

Clean room means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.

Closely resemble means that the major workplace conditions which have contributed to the levels of historic asbestos exposure, are no more protective than conditions of the current workplace.

Competent person means, in addition to the definition in WAC 296-62-07728, one who is capable of identifying existing asbestos, hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, who has the authority to take prompt corrective measures to eliminate them as specified in WAC 296-62-07728. The competent person shall be certified as an asbestos supervisor in compliance with WAC 296-65-030(3) and 296-65-012 for Class I and Class II work, and for Class III and Class IV work involving 3 square feet or 3 linear feet or more of asbestos-containing material. For Class III and Class IV work, involving less than 3 square feet or 3 linear feet, the competent person shall be trained in an operations and maintenance (O&M) course which meets the criteria of EPA (40 CFR 763.92(a)(2)).

Critical barrier means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.

Decontamination area(⁽¹⁾) means an enclosed area adjacent and connected to the regulated area and consisting of an equipment room, shower area, and clean room, which is used for the decontamination of workers, materials, and equipment contaminated with asbestos.

Demolition(⁽⁹⁾) means the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products. Where feasible, asbestos-containing materials shall be removed from all structures prior to the commencement of any demolition activity as per WAC 296-155-775(9).

Department(⁽¹⁰⁾) means the department of labor and industries.

Director(⁽¹¹⁾) means the director of the department of labor and industries or his/her authorized representative.

Director of NIOSH means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

Disturbance means activities that disrupt the matrix of ACM or PACM, crumble or pulverize ACM or PACM, or generate visible debris from ACM or PACM. This term includes activities that disrupt the matrix of ACM or PACM, render ACM or PACM friable, or generate visible debris. Disturbance includes cutting away small amounts of ACM or PACM, no greater than the amount which can be contained in one standard size glove bag or waste bag in order to access a building or vessel component. In no event shall the amount of ACM or PACM so disturbed exceed that which can be contained in one glove bag or waste bag which shall not exceed 60 inches in length and width.

Employee exposure(⁽¹²⁾) means that exposure to airborne asbestos that would occur if the employee were not using respiratory protective equipment.

Equipment room(⁽¹³⁾) (**change room**) means a contaminated room located within the decontamination area that is supplied with impermeable bags or containers for the disposal of contaminated protective clothing and equipment.

Fiber(⁽¹⁴⁾) means a particulate form of asbestos, five micrometers or longer, with a length-to-diameter ratio of at least three to one.

Glove bag means not more than a 60 x 60 inch impervious plastic bag-like enclosure affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.

High-efficiency particulate air (HEPA) filter(⁽¹⁵⁾) means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.

Owner(⁽¹⁶⁾) means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single family residences, no part of which is used for commercial purposes.

Homogeneous area means an area of surfacing material or thermal system insulation that is uniform in color and texture.

Industrial hygienist means a professional qualified by education, training, and experience to anticipate, recognize, evaluate and develop controls for occupational health hazards.

Intact means that the ACM has not crumbled, been pulverized, or otherwise deteriorated so that the asbestos is no longer likely to be bound with its matrix.

Modification for the purpose of WAC 296-62-07712 means a changed or altered procedure, material or component of a control system, which replaces a procedure, material or component of a required system. Omitting a procedure or component, or reducing or diminishing the stringency or strength of a material or component of the control system is not a "modification" for the purposes of WAC 296-62-07712.

Negative initial exposure assessment means a demonstration by the employer (which complies with the criteria in WAC 296-62-07709) that employee exposure during an operation is expected to be consistently below the PELs.

PACM means "presumed asbestos-containing material." **Presumed asbestos-containing material** means thermal system insulation and surfacing material found in buildings, vessels, and vessel sections constructed no later than 1980. The designation of a material as "PACM" may be rebutted pursuant to WAC 296-62-07721.

Project designer means a person who has successfully completed the training requirements for an abatement project designer established by 40 U.S.C. 763.90(g).

Regulated area(⁽¹⁷⁾) means an area established by the employer to demarcate areas where (airborne concentrations of asbestos exceed, or can reasonably be expected to exceed, the permissible exposure limits. The regulated area may take the form of (a) a temporary enclosure, as required by WAC 296-62-07711, or (b) an area demarcated in any manner that minimizes the number of employees exposed to asbestos.) **Class I, II, and III asbestos work** is conducted, and any adjoining area where debris and waste from such

asbestos work accumulate; and a work area within which airborne concentrations of asbestos, exceed or can reasonably be expected to exceed the permissible exposure limit. Requirements for regulated areas are set out in WAC 296-62-07711.

~~((18-))~~ Removal~~((=))~~ means ~~((the taking out or stripping of asbestos or materials containing asbestos))~~ all operations where ACM and/or PACM is taken out or stripped from structures or substrates, and includes demolition operations.

~~((19-))~~ Renovation~~((=))~~ means the modifying of any existing ~~((structure, or portion thereof, where exposure to airborne asbestos may result))~~ vessel, vessel section, structure, or portion thereof.

~~((20-))~~ Repair~~((=))~~ means overhauling, rebuilding, reconstructing, or reconditioning of ~~((structure or substrates where asbestos is present))~~ vessels, vessel sections, structures or substrates, including encapsulation or other repair of ACM or PACM attached to vessels, vessel sections, structures or substrates.

~~((21-))~~ "Structural member" means any load supporting or nonload supporting member of a facility such as beams, walls, and ceilings.) Surfacing material means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes).

Surfacing ACM means surfacing material which contains more than 1% asbestos.

Thermal system insulation (TSI) means ACM applied to pipes, fittings, boilers, breaching, tanks, ducts, or other structural components to prevent heat loss or gain.

⁴ Thermal system insulation ACM is thermal system insulation which contains more than 1% asbestos.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07705 Permissible exposure limits (PEL). (1) Time weighted average (TWA)~~((=))~~₂. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of ~~((0.2))~~ 0.1 fiber per cubic centimeter ~~((0.2))~~ 0.1 f/cc) of air as an eight-hour time-weighted average (TWA) as determined by the method prescribed in ~~((WAC 296-62-07735,))~~ Appendix A of this part, or by an equivalent method recognized by the department.

(2) Excursion limit. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 1.0 fiber per cubic centimeter of air (1 f/cc) as averaged over a sampling period of ~~((fifteen))~~ thirty minutes, as determined by the method prescribed in Appendix A of this part, or by an equivalent method recognized by the department.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-07706 ~~((Communication among employers.))~~ Multi-employer worksites. (1) On multi-employer worksites, an employer performing ~~((asbestos))~~ work requiring the establishment of a regulated area shall inform other employers on the site of the nature of the

employer's work with asbestos and/or PACM, of the existence of and requirements pertaining to regulated areas((-

Note: ~~Notified employers shall ensure their employees are informed and trained as required by the hazard communication standard, chapter 296-62 WAC, Part C.,)~~ and the measures taken to ensure that employees of such other employers are not exposed to asbestos.

(2) Asbestos hazards at a multi-employer worksite shall be abated by the employer who created or controls the source of asbestos contamination. For example, if there is a significant breach of an enclosure containing Class I work, the employer responsible for erecting the enclosure shall repair the breach immediately.

(3) In addition, all employers of employees exposed to asbestos hazards shall comply with applicable protective provisions to protect their employees. For example, if employees working immediately adjacent to a Class I asbestos job are exposed to asbestos due to the inadequate containment of such jobs, their employer shall either remove the employees from the area until the enclosure breach is repaired; or perform an initial exposure assessment pursuant to WAC 296-62-07709.

(4) All employers of employees working adjacent to regulated areas established by another employer on a multi-employer worksite, shall take steps on a daily basis to ascertain the integrity of the enclosure and/or the effectiveness of the control method relied on by the primary asbestos contractor to assure that asbestos fibers do not migrate to such adjacent areas.

(5) All general contractors on a construction project which includes work covered by this standard shall be deemed to exercise general supervisory authority over the work covered by this standard, even though the general contractor is not qualified to serve as the asbestos "competent person" as defined by WAC 296-62-07703. As supervisor of the entire project, the general contractor shall ascertain whether the asbestos contractor is in compliance with this standard, and shall require such contractor to come into compliance with this standard when necessary.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07709 Exposure assessment and monitoring. (1) General monitoring criteria.

(a) Each employer who has a workplace or work operation where exposure monitoring is required under this section shall perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA and ~~((fifteen))~~ thirty minute short-term exposures of each employee.

(c) Representative eight-hour TWA employee exposures shall be determined on the basis of one or more samples representing full-shift exposure~~((s))~~ for each shift for each employee in each job classification in each work area.

(d) Representative ~~((fifteen))~~ thirty minute short-term employee exposures shall be determined on the basis of one or more samples representing ~~((fifteen))~~ thirty minute exposures associated with operations that are most likely to

produce exposures above the excursion limit for each shift for each job classification in each work area.

~~((e))~~ Prior to the start of the removal, demolition, or renovation project, representative area monitoring shall be conducted for later use (see WAC 296-62-07713 (2)(e)).

(2) Exposure monitoring requirements for all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act except construction work, as defined in WAC 296-155-012, and except ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial monitoring.

~~((a))~~ (i) Each employer who has a workplace or work operation covered by this standard, except as provided for in ~~((b) and (e))~~ (a)(ii) and (iii) of this subsection, shall perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit. The initial monitoring shall be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

~~((b))~~ (ii) Where the employer or his/her representative has monitored after ~~((December 20, 1985,))~~ March 31, 1992, for the TWA permissible exposure limit and/or excursion limit, and the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a)(i) of this subsection~~((, except for employees engaged in removal, demolition, or renovation operations using negative pressure enclosures as required by WAC 296-62-07712)).~~

~~((e))~~ (iii) Where the employer has relied upon objective data that demonstrates that asbestos is not capable of being released in airborne concentrations at or above the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit under those work conditions of processing, use, or handling expected to have the greatest potential for releasing asbestos, then no initial monitoring is required.

~~((3))~~ (b) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a)(i) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. ~~((a))~~ In no case shall sampling be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit.

~~((b))~~ (c) Daily monitoring within regulated areas: The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

~~((e))~~ Monitoring outside negative pressure enclosures: The employer shall conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

~~(4))~~ (d) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsection ~~((s))~~ (2)(a) and ~~((3))~~ (b) of this section statistically indicates that employee exposures are below the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

~~((5))~~ (e) Additional monitoring. Notwithstanding the provisions of subsection ~~((s))~~ (2)~~((b) and (4))~~ (a)(ii) and (c) of this section, the employer shall institute the exposure monitoring required under subsection ~~((s))~~ (2)(a)(i) and ~~((3))~~ (ii) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit, or when the employer has any reason to suspect that a change may result in new or additional exposures above the ~~((action level))~~ TWA permissible exposure limit and/or excursion limit.

~~((6))~~ (3) Exposure assessment monitoring requirements for all construction work as defined in WAC 296-155-012 and for all ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial exposure assessment.

(i) Each employer who has a workplace or work operation covered by this standard shall ensure that a "competent person" conducts an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace. The assessment must be completed in time to comply with the requirements which are triggered by exposure data or lack of a "negative exposure assessment," and to provide information necessary to assure that all control systems planned are appropriate for that operation and will work properly.

(ii) Basis of initial exposure assessment: Unless a negative exposure assessment has been made pursuant to (b) of this subsection, the initial exposure assessment shall, if feasible, be based on monitoring conducted pursuant to (b) of this subsection. The assessment shall take into consideration both the monitoring results and all observations, information or calculations which indicate employee exposure to asbestos, including any previous monitoring conducted in the workplace, or of the operations of the employer which indicate the levels of airborne asbestos likely to be encountered on the job. For Class I asbestos work, until the employer conducts exposure monitoring and documents that employees on that job will not be exposed in excess of the PELs, or otherwise makes a negative exposure assessment pursuant to (b) of this subsection, the employer shall presume that employees are exposed in excess of the TWA and excursion limit.

(b) Negative exposure assessment: For any one specific asbestos job which will be performed by employees who have been trained in compliance with the standard, the employer may demonstrate that employee exposures will be

below the PELs by data which conform to the following criteria:

(i) Objective data demonstrating that the products or material containing asbestos minerals or the activity involving such product or material cannot release airborne fibers in concentrations exceeding the TWA and excursion limit under those work conditions having the greatest potential for releasing asbestos; or

(ii) Where the employer has monitored prior asbestos jobs for the PEL and the excursion limit within 12 months of the current or projected job, the monitoring and analysis were performed in compliance with the asbestos standard in effect; and the data was obtained during work operations conducted under workplace conditions "closely resembling" the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the operations were conducted by employees whose training and experience are no more extensive than that of employees performing the current job, and these data show that under the conditions prevailing and which will prevail in the current workplace there is a high degree of certainty that employee exposures will not exceed the TWA or excursion limit; or

(iii) The results of initial exposure monitoring of the current job made from breathing zone samples that are representative of the 8-hour TWA and 30-minute short-term exposures of each employee covering operations which are most likely during the performance of the entire asbestos job to result in exposures over the PELs; or

(iv) Monitoring outside negative-pressure enclosures: The employer shall conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

(c) Periodic monitoring.

(i) Class I and Class II operations. The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area who is performing Class I or II work, unless the employer pursuant to (b) of this subsection, has made a negative exposure assessment for the entire operation.

(ii) All operations under the standard other than Class I and II operations. The employer shall conduct periodic monitoring of all work where exposures are expected to exceed a PEL, at intervals sufficient to document the validity of the exposure prediction.

(iii) Exception. When all employees required to be monitored daily are equipped with supplied-air respirators operated in the pressure demand mode, the employer may dispense with the daily monitoring required by subsection (2)(c) of this section. However, employees performing Class I work using a control method which is not listed in WAC 296-62-07712 of this section or using a modification of a listed control method, shall continue to be monitored daily even if they are equipped with supplied-air respirators.

(d) Termination of monitoring. If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by statistically reliable measurements, are below the permissible exposure limit and excursion limit the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(e) Additional monitoring. Notwithstanding the provisions of (b), (c), and (d) of this subsection, the employer shall institute the exposure monitoring required under (c) of this subsection whenever there has been a change in process, control equipment, personnel or work practices that may result in new or additional exposures above the permissible exposure limit and/or excursion limit or when the employer has any reason to suspect that a change may result in new or additional exposures above the permissible exposure limit and/or excursion limit. Such additional monitoring is required regardless of whether a "negative exposure assessment" was previously produced for a specific job.

(f) Prior to the start of the removal, demolition, or renovation project, representative area monitoring shall be conducted for later use (see WAC 296-62-07712 (5)(c)).

(4) Method of monitoring.

(a) All samples taken to satisfy the monitoring requirements of this section shall be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring shall be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section shall be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer shall ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and

(ii) The comparison indicates that ninety percent of the samples collected in the range (~~(0.1 to 0.4 f/ee)~~) 0.5 to 2.0 times the permissible limit have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results (~~(with)~~) at a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

(e) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

~~((7))~~ (5) Employee notification of monitoring results.

(a) The employer shall, as soon as possible but no later than within fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the (~~permissible~~) TWA and/or excursion exposure limits, wherever monitoring results indicated that the (~~permissible~~) TWA and/or excursion exposure limits (~~have~~) had been exceeded.

~~((8))~~ (6) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-07711 Regulated areas. (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705. All Class I, II and III asbestos work shall be conducted within regulated areas. All other operations covered by this standard shall be conducted within the regulated area where airborne concentrations of asbestos exceed or can reasonably be expected to exceed permissible exposure limits. Regulated areas shall comply with the requirements of subsections (2), (3), (4), (5), (6), (7), and (8) of this section.

~~(2) ((Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limits.))~~ Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne asbestos. Where critical barriers or negative pressure enclosures are used, they may demarcate the regulated area. Signs shall be provided and displayed pursuant to the requirements of WAC 296-62-07721.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Permit-required confined space. The employer shall determine if a permit-required confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC Part M.

(8) Competent persons. For construction and shipyard work the employer shall ensure that all asbestos work performed within regulated areas is supervised by a competent person, as defined in WAC 296-62-07703. The duties of the competent person are set out in WAC 296-62-07728.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-07712 Requirements for asbestos ~~((removal, demolition, and renovation operations)) activities in construction and shipyard work.~~ ~~((1))~~ The employer, wherever feasible, shall establish negative pressure enclosures having a minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, and renovation operations. A sufficient amount of air shall be exhausted to create a pressure of 0.02 inches of water within the enclosure with respect to the area outside the enclosure.

(2) The employer shall designate a certified asbestos supervisor who shall perform or directly supervise the following duties:

~~(a) Set up the enclosure;~~

~~(b) Ensure the integrity of the enclosure;~~

~~(c) Control entry to and exit from the enclosure;~~

~~(d) Supervise all employee exposure monitoring required by this section;~~

~~(e) Ensure that employees working within the enclosure wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;~~

~~(f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;~~

~~(g) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719; and~~

~~(h) Ensure that engineering controls including HEPA filters are functioning properly.~~

~~(3) In addition to the qualifications specified in WAC 296-62-07703, the certified asbestos supervisor shall be trained in all aspects of asbestos abatement, the contents of this standard, the identification of asbestos and their removal procedures, and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course conducted by an approved asbestos supervisor course as specified in WAC 296-65-007. The certified asbestos supervisor shall meet all requirements as specified in WAC 296-65-012.~~

~~(4) Exceptions:~~

~~(a) For small scale, short duration operations, such as pipe repair, valve replacement, installing electrical conduits, installing or removing drywall, roofing, and other general building maintenance or renovation, the employer is not required to comply with the requirements of WAC 296-62-07712(1). Employers wishing to take advantage of the exemption in this subsection shall comply with WAC 296-62-07753, Appendix J.~~

~~(b) A certified asbestos supervisor shall not be required for projects consisting of less than 48 square feet or 10 lineal feet of asbestos containing material.))~~ (1) Methods of compliance, the following engineering controls and work practices of this section shall be used for construction work defined in WAC 296-155-012 and for all ship repair defined in WAC 296-304-010.

(2) Engineering controls and work practices for all operations covered by this section. The employer shall use the following engineering controls and work practices in all

operations covered by this section, regardless of the levels of exposure:

(a) Vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM, except as provided in subsection (10)(b) of this section in the case of roofing material.

(b) Wet methods, or wetting agents, to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup, except where employers demonstrate that the use of wet methods is infeasible due to, for example, the creation of electrical hazards, equipment malfunction, and, in roofing, except as provided in subsection (10)(b) of this section.

(c) Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

(d) Prompt cleanup and disposal of wastes and debris contaminated with asbestos in leak-tight containers except in roofing operations, where the procedures specified in this section apply.

(3) In addition to the requirements of subsection (2) of this section, the employer shall use the following control methods to achieve compliance with the TWA permissible exposure limit and excursion limit prescribed by WAC 296-62-07705:

(a) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(b) Enclosure or isolation of processes producing asbestos dust;

(c) Ventilation of the regulated area to move contaminated air away from the breathing zone of employees and toward a filtration or collection device equipped with a HEPA filter;

(d) Use of other work practices and engineering controls that the department can show to be feasible;

(e) Wherever the feasible engineering and work practice controls described above are not sufficient to reduce employee exposure to or below the permissible exposure limit and/or excursion limit prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels attainable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(4) Prohibitions. The following work practices and engineering controls shall not be used for work related to asbestos or for work which disturbs ACM or PACM, regardless of measured levels of asbestos exposure or the results of initial exposure assessments:

(a) High-speed abrasive disc saws that are not equipped with point or cut ventilator or enclosures with HEPA filtered exhaust air;

(b) Compressed air used to remove asbestos, or materials containing asbestos, unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air;

(c) Dry sweeping, shoveling or other dry cleanup of dust and debris containing ACM and PACM;

(d) Employee rotation as a means of reducing employee exposure to asbestos.

(5) Cleanup.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the permissible exposure limits; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(6) Class I requirements. The following engineering controls and work practices and procedures shall be used:

(a) All Class I work, including the installation and operation of the control system shall be supervised by a competent person as defined in WAC 296-62-07703;

(b) For all Class I jobs involving the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material; for all other Class I jobs, where the employer cannot produce a negative exposure assessment pursuant to WAC 296-62-07709(3), or where employees are working in areas adjacent to the regulation area, while the Class I work is being performed, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all the openings to the regulated area, except where activities are performed outdoors; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area surveillance during each work shift at each boundary of the regulated area, showing no visible asbestos dust; and perimeter area monitoring showing that clearance levels contained in 40 CFR Part 763, Subpart E, of the EPA Asbestos in Schools Rule are met, or that perimeter area levels, measured by Phase Contrast Microscopy (PCM) are no more than background levels representing the same area before the asbestos work began. The results of such monitoring shall be made known to the employer no later than 24 hours from the end of the work shift represented by such monitoring. Exception: For work completed outdoors where employees are not working in areas adjacent to the regulated areas, (a) of this subsection is satisfied when the specific control methods in subsection (7) of this section are used;

(c) For all Class I jobs, HVAC systems shall be isolated in the regulated area by sealing with a double layer of 6 mil plastic or the equivalent;

(d) For all Class I jobs, impermeable dropcloths shall be placed on surfaces beneath all removal activity;

(e) For all Class I jobs, all objects within the regulated area shall be covered with impermeable dropcloths or plastic sheeting which is secured by duct tape or an equivalent;

(f) For all Class I jobs where the employer cannot produce a negative exposure assessment, or where exposure monitoring shows that a PEL is exceeded, the employer shall ventilate the regulated area to move contaminated air away from the breathing zone of employees toward a HEPA filtration or collection device.

(7) Specific control methods for Class I work. In addition, Class I asbestos work shall be performed using one

or more of the following control methods pursuant to the limitations stated below:

(a) Negative pressure enclosure (NPE) systems: NPE systems may be used where the configuration of the work area does not make the erection of the enclosure infeasible, with the following specifications and work practices:

(i) Specifications:

(A) The negative pressure enclosure (NPE) may be of any configuration;

(B) At least 4 air changes per hour shall be maintained in the NPE;

(C) A minimum of -0.02 column inches of water pressure differential, relative to outside pressure, shall be maintained within the NPE as evidenced by manometric measurements;

(D) The NPE shall be kept under negative pressure throughout the period of its use; and

(E) Air movement shall be directed away from employees performing asbestos work within the enclosure, and toward a HEPA filtration or collection device.

(ii) Work practices:

(A) Before beginning work within the enclosure and at the beginning of each shift, the NPE shall be inspected for breaches and smoke-tested for leaks, and any leaks sealed.

(B) Electrical circuits in the enclosure shall be deactivated, unless equipped with ground-fault circuit interrupters.

(b) Glove bag systems may be used to remove PACM and/or ACM from straight runs of piping and elbows and other connections with the following specifications and work practices:

(i) Specifications:

(A) Glove bags shall be made of 6 mil thick plastic and shall be seamless at the bottom.

(B) Glove bags used on elbows and other connections must be designed for that purpose and used without modifications.

(ii) Work practices:

(A) Each glove bag shall be installed so that it completely covers the circumference of pipe or other structure where the work is to be done.

(B) Glove bags shall be smoke-tested for leaks and any leaks sealed prior to use.

(C) Glove bags may be used only once and may not be moved.

(D) Glove bags shall not be used on surfaces whose temperature exceeds 150°F.

(E) Prior to disposal, glove bags shall be collapsed by removing air within them using a HEPA vacuum.

(F) Before beginning the operation, loose and friable material adjacent to the glove bag/box operation shall be wrapped and sealed in two layers of six mil plastic or otherwise rendered intact.

(G) Where system uses attached waste bag, such bag shall be connected to collection bag using hose or other material which shall withstand pressure of ACM waste and water without losing its integrity.

(H) Sliding valve or other device shall separate waste bag from hose to ensure no exposure when waste bag is disconnected.

(I) At least two persons shall perform Class I glove bag removal operations.

(c) Negative pressure glove bag systems. Negative pressure glove bag systems may be used to remove ACM or PACM from piping.

(i) Specifications: In addition to specifications for glove bag systems above, negative pressure glove bag systems shall attach HEPA vacuum systems or other devices to bag during removal.

(ii) Work practices:

(A) The employer shall comply with the work practices for glove bag systems in this section.

(B) The HEPA vacuum cleaner or other device used during removal shall run continually during the operation until it is completed at which time the bag shall be collapsed prior to removal of the bag from the pipe.

(C) Where a separate waste bag is used along with a collection bag and discarded after one use, the collection bag may be reused if rinsed clean with amended water before reuse.

(d) Negative pressure glove box systems: Negative pressure glove boxes may be used to remove ACM or PACM from pipe runs with the following specifications and work practices:

(i) Specifications:

(A) Glove boxes shall be constructed with rigid sides and made from metal or other material which can withstand the weight of the ACM and PACM and water used during removal.

(B) A negative pressure generator shall be used to create negative pressure in the system.

(C) An air filtration unit shall be attached to the box.

(D) The box shall be fitted with gloved apertures.

(E) An aperture at the base of the box shall serve as a bagging outlet for waste ACM and water.

(F) A back-up generator shall be present on site.

(G) Waste bags shall consist of 6 mil thick plastic double-bagged before they are filled or plastic thicker than 6 mil.

(ii) Work practices:

(A) At least two persons shall perform the removal.

(B) The box shall be smoke-tested for leaks and any leaks sealed prior to each use.

(C) Loose or damaged ACM adjacent to the box shall be wrapped and sealed in two layers of 6 mil plastic prior to the job, or otherwise made intact prior to the job.

(D) A HEPA filtration system shall be used to maintain pressure barrier in box.

(e) Water spray process system. A water spray process system may be used for removal of ACM and PACM from cold line piping if, employees carrying out such process have completed a 40-hour separate training course in its use, in addition to training required for employees performing Class I work. The system shall meet the following specifications and shall be performed by employees using the following work practices:

(i) Specifications:

(A) Piping shall be surrounded on 3 sides by rigid framing.

(B) A 360 degree water spray, delivered through nozzles supplied by a high pressure separate water line, shall be formed around the piping.

(C) The spray shall collide to form a fine aerosol which provides a liquid barrier between workers and the ACM and PACM.

(ii) Work practices:

(A) The system shall be run for at least 10 minutes before removal begins.

(B) All removal shall take place within the water barrier.

(C) The system shall be operated by at least three persons, one of whom shall not perform removal, but shall check equipment, and ensure proper operation of the system.

(D) After removal, the ACM and PACM shall be bagged while still inside the water barrier.

(f) A small walk-in enclosure which accommodates no more than two persons (mini-enclosure) may be used if the disturbance or removal can be completely contained by the enclosure with the following specifications and work practices:

(i) Specifications:

(A) The fabricated or job-made enclosure shall be constructed of 6 mil plastic or equivalent.

(B) The enclosure shall be placed under negative pressure by means of a HEPA filtered vacuum or similar ventilation unit.

(C) Change room. A small change room made of 6-mil-thick polyethylene plastic should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his/her protective coveralls and remove them before leaving the work area. While inside the enclosure, the worker should wear Tyvek disposable coveralls and use the appropriate HEPA-filtered dual cartridge respiratory protection. The advantages of mini-enclosures are that they limit the spread of asbestos contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative-pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(ii) Work practices:

(A) Before use, the mini-enclosure shall be inspected for leaks and smoke-tested to detect breaches, and any breaches sealed.

(B) Before reuse, the interior shall be completely washed with amended water and HEPA-vacuumed.

(C) During use, air movement shall be directed away from the employee's breathing zone within the mini-enclosure.

(8) Alternative control methods for Class I work. Class I work may be performed using a control method which is not referenced in subsection (2)(a) through (3)(e) of this section, or which modifies a control method referenced in subsection (2)(a) through (3)(e) of this section, if the following provisions are complied with:

(a) The control method shall enclose, contain or isolate the processes or source of airborne asbestos dust, or otherwise capture or redirect such dust before it enters the breathing zone of employees.

(b) A certified industrial hygienist or licensed professional engineer who is also qualified as a project designer as defined in WAC 296-62-07703, shall evaluate the work area,

the projected work practices and the engineering controls and shall certify in writing that the planned control method is adequate to reduce direct and indirect employee exposure to below the PELs under worst-case conditions of use, and that the planned control method will prevent asbestos contamination outside the regulated area, as measured by clearance sampling which meets the requirements of EPA's Asbestos in Schools rule issued under AHERA, or perimeter monitoring which meets the criteria in subsection (6)(b)(ii) of this section. Where the TSI or surfacing material to be removed is 25 linear or 10 square feet or less, the evaluation required in subsection (8)(b) of this section may be performed by a competent person.

(c) Before work which involves the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material is begun using an alternative method which has been the subject of subsection (2)(a) through (3)(e) of this section required evaluation and certification, the employer shall send a copy of such evaluation and certification to the Department of Labor and Industries, Asbestos Certification Program, P.O. Box 44614, Olympia, Washington 98504-4614. The submission shall not constitute approval by WISHA.

(9) Work practices and engineering controls for Class II work.

(a) All Class II work shall be supervised by a competent person as defined in WAC 296-62-07703.

(b) For all indoor Class II jobs, where the employer has not produced a negative exposure assessment pursuant to WAC 296-62-07709(3), or where during the job, changed conditions indicate there may be exposure above the PEL or where the employer does not remove the ACM in a substantially intact state, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all openings to the regulated area; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area monitoring or clearance monitoring which meets the criteria set out in subsection (6)(b)(ii) of this section; or

(iii) Impermeable dropcloths shall be placed on surfaces beneath all removal activity.

(c) (Reserved.)

(d) All Class II asbestos work shall be performed using the work practices and requirements set out above in subsection (9)(a) and (b) of this section.

(10) Additional controls for Class II work. Class II asbestos work shall also be performed by complying with the work practices and controls designated for each type of asbestos work to be performed, set out in this paragraph. Where more than one control method may be used for a type of asbestos work, the employer may choose one or a combination of designated control methods. Class II work also may be performed using a method allowed for Class I work, except that glove bags and glove boxes are allowed if they fully enclose the Class II material to be removed.

(a) For removing vinyl and asphalt flooring materials which contain ACM or for which in buildings constructed no later than 1980, the employer has not verified the absence of ACM pursuant to WAC 296-62-07712 (9)(a)(ix). The

employer shall ensure that employees comply with the following work practices and that employees are trained in these practices pursuant to WAC 296-62-07722.

(i) Flooring or its backing shall not be sanded.

(ii) Vacuums equipped with HEPA filter, disposable dust bag, and metal floor tool (no brush) shall be used to clean floors.

(iii) Resilient sheeting shall be removed by cutting with wetting of the snip point and wetting during delamination. Rip-up of resilient sheet floor material is prohibited.

(iv) All scraping of residual adhesive and/or backing shall be performed using wet methods.

(v) Dry sweeping is prohibited.

(vi) Mechanical chipping is prohibited unless performed in a negative pressure enclosure which meets the requirements of subsection (7)(a) of this section.

(vii) Tiles shall be removed intact, unless the employer demonstrates that intact removal is not possible.

(viii) When tiles are heated and can be removed intact, wetting may be omitted.

(ix) Resilient flooring material including associated mastic and backing shall be assumed to be asbestos-containing unless an industrial hygienist determines that it is asbestos-free using recognized analytical techniques.

(b) For removing roofing material which contains ACM the employer shall ensure that the following work practices are followed:

(i) Roofing material shall be removed in an intact state to the extent feasible.

(ii) Wet methods shall be used to remove roofing materials that are not intact, or that will be rendered not intact during removal, unless such wet methods are not feasible or will create safety hazards.

(iii) Cutting machines shall be continuously misted during use, unless a competent person determines that misting substantially decreases worker safety.

(iv) When removing built-up roofs with asbestos-containing roofing felts and an aggregate surface using a power roof cutter, all dust resulting from the cutting operation shall be collected by a HEPA dust collector, or shall be HEPA vacuumed by vacuuming along the cut line. When removing built-up roofs with asbestos-containing roofing felts and a smooth surface using a power roof cutter, the dust resulting from the cutting operation shall be collected either by a HEPA dust collector or HEPA vacuuming along the cut line, or by gently sweeping and then carefully and completely wiping up the still wet dust and debris left along the cut line. The dust and debris shall be immediately bagged or placed in covered containers.

(v) Asbestos-containing material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist:

(A) Any ACM that is not intact shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift. While the material remains on the roof it shall either be kept wet, placed in an impermeable waste bag, or wrapped in plastic sheeting.

(B) Intact ACM shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift.

(vi) Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such manner so as to preclude the dispersion of dust.

(vii) Roof level heating and ventilation air intake sources shall be isolated or the ventilation system shall be shut down.

(viii) Notwithstanding any other provision of this section, removal or repair of sections of intact roofing less than 25 square feet in area does not require use of wet methods or HEPA vacuuming as long as manual methods which do not render the material nonintact are used to remove the material and no visible dust is created by the removal method used. In determining whether a job involves less than 25 square feet, the employer shall include all removal and repair work performed on the same roof on the same day.

(c) When removing cementitious asbestos-containing siding and shingles or transite panels containing ACM on building exteriors (other than roofs, where subsection (10)(b) of this section applies) the employer shall ensure that the following work practices are followed:

(i) Cutting, abrading or breaking siding, shingles, or transite panels, shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release cannot be used.

(ii) Each panel or shingle shall be sprayed with amended water prior to removal.

(iii) Unwrapped or unbagged panels or shingles shall be immediately lowered to the ground via covered dust-tight chute, crane or hoist, or placed in an impervious waste bag or wrapped in plastic sheeting and lowered to the ground no later than the end of the work shift.

(iv) Nails shall be cut with flat, sharp instruments.

(d) When removing gaskets containing ACM, the employer shall ensure that the following work practices are followed:

(i) If a gasket is visibly deteriorated and unlikely to be removed intact, removal shall be undertaken within a glove bag as described in subsection (7)(b) of this section.

(ii) (Reserved.)

(iii) The gasket shall be immediately placed in a disposal container.

(iv) Any scraping to remove residue must be performed wet.

(e) When performing any other Class II removal of asbestos-containing material for which specific controls have not been listed in subsection (10) of this section, the employer shall ensure that the following work practices are complied with.

(i) The material shall be thoroughly wetted with amended water prior to and during its removal.

(ii) The material shall be removed in an intact state unless the employer demonstrates that intact removal is not possible.

(iii) Cutting, abrading or breaking the material shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release are not feasible.

(iv) Asbestos-containing material removed, shall be immediately bagged or wrapped, or kept wet until transferred to a closed receptacle, no later than the end of the work shift.

(f) Alternative work practices and controls. Instead of the work practices and controls listed in subsection (10) of this section, the employer may use different or modified engineering and work practice controls if the following provisions are complied with.

(i) The employer shall demonstrate by data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used, that employee exposure will not exceed the PELs under any anticipated circumstances.

(ii) A competent person shall evaluate the work area, the projected work practices and the engineering controls, and shall certify in writing, that the different or modified controls are adequate to reduce direct and indirect employee exposure to below the PELs under all expected conditions of use and that the method meets the requirements of this standard. The evaluation shall include and be based on data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used for the current job, and by employees whose training and experience are equivalent to employees who are to perform the current job.

(11) Work practices and engineering controls for Class III asbestos work. Class III asbestos work shall be conducted using engineering and work practice controls which minimize the exposure to employees performing the asbestos work and to bystander employees.

(a) The work shall be performed using wet methods.

(b) To the extent feasible, the work shall be performed using local exhaust ventilation.

(c) Where the disturbance involves drilling, cutting, abrading, sanding, chipping, braking, or sawing of thermal system insulation or surfacing material, the employer shall use impermeable dropcloths, and shall isolate the operation using mini-enclosures or glove bag systems pursuant to subsection (7) of this section or another isolation method.

(d) Where the employer does not produce a "negative exposure assessment" for a job, or where monitoring results show the PEL has been exceeded, the employer shall contain the area using impermeable dropcloths and plastic barriers or their equivalent, or shall isolate the operation using a control system listed in and in compliance with subsection (7) of this section.

(e) Employees performing Class III jobs, which involve the disturbance of thermal system insulation or surfacing material, or where the employer does not produce a "negative exposure assessment" or where monitoring results show a PEL has been exceeded, shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(12) Class IV asbestos work. Class IV asbestos jobs shall be conducted by employees trained pursuant to the asbestos awareness training program set out in WAC 296-62-07722. In addition, all Class IV jobs shall be conducted in conformity with the requirements set out in this section, mandating wet methods, HEPA vacuums, and prompt clean up of debris containing ACM and PACM.

(a) Employees cleaning up debris and waste in a regulated area where respirators are required shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(b) Employers of employees who clean up waste and debris in, and employers in control of, areas where friable thermal system insulation or surfacing material is accessible, shall assume that such waste and debris contain asbestos.

(13) Alternative methods of compliance for installation, removal, repair, and maintenance of certain roofing and pipeline coating materials. Notwithstanding any other provision of this section, an employer who complies with all provisions of subsection (10)(a) and (b) of this section when installing, removing, repairing, or maintaining intact pipeline asphaltic wrap, or roof cements, mastics, coatings, or flashings which contain asbestos fibers encapsulated or coated by bituminous or resinous compounds shall be deemed to be in compliance with this section. If an employer does not comply with all provisions of this subsection (13), or if during the course of the job the material does not remain intact, the provisions of subsection (10) of this section apply instead of this subsection (13).

(a) Before work begins and as needed during the job, a competent person who is capable of identifying asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, and who has the authority to take prompt corrective measures to eliminate such hazards, shall conduct an inspection of the worksite and determine that the roofing material is intact and will likely remain intact.

(b) All employees performing work covered by this subsection (13) shall be trained in a training program that meets the requirements of WAC 296-62-07722.

(c) The material shall not be sanded, abraded, or ground. Manual methods which do not render the material nonintact shall be used.

(d) Material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist. All such material shall be removed from the roof as soon as is practicable, but in any event no later than the end of the work shift.

(e) Where roofing products which have been labeled as containing asbestos pursuant to WAC 296-62-07721, installed on nonresidential roofs during operations covered by this subsection (13), the employer shall notify the building owner of the presence and location of such materials no later than the end of the job.

(f) All removal or disturbance of pipeline asphaltic wrap shall be performed using wet methods.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07707 Identification.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-62-07713 Methods of compliance for asbestos activities in general industry. (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to

or below the permissible exposure limits prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

- (i) Local exhaust ventilation equipped with HEPA filter dust collection systems;
- (ii) Vacuum cleaners equipped with HEPA filters;
- (iii) Enclosure or isolation of processes producing asbestos dust;
- (iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup;
- (v) Prompt disposal of wastes contaminated with asbestos in leak-tight containers; or
- (vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) or 2.5 fibers per cubic centimeter of air for 30 minutes (short-term exposure), and shall supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos so as to expose employees to levels in excess of the exposure limits prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls shall not be used for work related to asbestos.

(f) Wet methods. Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers

unless the usefulness of the product would be diminished thereby.

(g) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos (~~so as to expose employees to levels in excess of the permissible exposure limits prescribed in WAC 296-62-07705~~).

(h) Compressed air. Compressed air shall not be used to remove asbestos or materials containing asbestos unless the compressed air is used in conjunction with an enclosed ventilation system designed to effectively capture the dust cloud created by the compressed air.

(2) Clean-up.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the ~~(action level)~~ permissible exposure limits; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(3) Compliance program.

(a) Where either the time weighted average and/or excursion limit is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the permissible exposure limits by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs shall be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs shall be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer shall not use employee rotation as a means of compliance with the permissible exposure limits specified in WAC 296-62-07705.

(4) Specific compliance methods for brake and clutch repair:

(a) Engineering controls and work practices for brake and clutch repair and service. During automotive brake and clutch inspection, disassembly, repair and assembly operations, the employer shall institute engineering controls and work practices to reduce employee exposure to materials containing asbestos using a negative pressure enclosure/HEPA vacuum system method or low pressure/wet cleaning method which meets the detailed requirements set out in Appendix F to this section. The employer may also comply using an equivalent method which follows written procedures which the employer demonstrates can achieve results equivalent to Method A in Appendix F to this section. For facilities in which no more than 5 pair of brakes or 5 clutches are inspected, disassembled, repaired, or assembled per week, the method set forth in Appendix F to this section may be used.

(b) The employer may also comply by using an equivalent method which follows written procedures, which the employer demonstrates can achieve equivalent exposure reductions as do the two "preferred methods." Such demonstration must include monitoring data conducted under workplace conditions closely resembling the process, type of asbestos containing materials, control method, work practices and environmental conditions which the equivalent method will be used, or objective data, which document that under all reasonably foreseeable conditions of brake and clutch repair applications, the method results in exposure which are equivalent to the methods set out in Appendix F to this section.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07715 Respiratory protection. (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through 296-62-07753. Respirators shall be used in the following circumstances:

- (a) During the interval necessary to install or implement feasible engineering and work practice controls;
- (b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;
- (c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;
- (d) In emergencies;
- (e) In all regulated areas; ~~((and))~~
- (f) Whenever employee exposure exceeds the permissible exposure limits;
- (g) During all Class I asbestos jobs;
- (h) During all Class II work where the ACM is not removed in a substantially intact state;
- (i) During all Class II and Class III work which is not performed using wet methods, provided, however, that respirators need not be worn during removal of ACM from sloped roofs when a negative exposure assessment has been made and the ACM is removed in an intact state;
- (j) During all Class II and Class III asbestos jobs where the employer does not produce a "negative exposure assessment";
- (k) During all Class III jobs where TSI or surfacing ACM or PACM is being disturbed; and
- (l) During all Class IV work performed within regulated areas where employees performing other work are required to wear respirators.

(2) Respirator selection.

(a) Where respirators are ~~((required under this section))~~ used, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section or in WAC 296-62-07715(2), and shall ensure that the employee uses the respirator provided.

(b) The employer shall select respirators from among those jointly approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) ~~((or by))~~ and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

~~((b))~~ (c) The employer shall provide a tight fitting powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:

- (i) An employee chooses to use this type of respirator; and
- (ii) This respirator will provide adequate protection to the employee.

(d) In addition to the selection criterion below, the employer shall provide a half-mask air purifying respirator, other than a disposable respirator, equipped with high efficiency filters whenever the employee performs the following activities: Class II and III asbestos jobs where the employer does not produce a negative exposure assessment; and Class III jobs where TSI or surfacing ACM or PACM is being disturbed.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS FIBERS

((Concentration of asbestos fibers	Required Respirator ^a
Not in excess of 2 f/cc.	1. Half mask, air purifying respirator, other than a disposable respirator, equipped with high efficiency filters.^b
Not in excess of 10 f/cc.	1. Full facepiece air purifying respirator equipped with high efficiency filters.
Not in excess of 20 f/cc.	1. Any powered air purifying respirator equipped with high efficiency filters. 2. Any supplied air respirator operated in continuous flow mode.
Not in excess of 200 f/cc.	1. Full facepiece supplied air respirator operated in pressure demand mode.
Greater than 200 f/cc or unknown concentration.	1. Full facepiece supplied air respirator operated in pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter.^c 2. Full facepiece positive pressure self-contained breathing apparatus (SCBA).

PERMANENT

Airborne concentration of asbestos or conditions of use

Required respirator.
(See Note a.)

Not in excess of 1 f/cc (10 X PEL), or otherwise as required independent of exposure

Half-mask air-purifying respirator other than a disposable respirator, equipped with high efficiency filters.
(See Note b.)

Not in excess of 5 f/cc (50 X PEL)

Full facepiece air-purifying respirator equipped with high efficiency filters.

Not in excess of 10 f/cc (100 X PEL)

Any powered air-purifying respirator equipped with high efficiency filters or any supplied-air respirator operated in continuous flow mode.

Not in excess of 100 f/cc (1,000 X PEL)

Full facepiece supplied-air respirator operated in pressure demand mode.

Greater than 100 f/cc (1,000 X PEL) or unknown concentration

Full facepiece supplied-air respirator operated in pressure demand mode, equipped with an auxiliary positive pressure self-contained breathing apparatus or HEPA filter egress cartridges.
(See Note c.)

Note:

- a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
- b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
- c. See subsection (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements.

(a) Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter egress cartridge, to employees engaged in the following asbestos operations:

- ~~((a))~~ (i) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or
- ~~((b))~~ (ii) Any dry removal of asbestos.

~~(Exception: In lieu of the supplied-air respirator required by subsection (3) of this section, an employer may provide and require to be worn, at no cost to the employee, a full facepiece~~

~~supplied-air respirator operated in the continuous flow mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a back-up HEPA filter where daily and historical personal monitoring data indicates the concentration of asbestos fibers is not reasonably expected to exceed 20 f/cc. The continuous flow respirator shall be operated at a minimum air flow rate of six cubic feet per minute at the facepiece using respirable air supplied in accordance with WAC 296-62-0711+.)~~

(b) For all Class I work excluded or not specified in (a)(i) and (ii) of this subsection, the employer shall provide a tight-fitting powered air purifying respirator equipped with high-efficiency filters or a full facepiece supplied-air respirator operated in the pressure demand mode equipped with HEPA filter egress cartridges or an auxiliary positive pressure self-contained breathing apparatus for all employees within the regulated area where asbestos work is being performed for which a negative exposure assessment has not been produced and, the exposure assessment indicates the exposure level will not exceed 1 f/cc as an 8-hour time weighted average. A full facepiece supplied-air respirator operated in the pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus, or a HEPA filter egress cartridge, shall be provided under such conditions, if the exposure assessment indicates exposure levels above 1 f/cc as an 8-hour time weighted average.

PERMANENT

Exception: In lieu of the supplied-air respirator required by subsection (3) of this section, an employer may provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the continuous flow mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a back-up HEPA filter egress cartridge where daily and historical personal monitoring data indicates the concentration of asbestos fibers is not reasonably expected to exceed 10 f/cc. The continuous flow respirator shall be operated at a minimum air flow rate of six cubic feet per minute at the facepiece using respirable air supplied in accordance with WAC 296-62-07111.

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

WAC 296-62-07717 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to asbestos above the permissible exposure limits, or where the possibility of eye irritation exists, or for which a required negative exposure assessment is not produced and for any employee performing Class I operations, the employer shall provide at no cost to the employee and ~~((ensure))~~ require that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(4) Respirator program.
(a) Where respiratory protection is ~~((required))~~ used, the employer shall institute a respirator program in accordance with WAC 296-62-071.

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

- (2) Removal and storage.
 - (a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(c) Employees who wear respirators shall be permitted to leave work areas to wash their faces and respirator facepieces whenever necessary to prevent skin irritation associated with respirator use.

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

(c) ~~((Contaminated work clothing shall be placed and stored in closed containers which prevent dispersion of the asbestos outside the container.))~~ Contaminated clothing. Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and be labeled in accordance with WAC 296-62-07721.

(5) Respirator fit testing.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(3).

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

- (3) Cleaning and replacement.
 - (a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn ((in concentrations of asbestos not in excess of 2 f/cc)), and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table I of this section.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter egress cartridge shall be quantitatively fit tested with the air supply disconnected at the time of initial fitting and at least every six months thereafter. The quantitative fit tests shall be conducted using the procedures described in WAC 296-62-07739(2), Appendix C, for negative pressure respirators.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) ~~((Protective clothing for removal, demolition, and renovation operations.~~

PERMANENT

~~(a) The certified asbestos supervisor shall periodically examine worksuits worn by employees for rips or tears that may occur during performance of work.~~

~~(b) When rips or tears are detected while an employee is working within a negative pressure enclosure, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.)) Inspection of protective clothing for construction and shipyard work.~~

~~(a) The competent person shall examine worksuits worn by employees at least once per workshift for rips or tears that may occur during performance of work.~~

~~(b) When rips or tears are detected while an employee is working, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.~~

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07719 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in ~~((small scale, short duration operations, as described in WAC 296-62-07712(4)))~~ Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-24-12009(3).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for ((removal, demolition, and renovation operations:

~~(a) Decontamination area. Except for small scale, short-duration operations, as described in WAC 296-62-07753 Appendix J, the employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of employees contaminated with asbestos. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.~~

~~(b) Clean room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.~~

~~(c) Shower area. Where feasible, shower facilities shall be provided which comply with WAC 296-24-12009(3). The showers shall be contiguous both to the equipment room and the clean change room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean change room, the employer shall ensure that employees:~~

~~(i) Remove asbestos contamination from their worksuits using a HEPA vacuum before proceeding to a shower that is not contiguous to the work area; or~~

~~(ii) Remove their contaminated worksuits, don clean worksuits, and proceed to a shower that is not contiguous to the work area.~~

~~(d) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.~~

~~(e) Decontamination area entry procedures:~~

~~(i) The employer shall ensure that employees:~~

~~(A) Enter the decontamination area through the clean room;~~

~~(B) Remove and deposit street clothing within a locker provided for their use; and~~

~~(C) Put on protective clothing and respiratory protection before leaving the clean room.~~

~~(ii) Before entering the enclosure, the employer shall ensure that employees pass through the equipment room.~~

~~(f) Decontamination area exit procedures:~~

~~(i) Before leaving the regulated area, the employer shall ensure that employees remove all gross contamination and debris from their protective clothing.~~

~~(ii) The employer shall ensure that employees remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers.~~

~~(iii) The employer shall ensure that employees do not remove their respirators in the equipment room.~~

~~(iv) The employer shall ensure that employees shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing their respirators.~~

~~(v) The employer shall ensure that, after showering, employees enter the clean room before changing into street clothes.~~

~~(g)) construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.~~

(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.

(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.

(B) Shower area. Shower facilities shall be provided which comply with WAC 296-24-12009(3), unless the

employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:

(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or

(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.

(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(i) Decontamination area entry procedures. The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

((h)) (e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723((7)) shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

AMENDATORY SECTION (Amending Order 92-20, filed 12/2/92, effective 1/15/93)

WAC 296-62-07721 Communication of hazards to employees. ((1) Upon written or oral request, a copy of the written report required in WAC 296-62-07707 and 296-65-020 shall be given to the collective bargaining representa-

tives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing material. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(2) Warning signs:

(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER
ASBESTOS

CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY

RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by paragraph (2)(a) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics:

(3) Warning labels:

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER

CONTAINS ASBESTOS FIBERS

AVOID CREATING DUST

CANCER AND LUNG DISEASE HAZARD

AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(4) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (5) of this section.

(5) The provisions for labels required by subsection (3) of this section or for material safety data sheets required by subsection (4) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the action level and/or excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(6) Employee information and training:

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos;

(ii) The relationship between smoking and exposure to asbestos in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean up procedures, personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(viii) The content of this standard, including appendices;

(ix) The names, addresses, and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(x) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(d) Access to information and training materials:

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) The employer shall inform all employees concerning the availability of self help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self help material, which is approved or published by a public health organization listed in Appendix I.

(7) Certification:

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (2) and (3), all employees shall be trained according to subsection

(6) of this section, regardless of their exposure levels.)) (1) Communication of hazards to employees. General industry requirements.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in general industry. Asbestos exposure in industry occurs in a wide variety of industrial and commercial settings. Employees who manufacture asbestos-containing products may be exposed to asbestos fibers. Employees who repair and replace automotive brakes and clutches may be exposed to asbestos fibers. In addition, employees engaged in housekeeping activities in industrial facilities with asbestos product manufacturing operations, and in public and commercial buildings with installed asbestos-containing materials may be exposed to asbestos fibers. It should be noted that employees who perform housekeeping activities during and after construction activities are covered by asbestos construction work requirements in WAC 296-62-077. Housekeeping employees, regardless of industry designation, should know whether building components they maintain may expose them to asbestos. Building owners are often the only and/or best source of information concerning the presence of previously installed asbestos-containing building materials. Therefore they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section.

(b) Installed asbestos-containing material. Employers and building owners are required to treat installed TSI and sprayed-on and troweled-on surfacing materials as ACM for the purposes of this standard. These materials are designated "presumed ACM or PACM," and are defined in WAC 296-62-07703. Asphalt and vinyl flooring installed no later than 1980 also shall be treated as asbestos-containing. The employer or building owner may demonstrate that PACM and flooring materials do not contain asbestos by complying with WAC 296-62-07721(3).

(c) Duties of employers and building and facility owners.

(i) Building and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the worksite. Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, an owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed by the project or the owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-07701 through 296-62-07753.

(iii) The owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction,

renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided with the written report before they apply or bid to work.

(iv) Any owner or owner's agent who fails to comply with (c)(ii) and (iii) of this subsection shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Building and facility owners shall inform employers of employees, and employers shall inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during such activities.

(vi) Upon written or oral request, building or facility owners shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vii) Building and facility owners shall maintain records of all information required to be provided pursuant to this section and/or otherwise known to the building owner concerning the presence, location and quantity of ACM and PACM in the building/facility. Such records shall be kept for the duration of ownership and shall be transferred to successive owners.

(2) Communication of hazards to employees. Requirements for construction and shipyard employment activities.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in construction and shipyard employment activities. Most asbestos-related construction and shipyard activities involve previously installed building materials. Building/vessel owners often are the only and/or best sources of information concerning them. Therefore, they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section. Installed Asbestos Containing Building/Vessel Material: Employers and building/vessel owners shall identify TSI and sprayed or troweled on surfacing materials as asbestos-containing unless the employer, by complying with WAC 296-62-07721(3) determines it is not asbestos containing. Asphalt or vinyl flooring/decking material installed in buildings or vessels no later than 1980 shall also be considered as asbestos containing unless the employer/owner, pursuant to WAC 296-62-07721(3) determines it is not asbestos containing. If the employer or building/vessel owner has actual knowledge or should have known, through the exercise of due diligence, that materials other than TSI and sprayed-on or troweled-on surfacing materials are asbestos containing, they shall be treated as such. When communicating information to employees pursuant to this standard, owners and employers shall identify "PACM" as ACM. Additional requirements

relating to communication of asbestos work on multi-employer worksites are set out in WAC 296-62-07706.

(b) Duties of building/vessel and facility owners.

(i) Before work subject to this section is begun, building/vessel and facility owners shall identify the presence, location and quantity of ACM, and/or PACM at the work site. All thermal system insulation and sprayed on or troweled on surfacing materials in buildings/vessels or substrates constructed no later than 1980 shall be identified as PACM. In addition, resilient flooring/decking material installed no later than 1980 shall also be identified as asbestos containing.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, a building/vessel and facility owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the building/vessel and facility owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-07701 through 296-62-07753.

(iii) The building/vessel and facility owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided the written report before they apply or bid on work.

(iv) Any building/vessel and facility owner or owners agent who fails to comply with WAC 296-62-07719 (2)(b)(ii) and (iii) shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Upon written or oral request, building/vessel and facility owner or owner's agent shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vi) Building/vessel and facility owner or owner's agent shall notify in writing the following persons of the presence, location and quantity of ACM or PACM, at work sites in their buildings/facilities/vessels.

(A) Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;

(B) Employees of the owner who will work in or adjacent to areas containing such material;

(C) On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;

(D) Tenants who will occupy areas containing such materials.

(c) Duties of employers whose employees perform work subject to this standard in or adjacent to areas containing ACM and PACM. Building/vessel and facility owner or owner's agents whose employees perform such work shall comply with these provisions to the extent applicable.

(i) Before work subject to this standard is begun, building/vessel and facility owner or owner's agents shall determine the presence, location, and quantity of ACM and/or PACM at the work site pursuant to WAC 296-62-07721 (2)(b).

(ii) Before work under this standard is performed employers of employees who will perform such work shall inform the following persons of the location and quantity of ACM and/or PACM present at the work site and the precautions to be taken to insure that airborne asbestos is confined to the area.

(A) Owners of the building/vessel or facility;

(B) Employees who will perform such work and employers of employees who work and/or will be working in adjacent areas;

(iii) Upon written or oral request, a copy of the written report required in this section shall be made available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(iv) Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, shall inform the building/vessel or facility owner and employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the former regulated area and final monitoring results, if any.

(d) In addition to the above requirements, all employers who discover ACM and/or PACM on a work site shall convey information concerning the presence, location and quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the work site, within 24 hours of the discovery.

(e) No contractor may commence any construction, renovation, remodeling, maintenance, repair, or demolition project without receiving a copy of the written response or statement required by WAC 296-62-07721 (2)(b). Any contractor who begins any project without the copy of the written report or statement shall be subject to a mandatory fine of not less than two hundred fifty dollars per day. Each day the violation continues shall be considered a separate violation.

(3) Criteria to rebut the designation of installed material as PACM.

(a) At any time, an employer and/or building/vessel owner may demonstrate, for purposes of this standard, that PACM does not contain asbestos. Building/vessel owners

and/or employers are not required to communicate information about the presence of building material for which such a demonstration pursuant to the requirements of (b) of this subsection has been made. However, in all such cases, the information, data and analysis supporting the determination that PACM does not contain asbestos, shall be retained pursuant to WAC 296-62-07727.

(b) An employer or owner may demonstrate that PACM does not contain asbestos by the following:

(i) Having a completed inspection conducted pursuant to the requirements of AHERA (40 CFR Part 763, Subpart E) which demonstrates that the material is not ACM;

(ii) Performing tests of the material containing PACM which demonstrate that no asbestos is present in the material. Such tests shall include analysis of 3 bulk samples of each homogeneous area of PACM collected in a randomly distributed manner. The tests, evaluation and sample collection shall be conducted by an accredited inspector. Analysis of samples shall be performed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute for Standards and Technology (NIST) of the Round Robin for bulk samples administered by the American Industrial Hygiene Associate (AIHA), or an equivalent nationally recognized Round Robin testing program.

(4) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain TSI or surfacing ACM and PACM, the building/vessel and facility owner or owner's agent shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed.

(5) Warning signs.

(a) Warning signs that demarcate the regulated area shall be provided and displayed at each location where a regulated area is required. In addition, warning signs shall be posted at all approaches to regulated areas and be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by (a) of this subsection. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(6) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where

feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(7) The provisions for labels required by subsection (6)(a) of this section or for material safety data sheets required by subsection (8) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(8) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (7) of this section.

(9) When a building/vessel owner/or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical rooms/areas. Signs required by subsection (5)(a) of this section may be posted in lieu of labels so long as they contain information required for labeling.

NEW SECTION

WAC 296-62-07722 Employee information and training. (1) Certification.

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003 shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases where certification requirements of chapter 296-65 WAC do not apply, all employees shall be trained according to provisions of this section regardless of their exposure levels.

(2) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(3) Training for employees performing Class I and Class II operations.

(a) Training for Class I and Class II operations shall be the certified asbestos worker training specified in WAC 296-65-003, 296-65-010, and 296-65-030.

PERMANENT

(b) Exceptions. For employees whose Class II work with intact asbestos-containing materials involves only the removal and/or disturbance of one generic category of intact building/vessel material, such as intact roofing material, bituminous or asphaltic pipeline coating, intact flooring/decking material, siding materials and ceiling tiles, or transite panels, such employers are required to train employees who perform such work by providing a training course which includes as a minimum all elements of subsection (5) of this section and in addition the specific work practices and engineering controls set forth in WAC 296-62-07712 and 296-62-07713 which specifically relate to that material category. Such course shall include "hands-on" training, and shall take at least 8 hours.

(i) For Class II operations involving intact materials not specified in (b) of this subsection, training shall include the requirements of (b) of this subsection and specific work practices and engineering controls specified in WAC 296-62-07712 which specifically relates to the category of material being removed, and shall include hands-on training in the work practices applicable to each category of material the employee removes and each removal method that the employee uses.

(ii) Employees performing Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures, shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(4) Training for Class III and IV operations.

(a) Training for employees performing Class III and IV operations shall be the certified asbestos worker training specified in WAC 296-65-003, 296-65-001, and 296-65-030.

(b) Training for Class III asbestos work exempted from certification requirements in chapter 296-65 WAC, safety standards for asbestos removal and encapsulation shall be the equivalent in curriculum and training method to the 16-hour operations and maintenance course developed by EPA for maintenance and custodial workers who conduct activities that will result in the disturbance of ACM. (See 40 CFR 763.92(a)(2).) Such course shall include "hands-on" training in the use of respiratory protection and work practices and shall take at least 16 hours.

(c) Training for Class IV asbestos work exempted from certification requirements in chapter 296-65 WAC, safety standards for asbestos removal and encapsulation shall be the equivalent in curriculum and training method to the awareness training course developed by EPA for maintenance and custodial workers who work in buildings containing asbestos-containing material. (See 40 CFR 763.92(a)(1).) Such course shall include available information concerning the locations of PACM an ACM, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not been certified; and instruction in recognition of damage, deterioration, and delamination of asbestos-containing building materials. Such a course shall take at least 2 hours.

(5) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(a) The health effects associated with asbestos exposure;

(b) The relationship between smoking and exposure to asbestos producing lung cancer;

(c) Methods of recognizing asbestos and quantity, location, manner of use, release (including the requirements of WAC 296-62-07721 (1)(c) and (2)(b) to presume certain building materials contain asbestos), and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(d) The engineering controls and work practices associated with the employee's job assignment;

(e) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures (including where Class III and IV work is performed, the contents "Managing Asbestos In Place" (EPA 20T-2003, July 1990) or its equivalent in content), personal protective equipment to be used, waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(f) The purpose, proper use, and limitations of respirators and protective clothing;

(g) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(h) The content of this standard, including appendices;

(i) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(j) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(6) The employer shall also provide, at no cost to employees who perform housekeeping operations in a facility which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: Health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM and PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who are or will work in areas where ACM and/or PACM is present. Each such employee shall be so trained at least once a year.

(7) Access to information and training materials.

(a) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(b) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(c) The employer shall inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I, WAC 296-62-07751.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07723 Housekeeping. (1) All surfaces shall be maintained as free as practicable of accumulations of dusts and waste containing asbestos.

(2) All spills and sudden releases of material containing asbestos shall be cleaned up as soon as possible.

(3) Surfaces contaminated with asbestos may not be cleaned by the use of compressed air.

(4) Vacuuming. HEPA-filtered vacuuming equipment shall be used for vacuuming. The equipment shall be used and emptied in a manner which minimizes the reentry of asbestos into the workplace.

(5) Shoveling, dry sweeping, and dry clean-up of asbestos may be used only where vacuuming and/or wet cleaning are not feasible.

(6) Waste disposal. Waste, scrap, debris, bags, containers, equipment, and clothing contaminated with asbestos consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers. To avoid breakage, bags shall be at least six mils in thickness and shall not be dragged or slid across rough or abrasive surfaces.

(7) Waste removal. Whenever a negative-pressure enclosure is required by WAC 296-62-07712, the employer wherever feasible, shall establish a waste-load-out area that is adjacent and connected to the negative-pressure enclosure, constructed of a two chamber air lock, for the decontamination and removal of asbestos debris.

(8) Deterioration. Asbestos and asbestos containing material which has become damaged or deteriorated shall be repaired, enclosed, encapsulated, or removed.

(9) Care of asbestos-containing flooring/decking material.

(a) Sanding of asbestos-containing floor/deck material is prohibited.

(b) Stripping of finishes shall be conducted using low abrasion pads at speeds lower than 300 rpm and wet methods.

(c) Burnishing or dry buffing may be performed only on asbestos-containing flooring/decking which has sufficient finish so that the pad cannot contact the asbestos-containing material.

(d) Dust and debris in an area containing TSI or surfacing ACM/PACM or visibly deteriorated ACM, shall not be dusted or swept dry, or vacuumed without using a HEPA filter.

(10) Waste and debris and accompanying dust in an area containing accessible thermal system insulation or surfacing material or visibly deteriorated ACM:

(a) Shall not be dusted or swept dry, or vacuumed without using a HEPA filter;

(b) Shall be promptly cleaned up and disposed of in leak tight containers.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07725 Medical surveillance. (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or

will be exposed to airborne concentrations of fibers of asbestos at or above the ~~((action level and/or excursion))~~ permissible exposure limits. Exception. ~~((Employers in the construction industry shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level for thirty or more days per year, or who are required by this section to wear negative pressure respirators.))~~

Employers in the construction or shipyard industries shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II, and III work, or are exposed at or above the permissible exposure limit for combined 30 days or more per year; or who are required by the section to wear negative pressure respirators. For the purpose of this subsection, any day in which an employee engaged in Class II or III work or a combination thereof for one hour or less, and, while doing so adheres to the work practices specified in this standard, shall not count.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.

(a) Periodic medical examinations shall be made available annually.

(b) The scope of the medical examination shall be in conformance with the protocol established in subsection (2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

Years since first exposure	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10	Every 5 years	Every 5 years	Every 5 years.
10+	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.

(a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos at or above the ~~((action level and/or excursion))~~ permissible exposure limits.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

(6) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and Appendices D, E, and H of WAC 296-62-07741, 296-62-07743, and 296-62-07749 respectively.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators;

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from asbestos exposure that require further explanation or treatment; and

(iv) A statement that the employee has been informed by the physician of the increased risk of lung cancer attribut-

able to the combined effect of smoking and asbestos exposure.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07727 Recordkeeping. (1) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos as prescribed in WAC 296-62-07709.

(b) This record shall include at least the following information:

- (i) Name of employer;
- (ii) Name of person conducting monitoring;
- (iii) The date of measurement;
- (iv) Address of operation or activity;
- (v) Description of the operation or activity involving exposure to asbestos that is being monitored;
- (vi) Personal or area sample;
- (vii) Name, Social Security number, and exposure level of the employees whose exposures are represented;
- (viii) Type of protective devices worn, if any;
- (ix) Pump calibration date and flow rate;
- (x) Total volume of air sampled;
- (xi) Name and address of analytical laboratory;
- (xii) Number, duration, and results (f/cc) of samples taken;

- (xiii) Date of analysis; and
- (xiv) Sampling and analytical methods used and evidence of their accuracy.

(c) The employer shall maintain this record for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(2) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing asbestos is exempted from other requirements of this section under WAC 296-62-07709 (2)(c), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

- (b) The record shall include at least the following:
- (i) The product qualifying for exemption;
 - (ii) The source of the objective data;
 - (iii) The testing protocol, results of testing, and/or analysis of the material for the release of asbestos;
 - (iv) A description of the operation exempted and how the data support the exemption; and
 - (v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

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Note: The employer may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07725 (1)(a), in accordance with WAC 296-62-052.

(b) The record shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physician's written opinions;

(iii) Any employee medical complaints related to exposure to asbestos;

(iv) A copy of the information provided to the physician as required by WAC 296-62-07725(6); and

(v) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physicians recommendations.

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(4) Training. The employer shall maintain all employee training records for one year beyond the last date of employment of that employee.

(5) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying.

(b) The employer, upon request, shall make any exposure records required by subsection (1) of this section available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (2) of this section available for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(6) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal of records and, upon request, transmit them to the director.

(7) Data to rebut PACM. Where the building owner and employer have relied on data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption.

(8) Records of required notifications. Where the building owner has communicated and received information concerning the identification, location and quantity of ACM and PACM, written records of such notifications and their content shall be maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities.

NEW SECTION

WAC 296-62-07728 Competent person. (1) General. For all construction and shipyard work covered by this standard, the employer shall designate a competent person, having the qualifications and authorities for ensuring worker safety and health as required by chapter 296-155 WAC.

(2) Required inspections by the competent person. WAC 296-155-110(9) which requires health and safety prevention programs to provide for frequent and regular inspections on the job sites, materials, and equipment to be made by the competent person, is incorporated.

(3) Additional inspections. In addition, the competent person shall make frequent and regular inspections of the job sites in order to perform the duties set out below in this section. For Class I jobs, on-site inspections shall be made at least once during each work shift, and at any time at employee request. For Class II and III jobs, on-site inspections shall be made at intervals sufficient to assess whether conditions have changed, and at any reasonable time at employee request.

(a) On all worksites where employees are engaged in Class I or II asbestos work, the competent person designated in accordance with WAC 296-62-07712 shall perform or supervise the following duties, as applicable:

(i) Set up the regulated area, enclosure, or other containment;

(ii) Ensure (by on-site inspection) the integrity of the enclosure or containment;

(iii) Set up procedures to control entry and exit from the enclosure and/or area;

(iv) Supervise all employee exposure monitoring required by this section and ensure that it is conducted as required by WAC 296-62-07709;

(v) Ensure that employees working within the enclosure and/or using glovebags wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;

(vi) Ensure through on-site supervision, that employees set up and remove engineering controls, use work practices and personal protective equipment in compliance with all requirements;

(vii) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719;

(viii) Ensure that through on-site inspection engineering controls are functioning properly and employees are using proper work practices; and

(ix) Ensure that notification requirements in WAC 296-62-07721 are met.

(4) Training for competent person.

(a) For Class I and II asbestos work the competent person shall be trained in all aspects of asbestos removal and handling, including: Abatement, installation, removal and handling, the contents of this standard, the identification of asbestos, removal procedures where appropriate, and other practices for reducing the hazard. Such training shall be the certified asbestos supervisor training specified in WAC 296-65-003, 296-65-012, and 296-65-030.

(b) For Class III and IV asbestos work:

(i) The competent person shall be certified as an asbestos supervisor as prescribed in WAC 296-65-012 and

296-65-030 for Class III and IV work involving 3 square feet or 3 linear feet or more of asbestos containing material.

(ii) For Class III and IV asbestos work involving less than 3 square feet or 3 linear feet of asbestos containing material, and asbestos work exempted from certification requirements in chapter 296-65 WAC, the competent person shall be trained in aspects of asbestos handling appropriate for the nature of the work, to include procedures for setting up glove bags and mini-enclosures, practices for reducing asbestos exposures, use of wet methods, the contents of this standard, and the identification of asbestos. Such training shall include successful completion of a course equivalent in curriculum and training method to the 16-hour Operations and Maintenance course developed by EPA for maintenance and custodial workers (see (b)(i) of this subsection) or its equivalent in stringency, content and length.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07733 Appendices. ~~((1) The following appendices to this chapter are mandatory:~~

~~(a) WAC 296-62-07735, Appendix A—WISHA reference method—Mandatory.~~

~~(b) WAC 296-62-07739, Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.~~

~~(c) WAC 296-62-07741, Appendix D—Medical questionnaires—Mandatory.~~

~~(d) WAC 296-62-07743, Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.~~

~~(2) The following appendices to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.~~

~~(a) WAC 296-62-07737, Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory.~~

~~(b) WAC 296-62-07745, Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory.~~

~~(c) WAC 296-62-07747, Appendix G—Substance technical information for asbestos—Nonmandatory.~~

~~(d) WAC 296-62-07749, Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory.~~

~~(e) WAC 296-62-07751, Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.~~

~~(f) WAC 296-62-07753, Appendix J—Work practices and engineering controls for small-scale, short duration asbestos renovation and maintenance activities—Nonmandatory.~~

~~(g) WAC 296-62-07755, Appendix K—Smoking cessation program information for asbestos, tremolite, anthophyllite, and actinolite—Nonmandatory.)) (1) Appendices A, C, D, E, and F to this part are incorporated as part of this section and the contents of these appendices are mandatory.~~

~~(2) Appendices B, G, H, I, J and K to this part are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.~~

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07735 Appendix A—WISHA reference method—Mandatory. This mandatory appendix specifies the procedure for analyzing air samples for asbestos, tremolite, anthophyllite, and actinolite and specifies quality control procedures that must be implemented by laboratories performing the analysis. The sampling and analytical methods described below represent the elements of the available monitoring methods (such as Appendix B to this section, the most current version of the WISHA method ID-60, or the most current version of the NIOSH 7400 method) which WISHA considers to be essential to achieve adequate employee exposure monitoring while allowing employers to use methods that are already established within their organizations. All employers who are required to conduct air monitoring under WAC 296-62-07709 are required to utilize analytical laboratories that use this procedure, or an equivalent method (~~recognized by the department~~), for collecting and analyzing samples.

(1) Sampling and analytical procedure.

(a) The sampling medium for air samples shall be mixed cellulose ester filter membranes. These shall be designated by the manufacturer as suitable for asbestos, tremolite, anthophyllite, and actinolite counting. See below for rejection of blanks.

(b) The preferred collection device shall be the 25-mm diameter cassette with an open-faced 50-mm electrically conductive extension cowl. The 37-mm cassette may be used if necessary but only if written justification for the need to use the 37-mm filter cassette accompanies the sample results in the employee's exposure monitoring record. Do not reuse or reload cassettes for asbestos sample collection.

(c) An air flow rate between 0.5 liter/min and ~~((4.0))~~ 2.5 liters/min shall be selected for the 25-mm cassette. If the 37-mm cassette is used, an air flow rate between 1 liter/min and 4.0 liters/min shall be selected.

(d) Where possible, a sufficient air volume for each air sample shall be collected to yield between one hundred and one thousand three hundred fibers per square millimeter on the membrane filter. If a filter darkens in appearance or if loose dust is seen on the filter, a second sample shall be started.

(e) Ship the samples in a rigid container with sufficient packing material to prevent dislodging the collected fibers. Packing material that has a high electrostatic charge on its surface (e.g., expanded polystyrene) cannot be used because such material can cause loss of fibers to the sides of the cassette.

(f) Calibrate each personal sampling pump before and after use with a representative filter cassette installed between the pump and the calibration devices.

(g) Personal samples shall be taken in the "breathing zone" of the employee (i.e., attached to or near the collar or lapel near the worker's face).

(h) Fiber counts shall be made by positive phase contrast using a microscope with an 8 to 10 X eyepiece and a 40 to 45 X objective for a total magnification of approximately 400 X and a numerical aperture of 0.65 to 0.75. The microscope shall also be fitted with a green or blue filter.

(i) The microscope shall be fitted with a Walton-Beckett eyepiece graticule calibrated for a field diameter of one hundred micrometers (+/-2 micrometers).

(j) The phase-shift detection limit of the microscope shall be about 3 degrees measured using the HSE phase shift test slide as outlined below.

(i) Place the test slide on the microscope stage and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note: The slide consists of seven sets of grooved lines (ca. 20 grooves to each block) in descending order of visibility from sets one to seven, seven being the least visible. The requirements for asbestos, tremolite, anthophyllite, and actinolite counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six and seven must be invisible. Sets four and five must be at least partially visible but may vary slightly in visibility between microscopes. A microscope that fails to meet these requirements has either too low or too high a resolution to be used for asbestos, tremolite, anthophyllite, and actinolite counting.

(iii) If the image deteriorates, clean and adjust the microscope optics. If the problem persists, consult the microscope manufacturer.

(k) Each set of samples taken will include ten percent blanks or a minimum of two blanks. ~~((The))~~ These blanks ((results shall be averaged and subtracted from the analytical results before reporting)) must come from the same lot as the filters used for sample collection. The field blank results shall be averaged and subtracted from the analytical results before reporting. Any samples represented by a blank having a fiber count in excess of ~~((seven fibers/one hundred fields))~~ the detection limit of the method being used shall be rejected.

(l) The samples shall be mounted by the acetone/triacetin method or a method with an equivalent index of refraction and similar clarity.

(m) Observe the following counting rules.

(i) Count only fibers equal to or longer than five micrometers. Measure the length of curved fibers along the curve.

(ii) ~~((In the absence of other information,))~~ Count all particles as asbestos, tremolite, anthophyllite, and actinolite that have a length-to-width ratio (aspect ratio) of three to one or greater.

(iii) Fibers lying entirely within the boundary of the Walton-Beckett graticule field shall receive a count of one. Fibers crossing the boundary once, having one end within the circle, shall receive the count of one-half. Do not count any fiber that crosses the graticule boundary more than once. Reject and do not count any other fibers even though they may be visible outside the graticule area.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of an individual fiber.

~~((For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:~~

$$N = 6000/V \text{ For TWA Determination (QL = 0.085)}$$

$$N = 2400/V \text{ For Ceiling Determinations (QL = 0.21)}$$

~~Where~~ ~~N~~ = Number of fields counted on a 25mm filter
~~V~~ = Air volume of sample in liters
~~QL~~ = Limit of reliable quantification in fibers/cc for the NIOSH 7400 method

~~Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.~~

~~(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty three liters, count a total number of fields calculated from the following formulas:~~

$$N = 13300/V \text{ For TWA Determination (QL = 0.085)}$$

$$N = 5320/V \text{ For Ceiling Determinations (QL = 0.21)}$$

~~Where~~ ~~N~~ = Number of fields counted on a 37mm filter
~~V~~ = Air volume of sample in liters
~~QL~~ = Limit of reliable quantification in fibers/cc

~~Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.)~~

Count enough graticule fields to yield 100 fibers. Count a minimum of 20 fields; stop counting at 100 fields regardless of fiber count.

(n) Blind recounts shall be conducted at the rate of ten percent.

(2) Quality control procedures.

(a) Intralaboratory program. Each laboratory and/or each company with more than one microscopist counting slides shall establish a statistically designed quality assurance program involving blind recounts and comparisons between microscopists to monitor the variability of counting by each microscopist and between microscopists. In a company with more than one laboratory, the program shall include all laboratories and shall also evaluate the laboratory-to-laboratory variability.

(b) Interlaboratory program.

(i) Each laboratory analyzing asbestos, tremolite, anthophyllite, and actinolite samples for compliance determination shall implement an interlaboratory quality assurance program that as a minimum includes participation of at least two other independent laboratories. Each laboratory shall participate in round robin testing at least once every six months with at least all the other laboratories in its interlaboratory quality assurance group. Each laboratory shall submit slides typical of its own work load for use in this program. The round robin shall be designed and results analyzed using appropriate statistical methodology.

(ii) All laboratories should participate in a national sample testing scheme such as the Proficiency Analytical Testing Program (PAT), the Asbestos Registry sponsored by the American Industrial Hygiene Association (AIHA).

(c) All individuals performing asbestos, tremolite, anthophyllite, and actinolite analysis must have taken the NIOSH course for sampling and evaluating airborne asbestos, tremolite, anthophyllite, and actinolite dust or an equivalent course, recognized by the department.

(d) When the use of different microscopes contributes to differences between counters and laboratories, the effect

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of the different microscope shall be evaluated and the microscope shall be replaced, as necessary.

(e) Current results of these quality assurance programs shall be posted in each laboratory to keep the microscopists informed.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07737 Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory. ((This appendix contains a detailed procedure for sampling and analysis and includes those critical elements specified in WAC 296-62-07735, Appendix A. Employers are not required to use this procedure, but they are required to use Appendix A. The purpose of Appendix B is to provide a detailed step-by-step sampling and analysis procedure that conforms to the elements specified in WAC 296-62-07735, Appendix A. Since this procedure may also standardize the analysis and reduce variability, WISHA encourages employers to use this appendix.

Asbestos Sampling and Analysis Method

- Technique: Microscopy, phase contrast.
- Analyte: Fibers (manual count).
- Sample preparation: Acetone/triacetin method.
- Calibration: Phase shift detection limit about three degrees.
- Range: One hundred to one thousand three hundred fibers/mm² filter area.
- Estimated limit of detection: Seven fibers/mm² filter area.
- Sampler: Filter (0.8-1.2 um mixed cellulose ester membrane, 25 mm diameter).
- Flow rate: 0.5 L/min to 4.0 L/min (25 mm cassette) 1.0 L/min to 4.0 L/min (37 mm cassette).
- Sample volume: Adjust to obtain one hundred to one thousand three hundred fibers/mm².
- Shipment: Routine.
- Sample stability: Indefinite.
- Blanks: Ten percent of samples (minimum two).
- Standard analytical error: 0.25.

Applicability: The working range is 0.02 f/ee (1920 L air sample) to 1.25 f/ee (400 L air sample). The method gives an index of airborne asbestos fibers but may be used for other materials such as fibrous glass by inserting suitable parameters into the counting rules. The method does not differentiate between asbestos and other fibers. Asbestos fibers less than ca. 0.25 um diameter will not be detected by this method.

Interferences: Any other airborne fiber may interfere since all particles meeting the counting criteria are counted. Chain-like particles may appear fibrous. High levels of nonfibrous dust particles may obscure fibers in the field of view and raise the detection limit.

(1) Reagents:

- (a) Acetone.
- (b) Triacetin (glycerol triacetate), reagent grade.

Special precautions: Acetone is an extremely flammable liquid and precautions must be taken not to ignite it.

Heating of acetone must be done in a ventilated laboratory fume hood using a flameless, spark free heat source.

(2) Equipment:

(a) Collection device: 25 mm cassette with 50 mm electrically conductive extension cowl with cellulose ester filter, 0.8 to 1.2 mm pore size and backup pad.

Note:—Analyze representative filters for fiber background before use and discard the filter lot if more than five fibers/one hundred fields are found.

(b) Personal sampling pump, greater than or equal to 0.5 L/min. with flexible connecting tubing.

(c) Microscope, phase contrast, with green or blue filter, 8 to 10 X eyepiece, and 40 to 45 X phase objective (total magnification ca. 400 X); numerical aperture = 0.65 to 0.75.

(d) Slides, glass, single frosted, precleaned, 25 x 75 mm.

(e) Cover slips, 25 x 25 mm, No. 1 1/2 unless otherwise specified by microscope manufacturer.

(f) Knife, No. 1 surgical steel, curved blade.

(g) Tweezers.

(h) Flask, Guth type, insulated neck, 250 to 500 mL (with single hole rubber stopper and elbow jointed glass tubing, 16 to 22 cm long).

(i) Hotplate, spark free, stirring type; heating mantle; or infrared lamp and magnetic stirrer.

(j) Syringe, hypodermic, with 22 gauge needle.

(k) Graticule, Walton Beckett type with 100 um diameter circular field at the specimen plane (area = 0.00785 mm²), (Type G-22).

Note:—The graticule is custom made for each microscope.

(l) HSE/NPL phase contrast test slide, Mark II.

(m) Telescope, ocular phase ring centering.

(n) Stage micrometer (0.01 mm divisions).

(3) Sampling:

(a) Calibrate each personal sampling pump with a representative sampler in line.

(b) Fasten the sampler to the worker's lapel as close as possible to the worker's mouth. Remove the top cover from the end of the cowl extension (open face) and orient face down. Wrap the joint between the extender and the monitors body with shrink tape to prevent air leaks.

(c) Submit at least two blanks (or ten percent of the total samples, whichever is greater) for each set of samples. Remove the caps from the field blank cassettes and store the caps and cassettes in a clean area (bag or box) during the sampling period. Replace the caps in the cassettes when sampling is completed.

(d) Sample at 0.5 L/min or greater. Do not exceed 1 mg total dust loading on the filter. Adjust sampling flow rate, Q (L/min), and time to produce a fiber density, E (fibers/mm²), of one hundred to one thousand three hundred fibers/mm² (3.85 x 10⁴ to 5 x 10⁵ fibers per 25 mm filter with effective collection area (A_e = 385 mm²)) for optimum counting precision (see subsection (7)(a) of this section). Calculate the minimum sampling time, T (minutes) at the action level (one half of the current standard), L (f/ee) of the fibrous aerosol being sampled:

$$T = \frac{(A_e)(E)}{(Q)(L)10^3}$$

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(e) Remove the field monitor at the end of sampling, replace the plastic top cover and small end caps, and store the monitor.

(f) Ship the samples in a rigid container with sufficient packing material to prevent jostling or damage.

Note: Do not use polystyrene foam in the shipping container because of electrostatic forces which may cause fiber loss from the sample filter.

(4) Sample preparation.

Note: The object is to produce samples with a smooth (nongrainy) background in a medium with a refractive index equal to or less than 1.46. The method below collapses the filter for easier focusing and produces permanent mounts which are useful for quality control and interlaboratory comparison. Other mounting techniques meeting the above criteria may also be used, e.g., the nonpermanent field-mounting technique used in P & CAM 239.

(a) Ensure that the glass slides and cover slips are free of dust and fibers.

(b) Place 40 to 60 ml of acetone into a Guth type flask. Stopper the flask with a single hole rubber stopper through which a glass tube extends 5 to 8 cm into the flask. The portion of the glass tube that exits the top of the stopper (8 to ten cm) is bent downward in an elbow that makes an angle of twenty to thirty degrees with the horizontal.

(c) Place the flask in a stirring hotplate or wrap in a heating mantle. Heat the acetone gradually to its boiling temperature (ca. 58°C).

Caution: The acetone vapor must be generated in a ventilated fume hood away from all open flames and spark sources. Alternate heating methods can be used, providing no open flame or sparks are present.

(d) Mount either the whole sample filter or a wedge cut from the sample filter on a clean glass slide.

(i) Cut wedges of ca. twenty five percent of the filter area with a curved blade steel surgical knife using a rocking motion to prevent tearing.

(ii) Place the filter or wedge, dust slide up, on the slide. Static electricity will usually keep the filter on the slide until it is cleared.

(iii) Hold the glass slide supporting the filter approximately 1 to 2 cm from the glass tube port where the acetone vapor is escaping from the heated flask. The acetone vapor stream should cause a condensation spot on the glass slide ca. 2 to 3 cm in diameter. Move the glass slide gently in the vapor stream. The filter should clear in two to five seconds. If the filter curls, distorts, or is otherwise rendered unusable, the vapor stream is probably not strong enough. Periodically wipe the outlet port with tissue to prevent liquid acetone dripping onto the filter.

(iv) Using the hypodermic syringe with a 22 gauge needle, place one to two drops of triacetin on the filter. Gently lower a clean 25 mm square cover slip down onto the filter at a slight angle to reduce the possibility of forming bubbles. If too many bubbles form or the amount of triacetin is insufficient, the cover slip may become detached within a few hours.

(v) Glue the edges of the cover slip to the glass slide using a lacquer or nail polish.

Note: If clearing is slow, the slide preparation may be heated on a hotplate (surface temperature 50°C) for fifteen minutes to hasten clearing. Counting may proceed immediately after clearing and mounting are completed.

(5) Calibration and quality control.

(a) Calibration of the Walton Beckett graticule.—The diameter, d_g (mm), of the circular counting area and the disc diameter must be specified when ordering the graticule.

(i) Insert any available graticule into the eyepiece and focus so that the graticule lines are sharp and clear.

(ii) Set the appropriate interpupillary distance and, if applicable, reset the binocular head adjustment so that the magnification remains constant.

(iii) Install the 40 to 45 X phase objective.

(iv) Place a stage micrometer on the microscope object stage and focus the microscope on the graduated lines.

(v) Measure the magnified grid length, L_g (um) using the stage micrometer.

(vi) Remove the graticule from the microscope and measure its actual grid length, L_g (mm). This can best be accomplished by using a stage fitted with verniers.

(vii) Calculate the circle diameter, d_g (mm), for the Walton Beckett graticule:

$$d_g = \frac{L_a \times D}{L_g}$$

Example: If $L_g = 108 \text{ um}$, $L_g = 2.93 \text{ mm}$ and $D = 100 \text{ um}$, then $d_g = 2.71 \text{ mm}$.

(viii) Check the field diameter, D (acceptable range $100 \text{ mm} \pm 2 \text{ mm}$) with a stage micrometer upon receipt of the graticule from the manufacturer. Determine field area (mm^2).

(b) Microscope adjustments. Follow the manufacturer's instructions and also the following:

(i) Adjust the light source for even illumination across the field of view at the condenser iris.

Note: Kohler illumination is preferred, where available.

(ii) Focus on the particulate material to be examined.

(iii) Make sure that the field iris is in focus, centered on the sample, and open only enough to fully illuminate the field of view.

(iv) Use the telescope ocular supplied by the manufacturer to ensure that the phase rings (annular diaphragm and phase shifting elements) are concentric.

(c) Check the phase shift detection limit of the microscope periodically.

(i) Remove the HSE/NPL phase contrast test slide from its shipping container and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note: The slide consists of seven sets of grooves (ca. 20 grooves to each block) in descending order of visibility from sets one to seven. The requirements for counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six to seven must be invisible. Sets four and five must be at least partially visible but may vary slightly in visibility between microscopes. A microscope which fails to meet these requirements has either too low or too high a resolution to be used for asbestos, tremolite, anthophyllite, and actinolite counting.

(iii) If the image quality deteriorates, clean the microscope optics and, if the problem persists, consult the microscope manufacturer.

(d) Quality control of fiber counts.

(i) Prepare and count field blanks along with the field samples. Report the counts on each blank. Calculate the mean of the field blank counts and subtract this value from each sample count before reporting the results.

Note 1: The identity of the blank filters should be unknown to the counter until all counts have been completed.

Note 2: If a field blank yields fiber counts greater than seven fibers/one hundred fields, report possible contamination of the samples.

(ii) Perform blind recounts by the same counter on ten percent of filters counted (slides relabeled by a person other than the counter).

(e) Use the following test to determine whether a pair of counts on the same filter should be rejected because of possible bias. This statistic estimates the counting repeatability at the ninety-five percent confidence level. Discard the sample if the difference between the two counts exceeds $2.77(F)sr$, where F = average of the two fiber counts and Sr = relative standard deviation, which should be derived by each laboratory based on historical in-house data.

Note: If a pair of counts is rejected as a result of this test, recount the remaining samples in the set and test the new counts against the first counts. Discard all rejected paired counts.

(f) Enroll each new counter in a training course that compares performance of counters on a variety of samples using this procedure.

Note: To ensure good reproducibility, all laboratories engaged in asbestos counting are required to participate in the proficiency analytical testing (PAT) program and should routinely participate with other asbestos fiber counting laboratories in the exchange of field samples to compare performance of counters.

(6) Measurement.

(a) Place the slide on the mechanical stage of the calibrated microscope with the center of the filter under the objective lens. Focus the microscope on the plane of the filter.

(b) Regularly check phase ring alignment and Kohler illumination.

(c) The following are the counting rules:

(i) Count only fibers 5 μ m or longer in length. Measure the length of curved fibers along the curve.

(ii) Count only fibers with a length to width ratio equal to or greater than three to one.

(iii) For fibers that cross the boundary of the graticule field, do the following:

(A) Count any fiber 5 μ m or longer in length that lies entirely within the graticule area.

(B) Count as one-half fiber any fiber with only one end lying within the graticule area.

(C) Do not count any fiber that crosses the graticule boundary more than once.

(D) Reject and do not count all other fibers.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of a fiber.

(v) For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:

$$N = 6000/V \text{ For TWA Determination (QL = 0.085)}$$

$$N = 2400/V \text{ For Ceiling Determinations (QL = 0.21)}$$

Where N = Number of fields counted on a 25mm filter
 V = Air volume of sample in liters
 QL = Limit of reliable quantification in fibers/cc for the NIOSH 7400 method

Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.

(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty three liters, count a total number of fields calculated from the following formulas:

$$N = 13300/V \text{ For TWA Determination (QL = 0.085)}$$

$$N = 5320/V \text{ For Ceiling Determinations (QL = 0.21)}$$

Where N = Number of fields counted on a 37mm filter
 V = Air volume of sample in liters
 QL = Limit of reliable quantification in fibers/cc

Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.

(d) Start counting from one end of the filter and progress along a radial line to the other end, shift either up or down on the filter, and continue in the reverse direction. Select fields randomly by looking away from the eyepiece briefly while advancing the mechanical stage. When an agglomerate covers ca. 1/6 or more of the field of view, reject the field and select another. Do not report rejected fields in the number of total fields counted.

Note: When counting a field, continuously scan a range of focal planes by moving the fine focus knob to detect very fine fibers which have become embedded in the filter. The small diameter fibers will be very faint but are an important contribution to the total count.

(7) Calculations.

(a) Calculate and report fiber density on the filter, E (fibers/mm²), by dividing the total fiber count, F , minus the mean field blank count, B , by the number of fields, n , and the field area, A_f (0.00785 mm² for a properly calibrated Walton-Beckett graticule):

$$E = \frac{(F/n) - (B/n_f)}{A_f} \text{ fibers/mm}^2$$

Where: n_f = number of fields in submission sample
 n_b = number of fields in blank sample

(b) Calculate the concentration, C (f/cc), of fibers in the air volume sampled, V (L), using the effective collection area of the filter, A_e (385 mm² for a 25 mm filter):

$$C = \frac{(E)(A_e)}{V(10^3)}$$

Note: Periodically check and adjust the value of A_e , if necessary.

Bulk sample collection and analysis.

Bulk samples should be collected as specified in Appendix G, Section 1 of the United States Environmental Protection Agency (EPA) publication No. 560/5-85-024 (June 1985) entitled *Guidance for Controlling Asbestos-Containing Materials in Buildings*.

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Analysis of the samples should be conducted by polarizing light microscopy in a qualified laboratory. In certain cases, x-ray diffraction may be required to confirm the presence of asbestos. Qualified laboratories must be participants in the EPA bulk asbestos quality assurance program or other bulk asbestos quality assurance program recognized by the department.)

Air

Matrix:

WISHA Permissible Exposure Limits:

Time Weighted Average	0.1 fiber/cc
Excursion Level (30 minutes)	1.0 fiber/cc

Collection Procedure:

A known volume of air is drawn through a 25-mm diameter cassette containing a mixed-cellulose ester filter. The cassette must be equipped with an electrically conductive 50-mm extension cowl. The sampling time and rate are chosen to give a fiber density of between 100 to 1,300 fibers/mm² on the filter.

Recommended Sampling Rate 0.5 to 5.0 liters/minute (L/min)

Recommended Air Volumes:

Minimum	25 L
Maximum	2,400 L

Analytical Procedure: A portion of the sample filter is cleared and prepared for asbestos fiber counting by Phase Contrast Microscopy (PCM) at 400X. Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by WISHA. Similar products from other sources can be substituted.

Introduction.

This method describes the collection of airborne asbestos fibers using calibrated sampling pumps with mixed-cellulose ester (MCE) filters and analysis by phase contrast microscopy (PCM). Some terms used are unique to this method and are defined below:

Asbestos: A term for naturally occurring fibrous minerals. Asbestos includes chrysotile, crocidolite, amosite (cumingtonite-grunerite asbestos), tremolite asbestos, actinolite asbestos, anthophyllite asbestos, and any of these minerals that have been chemically treated and/or altered. The precise chemical formulation of each species will vary with the location from which it was mined. Nominal compositions are listed:

Chrysotile	$Mg_3Si_2O_5(OH)_4$
Crocidolite	$Na_2Fe_3^{2+}Fe_2^{3+}Si_8O_{22}(OH)_2$
Amosite	$(Mg,Fe)_7Si_8O_{22}(OH)_2$
Tremolite-actinolite	$Ca_2(Mg,Fe)_5Si_8O_{22}(OH)_2$
Anthophyllite	$(Mg,Fe)_7Si_8O_{22}(OH)_2$

Asbestos Fiber: A fiber of asbestos which meets the criteria specified below for a fiber.

Aspect Ratio: The ratio of the length of a fiber to its diameter (e.g. 3:1, 5:1 aspect ratios).

Cleavage Fragments: Mineral particles formed by comminution of minerals, especially those characterized by parallel sides and a moderate aspect ratio (usually less than 20:1).

Detection Limit: The number of fibers necessary to be 95% certain that the result is greater than zero.

Differential Counting: The term applied to the practice of excluding certain kinds of fibers from the fiber count because they do not appear to be asbestos.

Fiber: A particle that is 5 μm or longer, with a length-to-width ratio of 3 to 1 or longer.

Field: The area within the graticule circle that is superimposed on the microscope image.

Set: The samples which are taken, submitted to the laboratory, analyzed, and for which, interim or final result reports are generated.

Tremolite, Anthophyllite, and Actinolite: The non-asbestos form of these minerals which meet the definition of a fiber. It includes any of these minerals that have been chemically treated and/or altered.

Walton-Beckett Graticule: An eyepiece graticule specifically designed for asbestos fiber counting. It consists of a circle with a projected diameter of $100 \pm 2 \mu m$ (area of about 0.00785 mm^2) with a crosshair having tic-marks at 3-μm intervals in one direction and 5-μm in the orthogonal direction. There are marks around the periphery of the circle to demonstrate the proper sizes and shapes of fibers. The disk is placed in one of the microscope eyepieces so that the design is superimposed on the field of view.

1. History.

(a) Early surveys to determine asbestos exposures were conducted using impinger counts of total dust with the counts expressed as million particles per cubic foot. The British Asbestos Research Council recommended filter membrane counting in 1969. In July 1969, the Bureau of Occupational Safety and Health published a filter membrane method for counting asbestos fibers in the United States. This method was refined by NIOSH and published as P & CAM 239. On May 29, 1971, OSHA specified filter membrane sampling with phase contrast counting for evaluation of asbestos exposures at work sites in the United States. The use of this technique was again required by OSHA in 1986. Phase contrast microscopy has continued to be the method of choice for the measurement of occupational exposure to asbestos.

(b) Principle. Air is drawn through a MCE filter to capture airborne asbestos fibers. A wedge shaped portion of the filter is removed, placed on a glass microscope slide and made transparent. A measured area (field) is viewed by PCM. All the fibers meeting a defined criteria for asbestos are counted and considered a measure of the airborne asbestos concentration.

(c) Advantages and Disadvantages

(i) There are four main advantages of PCM over other methods:

(A) The technique is specific for fibers. Phase contrast is a fiber counting technique which excludes non-fibrous particles from the analysis.

(B) The technique is inexpensive and does not require specialized knowledge to carry out the analysis for total fiber counts.

(C) The analysis is quick and can be performed on-site for rapid determination of air concentrations of asbestos fibers.

(D) The technique has continuity with historical epidemiological studies so that estimates of expected disease can be inferred from long-term determinations of asbestos

be inferred from long-term determinations of asbestos exposures.

(ii) The main disadvantage of PCM is that it does not positively identify asbestos fibers. Other fibers which are not asbestos may be included in the count unless differential counting is performed. This requires a great deal of experience to adequately differentiate asbestos from non-asbestos fibers. Positive identification of asbestos must be performed by polarized light or electron microscopy techniques. A further disadvantage of PCM is that the smallest visible fibers are about 0.2 μm in diameter while the finest asbestos fibers may be as small as 0.02 μm in diameter. For some exposures, substantially more fibers may be present than are actually counted.

(d) Workplace Exposure. Asbestos is used by the construction industry in such products as shingles, floor tiles, asbestos cement, roofing felts, insulation and acoustical products. Non-construction uses include brakes, clutch facings, paper, paints, plastics, and fabrics. One of the most significant exposures in the workplace is the removal and encapsulation of asbestos in schools, public buildings, and homes. Many workers have the potential to be exposed to asbestos during these operations. About 95% of the asbestos in commercial use in the United States is chrysotile. Crocidolite and amosite make up most of the remainder. Anthophyllite and tremolite or actinolite are likely to be encountered as contaminants in various industrial products.

(e) Physical Properties. Asbestos fiber possesses a high tensile strength along its axis, is chemically inert, non-combustible, and heat resistant. It has a high electrical resistance and good sound absorbing properties. It can be weaved into cables, fabrics or other textiles, and also matted into asbestos papers, felts, or mats.

2. Range and Detection Limit.

(a) The ideal counting range on the filter is 100 to 1,300 fibers/ mm^2 . With a Walton-Beckett graticule this range is equivalent to 0.8 to 10 fibers/field. Using NIOSH counting statistics, a count of 0.8 fibers/field would give an approximate coefficient of variation (CV) of 0.13.

(b) The detection limit for this method is 4.0 fibers per 100 fields or 5.5 fibers/ mm^2 . This was determined using an equation to estimate the maximum CV possible at a specific concentration (95% confidence) and a Lower Control Limit of zero. The CV value was then used to determine a corresponding concentration from historical CV vs fiber relationships. As an example:

$$\text{Lower Control Limit (95\% Confidence)} = AC - 1.645(CV)(AC)$$

Where:

AC = Estimate of the airborne fiber concentration (fibers/cc) Setting the Lower Control Limit = 0 and solving for CV:

$$0 = AC - 1.645(CV)(AC)$$

$$CV = 0.61$$

This value was compared with CV vs. count curves. The count at which CV = 0.61 for Leidel-Busch counting statistics 8(i) or for an OSHA Salt Lake Technical Center (OSHA-SLTC) CV curve (see Appendix A for further information) was 4.4 fibers or 3.9 fibers per 100 fields, respectively. Although a lower detection limit of 4 fibers

per 100 fields is supported by the OSHA-SLTC data, both data sets support the 4.5 fibers per 100 fields value.

3. Method Performance—Precision and Accuracy. Precision is dependent upon the total number of fibers counted and the uniformity of the fiber distribution on the filter. A general rule is to count at least 20 and not more than 100 fields. The count is discontinued when 100 fibers are counted, provided that 20 fields have already been counted. Counting more than 100 fibers results in only a small gain in precision. As the total count drops below 10 fibers, an accelerated loss of precision is noted. At this time, there is no known method to determine the absolute accuracy of the asbestos analysis. Results of samples prepared through the Proficiency Analytical Testing (PAT) Program and analyzed by the OSHA-SLTC showed no significant bias when compared to PAT reference values. The PAT samples were analyzed from 1987 to 1989 (N=36) and the concentration range was from 120 to 1,300 fibers/ mm^2 .

4. Interferences. Fibrous substances, if present, may interfere with asbestos analysis. Some common fibers are:

Fiber glassPerlite veins.

Anhydrite plant fibers gypsumSome synthetic fibers.

Membrane structuresSponge spicules and diatoms.

MicroorganismsWollastonite.

The use of electron microscopy or optical tests such as polarized light, and dispersion staining may be used to differentiate these materials from asbestos when necessary.

5. Sampling.

(a) Equipment.

(i) Sample assembly. Conductive filter holder consisting of a 25-mm diameter, 3-piece cassette having a 50-mm long electrically conductive extension cowl. Backup pad, 25-mm, cellulose. Membrane filter, mixed-cellulose ester (MCE), 25-mm, plain, white, 0.8- to 1.2- μm pore size.

Notes: (A) DO NOT RE-USE CASSETTES.

(B) Fully conductive cassettes are required to reduce fiber loss to the sides of the cassette due to electrostatic attraction.

(C) Purchase filters which have been selected by the manufacturer for asbestos counting or analyze representative filters for fiber background before use. Discard the filter lot if more than 4 fibers/100 fields are found.

(D) To decrease the possibility of contamination, the sampling system (filter-backup pad-cassette) for asbestos is usually preassembled by the manufacturer.

(ii) Gel bands for sealing cassettes.

(iii) Sampling pump. Each pump must be a battery operated, self-contained unit small enough to be placed on the monitored employee and not interfere with the work being performed. The pump must be capable of sampling at 2.5 liters per minute (L/min) for the required sampling time.

(iv) Flexible tubing, 6-mm bore.

(v) Pump calibration. Stopwatch and bubble tube/burette or electronic meter.

(b) Sampling Procedure.

(i) Seal the point where the base and cowl of each cassette meet with a gel band or tape.

(ii) Charge the pumps completely before beginning.

(iii) Connect each pump to a calibration cassette with an appropriate length of 6-mm bore plastic tubing. Do not use luer connectors—the type of cassette specified above has built-in adapters.

(iv) Select an appropriate flow rate for the situation being monitored. The sampling flow rate must be between 0.5 and 5.0 L/min for personal sampling and is commonly set between 1 and 2 L/min. Always choose a flow rate that will not produce overloaded filters.

(v) Calibrate each sampling pump before and after sampling with a calibration cassette in-line (Note: This calibration cassette should be from the same lot of cassettes used for sampling). Use a primary standard (e.g. bubble burette) to calibrate each pump. If possible, calibrate at the sampling site.

Note: If sampling site calibration is not possible, environmental influences may affect the flow rate. The extent is dependent on the type of pump used. Consult with the pump manufacturer to determine dependence on environmental influences. If the pump is affected by temperature and pressure changes, use the formula in Appendix B to this section to calculate the actual flow rate.

(vi) Connect each pump to the base of each sampling cassette with flexible tubing. Remove the end cap of each cassette and take each air sample open face. Assure that each sample cassette is held open side down in the employee's breathing zone during sampling. The distance from the nose/mouth of the employee to the cassette should be about 10 cm. Secure the cassette on the collar or lapel of the employee using spring clips or other similar devices.

(vii) A suggested minimum air volume when sampling to determine TWA compliance is 25 L. For Excursion Limit (30 min sampling time) evaluations, a minimum air volume of 48 L is recommended.

(viii) The most significant problem when sampling for asbestos is overloading the filter with non-asbestos dust. Suggested maximum air sample volumes for specific environments are:

Type of asbestos	Index of refraction
Chrysotile.....	n=1.550.
Amosite	n=1.670 r 1.680.
Crocidolite	n=1.690.
Anthophyllite	n=1.605 nd 1.620.
Tremolite	n=1.605 and 1.620
Actinolite	n=1.620

Caution: Do not overload the filter with dust. High levels of non-fibrous dust particles may obscure fibers on the filter and lower the count or make counting impossible. If more than about 25 to 30% of the field area is obscured with dust, the result may be biased low. Smaller air volumes may be necessary when there is excessive non-asbestos dust in the air. While sampling, observe the filter with a small flashlight. If there is a visible layer of dust on the filter, stop sampling, remove and seal the cassette, and replace with a new sampling assembly. The total dust loading should not exceed 1 mg.

(ix) Blank samples are used to determine if any contamination has occurred during sample handling. Prepare two blanks for the first 1 to 20 samples. For sets containing greater than 20 samples, prepare blanks as 10% of the samples. Handle blank samples in the same manner as air samples with one exception: Do not draw any air through the blank samples. Open the blank cassette in the place where the sample cassettes are mounted on the employee. Hold it open for about 30 seconds. Close and seal the cassette appropriately. Store blanks for shipment with the sample cassettes.

(x) Immediately after sampling, close and seal each cassette with the base and plastic plugs. Do not touch or puncture the filter membrane as this will invalidate the analysis.

(xi) Attach a seal (OSHA-21 or equivalent) around each cassette in such a way as to secure the end cap plug and base plug. Tape the ends of the seal together since the seal is not long enough to be wrapped end-to-end. Also wrap tape around the cassette at each joint to keep the seal secure.

(c) Sample Shipment.

(i) Send the samples to the laboratory with paperwork requesting asbestos analysis. List any known fibrous interferences present during sampling on the paperwork. Also, note the workplace operation(s) sampled.

(ii) Secure and handle the samples in such that they will not rattle during shipment nor be exposed to static electricity. Do not ship samples in expanded polystyrene peanuts, vermiculite, paper shreds, or excelsior. Tape sample cassettes to sheet bubbles and place in a container that will cushion the samples without rattling.

(iii) To avoid the possibility of sample contamination, always ship bulk samples in separate mailing containers.

6. Analysis.

(a) Safety Precautions.

(i) Acetone is extremely flammable and precautions must be taken not to ignite it. Avoid using large containers or quantities of acetone. Transfer the solvent in a ventilated laboratory hood. Do not use acetone near any open flame. For generation of acetone vapor, use a spark free heat source.

(ii) Any asbestos spills should be cleaned up immediately to prevent dispersal of fibers. Prudence should be exercised to avoid contamination of laboratory facilities or exposure of personnel to asbestos. Asbestos spills should be cleaned up with wet methods and/or a High Efficiency Particulate-Air (HEPA) filtered vacuum.

Caution: Do not use a vacuum without a HEPA filter— It will disperse fine asbestos fibers in the air.

(b) Equipment.

(i) Phase contrast microscope with binocular or trinocular head.

(ii) Widefield or Huygenian 10X eyepieces (NOTE: The eyepiece containing the graticule must be a focusing eyepiece. Use a 40X phase objective with a numerical aperture of 0.65 to 0.75).

(iii) Kohler illumination (if possible) with green or blue filter.

(iv) Walton-Beckett Graticule, type G-22 with 100 ± 2 µm projected diameter.

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(v) Mechanical stage. A rotating mechanical stage is convenient for use with polarized light.

(vi) Phase telescope.

(vii) Stage micrometer with 0.01-mm subdivisions.

(viii) Phase-shift test slide, mark II (Available from PTR optics Ltd., and also McCrone).

(ix) Precleaned glass slides, 25 mm X 75 mm. One end can be frosted for convenience in writing sample numbers, etc., or paste-on labels can be used.

(x) Cover glass #1-1/2.

(xi) Scalpel (#10, curved blade).

(xii) Fine tipped forceps.

(xiii) Aluminum block for clearing filter.

(xiv) Automatic adjustable pipette, 100- to 500- μ L.

(xv) Micropipette, 5 μ L.

(c) Reagents.

(i) Acetone (HPLC grade).

(ii) Triacetin (glycerol triacetate).

(iii) Lacquer or nail polish.

(d) Standard Preparation. A way to prepare standard asbestos samples of known concentration has not been developed. It is possible to prepare replicate samples of nearly equal concentration. This has been performed through the PAT program. These asbestos samples are distributed by the AIHA to participating laboratories. Since only about one-fourth of a 25-mm sample membrane is required for an asbestos count, any PAT sample can serve as a "standard" for replicate counting.

(e) Sample Mounting.

Note: See Safety Precautions in (6)(a) before proceeding. The objective is to produce samples with a smooth (non-grainy) background in a medium with a refractive index of approximately 1.46. The technique below collapses the filter for easier focusing and produces permanent mounts which are useful for quality control and interlaboratory comparison. An aluminum block or similar device is required for sample preparation.

(i) Heat the aluminum block to about 70°C. The hot block should not be used on any surface that can be damaged by either the heat or from exposure to acetone.

(ii) Ensure that the glass slides and cover glasses are free of dust and fibers.

(iii) Remove the top plug to prevent a vacuum when the cassette is opened. Clean the outside of the cassette if necessary. Cut the seal and/or tape on the cassette with a razor blade. Very carefully separate the base from the extension cowl, leaving the filter and backup pad in the base.

(iv) With a rocking motion cut a triangular wedge from the filter using the scalpel. This wedge should be one-sixth to one-fourth of the filter. Grasp the filter wedge with the forceps on the perimeter of the filter which was clamped between the cassette pieces. DO NOT TOUCH the filter with your finger. Place the filter on the glass slide sample side up. Static electricity will usually keep the filter on the slide until it is cleared.

(v) Place the tip of the micropipette containing about 200 μ L acetone into the aluminum block. Insert the glass slide into the receiving slot in the aluminum block. Inject the acetone into the block with slow, steady pressure on the

plunger while holding the pipette firmly in place. Wait 3 to 5 seconds for the filter to clear, then remove the pipette and slide from the aluminum block.

(vi) Immediately (less than 30 seconds) place 2.5 to 3.5 μ L of triacetin on the filter (Note: Waiting longer than 30 seconds will result in increased index of refraction and decreased contrast between the fibers and the preparation. This may also lead to separation of the cover slip from the slide).

(vii) Lower a cover slip gently onto the filter at a slight angle to reduce the possibility of forming air bubbles. If more than 30 seconds have elapsed between acetone exposure and triacetin application, glue the edges of the cover slip to the slide with lacquer or nail polish.

(viii) If clearing is slow, warm the slide for 15 min on a hot plate having a surface temperature of about 50°C to hasten clearing. The top of the hot block can be used if the slide is not heated too long.

(ix) Counting may proceed immediately after clearing and mounting are completed.

(f) Sample Analysis. Completely align the microscope according to the manufacturer's instructions. Then, align the microscope using the following general alignment routine at the beginning of every counting session and more often if necessary.

(i) Alignment.

(A) Clean all optical surfaces. Even a small amount of dirt can significantly degrade the image.

(B) Rough focus the objective on a sample.

(C) Close down the field iris so that it is visible in the field of view. Focus the image of the iris with the condenser focus. Center the image of the iris in the field of view.

(D) Install the phase telescope and focus on the phase rings. Critically center the rings. Misalignment of the rings results in astigmatism which will degrade the image.

(E) Place the phase-shift test slide on the microscope stage and focus on the lines. The analyst must see line set 3 and should see at least parts of 4 and 5 but, not see line set 6 or 6. A microscope/microscopist combination which does not pass this test may not be used.

(ii) Counting Fibers.

(A) Place the prepared sample slide on the mechanical stage of the microscope. Position the center of the wedge under the objective lens and focus upon the sample.

(B) Start counting from one end of the wedge and progress along a radial line to the other end (count in either direction from perimeter to wedge tip). Select fields randomly, without looking into the eyepieces, by slightly advancing the slide in one direction with the mechanical stage control.

(C) Continually scan over a range of focal planes (generally the upper 10 to 15 μ m of the filter surface) with the fine focus control during each field count. Spend at least 5 to 15 seconds per field.

(D) Most samples will contain asbestos fibers with fiber diameters less than 1 μ . Look carefully for faint fiber images. The small diameter fibers will be very hard to see. However, they are an important contribution to the total count.

(E) Count only fibers equal to or longer than 5 μ . Measure the length of curved fibers along the curve.

(F) Count fibers which have a length to width ratio of 3:1 or greater.

(G) Count all the fibers in at least 20 fields. Continue counting until either 100 fibers are counted or 100 fields have been viewed; whichever occurs first. Count all the fibers in the final field.

(H) Fibers lying entirely within the boundary of the Walton-Beckett graticule field shall receive a count of 1. Fibers crossing the boundary once, having one end within the circle shall receive a count of 1/2. Do not count any fiber that crosses the graticule boundary more than once. Reject and do not count any other fibers even though they may be visible outside the graticule area. If a fiber touches the circle, it is considered to cross the line.

(I) Count bundles of fibers as one fiber unless individual fibers can be clearly identified and each individual fiber is clearly not connected to another counted fiber.

(J) Record the number of fibers in each field in a consistent way such that filter non-uniformity can be assessed.

(K) Regularly check phase ring alignment.

(L) When an agglomerate (mass of material) covers more than 25% of the field of view, reject the field and select another. Do not include it in the number of fields counted.

(M) Perform a "blind recount" of 1 in every 10 filter wedges (slides). Re-label the slides using a person other than the original counter.

(g) Fiber Identification. As previously mentioned in (1)(c), PCM does not provide positive confirmation of asbestos fibers. Alternate differential counting techniques should be used if discrimination is desirable. Differential counting may include primary discrimination based on morphology, polarized light analysis of fibers, or modification of PCM data by Scanning Electron or Transmission Electron Microscopy. A great deal of experience is required to routinely and correctly perform differential counting. It is discouraged unless it is legally necessary. Then, only if a fiber is obviously not asbestos should it be excluded from the count. Further discussion of this technique can be found in reference 8(j). If there is a question whether a fiber is asbestos or not, follow the rule: "WHEN IN DOUBT, COUNT."

(h) Analytical Recommendations—Quality Control System.

(i) All individuals performing asbestos analysis must have taken the NIOSH course for sampling and evaluating airborne asbestos or an equivalent course.

(ii) Each laboratory engaged in asbestos counting shall set up a slide trading arrangement with at least two other laboratories in order to compare performance and eliminate inbreeding of error. The slide exchange occurs at least semiannually. The round robin results shall be posted where all analysts can view individual analyst's results.

(iii) Each laboratory engaged in asbestos counting shall participate in the Proficiency Analytical Testing Program, the Asbestos Analyst Registry or equivalent.

(iv) Each analyst shall select and count prepared slides from a "slide bank". These are quality assurance counts. The slide bank shall be prepared using uniformly distributed samples taken from the workload. Fiber densities should cover the entire range routinely analyzed by the laboratory. These slides are counted blind by all counters to establish an

original standard deviation. This historical distribution is compared with the quality assurance counts. A counter must have 95% of all quality control samples counted within three standard deviations of the historical mean. This count is then integrated into a new historical mean and standard deviation for the slide. The analyses done by the counters to establish the slide bank may be used for an interim quality control program if the data are treated in a proper statistical fashion.

7. Calculations.

(a) Calculate the estimated airborne asbestos fiber concentration on the filter sample using the following formula:

$$AC = \frac{\left[\frac{FB}{FL} - \frac{BFB}{BFL} \right] \times ECA}{1000 \times FR \times T \times MFA}$$

Where:

<u>AC</u>	=	<u>Airborne fiber concentration</u>
<u>FB</u>	=	<u>Total number of fibers greater than 5 μm counted</u>
<u>FL</u>	=	<u>Total number of fields counted on the filter</u>
<u>BFB</u>	=	<u>Total number of fibers greater than 5 μm counted in the blank</u>
<u>BFL</u>	=	<u>Total number of fields counted on the blank</u>
<u>ECA</u>	=	<u>Effective collecting area of filter (385 mm² nominal for a 25-mm filter.)</u>
<u>FR</u>	=	<u>Pump flow rate (L/min)</u>
<u>MFA</u>	=	<u>Microscope count field area (mm²). This is 0.00785 mm² for a Walton-Beckett Graticule.</u>
<u>T</u>	=	<u>Sample collection time (min)</u>
<u>1,000</u>	=	<u>Conversion of L to cc</u>

Note: The collection area of a filter is seldom equal to 385 mm². It is appropriate for laboratories to routinely monitor the exact diameter using an inside micrometer. The collection area is calculated according to the formula:
Area = π(d/2)²

(b) Short-cut Calculation

Since a given analyst always has the same interpupillary distance, the number of fields per filter for a particular analyst will remain constant for a given size filter. The field size for that analyst is constant (i.e. the analyst is using an assigned microscope and is not changing the reticle). For example, if the exposed area of the filter is always 385 mm² and the size of the field is always 0.00785 mm², the number of fields per filter will always be 49,000. In addition it is necessary to convert liters of air to cc. These three constants can then be combined such that ECA/(1,000 X MFA) = 49. The previous equation simplifies to:

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$$AC = \frac{\left(\frac{FB}{FL}\right) - \left(\frac{BFB}{BFL}\right) \times 49}{FR \times T}$$

(c) Recount Calculations. As mentioned in step 13 of 6 (f)(ii), a "blind recount" of 10% of the slides is performed. In all cases, differences will be observed between the first and second counts of the same filter wedge. Most of these differences will be due to chance alone, that is, due to the random variability (precision) of the count method. Statistical recount criteria enables one to decide whether observed differences can be explained due to chance alone or are probably due to systematic differences between analysts, microscopes, or other biasing factors. The following recount criterion is for a pair of counts that estimate AC in fibers/cc. The criterion is given at the type-I error level. That is, there is 5% maximum risk that we will reject a pair of counts for the reason that one might be biased, when the large observed difference is really due to chance. Reject a pair of counts if:

$$\left| \sqrt{AC_2} - \sqrt{AC_1} \right| > 2.78 \times \left(\sqrt{AC_{avg}} \right) \times CV_{FB}$$

Where:

- AC₁ = lower estimated airborne fiber concentration
- AC₂ = higher estimated airborne fiber concentration
- AC_{avg} = average of the two concentration estimates
- CV_{FB} = CV for the average of the two concentration estimates

If a pair of counts are rejected by this criterion then, recount the rest of the filters in the submitted set. Apply the test and reject any other pairs failing the test. Rejection shall include a memo to the industrial hygienist stating that the sample failed a statistical test for homogeneity and the true air concentration may be significantly different than the reported value.

(d) Reporting Results. Report results to the industrial hygienist as fibers/cc. Use two significant figures. If multiple analyses are performed on a sample, an average of the results is to be reported unless any of the results can be rejected for cause.

8. References.

(a) Dreesen, W.C., et al, U.S. Public Health Service: A Study of Asbestosis in the Asbestos Textile Industry, (Public Health Bulletin No. 241), US Treasury Dept., Washington, DC, 1938. (b) Asbestos Research Council: The Measurement of Airborne Asbestos Dust by the Membrane Filter Method (Technical Note), Asbestos Research Council, Rockdale, Lancashire, Great Britain, 1969.

(c) Bayer, S.G., Zumwalde, R.D., Brown, T.A., Equipment and Procedure for Mounting Millipore Filters and Counting Asbestos Fibers by Phase Contrast Microscopy,

Bureau of Occupational Health, U.S. Dept. of Health, Education and Welfare, Cincinnati, OH, 1969.

(d) NIOSH Manual of Analytical Methods, 2nd ed., Vol. 1 (DHEW/NIOSH Pub. No. 77-157-A). National Institute for Occupational Safety and Health, Cincinnati, OH, 1977. pp.239-1-239-21.

(e) Asbestos, Code of Federal Regulations 29 CFR 1910.1001. 1971.

(f) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite. Final Rule, Federal Register 51: 119 (20 June 1986). pp.22612-22790.

(g) Asbestos, Tremolite, Anthophyllite, and Actinolite, Code of Federal Regulations 1910.1001. 1988. pp 711-752.

(h) Criteria for a Recommended Standard—Occupational Exposure to Asbestos (DHEW/NIOSH Pub. No. HSM 72-10267), National Institute for Occupational Safety and Health NIOSH, Cincinnati, OH, 1972. pp. III-1-III-24.

(i) Leidel, N.A., Bayer, S.G., Zumwalde, R.D., Busch, K.A., USPHS/NIOSH Membrane Filter Method for Evaluating Airborne Asbestos Fibers (DHEW/NIOSH Pub. No. 79-127). National Institute for Occupational Safety and Health, Cincinnati, OH, 1979.

(j) Dixon, W.C., Applications of Optical Microscopy in Analysis of Asbestos and Quartz, Analytical Techniques in Occupational Health Chemistry, edited by D.D. Dollberg and A.W. Verstuyft. Wash. D.C.: American Chemical Society, (ACS Symposium Series 120) 1980. pp. 13-41.

9. Quality Control. The OSHA asbestos regulations require each laboratory to establish a quality control program. The following is presented as an example of how the OSHA-SLTC constructed its internal CV curve as part of meeting this requirement. Data for the CV curve shown below is from 395 samples collected during OSHA compliance inspections and analyzed from October 1980 through April 1986. Each sample was counted by 2 to 5 different counters independently of one another. The standard deviation and the CV statistic was calculated for each sample. This data was then plotted on a graph of CV vs. fibers/mm². A least squares regression was performed using the following equation:

$$CV = \text{antilog}_{10} [A(\log_{10}(x))^2 + B(\log_{10}(x)) + C]$$

Where:

x = the number of fibers/mm²

Application of least squares gave:

$$A = 0.182205$$

$$B = -0.973343$$

$$C = 0.327499$$

Using these values, the equation becomes:

$$CV = \text{antilog}_{10} [0.182205(\log_{10}(x))^2 - 0.973343(\log_{10}(x)) + 0.327499]$$

10. Sampling Pump Flow Rate Corrections. This correction is used if a difference greater than 5% in ambient temperature and/or pressure is noted between calibration and sampling sites and the pump does not compensate for the differences.

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$$Q_{act} = Q_{cal} \times \sqrt{\left(\frac{P_{cal}}{P_{act}}\right)} \times \left(\frac{T_{act}}{T_{cal}}\right)$$

Where:

- Q_{act} ≡ actual flow rate
- Q_{cal} ≡ calibrated flow rate (if a rotameter was used, the rotameter value)
- P_{cal} ≡ uncorrected air pressure at calibration
- P_{act} ≡ uncorrected air pressure at sampling site
- T_{act} ≡ temperature at sampling site (K)
- T_{cal} ≡ temperature at calibration (K)

11. Walton-Beckett Graticule

When ordering the Graticule for asbestos counting, specify the exact disc diameter needed to fit the ocular of the microscope and the diameter (mm) of the circular counting area. Instructions for measuring the dimensions necessary are listed:

- (a) Insert any available graticule into the focusing eyepiece and focus so that the graticule lines are sharp and clear.
- (b) Align the microscope.
- (c) Place a stage micrometer on the microscope object stage and focus the microscope on the graduated lines.
- (d) Measure the magnified grid length, PL (µm), using the stage micrometer.
- (e) Remove the graticule from the microscope and measure its actual grid length, AL (mm). This can be accomplished by using a mechanical stage fitted with verniers, or a jeweler's loupe with a direct reading scale.
- (f) Let D=100 µm. Calculate the circle diameter, d_c (mm), for the Walton-Beckett graticule and specify the diameter when making a purchase:

$$d_c = \frac{AL \times D}{PL}$$

Example: If PL=108 µm, AL=2.93 mm and D=100 µm, then,

$$d_c = (2.93 \times 100)/108 = 2.71 \text{ mm}$$

(g) Each eyepiece-objective-reticle combination on the microscope must be calibrated. Should any of the three be changed (by zoom adjustment, disassembly, replacement, etc.), the combination must be recalibrated. Calibration may change if interpupillary distance is changed. Measure the field diameter, D (acceptable range: 100 ± 2 µm) with a stage micrometer upon receipt of the graticule from the manufacturer. Determine the field area (mm²).

Field Area=π(D/2)²

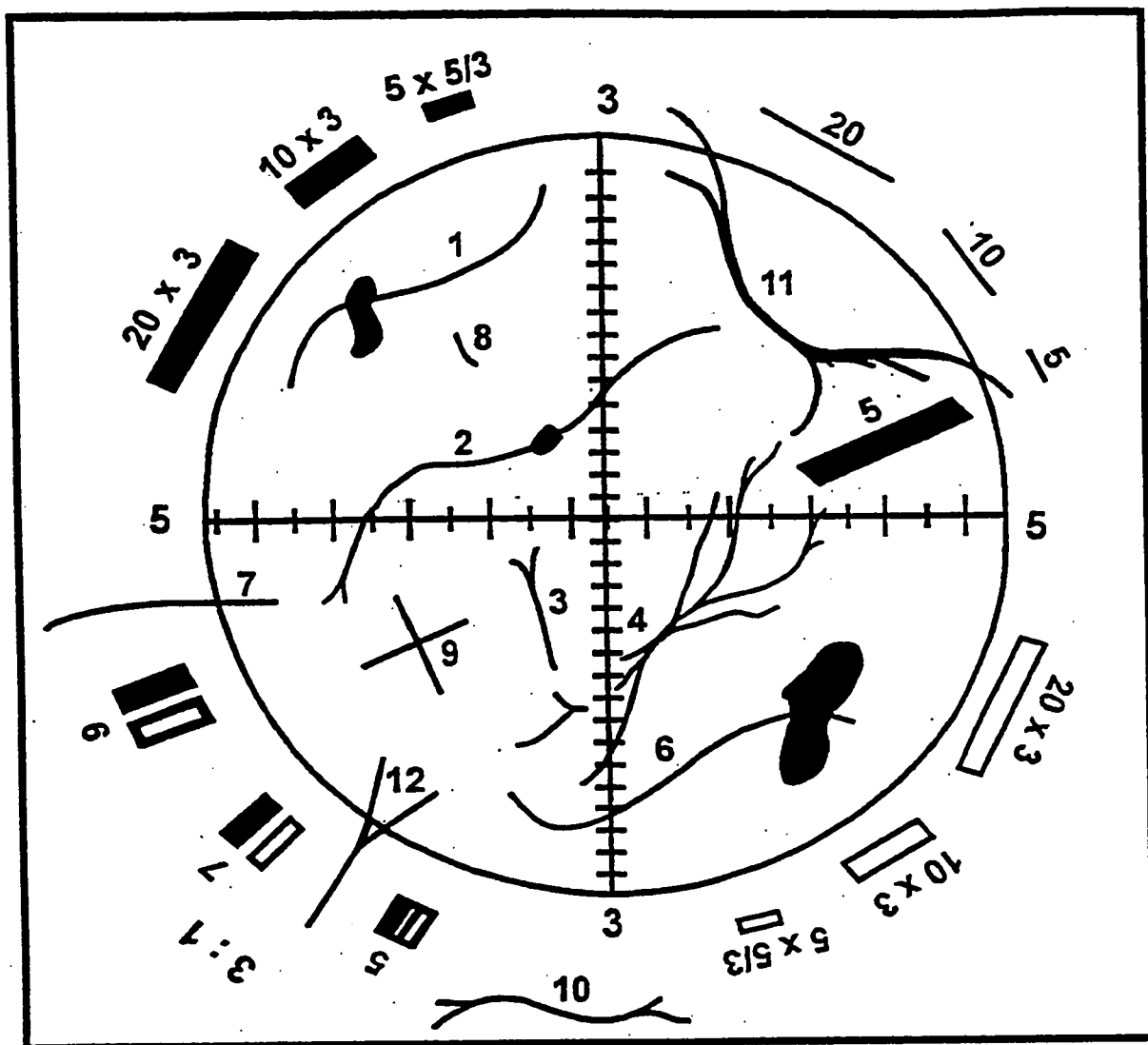
If D=100 µm=0.1 mm, then

Field Area=+(0.1 mm/2)²=0.00785 mm²

The Graticule is available from: Graticules Ltd., Morley Road, Tonbridge TN9 IRN, Kent, England (Telephone 011-44-732-359061). Also available from PTR Optics Ltd., 145 Newton Street, Waltham, MA 02154 [telephone (617) 891-6000] or McCrone Accessories and Components, 2506 S. Michigan Ave., Chicago, IL 60616 [phone (312) 842-7100]. The graticule is custom made for each microscope.

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Figure 1: Walton-Beckett Graticule with some explanatory fibers.

Counts for the Fibers in the Figure

Structure No.	Count	Explanation
1 to 6	1	Single fibers all contained within the circle.
7	1/2	Fiber crosses circle once.
8	0	Fiber too short.
9	2	Two crossing fibers.
10	0	Fiber outside graticule.
11	0	Fiber crosses graticule twice.
12	1/2	Although split, fiber only crosses once.

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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07741 Appendix D—Medical questionnaires—Mandatory. This mandatory appendix contains the medical questionnaires that must be administered to all employees who are exposed to asbestos ((above the action level)), tremolite, anthophyllite, and actinolite, or a combination of these minerals above the permissible exposure limit (0.1 f/cc), and who will therefore be included in their employer's medical surveillance program.

Part 1 INITIAL MEDICAL QUESTIONNAIRE

1. NAME
2. SOCIAL SECURITY #
3. CLOCK NUMBER
4. PRESENT OCCUPATION
5. PLANT
6. ADDRESS
7. (Zip Code)
8. TELEPHONE NUMBER
9. INTERVIEWER
10. DATE
11. Date of birth
12. Place of birth
13. Sex
14. What is your marital status?
15. Race
16. What is the highest grade completed in school?

OCCUPATIONAL HISTORY

17A. Have you ever worked full time (30 hours per week or more) for 6 months or more?
IF YES TO 17A:
B. Have you ever worked for a year or more in any dusty job?
Specify job/industry Total years worked
Was dust exposure: 1. Mild 2. Moderate 3. Severe

C. Have you ever been exposed to gas or chemical fumes in your work?
Specify job/industry Total years worked
Was exposure: 1. Mild 2. Moderate 3. Severe
D. What has been your usual occupation or job—the one you have worked at the longest?
1. Job occupation
2. Number of years employed in this occupation
3. Position/job title
4. Business, field or industry

(Record on lines the years in which you have worked in any of these industries, e.g., 1960-1969.)

Have you ever worked:
E. In a mine?
F. In a quarry?
G. In a foundry?
H. In a pottery?
I. In a cotton, flax or hemp mill?
J. With asbestos?

18. PAST MEDICAL HISTORY

A. Do you consider yourself to be in good health?
If "NO" state reason
B. Have you any defect in vision?
If "YES" state nature of defect
C. Have you any hearing defect?
If "YES" state nature of defect
D. Are you suffering from or have you ever suffered from:
a. Epilepsy (or fits, seizures, convulsions)?
b. Rheumatic fever?
c. Kidney disease?
d. Bladder disease?
e. Diabetes?
f. Jaundice

19. CHEST COLDS AND CHEST ILLNESSES

19A. If you get a cold, does it usually go to your chest?
20A. During the past 3 years, have you had any chest illnesses that have kept you off work, indoors at home, or in bed?
IF YES TO 20A:
B. Did you produce phlegm with any of these chest illnesses?
C. In the last 3 years, how many such illnesses with (increased) phlegm did you have which lasted a week or more?
21. Did you have any lung trouble before the age of 16?
22. Have you ever had any of the following?
1A. Attacks of bronchitis?
IF YES TO 1A:
B. Was it confirmed by a doctor?
C. At what age was your first attack?
2A. Pneumonia? (include broncho-pneumonia)
IF YES TO 2A:
B. Was it confirmed by a doctor?
C. At what age did you first have it?
3A. Hay fever?

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IF YES TO 3A:

B. Was it confirmed by a doctor? 1. Yes ... 2. No ... 3. Does not apply ...

C. At what age did it start? Age in years ... Does not apply ...

23A. Have you ever had chronic bronchitis? 1. Yes ... 2. No ...

IF YES TO 23A:

B. Do you still have it? 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor? 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start? Age in years ... Does not apply ...

24A. Have you ever had emphysema? 1. Yes ... 2. No ...

IF YES TO 24A:

B. Do you still have it? 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor? 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start? Age in years ... Does not apply ...

25A. Have you ever had asthma? 1. Yes ... 2. No ...

IF YES TO 25A:

B. Do you still have it? 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor? 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start? Age in years ... Does not apply ...

E. If you no longer have it, at what age did it stop? Age stopped ... Does not apply ...

26. Have you ever had:

A. Any other chest illness? 1. Yes ... 2. No ...

If yes, please specify

B. Any chest operations? 1. Yes ... 2. No ...

If yes, please specify

C. Any chest injuries? 1. Yes ... 2. No ...

If yes, please specify

27A. Has a doctor ever told you that you had heart trouble? 1. Yes ... 2. No ...

IF YES TO 27A:

B. Have you ever had treatment for heart trouble in the past 10 years? 1. Yes ... 2. No ... 3. Does not apply ...

28A. Has a doctor ever told you that you had high blood pressure? 1. Yes ... 2. No ...

IF YES TO 28A:

B. Have you had any treatment for high blood pressure (hypertension) in the past 10 years? 1. Yes ... 2. No ... 3. Does not apply ...

29. When did you last have your chest x-rayed? (Year) 25 26 27 28

30. Where did you last have your chest x-rayed (if known)? What was the outcome?

FAMILY HISTORY

31. Were either of your natural parents ever told by a doctor that they had a chronic lung condition such as:

FATHER

MOTHER

1. Yes 2. No 3. Don't Know 1. Yes 2. No 3. Don't Know

A. Chronic Bronchitis? ...

B. Emphysema? ...

C. Asthma? ...

D. Lung cancer? ...

E. Other chest conditions? ...

F. Is parent currently alive? ...

G. Please specify Age if living Age at death Don't know

H. Please specify cause of death

COUGH

32A. Do you usually have a cough? (Count a cough with first smoke or on first going out of doors. Exclude clearing of throat.) (If no, skip to question 32C.) 1. Yes ... 2. No ...

B. Do you usually cough as much as 4 to 6 times a day 4 or more days out of the week? 1. Yes ... 2. No ...

C. Do you usually cough at all on getting up or first thing in the morning? 1. Yes ... 2. No ...

D. Do you usually cough at all during the rest of the day or at night? 1. Yes ... 2. No ...

IF YES TO ANY OF ABOVE (32A, B, C, OR D), ANSWER THE FOLLOWING. IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO NEXT PAGE

E. Do you usually cough like this on most days for 3 consecutive months or more during the year? 1. Yes ... 2. No ... 3. Does not apply ...

F. For how many years have you had the cough? Number of years ... Does not apply ...

33A. Do you usually bring up phlegm from your chest? (Count phlegm with the first smoke or on first going out of doors. Exclude phlegm from the nose. Count swallowed phlegm.) (If no, skip to 33C.) 1. Yes ... 2. No ...

B. Do you usually bring up phlegm like this as much as twice a day 4 or more days out of the week? 1. Yes ... 2. No ...

C. Do you usually bring up phlegm at all on getting up or first thing in the morning? 1. Yes ... 2. No ...

D. Do you usually bring up phlegm at all during the rest of the day or at night? 1. Yes ... 2. No ...

IF YES TO ANY OF THE ABOVE (33A, B, C, OR D), ANSWER THE FOLLOWING: IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO 34A.

E. Do you bring up phlegm like this on most days for 3 consecutive months or more during the year? 1. Yes ... 2. No ... 3. Does not apply ...

F. For how many years have you had trouble with phlegm? Number of years ... Does not apply ...

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EPISODES OF COUGH AND PHLEGM

34A. Have you had periods or episodes of (increased*) cough and phlegm lasting for 3 weeks or more each year?
*(For persons who usually have cough and/or phlegm.)

IF YES TO 34A:

B. For how long have you had at least 1 such episode per year?

Number of years ...
Does not apply ...

WHEEZING

35A. Does your chest ever sound wheezy or whistling:

- 1. When you have a cold?
2. Occasionally apart from colds?
3. Most days or nights?

IF YES TO 1, 2, OR 3 IN 35A:

B. For how many years has this been present?

Number of years ...
Does not apply ...

36A. Have you ever had an attack of wheezing that has made you feel short of breath?

IF YES TO 36A:

B. How old were you when you had your first such attack?

Age in years ...
Does not apply ...

C. Have you had 2 or more such episodes?

1. Yes ... 2. No ...
3. Does not apply ...

D. Have you ever required medicine or treatment for the(se) attack(s)?

1. Yes ... 2. No ...
3. Does not apply ...

BREATHLESSNESS

37. If disabled from walking by any condition other than heart or lung disease, please describe and proceed to question 39A. Nature of condition(s)

38A. Are you troubled by shortness of breath when hurrying on the level or walking up a slight hill?

IF YES TO 38A:

B. Do you have to walk slower than people of your age on the level because of breathlessness?

1. Yes ... 2. No ...
3. Does not apply ...

C. Do you ever have to stop for breath when walking at your own pace on the level?

1. Yes ... 2. No ...
3. Does not apply ...

D. Do you ever have to stop for breath after walking about 100 yards (or after a few minutes) on the level?

1. Yes ... 2. No ...
3. Does not apply ...

E. Are you too breathless to leave the house or breathless on dressing or climbing one flight of stairs?

1. Yes ... 2. No ...
3. Does not apply ...

TOBACCO SMOKING

39A. Have you ever smoked cigarettes? (No means less than 20 packs of cigarettes or 12 oz. of tobacco in a lifetime or less than 1 cigarette a day for 1 year.)

IF YES TO 39A:

B. Do you now smoke cigarettes (as of one month ago)?

1. Yes ... 2. No ...
3. Does not apply ...

C. How old were you when you first started regular cigarette smoking?

Age in years ...
Does not apply ...

D. If you have stopped smoking cigarettes completely, how old were you when you stopped?

Aged stopped ...
Check if still smoking ...
Does not apply ...

E. How many cigarettes do you smoke per day now?

Cigarettes per day ...
Does not apply ...

F. On the average of the entire time you smoked, how many cigarettes did you smoke per day?

Cigarettes per day ...
Does not apply ...

G. Do you or did you inhale the cigarette smoke?

1. Does not apply ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

40A. Have you ever smoked a pipe regularly? (Yes means more than 12 ounces of tobacco in a lifetime.)

1. Yes ... 2. No ...

IF YES TO 40A:

FOR PERSONS WHO HAVE EVER SMOKED A PIPE

B. 1. How old were you when you started to smoke a pipe regularly?

Age ...

2. If you have stopped smoking a pipe completely, how old were you when you stopped?

Age stopped ...
Check if still smoking pipe ...
Does not apply ...

C. On the average over the entire time you smoked a pipe, how much pipe tobacco did you smoke per week?

... oz. per week ...
(a standard pouch of tobacco contains 1-1/2 ounces) ...
Does not apply ...

D. How much pipe tobacco are you smoking now?

oz. per week ...
Not currently smoking a pipe ...

E. Do you or did you inhale the pipe smoke?

1. Never smoked ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

41A. Have you ever smoked cigars regularly? (Yes means more than 1 cigar a week for a year.)

1. Yes ... 2. No ...

IF YES TO 41A:

FOR PERSONS WHO HAVE EVER SMOKED CIGARS

B. 1. How old were you when you started smoking cigars regularly?

Age ...

2. If you have stopped smoking cigars completely, how old were you when you stopped?

Age stopped ...
Check if still smoking cigars ...
Does not apply ...

C. On the average over the entire time you smoked cigars, how many cigars did you smoke per week?

Cigars per week ...
Does not apply ...

D. How many cigars are you smoking per week now?

Cigars per week ...
Check if not smoking cigars currently ...

E. Do you or did you inhale the cigar smoke?

1. Never smoked ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

Signature ... Date

Part 2 PERIODIC MEDICAL QUESTIONNAIRE

- 1. NAME
2. SOCIAL SECURITY #
3. CLOCK NUMBER
4. PRESENT OCCUPATION
5. PLANT

PERMANENT

6. ADDRESS
 7.
 (Zip Code)
 8. TELEPHONE NUMBER
 9. INTERVIEWER
 10. DATE
 16 17 18 19 20 21

Yes or No Further Comment on
Positive Answers

- Pneumonia ...
- Tuberculosis ...
- Chest surgery ...
- Other lung ...
- Problems ...
- Heart disease ...

Do you have:

11. What is your marital status?
 1. Single ... 4. Separated/
 2. Married ... Divorced ...
 3. Widowed ...

Yes or No Further Comment on
Positive Answers

12. OCCUPATIONAL HISTORY

12A. In the past year, did you work full time (30 hours per week or more) for 6 months or more?
 1. Yes ... 2. No ...

- Frequent colds ...
- Chronic cough ...
- Shortness of breath when walking or climbing one flight of stairs ...

- Do you:
 Wheeze ...
 Cough up phlegm ...
 Smoke cigarettes ...

Packs per day ... How many years ...

IF YES TO 12A:

12B. In the past year, did you work in a dusty job?
 1. Yes ... 2. No ...
 3. Does not apply ...

12C. Was dust exposure: 1. Mild ... 2. Moderate ... 3. Severe ...

Date Signature

12D. In the past year, were you exposed to gas or chemical fumes in your work?
 1. Yes ... 2. No ...

12E. Was exposure: 1. Mild ... 2. Moderate ... 3. Severe ...

12F. In the past year, what was your:
 1. Job/occupation?
 2. Position/job title?

13. RECENT MEDICAL HISTORY

13A. Do you consider yourself to be in good health?
 Yes ... No ...
 If NO, state reason

13B. In the past year, have you developed:
 Epilepsy? Yes No
 Rheumatic fever?
 Kidney disease?
 Bladder disease?
 Diabetes?
 Jaundice?
 Cancer?

14. CHEST COLDS AND CHEST ILLNESS

14A. If you get a cold, does it usually go to your chest? (Usually means more than 1/2 the time.)
 1. Yes ... 2. No ...
 3. Don't get colds ...

14B. During the past year, have you had any chest illnesses that have kept you off work, indoors at home, or in bed?
 1. Yes ... 2. No ...
 3. Does not apply ...

IF YES TO 14B:

14C. Did you produce phlegm with any of these chest illnesses?
 1. Yes ... 2. No ...
 3. Does not apply ...

14D. In the past year, how many such illnesses with (increased) phlegm did you have which lasted a week or more?
 Number of illnesses ...
 No such illnesses ...

16. RESPIRATORY SYSTEM

In the past year have you had:

Yes or No Further Comment on
Positive Answers

- Asthma ...
- Bronchitis ...
- Hay fever ...
- Other allergies ...

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake (~~repair operations—Nonmandatory~~) and clutch inspection, disassembly, repair and assembly—Mandatory. ((~~This appendix is intended as guidance for employers in the automotive brake and clutch repair industry who wish to reduce their employees' asbestos exposures during repair operations to levels below the new standard's action level (0.1 f/cc). WISHA believes that employers in this industry sector are likely to be able to reduce their employees' exposures to asbestos by employing the engineering and work practice controls described in subsections (1) and (2) of this section. Those employers who choose to use these controls and who achieve exposures below the action level will thus be able to avoid any burden that might be imposed by complying with such requirements as medical surveillance, recordkeeping, training, respiratory protection, and regulated areas, which are triggered when employee exposures exceed the action level or permissible exposure limits.~~

~~Asbestos exposure in the automotive brake and clutch repair industry occurs primarily during the replacement of clutch plates and brake pads, shoes, and linings. Asbestos fibers may become airborne when an automotive mechanic removes the asbestos-containing residue that has been deposited as brakes and clutches wear. Employee exposures to asbestos occur during the cleaning of the brake drum or clutch housing.~~

~~WISHA believes that employers engaged in brake repair operations who implement any of the work practices and engineering controls described in subsections (1) and (2) of this section may be able to reduce their employees' exposures to levels below the action level (0.1 fiber/cc). These control methods and the relevant record evidence on these and other methods are described in the following sections.~~

~~(1) Enclosed cylinder/HEPA vacuum system method.~~

~~The enclosed cylinder vacuum system used in one of the facilities visited by representatives of the National Institute for Occupational Safety and Health (NIOSH) during a health~~

PERMANENT

hazard evaluation of brake repair facilities consists of three components:

(a) A wheel shaped cylinder designed to cover and enclose the wheel assembly;

(b) A compressed air hose and nozzle that fits into a port in the cylinder; and

(c) A HEPA filtered vacuum used to evacuate airborne dust generated within the cylinder by the compressed air.

To operate the system, the brake assembly is enclosed in a cylinder that has viewing ports to provide visibility and cotton sleeves through which the mechanic can handle the brake assembly parts. The cylinder effectively isolates asbestos dust in the drum from the mechanic's breathing zone. One company manufactures the brake assembly isolation cylinder. The cylinder is equipped with built in compressed air guns and a connection for a vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter. This type of filter is capable of removing all particles greater than 0.3 microns from the air. When the vacuum cleaner's filter is full, it must be replaced according to the manufacturer's instruction, and appropriate HEPA filtered dual cartridge respirators should be worn during the process. The filter of the vacuum cleaner is assumed to be contaminated with asbestos fibers and should be handled carefully, wetted with a fine mist of water, placed immediately in a labelled plastic bag, and disposed of properly. When the cylinder is in place around the brake assembly and the HEPA vacuum is connected, compressed air is blown into the cylinder to loosen the residue from the brake assembly parts. The vacuum then evacuates the loosened material from within the cylinder, capturing the airborne material on the HEPA filter.

The HEPA vacuum system can be disconnected from the brake assembly isolation cylinder when the cylinder is not being used. The HEPA vacuum can then be used for clutch facing work, grinding, or other routine cleaning.

(2) Compressed air/solvent system method.

A compressed air hose fitted at the end with a bottle of solvent can be used to loosen the asbestos containing residue and to capture the resulting airborne particles in the solvent mist. The mechanic should begin spraying the asbestos contaminated parts with the solvent at a sufficient distance to ensure that the asbestos particles are not dislodged by the velocity of the solvent spray. After the asbestos particles are thoroughly wetted, the spray may be brought closer to the parts and the parts may be sprayed as necessary to remove grease and other material. The automotive parts sprayed with the mist are then wiped with a rag, which must then be disposed of appropriately. Rags should be placed in a labelled plastic bag or other container while they are still wet. This ensures that the asbestos fibers will not become airborne after the brake and clutch parts have been cleaned. (If cleanup rags are laundered rather than disposed of, they must be washed using methods appropriate for the laundering of asbestos contaminated materials.)

WISHA believes that a variant of this compressed air/solvent mist process offers advantages over the compressed air/solvent mist technique discussed above, both in terms of costs and employee protection. The variant involves the use of spray cans filled with any of several solvent cleaners commercially available from auto supply stores. Spray cans of solvent are inexpensive, readily available, and easy to use. These cans will also save time, because no solvent delivery

system has to be assembled, i.e., no compressed air hose/mister ensemble. OSHA believes that a spray can will deliver solvent to the parts to be cleaned with considerably less force than the alternative compressed air delivery system described above, and will thus generate fewer airborne asbestos fibers than the compressed air method. The agency therefore believes that the exposure levels of automotive repair mechanics using the spray can/solvent mist process will be even lower than the exposures reported by NIOSH for the compressed air/solvent mist system (0.08 f/ce).

(3) Information on the effectiveness of various control measures.

The amount of airborne asbestos generated during brake and clutch repair operations depends on the work practices and engineering controls used during the repair or removal activity.

(a) Prohibited methods.

The use of compressed air to blow the asbestos containing residue off the surface of the brake drum removes the residue effectively but simultaneously produces an airborne cloud of asbestos fibers. According to NIOSH, the peak exposures of mechanics using this technique were as high as fifteen fibers/ce, and eight hour TWA exposures ranged from 0.03 to 0.19 f/ce.

Dr. William J. Nicholson of the Mount Sinai School of Medicine cited data from Knight and Hickish (1970) that indicated that the concentration of asbestos ranged from 0.84 to 5.35 f/ce over a sixty minute sampling period when compressed air was being used to blow out the asbestos containing residue from the brake drum. In the same study, a peak concentration of eighty seven f/ce was measured for a few seconds during brake cleaning performed with compressed air. Rohl et al. (1976) measured area concentrations (of unspecified duration) within three to five feet of operations involving the cleaning of brakes with compressed air and obtained readings ranging from 6.6 to 29.8 f/ce. Because of the high exposure levels that result from cleaning brake and clutch parts using compressed air, WISHA has prohibited this practice in the revised standard.

(b) Ineffective methods.

When dry brushing was used to remove the asbestos containing residue from the brake drums and wheel assemblies, peak exposures measured by NIOSH ranged from 0.61 to 0.81 f/ce, while eight hour TWA levels were at the new standard's permissible exposure limit (PEL) of 0.2 f/ce. Rohl and his colleagues collected area samples one to three feet from a brake cleaning operation being performed with a dry brush, and measured concentrations ranging from 1.3 to 3.6 f/ce; however, sampling times and TWA concentrations were not presented in the Rohl et al. study.

When a brush wetted with water, gasoline, or Stoddart solvent was used to clean the asbestos containing residue from the affected parts, exposure levels (eight hour TWAs) measured by NIOSH also exceeded the new 0.2 f/ce PEL, and peak exposures ranged as high as 2.62 f/ce.

(c) Preferred methods.

Use of an engineering control system involving a cylinder that completely encloses the brake shoe assembly and a high efficiency particulate air (HEPA) filter equipped vacuum produced eight hour TWA employee exposures of 0.01 f/ce and peak exposures ranging from nondetectable to 0.07 f/ce. (Because this system achieved exposure levels

below the standard's action level, it is described in detail above.) Data collected by the Mount Sinai Medical Center for Nilfisk of America, Inc., the manufacturer of the brake assembly enclosure system, showed that for two of three operations sampled, the exposure of mechanics to airborne asbestos fibers was nondetectable. For the third operator sampled by Mt. Sinai researchers, the exposure was 0.5 f/ce, which the authors attributed to asbestos that had contaminated the operator's clothing in the course of previous brake repair operations performed without the enclosed cylinder/vacuum system.

Some automotive repair facilities use a compressed air hose to apply a solvent mist to remove the asbestos-containing residue from the brake drums before repair. The NIOSH data indicated that mechanics employing this method experienced exposures (eight hour TWAs) of 0.8 f/ce, with peaks of 0.25 to 0.68 f/ce. This technique, and a variant of it, that WISHA believes is both less costly and more effective in reducing employee exposures, is described in greater detail in subsections (1) and (2) of this section.

(4) Summary.

In conclusion, WISHA believes that it is likely that employers in the brake and clutch repair industry will be able to avail themselves of the action level trigger built into the revised standard if they conscientiously employ one of the three control methods described above: The enclosed cylinder/HEPA vacuum system, the compressed air/solvent method, or the spray can/solvent mist system.) This mandatory appendix specifies engineering controls and work practices that must be implemented by the employer during automotive brake and clutch inspection, disassembly, repair, and assembly operations. Proper use of these engineering controls and work practices will reduce employees' asbestos exposure below the permissible exposure level during clutch and brake inspection, disassembly, repair, and assembly operations. The employer shall institute engineering controls and work practices using either the method set forth in (1) or (2) of this appendix, or any other method which the employer can demonstrate to be equivalent in terms of reducing employee exposure to asbestos as defined and which meets the requirements described in (3) of this appendix, for those facilities in which no more than 5 pairs of brakes or 5 clutches are inspected, disassembled, reassembled and/or repaired per week, the method set forth in (4) of this appendix may be used:

(1) Negative pressure enclosure/HEPA vacuum system method.

(a) The brake and clutch inspection, disassembly, repair, and assembly operations shall be enclosed to cover and contain the clutch or brake assembly and to prevent the release of asbestos fibers into the worker's breathing zone.

(b) The enclosure shall be sealed tightly and thoroughly inspected for leaks before work begins on brake and clutch inspection, disassembly, repair and assembly.

(c) The enclosure shall be such that the worker can clearly see the operation and shall provide impermeable sleeves through which the worker can handle the brake and clutch inspection, disassembly, repair and assembly. The integrity of the sleeves and ports shall be examined before work begins.

(d) A HEPA-filtered vacuum shall be employed to maintain the enclosure under negative pressure throughout

the operation. Compressed-air may be used to remove asbestos fibers or particles from the enclosure.

(e) The HEPA vacuum shall be used first to loosen the asbestos containing residue from the brake and clutch parts and then to evacuate the loosened asbestos containing material from the enclosure and capture the material in the vacuum filter.

(f) The vacuum's filter, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(g) Any spills or releases of asbestos containing waste material from inside of the enclosure or vacuum hose or vacuum filter shall be immediately cleaned up and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(2) Low pressure/wet cleaning method.

(a) A catch basin shall be placed under the brake assembly, positioned to avoid splashes and spills.

(b) The reservoir shall contain water containing an organic solvent or wetting agent. The flow of liquid shall be controlled such that the brake assembly is gently flooded to prevent the asbestos-containing brake dust from becoming airborne.

(c) The aqueous solution shall be allowed to flow between the brake drum and brake support before the drum is removed.

(d) After removing the brake drum, the wheel hub and back of the brake assembly shall be thoroughly wetted to suppress dust.

(e) The brake support plate, brake shoes and brake components used to attach the brake shoes shall be thoroughly washed before removing the old shoes.

(f) In systems using filters, the filters, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(g) Any spills of asbestos-containing aqueous solution or any asbestos-containing waste material shall be cleaned up immediately and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(h) The use of dry brushing during low pressure/wet cleaning operations is prohibited.

(3) Equivalent methods. An equivalent method is one which has sufficient written detail so that it can be reproduced and has been demonstrated that the exposures resulting from the equivalent method are equal to or less than the exposure which would result from the use of the method described in subsection (1) of this appendix. For purposes of making this comparison, the employer shall assume that exposures resulting from the use of the method described in subsection (1) of this appendix shall not exceed 0.016 f/cc, as measured by the WISHA reference method and as averaged over at least 18 personal samples.

(4) Wet method.

(a) A spray bottle, hose nozzle, or other implement capable of delivering a fine mist of water or amended water or other delivery system capable of delivering water at low pressure, shall be used to first thoroughly wet the brake and clutch parts. Brake and clutch components shall then be wiped clean with a cloth.

(b) The cloth shall be placed in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and then disposed of according to WAC 296-62-07713 (1)(a) and (2)(f), or the cloth shall be laundered in a way to prevent the release of asbestos fibers in excess of 0.1 fiber per cubic centimeter of air.

(c) Any spills of solvent or any asbestos containing waste material shall be cleaned up immediately according to WAC 296-62-07713 (1)(a) and (2)(f).

(d) The use of dry brushing during the wet method operations is prohibited.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07747 Appendix G—Substance technical information for asbestos—Nonmandatory. (1) Substance identification.

(a) Substance: "Asbestos" is the name of a class of magnesium-silicate minerals that occur in fibrous form. Minerals that are included in this group are chrysotile, crocidolite, amosite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos.

(b) Asbestos is used in the manufacture of heat-resistant clothing, automotive brake and clutch linings, and a variety of building materials including floor tiles, roofing felts, ceiling tiles, asbestos-cement pipe and sheet, and fire-resistant drywall. Asbestos is also present in pipe and boiler insulation materials, and in sprayed-on materials located on beams, in crawlspaces, and between walls.

(c) The potential for a product containing asbestos, tremolite, anthophyllite, and actinolite to release (~~breathable~~) breathable fibers depends on its degree of friability. Friable means that the material can be crumbled with hand pressure and is therefore likely to emit fibers. The fibrous or fluffy sprayed-on materials used for fireproofing, insulation, or sound proofing are considered to be friable, and they readily release airborne fibers if disturbed. Materials such as vinyl-asbestos floor tile or roofing felts are considered nonfriable and generally do not emit airborne fibers unless subjected to sanding or sawing operations. Asbestos-cement pipe or sheet can emit airborne fibers if the materials are cut or sawed, or if they are broken during demolition operations.

(d) Permissible exposure: Exposure to airborne asbestos fibers may not exceed (~~(0.2)~~) 0.1 fiber(~~(s)~~) per cubic centimeter of air (~~((0.2))~~) 0.1 f/cc averaged over the eight-hour workday (time weighted average), or (~~(0.1)~~) 1 fiber(~~(s)~~) per cubic centimeter of air (~~((0.1))~~) 1 f/cc during any (~~(fifteen))~~) thirty minute period, (excursion limit).

(2) Health hazard data.

(a) Asbestos can cause disabling respiratory disease and various types of cancers if the fibers are inhaled. Inhaling or ingesting fibers from contaminated clothing or skin can also result in these diseases. The symptoms of these diseases generally do not appear for twenty or more years after initial exposure.

(b) Exposure to asbestos has been shown to cause lung cancer, mesothelioma, and cancer of the stomach and colon. Mesothelioma is a rear cancer of the thin membrane lining of the chest and abdomen. Symptoms of mesothelioma

include shortness of breath, pain in the walls of the chest, and/or abdominal pain.

(3) Respirators and protective clothing.

(a) Respirators: You are required to wear a respirator when performing tasks that result in asbestos exposure that exceeds (~~(0.2)~~) 0.1 fiber(~~(s)~~) per cubic centimeter of air (~~((0.2))~~) 0.1 f/cc as an eight-hour time weighted average and/or 1.0 fiber per cubic centimeter (1 f/cc) during any (~~(15))~~) thirty minute period (excursion limit). These conditions can occur while your employer is in the process of installing engineering controls to reduce asbestos exposure, or where engineering controls are not feasible to reduce asbestos exposure. Air-purifying respirators equipped with a high-efficiency particulate air (HEPA) filter can be used where airborne asbestos fiber concentrations do not exceed (~~(2)~~) 1 f/cc; otherwise, air-supplied, positive-pressure, full facepiece respirators must be used. Disposable respirators or dust masks are not permitted to be used for asbestos work. For effective protection, respirators must fit your face and head snugly. Your employer is required to conduct fit tests when you are first assigned a respirator and every six months thereafter. Respirators should not be loosened or removed in work situations where their use is required.

(b) Protective clothing: You are required to wear protective clothing in work areas where asbestos fiber concentrations exceed the permissible exposure limits to prevent contamination of the skin. Where protective clothing is required, your employer must provide you with clean garments. Unless you are working on a large asbestos removal or demolition project, your employer must also provide a change room and separate lockers for your street clothes and contaminated work clothes. If you are working on a large asbestos removal or demolition project, and where it is feasible to do so, your employer must provide a clean room, shower, and decontamination room contiguous to the work area. When leaving the work area, you must remove contaminated clothing before proceeding to the shower. If the shower is not adjacent to the work area, you must vacuum your clothing before proceeding to the change room and shower. To prevent inhaling fibers in contaminated change rooms and showers, leave your respirator on until you leave the shower and enter the clean change room.

(4) Disposal procedures and cleanup.

(a) Wastes that are generated by processes where asbestos is present include:

(i) Empty asbestos shipping containers.

(ii) Process wastes such as cuttings, trimmings, or reject material.

(iii) Housekeeping waste from sweeping or HEPA vacuuming.

(iv) Asbestos fireproofing or insulating material that is removed from buildings.

(v) Building products that contain asbestos removed during building renovation or demolition.

(vi) Contaminated disposable protective clothing.

(b) Empty shipping bags can be flattened under exhaust hoods and packed into airtight containers for disposal. Empty shipping drums are difficult to clean and should be sealed.

(c) Vacuum bags or disposable paper filters should not be cleaned, but should be sprayed with a fine water mist and placed into a labeled waste container.

(d) Process waste and housekeeping waste should be wetted with water or a mixture of water and surfactant prior to packaging in disposable containers.

(e) Material containing asbestos that is removed from buildings must be disposed of in leaktight 6-mil thick plastic bags, plastic-lined cardboard containers, or plastic-lined metal containers. These wastes, which are removed while wet, should be sealed in containers before they dry out to minimize the release of asbestos fibers during handling.

(5) Access to information.

(a) Each year, your employer is required to inform you of the information contained in this standard and appendices for asbestos. In addition, your employer must instruct you in the proper work practices for handling materials containing asbestos and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to asbestos. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure, and, if you are exposed above the permissible limits, he or she is required to inform you of the actions that are being taken to reduce your exposure to within the permissible limits.

(c) Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept for at least thirty years. Medical records must be kept for the period of your employment plus thirty years.

(d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

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

WAC 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory. (1) Route of entry inhalation, ingestion.

(2) Toxicology.

Clinical evidence of the adverse effects associated with exposure to asbestos is present in the form of several well-conducted epidemiological studies of occupationally exposed workers, family contacts of workers, and persons living near asbestos mines. These studies have shown a definite association between exposure to asbestos and an increased incidence of lung cancer, pleural and peritoneal mesothelioma, gastrointestinal cancer, and asbestosis. The latter is a disabling fibrotic lung disease that is caused only by exposure to asbestos. Exposure to asbestos has also been associated with an increased incidence of esophageal, kidney, laryngeal, pharyngeal, and buccal cavity cancers. As with other known chronic occupational diseases, disease associated with asbestos generally appears about twenty years following the first occurrence of exposure: There are no known acute effects associated with exposure to asbestos.

Epidemiological studies indicate that the risk of lung cancer among exposed workers who smoke cigarettes is greatly increased over the risk of lung cancer among nonexposed smokers or exposed nonsmokers. These studies suggest that cessation of smoking will reduce the risk of lung cancer for a person exposed to asbestos but will not

reduce it to the same level of risk as that existing for an exposed worker who has never smoked.

(3) Signs and symptoms of exposure-related disease.

The signs and symptoms of lung cancer or gastrointestinal cancer induced by exposure to asbestos are not unique, except that a chest x-ray of an exposed patient with lung cancer may show pleural plaques, pleural calcification, or pleural fibrosis. Symptoms characteristic of mesothelioma include shortness of breath, pain in the walls of the chest, or abdominal pain. Mesothelioma has a much longer latency period compared with lung cancer (forty years versus fifteen to twenty years), and mesothelioma is therefore more likely to be found among workers who were first exposed to asbestos at an early age. Mesothelioma is always fatal.

Asbestosis is pulmonary fibrosis caused by the accumulation of asbestos fibers in the lungs. Symptoms include shortness of breath, coughing, fatigue, and vague feelings of sickness. When the fibrosis worsens, shortness of breath occurs even at rest. The diagnosis of asbestosis is based on a history of exposure to asbestos, the presence of characteristic radiologic changes, endinspiratory crackles (rales), and other clinical features of fibrosing lung disease. Pleural plaques and thickening are observed on x-rays taken during the early stages of the disease. Asbestosis is often a progressive disease even in the absence of continued exposure, although this appears to be a highly individualized characteristic. In severe cases, death may be caused by respiratory or cardiac failure.

(4) Surveillance and preventive considerations.

As noted above, exposure to asbestos has been linked to an increased risk of lung cancer, mesothelioma, gastrointestinal cancer, and asbestosis among occupationally exposed workers. Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to asbestos do not presently exist. However, some tests, particularly chest x-rays and pulmonary function tests, may indicate that an employee has been overexposed to asbestos increasing his or her risk of developing exposure-related chronic diseases. It is important for the physician to become familiar with the operating conditions in which occupational exposure to asbestos is likely to occur. This is particularly important in evaluating medical and work histories and in conducting physical examinations. When an active employee has been identified as having been overexposed to asbestos measures taken by the employer to eliminate or mitigate further exposure should also lower the risk of serious long-term consequences.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed to asbestos at or above the ~~((action level))~~ permissible exposure limits (0.1 fiber per cubic centimeter of air) for 30 or more days per year and for all employees who are assigned to wear a negative pressure respirator. All examinations and procedures must be performed by or under the supervision of a licensed physician, at a reasonable time and place, and at no cost to the employee.

Although broad latitude is given to the physician in prescribing specific tests to be included in the medical surveillance program, WISHA requires inclusion of the following elements in the routine examination:

(a) Medical and work histories with special emphasis directed to symptoms of the respiratory system, cardiovascular system, and digestive tract.

(b) Completion of the respiratory disease questionnaire contained in WAC 296-62-07741, Appendix D.

(c) A physical examination including a chest roentgenogram and pulmonary function test that includes measurement of the employee's forced vital capacity (FVC) and forced expiratory volume at one second (FEV₁).

(d) Any laboratory or other test that the examining physician deems by sound medical practice to be necessary.

The employer is required to make the prescribed tests available at least annually to those employees covered; more often than specified if recommended by the examining physician; and upon termination of employment.

The employer is required to provide the physician with the following information: A copy of this standard and appendices; a description of the employee's duties as they relate to asbestos exposure; the employee's representative level of exposure to asbestos; a description of any personal protective and respiratory equipment used; and information from previous medical examinations of the affected employee that is not otherwise available to the physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, if required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examination; the physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of exposure-related disease; any recommended limitations on the employee or on the use of personal protective equipment; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions related to asbestos exposure that require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to exposure to asbestos and a copy of the opinion must be provided to the affected employee.

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

WAC 296-62-07751 Appendix I—Work practices and engineering controls for ((major asbestos removal, renovation, and demolition operations)) Class I asbestos operations—Nonmandatory. ((This is a nonmandatory appendix designed to provide guidelines to assist employers in complying with the requirements of WAC 296-62-077 through 296-62-07753. Specifically, this appendix describes the equipment, methods, and procedures that should be used in major asbestos removal projects conducted to abate a recognized asbestos hazard or in preparation for building renovation or demolition. These projects require the construction of negative pressure temporary enclosures to contain the asbestos material and to prevent the exposure of bystanders and other employees at the worksite. WAC 296-62-07712(1) of the standard requires that "The employer, wherever feasible, shall establish negative pressure enclosures having a minimum of one air exchange every fifteen

minutes within the enclosure before commencing removal, demolition, or renovation operations." Employers should also be aware that, when conducting asbestos removal projects, they may be required under the National Emissions Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61, Subpart M, or EPA regulations under the Clean Water Act.

(1) **Introduction.** Construction of a negative pressure enclosure is a simple but time-consuming process that requires careful preparation and execution; however, if the procedures below are followed, contractors should be assured of achieving a temporary barricade that will protect employees and others outside the enclosure from exposure to asbestos and minimize to the extent possible the exposure of asbestos workers inside the barrier as well.

The equipment and materials required to construct these barriers are readily available and easily installed and used. In addition to an enclosure around the removal site, the standard requires employers to provide hygiene facilities that ensure that their asbestos-contaminated employees do not leave the worksite with asbestos on their persons or clothing; the construction of these facilities is also described below. The steps in the process of preparing the asbestos removal site, building the enclosure, constructing hygiene facilities, removing the asbestos-containing material, and restoring the site include:

- (a) Planning the removal project;
- (b) Procuring the necessary materials and equipment;
- (c) Preparing the work area;
- (d) Removing the asbestos-containing material;
- (e) Cleaning the work area; and
- (f) Disposing of the asbestos-containing waste.

(2) **Planning the removal project.** The planning of an asbestos removal project is critical to completing the project safely and cost-effectively. A written asbestos removal plan should be prepared that describes the equipment and procedures that will be used throughout the project. The asbestos abatement plan will aid not only in executing the project but also in complying with the reporting requirements of the USEPA asbestos regulations (40 CFR 61, Subpart M), which call for specific information such as a description of control methods and control equipment to be used and the disposal sites the contractor proposes to use to dispose of the asbestos-containing materials.

The asbestos abatement plan should contain the following information:

- (a) A physical description of the work area;
- (b) A description of the approximate amount of material to be removed;
- (c) A schedule for turning off and sealing existing ventilation systems;
- (d) Personnel hygiene procedures;
- (e) Labeling procedures;
- (f) A description of personal protective equipment and clothing to be worn by employees;
- (g) A description of the local exhaust ventilation systems to be used;
- (h) A description of work practices to be observed by employees;
- (i) A description of the methods to be used to remove the asbestos-containing material;
- (j) The wetting agent to be used;

(k) A description of the sealant to be used at the end of the project;

(l) An air monitoring plan;

(m) A description of the method to be used to transport waste material; and

(n) The location of the dump site.

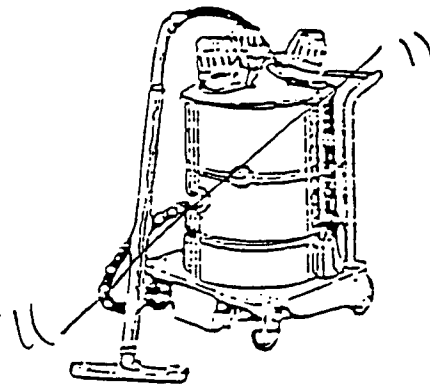
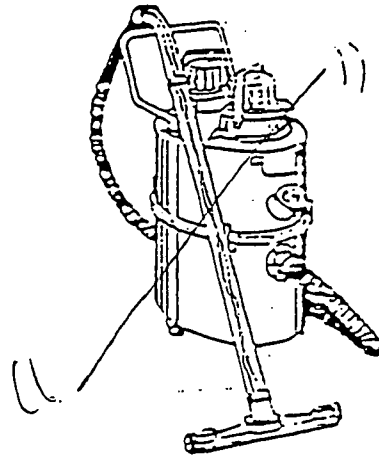
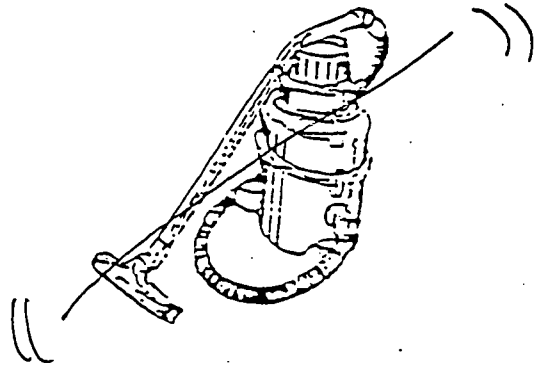
(3) Materials and equipment necessary for asbestos removal. Although individual asbestos removal projects vary in terms of the equipment required to accomplish the removal of the material, some equipment and materials are common to most asbestos removal operations. Equipment and materials that should be available at the beginning of each project are: (a) Rolls of polyethylene sheeting; (b) rolls of gray duct tape or clear plastic tape; (c) HEPA filtered vacuum(s); (d) HEPA filtered portable ventilation system(s); (e) a wetting agent; (f) an airless sprayer; (g) a portable shower unit; (h) appropriate respirators; (i) disposable coveralls; (j) signs and labels; (k) preprinted disposal bags; and (l) a manometer or pressure gauge.

(a) and (b) Rolls of polyethylene plastic and tape. Rolls of polyethylene plastic (6 mil in thickness) should be available to construct the asbestos removal enclosure and to seal windows, doors, ventilation systems, wall penetrations, and ceilings and floors in the work area. Gray duct tape or clear plastic tape should be used to seal the edges of the plastic and to seal any holes in the plastic enclosure. Polyethylene plastic sheeting can be purchased in rolls up to twelve to twenty feet in width and up to one hundred feet in length.

(c) HEPA filtered vacuum. A HEPA filtered vacuum is essential for cleaning the work area after the asbestos has been removed. Such vacuums are designed to be used with a HEPA (high efficiency particulate air) filter, which is capable of removing 99.97 percent of the asbestos particles from the air. Various sizes and capacities of HEPA vacuums are available. One manufacturer produces three models that range in capacity from five and one quarter gallons to seventeen gallons (see Figure I-1). All of these models are portable, and all have long hoses capable of reaching out-of-the-way places, such as areas above ceiling tiles, behind pipes, etc.

(d) Exhaust air filtration system. A portable ventilation system is necessary to create a negative pressure within the asbestos removal enclosure. Such units are equipped with a HEPA filter and are designed to exhaust and clean the air inside the enclosure before exhausting it to the outside of the enclosure (see Figure I-2). Systems are available from several manufacturers. One supplier has two ventilation units that range in capacity from six hundred cubic feet per minute (CFM) to one thousand seven hundred CFM. According to the manufacturer's literature, these units filter particles of 0.3 micron in size with an efficiency of 99.99 percent. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated.

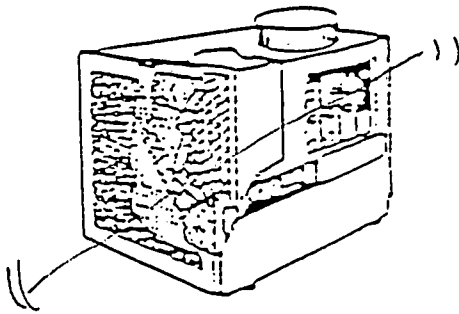
Figure I-1. HEPA filtered vacuums



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

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Figure I-2. Portable exhaust ventilation system with HEPA filter



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

(e) **Wetting agents.**—Wetting agents (surfactants) are added to water (which is then called amended water) and used to soak asbestos-containing materials; amended water penetrates more effectively than plain water and permits more thorough soaking of the asbestos-containing materials. Wetting the asbestos-containing material reduces the number of fibers that will break free and become airborne when the asbestos-containing material is handled or otherwise disturbed. Asbestos-containing materials should be thoroughly soaked before removal is attempted; the dislodged material should feel spongy to the touch. Wetting agents are generally prepared by mixing one to three ounces of wetting agent to five gallons of water.

One type of asbestos, amosite, is relatively resistant to soaking, either with plain or amended water. The work practices of choice when working with amosite-containing material are to soak the material as much as possible and then to bag it for disposal immediately after removal, so that the material has no time to dry and be ground into smaller particles that are more likely to liberate airborne asbestos.

In a very limited number of situations, it may not be possible to wet the asbestos-containing material before removing it. Examples of such rare situations are: (i) Removal of asbestos material from a "live" electrical box that was oversprayed with the material when the rest of the area was sprayed with asbestos-containing coating; and (ii) removing asbestos-containing insulation from a live steam pipe. In both of these situations, the preferred approach would be to turn off the electricity or steam, respectively, to permit wet removal methods to be used. However, where removal work must be performed during working hours, i.e., when normal operations cannot be disrupted, the asbestos-containing material must be removed dry. Immediate bagging is then the only method of minimizing the amount of airborne asbestos generated.

(f) **Airless sprayer.**—Airless sprayers are used to apply amended water to asbestos-containing materials. Airless sprayers allow the amended water to be applied in a fine spray that minimizes the release of asbestos fibers by reducing the impact of the spray on the material to be removed. Airless sprayers are inexpensive and readily available.

(g) **Portable shower.**—Unless the site has available a permanent shower facility that is contiguous to the removal area, a portable shower system is necessary to permit employees to clean themselves after exposure to asbestos and to remove any asbestos contamination from their hair and bodies. Taking a shower prevents employees from leaving the work area with asbestos on their clothes and thus prevents the spread of asbestos contamination to areas outside the asbestos removal area. This measure also protects members of the families of asbestos workers from possible exposure to asbestos. Showers should be supplied with warm water and a drain. A shower water filtration system to filter asbestos fibers from the shower water is recommended. Portable shower units are readily available, inexpensive, and easy to install and transport.

(h) **Respirators.**—Employees involved in asbestos removal projects should be provided with appropriate NIOSH-approved respirators. Selection of the appropriate respirator should be based on the concentration of asbestos fibers in the work area. If the concentration of asbestos fibers is unknown, employees should be provided with respirators that will provide protection against the highest concentration of asbestos fibers that can reasonably be expected to exist in the work area. For all work within an enclosure, employees should wear supplied air respirators (see WAC 296-62-07715(3)).

(i) **Disposable coveralls.**—Employees involved in asbestos removal operations should be provided with disposable impervious coveralls that are equipped with head and foot covers. Such coveralls are typically made of Tyvek.² The coverall has a zipper front and elastic wrists and ankles.

(j) **Signs and labels.**—Before work begins, a supply of signs to demarcate the entrance to the work area should be obtained. Signs are available that have the wording required by the final WISHA standard. The required labels are also commercially available as press-on labels and preprinted on the 6-mil polyethylene plastic bags used to dispose of asbestos-containing waste material.

(4) **Preparing the work area.**—Preparation for constructing negative pressure enclosures should begin with the removal of all movable objects from the work area, e.g., desks, chairs, rugs, and light fixtures, to ensure that these objects do not become contaminated with asbestos. When objects or surfaces are contaminated or are suspected of being contaminated, they should be vacuumed with a HEPA vacuum and cleaned with amended water, unless they are made of material that will be damaged by the wetting agent; wiping with plain water is recommended in those cases where amended water will damage the object. Before the asbestos removal work begins, objects that cannot be removed from the work area should be covered with a 6-mil-thick polyethylene plastic sheeting that is securely taped with duct tape or plastic tape to achieve an air-tight seal around the object.

(5) **Constructing the enclosure.**—When all objects have either been removed from the work area or covered with plastic, all penetrations of the floor, walls, and ceiling should be sealed with 6-mil polyethylene plastic and tape to prevent airborne asbestos from escaping into areas outside the work area or from lodging in cracks around the penetrations. Penetrations that require sealing are typically found around

electrical conduits, telephone wires, and water supply and drain pipes. A single entrance to be used for access and egress to the work area should be selected, and all other doors and windows should be sealed with tape or be covered with 6-mil polyethylene plastic sheeting and securely taped. Covering windows and unnecessary doors with a layer of polyethylene before covering the walls provides a second layer of protection and saves time in installation because it reduces the number of edges that must be cut and taped. All other surfaces such as support columns, ledges, pipes, and other surfaces should also be covered with polyethylene plastic sheeting and taped before the walls themselves are completely covered with sheeting.

Next a thin layer of spray adhesive should be sprayed along the top of all walls surrounding the enclosed work area, close to the wall-ceiling interface, and a layer of polyethylene plastic sheeting should be stuck to this adhesive and taped. The entire inside surfaces of all wall areas are covered in this manner, and the sheeting over the walls is extended across the floor area until it meets in the center of the area, where it is taped to form a single layer of material encasing the entire room except for the ceiling. A final layer of plastic sheeting is then laid across the plastic-covered floor area and up the walls to a level of two feet or so; this layer provides a second protective layer of plastic sheeting over the floor, which can then be removed and disposed of easily after the asbestos-containing material that has dropped to the floor has been bagged and removed.

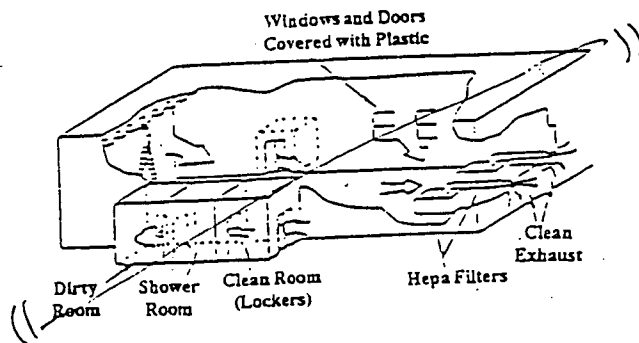
(6) Building hygiene facilities. WAC 296-62-07719 mandates that employers involved in asbestos removal, demolition, or renovation operations provide their employees with hygiene facilities to be used to decontaminate asbestos-exposed workers, equipment, and clothing before such employees leave the work area. These decontamination facilities consist of:

- (a) A clean change room;
- (b) A shower; and
- (c) An equipment room.

The clean change room is an area in which employees remove their street clothes and don their respirators and disposable protective clothing. The clean room should have hooks on the wall or be equipped with lockers for the storage of workers' clothing and personal articles. Extra disposable coveralls and towels can also be stored in the clean change room.

The shower should be contiguous with both the clean and dirty change room (see Figure I-3) and should be used by all workers leaving the work area. The shower should also be used to clean asbestos-contaminated equipment and materials, such as the outsides of asbestos waste bags and hand tools used in the removal process.

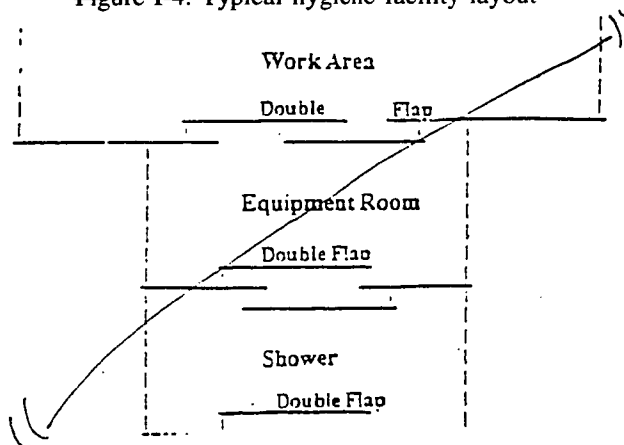
Figure I-3. Cutaway view of enclosure and hygiene facilities



Source: EPA 1985. Asbestos Waste Management Guidance (EPA/530-SW-85-007)

The equipment room (also called the dirty change room) is the area where workers remove their protective coveralls and where equipment that is to be used in the work area can be stored. The equipment room should be lined with 6-mil-thick polyethylene plastic sheeting in the same way as was done in the work area enclosure. Two layers of 6-mil polyethylene plastic sheeting that are not taped together from a double flap or barrier between the equipment room and the work area and between the shower and the clean change room (see Figure I-4).

Figure I-4. Typical hygiene facility layout



When feasible, the clean change room, shower, and equipment room should be contiguous and adjacent to the negative pressure enclosure surrounding the removal area. In the overwhelming number of cases, hygiene facilities can be built contiguous to the negative pressure enclosure. In some cases, however, hygiene facilities may have to be located on another floor of the building where removal of asbestos-containing materials is taking place. In these instances, the hygiene facilities can in effect be made to be contiguous to the work area by constructing a polyethylene plastic "tunnel" from the work area to the hygiene facilities. Such a tunnel can be made even in cases where the hygiene facilities are located several floors above or below the work area; the tunnel begins with a double flap door at the enclosure, extends through the exit from the floor, continues

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down the necessary number of flights of stairs and goes through a double flap entrance to the hygiene facilities, which have been prepared as described above. The tunnel is constructed of two-inch by four-inch lumber or aluminum struts and covered with 6-mil thick polyethylene plastic sheeting.

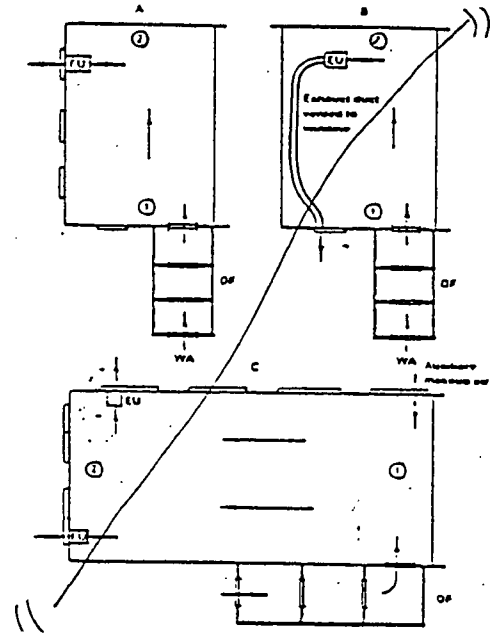
In the rare instances when there is not enough space to permit any hygiene facilities to be built at the worksite, employees should be directed to change into a clean disposable worksuit immediately after exiting the enclosure (without removing their respirators) and to proceed immediately to the shower. Alternatively, employees could be directed to vacuum their disposable coveralls with a HEPA-filtered vacuum before proceeding to a shower located a distance from the enclosure.

The clean room, shower, and equipment room must be sealed completely to ensure that the sole source of air flow through these areas originates from uncontaminated areas outside the asbestos removal, demolition, or renovation enclosure. The shower must be drained properly after each use to ensure that contaminated water is not released to uncontaminated areas. If waste water is inadvertently released, it should be cleaned up as soon as possible to prevent any asbestos in the water from drying and becoming airborne in areas outside the work area.

(7) Establishing negative pressure within the enclosure. After construction of the enclosure is completed, a ventilation system(s) should be installed to create a negative pressure within the enclosure with respect to the area outside the enclosure. Such ventilation systems must be equipped with HEPA filters to prevent the release of asbestos fibers to the environment outside the enclosure and should be operated twenty-four hours per day during the entire project until the final cleanup is completed and the results of final air samples are received from the laboratory. A sufficient amount of air should be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.

These ventilation systems should exhaust the HEPA-filtered clean air outside the building in which the asbestos removal, demolition, or renovation is taking place (see Figure I-5). If access to the outside is not available, the ventilation system can exhaust the HEPA-filtered asbestos-free air to an area within the building that is as far away as possible from the enclosure. Care should be taken to ensure that the clean air is released either to an asbestos-free area or in such a way as not to disturb any asbestos-containing materials.

Figure I-5. Examples of negative pressure systems. DF, decontamination facility; EU, exhaust unit; WA, worker access; A, single room work area with multiple windows; B, single room work area with single window near entrance; C, large single room work area with windows and auxiliary makeup air source (dotted arrow). Arrows denote direction of air flow. Circled numbers indicate progression of removal sequence.



Source: EPA 1985. Guidance for Controlling Asbestos-Containing Materials in Buildings (EPA 560/5-85-024)

A manometer or pressure gauge for measuring the negative pressure within the enclosure should be installed and should be monitored frequently throughout all work shifts during which asbestos removal, demolition, or renovation takes place. Several types of manometers and pressure gauges are available for this purpose.

All asbestos removal, renovation, and demolition operations should have a program for monitoring the concentration of airborne asbestos and employee exposures to asbestos. Area samples should be collected inside the enclosure (approximately four samples for five thousand square feet of enclosure area). At least two samples should be collected outside the work area, one at the entrance to the clean change room and one at the exhaust of the portable ventilation system. In addition, several breathing zone samples should be collected from those workers who can reasonably be expected to have the highest potential exposure to asbestos.

(8) Removing asbestos materials. Employers involved in asbestos removal, demolition, or renovation operations designate a certified asbestos supervisor to:

- (a) Set up the enclosure;
- (b) Ensure the integrity of the enclosure;
- (c) Control entry to and exit from the enclosure;
- (d) Supervise all employee exposure monitoring required by this section;
- (e) Ensure the use of protective clothing and equipment;

(f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;

(g) Ensure the use of hygiene facilities and the observance of proper decontamination procedures; and

(h) Ensure that engineering controls are functioning properly.

The certified asbestos supervisor will generally be a certified industrial hygienist, an industrial hygienist with training and experience in the handling of asbestos, or a person who has such training and experience as a result of on-the-job training and experience.

Ensuring the integrity of the enclosure is accomplished by inspecting the enclosure before asbestos removal work begins and prior to each work shift throughout the entire period work is being conducted in the enclosure. The inspection should be conducted by locating all areas where air might escape from the enclosure; this is best accomplished by running a hand over all seams in the plastic enclosure to ensure that no seams are ripped and the tape is securely in place.

The certified asbestos supervisor should also ensure that all unauthorized personnel do not enter the enclosure and that all employees and other personnel who enter the enclosure have the proper protective clothing and equipment. He or she should also ensure that all employees and other personnel who enter the enclosure use the hygiene facilities and observe the proper decontamination procedures (described below).

Proper work practices are necessary during asbestos removal, demolition, and renovation to ensure that the concentration of asbestos fibers inside the enclosure remains as low as possible. One of the most important work practices is to wet the asbestos containing material before it is disturbed. After the asbestos containing material is thoroughly wetted, it should be removed by scraping (as in the case of sprayed on or troweled on ceiling material) or removed by cutting the metal bands or wire mesh that support the asbestos containing material on boilers or pipes. Any residue that remains on the surface of the object from which asbestos is being removed should be wire brushed and wet wiped.

Bagging asbestos waste material promptly after its removal is another work practice control that is effective in reducing the airborne concentration of asbestos within the enclosure. Whenever possible, the asbestos should be removed and placed directly into bags for disposal rather than dropping the material to the floor and picking up all of the material when the removal is complete. If a significant amount of time elapses between the time that the material is removed and the time it is bagged, the asbestos material is likely to dry out and generate asbestos laden dust when it is disturbed by people working within the enclosure. Any asbestos contaminated supplies and equipment that cannot be decontaminated should be disposed of in pre-labeled bags; items in this category include plastic sheeting, disposable work clothing, respirator cartridges, and contaminated wash water.

A checklist is one of the most effective methods of ensuring adequate surveillance of the integrity of the asbestos removal enclosure. Such a checklist is shown in Figure I 6. Filling out the checklist at the beginning of each

shift in which asbestos removal is being performed will serve to document that all the necessary precautions will be taken during the asbestos removal work. The checklist contains entries for ensuring that:

- The work area enclosure is complete;
- The negative pressure system is in operation;
- Necessary signs and labels are used;

Asbestos Removal, Renovation, and Demolition Checklist

Date	Location	
Supervisor	Project #	
	Work Area (sq. ft.)	
		Yes No
I. Work site barrier		
	Floor covered	
	Walls covered	
	Area ventilation off	
	All edges sealed	
	Penetrations sealed	
	Entry curtains	
II. Negative air pressure		
	HEPA Vac	Ventilation system
	Constant operation	
	Negative pressure achieved	
III. Signs		
	Work area entrance	
	Bags labeled	
IV. Work practices		
	Removed material promptly bagged	
	Material worked wet	
	HEPA vacuum used	
	No smoking	
	No eating, drinking	
	Work area cleaned after completion	
	Personnel decontaminated each departure	
V. Protective equipment		
	Disposable clothing used one time	
	Proper NIOSH approved respirators	
VII. Showers		
	On site	
	Functioning	
	Soap and towels	
	Used by all personnel	

Figure I 6. Checklist

Appropriate work practices are used;
Necessary protective clothing and equipment are used;
and
Appropriate decontamination procedures are being followed.

(9) Cleaning the work area. After all of the asbestos-containing material is removed and bagged, the entire work area should be cleaned until it is free of all visible asbestos dust. All surfaces from which asbestos has been removed should be cleaned by wire brushing the surfaces, HEPA vacuuming these surfaces, and wiping them with amended water. The inside of the plastic enclosure should be vacuumed with a HEPA vacuum and wet wiped until there is no visible dust in the enclosure. Particular attention should be given to small horizontal surfaces such as pipes, electrical conduits, lights, and support tracks for drop ceilings. All such surfaces should be free of visible dust before the final air samples are collected.

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Additional sampling should be conducted inside the enclosure after the cleanup of the work area has been completed. Approximately four area samples should be collected for each five thousand square feet of enclosure area. The enclosure should not be dismantled unless the final samples show asbestos concentrations of less than the action level.

A clearance checklist is an effective method of ensuring that all surfaces are adequately cleaned and the enclosure is ready to be dismantled. Figure I-7 shows a checklist that can be used during the final inspection phase of asbestos abatement, removal, or renovation operations.

Final Inspection of Asbestos Removal, Renovation, and Demolition Projects

Date:
Project:
Location:
Building:

CHECKLIST:

Table with 2 columns: Residual dust on: Yes No, and items: a. Floor, b. Horizontal surfaces, c. Pipes, d. Ventilation equipment, e. Horizontal surfaces, f. Pipes, g. Ducts, h. Register, i. Lights.

FIELD NOTES:

Record any problems encountered here.

FINAL AIR SAMPLE RESULTS:

Figure I-7. Clearance Checklist

+ Mention of trade names or commercial products does not constitute endorsement or recommendation for use.)

This is a nonmandatory appendix to the asbestos standards for construction and for shipyards. It describes criteria and procedures for erecting and using negative pressure enclosures for Class I Asbestos Work, when NPEs are used as an allowable control method to comply with WAC 296-62-07712 (7)(a). Many small and variable details are involved in the erection of a negative pressure enclosure. OSHA and most participants in the rulemaking agreed that only the major, more performance oriented criteria should be made mandatory. These criteria are set out in WAC 296-62-07712. In addition, this appendix includes these mandatory specifications and procedures in its guidelines in order to make this appendix coherent and helpful. The mandatory nature of the criteria which appear in the regulatory text is not changed because they are included in this "nonmandatory" appendix. Similarly, the additional criteria and procedures included as guidelines in the appendix, do not become mandatory because mandatory criteria are also included in these comprehensive guidelines.

In addition, none of the criteria, both mandatory and recommended, are meant to specify or imply the need for use of patented or licensed methods or equipment. Recommended specifications included in this attachment should not discourage the use of creative alternatives which can be

shown to reliably achieve the objectives of negative-pressure enclosures.

Requirements included in this appendix, cover general provisions to be followed in all asbestos jobs, provisions which must be followed for all Class I asbestos jobs, and provisions governing the construction and testing of negative pressure enclosures. The first category includes the requirement for use of wet methods, HEPA vacuums, and immediate bagging of waste; Class I work must conform to the following provisions:

- oversight by competent person
- use of critical barriers over all openings to work area
- isolation of HVAC systems
- use of impermeable dropcloths and coverage of all objects within regulated areas

In addition, more specific requirements for NPEs include:

- maintenance of -0.02 inches water gauge within enclosure
- manometric measurements
- air movement away from employees performing removal work
- smoke testing or equivalent for detection of leaks and air direction
- deactivation of electrical circuits, if not provided with ground-fault circuit interrupters.

Planning the Project

The standard requires that an exposure assessment be conducted before the asbestos job is begun WAC 296-62-07709(3). Information needed for that assessment, includes data relating to prior similar jobs, as applied to the specific variables of the current job. The information needed to conduct the assessment will be useful in planning the project, and in complying with any reporting requirements under this standard, when significant changes are being made to a control system listed in the standard, (see WAC 296-62-07719), as well as those of USEPA (40 CFR Part 61, subpart M). Thus, although the standard does not explicitly require the preparation of a written asbestos removal plan, the usual constituents of such a plan, i.e., a description of the enclosure, the equipment, and the procedures to be used throughout the project, must be determined before the enclosure can be erected. The following information should be included in the planning of the system:

- A physical description of the work area;
A description of the approximate amount of material to be removed;
A schedule for turning off and sealing existing ventilation systems;
Personnel hygiene procedures;
A description of personal protective equipment and clothing to be worn by employees;
A description of the local exhaust ventilation systems to be used and how they are to be tested;
A description of work practices to be observed by employees;
An air monitoring plan;
A description of the method to be used to transport waste material; and
The location of the dump site.

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Materials and Equipment Necessary for Asbestos Removal

Although individual asbestos removal projects vary in terms of the equipment required to accomplish the removal of the materials, some equipment and materials are common to most asbestos removal operations.

Plastic sheeting used to protect horizontal surfaces, seal HVAC openings or to seal vertical openings and ceilings should have a minimum thickness of 6 mils. Tape or other adhesive used to attach plastic sheeting should be of sufficient adhesive strength to support the weight of the material plus all stresses encountered during the entire duration of the project without becoming detached from the surface.

Other equipment and materials which should be available at the beginning of each project are:

- HEPA Filtered Vacuum is essential for cleaning the work area after the asbestos has been removed. It should have a long hose capable of reaching out-of-the-way places, such as areas above ceiling tiles, behind pipes, etc.
- Portable air ventilation systems installed to provide the negative air pressure and air removal from the enclosure must be equipped with a HEPA filter. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated. The filters for these systems should be designed in such a manner that they can be replaced when the air flow volume is reduced by the build-up of dust in the filtration material. Pressure monitoring devices with alarms and strip chart recorders attached to each system to indicate the pressure differential and the loss due to dust buildup on the filter are recommended.
- Water sprayers should be used to keep the asbestos material as saturated as possible during removal; the sprayers will provide a fine mist that minimizes the impact of the spray on the material.
- Water used to saturate the asbestos containing material can be amended by adding at least 15 milliliters (½ ounce) of wetting agent in 1 liter (1 pint) of water. An example of a wetting agent is a 50/50 mixture of polyoxyethylene ether and polyoxyethylene polyglycol ester.
- Backup power supplies are recommended, especially for ventilation systems.
- Shower and bath water should be with mixed hot and cold water faucets. Water that has been used to clean personnel or equipment should either be filtered or be collected and discarded as asbestos waste. Soap and shampoo should be provided to aid in removing dust from the workers' skin and hair.
- See WAC 296-62-07715 and 296-62-07717 for appropriate respiratory protection and protective clothing.
- See WAC 296-62-07721 for required signs and labels.

Preparing the Work Area

Disabling HVAC Systems: The power to the heating, ventilation, and air conditioning systems that service the restricted area must be deactivated and locked off. All ducts, grills, access ports, windows and vents must be sealed

off with two layers of plastic to prevent entrainment of contaminated air.

Operating HVAC Systems in the Restricted Area: If components of a HVAC system located in the restricted area are connected to a system that will service another zone during the project, the portion of the duct in the restricted area must be sealed and pressurized. Necessary precautions include caulking the duct joints, covering all cracks and openings with two layers of sheeting, and pressurizing the duct throughout the duration of the project by restricting the return air flow. The power to the fan supplying the positive pressure should be locked "on" to prevent pressure loss.

Sealing Elevators: If an elevator shaft is located in the restricted area, it should be either shut down or isolated by sealing with two layers of plastic sheeting. The sheeting should provide enough slack to accommodate the pressure changes in the shaft without breaking the air-tight seal.

Removing Mobile Objects: All movable objects should be cleaned and removed from the work area before an enclosure is constructed unless moving the objects creates a hazard. Mobile objects will be assumed to be contaminated and should be either cleaned with amended water and a HEPA vacuum and then removed from the area or wrapped and then disposed of as hazardous waste.

Cleaning and Sealing Surfaces: After cleaning with water and a HEPA vacuum, surfaces of stationary objects should be covered with two layers of plastic sheeting. The sheeting should be secured with duct tape or an equivalent method to provide a tight seal around the object.

Bagging Waste: In addition to the requirement for immediate bagging of waste for disposal, it is further recommended that the waste material be double-bagged and sealed in plastic bags designed for asbestos disposal. The bags should be stored in a waste storage area that can be controlled by the workers conducting the removal. Filters removed from air handling units and rubbish removed from the area are to be bagged and handled as hazardous waste.

Constructing the Enclosure

The enclosure should be constructed to provide an airtight seal around ducts and openings into existing ventilation systems and around penetrations for electrical conduits, telephone wires, water lines, drain pipes, etc. Enclosures should be both airtight and watertight except for those openings designed to provide entry and/or air flow control.

Size: An enclosure should be the minimum volume to encompass all of the working surfaces yet allow unencumbered movement by the worker(s), provide unrestricted air flow past the worker(s), and ensure walking surfaces can be kept free of tripping hazards.

Shape: The enclosure may be any shape that optimizes the flow of ventilation air past the worker(s).

Structural Integrity: The walls, ceilings and floors must be supported in such a manner that portions of the enclosure will not fall down during normal use.

Openings: It is not necessary that the structure be airtight; openings may be designed to direct air flow. Such openings should be located at a distance from active removal operations. They should be designed to draw air into the enclosure under all anticipated circumstances. In the event that negative pressure is lost, they should be fitted with either HEPA filters to trap dust or automatic trap doors that

prevent dust from escaping the enclosure. Openings for exits should be controlled by an airlock or a vestibule.

Barrier Supports: Frames should be constructed to support all unsupported spans of sheeting.

Sheeting: Walls, barriers, ceilings, and floors should be lined with two layers of plastic sheeting having a thickness of at least 6 mil.

Seams: Seams in the sheeting material should be minimized to reduce the possibilities of accidental rips and tears in the adhesive or connections. All seams in the sheeting should overlap, be staggered and not be located at corners or wall-to-floor joints.

Areas Within an Enclosure: Each enclosure consists of a work area, a decontamination area, and waste storage area. The work area where the asbestos removal operations occur should be separated from both the waste storage area and the contamination control area by physical curtains, doors, and/or airflow patterns that force any airborne contamination back into the work area.

See WAC 296-62-07719 for requirements for hygiene facilities.

During egress from the work area, each worker should step into the equipment room, clean tools and equipment, and remove gross contamination from clothing by wet cleaning and HEPA vacuuming. Before entering the shower area, foot coverings, head coverings, hand coverings, and coveralls are removed and placed in impervious bags for disposal or cleaning. Airline connections from airline respirators with HEPA disconnects and power cables from powered air-purifying respirators (PAPRs) will be disconnected just prior to entering the shower room.

Establishing Negative Pressure Within the Enclosure

Negative Pressure: Air is to be drawn into the enclosure under all anticipated conditions and exhausted through a HEPA filter for 24 hours a day during the entire duration of the project.

Air Flow Tests: Air flow patterns will be checked before removal operations begin, at least once per operating shift and any time there is a question regarding the integrity of the enclosure. The primary test for air flow is to trace air currents with smoke tubes or other visual methods. Flow checks are made at each opening and at each doorway to demonstrate that air is being drawn into the enclosure and at each worker's position to show that air is being drawn away from the breathing zone.

Monitoring Pressure Within the Enclosure: After the initial air flow patterns have been checked, the static pressure must be monitored within the enclosure. Monitoring may be made using manometers, pressure gauges, or combinations of these devices. It is recommended that they be attached to alarms and strip chart recorders at points identified by the design engineer.

Corrective Actions: If the manometers or pressure gauges demonstrate a reduction in pressure differential below the required level, work should cease and the reason for the change investigated and appropriate changes made. The air flow patterns should be retested before work begins again.

Pressure Differential: The design parameters for static pressure differentials between the inside and outside of enclosures typically range from 0.02 to 0.10 inches of water gauge, depending on conditions. All zones inside the enclosure must have less pressure than the ambient pressure

outside of the enclosure (-0.02 inches water gauge differential). Design specifications for the differential vary according to the size, configuration, and shape of the enclosure as well as ambient and mechanical air pressure conditions around the enclosure.

Air Flow Patterns: The flow of air past each worker shall be enhanced by positioning the intakes and exhaust ports to remove contaminated air from the worker's breathing zone, by positioning HEPA vacuum cleaners to draw air from the worker's breathing zone, by forcing relatively uncontaminated air past the worker toward an exhaust port, or by using a combination of methods to reduce the worker's exposure.

Air Handling Unit Exhaust: The exhaust plume from air handling units should be located away from adjacent personnel and intakes for HVAC systems.

Air Flow Volume: The air flow volume (cubic meters per minute) exhausted (removed) from the workplace must exceed the amount of makeup air supplied to the enclosure. The rate of air exhausted from the enclosure should be designed to maintain a negative pressure in the enclosure and air movement past each worker. The volume of air flow removed from the enclosure should replace the volume of the container at every 5 to 15 minutes. Air flow volume will need to be relatively high for large enclosures, enclosures with awkward shapes, enclosures with multiple openings, and operations employing several workers in the enclosure.

Air Flow Velocity: At each opening, the air flow velocity must visibly "drag" air into the enclosure. The velocity of air flow within the enclosure must be adequate to remove airborne contamination from each worker's breathing zone without disturbing the asbestos-containing material on surfaces.

Airlocks: Airlocks are mechanisms on doors and curtains that control the air flow patterns in the doorways. If air flow occurs, the patterns through doorways must be such that the air flows toward the inside of the enclosure. Sometimes vestibules, double doors, or double curtains are used to prevent air movement through the doorways. To use a vestibule, a worker enters a chamber by opening the door or curtain and then closing the entry before opening the exit door or curtain.

Airlocks should be located between the equipment room and shower room, between the shower room and the clean room, and between the waste storage area and the outside of the enclosure. The air flow between adjacent rooms must be checked using smoke tubes or other visual tests to ensure the flow patterns draw air toward the work area without producing eddies.

Monitoring for Airborne Concentrations

In addition to the breathing zone samples taken as outlined in WAC 296-62-07709, samples of air should be taken to demonstrate the integrity of the enclosure, the cleanliness of the clean room and shower area, and the effectiveness of the HEPA filter. If the clean room is shown to be contaminated, the room must be relocated to an uncontaminated area.

Samples taken near the exhaust of portable ventilation systems must be done with care.

General Work Practices

Preventing dust dispersion is the primary means of controlling the spread of asbestos within the enclosure. Whenever practical, the point of removal should be isolated, enclosed, covered, or shielded from the workers in the area. Waste asbestos containing materials must be bagged during or immediately after removal; the material must remain saturated until the waste container is sealed.

Waste material with sharp points or corners must be placed in hard air-tight containers rather than bags.

Whenever possible, large components should be sealed in plastic sheeting and removed intact.

Bags or containers of waste will be moved to the waste holding area, washed, and wrapped in a bag with the appropriate labels.

Cleaning the Work Area

Surfaces within the work area should be kept free of visible dust and debris to the extent feasible. Whenever visible dust appears on surfaces, the surfaces within the enclosure must be cleaned by wiping with a wet sponge, brush, or cloth and then vacuumed with a HEPA vacuum.

All surfaces within the enclosure should be cleaned before the exhaust ventilation system is deactivated and the enclosure is disassembled. An approved encapsulant may be sprayed onto areas after the visible dust has been removed.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-07753 Appendix J—(~~Work practices and engineering controls for small scale, short duration asbestos renovation and maintenance activities~~) Polarized light microscopy of asbestos—Nonmandatory. ((This appendix is not mandatory, in that employers may choose to comply with all of the requirements of WISHA's standard for occupational exposure to asbestos during construction activities, WAC 296-62-077 through 296-62-07753. However, employers wishing to be exempted from the requirements of WAC 296-62-07712 shall comply with the provisions of this appendix when performing small scale, short duration renovation or maintenance operations. WISHA anticipates that employers in the electrical, carpentry, utility, plumbing, and interior construction trades may wish to avail themselves of the final standard's exemptions for small scale, short duration renovation and maintenance activities.

(1) Definition of small scale, short duration activities. For the purposes of this appendix, small scale, short duration renovation and maintenance activities are tasks such as, but not limited to:

Removal of asbestos-containing insulation on pipes;

Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

Replacement of an asbestos-containing gasket on a valve;

Installation or removal of a small section of drywall;

Installation of electrical conduits through or proximate to asbestos-containing materials.

Evidence in the record suggests that the use of certain engineering and work practice controls is capable of reducing employee exposures to asbestos to levels below the action level (0.1 f/cc). Several controls and work practices, used either singly or in combination, can be employed

effectively to reduce asbestos exposures during small maintenance and renovation operations. These include:

Wet methods;

Removal methods;

Use of glove bags;

Removal of entire asbestos-insulated pipes or structures;

Use of mini-enclosures;

Enclosure of asbestos materials; and

Maintenance programs.

This appendix describes these controls and work practices in detail.

(2) Preparation of the area before renovation or maintenance activities. The first step in preparing to perform a small scale, short duration asbestos renovation or maintenance task, regardless of the abatement method that will be used, is the removal from the work area of all objects that are movable to protect them from asbestos contamination. Objects that cannot be removed must be covered completely with a 6 mil thick polyethylene plastic sheeting before the task begins. If objects have already been contaminated, they should be thoroughly cleaned with a high efficiency particulate air (HEPA) filtered vacuum or be wet wiped before they are removed from the work area or completely encased in the plastic.

(3) Wet methods. Whenever feasible, and regardless of the abatement method to be used (e.g., removal, enclosure, use of glove bags), wet methods must be used during small scale, short duration maintenance and renovation activities that involve disturbing asbestos-containing materials. Handling asbestos materials wet is one of the most reliable methods of ensuring that asbestos fibers do not become airborne, and this practice should therefore be used whenever feasible. Wet methods can be used in the great majority of workplace situations. Only in cases where asbestos work must be performed on live electrical equipment, on live steam lines, or in other areas where water will seriously damage materials or equipment may dry removal be performed. Amended water or another wetting agent should be applied by means of an airless sprayer to minimize the extent to which the asbestos-containing material is disturbed.

Asbestos-containing materials should be wetted from the initiation of the maintenance or renovation operation and wetting agents should be used continually throughout the work period to ensure that any dry asbestos-containing material exposed in the course of the work is wet and remains wet until final disposal.

(4) Removal of small amount of asbestos-containing materials. Several methods can be used to remove small amounts of asbestos-containing materials during small scale, short duration renovation or maintenance tasks. These include the use of glove bags, the removal of an entire asbestos-covered pipe or structure, and the construction of mini-enclosures. The procedures that employers must use for each of these operations if they wish to avail themselves of the final rule's exemptions are described in the following subsections.

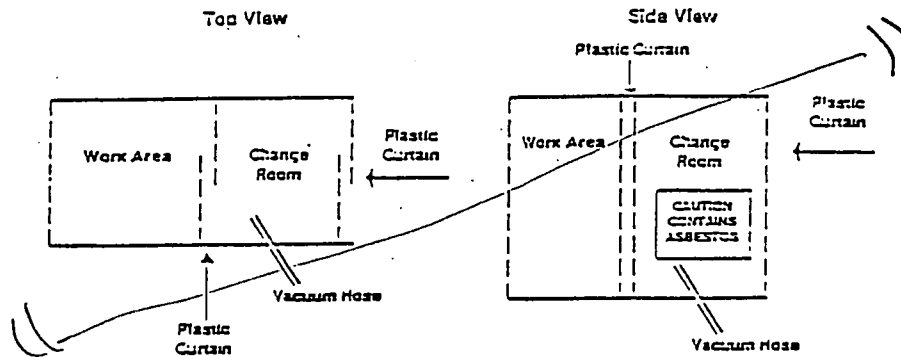
(5) Glove bags. The use of glove bags to enclose the work area during small scale, short duration maintenance or renovation activities will result in employee exposures to asbestos that are below the action level of 0.1 f/cc. This appendix provides requirements for glove bag procedures to be followed by employers wishing to avail themselves of the

standard's exemptions for each activities. WISHA has determined that the use of these procedures will reduce the eight-hour time-weighted-average (TWA) exposures of employees involved in these work operations to levels below the action level and will thus provide a degree of employee protection equivalent to that provided by compliance with all provisions of the final rule.

(a) **Glove bag installation.** Glove bags are approximately forty-inch wide times sixty-four-inch long bags fitted with

arms through which the work can be performed (see Figure J-1(A)). When properly installed and used, they permit workers to remain completely isolated from the asbestos material removed or replaced inside the bag. Glove bags can thus provide a flexible, easily installed, and quickly dismantled temporary small work area enclosure that is ideal for small-scale asbestos renovation or maintenance jobs.

Figure J-1. Diagrams showing proper use of glove bags in small-scale, short duration maintenance and renovation operations



These bags are single-use control devices that are disposed of at the end of each job. The bags are made of transparent 6-mil-thick polyethylene plastic with arms made of material such as Tyvek* (the same material used to make the disposable protective suits used in major asbestos removal, renovation, and demolition operations and in protective gloves). Glove bags are readily available from safety supply stores or specialty asbestos removal supply houses. Glove bags come pre-labeled with the asbestos warning label prescribed by WISHA and EPA for bags used to dispose of asbestos waste.

(b) **Glove bag equipment and supplies.** Supplies and materials that are necessary to use glove bags effectively include:

- (i) Tape to seal the glove bag to the area from which asbestos is to be removed;
- (ii) Amended water or other wetting agents;
- (iii) An airless sprayer for the application of the wetting agent;
- (iv) Bridging encapsulant (a paste-like substance for coating asbestos) to seal the rough edges of any asbestos-containing materials that remain within the glove bag at the points of attachment after the rest of the asbestos has been removed;
- (v) Tools such as razor knives, nips, and wire brushes (or other tools suitable for cutting wire, etc.);
- (vi) A HEPA filter-equipped vacuum for evacuating the glove bag (to minimize the release of asbestos fibers) during removal of the bag from the work area and for cleaning any material that may have escaped during the installation of the glove bag; and
- (vii) HEPA-equipped cartridge respirators for use by the employees involved in the removal of asbestos with the glove bag.

(c) **Glove bag work practices.** The proper use of glove bags requires the following steps:

(i) Glove bags must be installed so that they completely cover the pipe or other structure where asbestos work is to be done. Glove bags are installed by cutting the sides of the glove bag to fit the size of the pipe from which asbestos is to be removed. The glove bag is attached to the pipe by folding the open edges together and securely sealing them with tape. All openings in the glove bag must be sealed with duct tape or equivalent material. The bottom seam of the glove bag must also be sealed with duct tape or equivalent to prevent any leakage from the bag that may result from a defect in the bottom seam (Figure J-1(B)).

(ii) The employee who is performing the asbestos removal with the glove bag must don a half-mask dual-cartridge HEPA-equipped respirator; respirators and protective clothing should be worn by employees who are in close contact with the glove bag and who may thus be exposed as a result of small gaps in the seams of the bag or holes punched through the bag by a razor knife or a piece of wire mesh.

(iii) The removed asbestos material from the pipe or other surface that has fallen into the enclosed bag must be thoroughly wetted with a wetting agent (applied with an airless sprayer through the pre-cut port provided in most glove bags or applied through a small hole cut in the bag) (Figure J-1(C)).

(iv) Once the asbestos material has been thoroughly wetted, it can be removed from the pipe, beam or other surface. The choice of tool to use to remove the asbestos-containing material depends on the type of material to be removed. Asbestos-containing materials are generally covered with painted canvas and/or wire mesh. Painted canvas can be cut with a razor knife and peeled away from

the asbestos-containing material underneath. Once the canvas has been peeled away, the asbestos-containing material underneath may be dry, in which case it should be resprayed with a wetting agent to ensure that it generates as little dust as possible when removed. If the asbestos-containing material is covered with wire mesh, the mesh should be cut with nips, tin snips, or other appropriate tool and removed.

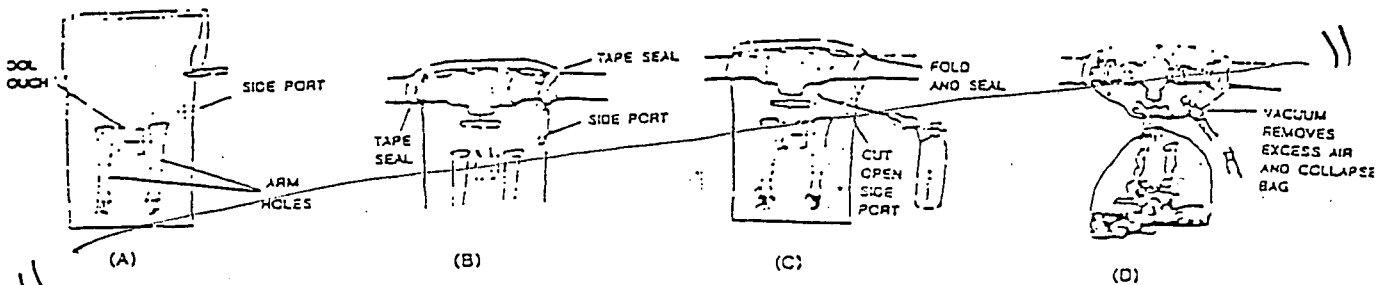
A wetting agent must then be used to spray any layer of dry material that is exposed beneath the mesh, the surface of the stripped underlying structure, and the inside of the glove bag.

(v) After removal of the layer of asbestos-containing material, the pipe or surface from which asbestos has been removed must be thoroughly cleaned with a wire brush and wet wiped with a wetting agent until no traces of the asbestos-containing material can be seen.

(vi) Any asbestos-containing insulation edges that have been exposed as a result of the removal or maintenance activity must be encapsulated with bridging encapsulant to ensure that the edges do not release asbestos fibers to the atmosphere after the glove bag has been removed.

(vii) When the asbestos removal and encapsulation have been completed, a vacuum hose from a HEPA filtered vacuum must be inserted into the glove bag through the port to remove any air in the bag that may contain asbestos fibers. When the air has been removed from the bag, the bag should be squeezed tightly (as close to the top as possible), twisted, and sealed with tape, to keep the asbestos materials safely in the bottom of the bag. The HEPA vacuum can then be removed from the bag and the glove bag itself can be removed from the work area to be disposed of properly (Figure J-1(D)).

Figure J-2. Schematic of mini-enclosure



(6) Mini-enclosures. In some instances, such as removal of asbestos from a small ventilation system or from a short length of duct, a glove bag may not be either large enough or of the proper shape to enclose the work area. In such cases, a mini-enclosure can be built around the area where small-scale, short duration asbestos maintenance or renovation work is to be performed (Figure J-2). Such an enclosure should be constructed of 6 mil-thick polyethylene plastic sheeting and can be small enough to restrict entry to the asbestos work area to one worker.

For example, a mini-enclosure can be built in a small utility closet when asbestos-containing duct covering is to be removed. The enclosure is constructed by:

- (a) Affixing plastic sheeting to the walls with spray adhesive and tape;
- (b) Covering the floor with plastic and sealing the plastic covering the floor to the plastic on the walls;
- (c) Sealing any penetrations such as pipes or electrical conduits with tape; and
- (d) Constructing a small change room (approximately three feet square) made of 6 mil thick polyethylene plastic supported by two-inch by four-inch lumber (the plastic should be attached to the lumber supports with staples or spray adhesive and tape).

The change room should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his protective coveralls and remove them before leaving the work area. While inside the enclosure, the worker should wear Tyvek⁺ disposable coveralls and use the

appropriate HEPA-filtered dual cartridge respiratory protection.

The advantages of mini-enclosures are that they limit the spread of asbestos contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(7) Removal of entire structures. When pipes are insulated with asbestos-containing materials, removal of the entire pipe may be more protective, easier, and more cost-effective than stripping the asbestos insulation from the pipe. Before such a pipe is cut, the asbestos-containing insulation must be wrapped with 6 mil polyethylene plastic and securely sealed with duct tape or equivalent. This plastic covering will prevent asbestos fibers from becoming airborne as a result of the vibration created by the power saws used to cut the pipe. If possible, the pipes should be cut at locations that are not insulated to avoid disturbing the asbestos. If a pipe is completely insulated with asbestos-containing materials, small sections should be stripped using the glove bag method described above before the pipe is cut at the stripped sections.

(8) Enclosure. The decision to enclose rather than remove asbestos-containing material from an area depends on the building owner's preference, i.e., for removal or

containment. Owners consider such factors as cost effectiveness, the physical configuration of the work area, and the amount of traffic in the area when determining which abatement method to use.

If the owner chooses to enclose the structure rather than to remove the asbestos-containing material insulating it, a solid structure (airtight walls and ceilings) must be built around the asbestos covered pipe or structure to prevent the release of asbestos-containing materials into the area beyond the enclosure and to prevent disturbing these materials by casual contact during future maintenance operations.

Such a permanent (i.e., for the life of the building) enclosure should be built of new construction materials and should be impact resistant and airtight. Enclosure walls should be made of tongue and groove boards, boards with spine joints, or gypsum boards having taped seams. The underlying structure must be able to support the weight of the enclosure. (Suspended ceilings with laid-in panels do not provide airtight enclosures and should not be used to enclose structures covered with asbestos-containing materials.) All joints between the walls and ceiling of the enclosure should be caulked to prevent the escape of asbestos fibers. During the installation of enclosures, tools that are used (such as drills or rivet tools) should be equipped with HEPA filtered vacuums. Before constructing the enclosure, all electrical conduits, telephone lines, recessed lights, and pipes in the area to be enclosed should be moved to ensure that the enclosure will not have to be reopened later for routine or emergency maintenance. If such lights or other equipment cannot be moved to a new location for logistic reasons, or if moving them will disturb the asbestos-containing materials, removal rather than enclosure of the asbestos-containing materials is the appropriate control method to use.

(9) Maintenance program. An asbestos maintenance program must be initiated in all facilities that have asbestos-containing materials. Such a program should include:

Development of an inventory of all asbestos-containing materials in the facility;

Periodic examination of all asbestos-containing materials to detect deterioration;

Written procedures for handling asbestos materials during the performance of small scale, short duration maintenance and renovation activities;

Written procedures for asbestos disposal; and

Written procedures for dealing with asbestos-related emergencies.

Members of the building's maintenance engineering staff (electricians, heating/air conditioning engineers, plumbers, etc.) who may be required to handle asbestos-containing materials should be trained in safe procedures. Such training should include at a minimum:

Information regarding types of asbestos and its various uses and forms;

Information on the health effects associated with asbestos exposure;

Descriptions of the proper methods of handling asbestos-containing materials; and

Information on the use of HEPA-equipped dual cartridge respiratory and other personal protection during maintenance activities.

(10) Prohibited activities. The training program for the maintenance engineering staff should describe methods of

handling asbestos-containing materials as well as routine maintenance activities that are prohibited when asbestos-containing materials are involved. For example, maintenance staff employees should be instructed:

Not to drill holes in asbestos-containing materials;

Not to hang plants or pictures on structures covered with asbestos-containing materials;

Not to sand asbestos-containing floor tile;

Not to damage asbestos-containing materials while moving furniture or other objects;

Not to install curtains, drapes, or dividers in such a way that they damage asbestos-containing materials;

Not to dust floors, ceilings, moldings or other surfaces in asbestos-contaminated environments with a dry brush or sweep with a dry broom;

Not to use an ordinary vacuum to clean up asbestos-containing debris;

Not to remove ceiling tiles below asbestos-containing materials without wearing the proper respiratory protection, clearing the area of other people, and observing asbestos removal waste disposal procedures;

Not to remove ventilation system filters dry; and

Not to shake ventilation system filters.

* Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

† Mention of trade names or commercial products does not constitute endorsement or recommendation for use.)

Method number: ID-191

Matrix: Bulk

Collection Procedure

Collect approximately 1 to 2 grams of each type of material and place into separate 20 mL scintillation vials.

Analytical Procedure

A portion of each separate phase is analyzed by gross examination, phase-polar examination, and central stop dispersion microscopy.

Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by USDOL-WISHA. Similar products from other sources may be substituted.

(1) Introduction

This method describes the collection and analysis of asbestos bulk materials by light microscopy techniques including phase-polar illumination and central-stop dispersion microscopy. Some terms unique to asbestos analysis are defined below:

Amphibole: A family of minerals whose crystals are formed by long, thin units which have two thin ribbons of double chain silicate with a brucite ribbon in between. The shape of each unit is similar to an "I beam." Minerals important in asbestos analysis include cummingtonite-grunerite, crocidolite, tremolite-actinolite and anthophyllite.

Asbestos: A term for naturally occurring fibrous minerals. Asbestos includes chrysotile, cummingtonite-grunerite asbestos (amosite), anthophyllite asbestos, tremolite asbestos, crocidolite, actinolite asbestos and any of these minerals which have been chemically treated or altered. The precise chemical formulation of each species varies with the location from which it was mined. Nominal compositions are listed:

Chrysotile Mg₃Si₂O₅(OH)₄

PERMANENT

<u>Crocidolite (Riebeckite asbestos)</u>	$\text{Na}_2\text{Fe}_3\text{2+Fe}_7\text{3+Si}_8\text{O}_{22}(\text{OH})_2$
<u>Cummingtonite-Grunerite asbestos (Amosite)</u>	$(\text{Mg,Fe})_7\text{Si}_8\text{O}_{22}(\text{OH})_2$
<u>Tremolite-Actinolite asbestos</u>	$\text{Ca}_7(\text{Mg,Fe})_5\text{Si}_8\text{O}_{22}(\text{OH})_2$
<u>Anthophyllite asbestos</u>	$(\text{Mg,Fe})_7\text{Si}_8\text{O}_{22}(\text{HO})_2$
<u>Asbestos Fiber:</u>	A fiber of asbestos meeting the criteria for a fiber. (See section (3)(e))
<u>Aspect Ratio:</u>	The ratio of the length of a fiber to its diameter usually defined as "length : width", e.g. 3:1.
<u>Brucite:</u>	A sheet mineral with the composition $\text{mg}(\text{OH})_2$.

Central Stop Dispersion Staining (microscope): This is a dark field microscope technique that images particles using only light refracted by the particle, excluding light that travels through the particle unrefracted. This is usually accomplished with a McCrone objective or other arrangement which places a circular stop with apparent aperture equal to the objective aperture in the back focal plane of the microscope.

Cleavage Fragments: Mineral particles formed by the comminution of minerals, especially those characterized by relatively parallel sides and moderate aspect ratio.

Differential Counting: The term applied to the practice of excluding certain kinds of fibers from a phase contrast asbestos count because they are not asbestos.

Fiber: A particle longer than or equal to 5 microns with a length to width ratio greater than or equal to 3:1. This may include cleavage fragments. (See section (3)(e) of this appendix).

Phase Contrast: Contrast obtained in the microscope by causing light scattered by small particles to destructively interfere with unscattered light, thereby enhancing the visibility of very small particles and particles with very low intrinsic contrast.

Phase Contrast Microscope: A microscope configured with a phase mask pair to create phase contrast. The technique which uses this is called Phase Contrast Microscopy (PCM).

Phase-Polar Analysis: This is the use of polarized light in a phase contrast microscope. It is used to see the same size fibers that are visible in air filter analysis. Although fibers finer than 1 micron are visible, analysis of these is inferred from analysis of larger bundles that are usually present.

Phase-Polar Microscope: The phase-polar microscope is a phase contrast microscope which has an analyzer, a polarizer, a first order red plate and a rotating phase condenser all in place so that the polarized light image is enhanced by phase contrast.

Sealing Encapsulant: This is a product which can be applied, preferably by spraying, onto an asbestos surface which will seal the surface so that fibers cannot be released.

Serpentine: A mineral family consisting of minerals with the general composition $\text{Mg}_3(\text{Si}_2\text{O}_5(\text{OH})_4$ having the magnesium in brucite layer over a silicate layer. Minerals important in asbestos analysis included in this family are chrysotile, lizardite, antigorite.

(a) History

Light microscopy has been used for well over 100 years for the determination of mineral species. This analysis is carried out using specialized polarizing microscopes as well as bright field microscopes. The identification of minerals is an on-going process with many new minerals described each year. The first recorded use of asbestos was in Finland about 2500 B.C. where the material was used in the mud wattle for the wooden huts the people lived in as well as strengthening for pottery. Adverse health aspects of the mineral were noted nearly 2000 years ago when Pliny the Younger wrote about the poor health of slaves in the asbestos mines. Although known to be injurious for centuries, the first modern references to its toxicity were by the British Labor Inspectorate when it banned asbestos dust from the workplace in 1898. Asbestosis cases were described in the literature after the turn of the century. Cancer was first suspected in the mid 1930's and a causal link to mesothelioma was made in 1965. Because of the public concern for worker and public safety with the use of this material, several different types of analysis were applied to the determination of asbestos content. Light microscopy requires a great deal of experience and craft. Attempts were made to apply less subjective methods to the analysis. X-ray diffraction was partially successful in determining the mineral types but was unable to separate out the fibrous portions from the nonfibrous portions. Also, the minimum detection limit for asbestos analysis by X-ray diffraction (XRD) is about 1%. Differential Thermal Analysis (DTA) was no more successful. These provide useful corroborating information when the presence of asbestos has been shown by microscopy; however, neither can determine the difference between fibrous and nonfibrous minerals when both habits are present. The same is true of Infrared Absorption (IR).

When electron microscopy was applied to asbestos analysis, hundreds of fibers were discovered present too small to be visible in any light microscope. There are two different types of electron microscopes used for asbestos analysis: Scanning Electron Microscope (SEM) and Transmission Electron Microscope (TEM). Scanning Electron Microscopy is useful in identifying minerals. The SEM can provide two of the three pieces of information required to identify fibers by electron microscopy: Morphology and chemistry. The third is structure as determined by Selected Area Electron Diffraction-SAED which is performed in the TEM. Although the resolution of the SEM is sufficient for very fine fibers to be seen, accuracy of chemical analysis that can be performed on the fibers varies with fiber diameter in fibers of less than 0.2 micron diameter. The TEM is a powerful tool to identify fibers too small to be resolved by light microscopy and should be used in conjunction with this method when necessary. The TEM can provide all three pieces of information required for fiber identification. Most fibers thicker than 1 micron can adequately be defined in the light microscope. The light microscope remains as the best instrument for the determination of mineral type. This is because the minerals under investigation were first described analytically with the light microscope. It is inexpensive and gives positive identification for most samples analyzed. Further, when optical techniques are inadequate, there is ample indication that alternative techniques should be used for complete identification of the sample.

(b) Principle

Minerals consist of atoms that may be arranged in random order or in a regular arrangement. Amorphous materials have atoms in random order while crystalline materials have long range order. Many materials are transparent to light, at least for small particles or for thin sections. The properties of these materials can be investigated by the effect that the material has on light passing through it. The six asbestos minerals are all crystalline with particular properties that have been identified and cataloged. These six minerals are anisotropic. They have a regular array of atoms, but the arrangement is not the same in all directions. Each major direction of the crystal presents a different regularity. Light photons travelling in each of these main directions will encounter different electrical neighborhoods, affecting the path and time of travel. The techniques outlined in this method use the fact that light traveling through fibers or crystals in different directions will behave differently, but predictably. The behavior of the light as it travels through a crystal can be measured and compared with known or determined values to identify the mineral species. Usually, Polarized Light Microscopy (PLM) is performed with strain-free objectives on a bright-field microscope platform. This would limit the resolution of the microscope to about 0.4 micron. Because WISHA requires the counting and identification of fibers visible in phase contrast, the phase contrast platform is used to visualize the fibers with the polarizing elements added into the light path. Polarized light methods cannot identify fibers finer than about 1 micron in diameter even though they are visible. The finest fibers are usually identified by inference from the presence of larger, identifiable fiber bundles. When fibers are present, but not identifiable by light microscopy, use either SEM or TEM to determine the fiber identity.

(c) Advantages and Disadvantages

The advantages of light microscopy are:

(i) Basic identification of the materials was first performed by light microscopy and gross analysis. This provides a large base of published information against which to check analysis and analytical technique.

(ii) The analysis is specific to fibers. The minerals present can exist in asbestiform, fibrous, prismatic, or massive varieties all at the same time. Therefore, bulk methods of analysis such as X-ray diffraction, IR analysis, DTA, etc. are inappropriate where the material is not known to be fibrous.

(iii) The analysis is quick, requires little preparation time, and can be performed on-site if a suitably equipped microscope is available.

The disadvantages are:

(iv) Even using phase-polar illumination, not all the fibers present may be seen. This is a problem for very low asbestos concentrations where agglomerations or large bundles of fibers may not be present to allow identification by inference.

(v) The method requires a great degree of sophistication on the part of the microscopist. An analyst is only as useful as his mental catalog of images. Therefore, a microscopist's accuracy is enhanced by experience. The mineralogical training of the analyst is very important. It is the basis on which subjective decisions are made.

(vi) The method uses only a tiny amount of material for analysis. This may lead to sampling bias and false results (high or low). This is especially true if the sample is severely inhomogeneous.

(vii) Fibers may be bound in a matrix and not distinguishable as fibers so identification cannot be made.

(d) Method Performance

(i) This method can be used for determination of asbestos content from 0 to 100% asbestos. The detection limit has not been adequately determined, although for selected samples, the limit is very low, depending on the number of particles examined. For mostly homogeneous, finely divided samples, with no difficult fibrous interferences, the detection limit is below 1%. For inhomogeneous samples (most samples), the detection limit remains undefined. NIST has conducted proficiency testing of laboratories on a national scale. Although each round is reported statistically with an average, control limits, etc., the results indicate a difficulty in establishing precision especially in the low concentration range. It is suspected that there is significant bias in the low range especially near 1%. EPA tried to remedy this by requiring a mandatory point counting scheme for samples less than 10%. The point counting procedure is tedious, and may introduce significant biases of its own. It has not been incorporated into this method.

(ii) The precision and accuracy of the quantitation tests performed in this method are unknown. Concentrations are easier to determine in commercial products where asbestos was deliberately added because the amount is usually more than a few percent. An analyst's results can be "calibrated" against the known amounts added by the manufacturer. For geological samples, the degree of homogeneity affects the precision.

(iii) The performance of the method is analyst dependent. The analyst must choose carefully and not necessarily randomly the portions for analysis to assure that detection of asbestos occurs when it is present. For this reason, the analyst must have adequate training in sample preparation, and experience in the location and identification of asbestos in samples. This is usually accomplished through substantial on-the-job training as well as formal education in mineralogy and microscopy.

(e) Interferences

Any material which is long, thin, and small enough to be viewed under the microscope can be considered an interference for asbestos. There are literally hundreds of interferences in workplaces. The techniques described in this method are normally sufficient to eliminate the interferences. An analyst's success in eliminating the interferences depends on proper training.

Asbestos minerals belong to two mineral families: The serpentines and the amphiboles. In the serpentine family, the only common fibrous mineral is chrysotile. Occasionally, the mineral antigorite occurs in a fibril habit with morphology similar to the amphiboles. The amphibole minerals consist of a score of different minerals of which only five are regulated by federal standard: Amosite, crocidolite, anthophyllite asbestos, tremolite asbestos and actinolite asbestos. These are the only amphibole minerals that have been commercially exploited for their fibrous properties; however, the rest can and do occur occasionally in asbestiform habit.

In addition to the related mineral interferences, other minerals common in building material may present a problem for some microscopists: Gypsum, anhydrite, brucite, quartz fibers, talc fibers or ribbons, wollastonite, perlite, attapulgite, etc. Other fibrous materials commonly present in workplaces are: Fiberglass, mineral wool, ceramic wool, refractory ceramic fibers, kevlar, nomex, synthetic fibers, graphite or carbon fibers, cellulose (paper or wood) fibers, metal fibers, etc.

Matrix embedding material can sometimes be a negative interference. The analyst may not be able to easily extract the fibers from the matrix in order to use the method. Where possible, remove the matrix before the analysis, taking careful note of the loss of weight. Some common matrix materials are: Vinyl, rubber, tar, paint, plant fiber, cement, and epoxy. A further negative interference is that the asbestos fibers themselves may be either too small to be seen in Phase Contrast Microscopy (PCM) or of a very low fibrous quality, having the appearance of plant fibers. The analyst's ability to deal with these materials increases with experience.

(f) Uses and Occupational Exposure

Asbestos is ubiquitous in the environment. More than 40% of the land area of the United States is composed of minerals which may contain asbestos. Fortunately, the actual formation of great amounts of asbestos is relatively rare. Nonetheless, there are locations in which environmental exposure can be severe such as in the Serpentine Hills of California.

There are thousands of uses for asbestos in industry and the home. Asbestos abatement workers are the most current segment of the population to have occupational exposure to great amounts of asbestos. If the material is undisturbed, there is no exposure. Exposure occurs when the asbestos-containing material is abraded or otherwise disturbed during maintenance operations or some other activity. Approximately 95% of the asbestos in place in the United States is chrysotile.

Amosite and crocidolite make up nearly all the difference. Tremolite and anthophyllite make up a very small percentage. Tremolite is found in extremely small amounts in certain chrysotile deposits. Actinolite exposure is probably greatest from environmental sources, but has been identified in vermiculite containing, sprayed-on insulating materials which may have been certified as asbestos-free.

(g) Physical and Chemical Properties

The nominal chemical compositions for the asbestos minerals were given in subsection (1). Compared to cleavage fragments of the same minerals, asbestiform fibers possess a high tensile strength along the fiber axis. They are chemically inert, noncombustible, and heat resistant. Except for chrysotile, they are insoluble in Hydrochloric acid (HCl). Chrysotile is slightly soluble in HCl. Asbestos has high electrical resistance and good sound absorbing characteristics. It can be woven into cables, fabrics or other textiles, or matted into papers, felts, and mats.

(h) Toxicology (This Section is for Information Only and Should Not Be Taken as WISHA Policy)

Possible physiologic results of respiratory exposure to asbestos are mesothelioma of the pleura or peritoneum, interstitial fibrosis, asbestosis, pneumoconiosis, or respiratory cancer. The possible consequences of asbestos exposure are

detailed in the NIOSH Criteria Document or in the WISHA Asbestos Standards, WAC 296-62-077.

(2) Sampling Procedure

(a) Equipment for Sampling

(i) Tube or cork borer sampling device

(ii) Knife

(iii) 20 mL scintillation vial or similar vial

(iv) Sealing encapsulant

(b) Safety Precautions

Asbestos is a known carcinogen. Take care when sampling. While in an asbestos-containing atmosphere, a properly selected and fit-tested respirator should be worn. Take samples in a manner to cause the least amount of dust. Follow these general guidelines:

(i) Do not make unnecessary dust.

(ii) Take only a small amount (1 to 2 g).

(iii) Tightly close the sample container.

(iv) Use encapsulant to seal the spot where the sample was taken, if necessary.

(c) Sampling procedure

Samples of any suspect material should be taken from an inconspicuous place. Where the material is to remain, seal the sampling wound with an encapsulant to eliminate the potential for exposure from the sample site. Microscopy requires only a few milligrams of material. The amount that will fill a 20 mL scintillation vial is more than adequate. Be sure to collect samples from all layers and phases of material. If possible, make separate samples of each different phase of the material. This will aid in determining the actual hazard. DO NOT USE ENVELOPES, PLASTIC OR PAPER BAGS OF ANY KIND TO COLLECT SAMPLES. The use of plastic bags presents a contamination hazard to laboratory personnel and to other samples. When these containers are opened, a bellows effect blows fibers out of the container onto everything, including the person opening the container.

If a cork-borer type sampler is available, push the tube through the material all the way, so that all layers of material are sampled. Some samplers are intended to be disposable. These should be capped and sent to the laboratory. If a nondisposable cork borer is used, empty the contents into a scintillation vial and send to the laboratory. Vigorously and completely clean the cork borer between samples.

(d) Shipment

Samples packed in glass vials must not touch or they might break in shipment.

(i) Seal the samples with a sample seal over the end to guard against tampering and to identify the sample.

(ii) Package the bulk samples in separate packages from the air samples. They may cross-contaminate each other and will invalidate the results of the air samples.

(iii) Include identifying paperwork with the samples, but not in contact with the suspected asbestos.

(iv) To maintain sample accountability, ship the samples by certified mail, overnight express, or hand carry them to the laboratory.

(3) Analysis

The analysis of asbestos samples can be divided into two major parts: Sample preparation and microscopy. Because of the different asbestos uses that may be encountered by the analyst, each sample may need different preparation steps. The choices are outlined below. There are several different tests that are performed to identify the

asbestos species and determine the percentage. They will be explained below.

(a) Safety

(i) Do not create unnecessary dust. Handle the samples in HEPA-filter equipped hoods. If samples are received in bags, envelopes or other inappropriate container, open them only in a hood having a face velocity at or greater than 100 fpm. Transfer a small amount to a scintillation vial and only handle the smaller amount.

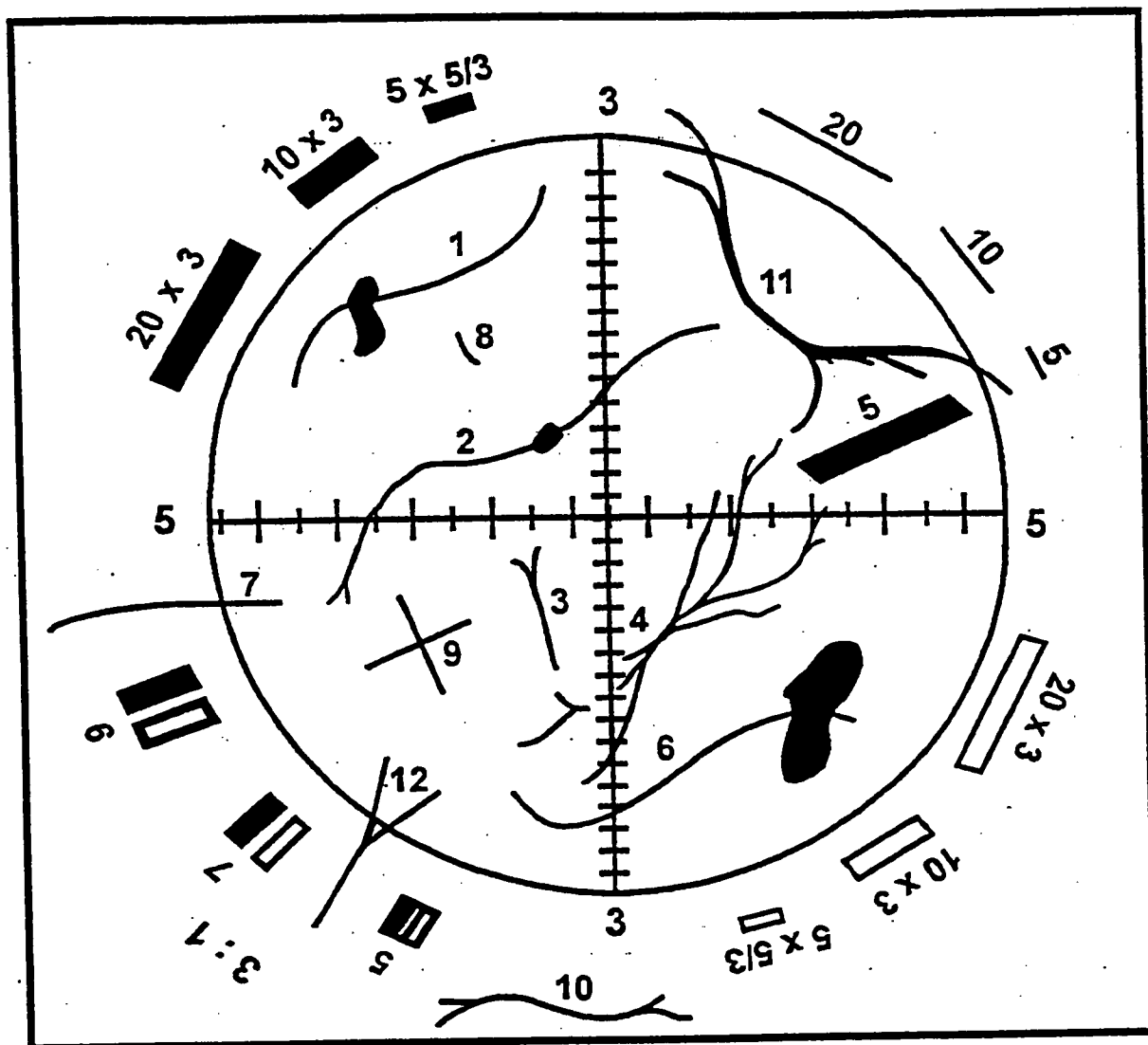
(ii) Open samples in a hood, never in the open lab area.

(iii) Index of refraction oils can be toxic. Take care not to get this material on the skin. Wash immediately with soap and water if this happens.

(iv) Samples that have been heated in the muffle furnace or the drying oven may be hot. Handle them with tongs until they are cool enough to handle.

(v) Some of the solvents used, such as THF (tetrahydrofuran), are toxic and should only be handled in an appropriate fume hood and according to instructions given in the Material Safety Data Sheet (MSDS).

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Figure 1: Walton-Beckett Graticule with some explanatory fibers.

Counts for the Fibers in the Figure

Structure No.	Count	Explanation
1 to 6	1	Single fibers all contained within the circle.
7	1/2	Fiber crosses circle once.
8	0	Fiber too short.
9	2	Two crossing fibers.
10	0	Fiber outside graticule.
11	0	Fiber crosses graticule twice.
12	1/2	Although split, fiber only crosses once.

(b) Equipment

(i) Phase contrast microscope with 10x, 16x and 40x objectives, 10x wide-field eyepieces, G-22 Walton-Beckett graticule, Whipple disk, polarizer, analyzer and first order red or gypsum plate, 100 Watt illuminator, rotating position condenser with oversize phase rings, central stop dispersion objective, Kohler illumination and a rotating mechanical stage. (See Figure 1).

(ii) Stereo microscope with reflected light illumination, transmitted light illumination, polarizer, analyzer and first order red or gypsum plate, and rotating stage.

(iii) Negative pressure hood for the stereo microscope

(iv) Muffle furnace capable of 600 degrees C

(v) Drying oven capable of 50-150 degrees C

(vi) Aluminum specimen pans

(vii) Tongs for handling samples in the furnace

(viii) High dispersion index of refraction oils (Special for dispersion staining.)

n=1.550

n=1.585

n=1.590

n=1.605

n=1.620

n=1.670

n=1.680

n=1.690

(ix) A set of index of refraction oils from about n=1.350 to n=2.000 in n=0.005 increments. (Standard for Becke line analysis.)

(x) Glass slides with painted or frosted ends 1 x 3 inches 1mm thick, precleaned.

(xi) Cover Slips 22 x 22 mm, #1 1/2

(xii) Paper clips or dissection needles

(xiii) Hand grinder

(xiv) Scalpel with both #10 and #11 blades

(xv) 0.1 molar HCl

(xvi) Decalcifying solution (Baxter Scientific Products)

Ethylenediaminetetraacetic Acid,

(xvii) Tetrasodium...0.7 g/l

Sodium Potassium Tartrate...8.0 mg/liter

Hydrochloric Acid...99.2 g/liter

Sodium Tartrate...0.14 g/liter

Tetrahydrofuran (THF)

(xviii) Hotplate capable of 60 degrees C

(xix) Balance

(xx) Hacksaw blade

(xxi) Ruby mortar and pestle

(c) Sample Pre-Preparation

Sample preparation begins with pre-preparation which may include chemical reduction of the matrix, heating the sample to dryness or heating in the muffle furnace. The end result is a sample which has been reduced to a powder that is sufficiently fine to fit under the cover slip. Analyze different phases of samples separately, e.g., tile and the tile mastic should be analyzed separately as the mastic may contain asbestos while the tile may not.

(i) Wet Samples

Samples with a high water content will not give the proper dispersion colors and must be dried prior to sample mounting. Remove the lid of the scintillation vial, place the bottle in the drying oven and heat at 100 degrees C to dryness (usually about 2 h). Samples which are not submit-

ted to the lab in glass must be removed and placed in glass vials or aluminum weighing pans before placing them in the drying oven.

(ii) Samples With Organic Interference-Muffle Furnace

These may include samples with tar as a matrix, vinyl asbestos tile, or any other organic that can be reduced by heating. Remove the sample from the vial and weigh in a balance to determine the weight of the submitted portion. Place the sample in a muffle furnace at 500 degrees C for 1 to 2 h or until all obvious organic material has been removed. Retrieve, cool and weigh again to determine the weight loss on ignition. This is necessary to determine the asbestos content of the submitted sample, because the analyst will be looking at a reduced sample.

Notes: Heating above 600 degrees C will cause the sample to undergo a structural change which, given sufficient time, will convert the chrysotile to forsterite. Heating even at lower temperatures for 1 to 2 h may have a measurable effect on the optical properties of the minerals. If the analyst is unsure of what to expect, a sample of standard asbestos should be heated to the same temperature for the same length of time so that it can be examined for the proper interpretation.

(iii) Samples With Organic Interference-THF

Vinyl asbestos tile is the most common material treated with this solvent, although, substances containing tar will sometimes yield to this treatment. Select a portion of the material and then grind it up if possible. Weigh the sample and place it in a test tube. Add sufficient THF to dissolve the organic matrix. This is usually about 4 to 5 mL. Remember, THF is highly flammable. Filter the remaining material through a tared silver membrane, dry and weigh to determine how much is left after the solvent extraction. Further process the sample to remove carbonate or mount directly.

(iv) Samples With Carbonate Interference

Carbonate material is often found on fibers and sometimes must be removed in order to perform dispersion microscopy. Weigh out a portion of the material and place it in a test tube. Add a sufficient amount of 0.1 M HCl or decalcifying solution in the tube to react all the carbonate as evidenced by gas formation; i.e., when the gas bubbles stop, add a little more solution. If no more gas forms, the reaction is complete. Filter the material out through a tared silver membrane, dry and weigh to determine the weight lost.

(d) Sample Preparation

Samples must be prepared so that accurate determination can be made of the asbestos type and amount present. The following steps are carried out in the low-flow hood (a low-flow hood has less than 50 fpm flow):

(i) If the sample has large lumps, is hard, or cannot be made to lie under a cover slip, the grain size must be reduced. Place a small amount between two slides and grind the material between them or grind a small amount in a clean mortar and pestle. The choice of whether to use an alumina, ruby, or diamond mortar depends on the hardness of the material. Impact damage can alter the asbestos mineral if too much mechanical shock occurs. (Freezer mills can completely destroy the observable crystallinity of asbestos and should not be used). For some samples, a

portion of material can be shaved off with a scalpel, ground off with a hand grinder or hacksaw blade.

The preparation tools should either be disposable or cleaned thoroughly. Use vigorous scrubbing to loosen the fibers during the washing. Rinse the implements with copious amounts of water and air-dry in a dust-free environment.

(ii) If the sample is powder or has been reduced as in (i) above, it is ready to mount. Place a glass slide on a piece of optical tissue and write the identification on the painted or frosted end. Place two drops of index of refraction medium $n=1.550$ on the slide. (The medium $n=1.550$ is chosen because it is the matching index for chrysotile.) Dip the end of a clean paper-clip or dissecting needle into the droplet of refraction medium on the slide to moisten it. Then dip the probe into the powder sample. Transfer what sticks on the probe to the slide. The material on the end of the probe should have a diameter of about 3 mm for a good mount. If the material is very fine, less sample may be appropriate. For nonpowder samples such as fiber mats, forceps should be used to transfer a small amount of material to the slide. Stir the material in the medium on the slide, spreading it out and making the preparation as uniform as possible. Place a cover-slip on the preparation by gently lowering onto the slide and allowing it to fall "trapdoor" fashion on the preparation to push out any bubbles. Press gently on the cover slip to even out the distribution of particulate on the slide. If there is insufficient mounting oil on the slide, one or two drops may be placed near the edge of the coverslip on the slide. Capillary action will draw the necessary amount of liquid into the preparation. Remove excess oil with the point of a laboratory wiper.

Treat at least two different areas of each phase in this fashion. Choose representative areas of the sample. It may be useful to select particular areas or fibers for analysis. This is useful to identify asbestos in severely inhomogeneous samples.

When it is determined that amphiboles may be present, repeat the above process using the appropriate high-dispersion oils until an identification is made or all six asbestos minerals have been ruled out. Note that percent determination must be done in the index medium 1.550 because amphiboles tend to disappear in their matching mediums.

(e) Analytical procedure

Note: This method presumes some knowledge of mineralogy and optical petrography.

The analysis consists of three parts: The determination of whether there is asbestos present, what type is present and the determination of how much is present. The general flow of the analysis is:

(i) Gross examination.

(ii) Examination under polarized light on the stereo microscope.

(iii) Examination by phase-polar illumination on the compound phase microscope.

(iv) Determination of species by dispersion stain. Examination by Becke line analysis may also be used; however, this is usually more cumbersome for asbestos determination.

PERMANENT

SINGLE-CRYSTAL SHAPES

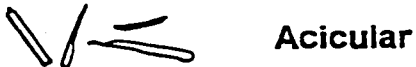
CRYSTAL-AGGREGATE PATTERNS OR ARRANGEMENTS



Equant



Prismatic



Acicular



Fiber



Fibril



Fillform



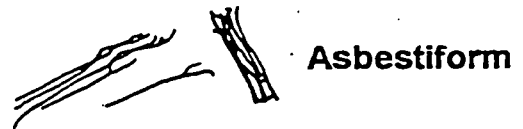
Bladed



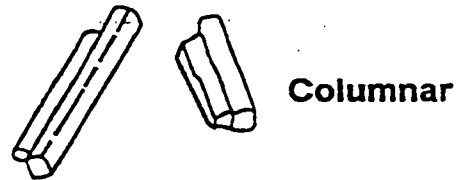
Platy



Lamellar



Asbestiform



Columnar



See "Asbestiform" above.

Fibrous



Lamellar



Massive



Radiating



Reticulated

**Figure 1. Particle definitions showing mineral growth habits.
From the U.S. Bureau of Mines.**

(v) Difficult samples may need to be analyzed by SEM or TEM, or the results from those techniques combined with light microscopy for a definitive identification. Identification of a particle as asbestos requires that it be asbestiform. Description of particles should follow the suggestion of Campbell. (Figure 2)

For the purpose of regulation, the mineral must be one of the six minerals covered and must be in the asbestos growth habit. Large specimen samples of asbestos generally have the gross appearance of wood. Fibers are easily parted from it. Asbestos fibers are very long compared with their widths. The fibers have a very high tensile strength as demonstrated by bending without breaking. Asbestos fibers exist in bundles that are easily parted, show longitudinal fine structure and may be tufted at the ends showing "bundle of sticks" morphology. In the microscope some of these properties may not be observable. Amphiboles do not always show striations along their length even when they are asbestos. Neither will they always show tufting. They generally do not show a curved nature except for very long fibers. Asbestos and asbestiform minerals are usually characterized in groups by extremely high aspect ratios (greater than 100:1). While aspect ratio analysis is useful for characterizing populations of fibers, it cannot be used to identify individual fibers of intermediate to short aspect ratio. Observation of many fibers is often necessary to determine whether a sample consists of "cleavage fragments" or of asbestos fibers.

Most cleavage fragments of the asbestos minerals are easily distinguishable from true asbestos fibers. This is because true cleavage fragments usually have larger diameters than 1 micron. Internal structure of particles larger than this usually shows them to have no internal fibrillar structure. In addition, cleavage fragments of the monoclinic amphiboles show inclined extinction under crossed polars with no compensator. Asbestos fibers usually show extinction at zero degrees or ambiguous extinction if any at all. Morphologically, the larger cleavage fragments are obvious by their blunt or stepped ends showing prismatic habit. Also, they tend to be acicular rather than filiform.

Where the particles are less than 1 micron in diameter and have an aspect ratio greater than or equal to 3:1, it is recommended that the sample be analyzed by SEM or TEM if there is any question whether the fibers are cleavage fragments or asbestiform particles.

Care must be taken when analyzing by electron microscopy because the interferences are different from those in light microscopy and may structurally be very similar to asbestos. The classic interference is between anthophyllite and biopyrbole or intermediate fiber. Use the same morphological clues for electron microscopy as are used for light microscopy, e.g. fibril splitting, internal longitudinal striation, fraying, curvature, etc.

(vi) Gross examination:

Examine the sample, preferably in the glass vial. Determine the presence of any obvious fibrous component. Estimate a percentage based on previous experience and current observation. Determine whether any pre-preparation is necessary. Determine the number of phases present. This step may be carried out or augmented by observation at 6x to 40x under a stereo microscope.

(vii) After performing any necessary pre-preparation, prepare slides of each phase as described above. Two preparations of the same phase in the same index medium can be made side-by-side on the same glass for convenience. Examine with the polarizing stereo microscope. Estimate the percentage of asbestos based on the amount of birefringent fiber present.

(viii) Examine the slides on the phase-polar microscopes at magnifications of 160x and 400x. Note the morphology of the fibers. Long, thin, very straight fibers with little curvature are indicative of fibers from the amphibole family. Curved, wavy fibers are usually indicative of chrysotile. Estimate the percentage of asbestos on the phase-polar microscope under conditions of crossed polars and a gypsum plate. Fibers smaller than 1.0 microns in thickness must be identified by inference to the presence of larger, identifiable fibers and morphology. If no larger fibers are visible, electron microscopy should be performed. At this point, only a tentative identification can be made. Full identification must be made with dispersion microscopy. Details of the tests are included in the appendices.

(ix) Once fibers have been determined to be present, they must be identified. Adjust the microscope for dispersion mode and observe the fibers. The microscope has a rotating stage, one polarizing element, and a system for generating dark-field dispersion microscopy (see subsection (4)(f) of this appendix). Align a fiber with its length parallel to the polarizer and note the color of the Becke lines. Rotate the stage to bring the fiber length perpendicular to the polarizer and note the color. Repeat this process for every fiber or fiber bundle examined. The colors must be consistent with the colors generated by standard asbestos reference materials for a positive identification. In n=1.550, amphiboles will generally show a yellow to straw-yellow color indicating that the fiber indices of refraction are higher than the liquid. If long, thin fibers are noted and the colors are yellow, prepare further slides as above in the suggested matching liquids listed below:

Type of asbestos	Index of refraction
Chrysotile	n=1.550.
Amosite	n=1.670 or 1.680.
Crocidolite	n=1.690.
Anthophyllite	n=1.605 and 1.620.
Tremolite	n=1.605 and 1.620.
Actinolite	n=1.620.

Where more than one liquid is suggested, the first is preferred; however, in some cases this liquid will not give good dispersion color. Take care to avoid interferences in the other liquid; e.g., wollastonite in n=1.620 will give the same colors as tremolite. In n=1.605 wollastonite will appear yellow in all directions. Wollastonite may be determined under crossed polars as it will change from blue to yellow as it is rotated along its fiber axis by tapping on the cover slip. Asbestos minerals will not change in this way.

Determination of the angle of extinction may, when present, aid in the determination of anthophyllite from tremolite. True asbestos fibers usually have 0 degree extinction or ambiguous extinction, while cleavage fragments have more definite extinction.

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Continue analysis until both preparations have been examined and all present species of asbestos are identified. If there are no fibers present, or there is less than 0.1% present, end the analysis with the minimum number of slides (2).

(x) Some fibers have a coating on them which makes dispersion microscopy very difficult or impossible. Becke line analysis or electron microscopy may be performed in those cases. Determine the percentage by light microscopy. TEM analysis tends to overestimate the actual percentage present.

(xi) Percentage determination is an estimate of occluded area, tempered by gross observation. Gross observation information is used to make sure that the high magnification microscopy does not greatly over- or under-estimate the amount of fiber present. This part of the analysis requires a great deal of experience. Satisfactory models for asbestos content analysis have not yet been developed, although some models based on metallurgical grain-size determination have found some utility. Estimation is more easily handled in situations where the grain sizes visible at about 160x are about the same and the sample is relatively homogeneous.

View all of the area under the cover slip to make the percentage determination. View the fields while moving the stage, paying attention to the clumps of material. These are not usually the best areas to perform dispersion microscopy because of the interference from other materials. But, they are the areas most likely to represent the accurate percentage in the sample. Small amounts of asbestos require slower scanning and more frequent analysis of individual fields.

Report the area occluded by asbestos as the concentration. This estimate does not generally take into consideration the difference in density of the different species present in the sample. For most samples this is adequate. Simulation studies with similar materials must be carried out to apply microvisual estimation for that purpose and is beyond the scope of this procedure.

(xii) Where successive concentrations have been made by chemical or physical means, the amount reported is the percentage of the material in the "as submitted" or original state. The percentage determined by microscopy is multiplied by the fractions remaining after pre-preparation steps to give the percentage in the original sample. For example:

Step 1. 60% remains after heating at 550 degrees C for 1 h.

Step 2. 30% of the residue of step 1 remains after dissolution of carbonate in 0.1 m HCl.

Step 3. Microvisual estimation determines that 5% of the sample is chrysotile asbestos.

The reported result is:

$R = (\text{Microvisual result in percent}) \times (\text{Fraction remaining after step 2}) \times (\text{Fraction remaining of original sample after step 1})$

$$R = (5) \times (.30) \times (.60) = 0.9\%$$

(xiii) Report the percent and type of asbestos present. For samples where asbestos was identified, but is less than 1.0%, report "Asbestos present, less than 1.0%." There must have been at least two observed fibers or fiber bundles in the two preparations to be reported as present. For samples where asbestos was not seen, report as "None Detected."

(4) Auxiliary Information

Because of the subjective nature of asbestos analysis, certain concepts and procedures need to be discussed in more depth. This information will help the analyst understand why some of the procedures are carried out the way they are.

(a) Light

Light is electromagnetic energy. It travels from its source in packets called quanta. It is instructive to consider light as a plane wave. The light has a direction of travel. Perpendicular to this and mutually perpendicular to each other, are two vector components. One is the magnetic vector and the other is the electric vector. We shall only be concerned with the electric vector. In this description, the interaction of the vector and the mineral will describe all the observable phenomena. From a light source such a microscope illuminator, light travels in all different direction from the filament.

In any given direction away from the filament, the electric vector is perpendicular to the direction of travel of a light ray. While perpendicular, its orientation is random about the travel axis. If the electric vectors from all the light rays were lined up by passing the light through a filter that would only let light rays with electric vectors oriented in one direction pass, the light would then be POLARIZED.

Polarized light interacts with matter in the direction of the electric vector. This is the polarization direction. Using this property it is possible to use polarized light to probe different materials and identify them by how they interact with light. The speed of light in a vacuum is a constant at about 2.99×10^8 m/s. When light travels in different materials such as air, water, minerals or oil, it does not travel at this speed. It travels slower. This slowing is a function of both the material through which the light is traveling and the wavelength or frequency of the light. In general, the more dense the material, the slower the light travels. Also, generally, the higher the frequency, the slower the light will travel. The ratio of the speed of light in a vacuum to that in a material is called the index of refraction (n). It is usually measured at 589 nm (the sodium D line). If white light (light containing all the visible wavelengths) travels through a material, rays of longer wavelengths will travel faster than those of shorter wavelengths, this separation is called dispersion. Dispersion is used as an identifier of materials as described in Section (4)(f).

(b) Material Properties

Materials are either amorphous or crystalline. The difference between these two descriptions depends on the positions of the atoms in them. The atoms in amorphous materials are randomly arranged with no long range order. An example of an amorphous material is glass. The atoms in crystalline materials, on the other hand, are in regular arrays and have long range order. Most of the atoms can be found in highly predictable locations. Examples of crystalline material are salt, gold, and the asbestos minerals.

It is beyond the scope of this method to describe the different types of crystalline materials that can be found, or the full description of the classes into which they can fall. However, some general crystallography is provided below to give a foundation to the procedures described.

With the exception of anthophyllite, all the asbestos minerals belong to the monoclinic crystal type. The unit cell is the basic repeating unit of the crystal and for monoclinic

crystals can be described as having three unequal sides, two 90 degrees angles and one angle not equal to 90 degrees. The orthorhombic group, of which anthophyllite is a member has three unequal sides and three 90 degrees angles. The unequal sides are a consequence of the complexity of fitting the different atoms into the unit cell. Although the atoms are in a regular array, that array is not symmetrical in all directions. There is long range order in the three major directions of the crystal. However, the order is different in each of the three directions. This has the effect that the index of refraction is different in each of the three directions. Using polarized light, we can investigate the index of refraction in each of the directions and identify the mineral or material under investigation. The indices alpha, beta, and gamma are used to identify the lowest, middle, and highest index of refraction respectively. The x direction, associated with alpha is called the fast axis. Conversely, the z direction is associated with gamma and is the slow direction. Crocidolite has alpha along the fiber length making it "length-fast." The remainder of the asbestos minerals have the gamma axis along the fiber length. They are called "length-slow." This orientation to fiber length is used to aid in the identification of asbestos.

(c) Polarized Light Technique

Polarized light microscopy as described in this section uses the phase-polar microscope described in Section (3)(b). A phase contrast microscope is fitted with two polarizing elements, one below and one above the sample. The polarizers have their polarization directions at right angles to each other. Depending on the tests performed, there may be a compensator between these two polarizing elements. Light emerging from a polarizing element has its electric vector pointing in the polarization direction of the element. The light will not be subsequently transmitted through a second element set at a right angle to the first element. Unless the light is altered as it passes from one element to the other, there is no transmission of light.

(d) Angle of Extinction

Crystals which have different crystal regularity in two or three main directions are said to be anisotropic. They have a different index of refraction in each of the main directions. When such a crystal is inserted between the crossed polars, the field of view is no longer dark but shows the crystal in color. The color depends on the properties of the crystal. The light acts as if it travels through the crystal along the optical axes. If a crystal optical axis were lined up along one of the polarizing directions (either the polarizer or the analyzer) the light would appear to travel only in that direction, and it would blink out or go dark. The difference in degrees between the fiber direction and the angle at which it blinks out is called the angle of extinction. When this angle can be measured, it is useful in identifying the mineral. The procedure for measuring the angle of extinction is to first identify the polarization direction in the microscope. A commercial alignment slide can be used to establish the polarization directions or use anthophyllite or another suitable mineral. This mineral has a zero degree angle of extinction and will go dark to extinction as it aligns with the polarization directions. When a fiber of anthophyllite has gone to extinction, align the eyepiece reticle or graticule with the fiber so that there is a visual cue as to the direction of

polarization in the field of view. Tape or otherwise secure the eyepiece in this position so it will not shift.

After the polarization direction has been identified in the field of view, move the particle of interest to the center of the field of view and align it with the polarization direction. For fibers, align the fiber along this direction. Note the angular reading of the rotating stage. Looking at the particle, rotate the stage until the fiber goes dark or "blinks out." Again note the reading of the stage. The difference in the first reading and the second is an angle of extinction.

The angle measured may vary as the orientation of the fiber changes about its long axis. Tables of mineralogical data usually report the maximum angle of extinction. Asbestos forming minerals, when they exhibit an angle of extinction, usually do show an angle of extinction close to the reported maximum, or as appropriate depending on the substitution chemistry.

(e) Crossed Polars With Compensator

When the optical axes of a crystal are not lined up along one of the polarizing directions (either the polarizer or the analyzer) part of the light travels along one axis and part travels along the other visible axis. This is characteristic of birefringent materials.

The color depends on the difference of the two visible indices of refraction and the thickness of the crystal. The maximum difference available is the difference between the alpha and the gamma axes. This maximum difference is usually tabulated as the birefringence of the crystal.

For this test, align the fiber at 45 degrees to the polarization directions in order to maximize the contribution to each of the optical axes. The colors seen are called retardation colors. They arise from the recombination of light which has traveled through the two separate directions of the crystal. One of the rays is retarded behind the other since the light in that direction travels slower. On recombination, some of the colors which make up white light are enhanced by constructive interference and some are suppressed by destructive interference. The result is a color dependent on the difference between the indices and the thickness of the crystal. The proper colors, thicknesses, and retardations are shown on a Michel-Levy chart. The three items, retardation, thickness and birefringence are related by the following relationship: $R = t(n_{\gamma} - \alpha)$

$$R = t(n_{\gamma} - \alpha)$$

R = retardation, t = crystal thickness in micron, and α , γ = indices of refraction.

Examination of the equation for asbestos minerals reveals that the visible colors for almost all common asbestos minerals and fiber sizes are shades of gray and black. The eye is relatively poor at discriminating different shades of gray. It is very good at discriminating different colors. In order to compensate for the low retardation, a compensator is added to the light train between the polarization elements. The compensator used for this test is a gypsum plate of known thickness and birefringence. Such

a compensator when oriented at 45 degrees to the polarizer direction, provides a retardation of 530 nm of the 530 nm wavelength color. This enhances the red color and gives the background a characteristic red to red-magenta color. If this "full-wave" compensator is in place when the asbestos preparation is inserted into the light train, the colors seen on the fibers are quite different. Gypsum, like asbestos has a fast axis and a slow axis. When a fiber is aligned with its fast axis in the same direction as the fast axis of the gypsum plate, the ray vibrating in the slow direction is retarded by both the asbestos and the gypsum. This results in a higher retardation than would be present for either of the two minerals. The color seen is a second order blue. When the fiber is rotated 90 degrees using the rotating stage, the slow direction of the fiber is now aligned with the fast direction of the gypsum and the fast direction of the fiber is aligned with the slow direction of the gypsum. Thus, one ray vibrates faster in the fast direction of the gypsum, and slower in the slow direction of the fiber; the other ray will vibrate slower in the slow direction of the gypsum and faster in the fast direction of the fiber. In this case, the effect is subtractive and the color seen is a first order yellow. As long as the fiber thickness does not add appreciably to the color, the same basic colors will be seen for all asbestos types except crocidolite. In crocidolite the colors will be weaker, may be in the opposite directions, and will be altered by the blue absorption color natural to crocidolite. Hundreds of other materials will give the same colors as asbestos, and therefore, this test is not definitive for asbestos. The test is useful in discriminating against fiberglass or other amorphous fibers such as some synthetic fibers. Certain synthetic fibers will show retardation colors different than asbestos; however, there are some forms of polyethylene and aramid which will show morphology and retardation colors similar to asbestos minerals. This test must be supplemented with a positive identification test when birefringent fibers are present which can not be excluded by morphology. This test is relatively ineffective for use on fibers less than 1 micron in diameter. For positive confirmation TEM or SEM should be used if no larger bundles or fibers are visible.

(f) Dispersion Staining

Dispersion microscopy or dispersion staining is the method of choice for the identification of asbestos in bulk materials. Becke line analysis is used by some laboratories and yields the same results as does dispersion staining for asbestos and can be used in lieu of dispersion staining. Dispersion staining is performed on the same platform as the phase-polar analysis with the analyzer and compensator removed. One polarizing element remains to define the direction of the light so that the different indices of refraction of the fibers may be separately determined. Dispersion microscopy is a dark-field technique when used for asbestos. Particles are imaged with scattered light. Light which is unscattered is blocked from reaching the eye either by the back field image mask in a McCrone objective or a back field image mask in the phase condenser. The most convenient method is to use the rotating phase condenser to move an oversized phase ring into place. The ideal size for this ring is for the central disk to be just larger than the objective entry aperture as viewed in the back focal plane. The larger the disk, the less scattered light reaches the eye. This will have the effect of diminishing the intensity of dispersion

color and will shift the actual color seen. The colors seen vary even on microscopes from the same manufacturer. This is due to the different bands of wavelength exclusion by different mask sizes. The mask may either reside in the condenser or in the objective back focal plane. It is imperative that the analyst determine by experimentation with asbestos standards what the appropriate colors should be for each asbestos type. The colors depend also on the temperature of the preparation and the exact chemistry of the asbestos. Therefore, some slight differences from the standards should be allowed. This is not a serious problem for commercial asbestos uses. This technique is used for identification of the indices of refraction for fibers by recognition of color. There is no direct numerical readout of the index of refraction. Correlation of color to actual index of refraction is possible by referral to published conversion tables. This is not necessary for the analysis of asbestos. Recognition of appropriate colors along with the proper morphology are deemed sufficient to identify the commercial asbestos minerals. Other techniques including SEM, TEM, and XRD may be required to provide additional information in order to identify other types of asbestos.

Make a preparation in the suspected matching high dispersion oil, e.g., $n=1.550$ for chrysotile. Perform the preliminary tests to determine whether the fibers are birefringent or not. Take note of the morphological character. Wavy fibers are indicative of chrysotile while long, straight, thin, frayed fibers are indicative of amphibole asbestos. This can aid in the selection of the appropriate matching oil. The microscope is set up and the polarization direction is noted as in Section (4)(d). Align a fiber with the polarization direction. Note the color. This is the color parallel to the polarizer. Then rotate the fiber rotating the stage 90 degrees so that the polarization direction is across the fiber. This is the perpendicular position. Again note the color. Both colors must be consistent with standard asbestos minerals in the correct direction for a positive identification of asbestos. If only one of the colors is correct while the other is not, the identification is not positive. If the colors in both directions are bluish-white, the analyst has chosen a matching index oil which is higher than the correct matching oil, e.g. the analyst has used $n = 1.620$ where chrysotile is present. The next lower oil (Section (3)(e)) should be used to prepare another specimen. If the color in both directions is yellow-white to straw-yellow-white, this indicates that the index of the oil is lower than the index of the fiber, e.g. the preparation is in $n = 1.550$ while anthophyllite is present. Select the next higher oil (Section (3)(e)) and prepare another slide. Continue in this fashion until a positive identification of all asbestos species present has been made or all possible asbestos species have been ruled out by negative results in this test. Certain plant fibers can have similar dispersion colors as asbestos. Take care to note and evaluate the morphology of the fibers or remove the plant fibers in preparation. Coating material on the fibers such as carbonate or vinyl may destroy the dispersion color. Usually, there will be some outcropping of fiber which will show the colors sufficient for identification. When this is not the case, treat the sample as described in Section (3)(c) and then perform dispersion staining. Some samples will yield to Becke line analysis if they are coated or electron microscopy can be used for identification.

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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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07731 Dates.

WSR 97-01-081**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Order 6008—Filed December 17, 1996, 3:49 p.m.]

Date of Adoption: December 13, 1996.

Purpose: Improve the marketing of fresh Washington asparagus by providing a premium grade, relaxing the container requirements, which allows product packing to be flexible and responsive to market changes.

Citation of Existing Rules Affected by this Order: Amending chapter 16-409 WAC.

Statutory Authority for Adoption: Standards of grades and packs, chapter 15.17 RCW.

Adopted under notice filed as WSR 96-23-034 on November 15, 1996.

Changes Other than Editing from Proposed to Adopted Version: The Department of Agriculture received testimony, both in favor and against the consumer pack amendment, therefore the consumer pack language is not contained in the adopted rule language. The Department of Agriculture will file a supplemental notice and conduct and allow for additional testimony on the consumer pack amendment.

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 6, 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 1.

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 6, amended 0, repealed 0.

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

December 17, 1996

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-020 Washington standards—Grades.

- (1) Washington extra fancy shall consist of:
(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which

are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington extra fancy tips shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall be all green.

(b) Stalks within the individual containers shall meet one of the following designated sizes: Jumbo, large, standard, or small.

(3) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((3))~~ (4) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((4))~~ (5) Culls.

(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

~~((5))~~ (6) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-030 Tolerances for defects, color, diameter and trim. (1) In order to allow for variations incident to proper grading and handling in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations."

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-060 Washington standards—Size designations. In addition to the statement of grade:

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington extra fancy tips grade shall be designated as Washington extra fancy tips jumbo, Washington extra fancy tips large, Washington extra fancy tips standard or Washington extra fancy tips small. Ninety percent, by count, of stalks in any lot shall conform to the diameters for size designations as stated under the Washington extra fancy grade for jumbo, large or standard and under the Washington fancy grade for small.

(3) Washington fancy grade lots shall be designated by minimum diameter: *Provided*, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

~~((3))~~ (4) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

~~((4))~~ (5) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

~~((5))~~ (6) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-065 Containers. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.

(2) Fresh asparagus of the Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in (~~pyramid-type~~) containers with moisture pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

(4) ~~((Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.~~

~~(5))~~ Western lugs shall contain not less than twenty pounds net weight.

~~((6))~~ (5) Culls shall be marketed in wooden pyramid containers with moisture pads.

~~((7))~~ (6) Fresh asparagus in field containers shall not be marketed.

~~((8))~~ (7) The director may allow the use of containers not specified in subsections (2), (3), (4), and (5) ~~(-and (6))~~ of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-070 Marking requirements. (1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), ~~((and))~~ (5), and (6).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-075 Exemption. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-020 through 16-409-060, 16-409-065 (2), (3), (4), (5), ~~((6,))~~ and ~~((8))~~ (7); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight.

WSR 97-01-124
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 19, 1996, 10:52 a.m.]

Date of Adoption: December 19, 1996.

Purpose: To eliminate redundant language in WAC 296-126-098(2) and 296-126-224 by repealing WAC 296-126-224. Amendments to WAC 296-126-098(2) require the employer to pay costs to furnish and maintain apparel with a designated color, style, or logo when the apparel is required by the employer and when their cost reduces the employees' wage or overtime compensation below the state minimum. The rule indicates that black and white are included among colors.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-126-224; and amending WAC 296-126-098.

Statutory Authority for Adoption: RCW 49.12.091 (as amended by RCW 43.22.282).

Adopted under notice filed as WSR 96-14-115 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-126-224 Wearing apparel, no variance.

WAC 296-126-098 Wearing apparel, as a result of testimony and comments received, the following amendments are made:

Subsection (2)(a), delete the following language: "Apparel with an employer-designated color, style, or logo that is required by the employer to be worn during the course of employment is a uniform. For purposes of this section, black and white are included among colors."

Add the following language: "Apparel that is required by the employer to be worn during the course of employment is a uniform if it has an employer-designated:

- (i) Logo,
- (ii) Style, or
- (iii) Color with no other color options allowed.

For purposes of this section, black and white are included among colors."

Subsection (2)(b), delete the following language: "Examples of nonuniform apparel include but are not limited to: A WISHA required safety helmet and a light shirt and/or dark pants."

Subsection (2), add (c) which states, "An employer may prohibit the wearing of certain articles of apparel as part of a general dress code, provided the prohibition still allows the employee options in choice of apparel.

Examples of nonuniform apparel include but are not limited to: Articles that are part of a general dress code allowing two or more color and/or style options, a WISHA required safety helmet, and a light shirt and/or dark pants."

Subsection (3)(c)(iii), delete the following language: "If the uniform consists of 'wash and wear' material that requires only washing and tumble or drip drying, and if it can be laundered with other personal garments, reimbursement for laundering costs is not required." Add the following language, "Laundering costs do not apply to 'wash and wear' clothing that do not require professional cleaning."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

PERMANENT

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 1, repealed 1.

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 1.

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

December 19, 1996

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-126-098 Wearing apparel. (1) The employer shall provide for adequate safekeeping of employees' clothing worn to and from the ~~((work place))~~ workplace, but not worn on duty.

~~(2) (Whenever an employer requires the employees to wear a uniform or other article of wearing apparel of a specific style or color, it must be furnished by the employer. Usual and customary wearing apparel in conformance to a general dress standard need not be furnished by the employer.)~~ What is and what is not a uniform?

(a) Apparel that is required by the employer to be worn during the course of employment is a uniform if it has an employer-designated:

- (i) Logo;
- (ii) Style; or
- (iii) Color with no other color options allowed.

For purposes of this section, black and white are included among colors.

Examples of uniform apparel required by the employer include but are not limited to: A guard uniform, white jacket and pants worn by culinary, cleaning, or medical personnel, a hat with an employer's logo worn only at work, and a white blouse and/or black skirt.

(b) Apparel worn at work by an employee at the direction of the employer is not a uniform if:

(i) It is usually and customarily worn outside of employment and conforms to a general dress standard allowing choice of style and color; or

(ii) It is considered personal protective equipment and governed by industrial safety and health statutes, rules, and regulations administered by the department of labor and industries.

(c) An employer may prohibit the wearing of certain articles of apparel as part of a general dress code, provided the prohibition still allows the employee options in choice of apparel.

Examples of nonuniform apparel include but are not limited to: Articles that are part of a general dress code allowing two or more color and/or style options,

a WISHA required safety helmet, and a light shirt and/or dark pants.

(3) Employer responsibility for costs to furnish and maintain uniforms:

(a) The employer must pay costs to furnish and maintain (including laundry and repair) the uniform when costs of obtaining and maintaining the uniform would reduce the employee's wage below the applicable minimum wage or overtime compensation required by the Washington Minimum Wage Act, chapter 49.46 RCW.

Calculation examples include but are not limited to:

(i) An employee is paid only minimum wage: The employer must pay all uniform costs.

(ii) An employee is paid one dollar per hour over minimum wage, works a forty-hour work week, and earns forty dollars above the required minimum each week: If the employer purchases the uniform for forty-five dollars, the employer may deduct up to forty dollars from the employee's earnings without impacting the minimum wage. If the employee purchases the uniform, the employer must reimburse the employee five dollars, the impact on minimum wage.

(b) Except as indicated in this section, uniform costs that impact the minimum wage or overtime compensation earned during a work week must be paid in full to the employee at the earliest regular pay day. Payment shall not be prorated over time and shall be based upon the total cost at date of purchase.

(c) Reimbursement to an employee for laundering costs incurred during a work week shall be determined by:

(i) The actual cost of laundering (e.g., charges of a uniform laundry or rental service); or

(ii) If the actual cost cannot be determined, a forty-hour per week employee shall be paid one hour at the Washington minimum wage, and an employee who works less than forty hours per week shall be paid one-fifth of the minimum hourly wage.

(iii) Laundering costs do not apply to "wash and wear" clothing that do not require professional cleaning.

(d) An employer shall not charge an employee:

- (i) A deposit for the cost of the uniform; or
- (ii) Rent for the cost of maintaining the uniform; or
- (iii) "Wear and tear" on the uniform.

(e) Exceptions to this section:

(i) An employer may withhold the actual cost (or not reimburse the employee's actual cost) of a uniform from an employee's final paycheck if the employee has ceased employment and has not returned the uniform to the employer. This withholding may be made provided the employee agrees to this policy upon hiring and provided that the final payroll amount is not reduced below the applicable minimum wage or overtime compensation required by chapter 49.46 RCW.

(ii) An employer is not required to reimburse an employee for obtaining a uniform when the uniform is owned by the employee and is acceptable to the employer at the time of hire. Costs associated with additional new uniforms shall be paid by the employer when the costs would reduce the employee's wage or overtime compensation below the state minimum in a work week.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-126-224 Wearing apparel.

**WSR 97-01-135
PERMANENT RULES
BUILDING CODE COUNCIL**

[Filed December 19, 1996, 11:29 a.m., effective July 1, 1997]

Date of Adoption: November 13, 1996.

Purpose: To provide regulations relating to the discharge of ammonia refrigerant in cold storage warehouses in response to Governor Lowry's direction to "take appropriate action immediately" to resolve this issue.

Citation of Existing Rules Affected by this Order: Amending chapter 51-32 WAC, Uniform Mechanical Code and chapter 51-34 WAC, Uniform Fire Code.

Statutory Authority for Adoption: RCW 19.27.074.

Adopted under notice filed as WSR 96-20-101 on October 1, 1996.

Changes Other than Editing from Proposed to Adopted Version: In order to make the mechanical and fire codes consistent, the scope of changes has been expanded in the fire code from just ammonia refrigeration to include refrigeration systems in general.

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 33, 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: July 1, 1997.

December 19, 1996

James R. Beaver
Chair

NEW SECTION**WAC 51-32-1100 Refrigeration.****NEW SECTION****WAC 51-32-1101 General.**

1101.1 Scope. This chapter shall govern the design, installation, construction and repair of refrigeration systems that vaporize and liquefy a fluid during the refrigerating cycle. Refrigerant piping design and installation, including pressure vessels and pressure relief devices, shall conform to this code. Permanently installed refrigerant storage systems

and other components shall be considered as part of the refrigeration system to which they are attached.

1101.2 Factory-built equipment. Listed and labeled self-contained, factory-built equipment shall be tested in accordance with UL 207, 303, 412, 465, 471 or 1995.

1101.3 Protection. Any portion of a refrigeration system that is subject to physical damage shall be protected in an approved manner.

1101.4 Water connection. Water supply and discharge connections associated with refrigeration systems shall be made in accordance with this code and the plumbing code.

1101.5 Gas connection. Gas fuel devices and equipment used with refrigeration systems shall be installed in accordance with this code.

1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15-1994. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15-1994 and IAR 2-1992.

NEW SECTION**WAC 51-32-1102 System requirements.**

1102.1 General. The system classification, allowable refrigerants, the maximum quantity, enclosure requirements, location limitations and field pressure test requirements, shall be determined as follows:

1. Determine the refrigeration system's classification in accordance with Section 1103.
2. Determine the refrigerant classification in accordance with Table 1104.1.
3. Determine the maximum allowable quantity of refrigerant in accordance with Table 1104.2(1), based on type of refrigerant, system classification and occupancy.
4. Determine the system enclosure requirements in accordance with Table 1104.2(1).
5. Refrigeration equipment location and installation shall be subject to the limitations of Chapter 3.
6. Nonfactory-tested, field-erected equipment shall be pressure tested in accordance with Section 1108.

1102.2 Refrigerants. Refrigerants not identified in Table 1104.1 shall be approved before use. Refrigerants (including refrigerant blends) with different designations in ASHRAE 34-1992, with addenda through 1995, shall not be mixed in a system.

1102.2.1 New refrigerants. Refrigerants used in new equipment shall be of a type and purity level specified or approved by the equipment manufacturer.

1102.2.2 Recovered refrigerants. Refrigerants that are recovered from refrigeration and air-conditioning systems shall not be reused in other than the system from which they were recovered and in other systems of the same owner. Recovered refrigerants shall be filtered and dried before reuse. Recovered refrigerants that show clear signs of

contamination shall not be reused unless reclaimed in accordance with Section 1102.2.3.

1102.2.3 Reclaimed refrigerants. Used refrigerants shall not be reused in a different owner's equipment unless reclaimed and found to meet the purity requirements of ARI 700-1993. Contaminated refrigerants shall not be used in the same owner's equipment or in a different owner's equipment unless reclaimed and found to meet the purity requirements of ARI 700-1993.

NEW SECTION

WAC 51-32-1103 Refrigeration system classification.

1103.1 General. For the purposes of applying Tables 1104.1, 1104.2(1), and 1104.2(2), refrigeration systems shall be classified as a high-probability or low-probability system based on the potential hazard resulting from a leakage of refrigerant into an occupancy-classified area other than the machinery room.

1103.2 High-probability systems. Direct systems and indirect open-spray systems shall be classified as high-probability systems.

EXCEPTION: An indirect open-spray system shall not be required to be classified as a high-probability system if the pressure of the secondary coolant is at all times (operating and standby) greater than the pressure of the refrigerant.

1103.3 Low-probability systems. Double-indirect open-spray systems, indirect closed systems and indirect-vented closed systems shall be classified as low-probability systems, provided that all refrigerant-containing piping and fittings are isolated when the quantities in Table 1104.1 are exceeded.

NEW SECTION

WAC 51-32-1104 Refrigerant classification and system requirements.

1104.1 Refrigerant classification. Refrigerants shall be classified in accordance with ASHRAE 34-1992, with addenda through 1995, as listed in Table 1104.1.

TABLE 1104.1
REFRIGERANT^a CLASSIFICATION, AMOUNT^{b,c,e} AND TLV-TWA^f

REFRIGERANT DESCRIPTION			AMOUNT OF REFRIGERANT PER OCCUPIED SPACE			TLV ^f TWA ppm
Refrigerant Classification	Name or Blend	Chemical Formula	Lb per 1,000 ft ^{3a}	ppm	g/m ^{3c}	
Group A1						
R-11	Trichlorofluoromethane	CCl ₃ F	1.6	4,000	250	C1,000
R-12	Dichlorodifluoromethane	CCl ₂ F ₂	12	40,000	200	1,000
R-13	Chlorotrifluoromethane	CClF ₃	18	67,000	290	1,000
R-13B1	Bromotrifluoromethane	CBrF ₃	22	57,000	350	1,000
R-14	Tetrafluoromethane (Carbon Tetrafluoride)	CF ₄	15	67,000	240	1,000
R-22	Chlorodifluoromethane	CHClF ₂	9.4	42,000	150	1,000
R-113	1,1,2-trichloro-1, 2, 2-trifluoroethane	CCl ₂ FCClF ₂	1.9	4,000	31	1,000
R-114	1,2-dichloro-1, 1, 2, 2-tetrafluoroethane	RCClF ₂ CClF ₂	9.4	21,000	150	1,000
R-115	Chloropentafluoroethane	CClF ₂ CF ₃	27	67,000	430	1,000
R-134a	1,1,1,2-Tetrafluoroethane	CH ₂ FCF ₃	16	60,000	250	1,000
R-C318	Octafluorocyclobutane	-CF ₂ -CF ₂ -CF ₂ -CF ₂ -	35	67,000	550	1,000
R-400	R-12/R-114	CCL ₂ F ₂ /CCl ₂ FCClF ₂	Note d	Note d	Note d	1,000
R-500	R-12/152a(73.8/26.2)	CCl ₂ F ₂ /CH ₃ CHF ₂	12	47,000	200	1,000
R-502	R-22/115(48.8/51.2)	CHClF ₂ /CClF ₂ CF ₃	19	65,000	300	1,000
R-503	R-23/13(40.1/59.9)	CHF ₃ /CClF ₃	15	67,000	240	1,000
R-744	Carbon Dioxide	CO ₂	5.7	50,000	91	5,000
Group A2						
R-142b	1-chloro-1, 1 -Difluoroethane	CH ₃ CClF ₂	3.7	14,000	60	1,000
R-152a	1, 1-Difluoroethane	CH ₃ CHF ₂	1.2	7,000	20	1,000
Group A3^e						
R-170	Ethane	CH ₃ CH ₃	0.50	6,400	8.0	1,000
R-290	Propane	CH ₃ CH ₂ CH ₃	0.50	4,400	8.0	1,000
R-600	Butane	CH ₃ CH ₂ CH ₂ CH ₃	0.51	3,400	8.2	800
R-600a	2-Methyl propane (Isobutane)	CH(CH ₃) ₂ -CH ₃	0.51	3,400	8.2	800
R-1150	Ethene (Ethylene)	CH ₂ =CH ₂	0.38	5,200	6.0	1,000
R-1270	Propene (Propylene)	CH ₃ CH=CH ₂	037	3,400	5.0	1,000
Group B1						
R-123	2, 2-Dichloro-1, 1, 1-Trifluoroethane	CHCl ₂ CF ₃	0.4	1,000	6.3	30
R-764	Sulfur Dioxide	SO ₂	0.016	100	0.26	2
Group B2						
R-40	Chloromethane (methyl chloride)	CH ₃ Cl	1.3	10,000	21.0	C50
R-611	Methyl Formate	HCOOCH ₃	0.78	5,000	12.0	100
R-717	Ammonia	NH ₃	0.022	500	0.35	25
Group B3^e	—	—	—	—	—	—

For SI: 1 pound = 0.454 kg, 1 cubic foot = 0.0283 m³.

^a Other refrigerants shall be approved.

^b To be used only in conjunction with footnotes from Table 1104.2(1).

^c To correct for height, *H* (feet), above sea level, multiply these values by (1 - 2.42 × 10⁻⁶/*H*). To correct for height, *h* (km), above sea level, multiply these values by (1 - 7.94 × 10⁻²/*h*). Do not adjust volume percent or TLV-TWA (ppm) for altitude.

^d The quantity of each component shall comply with the limits set in Table 1104.1 for the pure compound and the total volume percent of all components shall not exceed 6.7 volume percent.

^e The basis of the table amounts is given as follows:

Group A1 Eighty percent of the cardiac sensitization level for R-11, R-12, R-13B1, R-22, R-113, R-114, R-134a, R-500 and R-502. One-hundred percent of the IDLH for R-744. Others are limited by levels where oxygen deprivation begins to occur.

Group A2, A3 Approximately 20 percent of LFL.

Group B1 One hundred percent of IDLH for R-764, and 100 percent of the measure consistent with the IDLH for R-123.

Group B2, B3 One hundred percent of IDLH or 20 percent of LFL, whichever is lower.

^f TLV-TWA or measure consistent therewith to be used with Section 1104. The values shown for R-11 and R-40 are TLV-C (TLV-ceiling) values not to be exceeded.

^g Group A3 and B3 refrigerants as listed in Table 1104.1 shall not be used in a refrigerating system in excess of 1,000 pounds, unless approved by the code official.

PERMANENT

1104.2 System requirements. The maximum allowable refrigerant quantities shall be in accordance with Table 1104.2(1). To use Table 1104.2(1), determine the occupancy class, refrigerant group in accordance with Table 1104.1 and type of system in accordance with Section 1103, and then locate the notes that apply.

1104.2.1 Occupancy classification. Locations of refrigerating systems are described by occupancy classifications that consider the ability of people to respond to potential exposure to refrigerant. Where equipment, other than piping, is located outside a building and within 20 feet (6096 mm) of any building opening, such equipment shall be governed by the occupancy classification of the building. Occupancy classifications shall be defined as follows:

1. Institutional occupancy is that portion of premises from which, because they are disabled, debilitated or confined, occupants cannot readily leave without the assistance of others. Institutional occupancies include, among others, hospitals, nursing homes, asylums and spaces containing locked cells.
2. Public assembly occupancy is that portion of premises where large numbers of people congregate and from which occupants cannot quickly vacate the space. Public assembly occupancies include, among others, auditoriums, ballrooms, classrooms, passenger depots, restaurants and theaters.
3. Residential occupancy is that portion of premises that provides the occupants with complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation. Residential occupancies include, among others, dormitories, hotels, multi-unit apartments and private residences.
4. Commercial occupancy is that portion of premises where people transact business, receive personal service or purchase food and other goods. Commercial occupancies include, among others, office and professional buildings, markets (but not large mercantile occupancies) and work or storage areas that do not qualify as industrial occupancies.
5. Large mercantile occupancy is that portion of premises where more than 100 persons congregate on levels above or below street level to purchase personal merchandise.
6. Industrial occupancy is that portion of premises that is not open to the public, where access by authorized persons is controlled, and that is used to manufacture, process or store goods such as chemicals, food, ice, meat or petroleum.
7. Mixed occupancy occurs when two or more occupancies are located within the same building. When each occupancy is isolated from the rest of the building by tight walls, floors and ceilings and by self-closing doors, the requirements for each occupancy shall apply to its portion of the building. When the various occupancies are not so isolated, the occupancy having the most stringent requirements shall be the governing occupancy.

1104.3 Volume calculations. Volume calculations shall be in accordance with Sections 1104.3.1 through 1104.3.3.

1104.3.1 Unventilated spaces. Where the refrigerant-containing parts of a system are located in one or more unventilated spaces, the volume of the smallest, enclosed occupied space, other than a machinery room, shall be used to determine the permissible quantity of refrigerant in the system. Where a building consists of several stories of unpartitioned space, such as a mezzanine or an atrium, the story having the smallest occupied space shall be deemed to be the enclosed space.

1104.3.2 Ventilated spaces. Where an evaporator or condenser is located in an air duct system, the volume of the smallest occupied space or unpartitioned building story, served by the duct shall be used to determine the maximum allowable quantity of refrigerant in the system.

EXCEPTION: If airflow to any enclosed space cannot be reduced below one-quarter of its maximum, the entire space served by the air duct system shall be used to determine the maximum allowable quantity of refrigerant in the system.

1104.3.3 Plenums. Where the space above a suspended ceiling is continuous and part of the supply or return air plenum system, this space shall be included in calculating the volume of the enclosed space.

NEW SECTION

WAC 51-32-1105 Machinery room, general requirements.

1105.1 General. Where required by Table 1104.2(1), a machinery room shall be provided to enclose refrigeration systems located indoors. Access to the machinery room shall be restricted to authorized personnel. For rooms where occupational exposure could occur, see WAC 296-62-07515 and 296-62-3112.

1105.2 Dimensions. A machinery room shall be dimensioned so as to provide clearances required by Chapter 3. There shall be clear head room of not less than 7 feet 3 inches (2210 mm) below equipment located over passageways.

1105.3 Doors. Each machinery room shall have self-closing, weather-stripped doors opening in the direction of egress travel. Doors and door openings shall comply with the requirements of the building code.

1105.4 Openings. Openings to other parts of the building that permit passage of escaping refrigerant to other parts of the building are prohibited. Ducts and air handlers in the machinery room that operate at a lower pressure than the room shall be sealed to prevent any refrigerant leakage from entering the airstream.

EXCEPTIONS:

1. Egress doors serving the machinery room.
2. Access doors and panels in air ducts and air-handling units, provided that such openings are gasketed and tight fitting.

TABLE 1104.2(1)
SYSTEM APPLICATION REQUIREMENTS
 (Letters in the table under "Occupancy" refer to footnotes.
 Where more than one footnote exists, each footnote is a limitation on the other.)
 (For system and refrigerant classifications see Section 1103 and Table 1104.1.)

REFRIGERANT GROUP	SYSTEM CLASSIFICATION	OCCUPANCY ^d		
		Institutional	Public assembly, residential, commercial and large mercantile	Industrial
A1	High	a	b	c
	Low	d	d	d
A2	High	c	c	c, f, h
	Low	g	g	g
A3	High	i	i	c, f, h
	Low	i	i	g
B1	High	a, f	b, f	c
	Low	d	d	d
B2	High	c, f	c, f	c, f, h
	Low	g	g	g
B3	High	i	i	c, f, h
	Low	i	i	g

For SI: 1 square foot = 0.0929 m², 1 pound = 0.454 kg.

^a The refrigerant amount is limited to 50 percent of those listed in Table 1104.1, except Footnote b applies in kitchens, laboratories and mortuaries. If any portion of a refrigerant system containing more than 1 pound of refrigerant (except R-744) is in a room with a flame-sustaining device, this device shall be provided with a hood to exhaust combustion products to the outside air. Otherwise Footnotes c and f shall be followed.

^b The refrigerant amount shall be limited as listed in Table 1104.1.

^c The refrigerant amount shall be unlimited when all of the following are satisfied:

1. The area containing machinery is separated from the areas of the building not containing machinery by tight construction with tight-fitting doors;
2. Egress from the room is directly outdoors;
3. The number of persons in a machinery-containing space on any floor above the first floor (ground level or deck level) is equal to or less than one person per 100 square feet of floor area or, if the number exceeds one person per 100 square feet, the machinery-containing space shall be provided with the required number of doors opening directly into approved building exits; and
4. Detectors are located in areas where refrigerant vapor from a leak will concentrate so as to provide warning at levels not exceeding the TLV-TWA quantities given in Table 1104.1. Otherwise, the footnotes for other occupancies shall apply.

Exception: For ammonia, see Section 1106.8.

^d When the quantity of refrigerant in the largest system exceeds the amounts in Table 1104.1, all refrigerant-containing parts, except piping and those parts outside the building, shall be installed in a machinery room meeting the general requirements of Section 1105.

^e Refrigerant amounts and types of systems shall be limited as shown in Table 1104.2(2).

^f Applications involving air conditioning for human comfort are prohibited.

^g When the quantity of refrigerant in the largest system exceeds the amounts in Table 1104.1, all refrigerant-containing parts, except piping and those parts outside the building, shall be installed in a special requirements machinery room in accordance with Section 1106 with limitations on refrigerant quantities as follows:

550 pounds — Institutional

No limit except Footnote h — Public Assembly

No limit except Footnote h — Residential

No limit except Footnote h — All other occupancies

No limit except Footnote h — Industrial

Otherwise, Footnote c applies to the amount of Group A2, A3, B2 or B3 refrigerant in the system.

^h When the quantity of refrigerant exceeds Table 1104.1 amounts; all refrigerant-containing parts, except piping, low-side components, condensers, and parts outside the building, shall be installed in a machinery room meeting the general requirements in Section 1105. For refrigerants of Groups A2, A3, B2 and B3:

1. The machinery room shall also meet the special requirements of Section 1106.
2. Except for ammonia, amounts in excess of 1,100 pounds shall be approved by the code official.

ⁱ Use of these refrigerants is prohibited, except in laboratories in commercial occupancies. Only unit systems containing not more than 6.6 pounds of Group A3 or B3 refrigerant shall be used unless the laboratory is occupied by less than one person per 100 square feet of floor area, in which case the requirements of industrial occupancies shall apply.

PERMANENT

TABLE 1104.2(2)
MAXIMUM PERMISSIBLE QUANTITIES OF REFRIGERANTS
[For Use With Footnote e of Table 1104.2(1)]

TYPE OF REFRIGERATION SYSTEM	MAXIMUM POUNDS FOR VARIOUS OCCUPANCIES			
	Institutional	Assembly	Residential	All other occupancies
Sealed Absorption System				
In exit access	0	0	3.3	3.3
In adjacent outdoor locations	0	0	22	22
In other than exit access	0	6.6	6.6	22
Unit Systems				
In other than exit access	0	0	6.6	22

For SI: 1 pound = 0.454 kg.

PERMANENT

1105.5 Refrigerant vapor detector. Machinery rooms shall contain a refrigerant vapor detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant vapor from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in Table 1104.1. Detectors and alarms shall be placed in approved locations. Detection and alarm systems shall be powered and supervised, monitored and annunciated, and installed and maintained as required by Article 6313.2 of the Uniform Fire Code.

EXCEPTION: Detectors are not required for ammonia systems complying with Section 1106.8.

1105.6 Tests. Periodic tests of the detector, alarm and mechanical ventilating system shall be performed in accordance with manufacturer's specifications and as required by the code official.

1105.7 Fuel-burning equipment. Open flames that use combustion air from the machinery room shall not be installed in a machinery room.

- EXCEPTIONS:**
1. Matches, lighters, halide leak detectors and similar devices.
 2. Where the refrigerant is carbon dioxide or water.
 3. Fuel-burning equipment shall not be prohibited in the same machinery room with refrigerant-containing equipment where combustion air is ducted from outside the machinery room and sealed in such a manner as to prevent any refrigerant leakage from entering the combustion chamber, or where a refrigerant vapor detector is employed to automatically shut off the combustion process in the event of refrigerant leakage.

1105.8 Sign. A sign shall be posted on the machinery room door prohibiting access of unauthorized personnel.

1105.9 Ventilation. Machinery rooms shall be mechanically ventilated to the outdoors. Mechanical ventilation shall be capable of exhausting the minimum quantity of air both at the normal operating and emergency conditions. Multiple fans or multispeed fans shall be allowed in order to produce the emergency ventilation rate and to obtain a reduced airflow for normal ventilation. Fans providing refrigeration machinery room temperature control or automatic response to refrigerant vapor are allowed to be automatically controlled to provide intermittent ventilation as conditions require.

EXCEPTION: Where a refrigerating system is located outdoors more than 20 feet (6096 mm) from any building opening and is enclosed by a penthouse, lean-to or other open structure, natural or mechanical ventilation shall be provided. Location of the openings shall be based on the relative density of the refrigerant to air. The free-aperture cross section for the ventilation of the machinery room shall be not less than:

$$F = \sqrt{G}$$

For SI: $F = 0.138 \sqrt{G}$

where:

F = the free opening area in square feet (m²).

G = the mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.9.1 Discharge location. The discharge of the air shall be to the outdoors in accordance with Chapter 5. Exhaust from mechanical ventilation systems shall be discharged not less than 20 feet (6096 mm) from a property line or openings into buildings.

1105.9.2 Supply air. Provisions shall be made for supply air to replace that being exhausted. Openings for supply air shall be located to avoid intake of exhaust air. Air supply and exhaust ducts to the machinery room shall serve no other area, shall be constructed in accordance with Chapter 5 and shall be covered with corrosion-resistant screen of not less than 1/4-inch (6.4 mm) mesh. The supply air shall be taken from directly outside the building. Intakes shall be fitted with backdraft dampers or similar approved flow control means to prevent reverse flow.

1105.9.3 Quantity—normal ventilation. During occupied conditions the mechanical ventilation system shall exhaust the larger of the following:

1. Not less than 0.5 cfm per square foot (0.0025 m³/s · m²) of machinery room area or 20 cfm (0.009 m³/s) per person; or
2. A volume required to maintain a maximum temperature rise of 18°F. (-7.8°C.) based on all of the heat-producing machinery in the room.

1105.9.4 Quantity—emergency conditions. Upon actuation of the refrigerant detector required in Section 1105.5, the mechanical ventilation system shall exhaust air from the machinery room in the following quantity:

$$Q = 100 \times \sqrt{G}$$

$$\text{For SI: } Q = 0.07 \times \sqrt{G}$$

where:

- Q = the airflow in cubic feet per minute (m³/s).
 G = the design mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.10 Termination of relief devices. In the equipment room, pressure relief devices, fusible plugs and purge systems shall terminate outside of the structure at a location not less than 15 feet (4572 mm) above the adjoining grade level and not less than 20 feet (6096 mm) from any window, ventilation opening or exit.

NEW SECTION

WAC 51-32-1106 Machinery room, special requirements.

1106.1 General. Where required by Table 1104.2(1), the machinery room shall meet the requirements of this section in addition to the requirements of Section 1105.

1106.2 Elevated temperature. There shall not be an open flame-producing device or continuously operating hot surface over 800°F. (427°C.) permanently installed in the room.

1106.3 Construction requirements. The machinery room shall be separated from other occupied space with smoke-tight, 1-hour fire-resistance-rated construction.

1106.4 Opening protectives. Opening protection between the machinery room and other occupied spaces shall be approved, self-closing, tight-fitting fire doors with a minimum fire-resistance-rating of 3/4 hour.

1106.5 Pipe penetrations. All pipe penetrations of the interior walls, ceiling or floor of machinery rooms shall be sealed vapor tight and protected in accordance with the building code.

1106.6 Exterior openings. Openings in exterior walls of machinery rooms shall not be located under any exit, stairway or exit discharge.

1106.7 Egress. Exits shall comply with Uniform Building Code Section 1020-Special Hazards.

Each machinery room shall be provided with a minimum of one exit door that opens directly to the outside.

EXCEPTION: Self-closing, tight-fitting doors opening into a vestibule leading directly outside.

1106.8 Ammonia room ventilation. Ventilation equipment in ammonia machinery rooms shall be operated continuously.

EXCEPTIONS:

1. Machinery rooms equipped with a refrigerant vapor detector that will automatically start the ventilation system and actuate an alarm at a detection level not to exceed 1,000 ppm; or
2. Machinery rooms conforming to the Class 1, Division 2, hazardous location classification requirements of NFPA 70.

1106.9 Flammable refrigerants. Where refrigerants of Groups A2, A3, B2 and B3 are used, the machinery room shall conform to the Class 1, Division 2, hazardous location classification requirements of NFPA 70.

EXCEPTION: Ammonia machinery rooms.

1106.10 Remote controls. Remote control of the mechanical equipment located in the machinery room shall be provided at an approved location immediately outside the machinery room and adjacent to its principal entrance.

1106.10.1 Refrigeration system. A clearly identified switch of the break-glass-type shall provide off-only control of all electrically energized equipment in the machinery room, other than refrigerant leak detectors and machinery room ventilation.

1106.10.2 Ventilation system. Mechanical ventilation systems shall have switches to control power to each fan. The switches shall be key operated or within a locked glass-covered enclosure at an approved location adjacent to and outside of the principal entrance to the machinery room. Necessary keys shall be located in a single approved location. Switches controlling fans providing intermittent or emergency ventilation shall be of the three-position, automatic/on/off type. Switches shall be labeled identifying both function and specific fan controlled. Two-colored and labeled indicator lamps responding to the differential pressure created by the air flow shall be provided for each switch. One lamp shall indicate flow, the other shall indicate no flow.

1106.10.3 Emergency control box. An emergency control box shall be provided as required by IAR 2-1992 Section 5.4. Emergency control boxes shall be designed and constructed to the standards of IAR 2-1992 Appendix A except as modified by Uniform Fire Code Article 6307.

NEW SECTION

WAC 51-32-1107 Refrigerant piping.

1107.1 General. All refrigerant piping shall be installed, tested and placed in operation in accordance with this chapter.

1107.2 Pipe enclosures. Rigid or flexible metal enclosures or pipe ducts shall be provided for soft, annealed copper tubing and used for refrigerant piping erected on the premises and containing other than Group A1 or B1 refrigerants. Enclosures shall not be required for connections between condensing units and the nearest riser box(es), provided such connections do not exceed 6 feet (1829 mm) in length.

1107.3 Condensation. All refrigerating piping and fittings, brine piping and fittings that, during normal operation, will reach a surface temperature below the dew point of the surrounding air, and are located in spaces or areas where condensation will cause a safety hazard to the building occupants, structure, electrical equipment or any other equipment, shall be protected in an approved manner to prevent such damage.

1107.4 Materials for refrigerant pipe and tubing. Piping materials shall be as set forth in Sections 1107.4.1 through 1107.4.5.

1107.4.1 Steel pipe. Carbon steel pipe with a wall thickness not less than Schedule 80 shall be used for Group A2, A3, B2 or B3 refrigerant liquid lines for sizes 1 1/2 inches (38 mm) and smaller. Carbon steel pipe with a wall

thickness not less than Schedule 40 shall be used for Group A1 or B1 refrigerant liquid lines 6 inches (152 mm) and smaller, Group A2, A3, B2 or B3 refrigerant liquid lines sizes 2 inches (51 mm) through 6 inches (152 mm), and all refrigerant suction and discharge lines 6 inches (152 mm) and smaller. Type F steel pipe shall not be used for refrigerant lines having an operating temperature less than -20°F. (-29°C.).

1107.4.2 Copper and brass pipe. Standard iron-pipe size, copper and red brass (not less than 80 percent copper) pipe shall conform to ASTM B 42 and ASTM B 43.

1107.4.3 Copper tube. Copper tube used for refrigerant piping erected on the premises shall be seamless copper tube of Type ACR (hard or annealed) complying with ASTM B 280. Where approved, copper tube for refrigerant piping erected on the premises shall be seamless copper tube of Type K, L or M (drawn or annealed) in accordance with ASTM B 88. Annealed temper copper tube shall not be used in sizes larger than a 2-inch (51 mm) nominal size. Mechanical joints shall not be used on annealed temper copper tube in sizes larger than 7/8-inch (22 mm) OD size.

1107.4.4 Copper tube joints. Copper tubing joints used in refrigerating systems containing Group A2, A3, B2 or B3 refrigerants shall be brazed. Soldered joints shall not be used in such refrigerating systems.

1107.4.5 Aluminum tube. Type 3003-0 aluminum tubing with high-pressure fittings shall not be used with methyl chloride and other refrigerants known to attack aluminum.

1107.5 Joints and refrigerant-containing parts in air ducts. Joints and all refrigerant-containing parts of a refrigerating system located in an air duct of an air-conditioning system carrying conditioned air to and from humanly occupied space shall be constructed to withstand, without leakage, a pressure of 150 percent of the higher of the design pressure or pressure relief device setting.

1107.6 Exposure of refrigerant pipe joints. Refrigerant pipe joints erected on the premises shall be exposed for visual inspection prior to being covered or enclosed.

1107.7 Stop valves. All systems containing more than 6.6 pounds (3 kg) of a refrigerant in systems using positive-displacement compressors, shall have stop valves installed as follows:

1. At the inlet of each compressor, compressor unit or condensing unit.
2. At the discharge outlet of each compressor, compressor unit or condensing unit and of each liquid receiver.

EXCEPTIONS:

1. Systems that have a refrigerant pumpout function capable of storing the entire refrigerant charge in a receiver or heat exchanger.
2. Systems that are equipped with provisions for pumpout of the refrigerant using either portable or permanently installed recovery equipment.
3. Self-contained systems.

1107.7.1 Liquid receivers. All systems containing 100 pounds (45 kg) or more of a refrigerant, other than systems utilizing nonpositive displacement compressors, shall have stop valves, in addition to those required by Section 1107.7,

on each inlet of each liquid receiver. Stop valves shall not be required on the inlet of a receiver in a condensing unit, nor on the inlet of a receiver which is an integral part of the condenser.

1107.7.2 Copper tubing. Stop valves used with soft annealed copper tubing or hard-drawn copper tubing 7/8-inch (22 mm) OD standard size or smaller shall be securely mounted, independent of tubing fastenings or supports.

1107.7.3 Identification. Stop valves shall be identified where their intended purpose is not obvious. Numbers shall not be used to label the valves, unless a key to the numbers is located near the valves.

NEW SECTION

WAC 51-32-1108 Field test.

1108.1 General. Every refrigerant-containing part of every system that is erected on the premises, except compressors, condensers, vessels, evaporators, safety devices, pressure gauges and control mechanisms that are listed and factory tested, shall be tested and proved tight after complete installation, and before operation. Tests shall include both the high- and low-pressure sides of each system at not less than the lower of the design pressures or the setting of the pressure-relief device(s). The design pressures for testing shall be those listed on the condensing unit, compressor or compressor unit nameplate, as required by ASHRAE 15-1994.

EXCEPTIONS:

1. Gas bulk storage tanks that are not permanently connected to a refrigeration system.
2. Systems erected on the premises with copper tubing not exceeding 5/8-inch (16 mm) OD, with wall thickness as required by ASHRAE 15-1994, shall be tested in accordance with Section 1108.1, or by means of refrigerant charged into the system at the saturated vapor pressure of the refrigerant at 70°F. (21°C.) or higher.
3. Limited-charge systems equipped with a pressure relief device, erected on the premises, shall be tested at a pressure not less than one and one-half times the pressure setting of the relief device. If the equipment has been tested by the manufacturer at one and one-half times the design pressure, the test after erection on the premises shall be conducted at the design pressure.
4. Where a compressor is used as a booster to obtain an intermediate pressure and discharges into the suction side of another compressor, the booster compressor shall be considered a part of the low side, provided that it is protected by a pressure relief device.
5. In field-testing systems using centrifugal or other nonpositive displacement compressors, the entire system shall be considered as the low-side pressure for field test purposes.

1108.2 Test gases. Tests shall be performed with an inert dried gas including, but not limited to, nitrogen or carbon dioxide. Oxygen, air, toxic or combustible gases, and mixtures containing such gases, shall not be used.

1108.3 Test apparatus. The means used to build up the test pressure shall have either a pressure-limiting device or a pressure-reducing device and a gauge on the outlet side.

1108.4 Declaration. A certificate of test shall be provided for all systems containing 55 pounds (25 kg) or more of refrigerant. The certificate shall give the name of the refrigerant and the field test pressure applied to the high side

and the low side of the system. The certification of test shall be signed by the installer and shall be made part of the public record.

ARTICLE 63—REFRIGERATION

NEW SECTION

WAC 51-34-6301 Scope.

6301.1 This article shall govern the design, installation, construction and repair of refrigeration systems that vaporize and liquify a fluid during the refrigerating cycle. Refrigerant piping design and installation, including pressure vessels and pressure relief devices, shall conform to this code. Permanently installed refrigerant storage systems and other components shall be considered as part of the refrigeration system to which they are attached.

6301.2 Refrigeration unit and system installations having a refrigerant circuit containing more than 220 pounds (100 kg) of Group A1 or 30 pounds (13.6 kg) of any other group refrigerant shall be in accordance with Article 63 and the Mechanical Code. See the Mechanical Code for refrigerant group descriptions. See also Sections 8001.1.2 and 8002.

EXCEPTION: The chief is authorized to exempt temporary or portable installations.

6301.3 Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15 - 1994. Ammonia refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15 - 1994 and IAR 2 - 1992.

NEW SECTION

WAC 51-34-6302 Classification.

Refrigerants shall be classified into groups in accordance with the Mechanical Code. See Appendix VI-F.

NEW SECTION

WAC 51-34-6303 Definitions.

For definitions of IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH), LOWER FLAMMABILITY LIMIT (LFL), PERMISSIBLE EXPOSURE LIMIT (PEL) and REFRIGERANT, See Article 2. For refrigerant groups, see Appendix VI-F.

NEW SECTION

WAC 51-34-6304 Permits and plans.

For a permit to install or operate a refrigeration system, see Section 105, Permit r.2. When required by the chief, applications for permits shall also be in accordance with Section 8001.3.

Plans and specifications for devices and systems required by Article 63 shall be submitted to the fire department for review and approval prior to installation.

NEW SECTION

WAC 51-34-6305 Installation and maintenance.

Refrigeration systems shall be installed and maintained in a safe manner which will minimize the life, health, and fire hazard of the installation. Installation shall be in accordance with the Mechanical Code. Also see Sections 6313.2.4 and 6320.2.

Refrigeration systems shall be safely maintained in an operable condition, free from accumulations of oil, dirt, waste, excessive corrosion, other debris, or leaks.

NEW SECTION

WAC 51-34-6306 Access.

Refrigeration systems shall be accessible to the fire department at all times as required by the chief. See also Sections 6310.2 and 6315.3.

NEW SECTION

WAC 51-34-6307 Emergency control box.

6307.1 Location. When required by Article 63 or the Mechanical Code, control boxes shall be located outside of the building adjacent to a street or at an approved accessible location. All portions of the control box shall be 6 feet (1829 mm) or less above the adjoining grade.

6307.2 Valve Operational Procedure. Valves and switches shall be adequately identified as to the sequential procedure to be followed in the event of an emergency.

6307.3 Control Boxes. Control boxes shall be of iron or steel not less than 0.055 inch (1.4 mm) (16 gage) thickness and provided with a hinged cover and lock.

6307.4 Identification. Control boxes shall be provided with a permanent label on the outside cover reading FIRE DEPARTMENT - EMERGENCY CONTROL BOX and including the name of the refrigerant in the system. Hazard identification in accordance with U.F.C. Standard 79-3 shall be posted inside and outside of the control box.

NEW SECTION

WAC 51-34-6308 Treatment and flaring systems for discharge.

6308.1 General.

6308.1.1 Applicability. Refrigeration systems which are designed to discharge refrigerant vapor to atmosphere shall be provided with an approved treatment or flaring system when required by Section 6308.1. Also see Section 6314.1.

EXCEPTIONS:

1. Ammonia systems complying with Section 6309.
2. Ammonia absorption systems serving a single dwelling unit.

6308.1.2 Toxic and Highly Toxic Refrigerants. Systems containing refrigerants which are toxic or highly toxic shall discharge vapor to atmosphere only through an approved treatment system. Treatment systems shall be in accordance with Sections 8003.3.1.3.5.1, 8003.3.1.3.5.2 and 8003.3.1.3.5.3.

6308.1.3 Flammable Refrigerants. Systems containing refrigerants which are flammable shall discharge vapor to the atmosphere only through an approved treatment or flaring system. Flaring systems shall be in accordance with Section 6308.2.

6308.2 Flaring System Design Requirements. Flaring systems for incineration of flammable refrigerants shall be designed to incinerate the entire discharge. The products of refrigerant incineration shall not pose health or environmental hazards. Incineration shall be automatic upon initiation of discharge, shall be designed to prevent blowback, and shall not expose structures or materials to threat of fire. Standby fuel, such as LP-gas, and standby power shall have the capacity to operate for one and one half the required time for complete incineration of refrigerant in the system.

NEW SECTION

WAC 51-34-6309 Ammonia discharge.

Ammonia refrigeration systems shall be designed and installed in accordance with ASHRAE 15 - 1994 Section 9.7.8.2, Ammonia Discharge.

EXCEPTION: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors provided that the discharge is shielded and dispersed.

NEW SECTION

WAC 51-34-6310 Refrigeration machinery rooms.

6310.1 When Required. Where required by UMC Table 1104.2(1), a machinery room shall be provided to enclose refrigeration systems located indoors. Access to the machinery room shall be restricted to authorized personnel. For rooms where occupational exposure could occur, see WAC 296-62-07515 and 296-62-3112.

6310.2 Dimensions. A machinery room shall be dimensioned so as to provide clearances required by UMC Chapter 3. There shall be clear head room of not less than 7 feet 3 inches (2210 mm).

6310.3 Exits. Exits shall comply with Uniform Building Code Section 1020 - Special Hazards.

Each machinery room shall be provided with a minimum of one exit door that opens directly to the outside.

EXCEPTION: Self-closing, tight-fitting doors opening into a vestibule leading directly outside.

6310.4 Refrigerant-vapor Alarms. Machinery rooms shall contain a refrigerant vapor detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant vapor from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1. Detectors and alarms shall be placed in approved locations.

EXCEPTION: Detectors are not required for ammonia systems complying with UMC Section 1106.8.

6310.5 Separation. Refrigeration machinery rooms shall be separated from other portions of the building as required in the special hazards provisions of the Building Code.

Penetrations shall be sealed to inhibit the passage of refrigerant vapor.

6310.6 Combustion Air and Return Air. Combustion air or return air shall not be taken from or through a refrigeration machinery room.

EXCEPTIONS:

1. Refrigeration machinery rooms used exclusively for direct-fired absorption equipment.
2. Direct-vented combustion equipment.

6310.7 Special Requirements. Open flames that use combustion air from the machinery room shall not be installed in a machinery room.

EXCEPTIONS:

1. Matches, lighters, halide leak detectors and similar devices.
2. Where the refrigerant is carbon dioxide or water.
3. Fuel burning equipment shall not be prohibited in the same machinery room with refrigerant - containing equipment where combustion air is ducted from outside the machinery room and sealed in such a manner as to prevent any refrigerant leakage from entering the combustion chamber, or where a refrigerant vapor detector is employed to automatically shut off the combustion process in the event of refrigerant leakage.

NEW SECTION

WAC 51-34-6311 Refrigeration machinery room ventilation.

6311.1 General. Machinery rooms shall be mechanically ventilated to the outdoors. Mechanical ventilation shall be capable of exhausting the minimum quantity of air both at the normal operating and emergency conditions. Multiple fans or multispeed fans shall be allowed in order to produce the emergency ventilation rate to obtain a reduced airflow for normal ventilation.

EXCEPTION: Where a refrigerating system is located outdoors more than 20 feet (6096 mm) from any building opening and is enclosed by a penthouse, lean - to or other structure, natural or mechanical ventilation shall be provided in accordance with UMC Section 1105.9.

6311.2 Distribution of Ventilation. Provisions shall be made for supply air to replace that being exhausted. Openings for supply air shall be located to avoid intake of exhaust air. Air supply and exhaust ducts to the machinery room shall comply with the provisions of UMC Section 1105.9.

6311.3 Intermittent Control of Ventilation Systems. Fans providing refrigeration machinery room temperature control or automatic response to refrigerant vapor are allowed to be automatically controlled to provide intermittent ventilation as conditions require.

6311.4 Emergency Control of Ventilation Systems. Fans providing emergency purge ventilation for refrigerant escape shall have a clearly identified switch of the break-glass type providing on-only control immediately adjacent to and outside of each refrigerant machinery room exit. Purge fans shall also respond automatically to the refrigerant concentration detection system set to activate the ventilation system at values not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1. Ventilation equipment in ammonia machinery rooms equipped with a refrigerant vapor detector that will automatically start the ventilation

system and actuate an alarm may be set at detection levels which exceed those in UMC Table 1104.1 but such detection level setting shall not exceed 1,000 ppm. An emergency purge control shall be provided with a manual reset only.

6311.5 Central Control of Ventilation Systems. Mechanical ventilation systems shall have switches to control power to each fan. The switches shall be key operated or within a locked glass-covered enclosure at an approved location adjacent to and outside of the principal entrance to the machinery room. Necessary keys shall be located in a single approved location. Switches controlling fans providing continuous ventilation shall be of the two-position, on/off type. Switches controlling fans providing intermittent or emergency ventilation shall be of the three-position, automatic/on/off type. Switches shall be labeled identifying both function and specific fan controlled. Two-colored and labeled indicator lamps responding to the differential pressure created by air flow shall be provided for each switch. One lamp shall indicate flow, the other shall indicate no flow.

6311.6 Ventilation Discharge. Exhaust from mechanical ventilation systems shall be discharged 20 feet (6096 mm) or more from a property line or openings into buildings. Also see Section 6308.

6311.7 Fans. Fans and associated equipment intended to operate the emergency purge of other than Group A1 or Group B1 refrigerants shall meet the requirements for a Class I, Division 1 hazardous location as specified in the Electrical Code.

EXCEPTION: Ammonia machinery rooms.

6311.8 Ventilation Intake. Makeup-air intakes to replace the exhaust air shall be provided to the refrigeration machinery room directly from outside the building. Intakes shall be located as required by the Mechanical Code and fitted with backdraft dampers or similar approved flow-control means to prevent reverse flow. Distribution of makeup air shall be arranged to provide thorough mixing within the refrigeration machinery room to prevent short circuiting of the makeup air directly to the exhaust.

6311.9 Ventilation Rate. Ventilation rate shall be in accordance with the Building and Mechanical Codes.

NEW SECTION

WAC 51-34-6312 Refrigerated process and storage areas.

Refrigerant quantities in evaporators and piping within rooms or spaces used exclusively for processing or storage of materials under refrigerated conditions shall not be limited provided that exiting is provided in accordance with the Building Code for special hazards and:

1. The refrigerated room or space is equipped with a refrigerant vapor-detection and alarm system complying with Section 6313, and
2. The refrigerated room or space is sealed from all other portions of the building by vaportight construction and tightfitting, gasketed doors.

EXCEPTION: Adjoining refrigerated rooms need not be separated by vaportight construction.

NEW SECTION

WAC 51-34-6313 Detection and alarm systems.

6313.1 General. When required by this article, approved refrigerant vapor-detection devices shall be connected to alarm systems utilizing listed fire alarm signaling devices capable of generating a sound level of at least 15dB above the operating ambient sound pressure level of the space in which they are installed and providing an approved, distinctive audible and visual alarm. See Sections 6314.1 and 8003.1.15.

6313.2 Detection Thresholds.

6313.2.1 Alarm. Refrigerant vapor alarms shall be activated at a value not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1.

EXCEPTION: Alarms in ammonia machinery rooms may be activated by a detector setting not to exceed 1,000 ppm when the activation of the detector will automatically start the ventilation system.

6313.2.2 Power and Supervision. Detection and alarm systems shall be powered and supervised as required for fire alarm systems in accordance with U.F.C. Standard 10-2.

6313.2.3 Monitoring and Annunciation. Detection and alarm systems shall be remotely annunciated at an approved constantly attended location as required for fire alarm systems in accordance with Article 10.

6313.2.4 Installation and Maintenance. Detection and alarm systems shall be installed and maintained as required for fire alarm systems in accordance with Article 10 and U.F.C. Standards 10-2 and 10-4. Also see Section 6320.1.

NEW SECTION

WAC 51-34-6314 Refrigeration machinery room equipment and controls.

6314.1 General. Equipment, piping, ducts, vents or similar devices which are not essential for the refrigeration process, maintenance of the equipment, or illumination, ventilation, or fire protection of the room shall not be placed in or pass through a refrigeration machinery room.

Equipment essential to the refrigeration process often includes, but is not always limited to, the following: refrigeration compressors; condensing units; pumps, associated piping and automatic control valves for refrigerant, condenser water, and brine or chilled water; refrigeration control devices and panels; machinery room ventilation equipment; cooling towers or portions thereof; refrigerant receivers and accumulators; refrigerant vapor-detection and alarm systems; machinery room fire sprinkler system exclusive of shutoff valves; machinery room lighting and service receptacles; and motor control centers and electrical panels for machinery room systems.

6314.2 Electrical. Electrical equipment and installations shall comply with the Electrical Code. The refrigeration machinery room shall not be required to be classified as a hazardous location for electrical equipment except as provided in the Mechanical Code and Article 63.

6314.3 Storage. Storage of materials in a refrigeration machinery room shall be in accordance with other applicable articles of this code.

6314.4 Emergency Control. A clearly identified switch of the break-glass type providing off-only control of electrically energized equipment and devices within the refrigeration machinery room shall be provided immediately adjacent to and outside of each refrigeration machinery room exit.

NEW SECTION

WAC 51-34-6315 Refrigerant control valves.

6315.1 Location. Stop valves shall be installed in the refrigerant piping of a refrigeration system at the following locations:

1. At the inlet and outlet of a positive-displacement-type compressor, compressor unit or condensing unit,
2. At the refrigerant outlet from a liquid receiver, and
3. At the refrigerant inlet of a pressure vessel containing liquid refrigerant and having an internal gross volume exceeding 3 cubic feet (85 L).

- EXCEPTIONS:**
1. Systems with nonpositive-displacement compressors.
 2. Systems having a pump-out receiver for storage of the charge.
 3. Systems containing less than 110 pounds (50 kg) of Group A1 refrigerant.
 4. Self-contained systems do not require a stop valve at the inlet of the receiver.

6315.2 Support. Stop valves installed in copper refrigerant lines of 7/8 inch (22 mm) or less outside diameter shall be securely supported independently of the tubing or piping.

6315.3 Access. Stop valves required by Section 6315 shall be readily accessible from the refrigeration machinery room floor or a level platform.

6315.4 Identification. Stop valves shall be identified by tagging in accordance with Section 6319. A valve chart shall be mounted under glass at an approved location near the principal entrance to a refrigeration machinery room.

6315.5 Piping Identification. Piping shall be identified in accordance with Section 6319. The type of refrigerant, function and pressure shall be indicated.

NEW SECTION

WAC 51-34-6316 Protection from mechanical damage.

Refrigeration systems and portions thereof shall not be located in an elevator shaft, dumbwaiter shaft, or a shaft having moving objects therein, nor in a location where they will be subject to mechanical damage. Equipment subject to vehicular damage shall be protected in accordance with Section 8001.9.3.

NEW SECTION

WAC 51-34-6317 Electrical.

6317.1 General. Electrically energized components of refrigeration systems shall conform to the Electrical Code. See also Section 6314.2.

6317.2 Secondary Source. When treatment, detection or alarm systems are required, such systems shall be connected to a secondary source of power to automatically supply electrical power in the event of loss of power from the primary source. See Electrical Code.

NEW SECTION

WAC 51-34-6318 Instructions.

The person in charge of premises on which a refrigeration unit or system is installed shall provide an approved card located in the emergency control box designating:

1. Instructions for suspending operation of the system in the event of an emergency,
2. The name, address, and emergency telephone numbers to obtain emergency service,
3. The name, address, and telephone number of the fire department with instructions to notify the fire department in the event of an emergency,
4. The names, addresses, and telephone numbers of all corporate, local, state, and federal agencies to be contacted as required in the event of a reportable incident, and,
5. The location and operation of emergency discharge systems when such systems are required by Article 63.

NEW SECTION

WAC 51-34-6319 Emergency signs and labels.

Refrigeration units or systems shall be provided with approved emergency signs, charts, and labels in accordance with the Mechanical Code, U.F.C. Standard 79-3, and the Mechanical Code (see U.M.C. Standard 11-2). See also Appendix VI-F.

NEW SECTION

WAC 51-34-6320 Testing of equipment.

6320.1 Acceptance Testing. The following emergency devices or systems shall be tested to demonstrate their safety and effectiveness upon completion or alteration:

1. Treatment and flaring systems,
2. Ammonia diffusion systems,
3. Valves and appurtenances necessary to the operation of emergency refrigeration control boxes,
4. Fans and associated equipment intended to operate emergency purge ventilation systems, and
5. Detection and alarm systems.

Fire alarm systems shall be tested in accordance with U.F.C. Standards 10-2 and 10-4.

6320.2 Periodic Testing. The following emergency devices or systems shall be tested in accordance with the manufacturer's instructions and as required by the chief:

1. Treatment and flaring systems,
2. Valves and appurtenances necessary to the operation of emergency refrigeration control boxes,
3. Fans and associated equipment intended to operate emergency purge ventilation systems, and
4. Detection and alarm systems. See Section 6313.2.4. Also see Section 6305.

6320.3 Records. A written record of required testing shall be maintained on the premises.

6320.4 Frequency of Testing. Unless otherwise required by the chief, testing frequency shall be in accordance with Section 6320.2.

6320.5 Personnel Qualifications. Tests of emergency devices or systems required by Article 63 shall be conducted by approved persons.

NEW SECTION

WAC 51-34-6321 Notification of discharges.

The fire department shall be notified immediately upon discharge of refrigerant, whether automatic or manual. Refrigerant shall not be discharged except in an emergency. Notification shall comply with Section 8001.5.2.2.

EXCEPTIONS:

1. Refrigeration systems operating at pressures below atmospheric and incorporating automatic purge cycles.
2. Incidental operation of automatic pressure-relief valves resulting in minor release of the refrigerant charge.
3. Incidental minor releases associated with service operations after system pump down has been accomplished.

NEW SECTION

WAC 51-34-6322 Storage, handling and use.

Flammable and combustible materials shall not be stored in machinery rooms. Storage, use, and handling of extra refrigerant or refrigerant oils shall be as required by other articles of this code. See Articles 74, 75, 79, and 80 for storage, use, and handling other than within refrigeration systems.

EXCEPTION: Spare parts, tools, and incidental materials necessary for the safe and proper operation and maintenance of the system.

NEW SECTION

WAC 51-34-6323 Changing of refrigerant type.

Refrigerant types shall not be changed without prior notification and approval of the chief.

NEW SECTION

WAC 51-34-6324 Records.

The person in charge of the premises on which a refrigeration unit or system subject to these regulations is installed or maintained shall keep a written record of refrigerant quantities brought onto and removed from the premises. Such records shall be available to the fire department.



**WSR 97-01-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 96-206—Filed December 5, 1996, 12:02 p.m.]

Date of Adoption: December 5, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07300I; and amending WAC 220-52-073.

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: The non-Indian share of green sea urchins has been taken in Marine Fish/Shellfish Management and Catch Reporting Areas 26A, 26B, 26C, 26D, and 28A.

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 1.

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.

December 5, 1996

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-52-07300J Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) **Red sea urchins:** Sea Urchin District 1, 2, 3, and 4 are open only on December 9, 10, 16, 17, 22, and 23, 1996, and January 6, 7, 13, and 14, 1997. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

(a) Districts 1 and 2 4.0 minimum to 5.5 maximum inches.

(b) Districts 3 and 4 3.25 minimum to 5.0 maximum inches.

(2) **Green sea urchins:** Sea Urchin Districts 1, 2, 3, 4, and Marine Fish/Shellfish Management and Catch Reporting

Areas 24A, 24B, 24C, and 24D are open only on December 9, 10, 16, 17, 22, and 23, 1996, and January 6, 7, 13, and 14, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) Sea Urchin Districts

(a) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(4) It is unlawful for any person to dive for any purpose from a commercially-licensed fishing vessel, designated for use with a sea urchin fishery license, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on the following dates:

December 7, 8, 14, 15, 20, and 21, 1996

January 4, 5, 11, and 12, 1997.

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 220-52-07300I Sea urchins. (96-198)

**WSR 97-01-007
EMERGENCY RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed December 6, 1996, 11:42 a.m.]

Date of Adoption: December 5, 1996.

Purpose: To allow greater tax deferrals for TIAA/CREF participants; to simplify plan administration; and to reflect greater flexibility and improved access to TIAA/CREF account funds for participants.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-010, 131-16-011, 131-16-021, 131-16-050, and 131-16-060.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

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: To achieve the maximum tax deferral advantage for affected employees, the new rule must go into effect at the beginning of the tax year—January 1, 1997. The rules were not completed with the retirement plan consultants until after the filing deadline.

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 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, 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 5, repealed 0.

Effective Date of Rule: Immediately.

December 6, 1996
Claire C. Krueger
Executive Assistant

Proposed Amendments to State Board Rules
For the TIAA/CREF Retirement Plan

December 5, 1996

[AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91)]

WAC 131-16-010 Designation of community and technical college system retirement plan. There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall entitle such employees to purchase retirement annuities from the teachers insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called the TIAA/CREF plan, subject to the provisions of WAC 131-16-011 through 131-16-066. This retirement plan is intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. Notwithstanding the previous sentence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended.

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.

[AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91)]

WAC 131-16-011 Definitions. For purposes of WAC 131-16-((005))010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any ~~((individual))~~ employee who is eligible to purchase retirement annuities through the TIAA/CREF plan ~~((and whose required contribution to such plan is matched by the employing college district or the state board pursuant to the provisions of WAC 131-16-050.))~~ who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system: *And provided further*, That not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjust to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable

interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community and technical colleges as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

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.

[AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91)]

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or who otherwise would be eligible for membership in the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section spring and fall quarters shall be considered as consecutive periods of employment.

~~(7) ((Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the initial date of employment.))~~ As a condition of employment, all employees who become eligible on or after January 1, 1997 shall participate pursuant to an irrevocable salary reduction agreement. Such participation shall commence upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

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.

[AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91)]

WAC 131-16-050 Contribution rates established. (1) Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty-five (35); ~~((and))~~ seven and one-half percent of salary for each pay period thereafter ((and the employing district or state board shall contribute a like sum-)) through and including age forty-nine (49); and ten percent of salary each pay period after attaining age fifty (50). Employees who are participants on December 31, 1996 shall make a one-time, irrevocable election to contribute to the plan on a pre-tax or after-tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. ~~((A participant may further elect to increase the rate to ten percent of salary each pay period after attaining age fifty and the employing district or state board shall contribute a like sum-))~~ Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402 (g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be 100 percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant.

(2) College district or state board employees who are members of retirement plans other than the TIAA/CREF plan may participate in the TIAA/CREF plan, without a matching employer contribution through the deferred annuity purchase agreements with the employing college district or the state board, to the extent allowed by the applicable United States Internal Revenue Code provisions.

(3) In addition to the required salary reduction or deduction agreement in paragraph (1) of this section, ((Any)) an eligible employee may enter into ((an)) a voluntary agreement with the college district or state board to reduce the employee's monthly salary by ((the amount of the

~~required employee's monthly contribution and any)) a supplemental amount, within the limits of the Internal Revenue Code. ((: *Provided*, That no more than one agreement for such salary reduction may be made within any tax year of the employee, except to the extent otherwise permitted by the Internal Revenue Code.))~~

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.

[AMENDATORY SECTION (Amending WSR 93-01-015, filed 12/4/92)]

~~WAC 131-16-060 ((Repurchase of annuity contract under certain conditions. In the event a participant leaves the employ of all Washington community and technical college districts and the state board and the participant requests repurchase of his or her TIAA/CREF accumulation, such repurchase is authorized: *Provided*, That TIAA/CREF's published repurchase guidelines applicable to the participant's contract are followed.)) Cashability. Notwithstanding WAC 131-16-062(1), upon termination of employment at all community and technical college districts and the state board for at least 180 consecutive calendar days, a participant may elect to receive a lump sum payment of his or her TIAA/CREF account pursuant to the settlement options being made available by TIAA/CREF at that time.~~

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 97-01-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 96-207—Filed December 10, 1996, 2:27 p.m.]

Date of Adoption: December 9, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-040.

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 administer state-tribal management plan for the Coastal Dungeness Crab Fishery 1996-97 season between Washing-

ton Department of Fish and Wildlife and the Quinault Indian Nation. The Quinaults adopted a corresponding regulation.

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.

December 9, 1996

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-52-04000C Crab fishery-Lawful and unlawful. Notwithstanding the provisions of WAC 220-52-040, effective immediately until further notice, it shall be unlawful for any person to use more than 200 crab pots to take or fish for Dungeness crab for commercial purposes in Grays Harbor.

WSR 97-01-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Order 96-208—Filed December 10, 1996, 2:30 p.m.]

Date of Adoption: December 9, 1996.

Purpose: Declare emergency and allow for custody or destruction of dogs harassing deer or elk.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-12-31500C; and amending WAC 232-12-315.

Statutory Authority for Adoption: RCW 77.12.315.

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: Heavier than expected snowfall in eastern Washington has forced deer to lower elevations where harassment by dogs has been observed. In order to protect the deer population, and, later elk population in these counties, it is necessary to allow enforcement officers to take dogs into custody and if necessary to destroy dogs.

EMERGENCY

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 1.

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.

December 9, 1996

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 232-12-31500D Declaration of emergency for custody or destruction of dogs harassing deer and elk. Effective immediately until further notice an emergency is declared in the following Washington State counties, and it is lawful for fish and wildlife officers to take into custody or destroy, if necessary, any dog that is pursuing, harassing, attacking or killing deer or elk:

- (1) Okanogan County
- (2) Douglas County
- (3) Chelan County
- (4) Kittitas County
- (5) Grant County
- (6) Adams County
- (7) Yakima County
- (8) Ferry County
- (9) Lincoln County
- (10) Pend Oreille
- (11) Spokane County
- (12) Stevens County

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-31500C Declaration of emergency for custody or destruction of dogs harassing deer and elk. (96-205)

**WSR 97-01-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Filed December 10, 1996, 2:32 p.m., effective January 1, 1997]

Date of Adoption: December 6, 1996.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-240 and 220-56-305.

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: To adopt recreational sturgeon regulations that are part of the 1997-99 sturgeon management plan negotiated by Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife in a manner to be consistent with Oregon's effective date of January 1, 1997.

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 2, 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: January 1, 1997.

December 6, 1996

Lisa Pelly
for Bern Shanks
Director

NEW SECTION

WAC 220-56-24000F Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. Notwithstanding the provisions of WAC 220-56-240, effective January 1, 1997 until further notice, it is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use.

(1) Sturgeon:

(a) It is unlawful to fish from a floating device downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) 1 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam;

(ii) Maximum size is 60 inches in length.

(c) The possession limit is two daily limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use limit of 10 sturgeon.

(2) Smelt: 20 pounds. The daily limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

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

(4) All other food fish not otherwise provided for in this chapter: No limit.

NEW SECTION

WAC 220-56-30500A Sturgeon—Catch and release. Notwithstanding the provisions of WAC 220-56-305, effective January 1, 1997 until further notice, it is unlawful to retain sturgeon taken from:

(1) Those waters of the Snake River or tributaries upstream from Lower Granite Dam;

(2) Those waters of the Columbia River and tributaries upstream from Priest Rapids Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 1997:

WAC 220-56-24000E Sturgeon—Seasons and areas. (96-169)

**WSR 97-01-041
EMERGENCY RULES
EASTERN WASHINGTON UNIVERSITY**

[Filed December 11, 1996, 9:10 a.m.]

Date of Adoption: November 22, 1996.

Purpose: To implement rule changes which amend the sections of the student conduct code for the purpose of clarifying or describing new expectations and processes regarding the relationship between civil and criminal laws and university disciplinary proceedings; activities which violate the university's expectations of conduct, including new sections on sexual misconduct and harassment, hazing, and abuse of computing facilities. Also, to amend potential sanctions and the disciplinary proceedings used in enforcing appropriate student conduct. Student rights under the code are also amended and the section on academic misconduct repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 172-120-150; and amending WAC 172-120-020, 172-120-030, 172-120-040, 172-120-050, 172-120-060, 172-120-070, 172-120-080, 172-120-090, 172-120-100, 172-120-110, 172-120-120, 172-120-130, and 172-120-140.

Statutory Authority for Adoption: RCW 28B.35.120.

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: Amendments have been made to preserve the safety of students, and to permit appropriate disciplinary action by the university when violations occur. Emergency adoption permits the changes to apply to incom-

ing fall, 1996, students as amendments are prepared for public comment and permanent adoption.

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 1, amended 12, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 12, repealed 1.

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.

December 9, 1996

Jo Rogers, Director
Administrative Personnel
and University Training

NEW SECTION

WAC 172-120-015 Definitions. For purposes of the student conduct code, chapter 172-120 WAC, the definitions of this section apply throughout the chapter.

(1) "Student" includes all persons taking courses at the university, both full and part time. Nonmatriculated, international students attending language institutes or foreign study programs at the university are also considered students under the terms of this code.

(2) "University" refers to the facilities, property, programs, activities and members of the Eastern Washington University community.

AMENDATORY SECTION (Amending Order 1-22-81, filed 2/25/81)

WAC 172-120-020 Interest of the university relevant to a student code. The university is a special-purpose, as opposed to general-purpose community, and as such must devise procedures and regulations to control disruptive elements which would deter the university from furthering its mission—providing learning experiences for its students, transmitting and advancing knowledge and providing services to the greater community. Special university interests provide a foundation for building a code of conduct.

(1) The university has a primary concern with matters which impinge ~~((upon))~~ on academic achievement and integrity.

(2) The university has a concern with conduct which breaches the peace, causes disorder~~((s))~~ and substantially interferes with the rights of others.

(3) The university has an interest in behavior which threatens or actions which imperil the physical and mental health and safety of members of the university community.

(4) The university has an obligation to protect its property and the property of members of its community from theft, damage, destruction~~((s))~~ or misuse.

EMERGENCY

(5) The university has a commitment to meet its contractual agreements.

(6) The university has an obligation to support and be guided by laws of the land.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-030 (~~The problems of dual membership~~) Relationship between civil and criminal laws and university disciplinary proceedings. (~~Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. Students who incidentally violate institutional regulations in the course of their off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.~~) Many offenses actionable under this code are also violations of federal, state or local laws. A student may face criminal and civil prosecution as well as university disciplinary action for violation of these laws. The university reserves the right to initiate action for offenses that have an impact on the educational or administrative functions or the general well-being of the university. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings in the courts. University proceedings are not subject to challenge or dismissal referencing, as a basis, that criminal charges involving the same incident have been dismissed or reduced.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-040 Conduct code. The following are defined as offenses which are subject to disciplinary action by the university. The university has the authority to promulgate additional or more specific rules supplementary to the offenses listed in this section (~~provided they are consistent with the student bill of rights in effect at the time and public notification has been given~~).

(1) Dishonesty and misrepresentation. All forms of academic dishonesty (including but not limited to cheating and plagiarism), knowingly furnishing false information to the university, forgery, alteration or misuse of university documents, records or instruments of identification (~~with intent to defraud~~).

(2) Disruptive conduct. Conduct which intentionally disrupts or obstructs teaching, research, administration, disciplinary proceedings, freedom of movement or other lawful activities on the university campus.

(3) Physical abuse and threat of physical abuse. Detention (~~or~~), physical abuse, threats, intimidation or coercion of any person, or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the university, or at any university-sponsored or supervised functions.

(4) Sexual misconduct. Sexual misconduct includes, but is not limited to:

(a) Unwanted verbal (including telephone), written (including electronic media), pictorial or physical conduct of a sexual nature which a reasonable person would consider to be harassing, intimidating, hostile, offensive and/or which adversely affects the learning or living environment of the campus;

(b) Unwanted, forceful, sexual contact. The use of force may include, but is not limited to use of body weight, pushing or hitting, coercion or threats;

(c) The use of force (body weight, hitting or pushing, use of a weapon, threats to kidnap or kill, for example) to overcome earnest resistance to engaging in sexual intercourse. Earnest resistance may be verbal, physical or both;

(d) Sexual intercourse, when the victim is incapable of consent by reason of mental incapacity, drug/alcohol intoxication or physical helplessness, and force is or is not used.

(5) Harassment. Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being is prohibited. Harassment is defined as conduct which has the purpose or effect or unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment.

(6) Property violations. Theft from, or malicious damage to, or malicious misuse of university property or the property of any person, when such property is located on the university campus.

~~((5))~~ (7) Failure to comply with a proper order.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus.

~~((6) Being an accessory to any person on the university campus who is or who is not a member of the associated students of Eastern Washington University who violates this code.~~

~~((7))~~ (b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so or the violation of sanctions imposed after such proceedings.

(8) Alcohol and substance violations.

(a) Use, possession, distribution, or sale of alcoholic beverages except as permitted by university policy and state law on university premises or in university-controlled facilities.

(b) Use, possession, distribution, or sale of any controlled substance or illegal drug on university premises or in university-controlled facilities.

~~((8))~~ (9) Possession of weapons. No individual shall have on his/her person, in his/her vehicle (~~or~~) or otherwise in his/her possession any gun, pistol, or firearm or explosives, dangerous chemicals or other dangerous weapons or instruments on the university campus or other university property except as follows:

(a) Authorized law enforcement officers (~~shall be~~) are permitted to carry arms while on duty and engaged in their regular duties.

(b) Activities requiring use of the prohibited items may be conducted ~~((upon))~~ on approval of the activity by the board of trustees.

(c) Persons ~~((shall be))~~ are permitted to have firearms in their possession directly ~~((enroute))~~ en route to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms.

~~((9))~~ (10) Violation of local, county, state or federal law. Violation of a local, county, state, or federal law, whether it be on-campus or off-campus, only when a definite university interest is involved and where the student misconduct distinctly and adversely affects the university's pursuit of its educational mission.

~~((10))~~ (11) Incitement. Intentionally inciting others to engage in any of the conduct prohibited in this code, which incitement leads directly to such conduct.

~~((11))~~ (12) Assisting conduct violations. Being an accessory to any person on the university campus who is or who is not a member of the associated students of Eastern Washington University who violates this code. The unauthorized entry into or onto, or the unauthorized remaining in, or upon, any public or university facilities.

~~((12))~~ (13) Attempted violations. All attempts to perform acts of misconduct prohibited by this section ~~((shall))~~ are also ~~((be))~~ subject to disciplinary action.

(14) Trespass. The unauthorized entry into or onto, or the unauthorized remaining in or on any public or university facilities.

(15) Disorderly conduct. Disorderly or obscene conduct on university property or at university-sponsored events.

(16) Violation of university policies. Violation of the university general conduct code, chapter 172-122 WAC.

(17) Abuse of computing facilities. Theft or other abuse of computer facilities, access or time as defined in university computing guidelines and policies.

(18) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(19) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(20) Demonstration. Participation in a campus demonstration which violates the university regulations governing campus assembly and peaceful demonstration.

(21) Hazing. Any action required of or imposed on current or potential members of an organization or group which, regardless of location of the incident or consent of the participant(s):

(a) Produces or is reasonably likely to produce bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation or ridicule; or

(b) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations or policies, or which is known by the compelling person(s) to be contrary to the individual's moral or religious beliefs.

(22) Group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in subsections (1) through (22) of this

section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-050 Sanctions. ~~((If any person is found guilty, one or more of the sanctions available shall be:))~~ If any student or student organization is found to have violated any of the offenses enumerated at WAC 172-120-040, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions.

(1) Minor disciplinary sanction:

(a) Admonition: An oral statement to a student that he/she is violating ~~((or has violated institution))~~ university rules and regulations.

(b) Warning: Notice, orally or in writing, that continuation or repetition of conduct found wrongful, within a specified period of time stated in the warning, may cause ~~((far))~~ more severe disciplinary action.

(c) Censure: A written reprimand for violation of specified regulations, including notice of the possibility of more severe disciplinary sanctions in the event of the finding of a violation of any regulation within a stated period of time.

(d) Disciplinary probation: Formal action placing condition ~~((upon))~~ on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions~~((s))~~ which may include conditions such as limiting the student's participation in university-related ~~((privileged))~~ privileges or extra-curricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the university. Disciplinary probation shall be for a specified period of time.

(e) Restitution: Reimbursement for damage or destruction to the property of the university or others for loss of property as a result of theft or negligence, or for medical expenses from violations of this code. This may take the form of appropriate service or other compensation. Failure to make arrangements to pay will result in cancellation of the student's registration and will prevent the student from ~~((re-registration))~~ future registration until the conditions of sanction are satisfied.

(f) Fines: The disciplinary officer and the university disciplinary committee may assess monetary fines up to a maximum of two hundred dollars against individual students for violation of university rules or regulations or for failure to meet the university's standards of conduct. Failure to pay promptly such fines ~~((promptly))~~ will prevent the student from ((re-registration)) future registration. Failure to pay may result in additional sanctions. Appeal through chapter 172-124 WAC is solely to dispute the existence of the alleged debt and not to rehear the matter which resulted in the sanction of the fine itself.

(g) Loss of privileges: Denial of specified privileges for a designated period of time.

(h) Discretionary sanctions: Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed to the disciplinary officer or judicial body.

(i) Loss of financial aid: In accordance with RCW 28B.30.125, a person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time.

(j) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) Suspension: Exclusion from classes and other privileges or activities as set forth in a written notice for a specified period of time. Conditions of readmission shall be stated in the order of suspension.

(b) Dismissal: Permanent separation of the student from the university with no promise (implied or otherwise) that the student may return at any future time. The student will also be barred from university premises.

(3) Loss of institutional, financial aid funds. Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time.

(4) Group sanctions:

(a) Probation: Formal action placing conditions on the group's continued recognition by or permission to function at the university. The probationary conditions will apply for a specified period of time. Violation of the conditions of probation or additional violations while under probation may result in more severe sanctions.

(b) Social probation: Prohibition of the group from sponsoring any organized social activity, party or function, or from obtaining a permission for the use of alcoholic beverages at social functions for a specified period of time.

(c) Charter restriction: The temporary withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but may only be imposed by the president of the university or the president's designee.

(d) Charter revocation: The permanent withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but can only be imposed by the president of the university or the president's designee.

(e) Additional sanctions: In addition to or separately from the above, any one or a combination of the following may be concurrently imposed on the group:

(i) Exclusion from intramural competition as a group;

(ii) Denial of use of university facilities for meetings, events, etc.;

(iii) Restitution; and/or

(iv) Fines.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-060 Discipline functionaries. (1) University disciplinary officer:

The university president shall designate a person to be the university disciplinary officer who shall review and decide questions of university interest. The university disciplinary officer may investigate and make decisions in some instances of code violation.

(2) University disciplinary committee:

A university disciplinary committee composed equally of student and faculty representatives will provide a hearing and will make decisions on all disciplinary cases referred or appealed to it. The members of the committee and their terms of office shall be:

(a) ~~(Five)~~ Six members of the faculty and/or administration appointed by the president of the university for three-year terms.

(b) ~~(Five)~~ Six students who shall be appointed by the president of the associated students of Eastern Washington University, with the advice and consent of the associated students legislature, as provided for in the constitution of the associated students of Eastern Washington University for one-year terms. No student shall be eligible for appointment with any position with any of the associated student courts, serves as an attorney general or assistant attorney general in any of the student courts, or is in any way affiliated with any judicial, quasi-judicial, or advocacy position with the courts of the associated students of Eastern Washington University.

(c) A nonvoting chair shall be elected for a one year term by the committee from outside the committee. Reelection of the chair is permissible.

(d) Six voting members constitute a quorum.

(e) In the event the chair is not in attendance, the quorum shall select a voting member to preside at the hearing.

(f) Members of the disciplinary committee shall not participate in any case in which they are a defendant, complainant(s) or witness, in which they have a direct or personal interest or bias, or in which they have acted previously in an advisory or adjudicatory capacity. A committee member's eligibility to participate in a case may be challenged by parties to the case or by other committee members, but decisions in this regard shall be made by the committee as a whole.

(g) In the event members of the disciplinary committee are disqualified or disqualify themselves from hearing a case, a temporary (for that case only) replacement shall be appointed. If the member is a student, the temporary appointment will be made by the associated students of Eastern Washington University president. If the member is a faculty member or administrator, the temporary appointment will be made by the university president.

(3) Student courts:

Student courts, the associated students superior court and those established by the associated students legislature as lesser courts to the associated students superior court, may act on such internal disciplinary problems as they feel competent to deal with effectively. If the student court is inoperative, or if it decides to do so, the student court may

refer cases involving alleged violations of rules (~~upon~~) on which that court may extend jurisdiction to the university disciplinary officer or the university disciplinary committee.

AMENDATORY SECTION (Amending Order 1-22-81, filed 2/25/81)

WAC 172-120-070 Initiation of disciplinary procedures. The object of this code is to provide fair and reasonable procedures with which to deal with problems of student conduct. ~~((The student charged with misconduct shall be entitled to due process as defined in Article II, section 10, of the associated students of Eastern Washington University constitution and WAC 172-120-140.~~

A person wishing to charge a student with a violation of the conduct code may:

(a) ~~Make the charge in a student court if that system has jurisdiction; or~~

(b) ~~Prefer charges with the university disciplinary officer. Nothing in this code shall prohibit or limit the right of persons to go directly to the civil authorities and prefer charges in instances of alleged violations of local, county, state, or federal law.~~

~~The university disciplinary committee shall have appellate jurisdiction in those situations where the student has appealed from the imposition of a disciplinary action by the university disciplinary officer or by a student court.)~~

(1) Any student, faculty member, staff member or the university may file a complaint against a student or student organization for any violation of the student conduct code.

(2) A person wishing to charge a student with a violation of the conduct code may:

(a) File a written charge with a student court when that system has jurisdiction; or

(b) File a written charge with the office of the dean of students or other designated officer.

(3) In instances of alleged violations of local, county, state or federal law, nothing in this conduct code will prohibit or limit the right of persons to go directly to the civil and/or criminal authorities and file charges.

(4) University disciplinary proceedings may be instituted against a student charged with the violation of a local, county, state, or federal law which is also a violation of this conduct code; for example, if both violations result from the same, factual situation, without regard to the possibility of civil litigation or criminal prosecution. Proceedings under this conduct code may be carried out prior to, simultaneously with or following criminal proceedings off campus.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-080 Authority of university disciplinary officer. When the university disciplinary officer receives a complaint against a student or student organization for a violation of the code, the disciplinary officer will review the complaint to determine if there is sufficient evidence to hear the matter and explain to the complainant his/her rights under the student conduct code and possible avenues of action which the complainant has against the student or student organization, including reference to remedies under civil law as well as possible remedies under the student code. If the university disciplinary officer

decides to initiate a disciplinary proceeding against the accused student or student organization, the disciplinary officer will then ~~((and))~~ notify the accused student ((charged)) or student organization for an initial conference. ~~((At this time))~~ This notification includes a written list of charges. During the initial conference, the university disciplinary officer will ((provide the accused student with a)) review with the accused student the written list of ((the)) charges, provide the student with a copy of the student conduct code and any other relevant university policies and ((will)) explain the student's rights under the student code and what possible ramifications may occur under civil law, if any. The disciplinary officer will further explain the disciplinary procedures, the individual's or organization's rights and responsibilities in the disciplinary process, and possible penalties under the student code and advise that the student ((that he/she)) must, within twenty-four hours after receipt of this explanation, decide ((whether he/she wishes)) to have ((his/her)) the case heard by the university disciplinary officer, or by the university disciplinary committee, and sign a statement declaring the same. The committee must receive at least seventy-two hours notice as to the time and place of the hearing. The student may, at this time, waive his/her right to prior notice about a disciplinary hearing and request that the case be heard immediately following the initial conference.

(1) If the student accused of violating the student conduct code chooses a hearing before the university disciplinary officer, that officer, after considering the evidence against a student so charged, ((the university disciplinary officer)) may take any of the following actions:

~~((1))~~ (a) Terminate the complaint, exonerating the student.

~~((2))~~ (b) Dismiss the charge after whatever counseling and advice is deemed appropriate.

~~((3))~~ (c) Refer the student to the mental health review board when it is reasonably determined from the available evidence that such referral is appropriate.

~~((4))~~ (d) Impose any number of sanctions from WAC 172-120-050(1) (minor disciplinary sanction).

~~((5))~~ (e) Refer the case to the university disciplinary committee in the event the university disciplinary officer deems major disciplinary sanction may be warranted or if the student requests that his/her case be heard by the committee.

(2) If the student requests that the case be heard by the university disciplinary committee rather than the university disciplinary officer, the committee may take any of the sanctions listed in subsections (1), (2), (3)((-)) and (4) of this section, except that the committee may impose a major disciplinary sanction as defined in WAC 172-120-050(2).

(3) If a student accused of violating the conduct code has withdrawn or withdraws from the university after the filing of any charge against him/her, either:

(a) A registration hold will be placed on the student's academic record and the student will be notified that disciplinary action may be initiated on the student's reentry or application for readmission; or

(b) The university may proceed with the disciplinary action or disciplinary committee hearing.

(4) The disciplinary officer has the right to place a hold on a student's transcript or registration pending the student's

satisfaction of a disciplinary sanction imposed for violation of this code.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-090 Consolidation of cases permissible. In the event that one or more students are charged with the same misconduct arising from the same occurrence, the disciplinary committee or university disciplinary officer shall be authorized to consolidate the hearings as practical (~~and however~~), as long as consolidation does not prejudice the rights of any students.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-100 Hearings procedure. Hearings shall be conducted in a manner which is informal and, at the same time, assures fundamental fairness of procedure.

(1) Hearings before the university disciplinary officer or the university disciplinary committee (~~will generally be open~~) shall be closed hearings (~~but upon request by either the complaining witness or the student charged, the hearing shall be closed~~). Admission of any person to the hearing shall be at the discretion of the judicial body or officer. In hearings involving more than one accused student, the chairperson of the judicial body or the disciplinary officer, at his/her discretion may permit the hearings concerning each student to be conducted separately.

(~~(a) In all cases in which an open hearing occurs, the chair of the committee shall have the discretion to reasonably limit the amount of attendees at such hearing. If at any time during the conduct of a hearing, invited guests or attendees are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room. In those cases in which the chair decides that because of disruption the hearing cannot be conducted fairly in an open session, the chair may direct that the hearing be recessed and that the remainder be conducted in closed session.~~)

(b) Any students attending a disciplinary committee hearing as an invited guest or as attendee who continues to disrupt the proceedings after the chair of the committee has asked them to cease and desist thereof, shall be subject to disciplinary action.)

(2) A written record or a tape recording of the testimony before the university disciplinary committee shall be kept. It may be reviewed by the student at any reasonable time prior to the final disposition of the case. (~~A record of~~) Records from all proceedings will be kept and filed with the university disciplinary officer for a period of seven years. These disciplinary proceedings and records shall be the property of the university and are confidential.

(~~(3) Students may have an adviser of his/her choice to present or assist in the presentation of his/her case, subject to the limitations of (b) of this subsection. Students must render three days' notice prior to the hearing of the prospective representation if he/she intends to be represented by a duly licensed attorney. In the event the student chooses a duly licensed attorney to represent him/her in proceedings before the disciplinary committee, an assistant attorney general for the state of Washington shall represent the university therein.~~)

(a) In those instances in which both sides are represented by a duly licensed attorney, the assistant attorney general of the state of Washington representing the university shall present the case against the student to the disciplinary committee or the university disciplinary officer for appropriate findings and action.

(b) In the instance where duly licensed attorneys are not representing either the university or the accused student, the university shall be represented by the university disciplinary officer, or his/her designee; however, the representative of the university shall be acceptable to the complaining witness or witnesses; however, no one may represent the university or the student charged unless he/she is a member of the student body, faculty, classified staff, or administrative staff of Eastern Washington University.

(4)) (a) Disciplinary records will be made available to hearing boards and university personnel as needed for valid educational purposes.

(b) Any student may review his/her own disciplinary records by contacting the dean of students' office.

(c) Except as outlined in these procedures, the university will not communicate a student's disciplinary record to any person or agency outside the university without the prior, written consent of the student, except as required by law. If the student is a minor, the student's parents or legal guardians may review these records.

(3) The complainant and the accused have the right to be assisted by any (one) advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the university disciplinary officer or the university disciplinary committee. The accused student can, however, speak with his or her advisor during the hearing. If the student utilizes an attorney as an advisor, the student must give to the university disciplinary officer or committee two days' notice of intent to do so. If the student elects to be advised by an attorney, the university disciplinary officer or committee may elect to have the university advised by an assistant attorney general.

(4) The following guidelines apply only to hearings before the university disciplinary committee:

(a) The complainant, the accused and the disciplinary committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the disciplinary committee. The complainant and the accused may submit questions to be asked of all witnesses to the disciplinary committee;

(b) Any person, including the accused student or any member of the accused organization, who disrupts a hearing may be excluded from the proceedings;

(c) Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the disciplinary committee at the discretion of the chairperson.

(5) The disciplinary officer or presiding chairperson of the disciplinary committee will exercise control over the hearing. All procedural questions are subject to the final decision of the disciplinary officer or the chairperson of the disciplinary committee.

(6) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice that a hearing

regarding the university's allegation that he/she violated the student code is being held at a certain time and place, will be considered in determining whether the ~~((university disciplinary committee))~~ judicial body hearing the case has sufficient cause to believe that the accused student is guilty of violating any of the written list of charges presented him/her pursuant to WAC 172-120-080. However, the complete record of the student's or student organization's prior conduct and academic performance may be taken into account by the disciplinary officer or disciplinary committee in imposing any sanction(s).

(a) In determining whether sufficient cause, as stated in the foregoing paragraph, ~~((does))~~ exists, the university disciplinary officer or in the instance of a hearing, the university disciplinary committee, shall decide whether a preponderance of the evidence indicates that the student charged ~~((did violate))~~ violated the student code by engaging in the conduct for which he/she was charged pursuant to WAC 172-120-080.

(b) For the purposes of this code, the phrase, "preponderance of the evidence," ~~((shall))~~ means that it is more likely that the student charged ~~((did violate))~~ violated the student code by engaging in the conduct for which he/she is charged than that he/she did not.

(c) ~~The chair of the university disciplinary committee ((shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law)) is not bound by the rules of evidence observed by courts and may exclude incompetent, irrelevant, immaterial((;)) and unduly repetitious evidence.~~

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-110 ((Disciplinary committee—))Deliberations and sanctions. (1) ~~((The university disciplinary committee))~~ After the hearing, the judicial body having heard the matter will meet in closed session and decide by majority vote whether the preponderance of the evidence indicates that the student ~~((has or has not))~~ violated the ~~((rules he/she is charged with having violated))~~ conduct code. If the decision is that the student ~~((did engage))~~ engaged in an act of misconduct in violation of the rules with which he/she is charged with having violated, the committee will by majority vote determine what sanction from WAC 172-120-050 shall be imposed. If the university disciplinary committee was the body which heard the matter, it will deliberate in the manner described above, but will determine what sanctions it will recommend that the president impose ((upon)) on the student. This recommendation to the president must be ((accomplished)) made within five working days of the time when the ((proceedings are)) hearing is terminated.

(2) In the course of ~~((the committee's decision as to))~~ determining what sanctions ((;)) shall ((recommend)) be imposed ~~((by the president, it))~~ or recommended, the judicial body hearing the matter may consider any evidence of past misconduct that the chair of the committee deems relevant; such evidence may be presented by the university disciplinary officer or his/her designee.

(3) No ~~((recommendation for the imposition of))~~ sanction(s) may be imposed based solely ((upon)) on the

failure of the accused student to answer the charges or appear at the hearing~~((, but))~~. The decision must be based ((upon)) on the evidence ((considered prior to the committee's decision or on)) presented at the hearing to include the evidence of past misconduct deemed relevant ((by the chair of the university disciplinary committee)).

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-120 Appeals. (1) ~~((Any student feeling aggrieved by the imposition of minor disciplinary sanctions by the university disciplinary officer or by a student court shall have a right of appeal to the disciplinary committee, provided a written notice of appeal is received by the committee within five days after notice of disciplinary action is given.))~~ If the accused student or student organization feels aggrieved by the imposition of disciplinary sanctions by the disciplinary officer or by a judicial body other than the university disciplinary committee, that student or student organization shall have a right to appeal the decision to the university disciplinary committee. The appeal must be in writing and received by the committee within five days after imposition of the sanction. Appeals to the university disciplinary committee shall be filed with the dean of students or other designated office. The written notice of appeal shall set forth:

(a) The student's name;

(b) The nature of the disciplinary action imposed; and

(c) ~~The reasons why the ((recommendation regarding disciplinary action should be reversed, set aside or modified. The)) student or student organization feels that the imposition of that sanction is unjust and what remedy the student or student organization is seeking. Before making a decision, the university disciplinary committee may request a written report of the case from the ((disciplinary officer or student court before making its decision)) judicial body which heard the case. The committee shall also have the right to request additional written information or explanation from any of the parties to the proceeding before rendering its decision. In making its decision, the committee shall only consider the written record before it, the student's notice of appeal((, the written report of the disciplinary officer or student court)) and such other information and explanation it has requested from the parties to the proceeding. ((There shall be no further appeal from any action of the disciplinary officer.))~~ The committee may consider the complete record of the student's or student organization's prior conduct and academic performance in imposing any sanctions. The committee is empowered to affirm, reverse, remand, or modify (only to a less severe sanction) ((the recommendation regarding disciplinary action of the university disciplinary officer or a student court)). The university disciplinary committee's hearing of a matter on appeal is the final level of appeal on the matter.

(2) Appeals to the president:

~~((a)) Any student aggrieved by the disciplinary committee's recommendation as to what disciplinary action the president should take (as distinguished from appellate consideration by the committee), shall have))~~ When the university disciplinary committee is the judicial body to first hear a case, the aggrieved student or student organization has

a right of appeal to the president, or the president's designee (~~(, within five days after notice of the recommendation of disciplinary action is given)~~) by following the steps listed in subsection (1) of this section for filing an appeal. The president or the president's designee may request a written report of the case from the university disciplinary committee before making a decision. The president or the president's designee may also request additional information from any of the parties to the proceedings before rendering a decision. In making a decision, the president of the university or the president's designee shall only consider the written record and such other information requested from the parties to the proceeding.

~~((b) If a complaining witness feels aggrieved by the decision of the university disciplinary officer or by the university disciplinary committee's recommendation to the president, he/she may petition the president to remand the charges back to the disciplinary officer or the university disciplinary committee for a rehearing of the matter as charged.~~

~~(3) The written notice of appeal by an aggrieved student or a petition by an aggrieved complaining witness shall set forth:~~

~~(a) The student's name or the complaining witness's name;~~

~~(b) The nature of the disciplinary action requested or imposed; and~~

~~(c) Reasons why the disciplinary sanction recommended should be reversed, set aside, or modified, or in the case of a petitioning complaining witness, the reasons why the disciplinary matter should be reheard by the university disciplinary officer or the university disciplinary committee.~~

~~(4) The president may request a written report of the case from the disciplinary committee before making a decision. The president shall also have the right to request additional information or explanation from any of the parties to the proceeding before rendering a decision. In making a decision, the president shall only consider the written record, the student's notice of appeal, the petition of a complaining witness if such is filed, the written record of the disciplinary committee, and such other information and an explanation requested from the parties to the proceeding.)~~ In the instance in which the president has received a finding that the university student code has been violated, the president may, in considering what disciplinary sanction should be imposed, affirm, reverse, remand~~(-)~~ or modify ~~((only to a less severe sanction))~~ the recommendation of the university disciplinary committee. In imposing any sanctions, the president may consider the complete record of the student's or student organization's prior conduct and academic performance.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-130 Interim suspension permitted.

(1) Disciplinary actions of the university will be implemented by the president of the university, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the university will be invoked only after completion of the procedures established for the review of disciplinary cases

and after the ~~((employee or))~~ student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, ~~((if the safety of one or more individuals is imperiled, property is endangered, or the university's ability to function is in question, the president or an authorized representative may summarily suspend for stated cause an employee or the enrollment of any student. In all such cases, the individual is entitled to a hearing, upon written request, before the appropriate group or official as specified under discipline procedures as soon as such a hearing can be held, but not to exceed ten days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the university))~~ in situations where there is cause to believe that the student or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities of others or imperil the physical or mental health and safety of members of the university community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including but not limited to assignment to alternate university housing or removal from university housing, limitation of access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to remain in the university.

(2) In all such cases, the student or student organization is entitled to personally appeal before the dean of students or designee as soon as is reasonably possible but not later than ten days after the action is taken, unless the student requests an extension in order to review the following issues only:

(a) The reliability of the information concerning the student's behavior;

(b) Whether or not the student's continued presence or prior or present behavior warrants interim suspension for the causes listed in subsection (1) of this section.

As a result of the meeting between the dean of students and the student, the dean may recommend to the president or the president's designee either continuation or termination of the interim suspension action and/or initiate disciplinary procedures in accordance with this conduct code.

AMENDATORY SECTION (Amending Order 87-01, filed 10/2/87)

WAC 172-120-140 ~~((Judicial proceedings--))~~ Procedural rights of students. ~~((1) Rights of the accused.~~

~~(a) An accused student has the right to a fair and impartial hearing before the appropriate committee composed of members of the campus community.~~

~~(b) No student may be asked by a university official or judiciary body to give information or to answer any question concerning the alleged violation of this chapter which he/she is suspected of having committed until he/she has been informed of:~~

~~(i) The fact that he/she is suspected of having violated this chapter and the section he/she is suspected of having violated;~~

~~(ii) The nature and approximate date of the activity in which he/she is suspected of having engaged;~~

~~(iii) The fact that he/she need not give any information regarding the alleged acts.~~

~~(c) In all judicial proceedings, the student shall enjoy the right to speak on his/her own behalf.~~

~~(d) Both the judiciary body and the student shall enjoy the right to call any persons whom he/she wishes to speak concerning the case, subject to the rules of privilege recognized by law and rules excluding evidence which is incompetent, irrelevant, immaterial or unduly repetitious.~~

~~(e) The accused student has the right to know his/her accusers and to cross-examine them and any others presenting evidence against the accused.~~

~~(f) A student shall not be subjected to university judicial action more than once for the same violation of a regulation.~~

~~(g) The burden of proof rests with the accuser. Said burden shall be carried if guilt is indicated by a fair preponderance of the evidence considered as a whole.)~~ (1) Any student or student organization charged with any violation(s) of the student conduct code has the following rights in disciplinary procedure:

(a) A fair and impartial hearing before the appropriate judicial body composed of members of the campus community;

(b) Notice of the charge(s) against them and the basis for the charge(s);

(c) To remain silent when charged with any act which may be a violation of criminal law, to avoid self incrimination;

(d) Seven calendar days' notice before a disciplinary hearing;

(e) To know who is bringing the accusation(s) against the accused;

(f) The right to speak on his/her own behalf in all judicial proceedings;

(g) To consult an advisor;

(h) One appeal; and

(i) To be subjected to university judicial action only one time for the same offense.

(2) Any student or student organization brought before the university disciplinary committee has these additional rights:

(a) To call any person(s) as a witness who may have information regarding the case;

(b) To view the material to be presented against them in advance of the hearing;

(c) To hear the testimony of all witnesses;

(d) To present questions to be asked of all witnesses;

and

(e) To have a record made of the hearing.

(3) The burden of proof rests with the accuser. This burden shall be carried if guilt is indicated by a fair preponderance of the evidence when considered as a whole.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 172-120-150 Academic misconduct.

WSR 97-01-042
EMERGENCY RULES
BUILDING CODE COUNCIL
[Filed December 11, 1996, 11:08 a.m.]

Date of Adoption: December 4, 1996.

Purpose: Emergency adoption of amendments to the 1994 Editions of the Uniform Mechanical Code, Sections 1118 and 1119, and the Uniform Fire Code, Sections 6308 and 6309, relating to the discharge of ammonia refrigerant.

Citation of Existing Rules Affected by this Order: Amending chapters 51-32 and 51-34 WAC.

Statutory Authority for Adoption: RCW 19.27.074.

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 State Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of certain council rules is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington state amendments to the Uniform Mechanical Code (UMC) and Uniform Fire Code (UFC) contained herein as adopted by the council under emergency rule making pursuant to RCW 34.05.350, will provide economic relief to the agricultural industry by allowing alternative methods of ammonia discharge treatment in cold storage facilities. Immediate adoption of this amendment is necessary so as to not delay the construction of cold storage facilities, and so as not to adversely affect the position of the state's agricultural industry in the marketplace.

Under rules contained in the 1994 UMC and 1994 UFC, mechanical system requirements for ammonia discharge treatment would result in undue expense. The council finds this to be an economic burden on the agricultural industry, which will result in an increase in cost of fruits, vegetables and other products which are dependent upon cold storage. This increased cost would inhibit the ability of the state's agricultural industry to compete in the national and international markets, and would create higher food costs for this state's consumers, and would put this season's crop at risk.

The council appointed a technical advisory group (TAG) comprised of building officials, fire officials, members of the agricultural industry, mechanical systems engineers, cold storage facility owners and operators, and chaired by the council's fire chief representative. The TAG developed the

language in the amendment contained herein. This amendment takes into consideration the health and safety of the public. In order to provide immediate relief, the council finds it necessary to adopt the amendment as an emergency rule. The council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 1997 legislative session as per RCW 19.27.074.

The council process for amendment of this rule was initiated by the action of the 1996 legislature and Governor Mike Lowry. The 1996 legislature passed by unanimous vote SHB 2936. The language of the bill is as follows:

"AN ACT Relating to fruit and vegetable storage; adding a new section to chapter 19.27 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

(1) Cold storage warehouses and controlled atmosphere storage warehouses used to store fruit or vegetables are not required to comply with any requirements of sections 1118 and 1119 of the uniform mechanical code, as adopted by the state building code council, or sections 6308 and 6309 of the uniform fire code, as adopted by the state building code council, or with any requirements of local amendments adopted to these sections of the uniform mechanical code and uniform fire code.

(2) The state building code council shall adopt rules consistent with this section."

Governor Mike Lowry, on March 30, 1996, vetoed the bill, with the provision that the council "take appropriate action immediately" to resolve this issue. The veto message reads as follows:

"I am returning herewith, without my approval, Substitute House Bill No. 2936 entitled:

'AN ACT Relating to fruit and vegetable storage;'

Substitute House Bill No. 2936 attempts to resolve a highly complex and technical issue regarding regulation of ammonia refrigerants. It would exempt refrigeration systems using ammonia in cold storage and controlled atmosphere warehouses used to store fruit and vegetables from certain portions of the Uniform Mechanical Code and the Uniform Fire Code, as adopted by the Building Code Council.

In general, I believe the interests of the public and of the legislature are best served if these issues are handled through the Building Code Council. The council has a grasp of the technical issues associated with code policies that neither the legislature nor the governor possess. The Building Code Council was, in fact, created to minimize the need to address highly technical building code issues in the legislative arena. The existing process should be used.

Process notwithstanding, I am not convinced that the health and safety of the public will be adequately protected if Substitute House Bill No. 2936 become law. If these types of refrigeration systems are exempt from code requirements, densely populated areas could be exposed to an unacceptable risk of ammonia gas releases in case of fire or other mishap.

However, I do not believe the specific mitigation that has been required in some instances under the 1994 Building

Code is necessary to protect the health and safety of the public. In rural, sparsely populated areas of the state, sparsely populated by definition, a release of ammonia into the atmosphere would not seem to pose a hazard in many instances.

I believe that an opportunity exists to address the concerns which resulted in this bill and to ensure that public safety issues receive adequate attention in the state building code. Therefore, I am directing the Building Code Council to examine the issues raised in this legislation and to take appropriate action immediately to include drafting amendments to the current state mechanical and fire codes.

I am impressed by the fruit and vegetable storage industry's 95 year record of safe use of ammonia as a refrigerant. This record should be considered as the Building Code Council and other interested parties proceed to examine this issue.

For these reasons, I have vetoed Substitute House Bill No. 2936 in its entirety."

The Washington state amendments adopted by this emergency rule will allow for other viable alternatives to be submitted to the building and fire officials for consideration when new cold storage systems are being constructed.

The council therefore adopts emergency rules under RCW 34.05.350 Emergency rules and amendments, which are proposed below.

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 4, amended 0, repealed 0.

Effective Date of Rule: Immediately.

December 4, 1996

James R. Beaver

Chair

Uniform Mechanical Code, Sections 1118 and 1119

NEW SECTION

WAC 51-32-1118 Special Discharge Requirements

1118.1 General. Systems containing other than Group A1 or B1 refrigerants shall discharge to atmosphere only through an approved flaring device. For treatment system requirements, see also the Fire Code.

Exceptions:

1. Ammonia systems complying with Section 1119.
2. Ammonia absorption systems serving a single dwelling unit.

3. When the building official determines upon review of a rational engineering analysis that significant fire, health or environmental hazard would not result from the proposed atmospheric release.
4. Lithium bromide absorption system using water as the refrigerant.

1118.2 Design Requirements. Flaring devices shall be designed to incinerate the entire discharge. The products of refrigerant incineration shall not pose health or environmental hazards. Incineration shall be automatic upon initiation of discharge, shall be designed to prevent blowback and shall not expose structures or materials to threat of fire. Standby fuel, such as LP-gas, and standby power shall have the capacity to operate for one and one half the required time for complete incineration of the charge.

1118.3 Testing. Flaring systems shall be tested to demonstrate their safety and effectiveness. A report from an approved agency shall be submitted detailing the emission products from the system as installed.

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

[NEW SECTION]

WAC 51-32-1119 Ammonia Discharge

Emergency discharge for ammonia refrigeration systems shall be in accordance with either Section 1119.1 or Section 1119.2.

1119.1 Ammonia systems shall be provided with an emergency discharge into a tank of water provided exclusively for ammonia absorption. Such systems shall meet national standards.

Exception: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors provided that the discharge is shielded and dispersed.

1119.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Building Official, upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Building Official may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

1. Quantity and rate of material expected to be discharged.
2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

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

Uniform Fire Code, Sections 6308 and 6309

[NEW SECTION]

WAC 51-34-6308 Special Discharge Requirements

6308.1 General.

6308.1.1 Applicability. Refrigeration systems which are designed to discharge refrigerant vapor to atmosphere shall be provided with an approved treatment or flaring system when required by Section 6308.1. Also see Section 6314.1.

Exceptions: 1. Ammonia systems complying with Section 6309.

2. Ammonia absorption systems serving a single dwelling unit.

3. When the building official determines upon review of a rational engineering analysis that significant fire, health or environmental hazard would not result from the proposed atmospheric release.

4. Lithium bromide absorption system using water as the refrigerant.

6308.1.2 Toxic and highly toxic refrigerants. Systems containing refrigerants which are toxic or highly toxic shall discharge vapor to atmosphere only through an approved treatment system. Treatment systems shall be in accordance with Sections 8003.3.1.3.5.1, 8003.3.1.3.5.2 and 8003.3.1.3.5.3.

6308.1.3 Flammable refrigerants. Systems containing refrigerants which are flammable shall discharge vapor to the atmosphere only through an approved treatment or flaring system. Flaring systems shall be in accordance with Section 6308.2.

6308.2 Flaring System Design Requirements. Flaring systems for incineration of flammable refrigerants shall be designed to incinerate the entire discharge. The products of refrigerant incineration shall not pose health or environmental hazards. Incineration shall be automatic upon initiation of discharge, shall be designed to prevent blowback, and shall not expose structures or materials to threat of fire. Standby fuel, such as LP-gas, and standby power shall have the capacity to operate for one and one half the required time for complete incineration of refrigerant in the system.

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

[NEW SECTION]

WAC 51-34-6309 Ammonia Discharge

Emergency discharge for ammonia refrigeration systems shall be in accordance with either Section 6309.1 or Section 6309.2.

6309.1 Ammonia refrigeration systems shall be provided with an emergency discharge into a tank of water provided exclusively for ammonia absorption. Such systems shall meet national standards.

Exception: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors provided that the discharge is shielded and dispersed.

EMERGENCY

6309.2 Ammonia discharge to atmosphere without a flaring device is allowed unless the Chief, upon review of the permit application and submittals, finds that such a discharge method may reasonably result in discharge of concentrations exceeding 500 ppm at grade level and present a significant life hazard to exposed occupancies. The Chief may require an approved engineering analysis showing that:

Concentrations exceeding 500 ppm at grade level do not present a significant life hazard to exposed occupancies.

The engineering analysis may include the following:

1. Quantity and rate of material expected to be discharged.
2. Weather conditions such as wind speed, wind direction, humidity, and temperature inversion.
3. Emergency response planning.
4. Design benefits limiting discharge.

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

WSR 97-01-094
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed December 18, 1996, 11:51 a.m., effective January 1, 1997]

Purpose: To implement Section 809 (e)(2)(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-640 Overissuances.

Statutory Authority for Adoption: RCW 74.04.510.

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 Department of Social and Health Services must implement this provision of Public Law 104-193 on January 1, 1997.

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 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: January 1, 1997.

December 17, 1996
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3894, filed 9/7/95, effective 10/6/95)

WAC 388-49-640 Overissuances. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (9) of this section, the department shall determine the overissuance amount to be the difference between:

- (a) The allotment actually authorized; and
- (b) The allotment that should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall:

- (a) Count the actual income received by the household;
- (b) Not apply the twenty percent earned income deduction to ~~((that portion of))~~ earned income ~~((willfully or fraudulently unreported by the))~~ which the household ((member when committing an intentional program violation)) failed, without good cause, to report in a timely manner.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

- (a) The amount of the overissuance; and
- (b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

- (a) The claim is collected through offset;
- (b) The administrative error claim is less than one hundred dollars;
- (c) The inadvertent household error claim is less than thirty-five dollars;
- (d) The department cannot locate the liable household;

or

(e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

- (a) The household has repaid the overissuance;
- (b) The department cannot locate the household; or
- (c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance by:

- (a) A lump sum;
- (b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or
- (c) Allotment reduction.

(14) The department shall ensure a negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when a currently participating household is liable for an inadvertent household error or an intentional program violation.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) When allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment;

or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation claim when:

(a) A household is liable for an inadvertent household error claim and fails to notify the department of their chosen repayment agreement or request a fair hearing and continued benefits within twenty days after receipt of the demand letter; or

(b) A household is liable for an intentional program violation claim and fails to inform the department of their chosen repayment agreement within ten days after receiving the demand letter; or

(c) After notification of failure to make payment according to a negotiated repayment schedule, the household member fails to:

(i) Make the overdue payments; or

(ii) Request renegotiation of the payment schedule.

(18) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(19) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(20) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

(21) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

(a) Determines that the originating state does not intend to pursue collection in Washington state; and

(b) Receives the following from the originating state:

(i) Documentation of the overissuance computation;

(ii) Overissuance notice prepared for the client; and

(iii) Proof of service that the client received the overissuance notice.

WSR 97-01-095
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 18, 1996, 11:52 a.m., effective January 1, 1997]

Purpose: To incorporate provisions of Public Law 104-193 regarding food stamp program intentional rule violation penalties.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-670.

Statutory Authority for Adoption: RCW 74.04.510.

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: Compliance is mandatory under Public Law 104-193 within thirty days of enactment.

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 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: January 1, 1997.

December 17, 1996

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3948, filed 3/1/96, effective 4/1/96)

WAC 388-49-670 Intentional program violations—Disqualification penalties. (1) The department shall disqualify the person or persons committing an intentional program violation as defined in WAC 388-49-020.

(2) The department shall apply the following disqualification penalties to a person committing an intentional program violation for offenses not related to those described in subsection (3) of this section:

(a) ~~((Six))~~ If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:

(i) Twelve months for the first ~~((disqualification))~~ violation;

(ii) Twenty-four months for the second violation;

(iii) Permanently for the third violation.

(b) ~~((Twelve))~~ If the violation ended before the household was notified of the penalties in subsection (2)(a) of this section:

(i) Six months for the ~~((second disqualification))~~ first violation; ~~((and~~

~~((e)))~~ (ii) Twelve months for the second violation;
(iii) Permanently for the third ~~((disqualification))~~ violation.

(3) The department shall apply disqualification penalties against a person for ~~((trading or receiving food coupons for controlled substances or firearms. The department shall impose))~~ the following activities:

(a) A ~~((one))~~ two-year disqualification penalty for a first conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(b) A ten-year disqualification penalty for a person found to have made a fraudulent statement or misrepresented information respecting identity or residence in order to receive multiple coupon benefits simultaneously; or

(c) A permanent disqualification for:

(i) The second conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(ii) The first conviction by a federal, state, or local court of the trading or receiving of food coupons for firearms, ammunition, or explosives; or

(iii) The first conviction by a federal, state, or local court for knowingly buying, selling, trading, or presenting for redemption food coupons of five hundred dollars or more in violation of section 15 (b) and (c) of the Food Stamp Act of 1977, as amended.

(4) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection 2)~~((a))~~ and (3) of this section.

(5) When a court of law convicts a person of an offense which qualifies as an intentional program violation, the department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2) or (3) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;

(ii) Impose a disqualification period as specified in subsection (2) or (3) of this section if the court fails to address disqualification or specify a disqualification period;

(iii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) Disqualification is ordered if the court does not specify a date; or

(B) Court finds such person or persons guilty if the court specifies a disqualification date; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(6) Before the disqualification is implemented, the department shall provide written notice informing the disqualified person of the disqualification and effective date.

(7) The department shall provide written notice to the remaining household member or members, if any:

(a) Of the allotment the household will receive during the period of disqualification; or

(b) That the household must re-apply because the certification period has expired.

EMERGENCY

(8) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

WSR 97-01-128
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-210—Filed December 19, 1996, 11:08 a.m., effective January 1, 1997, 12:01 a.m.]

Date of Adoption: December 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-44-05000D; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

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 regulations are necessary for the conservation and to maintain consistency between state and federal regulations.

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 1.

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: January 1, 1997, 12:01 a.m.

December 19, 1996

Bruce A. Crawford

for Bern Shanks
Director

NEW SECTION

WAC 220-44-05000E Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. January 1, 1997 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. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: January 16th-March 15, March 16-May 15, May 16-July 15, July 16-September 15, September 16-November 15, November 16-December 31. It is unlawful for vessels in the B-platoon to land groundfish during 1997 prior to January 16, 1997. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The cumulative 2-month limit for this shortened period (November 16-December 31) may be taken in any number of trips during the period with no sixty percent per month restriction. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **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.

d. **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.

e. **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.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **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.

h. **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 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 70,000 pounds.

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.) Two-month cumulative limit of 30,000 pounds, of which no more than 6,000 pounds may be yellowtail rockfish and no more than 14,000 pounds may be canary rockfish.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 70,000 pounds, of which not more than 38,000 pounds may be Dover sole; not more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 4,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. 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 the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

h. **Pacific Whiting** - 10,000 pound vessel trip limit. No minimum size.

i. **Lingcod** - Two-month cumulative limit of 40,000 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 WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1500 pounds in any calendar month. No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 40,000 pounds.

(c) **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.

(d) **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.

(e) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(f) **Setline gear** in Area 29.

It is lawful to use setline gear in Area 29, except that it is unlawful to retain rockfish and lingcod with a cumulative weight greater than thirty percent of all fish aboard not to exceed 100 pounds. Maximum one vessel trip per day.

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 errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 1997:

WAC 220-44-05000D

Coastal bottomfish catch limits.

WSR 97-01-129
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Order 96-211—Filed December 19, 1996, 11:10 a.m., effective January 1, 1997, 12:01 a.m.]

Date of Adoption: December 19, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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: Reduced numbers of steelhead are available for harvest in Grays Harbor tributaries; the wild steelhead release will reduce the recreational impact to appropriate levels. These rules are consistent with the Humptulips and Chehalis steelhead management plan adopted by the department and the Quinault Indian Nation.

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: January 1, 1997, 12:01 a.m.
 December 19, 1996

Bruce Crawford
 for Bern Shanks
 Director

NEW SECTION

WAC 232-28-61900Z Washington game fish seasons and daily limits-regional regulation exceptions Notwithstanding the provisions of WAC 232-28-619:

(1) The Humptulips River is closed to fishing for game fish after March 31, 1997 until further notice.

(2) Wild steelhead release is required beginning January 1, 1997 until further notice in the following waters during all open seasons:

(a) Cloquallum Creek, from mouth to second bridge on Cloquallum Road;

(b) Elk River, from the Highway 105 Bridge upstream;

(c) Hoquiam River (includes all forks);

(d) Humptulips River, from the mouth upstream to the concrete bridge on Forest Service Road between Humptulips

Guard Station and Grisdale on the East Fork and to the bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek on the West Fork;

(e) Johns River (includes North, South Forks);

(f) Wishkah River, from mouth to Cedar Creek; and

(g) Wynoochee River, from mouth to 7400 line bridge above the mouth of Schafer Creek.

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 97-01-130
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 96-212—Filed December 19, 1996, 11:11 a.m.]

Date of Adoption: December 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-07300J; and amending WAC 220-52-073.

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: The non-Indian share of red sea urchins will have been taken in Sea Urchin District 3.

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 1, amended 0, repealed 1.

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.

December 19, 1996

Bruce Crawford

for Bern Shanks

Director

NEW SECTION

WAC 220-52-07300K Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) **Red sea urchins:** Sea Urchin District 1, 2, and 4 are open only on December 22, and 23, 1996, and January 6, 7, 13, and 14, 1997. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

(a) Districts 1 and 2 4.0 minimum to 5.5 maximum inches.

(b) District 4 3.25 minimum to 5.0 maximum inches.

(2) **Green sea urchins:** Sea Urchin Districts 1, 2, 3, 4, and Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, and 24D are open only on December 22, and 23, 1996, and January 6, 7, 13, and 14, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) **Sea Urchin Districts**

(a) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(4) It is unlawful for any person to dive for any purpose from a commercially-licensed fishing vessel, designated for use with a sea urchin fishery license, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on the following dates:

December 20, and 21, 1996

January 4, 5, 11, and 12, 1997.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300J Sea urchins. (96-206)



AGENCY RULES COORDINATORS

Designations as of 12/19/96

AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Accountancy, Board of	Carey L. Rader	(360) 753-2585	P.O. Box 43110 Olympia, WA 98504-3110
Administrative Hearings, Office of	Pauline Corthell	(360) 664-8717	P.O. Box 42488 Olympia, WA 98504-2488
Agriculture, Department of	Dannie M. McQueen	(360) 902-1809	P.O. Box 42560 Olympia, WA 98504-2560
Arts Commission	Karen Kamara Gose	(360) 753-3860	P.O. Box 42675 Olympia, WA 98504-2675
Asian American Affairs, Commission on	Patricia M. Lee	(206) 464-5820	P.O. Box 40925 Olympia, WA 98504-0925
Attorney General's Office	Jane Halligan	(360) 753-6207	P.O. Box 40115 Olympia, WA 98504-0115
Auditor, State	Chuck Pfeil	(360) 753-5273	P.O. Box 40021 Olympia, WA 98504-0021
Bates Technical College	John G. Thorpe		1101 South Yakima Avenue Tacoma, WA 98405
Bellevue Community College	Elise Erickson	(206) 641-2301	3000 Landerhold Circle S.E. Bellevue, WA 98007
Bellingham Technical College	Jody McBee	(360) 738-3105 ext. 334	3028 Lindbergh Avenue Bellingham, WA 98225
Big Bend Community College	Ken Turner	(509) 762-5351	7662 Chanute Street Moses Lake, WA 98837-3299
Blind, Department of Services for the	Bonnie Jindra	(360) 586-0275	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Larry W. Drotz	(360) 254-9062	611 Grand Boulevard, S-26 Vancouver, WA 98661
Building Code Council	William E. O'Neil, Jr.	(360) 586-0486	P.O. Box 48300 Olympia, WA 98504-8300
Cascadia Community College	Margaret H. Flanagan	(206) 402-3870	c/o Northshore Center 22002 26th Avenue S.E., Suite 101 Bothell, WA 98021
Central Washington University	Jill M. Orcutt	(509) 963-2111	400 East 8th Avenue Ellensburg, WA 98926-7502
Centralia College	Stephen L. Ward	(360) 736-9391	600 West Locust Street Centralia, WA 98531
Clark College	Janelle K. Farley	(360) 699-0101	1800 East McLoughlin Boulevard Vancouver, WA 98663
Clover Park Technical College	Laurie Kaye Clary	(206) 589-5586	4500 Steilacoom Boulevard S.W. Lakewood, WA 98499-4098

MISCELLANEOUS

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Code Reviser	Kerry Radcliff	(360) 786-6697	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Louise Meyers	(509) 547-0511. ext. 202	2600 North 20th Avenue Pasco, WA 99301
Columbia River Gorge Commission	Jan Brending	(509) 493-3323	P.O. Box 730 White Salmon, WA 98672
Community and Technical Colleges, State Board for	Claire Krueger	(360) 753-7413	P.O. Box 42495 Olympia, WA 98504-2495
Community, Trade and Economic Development, Department of	Ann D. Bariekman	(360) 586-8966	P.O. Box 48300 Olympia, WA 98504-8300
Conservation Commission	Robert P. Bottman	(360) 459-6229	P.O. Box 47721 Olympia, WA 98504-7721
Corrections, Department of	Kay Wilson-Kirby	(360) 753-5770	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Jacob Armstrong	(360) 753-5989	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Ruthie Hillenbrand	(360) 459-6342	P.O. Box 40905 Olympia, WA 98504-0905
Deaf, Washington State School for the	Larry W. Drotz	(360) 696-6525 ext. 327	611 Grand Boulevard, S-26 Vancouver, WA 98661-4918
Deferred Compensation, Committee for	Anne Holdren	(360) 753-1829	P.O. Box 40931 Olympia, WA 98504-0931
Eastern Washington State Historical Society	Glenn Mason	(509) 456-3932	2316 West First Avenue Spokane, WA 99204
Eastern Washington University	Ann M. Kienholz	(509) 359-6299	MS-114, SHW 302 Cheney, WA 99004
Ecology, Department of	Jerry Thielen	(360) 407-7551	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Barbara Patterson	(206) 640-1535	20000 68th Avenue West Lynnwood, WA 98036
Education, State Board of	Larry Davis	(360) 753-6715	P.O. Box 47206 Olympia, WA 98504-7206
Employment Security Department	John D. Nemes	(360) 438-4002	P.O. Box 46000 Olympia, WA 98504-6000
Energy Facility Site Evaluation Council	David W. Sjoding	(360) 956-2004	P.O. Box 43172 Olympia, WA 98504-3172
Energy Office	Kristine Growdon	(360) 956-2000	P.O. Box 43165 Olympia, WA 98504-3165
Environmental Hearings Office	Suzanne Skinner	(360) 459-6327	P.O. Box 40903 Olympia, WA 98504-0903
Everett Community College	Juli Boyington	(206) 388-9202	801 Wetmore Avenue Everett, WA 98201-1327

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Evergreen State College, The	Lee Hoemann	(360) 866-6000 ext. 6116	TA-00 Olympia, WA 98505
Executive Ethics Board	Barbara Cook	(360) 664-0871	P.O. Box 40100 Olympia, WA 98504-0100
Financial Institutions, Department of	Susan Putzier	(360) 664-3508	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Douglas Mah	(360) 753-1932	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Evan Jacoby	(360) 902-2930	P.O. Box 43147 Olympia, WA 98504-3147
Forensic Investigations Council	Darrell K. Russell	(360) 753-2175	206 10th Avenue S.E. Olympia, WA 98501
Forest Practices Board	Judith M. Holter	(360) 902-1412	P.O. Box 47012 Olympia, WA 98504-7012
Gambling Commission	David Shaw	(360) 438-7654 ext. 310	P.O. Box 42400 Olympia, WA 98504-2400
General Administration, Depart- ment of	Marygrace G. Jennings	(360) 902-7208	P.O. Box 41000 Olympia, WA 98504-1000
Grays Harbor College	Sandy Zelasko	(360) 538-4000	1620 Edward P. Smith Drive Aberdeen, WA 98520-7599
Green River Community College	Clark Townsend	(206) 833-9111 ext. 428	12401 S.E. 320th St. Auburn, WA 98002
Growth Management Hearings Boards	William Nielson	(360) 664-8966	P.O. Box 40953 Olympia, WA 98504-0953
Health Care Authority	Elin Meyer	(360) 923-2801	P.O. Box 42705 Olympia, WA 98504-2705
Health Care Policy Board	Duane Thurman	(360) 407-0039	P.O. Box 41185 Olympia, WA 98504-1185
Health, Department of	Michele Davis	(360) 586-0342	P.O. Box 47902 Olympia, WA 98504-7902
Higher Education Coordinating Board	Karen B. Moton-Tate	(360) 586-8782	P.O. Box 43430 Olympia, WA 98504-3430
Higher Education, Joint Center for	Terry L. Novak, Ph.D.	(509) 358-2000	665 N. Riverpoint Blvd. Spokane, WA 99202-1665
Highline Community College	President's Office	(206) 878-3710	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Jaime E. Gallardo	(360) 753-3159	P.O. Box 40924 Olympia, WA 98504-0924
Horse Racing Commission	Patty Sorby	(360) 459-6462	P.O. Box 40906 Olympia, WA 98504-0906
Human Rights Commission	Jean A. Ciallella	(360) 753-4876	P.O. Box 42490 Olympia, WA 98504-2490

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Indeterminate Sentence Review Board	Dennis Marsh	(360) 493-9271	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	Patricia B. Latsch	(360) 753-9646	P.O. Box 42401 Olympia, WA 98504-2401
Information Services, Department of	Susan Hettinger	(360) 902-3535	P.O. Box 42441 Olympia, WA 98504-2441
Insurance Commissioner	Melodie Bankers	(360) 586-3574	P.O. Box 40255 Olympia, WA 98504-0255
Investment Board, State	Helen Small	(360) 664-8907	P.O. Box 40916 Olympia, WA 98504-0916
Judicial Conduct, Commission on	David Akana	(360) 753-4585	P.O. Box 40928 Olympia, WA 98504-0928
Labor and Industries, Department of	Marie Myerchin-Redifer	(360) 902-4206	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Technical College	Vice-President		11605 132nd Avenue N.E. Kirkland, WA 98034-8506
Library, Washington State	Gail Lincoln	(360) 753-2914	P.O. Box 42464 Olympia, WA 98504-2464
Licensing, Department of	Walt Fahrer	(360) 902-3640	P.O. Box 48016 Olympia, WA 98504-8016
Liquor Control Board	M. Carter Mitchell	(360) 753-6276	P.O. Box 43075 Olympia, WA 98504-3075
Lottery Commission	Michael Aoki-Kramer	(360) 586-6583	P.O. Box 43025 Olympia, WA 98504-3025
Lower Columbia College	Virginia M. Koken	(360) 577-2322	P.O. Box 3010 Longview, WA 98632-0310
Marine Employees Commission	Janis Lien	(360) 586-6354	P.O. Box 40902 Olympia, WA 98504-0902
Marine Safety, Office of	Jeff Fishel	(360) 664-9124	P.O. Box 42407 Olympia, WA 98504-2407
Minority and Women's Business Enterprises, Office of	Juan Huey-Ray	(360) 586-1228	P.O. Box 41160 Olympia, WA 98504-1160
Natural Resources, Department of	Dave Dietzman	(360) 902-1600	P.O. Box 47015 Olympia, WA 98504-7015
Olympic College	Donna M. Allen, Ed.D.	(360) 478-4544	1600 Chester Avenue Bremerton, WA 98310-1699
Outdoor Recreation, Interagency Committee for	Greg Lovelady	(360) 902-3008	P.O. Box 40917 Olympia, WA 98504-0917
Parks and Recreation Commission	Jim French	(360) 902-8615	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Bonnie Cauffman	(360) 452-9277 ext. 228	1502 East Lauridsen Boulevard Port Angeles, WA 98362

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Personnel Appeals Board	Kenneth J. Latsch	(360) 664-0373	P.O. Box 40911 Olympia, WA 98504-0911
Personnel, Department of	Judy Montoure	(360) 586-1770	P.O. Box 47500 Olympia, WA 98504-7500
Pierce College	Debra Overby	(206) 964-6634	9401 Farwest Drive S.W. Tacoma, WA 98498-1999
Pilotage Commissioners	Peggy Larson	(206) 515-3904	801 Alaskan Way Pier 52 Seattle, WA 98104-1487
Pollution Liability Insurance Agency	Terry Taylor	(360) 586-5997	P.O. Box 40930 Olympia, WA 98504-0930
Productivity Board	Linda L. Mackintosh	(360) 586-8407	P.O. Box 40244 Olympia, WA 98504-0244
Public Disclosure Commission	Karen M. Copeland	(360) 753-1111	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	Mark S. Downing	(360) 753-2955	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Richard M. Wilson	(360) 753-2298	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	Pete A. Butkus	(360) 586-7186	P.O. Box 48319 Olympia, WA 98504-8319
Puget Sound Water Quality Authority	Duane Fagergren	(360) 407-7303	P.O. Box 40900 Olympia, WA 98504-0900
Renton Technical College	Charles DeMoss	(206) 235-2426	3000 N.E. Fourth Street Renton, WA 98056-4195
Retirement Systems, Department of	Paul Neal	(360) 709-4747	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Claire Hesselholt	(360) 753-3446	P.O. Box 47467 Olympia, WA 98504-7467
Seattle Community Colleges	James E. Christiansen	(206) 587-4160	1500 Harvard Seattle, WA 98122
Shoreline Community College	Charles Whiteside	(206) 546-4694	16101 Greenwood Avenue North Seattle, WA 98133
Skagit Valley College	Judi Knutzen	(360) 428-1183	Auxilliary Services 2405 College Way Mt. Vernon, WA 98273
Social and Health Services, Department of	Leslie Baldwin	(360) 902-7540	P.O. Box 45850 Olympia, WA 98504-5850
South Puget Sound Community College	Patty Pynch	(360) 754-7711 ext. 202	2011 Mottman Road S.W. Olympia, WA 98502
Spokane, Community Colleges of	Geoffrey J. Eng	(509) 533-8667	North 2000 Greene Street MS 1001 Spokane, WA 99207-5499

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Washington State Register, Issue 97-01

Tacoma Community College	Irene Hardy	(206) 566-5101	5900 South 12th Street Building 13 Tacoma, WA 98465
Tax Appeals, Board of	Richard A. Virant	(360) 753-5446	P.O. Box 40915 Olympia, WA 98504-0915
Traffic Safety Commission	Angie Smith	(360) 753-6197	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Improvement Board	Donna Laing	(360) 753-7198	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Commission and Department of	Bill Richeson	(360) 705-7761	P.O. Box 47410 Olympia, WA 98504-7410
Treasurer, Office of the	Scott Jarvis	(360) 586-7293	P.O. Box 40200 Olympia, WA 98504-0200
University of Washington	Rebecca Goodwin Deardorff	(206) 543-9199	4014 University Way N.E. Seattle, WA 98105-6203
Utilities and Transportation Commission	Robert Wallis	(360) 753-6404	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Department of	Sherri Madison	(206) 566-2533	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters, Board for	Joseph Faubion	(360) 753-7318	P.O. Box 40945 Olympia, WA 98504-0945
Walla Walla Community College	Merle Scott	(509) 527-4274	500 Tausick Way Walla Walla, WA 99362
Washington State Patrol	Jan Baca	(360) 753-6550 ext. 211	P.O. Box 42602 Olympia, WA 98504-2602
Washington State University	Lou Ann Pasquan	(509) 335-3543	French 220 Pullman, WA 99164-1020
Wenatchee Valley College	Anna Pieratt	(509) 664-2553	1300 Fifth Street Wenatchee, WA 98801
Western Washington University	Gloria McDonald	(360) 676-2037	320 BNB 103 East Holly Bellingham, WA 98225-4728
Whatcom Community College	Cliff Baacke	(360) 676-2170	237 West Kellogg Road Bellingham, WA 98226
Workforce Training and Education Coordinating Board	'cita Waller	(360) 753-5673	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Valley Community College	Suzanne West	(509) 575-2355	P.O. Box 1647 Yakima, WA 98907-1647

MISCELLANEOUS

WSR 97-01-004
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—December 3, 1996]

SPECIAL MEETING NOTICE
 WASHINGTON STATE
 WORKFORCE TRAINING AND
 EDUCATION COORDINATING BOARD
 MEETING NO. 50
 DECEMBER 6, 1996
 TELECONFERENCE

December 6, 1996, 1:00 - 2:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold a special meeting via teleconference concerning the membership of regional alliances discussed in "High Skills, High Wages: Washington's Comprehensive Plan for Workforce Training and Education."

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 97-01-005
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—December 4, 1996]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF MEETINGS
 TO MEDIA/OTHER

The Edmonds Community College board of trustees may attend the following functions during the month of December:

- December 7, 1996*
1:00-5:30 p.m. Holiday Open House
Home of Elaine and Jack Oharah
1219 183rd Street S.W.
Lynnwood, WA
- December 8, 1996*
2:00-5:30 p.m. Holiday Open House
Home of Elaine and Jack Oharah
1219 183rd Street S.W.
Lynnwood, WA
- December 13, 1996*
11:30 a.m.-1:30 p.m. EdCC Employee Recognition
Holiday Luncheon
Brier Hall Room 103
20122 68th Avenue West
Lynnwood, WA
- December 19, 1996*
3:30-4:30 p.m. Board Study Session to
Review Mission, Philosophy
and Vision Statements
Sno-King Building Boardroom 103
6600 196th S.W.
Lynnwood, WA 98036
- December 19, 1996
4:30 p.m. EdCC Board of Trustees Meeting
Sno-King Building Boardroom 103
6600 196th S.W.
Lynnwood, WA

*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-01-006
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—December 5, 1996]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 19, 1996, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 97-01-008
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—December 6, 1996]

BOARD OF TRUSTEES

1997 Meeting Schedule

Friday, January 24, 9:00 a.m., Pence Union Building, Banquet Room 265

Friday, February 28, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, April 4, 9:00 a.m., Pence Union Building, Banquet Room 265

Friday, May 23, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, June 27, 9:00 a.m., Pence Union Building, Banquet Room 265

Friday, July 25, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, September 26, 9:00 a.m., Pence Union Building, Banquet Room 265

Friday, October 24, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, December 5, 9:00 a.m., Pence Union Building, Banquet Room 265

Board meetings are the fourth Friday of the month, with the exception of the combination of the March/April meeting and the November/December meeting; no meeting in August.

WSR 97-01-009
PROCLAMATION
OFFICE OF THE GOVERNOR

[December 6, 1996]

AMENDING PROCLAMATION OF AN EMERGENCY

The severe winter storm which began November 19, 1996 is continuing to cause extensive damage in Washington State.

WHEREAS, extensive damages are occurring to roads, homes, and businesses in Pend Oreille County; and

MISCELLANEOUS

WHEREAS, persons and property are and will be without power for an extended period of time and life and property are at risk in Pend Oreille County; and

NOW THEREFORE, I, MIKE LOWRY, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of November 20, 1996, and further proclaim that a State of Emergency exists in Pend Oreille County and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHERE OF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia this 6th day of December, A.D., Nineteen Hundred Ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR

Donald F. Whiting
Assistant Secretary of State

WSR 97-01-019
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—December 4, 1996]

The Seattle Community College District board of trustees has approved regular meeting schedules for 1997 and 1998 as follows:

BOARD OF TRUSTEES
1997-1998 SCHEDULE

Regular board of trustees meetings for the Seattle Community College District are to begin at 6:00 p.m. on the first Tuesday of each month.

1997

- Date Place
January 7 North Seattle Community College
February 4 Seattle Community College District (Siegal)
March 4 South Seattle Community College
April 1 Seattle Vocational Institute (SCCC)
May 6 North Seattle Community College
June 3 The Battelle Conference Center (Siegal)

Seattle, WA 98105-5428
Administration Emeriti and League for Innovation Student Awards

- July 1 Duwamish Center (SSCC)
August No meeting
September 1, (Holiday)
September 2 Seattle Central Community College
October 7 North Seattle Community College
November 4 Seattle Community College District (Siegal)
December 2 South Seattle Community College

1998

- January 6 North Seattle Community College
February 3 Battelle Conference Center (Siegal)
March 3 South Seattle Community College
April 7 Seattle Central Community College
May 5 Duwamish Center (SSCC)
June 2 Maritime Training Center (SCCC)
July 7 North Seattle Community College
August No meeting
September 1 South Seattle Community College
October 6 Seattle Central Community College
November 3 North Seattle Community College
December 1 Seattle Community College District (Siegal)

(Number of meetings per campus Siegal 2, Central 3, North 3, South 3)

WSR 97-01-020
NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION COMMISSION

[Memorandum—December 9, 1996]

The following is the schedule for the 1997 regular meetings of the Washington Utilities and Transportation Commission:

- January 8, 1997
January 22, 1997
January 29, 1997
February 12, 1997
February 28, 1997*
March 12, 1997

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March 26, 1997
 April 9, 1997
 April 23, 1997
 April 30, 1997
 May 16, 1997
 May 28, 1997
 June 6, 1997
 June 25, 1997
 July 9, 1997
 July 30, 1997
 August 13, 1997
 August 27, 1997
 September 10, 1997
 September 24, 1997
 October 8, 1997
 October 22, 1997
 October 29, 1997
 November 7, 1997
 November 26, 1997
 December 10, 1997
 December 31, 1997

will begin at 6:00 p.m. for work sessions and 7:00 p.m. for agenda meetings, and will be held in Room W305, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034.

January 8, 1997
 February 12, 1997
 March 12, 1997
 April 9, 1997
 May 14, 1997
 June 11, 1997
 July 9, 1997
 August 13, 1997
 September 10, 1997
 October 8, 1997
 November 12, 1997
 December 10, 1997

*This meeting will commence at 1:30 p.m.

All commission meetings will commence at 9:00 a.m. on the day scheduled unless otherwise noted. The meetings will be held in the Commission's Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

Assistance with sign language interpreters or information in alternate formats shall be provided when requested ten days prior to the meeting date, by contacting the ADA coordinator at (360) 753-1292 or TDD (360) 586-8203.

WSR 97-01-021
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Memorandum—December 5, 1996]

The Commission on Judicial Conduct will hold their business meetings at 11:00 a.m. at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188, on the following dates:

February 7, 1997
 April 4, 1997
 June 6, 1997
 August 1, 1997
 October 3, 1997
 December 5, 1997

WSR 97-01-022
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Memorandum—December 4, 1996]

The following dates for the 1997 monthly meetings of the Lake Washington Technical College board of trustees are forwarded in compliance with RCW 42.30.075. Meetings

WSR 97-01-023
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—December 3, 1996]

Following is the meeting schedule for 1997 for the board of trustees of Community College District 9. All meetings are held in Building 25 and begin with a study session at 8:00 a.m. followed by the regular meeting at 10:00 a.m. These meeting dates were approved by the board at their November 14, 1996, meeting.

January 9, 1997
 February 13, 1997
 March 13, 1997
 April 10, 1997
 May 8, 1997
 June 12, 1997
 July 10, 1997
 August - no meeting
 September 11, 1997
 October 9, 1997
 November 13, 1997
 December 11, 1997

WSR 97-01-024
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—December 6, 1996]

The board of trustees has canceled the regular board meeting that was scheduled to be held on December 24, 1996, at 7:30 p.m. in the Board Room at Olympic College, District No. 3, Bremerton, Washington.

MISCELLANEOUS

WSR 97-01-025
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[EO 96-08]

PROJECT LABOR AGREEMENTS

WHEREAS, Washington State has a compelling interest in awarding public works contracts in such a manner as to yield the lowest reasonable costs and the highest standard of quality and efficiency on the job; and

WHEREAS, project labor agreements which meet the necessary criteria are consistent with statutory competitive bidding requirements for state agencies; and

WHEREAS, project labor agreements are of great potential economic benefit for appropriate and time sensitive major construction projects which will extend for a substantial period of time, involve a substantial number of contractors, subcontractors and trades and craft workers, and have a substantial dollar value; and

WHEREAS, in appropriate circumstances, project labor agreements can facilitate the timely and efficient completion of such projects by making available a ready, reliable and adequate supply of highly trained and skilled craft workers, permitting public and private owners and contractors to accurately determine project labor costs at the outset and to establish working conditions for the duration of the project, as well as provide a negotiated commitment as a legally enforceable means of assuring labor stability and avoiding disruptions such as strikes, lockouts or slowdowns over the life of the project; and

WHEREAS, the potential benefits of any proposed project labor agreement must be carefully considered with respect to the effect such an agreement may have on competitive bidding, project costs and the State's policy to advance women- and minority-owned businesses; and

WHEREAS, the use of project labor agreements should be considered only in those limited circumstances when such an agreement clearly benefits the interests of the State from a cost, efficiency, quality, safety and timeliness standpoint.

NOW THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me, do hereby direct:

1. All State Offices, Departments, Divisions, Bureaus, Boards, Commissions or other State Agencies should consider project labor agreements for appropriate public works projects which meet the criteria established in this Order.

2. The decision to use such agreements shall be considered with respect to the important public policies favoring open competitive bidding and advancement of women and minority-owned businesses.

3. The decision to use a project labor agreement shall be made on a project-by-project basis, and only where such an agreement will promote labor stability and advance the State's interest in cost, efficiency, quality, safety and timeliness. In making the decision whether to use a project labor agreement, the following factors shall be considered:

- (a) the potential for labor disruptions, such as strikes, lockouts, or slowdowns which could affect completion of the project;
- (b) the number of trades and crafts anticipated to be used on the project;
- (c) the need and urgency of the project and the harm to the public if completion of the project is delayed;
- (d) the size and complexity of the project and the time needed for completion; and
- (e) the benefits to the public from the use of a project labor agreement relative to cost, efficiency, quality, safety and timeliness.

4. The decision to use a project labor agreement in connection with a public works project by a State Office, Department, Division, Bureau, Board, Commission or other State Agency shall be made prior to selecting the method of contracting for the project and shall be supported by written findings which clearly demonstrate how the use of a project labor agreement will benefit the project and the interests of the public and the State from a cost, efficiency, quality, safety and timeliness standpoint. The fact that a project labor agreement will be used shall be set forth in the advertisement for bids issued for the project.

5. In accordance with this Order, any project labor agreement shall:

- (a) designate a general contractor, project manager or similar construction firm or consultant which is experienced in the negotiation and administration of project labor agreements to manage and oversee the construction of the project - including the development and implementation of a labor relations policy for the project;
- (b) contain guarantees against strikes, lockouts, slowdowns or other similar action;
- (c) set forth effective, immediate and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
- (d) be made binding on all contractors and subcontractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents;
- (e) be open to competition for work to be performed and materials to be supplied to all union and non-union contractors, subcontractors, and material suppliers who are willing to abide by the terms of the project labor agreement;
- (f) prohibit discrimination in job referrals as required by federal and state law; and
- (g) in no way limit or define conditions of work performed pursuant to Title 72 RCW.

This Order does not require the use of a project labor agreement or promote the selection of any particular union, trade council or labor organization.

This Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 6th day of December, A.D., nineteen hundred and ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR

Ralph Munro
Secretary of State

WSR 97-01-026
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
[Memorandum—December 3, 1996]

PUBLIC WORKS BOARD MEETING DATES FOR 1997

Table with 3 columns: DATE/TIME, EVENT, LOCATION. Lists meeting dates from January to December 1997.

The above dates were adopted by the Public Works Board at the December 3, 1996, meeting.

WSR 97-01-028
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Affirmative Action Policy Committee)
[Memorandum—December 6, 1996]

The following is the official 1997 meeting calendar for the Governor's Affirmative Action Policy Committee (GAAPCom):

Table with 3 columns: Date, Time, Location. Lists meeting dates and times from January to October 1997.

The Department of Personnel is located at 521 Capitol Way South, Olympia. The Insurance Building is located on the capitol campus at 302 14th Avenue S.W., Olympia.

For additional information regarding GAAPCom meetings, interested parties should contact Alice Lawson at (206) 464-6718.

WSR 97-01-029
RULES OF COURT
STATE SUPREME COURT
[December 9, 1996]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO CrR 3.6 and CrRLJ 3.6 } ORDER } NO. 25700-A-593

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to CrR 3.6 and CrRLJ 3.6, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 9th day of December, 1996.

Durham, C. J.

Dolliver, J.

Smith, J.

Guy, J.

Johnson, J.

Alexander, J.

Talmadge, J.

MISCELLANEOUS

PROPOSED AMENDMENT TO SUPERIOR COURT
CRIMINAL RULES

CrR 3.6

SUPPRESSION HEARINGS—DUTY OF COURT

~~At the conclusion of a hearing, upon a motion to suppress physical, oral or identification evidence the trial court shall set forth in writing: (1) the undisputed facts; (2) the disputed facts; (3) the court's findings as to the disputed facts; and (4) the court's reason for the admissibility or inadmissibility of the evidence sought to be suppressed.~~

(a) Pleadings. Motions to suppress physical, oral or identification evidence, other than motion pursuant to rule 3.5, shall be in writing supported by an affidavit or document setting forth the facts the moving party anticipates will be elicited at a hearing, and a memorandum of authorities in support of the motion. Opposing counsel may be ordered to serve and file a memorandum of authorities in opposition to the motion. The court shall determine whether an evidentiary hearing is required based upon the moving papers. If the court determines that no evidentiary is required, the court shall enter a written order setting forth its reasons.

(b) Hearing. If an evidentiary hearing is conducted, at its conclusion the court shall enter written findings of fact and conclusions of law.

PROPOSED RULES OF COURT
(Published for comment only)

[By an order of the Supreme Court February 15, 1996, and in accordance with GR 9(f), the following proposed changes to the Rules of Court are published for comment by any interested party. Comments should be submitted to the Clerk of the Court, P.O. Box 40929, Olympia WA 98504-0929, no later than April 30, 1996.

The cover sheet information as to purpose required by GR 9(d) is included herein solely for information purposes.

Proposed *amendment* to rule is CrRLJ 3.6.

Additions and deletions are indicated by underlining and lining out respectively, except where the entire rule is new.]

PROPOSED AMENDMENT TO
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION

CrRLJ 3.6

SUPPRESSION PROCEDURE

~~(a) Hearing. Upon a motion to suppress physical, oral or identification evidence, the court shall conduct a hearing. A motion to suppress shall be made and heard before the empanelment of the jury.~~

~~(b) Duty of Court To Make a Record. After the hearing, the court shall state its findings of fact and conclusions of law as to the admissibility or inadmissibility of the evidence.~~

(a) Pleadings; Determination Regarding Hearing. Motions to suppress physical, oral or identification evidence other than motions pursuant to rule 3.5 shall be in writing supported by an affidavit or document as provided in RCW 9A.72.085 or any law amendatory thereto, setting forth the facts the moving party anticipates will be elicited at a hearing. If there are no disputed facts, the court shall

determine whether an evidentiary hearing is required. If the court determines that no evidentiary hearing is required, the court shall set forth its reasons for not conducting an evidentiary hearing.

(b) Decision. The court shall state findings of fact and conclusions of law.

Purpose

If the proposed amendment to CrRLJ 3.6 is adopted, defense counsel would be required to file a brief affidavit or certificate that elaborates what the motion is about. This would narrow the issues and even eliminate some motions altogether. The court can decide not to hear oral argument on motions that are clearly frivolous, and cases may be settled without the need for oral argument.

It is also being recommended that the Superior Court companion rule, CrR 3.6, be amended in a similar fashion. However, in superior court cases, the moving party will also file a memorandum of authorities in support of the motion, opposing counsel may be ordered to respond with a memorandum of authorities, and the findings/conclusions must be written.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 97-01-031
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—December 10, 1996]

The Washington State Library Commission will hold a public conference call meeting on Friday, December 13, 1996, at 9:00 a.m. at the Washington State Library Capitol Campus Building.

Individuals who would like to participate, and individuals who have a need for a reasonable accommodation, please contact Cathy M. Stussy at (360) 753-2914.

WSR 97-01-036
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
[Memorandum—December 9, 1996]

WASHINGTON STATE TRANSPORTATION COMMISSION
1997 REGULAR MEETING SCHEDULE

The Washington State Transportation Commission will hold its regular monthly meetings on the following dates in 1997. These meetings will commence at 8:00 a.m. or such later time as determined by the commission chair. Each regular meeting shall be held in the Transportation Commission meeting room (1D2) in the Transportation Building, 410 Maple Park Drive, Olympia, WA. Persons desiring to know

the starting time for a specific meeting can call the commission office at (360) 705-7070.

- January 15 and 16
- February 18 and 19
- March 19 and 20
- April 17
- May 14 and 15
- June 18 and 19
- July 16 and 17
- August 20 and 21
- September 17 and 18
- October 15 and 16
- November 19 and 20
- December 17 and 18

WSR 97-01-037
NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS
 [Memorandum—December 9, 1996]

The Board of Tax Appeals scheduled its regular 1997 meetings at 10 a.m. on March 13, June 12, September 11, and December 11, 1997. The meetings will be held at the board's offices, 910 5th Avenue S.E., Olympia, WA 98504-0915.

WSR 97-01-038
RULES COORDINATOR
CLOVER PARK
TECHNICAL COLLEGE
 [Filed December 11, 1996, 9:05 a.m.]

In accordance with RCW 34.05.310, please be advised that Laurie Kaye Clary, Director of Institutional Research and Integrity, will serve as the agency rules coordinator for Clover Park Technical College. Her mailing address and phone number are as follows: Ms. Laurie Kaye Clary, Director of Institutional Research and Integrity, Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098, phone (206) 589-5586, e-mail lclary@ctc.edu.

Alson E. Green, Jr.
 President

WSR 97-01-039
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—December 6, 1996]

The following is a list of 1997 board approved meeting dates for the Skagit Valley College board of directors. The dates are:

- Monday, January 6
- Monday, February 10
- Monday, March 10
- Wednesday, April 9
- Monday, June 9
- Monday, July 14

- Monday, August 11
- Monday, September 8
- Monday, October 13
- Wednesday, November 12
- Monday, December 8

WSR 97-01-040
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
 [Memorandum—December 9, 1996]

The December 11, 1996, adjourned meeting of the Washington State Convention and Trade Center board of directors has been cancelled.

The board will next meet at its regularly scheduled meeting on Wednesday, December 18, 1996, at 1:30 p.m. in Room 310 of the Convention Center.

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

WSR 97-01-045
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD
 [Memorandum—December 11, 1996]

The Washington State Noxious Weed Control Board Spring 1997 meetings will be held as follows:

- January 21, 1997
 8:30 a.m. - 5:00 p.m.
 General Administration Building
 Room G3
 210 11th Avenue S.W.
 Olympia, WA
- March 19, 1997
 8:30 a.m. - 5:00 p.m.
 Casey Conference Center
 Auditorium B
 1276 South Fort Casey Road
 Coupeville, WA
- May 20, 1997
 8:30 a.m. - 5:00 p.m.
 Grant County PUD
 Auditorium
 312 West Third Avenue
 Moses Lake, WA

The public is welcome to attend all meetings. Contact Laurie McLellan, Executive Secretary, Washington State Noxious Weed Control Board, (206) 872-2972, if you have any questions.

MISCELLANEOUS

WSR 97-01-050
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Asparagus Commission)
[Memorandum—December 5, 1996]

As required by RCW 42.30.075, the Washington Asparagus Commission wishes to file for publication in the Washington State Register, the following schedule of meetings:

- Tuesday
January 21, 1997
9:00 a.m. Red Lion Inn
2525 North 20th
Pasco, WA 99301
- Tuesday
April 15, 1997
9:00 a.m. Washington Asparagus Commission
2705 St. Andrews Loop
Pasco, WA 99301
- Tuesday
July 15, 1997
9:00 a.m. American Fine Foods
516 West Rose
Walla Walla, WA 99362
- Tuesday
October 21, 1997
9:00 a.m. Sunnyside Valley Irrigation District
11th and Blaine
Sunnyside, Washington 98944

WSR 97-01-051
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Hop Commission)
[Memorandum—December 10, 1996]

The Washington Hop Commission has adopted a schedule for 1997 regular and annual meetings. Per WAC 16-532-020 (11)(a) we are required to hold four regular and one annual meeting each year. We file the following information, as required by RCW 42.30.075:

- February 18 Toppenish
- April 8 Yakima
- June 10 Prosser
- October 16 Sunnyside
- January 21, 1998 Yakima (1997 Annual Meeting)

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of each meeting.

WSR 97-01-052
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 18
[November 26, 1996]

WASHINGTON STATE CONVENTION AND TRADE CENTER - STATE AGENCIES - PUBLIC WORKS AND IMPROVEMENTS - CONTRACTS - COMPETITIVE BIDDING - AUTHORITY OF STATE AGENCY TO VARY FROM BIDDING PROCEDURE.

Where the Legislature has authorized expansion of the Washington State Convention and Trade Center but has conditioned funding upon the receipt of contributions from a public or private co-developer, and has imposed further conditions which render it economically impracticable to call for public bids on those portions of the expansion project which will be "jointly" used by the co-developers, and the Convention and Trade Center will call for public bids on

those portions of the project that are intended for its use as a state instrumentality, the public works laws are sufficiently flexible to allow the "joint" portions of the construction project to be designed and built by the co-developer without call for public bids.

James R. Ellis
Chairman, Board of Directors
Washington State Convention & Trade Center
701 Fifth Avenue #5000
Seattle, Washington 98104-7078

WSR 97-01-053
NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE
[Memorandum—December 9, 1996]

1997 Board of Trustees - Meeting Dates

- January 13, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- February 1997 No meeting scheduled
- March 10, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- April 14, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- May 12, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- June 9, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- July 14, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- August 11, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- September 8, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- October 13, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- November 10, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021
- December 8, 1997 Northshore Center
6:30 p.m. 22002 26th Avenue S.E.
Bothell, WA 98021

MISCELLANEOUS

WSR 97-01-054
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
[Memorandum—December 12, 1996]

BOARD OF TRUSTEES MEETING DATES OF 1997

- January 8
- February 12
- March 12
- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10

WSR 97-01-055
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD ADMINISTRATION BOARD
[Memorandum—December 10, 1996]

- Meeting Notice:
- January 16, 1997
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504-0913
10:00 a.m. to 5:00 p.m.
 - January 17, 1997
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504-0913
8:00 a.m. to noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 97-01-060
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Commission on Pesticide Registration)
[Memorandum—December 10, 1996]

The Washington State Commission on Pesticide Registration has adopted a schedule for 1997 regular meetings. Per RCW 42.30.075 we are making this schedule available to the public through your office.

- | | |
|------------|------------|
| January 13 | Spokane |
| March 6 | Mt. Vernon |
| May 14 | Wenatchee |

Interested parties may call the public documents officer for the Washington State Commission on Pesticide Registration at (509) 372-7492 for the time and site of each meeting.

WSR 97-01-061
NOTICE OF PUBLIC MEETINGS
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Memorandum—December 13, 1996]

BOARD OF DIRECTORS
REGULAR MONTHLY MEETINGS
MEETING DATES FOR 1997

REGULAR
MONTHLY MEETING

- January 9, 1997
- February 13, 1997
- March 13, 1997
- April 10, 1997
- May 8, 1997
- June 12, 1997
- July 10, 1997
- August 14, 1997
- September 11, 1997
- October 9, 1997
- November 13, 1997
- December 11, 1997

STUDY SESSIONS

- February 27, 1997
- April 24, 1997
- June 26, 1997
- August 28, 1997
- October 23, 1997
- December 18, 1997

Notice is hereby given that the board of directors of the Puget Sound Air Pollution Control Agency will hold regular monthly meetings. The regular monthly meetings will be held at 9:00 a.m. at the Puget Sound Air Pollution Control Agency, 110 Union Street, Suite 500, Seattle, WA. Study sessions will be held at 9:30 a.m.

Board of director meetings and study sessions are open and public. Interested persons are invited to attend. More information can be obtained by calling (206) 689-4080 or 689-4079.

WSR 97-01-062
RULES OF COURT
STATE SUPREME COURT
[December 11, 1996]

IN THE MATTER OF THE	} ORDER
ADOPTION OF THE AMEND-	}
MENTS TO IRLJ 2.2;	} NO. 25700-A-594
IRLJ 2.6; IRLJ 3.1;	}
IRLJ 3.3; IRLJ 3.5	}
and IRLJ 6.6	}

The Washington State Bar Association having recommended the adoption of the proposed amendments to IRLJ 2.2; IRLJ 2.6; IRLJ 3.1; IRLJ 3.3; IRLJ 3.5. The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to IRLJ 6.6, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

MISCELLANEOUS

ORDERED:

- (a) That the amendments at attached hereto are adopted.
- (b) That the amendments will be published in the Washington Reports and will become effective September 1, 1997.

DATED at Olympia, Washington this 11th day of December, 1996.

Durham, C.J.

Dolliver, J.

Smith, J

Alexander, J.

Guy, J.

Talmadge, J.

Johnson, J.

PROPOSED AMENDMENTS TO INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION

IRLJ 2.2

INITIATION OF INFRACTION CASES

(a) Unchanged.

(b) **Who May Issue.** A notice of infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to law:

(1) By ~~an enforcement~~ a citing officer. The infraction need not have been committed in the officer's presence, except as provided by statute;

(2) By the prosecuting authority.

(c) - (d) Unchanged.

Purpose

The minor change in section (b)(1) conforms the language of this rule to the definition in rule 1.2(j).

IRLJ 2.6

SCHEDULING OF HEARINGS

(a) **Contested Hearings.**

(1) Except as provided in sections (1)(i) and (ii), upon receipt of a response submitted pursuant to rule 2.4 (b)(2), the court shall schedule a hearing to determine whether the defendant committed the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 90 120 days from the date of written notice of the hearing date the notice of infraction or the date a default judgment is set aside, unless otherwise agreed by the defendant in writing.

(i) If authorized by local court rule, a defendant who requests a contested hearing may first be scheduled for a prehearing conference, which shall be scheduled for not less than 14 days from the date the written notice of the hearing is sent by the court nor more than 45 days from the date of the notice of infraction or the date a default judgment is set aside, unless otherwise agreed by the defendant in writing.

(ii) The prehearing conference may be waived by the defendant in writing if the waiver is received by the court before the time set for the prehearing conference. If the prehearing conference is waived, the case will be set for contested hearing. The contested hearing shall be scheduled for not more than 90 days from the date of the prehearing conference or, if the prehearing conference is waived, from the date the waiver of the prehearing conference is received by the court.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the receipt of the request for a hearing. The notice of the hearing shall also include statements advising the defendant of the defendant's rights at the hearing, how the defendant may request that witnesses be subpoenaed, and that failure to appear ~~is~~ may be a crime for which the defendant may be arrested, and, in a traffic infraction case, the defendant's privilege to operate a motor vehicle may be suspended. If a local rule is adopted implementing sections (a)(1)(i) and (ii), the court shall advise the defendant in the notice of the defendant's right to waive the prehearing conference.

(3) Unchanged.

(b) **Mitigation Hearings.**

(1) Upon receipt of a response submitted pursuant to rule 2.4 (b)(3) the court shall schedule a hearing to determine whether there were mitigating circumstances surrounding the commission of the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 90 days from the date of written notice of the hearing date the notice of infraction or the date a default judgment is set aside, unless otherwise agreed by the defendant in writing.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the request for a hearing. The notice shall also include statements advising the defendant of the defendant's rights at the hearing and stating that failure to appear ~~is~~ may be a crime for which the defendant may be arrested, and, in a traffic infraction case, the defendant's privilege to operate a motor vehicle may be suspended.

(3) Unchanged.

(c) Unchanged.

(d) **Objection to Hearing Date.** A defendant who objects to the hearing date set by the court upon the ground that it is not within the time limits prescribed by this rule shall file with the court and serve upon the prosecuting authority a written motion for a speedy hearing date within 10 days after the notice of hearing is mailed or otherwise given to the defendant. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a hearing commenced on such a date is not within the time limits prescribed by this rule. The written notice of the hearing date shall contain a copy of IRLJ 2.6(d).

(e) **Dismissal With Prejudice.** An infraction not brought to hearing within the time period provided by this rule shall, upon motion, be dismissed with prejudice.

Purpose

The amendment to section (a)(1) provides a different mechanism for determining when a contested hearing must take place. The committee agreed that 14 days from the date written notice of hearing is sent by the court is a

MISCELLANEOUS

reasonable minimum amount of time. Regarding outside limits, however, the committee believed that the time should begin running from the date the *notice of infraction* was issued. This is a clearer standard than the more vague "date of written notice of the hearing date," which can affect the date of hearing if the court is late in sending out the notice.

The committee expanded the outside time limit 90 to 120 days in recognition of increased caseloads and the earlier starting time (issuance of the notice of infraction rather than sending of the notice of hearing) for the period to run. Any prejudice to a defendant is offset by the proposal to allow dismissal with prejudice, on motion, if time limits are violated. See proposed new sections (d) and (e).

Finally, the committee determined that this "time for hearing" rule should also apply if a default judgment (see rule 3.2) has been set aside.

Proposed new subsections (1)(i) and (ii) authorize, by option of the local court, a "prehearing conference." This is in effect a settlement conference. Often, defendants request a contested hearing when what they really want is a chance to explain their side of the story, though they may not understand that they should have requested a mitigation hearing. Some courts, particularly those with heavy caseloads, already schedule waivable conferences by local court rule. An exit poll taken in 1993 by the Seattle Municipal Court indicated that a large majority of defendants prefer the conference approach; most defendants who appear are satisfied with a reduction in the monetary penalty in lieu of a contested hearing. This proposal clearly establishes the authority of a local court to provide for the settlement or "prehearing" conference option.

The amendments to section (a)(2) have a threefold purpose. First, the committee believed that it was more accurate to say that failure to appear "may be" a crime. Second, state law provides for the suspension of driving privileges if a defendant fails to respond to a notice of infraction, RCW 46.20.289, and the committee believed the defendant should be so warned. Finally, if a local rule allowing a prehearing conference is adopted, the defendant is to be advised of the right to waive that conference.

Sections (b)(1) and (2) are amended to conform to the changes proposed to section (a), except that the 90 day outside time limit is retained.

Sections (d) and (e) are new. The existing rules do not provide a remedy for violation of the time requirements, and courts are inconsistent in fashioning a remedy. The proposals adopt the approach taken by CrRLJ 3.3 (f)(1) by placing some burden on the defendant to demand a hearing within the time limits set by the rule; the purpose of such a rule is to provide a defendant with a timely hearing, not merely to establish a dismissal procedure. Unlike the criminal rule, however, the proposals do not require that the motion be noted for a hearing.

IRLJ 3.1

CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS

(a) Subpoena. The defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge,

court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c), or it may be served by first-class mail, postage prepaid, sent to the witness' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, ~~the~~ a judge must approve of the subpoena.

(b) ~~Witness List Discovery.~~ ~~The plaintiff's lawyer, upon request~~ Upon written demand of the defendant at least 14 days ~~prior to~~ before a contested hearing, the plaintiff's lawyer shall at least 7 days prior to before the hearing provide the defendant or defendant's lawyer with a list of the witnesses the plaintiff intends to call at the hearing and a copy of the citing officer's sworn statement if it will be offered into evidence at the hearing. Upon written demand of the plaintiff's lawyer at least 14 days before the hearing, the defendant shall at least 7 days before the hearing provide the plaintiff's lawyer with a list of the witnesses the defendant intends to call at the hearing. No other discovery shall be required. Neither party is precluded from investigating the case, and neither party shall impede another party's investigation.

(c) - (d) Unchanged.

Purpose

The amendments to section (a) have two purposes. First, it is recommended that subpoenas be served at least 7 days prior to the contested hearing. Not all witnesses have traditional "9 to 5" work schedules. Advance notice will permit witnesses to more easily plan their schedules for attendance at a hearing. Second, the amendment allows for service of subpoenas by first-class mail. It is adopted from CrRLJ 4.8(c).

RCW 7.84.080 and 46.63.090 provide a "contingent" hearsay exception: if the citing officer is not subpoenaed, then the sworn statement of the officer is admissible into evidence. The rules do not currently provide for discovery of that statement. The amendments to section (b) require the prosecution to provide everything the government will offer into evidence at a contested hearing. They also allow the prosecution to obtain a defendant's list of witnesses, if desired. No other discovery is required. Finally, the amendments make clear that parties are free to investigate the case, recognizing that there is a distinction between investigation and discovery.

Several grammatical changes are intended to simplify the language and improve the readability of the rule.

IRLJ 3.3

PROCEDURE AT CONTESTED HEARING

(a) - (b) Unchanged.

(c) Rules of Evidence. The Rules of Evidence and statutes that relate to evidence in infraction cases shall apply to contested hearings. The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose

written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing, unless the defendant has caused the officer to be served with a subpoena to appear in accordance with instructions from the court issued pursuant to rule 2.6 (a)(2).

Purpose

The amendment is consistent with ER 802, allowing the admissibility of hearsay when authorized by statute or court rule. Language from RCW 7.84.080 and 46.63.090, which provides a "contingent" hearsay exception if the citing officer is not subpoenaed, is incorporated for ease of reference. The committee added the "unless" clause as a reminder that the defendant has a statutory right to "subpoena witnesses, including the officer," which the court is to advise the defendant when it issues written notice of the contested hearing. See IRLJ 2.6.

IRLJ 3.5

DECISION ON WRITTEN STATEMENTS

[Local Option]

(a) **Generally.** The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within ~~90~~ 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(b) - (e) Unchanged.

Purpose

The change from 90 to 120 days is intended for consistency to the proposed amendment to IRLJ 2.6.

IRLJ 6.6

SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

(a) No change.

(b) **Certificate; Form.** In the absence of proof of a request to produce an electronic speed measuring device (SMD) expert made served on the prosecuting authority and filed with the clerk of the court at least 7 30 days prior to trial or such lesser time as the court deems proper, a certificate in substantially the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES

I, _____ do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for _____ years and hold the rank of _____. Part of my duties include supervising the purchase, maintenance, and repair of all electronic speed measuring devices (SMD's) used by my agency.

This agency currently uses the following SMD's:

[List all SMD's used and their manufacturers.]

I have the following qualifications with respect to the above stated SMD's:

[List all degrees held and any special schooling regarding the SMD's listed above.]

Our agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. All initial testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. Our agency maintains a testing and certification program. This program requires:

[State the program in detail.]

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

Dated: _____ [Signature]

(c) No change.

Purpose

The proposed amendment would require proof of a defendant's request to produce an SMD expert, and require the request to be served on the prosecuting authority at least 30 days prior to trial. By increasing the amount of notice, smaller jurisdictions can do what larger courts currently do, i.e., group radar cases onto a single docket so a radar expert can testify in several cases.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 97-01-071
NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE
[Memorandum—December 13, 1996]

The board of trustees for Washington Community College District Twelve, at their meeting on December 12, 1996, adopted the following regular meeting schedule for the 1997 calendar year:

BOARD OF TRUSTEES

Meeting Schedule
1997

DATE	TIME	LOCATIONS
Thursday, January 9, 1997	4:30 p.m.	College Boardroom
Thursday, February 13, 1997	4:30 p.m.	College Boardroom
Thursday, March 13, 1997	4:30 p.m.	College Boardroom
Thursday, April 10, 1997	4:30 p.m.	East County Center Morton, Washington
Thursday, May 8, 1997	4:30 p.m.	College Boardroom
Thursday, June 12, 1997	4:30 p.m.	College Boardroom
Thursday, July 10, 1997	4:30 p.m.	College Boardroom
Thursday, August 14, 1997	4:30 p.m.	College Boardroom
Thursday, September 11, 1997	4:30 p.m.	College Boardroom

MISCELLANEOUS

Thursday, October 9, 1997 4:30 p.m. College Boardroom
 Thursday, November 13, 1997 4:30 p.m. College Boardroom
 Thursday, December 11, 1997 4:30 p.m. College Boardroom

Sno-King Building
 Boardroom 103
 4:30 - 6:20

WSR 97-01-072
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—December 12, 1996]

The time and place of regular meetings for the Everett Community College board of trustees for 1997 will be as follows:

Time and Date: The second and fourth Wednesdays of each month at 6:00 p.m. The second Wednesday will be for the purpose of a study session. The fourth Wednesday will be for the purpose of a business meeting.

Place: Everett Community College or elsewhere as announced.

WSR 97-01-073
NOTICE OF PUBLIC MEETINGS
JOINT CENTER
FOR HIGHER EDUCATION
 [Memorandum—December 12, 1996]

Pursuant to RCW 42.30.075, listed below for publication in the Washington State Register are the dates, as approved December 11, 1996, by the Joint Center for Higher Education (JCHE) Board, for 1997 regular meetings of the JCHE board.

Said meetings will begin at 7:30 a.m. on the scheduled dates in the SIRT building, 665 North Riverpoint Boulevard, Rooms 407 and 409, Spokane, WA.

- January 15, 1997
- February 12, 1997
- March 12, 1997
- April 9, 1997
- May 14, 1997
- June 11, 1997
- July 9, 1997
- August 13, 1997
- September 10, 1997
- October 8, 1997
- November 12, 1997
- December 10, 1997

WSR 97-01-074
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—December 17, 1996]

Board of Trustees Meeting
 December 19, 1996
 Regular

An executive session will be held for any of those items for which an executive session may be held under the Open Public Meetings Act.

Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 97-01-076
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS
 [Memorandum—December 17, 1996]

MEETING SCHEDULE FOR 1997

February 22	Moses Lake
April 19	Tri-Cities
June 14	Mount Vernon
August 16	Yakima
October 18	Spokane
December 6	Vancouver

WSR 97-01-085
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—December 16, 1996]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 1997 at its regular meeting held December 13, 1996:

DAY	DATE
Friday	January 17
Friday	February 21
Friday	March 21
Friday	April 18
Friday	May 16
Friday	June 13
Friday	July 18
Friday	August 15
Friday	September 19
Friday	October 17
Friday	November 21
Friday	December 12

The meetings will commence at 1:30 p.m. unless public notice is given to the contrary. The meetings will be held in Room 301 Gerberding Hall on the University of Washington main campus, Seattle, Washington, unless another location

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is established and public notice given in accordance with chapter 42.30 RCW.

To request disability accommodations, contact the Office of the ADA Coordinator, at least ten days in advance of the event, 543-6450 (voice), 543-6452 (TDD), 685-3885 (FAX), access@u.washington.edu (e-mail).

December 16, 1996

G. Leon Curtis

Director

WSR 97-01-096
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [December 18, 1996, 11:53 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: *Healthy Options* Licensed Health Carriers.

Subject: Supplemental premiums, instructions for billing, rebilling and adjustments.

Effective Date: January 1997.

Document Description: This publication includes supplemental premiums information and policy, supplemental premium procedure codes, instructions for completing HCFA-1500 claim forms, rebillings and adjustments, instructions for completing the adjustment request Form 525-109, and multiple premium payment adjustment.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

December 13, 1996
 Steven Wish, Section Head
 Division of Client Services

WSR 97-01-097
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed December 18, 1996, 11:54 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy 7.20 (formerly 7.03).

Subject: Communication access for persons who are deaf, deaf-blind or hard of hearing (formerly sign language interpreters).

Effective Date: December 1, 1996.

Document Description: Provides the Department of Social and Health Services with information on providing sign language interpreters and other equal access means for deaf, deaf-blind and hard of hearing clients.

To receive a copy of the interpretive or policy statement, contact Michelle Reed, Office of Deaf and Hard of Hearing Services, P.O. Box 45300, Olympia, WA 98504-5300, phone (360) 902-8000, TDD (360) 753-0699, FAX (360) 902-0855, e-mail Internet reedmm@dshs.wa.gov.

WSR 97-01-109
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Memorandum—December 17, 1996]

Listed below are the dates and locations of the Board of Nursing Home Administrators meetings for 1997. If board business is not concluded on the first day, the board will continue the meeting the next day.

January 30 and 31, 1997	WestCoast Sea-Tac Hotel 18220 Pacific Highway South Seattle, WA 98188
May 22 and 23, 1997	Rockwood Retirement Community 2903 East 25th Avenue Spokane, WA 99223
August 21 and 22, 1997	Wesley Gardens 815 South 216th Street Des Moines, WA 98198
November 6 and 7, 1997	Wesley Gardens 815 South 216th Street Des Moines, WA 98198

WSR 97-01-110
PROCLAMATION
OFFICE OF THE GOVERNOR
 [December 18, 1996]

AMENDING PROCLAMATION OF AN EMERGENCY

The severe winter storm which began November 19, 1996 is continuing to cause extensive damage in Washington State.

WHEREAS, extensive damages are occurring to roads, homes, and businesses in Klickitat County; and

WHEREAS, persons and property are and will be without power for an extended period of time and life and property are at risk in Klickitat County; and

NOW THEREFORE, I, MIKE LOWRY, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of November 20, 1996, and further proclaim that a State of Emergency exists in Klickitat County and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 18th day of December, A.D., Nineteen Hundred and Ninety-six.

 Mike Lowry
 Governor of Washington

BY THE GOVERNOR

Michelle Burkheimer

Acting Deputy
Secretary of State

WSR 97-01-118
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
RETIREMENT SYSTEMS
(Employee Retirement Benefits Board)
[Memorandum—December 18, 1996]

In compliance with the requirement for the Employee Retirement Benefits Board (ERBB) to submit a schedule of their regular meeting dates and locations for 1997, I offer the following information.

The ERBB will conduct all of their regularly scheduled meetings on the fourth Tuesday of each month. Meetings will be conducted at the Washington State Investment Board Room located at 2424 Heritage Court S.W., in Olympia, and meetings will commence at 9:00 a.m.

The meeting dates for 1997 are:

- January 28
- February 25
- March 25
- April 22
- May 27
- June 24
- July 22
- August 26
- September 23
- October 28
- November 25
- December 23

WSR 97-01-119
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 19
[December 11, 1996]

WATER - DEPARTMENT OF ECOLOGY - DEPARTMENT OF HEALTH - CITIES - COUNTIES - DISTRICTS - INTERPRETATION OF LEGISLATION RECOGNIZING INTERTIES BETWEEN PUBLIC WATER SUPPLY SYSTEMS.

1. The procedure established in RCW 90.03.383(3) for modifying a water right permit based on an intertie between public supply systems applies only to interties existing and in use on January 1, 1991.
2. Under RCW 90.03.383(3), when the Department of Ecology processes a change in place of use occasioned by an intertie between public water supply systems, the resulting permit(s) should show the quantity of water delivered through the intertie as well as the change in place of use.

3. Under RCW 90.03.383(4), the Department of Ecology's scope of inquiry is whether each system's use is within the annual and instantaneous withdrawal rate specified in its water right authorization and whether the exchange or delivery through the intertie adversely affects existing water rights.

Bruce Miyahara, Secretary
Department of Health
P. O. Box 47890
Olympia, WA 98504-7890

Mary Riveland, Director
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

WSR 97-01-120
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Barley Commission)
[Memorandum—December 17, 1996]

To keep in compliance with the Open Public Meeting Act, the Washington Barley Commission is filing the following schedule of the times, dates, and locations of our 1997 scheduled meetings:

Meeting Type	Date	Time
Regular Meeting	Wednesday, March 19, 1997	9:00 a.m.
Annual Meeting	Monday, June 30, 1997	9:00 a.m.
Regular Meeting	Wednesday, September 24, 1997	9:00 a.m.
Regular Meeting	Thursday, December 4, 1997	9:00 a.m.

All meetings are to be held in the Washington Wheat Commission's Conference Room, West 907 Riverside Avenue, Spokane, WA.

WSR 97-01-121
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE
[Memorandum—December 17, 1996]

Meetings of the board of trustees of Community College District VIII for 1997 will be held on the following dates:

- January 14
- February 5
- February 26
- March 11
- April 22
- June 10
- September 23
- November 4
- December 9

Generally speaking, meetings will begin with a study session at 12:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington, followed by a business session at 1:00 p.m. Specific meeting times may be obtained by calling the President's Office at Bellevue Community College, (206) 641-2302.

MISCELLANEOUS

In the event the board of trustees is unable to meet on the scheduled meeting date, a meeting may be scheduled and held as soon as possible, thereafter, or as otherwise announced. In the event the board of trustees is unable to meet, the chair of the board may order that no scheduled meeting of the board of trustees be held that month.

WSR 97-01-133

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Resource Damage Assessment Committee)
[Memorandum—December 19, 1996]**

Pursuant to WAC 173-183-230 through 173-183-260 and 173-183-820 through 173-183-870, the regular meeting of the Washington State Resource Damage Assessment Committee during 1997 will be held on the second Wednesday of each month, commencing at 9:00 a.m. The meetings will be held at the Department of Ecology headquarters building, located at 300 Desmond Drive in Lacey, Washington. The January meeting will be held in room 1S-16; all other 1997 meetings will be held in room 1S-17. For more information, contact Paul Heimowitz at (360) 407-6972.

WSR 97-01-134

**POLICY STATEMENT
DEPARTMENT OF ECOLOGY
[Filed December 19, 1996, 11:28 a.m.]**

Purpose: To comply with section 12(4), chapter 206, Laws of 1996, the Department of Ecology submits the following:

Description of the Subject Matter: Policy 3-11: Dangerous Waste Management Facilities: Late and/or Inadequate Applications for a Final Status Permit. When Department of Ecology review of an application for a hazardous waste management facility permit shows the application is incomplete or inadequate, ecology issues a notice of deficiency (NOD). This policy applies to the issuance of NODs. It also applies when an applicant is late submitting a revised application in response to an NOD. The policy limits the number of NODs issued for an application, establishes deadlines for responding to NODs, and encourages a process in which ecology staff meet frequently with applicants.

Effective Date: December 5, 1996.

To receive a copy of the policy, contact Bert Ponton, Hazardous Waste and Toxics Reduction Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6700.

December 5, 1996
Megan White, Manager
Hazardous Waste and Toxics
Reduction Program

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:

- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - X = Expedited repeal
- Note: These filings will appear in a special section of Issue 96-14
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-530	PREP	96-05-081	12-10-230	PREP-X	96-13-023	12-10-440	REP	96-17-078
4-25-530	AMD-P	96-09-065	12-10-230	REP	96-17-078	12-10-442	PREP-X	96-13-023
4-25-530	AMD	96-12-060	12-10-240	PREP-X	96-13-023	12-10-442	REP	96-17-078
4-25-722	PREP	96-05-082	12-10-240	REP	96-17-078	12-10-444	PREP-X	96-13-023
4-25-722	AMD-P	96-09-064	12-10-245	PREP-X	96-13-023	12-10-444	REP	96-17-078
4-25-722	AMD	96-12-062	12-10-245	REP	96-17-078	12-10-450	PREP-X	96-13-023
4-25-750	PREP	96-05-083	12-10-260	PREP-X	96-13-023	12-10-450	REP	96-17-078
4-25-750	AMD-P	96-09-066	12-10-260	REP	96-17-078	12-10-455	PREP-X	96-13-023
4-25-750	AMD	96-12-061	12-10-270	PREP-X	96-13-023	12-10-455	REP	96-17-078
4-25-810	PREP	96-05-084	12-10-270	REP	96-17-078	12-10-460	PREP-X	96-13-023
4-25-810	PREP-W	96-10-027	12-10-300	PREP-X	96-13-023	12-10-460	REP	96-17-078
12-10-010	PREP-X	96-13-023	12-10-300	REP	96-17-078	12-10-465	PREP-X	96-13-023
12-10-010	REP	96-17-078	12-10-305	PREP-X	96-13-023	12-10-465	REP	96-17-078
12-10-020	PREP-X	96-13-023	12-10-305	REP	96-17-078	12-10-470	PREP-X	96-13-023
12-10-020	REP	96-17-078	12-10-310	PREP-X	96-13-023	12-10-470	REP	96-17-078
12-10-025	PREP-X	96-13-023	12-10-310	REP	96-17-078	12-10-480	PREP-X	96-13-023
12-10-025	REP	96-17-078	12-10-320	PREP-X	96-13-023	12-10-480	REP	96-17-078
12-10-030	PREP-X	96-13-023	12-10-320	REP	96-17-078	12-10-485	PREP-X	96-13-023
12-10-030	REP	96-17-078	12-10-330	PREP-X	96-13-023	12-10-485	REP	96-17-078
12-10-035	PREP-X	96-13-023	12-10-330	REP	96-17-078	12-10-490	PREP-X	96-13-023
12-10-035	REP	96-17-078	12-10-340	PREP-X	96-13-023	12-10-490	REP	96-17-078
12-10-040	PREP-X	96-13-023	12-10-340	REP	96-17-078	12-10-495	PREP-X	96-13-023
12-10-040	REP	96-17-078	12-10-345	PREP-X	96-13-023	12-10-495	REP	96-17-078
12-10-050	PREP-X	96-13-023	12-10-345	REP	96-17-078	12-10-500	PREP-X	96-13-023
12-10-050	REP	96-17-078	12-10-350	PREP-X	96-13-023	12-10-500	REP	96-17-078
12-10-055	PREP-X	96-13-023	12-10-350	REP	96-17-078	12-10-510	PREP-X	96-13-023
12-10-055	REP	96-17-078	12-10-355	PREP-X	96-13-023	12-10-510	REP	96-17-078
12-10-060	PREP-X	96-13-023	12-10-355	REP	96-17-078	12-10-520	PREP-X	96-13-023
12-10-060	REP	96-17-078	12-10-360	PREP-X	96-13-023	12-10-520	REP	96-17-078
12-10-100	PREP-X	96-13-023	12-10-360	REP	96-17-078	12-10-530	PREP-X	96-13-023
12-10-100	REP	96-17-078	12-10-365	PREP-X	96-13-023	12-10-530	REP	96-17-078
12-10-160	PREP-X	96-13-023	12-10-365	REP	96-17-078	12-10-535	PREP-X	96-13-023
12-10-160	REP	96-17-078	12-10-370	PREP-X	96-13-023	12-10-535	REP	96-17-078
12-10-170	PREP-X	96-13-023	12-10-370	REP	96-17-078	12-10-540	PREP-X	96-13-023
12-10-170	REP	96-17-078	12-10-375	PREP-X	96-13-023	12-10-540	REP	96-17-078
12-10-180	PREP-X	96-13-023	12-10-375	REP	96-17-078	12-10-545	PREP-X	96-13-023
12-10-180	REP	96-17-078	12-10-390	PREP-X	96-13-023	12-10-545	REP	96-17-078
12-10-190	PREP-X	96-13-023	12-10-390	REP	96-17-078	12-10-550	PREP-X	96-13-023
12-10-190	REP	96-17-078	12-10-400	PREP-X	96-13-023	12-10-550	REP	96-17-078
12-10-200	PREP-X	96-13-023	12-10-400	REP	96-17-078	12-10-570	PREP-X	96-13-023
12-10-200	REP	96-17-078	12-10-405	PREP-X	96-13-023	12-10-570	REP	96-17-078
12-10-203	PREP-X	96-13-023	12-10-405	REP	96-17-078	12-10-580	PREP-X	96-13-023
12-10-203	REP	96-17-078	12-10-410	PREP-X	96-13-023	12-10-580	REP	96-17-078
12-10-205	PREP-X	96-13-023	12-10-410	REP	96-17-078	12-10-600	PREP-X	96-13-023
12-10-205	REP	96-17-078	12-10-420	PREP-X	96-13-023	12-10-600	REP	96-17-078
12-10-210	PREP-X	96-13-023	12-10-420	REP	96-17-078	12-10-650	PREP-X	96-13-023
12-10-210	REP	96-17-078	12-10-425	PREP-X	96-13-023	12-10-650	REP	96-17-078
12-10-215	PREP-X	96-13-023	12-10-425	REP	96-17-078	12-10-652	PREP-X	96-13-023
12-10-215	REP	96-17-078	12-10-440	PREP-X	96-13-023	12-10-652	REP	96-17-078

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-06-170	NEW-P	96-06-082	16-101-420	PREP-X	96-14-009
16-06-170	NEW-C	96-11-119	16-101-420	REP	96-18-108
16-06-170	NEW	96-14-086	16-101-430	PREP-X	96-14-009
16-06-175	NEW-P	96-06-082	16-101-430	REP	96-18-108
16-06-175	NEW-C	96-11-119	16-101-440	PREP-X	96-14-009
16-06-175	NEW	96-14-086	16-101-440	REP	96-18-108
16-06-180	NEW-P	96-06-082	16-101-450	PREP-X	96-14-009
16-06-180	NEW-C	96-11-119	16-101-450	REP	96-18-108
16-06-180	NEW	96-14-086	16-101-455	PREP-X	96-14-009
16-06-185	NEW-P	96-06-082	16-101-455	REP	96-18-108
16-06-185	NEW-C	96-11-119	16-101-460	PREP-X	96-14-009
16-06-185	NEW	96-14-086	16-101-460	REP	96-18-108
16-06-190	NEW-P	96-06-082	16-101-465	PREP-X	96-14-009
16-06-190	NEW-C	96-11-119	16-101-465	REP	96-18-108
16-06-190	NEW	96-14-086	16-101-470	PREP-X	96-14-009
16-06-195	NEW-P	96-06-082	16-101-470	REP	96-18-108
16-06-195	NEW-C	96-11-119	16-101-475	PREP-X	96-14-009
16-06-195	NEW	96-14-086	16-101-475	REP	96-18-108
16-06-200	NEW-P	96-06-082	16-101-480	PREP-X	96-14-009
16-06-200	NEW-C	96-11-119	16-101-480	REP	96-18-108
16-06-200	NEW	96-14-086	16-101-490	PREP-X	96-14-009
16-06-205	NEW-P	96-06-082	16-101-490	REP	96-18-108
16-06-205	NEW-C	96-11-119	16-101-500	PREP-X	96-14-009
16-06-205	NEW	96-14-086	16-101-500	REP	96-18-108
16-06-210	NEW-P	96-06-082	16-101-510	PREP-X	96-14-009
16-06-210	NEW-C	96-11-119	16-101-510	REP	96-18-108
16-06-210	NEW	96-14-086	16-101-520	PREP-X	96-14-009
16-06-215	NEW-P	96-06-082	16-101-520	REP	96-18-108
16-06-215	NEW-C	96-11-119	16-101-530	PREP-X	96-14-009
16-06-215	NEW	96-14-086	16-101-530	REP	96-18-108
16-06-220	NEW-P	96-06-082	16-101-540	PREP-X	96-14-009
16-06-220	NEW-C	96-11-119	16-101-540	REP	96-18-108
16-06-220	NEW	96-14-086	16-101-550	PREP-X	96-14-009
16-06-225	NEW-P	96-06-082	16-101-550	REP	96-18-108
16-06-225	NEW-C	96-11-119	16-101-560	PREP-X	96-14-009
16-06-225	NEW	96-14-086	16-101-560	REP	96-18-108
16-06-230	NEW-P	96-06-082	16-101-570	PREP-X	96-14-009
16-06-230	NEW-C	96-11-119	16-101-570	REP	96-18-108
16-06-230	NEW	96-14-086	16-101-580	PREP-X	96-14-009
16-06-235	NEW-P	96-06-082	16-101-580	REP	96-18-108
16-06-235	NEW-C	96-11-119	16-101-590	PREP-X	96-14-009
16-06-235	NEW	96-14-086	16-101-590	REP	96-18-108
16-09-001	PREP-X	96-14-072	16-101-600	PREP-X	96-14-009
16-09-001	REP	96-18-104	16-101-600	REP	96-18-108
16-09-010	PREP-X	96-14-072	16-101-610	PREP-X	96-14-009
16-09-010	REP	96-18-104	16-101-610	REP	96-18-108
16-09-020	PREP-X	96-14-072	16-101-620	PREP-X	96-14-009
16-09-020	REP	96-18-104	16-101-620	REP	96-18-108
16-09-030	PREP-X	96-14-072	16-101-630	PREP-X	96-14-009
16-09-030	REP	96-18-104	16-101-630	REP	96-18-108
16-09-040	PREP-X	96-14-072	16-101-640	PREP-X	96-14-009
16-09-040	REP	96-18-104	16-101-640	REP	96-18-108
16-49-001	PREP-X	96-14-011	16-101-650	PREP-X	96-14-009
16-49-001	REP	96-18-105	16-101-650	REP	96-18-108
16-49-010	PREP-X	96-14-011	16-101-660	PREP-X	96-14-009
16-49-010	REP	96-18-105	16-101-660	REP	96-18-108
16-49-020	PREP-X	96-14-011	16-101-670	PREP-X	96-14-009
16-49-020	REP	96-18-105	16-101-670	REP	96-18-108
16-49-030	PREP-X	96-14-011	16-101-680	PREP-X	96-14-009
16-49-030	REP	96-18-105	16-101-680	REP	96-18-108
16-49-040	PREP-X	96-14-011	16-101-700	PREP	96-13-093
16-49-040	REP	96-18-105	16-101-700	AMD-P	96-18-084
16-54-082	PREP	96-13-095	16-101-700	AMD	96-22-058
16-54-082	AMD-P	96-16-080	16-101-705	NEW-P	96-18-085
16-54-082	AMD	97-01-067	16-101-705	NEW	96-22-059
16-54-125	PREP	96-13-096	16-101-711	NEW-P	96-18-085
16-54-125	AMD-P	96-16-079	16-101-711	NEW	96-22-059
16-54-125	AMD	97-01-068	16-101-715	REP-P	96-18-085
16-86-015	PREP	96-13-095	16-101-715	REP	96-22-059
16-86-015	AMD-P	96-16-080	16-101-716	NEW-P	96-18-085
16-86-015	AMD	97-01-067	16-101-716	NEW	96-22-059
16-101-410	PREP-X	96-14-009	16-101-720	REP-P	96-18-085
16-101-410	REP	96-18-108	16-101-720	REP	96-22-059
16-101-721	NEW-P	96-18-085	16-101-721	NEW-P	96-18-085
16-101-721	NEW	96-22-059	16-101-721	NEW	96-22-059
16-101-725	REP-P	96-18-085	16-101-725	REP-P	96-18-085
16-101-725	REP	96-22-059	16-101-725	REP	96-22-059
16-101-726	NEW-P	96-18-085	16-101-726	NEW-P	96-18-085
16-101-726	NEW	96-22-059	16-101-726	NEW	96-22-059
16-101-730	REP-P	96-18-085	16-101-730	REP-P	96-18-085
16-101-730	REP	96-22-059	16-101-730	REP	96-22-059
16-101-735	REP-P	96-18-085	16-101-735	REP-P	96-18-085
16-101-735	REP	96-22-059	16-101-735	REP	96-22-059
16-101-740	REP-P	96-18-085	16-101-740	REP-P	96-18-085
16-101-740	REP	96-22-059	16-101-740	REP	96-22-059
16-101-990	NEW-P	96-18-085	16-101-990	NEW-P	96-18-085
16-101-990	NEW	96-22-059	16-101-990	NEW	96-22-059
16-1019-010	NEW-P	96-18-037	16-1019-010	NEW-P	96-18-037
16-1019-010	NEW-E	96-18-038	16-1019-010	NEW-E	96-18-038
16-1019-020	NEW-P	96-18-037	16-1019-020	NEW-P	96-18-037
16-1019-020	NEW-E	96-18-038	16-1019-020	NEW-E	96-18-038
16-1019-030	NEW-P	96-18-037	16-1019-030	NEW-P	96-18-037
16-1019-030	NEW-E	96-18-038	16-1019-030	NEW-E	96-18-038
16-1019-040	NEW-P	96-18-037	16-1019-040	NEW-P	96-18-037
16-1019-040	NEW-E	96-18-038	16-1019-040	NEW-E	96-18-038
16-1019-050	NEW-P	96-18-037	16-1019-050	NEW-P	96-18-037
16-101X-010	NEW-C	96-23-013	16-101X-010	NEW-C	96-23-013
16-101X-010	NEW	96-24-058	16-101X-010	NEW	96-24-058
16-101X-020	NEW-C	96-23-013	16-101X-020	NEW-C	96-23-013
16-101X-020	NEW	96-24-058	16-101X-020	NEW	96-24-058
16-101X-030	NEW-S	96-21-138	16-101X-030	NEW-S	96-21-138
16-101X-030	NEW	96-24-059	16-101X-030	NEW	96-24-059
16-101X-040	NEW-S	96-21-138	16-101X-040	NEW-S	96-21-138
16-101X-040	NEW	96-24-059	16-101X-040	NEW	96-24-059
16-101X-050	NEW-C	96-23-013	16-101X-050	NEW-C	96-23-013
16-101X-050	NEW	96-24-058	16-101X-050	NEW	96-24-058
16-114-001	PREP-X	96-14-017	16-114-001	PREP-X	96-14-017
16-114-001	REP	96-18-110	16-114-001	REP	96-18-110
16-114-010	PREP-X	96-14-017	16-114-010	PREP-X	96-14-017
16-114-010	REP	96-18-110	16-114-010	REP	96-18-110
16-114-015	PREP-X	96-14-017	16-114-015	PREP-X	96-14-017
16-114-015	REP	96-18-110	16-114-015	REP	96-18-110
16-114-020	PREP-X	96-14-017	16-114-020	PREP-X	96-14-017
16-114-020	REP	96-18-110	16-114-020	REP	96-18-110
16-114-025	PREP-X	96-14-017	16-114-025	PREP-X	96-14-017
16-114-025	REP	96-18-110	16-114-025	REP	96-18-110
16-114-030	PREP-X	96-14-017	16-114-030	PREP-X	96-14-017
16-114-030	REP	96-18-110	16-114-030	REP	96-18-110
16-114-040	PREP-X	96-14-017	16-114-040	PREP-X	96-14-017
16-114-040	REP	96-18-110	16-114-040	REP	96-18-110
16-114-045	PREP-X	96-14-017	16-114-045	PREP-X	96-14-017
16-114-045	REP	96-18-110	16-114-045	REP	96-18-110
16-114-050	PREP-X	96-14-017	16-114-050	PREP-X	96-14-017
16-114-050	REP	96-18-110	16-114-050	REP	96-18-110
16-114-055	PREP-X	96-14-017	16-114-055	PREP-X	96-14-017
16-114-055	REP	96-18-110	16-114-055	REP	96-18-110
16-114-060	PREP-X	96-14-017	16-114-060	PREP-X	96-14-017
16-114-060	REP	96-18-110	16-114-060	REP	96-18-110
16-114-065	PREP-X	96-14-017	16-114-065	PREP-X	96-14-017
16-114-065	REP	96-18-110	16-114-065	REP	96-18-110
16-114-070	PREP-X	96-14-017	16-114-070	PREP-X	96-14-017
16-114-070	REP	96-18-110	16-114-070	REP	96-18-110
16-114-075	PREP-X	96-14-017	16-114-075	PREP-X	96-14-017
16-114-075	REP	96-18-110	16-114-075	REP	96-18-110
16-114-080	PREP-X	96-14-017	16-114-080	PREP-X	96-14-017
16-114-080	REP	96-18-110	16-114-080	REP	96-18-110
16-114-085	PREP-X	96-14-017	16-114-085	PREP-X	96-14-017
16-114-085	REP	96-18-110	16-114-085	REP	96-18-110
16-114-090	PREP-X	96-14-017	16-114-090	PREP-X	96-14-017
16-114-090	REP	96-18-110	16-114-090	REP	96-18-110
16-114-095	PREP-X	96-14-017	16-114-095	PREP-X	96-14-017
16-114-095	REP	96-18-110	16-114-095	REP	96-18-110
16-114-100	PREP-X	96-14-017	16-114-100	PREP-X	96-14-017
16-114-100	REP	96-18-110	16-114-100	REP	96-18-110
16-114-105	PREP-X	96-14-017	16-114-105	PREP-X	96-14-017
16-114-105	REP	96-18-110	16-114-105	REP	96-18-110

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16-114-110	REP	96-18-110	16-128-050	PREP-X	96-14-016
16-114-115	PREP-X	96-14-017	16-128-050	REP	96-18-113
16-114-115	REP	96-18-110	16-128-060	PREP-X	96-14-016
16-114-120	PREP-X	96-14-017	16-128-060	REP	96-18-113
16-114-120	REP	96-18-110	16-128-070	PREP-X	96-14-016
16-114-125	PREP-X	96-14-017	16-128-070	REP	96-18-113
16-114-125	REP	96-18-110	16-128-080	PREP-X	96-14-016
16-114-130	PREP-X	96-14-017	16-128-080	REP	96-18-113
16-114-130	REP	96-18-110	16-128-090	PREP-X	96-14-016
16-114-135	PREP-X	96-14-017	16-128-090	REP	96-18-113
16-114-135	REP	96-18-110	16-128-100	PREP-X	96-14-016
16-114-140	PREP-X	96-14-017	16-128-100	REP	96-18-113
16-114-140	REP	96-18-110	16-128-110	PREP-X	96-14-016
16-116-001	PREP-X	96-14-012	16-128-110	REP	96-18-113
16-116-001	REP	96-18-111	16-128-120	PREP-X	96-14-016
16-116-010	PREP-X	96-14-012	16-128-120	REP	96-18-113
16-116-010	REP	96-18-111	16-128-130	PREP-X	96-14-016
16-116-020	PREP-X	96-14-012	16-128-130	REP	96-18-113
16-116-020	REP	96-18-111	16-132-001	PREP-X	96-14-014
16-116-030	PREP-X	96-14-012	16-132-001	REP	96-18-112
16-116-030	REP	96-18-111	16-132-010	PREP-X	96-14-014
16-116-040	PREP-X	96-14-012	16-132-010	REP	96-18-112
16-116-040	REP	96-18-111	16-132-020	PREP-X	96-14-014
16-120-001	PREP-X	96-14-014	16-132-020	REP	96-18-112
16-120-001	REP	96-18-112	16-132-030	PREP-X	96-14-014
16-120-005	PREP-X	96-14-014	16-132-030	REP	96-18-112
16-120-005	REP	96-18-112	16-132-040	PREP-X	96-14-014
16-120-010	PREP-X	96-14-014	16-132-040	REP	96-18-112
16-120-010	REP	96-18-112	16-132-050	PREP-X	96-14-014
16-120-020	PREP-X	96-14-014	16-132-050	REP	96-18-112
16-120-020	REP	96-18-112	16-132-060	PREP-X	96-14-014
16-120-030	PREP-X	96-14-014	16-132-060	REP	96-18-112
16-120-030	REP	96-18-112	16-136-001	PREP-X	96-14-013
16-120-040	PREP-X	96-14-014	16-136-001	REP	96-18-107
16-120-040	REP	96-18-112	16-136-010	PREP-X	96-14-013
16-120-050	PREP-X	96-14-014	16-136-010	REP	96-18-107
16-120-050	REP	96-18-112	16-136-020	PREP-X	96-14-013
16-120-060	PREP-X	96-14-014	16-136-020	REP	96-18-107
16-120-060	REP	96-18-112	16-138-010	NEW-E	96-11-001
16-120-070	PREP-X	96-14-014	16-138-020	NEW-E	96-11-001
16-120-070	REP	96-18-112	16-138-030	NEW-E	96-11-001
16-120-080	PREP-X	96-14-014	16-138-035	NEW-E	96-11-001
16-120-080	REP	96-18-112	16-138-040	NEW-E	96-11-001
16-120-090	PREP-X	96-14-014	16-140-001	PREP-X	96-14-016
16-120-090	REP	96-18-112	16-140-001	REP	96-18-113
16-120-100	PREP-X	96-14-014	16-140-010	PREP-X	96-14-016
16-120-100	REP	96-18-112	16-140-010	REP	96-18-113
16-120-110	PREP-X	96-14-014	16-140-020	PREP-X	96-14-016
16-120-110	REP	96-18-112	16-140-020	REP	96-18-113
16-120-120	PREP-X	96-14-014	16-140-030	PREP-X	96-14-016
16-120-120	REP	96-18-112	16-140-030	REP	96-18-113
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16-120-130	REP	96-18-112	16-140-040	REP	96-18-113
16-122	PREP	96-13-092	16-140-050	PREP-X	96-14-016
16-122	AMD-P	96-18-086	16-140-050	REP	96-18-113
16-122	AMD	96-22-060	16-140-060	PREP-X	96-14-016
16-122-001	AMD-P	96-18-086	16-140-060	REP	96-18-113
16-122-001	AMD	96-22-060	16-140-070	PREP-X	96-14-016
16-124-011	PREP	96-13-091	16-140-070	REP	96-18-113
16-124-011	AMD-P	96-18-087	16-140-080	PREP-X	96-14-016
16-124-011	AMD	96-22-061	16-140-080	REP	96-18-113
16-126-001	PREP-X	96-14-014	16-140-090	PREP-X	96-14-016
16-126-001	REP	96-18-112	16-140-090	REP	96-18-113
16-128-001	PREP-X	96-14-016	16-140-100	PREP-X	96-14-016
16-128-001	REP	96-18-113	16-140-100	REP	96-18-113
16-128-010	PREP-X	96-14-016	16-144-001	PREP-X	96-14-010
16-128-010	REP	96-18-113	16-144-001	REP	96-18-106
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16-144-050	REP	96-18-106			
16-144-060	PREP-X	96-14-010			
16-144-060	REP	96-18-106			
16-144-070	PREP-X	96-14-010			
16-144-070	REP	96-18-106			
16-144-080	PREP-X	96-14-010			
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16-148-020	REP	96-18-109			
16-148-030	PREP-X	96-14-015			
16-148-030	REP	96-18-109			
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16-168-030	NEW-P	96-05-027			
16-168-030	NEW	96-09-037			
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16-168-040	NEW	96-09-037			
16-168-050	NEW-P	96-05-027			
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16-168-060	NEW-P	96-05-027			
16-168-060	NEW	96-09-037			
16-168-070	NEW-P	96-05-027			
16-168-070	NEW	96-09-037			
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16-168-080	NEW	96-09-037			
16-168-090	NEW-P	96-05-027			
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16-200-810	REP	96-15-018A	16-233-245	NEW-P	96-14-108
16-200-815	AMD-P	96-10-071	16-233-245	NEW	96-21-008
16-200-815	AMD	96-15-018A	16-233-250	NEW-P	96-14-108
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16-200-830	AMD	96-15-018A	16-233-250	NEW	96-21-008
16-200-850	REP-P	96-10-071	16-233-255	NEW-P	96-14-108
16-200-850	REP	96-15-018A	16-233-255	NEW	96-21-008
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16-200-860	AMD	96-15-018A	16-304-110	AMD-P	96-09-091
16-200-865	NEW-P	96-10-071	16-304-110	AMD	96-12-066
16-200-865	NEW	96-15-018A	16-304-130	AMD-P	96-09-091
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16-233-001	NEW-P	96-14-108	16-316-327	AMD-P	96-07-087
16-233-001	NEW	96-21-008	16-316-327	AMD-C	96-11-121
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16-233-120	NEW-P	96-14-108	16-400-210	AMD	96-10-060
16-233-120	NEW	96-21-008	16-409	AMD-C	96-23-034
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16-233-125	NEW-S	96-17-081	16-409-020	AMD-P	96-20-080
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16-233-135	NEW-P	96-14-108	16-409-030	AMD	97-01-081
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16-233-140	NEW-P	96-14-108	16-409-060	AMD-P	96-20-080
16-233-140	NEW	96-21-008	16-409-060	AMD	97-01-081
16-233-145	NEW-P	96-14-108	16-409-065	PREP	96-09-090
16-233-145	NEW	96-21-008	16-409-065	AMD-P	96-20-080
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16-233-150	NEW-S	96-17-081	16-409-070	AMD-P	96-20-080
16-233-150	NEW	96-21-008	16-409-070	AMD	97-01-081
16-233-155	NEW-P	96-14-108	16-409-075	AMD-P	96-20-080
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16-233-200	NEW	96-21-008	16-473-005	NEW-E	96-17-027
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16-233-225	NEW	96-21-008	16-473-030	NEW-E	96-17-027
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16-750	AMD-C	97-01-044	36-08-330	PREP-X	96-13-021	36-12-100	AMD-P	96-20-058
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16-750-005	AMD	96-06-030	36-08-340	PREP-X	96-13-021	36-12-110	AMD-P	96-20-058
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16-750-011	AMD-P	96-20-112	36-08-350	PREP-X	96-13-021	36-12-120	AMD-P	96-20-058
16-750-015	AMD	96-06-030	36-08-350	REP	96-17-040	36-12-120	AMD	97-01-035
16-750-015	AMD-P	96-20-112	36-08-360	PREP-X	96-13-021	36-12-130	AMD-P	96-20-058
16-750-020	AMD-P	96-20-112	36-08-360	REP	96-17-040	36-12-130	AMD	97-01-035
16-750-130	AMD-P	96-20-112	36-08-370	PREP-X	96-13-021	36-12-140	AMD-P	96-20-058
36-08-010	PREP-X	96-13-021	36-08-370	REP	96-17-040	36-12-140	AMD	97-01-035
36-08-010	REP	96-17-040	36-08-380	PREP-X	96-13-021	36-12-150	AMD-P	96-20-058
36-08-020	PREP-X	96-13-021	36-08-380	REP	96-17-040	36-12-150	AMD	97-01-035
36-08-020	REP	96-17-040	36-08-390	PREP-X	96-13-021	36-12-160	AMD-P	96-20-058
36-08-030	PREP-X	96-13-021	36-08-390	REP	96-17-040	36-12-160	AMD	97-01-035
36-08-030	REP	96-17-040	36-08-400	PREP-X	96-13-021	36-12-170	AMD-P	96-20-058
36-08-040	PREP-X	96-13-021	36-08-400	REP	96-17-040	36-12-170	AMD	97-01-035
36-08-040	REP	96-17-040	36-08-410	PREP-X	96-13-021	36-12-180	REP-P	96-20-058
36-08-050	PREP-X	96-13-021	36-08-410	REP	96-17-040	36-12-180	REP	97-01-035
36-08-050	REP	96-17-040	36-08-420	PREP-X	96-13-021	36-12-190	AMD-P	96-20-058
36-08-060	PREP-X	96-13-021	36-08-420	REP	96-17-040	36-12-190	AMD	97-01-035
36-08-060	REP	96-17-040	36-08-430	PREP-X	96-13-021	36-12-195	AMD-P	96-20-058
36-08-070	PREP-X	96-13-021	36-08-430	REP	96-17-040	36-12-195	AMD	97-01-035
36-08-070	REP	96-17-040	36-08-440	PREP-X	96-13-021	36-12-200	AMD-P	96-20-058
36-08-080	PREP-X	96-13-021	36-08-440	REP	96-17-040	36-12-200	AMD	97-01-035
36-08-080	REP	96-17-040	36-08-450	PREP-X	96-13-021	36-12-210	AMD-P	96-20-058
36-08-090	PREP-X	96-13-021	36-08-450	REP	96-17-040	36-12-210	AMD	97-01-035
36-08-090	REP	96-17-040	36-08-460	PREP-X	96-13-021	36-12-220	AMD-P	96-20-058
36-08-100	PREP-X	96-13-021	36-08-460	REP	96-17-040	36-12-220	AMD	97-01-035
36-08-100	REP	96-17-040	36-08-470	PREP-X	96-13-021	36-12-240	AMD-P	96-20-058
36-08-110	PREP-X	96-13-021	36-08-470	REP	96-17-040	36-12-240	AMD	97-01-035
36-08-110	REP	96-17-040	36-08-480	PREP-X	96-13-021	36-12-250	AMD-P	96-20-058
36-08-120	PREP-X	96-13-021	36-08-480	REP	96-17-040	36-12-250	AMD	97-01-035
36-08-120	REP	96-17-040	36-08-490	PREP-X	96-13-021	36-12-260	AMD-P	96-20-058
36-08-130	PREP-X	96-13-021	36-08-490	REP	96-17-040	36-12-260	AMD	97-01-035
36-08-130	REP	96-17-040	36-08-500	PREP-X	96-13-021	36-12-270	AMD-P	96-20-058
36-08-140	PREP-X	96-13-021	36-08-500	REP	96-17-040	36-12-270	AMD	97-01-035
36-08-140	REP	96-17-040	36-08-510	PREP-X	96-13-021	36-12-280	AMD-P	96-20-058
36-08-150	PREP-X	96-13-021	36-08-510	REP	96-17-040	36-12-280	AMD	97-01-035
36-08-150	REP	96-17-040	36-08-520	PREP-X	96-13-021	36-12-290	AMD-P	96-20-058
36-08-160	PREP-X	96-13-021	36-08-520	REP	96-17-040	36-12-290	AMD	97-01-035
36-08-160	REP	96-17-040	36-08-530	PREP-X	96-13-021	36-12-300	AMD-P	96-20-058
36-08-170	PREP-X	96-13-021	36-08-530	REP	96-17-040	36-12-300	AMD	97-01-035
36-08-170	REP	96-17-040	36-08-540	PREP-X	96-13-021	36-12-310	AMD-P	96-20-058
36-08-180	PREP-X	96-13-021	36-08-540	REP	96-17-040	36-12-310	AMD	97-01-035
36-08-180	REP	96-17-040	36-08-550	PREP-X	96-13-021	36-12-320	AMD-P	96-20-058
36-08-190	PREP-X	96-13-021	36-08-550	REP	96-17-040	36-12-320	AMD	97-01-035
36-08-190	REP	96-17-040	36-08-560	PREP-X	96-13-021	36-12-330	AMD-P	96-20-058
36-08-200	PREP-X	96-13-021	36-08-560	REP	96-17-040	36-12-330	AMD	97-01-035
36-08-200	REP	96-17-040	36-08-570	PREP-X	96-13-021	36-12-340	AMD-P	96-20-058
36-08-210	PREP-X	96-13-021	36-08-570	REP	96-17-040	36-12-340	AMD	97-01-035
36-08-210	REP	96-17-040	36-08-580	PREP-X	96-13-021	36-12-350	AMD-P	96-20-058
36-08-220	PREP-X	96-13-021	36-08-580	REP	96-17-040	36-12-350	AMD	97-01-035
36-08-220	REP	96-17-040	36-08-590	PREP-X	96-13-021	36-12-360	AMD-P	96-20-058
36-08-230	PREP-X	96-13-021	36-08-590	REP	96-17-040	36-12-360	AMD	97-01-035
36-08-230	REP	96-17-040	36-12	PREP	96-11-114	36-12-363	NEW-P	96-20-058
36-08-240	PREP-X	96-13-021	36-12-010	AMD-P	96-20-058	36-12-363	NEW	97-01-035
36-08-240	REP	96-17-040	36-12-010	AMD	97-01-035	36-12-367	AMD-P	96-20-058
36-08-250	PREP-X	96-13-021	36-12-011	AMD-P	96-20-058	36-12-367	AMD	97-01-035
36-08-250	REP	96-17-040	36-12-011	AMD	97-01-035	36-12-385	AMD-P	96-20-058
36-08-260	PREP-X	96-13-021	36-12-020	AMD-P	96-20-058	36-12-385	AMD	97-01-035
36-08-260	REP	96-17-040	36-12-020	AMD	97-01-035	36-12-400	AMD-P	96-20-058
36-08-270	PREP-X	96-13-021	36-12-030	AMD-P	96-20-058	36-12-400	AMD	97-01-035
36-08-270	REP	96-17-040	36-12-030	AMD	97-01-035	36-12-410	AMD-P	96-20-058
36-08-280	PREP-X	96-13-021	36-12-040	AMD-P	96-20-058	36-12-410	AMD	97-01-035
36-08-280	REP	96-17-040	36-12-040	AMD	97-01-035	36-12-415	AMD-P	96-20-058
36-08-290	PREP-X	96-13-021	36-12-050	AMD-P	96-20-058	36-12-415	AMD	97-01-035
36-08-290	REP	96-17-040	36-12-050	AMD	97-01-035	36-12-425	AMD-P	96-20-058
36-08-300	PREP-X	96-13-021	36-12-060	AMD-P	96-20-058	36-12-425	AMD	97-01-035
36-08-300	REP	96-17-040	36-12-060	AMD	97-01-035	36-12-435	AMD-P	96-20-058
36-08-310	PREP-X	96-13-021	36-12-070	AMD-P	96-20-058	36-12-435	AMD	97-01-035

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-30-050	AMD	96-03-059	50-60-165	DECOD	96-04-028	55-01-020	REP-W	96-15-008
50-30-050	DECOD	96-03-059	50-60-170	DECOD	96-04-028	55-01-020	REP	96-15-024
50-30-060	AMD	96-03-059	50-60-190	DECOD	96-04-028	55-01-030	AMD-E	96-03-104
50-30-060	DECOD	96-03-059	50-60-200	DECOD	96-04-028	55-01-030	REP-P	96-09-102
50-30-065	NEW	96-03-059	50-60-210	DECOD	96-04-028	55-01-030	AMD-E	96-11-097
50-30-065	DECOD	96-03-059	51-11	PREP	96-20-039	55-01-030	REP-W	96-15-008
50-30-068	NEW	96-03-059	51-11-1210	AMD-P	96-21-105	55-01-030	REP	96-15-024
50-30-068	DECOD	96-03-059	51-11-1301	AMD-P	96-21-105	55-01-040	AMD-E	96-03-104
50-30-070	AMD	96-03-059	51-32	PREP	96-15-083	55-01-040	REP-P	96-09-102
50-30-070	DECOD	96-03-059	51-32-1100	NEW-P	96-20-101	55-01-040	AMD-E	96-11-097
50-30-075	NEW	96-03-059	51-32-1100	NEW	97-01-135	55-01-040	REP-W	96-15-008
50-30-075	DECOD	96-03-059	51-32-1101	NEW-P	96-20-101	55-01-040	REP	96-15-024
50-30-080	AMD	96-03-059	51-32-1101	NEW	97-01-135	55-01-050	AMD-E	96-03-104
50-30-080	DECOD	96-03-059	51-32-1102	NEW-P	96-20-101	55-01-050	REP-P	96-09-102
50-30-085	NEW	96-03-059	51-32-1102	NEW	97-01-135	55-01-050	AMD-E	96-11-097
50-30-085	DECOD	96-03-059	51-32-1103	NEW-P	96-20-101	55-01-050	REP-W	96-15-008
50-30-090	AMD	96-03-059	51-32-1103	NEW	97-01-135	55-01-050	REP	96-15-024
50-30-090	DECOD	96-03-059	51-32-1104	NEW-P	96-20-101	55-01-060	AMD-E	96-03-104
50-30-095	NEW	96-03-059	51-32-1104	NEW	97-01-135	55-01-060	REP-P	96-09-102
50-30-095	DECOD	96-03-059	51-32-1105	NEW-P	96-20-101	55-01-060	AMD-E	96-11-097
50-30-100	AMD	96-03-059	51-32-1105	NEW	97-01-135	55-01-060	REP-W	96-15-008
50-30-100	DECOD	96-03-059	51-32-1106	NEW-P	96-20-101	55-01-060	REP	96-15-024
50-30-110	REP	96-03-059	51-32-1106	NEW	97-01-135	55-01-070	AMD-E	96-03-104
50-40-010	PREP-X	96-14-041	51-32-1107	NEW-P	96-20-101	55-01-070	REP-P	96-09-102
50-40-010	REP	96-17-072	51-32-1107	NEW	97-01-135	55-01-070	AMD-E	96-11-097
50-40-020	PREP-X	96-14-041	51-32-1108	NEW-P	96-20-101	55-01-070	REP-W	96-15-008
50-40-020	REP	96-17-072	51-32-1108	NEW	97-01-135	55-01-070	REP	96-15-024
50-40-040	PREP-X	96-14-041	51-32-1118	NEW-E	96-13-047	55-01-080	REP-W	96-15-008
50-40-040	REP	96-17-072	51-32-1118	NEW-E	97-01-042	55-01-080	REP	96-15-024
50-40-050	PREP-X	96-14-041	51-32-1119	NEW-E	96-13-047	67-35-020	AMD-P	96-17-068
50-40-050	REP	96-17-072	51-32-1119	NEW-P	96-20-101	67-35-020	AMD	96-20-076
50-40-060	PREP-X	96-14-041	51-32-1119	NEW-E	97-01-042	67-35-910	AMD-P	96-08-026
50-40-060	REP	96-17-072	51-34	PREP	96-15-083	67-35-910	AMD	96-11-096
50-40-070	PREP-X	96-14-041	51-34-6301	NEW	97-01-135	82-05-010	NEW	96-03-048
50-40-070	REP	96-17-072	51-34-6302	NEW	97-01-135	82-05-020	NEW	96-03-048
50-40-990	PREP-X	96-14-041	51-34-6303	NEW	97-01-135	82-05-030	NEW	96-03-048
50-40-990	REP	96-17-072	51-34-6304	NEW	97-01-135	82-05-040	NEW	96-03-048
50-44-020	AMD	96-04-022	51-34-6305	NEW	97-01-135	82-05-050	NEW	96-03-048
50-44-025	NEW	96-04-022	51-34-6306	NEW	97-01-135	82-50-021	AMD-P	96-12-037
50-60-010	DECOD	96-04-028	51-34-6307	NEW	97-01-135	82-50-021	AMD	96-15-039
50-60-020	DECOD	96-04-028	51-34-6308	NEW-E	96-13-047	82-54-010	AMD-E	96-15-076
50-60-030	DECOD	96-04-028	51-34-6308	NEW-E	97-01-042	82-54-010	PREP	96-15-125
50-60-035	DECOD	96-04-028	51-34-6308	NEW	97-01-135	82-54-010	AMD-P	96-19-061
50-60-040	DECOD	96-04-028	51-34-6309	NEW-E	96-13-047	82-54-010	AMD	96-22-031
50-60-042	DECOD	96-04-028	51-34-6309	NEW-P	96-20-101	131-16-010	AMD-E	97-01-007
50-60-045	DECOD	96-04-028	51-34-6309	NEW-E	97-01-042	131-16-010	AMD-P	97-01-077
50-60-050	DECOD	96-04-028	51-34-6309	NEW	97-01-135	131-16-011	AMD-E	97-01-007
50-60-060	DECOD	96-04-028	51-34-6310	NEW	97-01-135	131-16-011	AMD-P	97-01-077
50-60-070	DECOD	96-04-028	51-34-6311	NEW	97-01-135	131-16-021	AMD-E	97-01-007
50-60-080	DECOD	96-04-028	51-34-6312	NEW	97-01-135	131-16-021	AMD-P	97-01-077
50-60-08005	DECOD	96-04-028	51-34-6313	NEW	97-01-135	131-16-050	AMD-E	97-01-007
50-60-08010	DECOD	96-04-028	51-34-6314	NEW	97-01-135	131-16-050	AMD-P	97-01-077
50-60-08015	DECOD	96-04-028	51-34-6315	NEW	97-01-135	131-16-060	AMD-E	97-01-007
50-60-08020	DECOD	96-04-028	51-34-6316	NEW	97-01-135	131-16-060	AMD-P	97-01-077
50-60-08025	DECOD	96-04-028	51-34-6317	NEW	97-01-135	131-28-026	AMD	96-03-049
50-60-08030	DECOD	96-04-028	51-34-6318	NEW	97-01-135	132D-120-055	PREP	96-10-016
50-60-08035	DECOD	96-04-028	51-34-6319	NEW	97-01-135	132D-120-055	NEW-P	96-15-061
50-60-08040	DECOD	96-04-028	51-34-6320	NEW	97-01-135	132D-120-055	NEW-C	96-21-117
50-60-085	DECOD	96-04-028	51-34-6321	NEW	97-01-135	132D-120-055	NEW	97-01-049
50-60-090	DECOD	96-04-028	51-34-6322	NEW	97-01-135	132K-20-010	REP-P	96-16-077
50-60-09005	DECOD	96-04-028	51-34-6323	NEW	97-01-135	132K-20-010	REP	96-22-002
50-60-09010	DECOD	96-04-028	51-34-6324	NEW	97-01-135	132K-20-020	REP-P	96-16-077
50-60-09015	DECOD	96-04-028	55-01-001	REP-P	96-09-102	132K-20-020	REP	96-22-002
50-60-09020	DECOD	96-04-028	55-01-001	REP-W	96-15-008	132K-20-030	REP-P	96-16-077
50-60-100	DECOD	96-04-028	55-01-001	REP	96-15-024	132K-20-030	REP	96-22-002
50-60-110	DECOD	96-04-028	55-01-010	AMD-E	96-03-104	132K-20-040	REP-P	96-16-077
50-60-120	DECOD	96-04-028	55-01-010	REP-P	96-09-102	132K-20-040	REP	96-22-002
50-60-125	DECOD	96-04-028	55-01-010	AMD-E	96-11-097	132K-20-050	REP-P	96-16-077
50-60-130	DECOD	96-04-028	55-01-010	REP-W	96-15-008	132K-20-050	REP	96-22-002
50-60-140	DECOD	96-04-028	55-01-010	REP	96-15-024	132K-20-060	REP-P	96-16-077
50-60-145	DECOD	96-04-028	55-01-020	AMD-E	96-03-104	132K-20-060	REP	96-22-002
50-60-150	DECOD	96-04-028	55-01-020	REP-P	96-09-102	132K-20-070	REP-P	96-16-077
50-60-160	DECOD	96-04-028	55-01-020	AMD-E	96-11-097	132K-20-070	REP	96-22-002

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132K-20-080	REP-P	96-16-077	132V-24-120	AMD-P	96-12-006	132Z-300-030	NEW-P	96-09-074
132K-20-080	REP	96-22-002	132V-24-120	AMD	96-16-035	132Z-300-030	NEW	96-14-098
132K-20-090	REP-P	96-16-077	132V-130	PREP	96-09-050C	132Z-300-040	NEW-P	96-09-074
132K-20-090	REP	96-22-002	132V-130-010	NEW-P	96-12-007	132Z-300-040	NEW	96-14-098
132K-20-100	REP-P	96-16-077	132V-130-010	NEW	96-16-036	132Z-310-010	NEW-P	96-09-074
132K-20-100	REP	96-22-002	132V-130-020	NEW-P	96-12-007	132Z-310-010	NEW	96-14-098
132K-20-110	REP-P	96-16-077	132V-130-020	NEW	96-16-036	132Z-310-020	NEW-P	96-09-074
132K-20-110	REP	96-22-002	132V-130-030	NEW-P	96-12-007	132Z-310-020	NEW	96-14-098
132N-276	PREP	96-03-101	132V-130-030	NEW	96-16-036	132Z-310-030	NEW-P	96-09-074
132N-276-005	AMD-P	96-07-029	132Z-104-010	NEW-P	96-09-074	132Z-310-030	NEW	96-14-098
132N-276-005	AMD	96-12-041	132Z-104-010	NEW	96-14-098	132Z-310-040	NEW-P	96-09-074
132N-276-010	AMD-P	96-07-029	132Z-104-020	NEW-P	96-09-074	132Z-310-040	NEW	96-14-098
132N-276-010	AMD	96-12-041	132Z-104-020	NEW	96-14-098	132Z-325-010	NEW-P	96-09-074
132N-276-020	AMD-P	96-07-029	132Z-104-030	NEW-P	96-09-074	132Z-325-010	NEW	96-14-098
132N-276-020	AMD	96-12-041	132Z-104-030	NEW	96-14-098	136-01	AMD-P	96-11-052
132N-276-030	AMD-P	96-07-029	132Z-108-010	NEW-P	96-09-074	136-01	AMD	96-17-013
132N-276-030	AMD	96-12-041	132Z-108-010	NEW	96-14-098	136-01-010	AMD-P	96-11-052
132N-276-040	AMD-P	96-07-029	132Z-108-020	NEW-P	96-09-074	136-01-010	AMD	96-17-013
132N-276-040	AMD	96-12-041	132Z-108-020	NEW	96-14-098	136-02	AMD-P	96-11-052
132N-276-050	AMD-P	96-07-029	132Z-108-030	NEW-P	96-09-074	136-02	AMD	96-17-013
132N-276-050	AMD	96-12-041	132Z-108-030	NEW	96-14-098	136-02-010	AMD-P	96-11-052
132N-276-060	AMD-P	96-07-029	132Z-108-040	NEW-P	96-09-074	136-02-010	AMD	96-17-013
132N-276-060	AMD	96-12-041	132Z-108-040	NEW	96-14-098	136-02-020	AMD-P	96-11-052
132N-276-070	AMD-P	96-07-029	132Z-108-050	NEW-P	96-09-074	136-02-020	AMD	96-17-013
132N-276-070	AMD	96-12-041	132Z-108-050	NEW	96-14-098	136-02-030	REP-P	96-11-052
132N-276-080	AMD-P	96-07-029	132Z-108-060	NEW-P	96-09-074	136-02-030	REP	96-17-013
132N-276-080	AMD	96-12-041	132Z-108-060	NEW	96-14-098	136-04	AMD-P	96-11-052
132N-276-090	AMD-P	96-07-029	132Z-108-070	NEW-P	96-09-074	136-04	AMD	96-17-013
132N-276-090	AMD	96-12-041	132Z-108-070	NEW	96-14-098	136-04-010	AMD-P	96-11-052
132N-276-100	AMD-P	96-07-029	132Z-108-080	NEW-P	96-09-074	136-04-010	AMD	96-17-013
132N-276-100	AMD	96-12-041	132Z-108-080	NEW	96-14-098	136-04-020	AMD-P	96-11-052
132N-276-110	AMD-P	96-07-029	132Z-108-080	NEW	96-14-098	136-04-020	AMD	96-17-013
132N-276-110	AMD	96-12-041	132Z-122-010	NEW-P	96-09-074	136-04-020	AMD	96-17-013
132N-276-120	AMD-P	96-07-029	132Z-122-010	NEW	96-14-098	136-04-030	AMD-P	96-11-052
132N-276-120	AMD	96-12-041	132Z-122-020	NEW-P	96-09-074	136-04-030	AMD	96-17-013
132N-276-130	AMD-P	96-07-029	132Z-122-020	NEW	96-14-098	136-04-040	AMD-P	96-11-052
132N-276-130	AMD	96-12-041	132Z-122-030	NEW-P	96-09-074	136-04-040	AMD	96-17-013
132N-276-140	AMD-P	96-07-029	132Z-122-030	NEW	96-14-098	136-04-050	AMD-P	96-11-052
132N-276-140	AMD	96-12-041	132Z-133-010	NEW-P	96-09-074	136-04-050	AMD	96-17-013
132N-276-150	AMD-P	96-07-029	132Z-133-010	NEW	96-14-098	136-04-055	AMD-P	96-11-052
132N-276-150	AMD	96-12-041	132Z-134-010	NEW-P	96-09-074	136-04-055	AMD	96-17-013
132V-11	PREP	96-09-050	132Z-134-010	NEW	96-14-098	136-04-060	AMD-P	96-11-052
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132V-15	PREP	96-09-050A	132Z-276-010	NEW	96-14-098	136-04-070	AMD-P	96-11-052
132V-15-010	AMD-P	96-12-005	132Z-276-020	NEW-P	96-09-074	136-04-070	AMD	96-17-013
132V-15-010	AMD	96-16-034	132Z-276-020	NEW	96-14-098	136-04-080	AMD-P	96-11-052
132V-15-020	AMD-P	96-12-005	132Z-276-030	NEW-P	96-09-074	136-04-080	AMD	96-17-013
132V-15-020	AMD	96-16-034	132Z-276-030	NEW	96-14-098	136-04-090	AMD-P	96-11-052
132V-15-030	AMD-P	96-12-005	132Z-276-040	NEW-P	96-09-074	136-04-090	AMD	96-17-013
132V-15-030	AMD	96-16-034	132Z-276-040	NEW	96-14-098	136-04-100	AMD-P	96-11-052
132V-15-040	AMD-P	96-12-005	132Z-276-050	NEW-P	96-09-074	136-04-100	AMD	96-17-013
132V-15-040	AMD	96-16-034	132Z-276-050	NEW	96-14-098	136-04-110	NEW-P	96-11-052
132V-15-050	AMD-P	96-12-005	132Z-276-060	NEW-P	96-09-074	136-04-110	NEW	96-17-013
132V-15-050	AMD	96-16-034	132Z-276-060	NEW	96-14-098	136-10	AMD-P	96-11-052
132V-15-060	AMD-P	96-12-005	132Z-276-070	NEW-P	96-09-074	136-10	AMD	96-17-013
132V-15-060	AMD	96-16-034	132Z-276-070	NEW	96-14-098	136-10-020	AMD-P	96-11-052
132V-15-070	AMD-P	96-12-005	132Z-276-080	NEW-P	96-09-074	136-10-020	AMD	96-17-013
132V-15-070	AMD	96-16-034	132Z-276-080	NEW	96-14-098	136-10-030	AMD-P	96-11-052
132V-15-090	AMD-P	96-12-005	132Z-276-090	NEW-P	96-09-074	136-10-030	AMD	96-17-013
132V-15-090	AMD	96-16-034	132Z-276-090	NEW	96-14-098	136-11-010	AMD-P	96-11-052
132V-15-100	AMD-P	96-12-005	132Z-276-100	NEW-P	96-09-074	136-11-010	AMD	96-17-013
132V-15-100	AMD	96-16-034	132Z-276-100	NEW	96-14-098	136-11-020	AMD-P	96-11-052
132V-15-110	AMD-P	96-12-005	132Z-276-110	NEW-P	96-09-074	136-11-020	AMD	96-17-013
132V-15-110	AMD	96-16-034	132Z-276-110	NEW	96-14-098	136-11-030	AMD-P	96-11-052
132V-15-120	AMD-P	96-12-005	132Z-276-120	NEW-P	96-09-074	136-11-030	AMD	96-17-013
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132V-24	PREP	96-09-050B	132Z-276-130	NEW-P	96-09-074	136-12	AMD	96-17-013
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132V-24-030	AMD	96-16-035	132Z-276-140	NEW-P	96-09-074	136-12-010	AMD	96-17-013
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132V-24-040	AMD	96-16-035	132Z-300-010	NEW-P	96-09-074	136-12-070	AMD	96-17-013
132V-24-090	AMD-P	96-12-006	132Z-300-010	NEW	96-14-098	136-12-080	AMD-P	96-11-052
132V-24-090	AMD	96-16-035	132Z-300-020	NEW-P	96-09-074	136-12-080	AMD	96-17-013
			132Z-300-020	NEW	96-14-098	136-14-030	AMD-P	96-11-052

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136-14-050	AMD-P	96-11-052	136-60-030	AMD	96-17-013	136-200	AMD	96-17-013
136-14-050	AMD	96-17-013	136-60-060	AMD-P	96-11-052	136-200-010	AMD-P	96-11-052
136-14-060	AMD-P	96-11-052	136-60-060	AMD	96-17-013	136-200-010	AMD	96-17-013
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136-15	AMD-P	96-11-052	136-100-010	AMD	96-17-013	136-200-020	AMD	96-17-013
136-15	AMD	96-17-013	136-100-020	AMD-P	96-11-052	136-210-010	AMD-P	96-11-052
136-15-010	AMD-P	96-11-052	136-100-020	AMD	96-17-013	136-210-010	AMD	96-17-013
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136-15-020	AMD-P	96-11-052	136-100-030	AMD	96-17-013	136-210-020	AMD	96-17-013
136-15-020	AMD	96-17-013	136-100-040	AMD-P	96-11-052	136-210-030	AMD-P	96-11-052
136-16	AMD-P	96-11-052	136-100-040	AMD	96-17-013	136-210-030	AMD	96-17-013
136-16	AMD	96-17-013	136-110-010	AMD-P	96-11-052	136-210-040	AMD-P	96-11-052
136-16-010	AMD-P	96-11-052	136-110-010	AMD	96-17-013	136-210-040	AMD	96-17-013
136-16-010	AMD	96-17-013	136-110-030	AMD-P	96-11-052	136-210-050	AMD-P	96-11-052
136-16-020	AMD-P	96-11-052	136-110-030	AMD	96-17-013	136-210-050	AMD	96-17-013
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136-16-022	AMD-P	96-11-052	136-110-040	AMD	96-17-013	136-220-010	AMD	96-17-013
136-16-022	AMD	96-17-013	136-110-050	AMD-P	96-11-052	136-220-030	AMD-P	96-11-052
136-16-030	AMD-P	96-11-052	136-110-050	AMD	96-17-013	136-220-030	AMD	96-17-013
136-16-030	AMD	96-17-013	136-120	AMD-P	96-11-052	136-250-010	REP-P	96-11-052
136-16-042	AMD-P	96-11-052	136-120	AMD	96-17-013	136-250-010	REP	96-17-013
136-16-042	AMD	96-17-013	136-120-010	AMD-P	96-11-052	136-250-020	REP-P	96-11-052
136-16-050	AMD-P	96-11-052	136-120-010	AMD	96-17-013	136-250-020	REP	96-17-013
136-16-050	AMD	96-17-013	136-120-020	AMD-P	96-11-052	136-250-030	REP-P	96-11-052
136-18	AMD-P	96-11-052	136-120-020	AMD	96-17-013	136-250-030	REP	96-17-013
136-18	AMD	96-17-013	136-120-030	AMD-P	96-11-052	136-250-040	REP-P	96-11-052
136-18-010	AMD-P	96-11-052	136-120-030	AMD	96-17-013	136-250-040	REP	96-17-013
136-18-010	AMD	96-17-013	136-130	AMD-P	96-11-052	136-250-050	REP-P	96-11-052
136-18-020	AMD-P	96-11-052	136-130	AMD	96-17-013	136-250-050	REP	96-17-013
136-18-020	AMD	96-17-013	136-130-010	AMD-P	96-11-052	136-300	AMD-P	96-11-052
136-18-030	AMD-P	96-11-052	136-130-010	AMD	96-17-013	136-300	AMD	96-17-013
136-18-030	AMD	96-17-013	136-130-040	AMD-P	96-11-052	136-300-010	AMD-P	96-11-052
136-18-060	AMD-P	96-11-052	136-130-040	AMD	96-17-013	136-300-010	AMD	96-17-013
136-18-060	AMD	96-17-013	136-130-060	AMD-P	96-17-008	136-300-020	AMD-P	96-11-052
136-18-070	AMD-P	96-11-052	136-150-010	AMD-P	96-11-052	136-300-020	AMD	96-17-013
136-18-070	AMD	96-17-013	136-150-010	AMD	96-17-013	136-310-010	AMD-P	96-11-052
136-18-080	AMD-P	96-11-052	136-150-020	AMD-P	96-11-052	136-310-010	AMD	96-17-013
136-18-080	AMD	96-17-013	136-150-020	AMD	96-17-013	136-310-020	AMD-P	96-11-052
136-18-090	AMD-P	96-11-052	136-150-022	AMD-P	96-11-052	136-310-020	AMD	96-17-013
136-18-090	AMD	96-17-013	136-150-022	AMD	96-17-013	136-310-050	AMD-P	96-11-052
136-20	AMD-P	96-11-052	136-150-023	AMD-P	96-11-052	136-310-050	AMD	96-17-013
136-20	AMD	96-17-013	136-150-023	AMD	96-17-013	136-340	AMD-P	96-11-052
136-20-020	AMD-P	96-11-052	136-161-060	AMD-P	96-11-052	136-340	AMD	96-17-013
136-20-020	AMD	96-17-013	136-161-060	AMD	96-17-013	136-340-020	AMD-P	96-11-052
136-20-030	AMD-P	96-11-052	136-161-070	AMD-P	96-11-052	136-340-020	AMD	96-17-013
136-20-030	AMD	96-17-013	136-161-070	AMD	96-17-013	136-340-030	AMD-P	96-11-052
136-20-040	AMD-P	96-11-052	136-161-100	REP-P	96-11-052	136-340-030	AMD	96-17-013
136-20-040	AMD	96-17-013	136-161-100	REP	96-17-013	136-340-040	AMD-P	96-11-052
136-20-050	AMD-P	96-11-052	136-163-010	NEW-P	96-11-051	136-340-040	AMD	96-17-013
136-20-050	AMD	96-17-013	136-163-010	NEW	96-17-014	136-400-010	AMD-P	96-11-052
136-20-060	AMD-P	96-11-052	136-163-020	NEW-P	96-11-051	136-400-010	AMD	96-17-013
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136-24-010	REP-P	96-11-052	136-163-030	NEW-P	96-11-051	136-400-060	AMD	96-17-013
136-24-010	REP	96-17-013	136-163-030	NEW	96-17-014	136-400-100	AMD-P	96-11-052
136-28-010	AMD-P	96-11-052	136-163-040	NEW-P	96-11-051	136-400-100	AMD	96-17-013
136-28-010	AMD	96-17-013	136-163-040	NEW	96-17-014	136-400-110	AMD-P	96-11-052
136-28-020	AMD-P	96-11-052	136-163-050	NEW-P	96-11-051	136-400-110	AMD	96-17-013
136-28-020	AMD	96-17-013	136-163-050	NEW	96-17-014	136-400-120	AMD-P	96-11-052
136-28-030	AMD-P	96-11-052	136-163-060	NEW-P	96-11-051	136-400-120	AMD	96-17-013
136-28-030	AMD	96-17-013	136-163-060	NEW	96-17-014	137-08	PREP	96-07-099
136-40-030	AMD-P	96-11-052	136-170-010	AMD-P	96-11-052	137-91-070	REP	96-21-014
136-40-030	AMD	96-17-013	136-170-010	AMD	96-17-013	137-91-080	NEW	96-21-014
136-40-040	AMD-P	96-11-052	136-170-030	AMD-P	96-11-052	139-01-810	AMD-P	96-03-025
136-40-040	AMD	96-17-013	136-170-030	AMD	96-17-013	139-01-810	AMD	96-08-008
136-40-050	REP-P	96-11-052	136-180-010	AMD-P	96-11-052	154	PREP	96-06-079
136-40-050	REP	96-17-013	136-180-010	AMD	96-17-013	154-01-010	REP-P	96-13-100
136-40-060	REP-P	96-11-052	136-180-030	AMD-P	96-11-052	154-01-010	REP	96-16-020
136-40-060	REP	96-17-013	136-180-030	AMD	96-17-013	154-04-010	REP-P	96-13-100
136-60	AMD-P	96-11-052	136-180-040	AMD-P	96-11-052	154-04-010	REP	96-16-020
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154-04-030	REP	96-16-020	154-60-010	REP-P	96-13-100	154-170-010	REP	96-16-020
154-04-041	REP-P	96-13-100	154-60-010	REP	96-16-020	154-180-010	REP-P	96-13-100
154-04-041	REP	96-16-020	154-64-010	REP-P	96-13-100	154-180-010	REP	96-16-020
154-04-050	REP-P	96-13-100	154-64-010	REP	96-16-020	154-180-020	REP-P	96-13-100
154-04-050	REP	96-16-020	154-64-020	REP-P	96-13-100	154-180-020	REP	96-16-020
154-04-065	REP-P	96-13-100	154-64-020	REP	96-16-020	154-180-030	REP-P	96-13-100
154-04-065	REP	96-16-020	154-64-030	REP-P	96-13-100	154-180-030	REP	96-16-020
154-04-070	REP-P	96-13-100	154-64-030	REP	96-16-020	154-180-040	REP-P	96-13-100
154-04-070	REP	96-16-020	154-64-040	REP-P	96-13-100	154-180-040	REP	96-16-020
154-04-075	REP-P	96-13-100	154-64-040	REP	96-16-020	154-180-050	REP-P	96-13-100
154-04-075	REP	96-16-020	154-64-050	REP-P	96-13-100	154-180-050	REP	96-16-020
154-04-080	REP-P	96-13-100	154-64-050	REP	96-16-020	154-180-060	REP-P	96-13-100
154-04-080	REP	96-16-020	154-64-060	REP-P	96-13-100	154-180-060	REP	96-16-020
154-04-100	REP-P	96-13-100	154-64-060	REP	96-16-020	154-180-070	REP-P	96-13-100
154-04-100	REP	96-16-020	154-68-010	REP-P	96-13-100	154-180-070	REP	96-16-020
154-08-010	REP-P	96-13-100	154-68-010	REP	96-16-020	154-190-010	REP-P	96-13-100
154-08-010	REP	96-16-020	154-68-020	REP-P	96-13-100	154-190-010	REP	96-16-020
154-08-020	REP-P	96-13-100	154-68-020	REP	96-16-020	154-200-010	REP-P	96-13-100
154-08-020	REP	96-16-020	154-110-010	REP-P	96-13-100	154-200-010	REP	96-16-020
154-08-030	REP-P	96-13-100	154-110-010	REP	96-16-020	154-200-020	REP-P	96-13-100
154-08-030	REP	96-16-020	154-110-015	REP-P	96-13-100	154-200-020	REP	96-16-020
154-08-030	REP	96-16-020	154-110-015	REP	96-16-020	154-200-030	REP-P	96-13-100
154-08-040	REP-P	96-13-100	154-110-020	REP-P	96-13-100	154-200-030	REP	96-16-020
154-08-040	REP	96-16-020	154-110-020	REP	96-16-020	154-200-040	REP-P	96-13-100
154-08-050	REP-P	96-13-100	154-110-020	REP	96-16-020	154-200-040	REP	96-16-020
154-08-050	REP	96-16-020	154-110-030	REP-P	96-13-100	154-200-040	REP	96-16-020
154-12-010	REP-P	96-13-100	154-110-030	REP	96-16-020	154-300-005	REP-P	96-13-100
154-12-010	REP	96-16-020	154-120-010	REP-P	96-13-100	154-300-005	REP	96-16-020
154-12-015	REP-P	96-13-100	154-120-010	REP	96-16-020	154-300-010	REP-P	96-13-100
154-12-015	REP	96-16-020	154-120-015	REP-P	96-13-100	154-300-010	REP	96-16-020
154-12-020	REP-P	96-13-100	154-120-015	REP	96-16-020	154-300-020	REP-P	96-13-100
154-12-020	REP	96-16-020	154-120-020	REP-P	96-13-100	154-300-020	REP	96-16-020
154-12-030	REP-P	96-13-100	154-120-020	REP	96-16-020	154-300-030	REP-P	96-13-100
154-12-030	REP	96-16-020	154-120-025	REP-P	96-13-100	154-300-030	REP	96-16-020
154-12-040	REP-P	96-13-100	154-120-025	REP	96-16-020	154-300-040	REP-P	96-13-100
154-12-040	REP	96-16-020	154-120-030	REP-P	96-13-100	154-300-040	REP	96-16-020
154-12-050	REP-P	96-13-100	154-120-030	REP	96-16-020	154-300-050	REP-P	96-13-100
154-12-050	REP	96-16-020	154-120-035	REP-P	96-13-100	154-300-050	REP	96-16-020
154-12-070	REP-P	96-13-100	154-120-035	REP	96-16-020	154-300-060	REP-P	96-13-100
154-12-070	REP	96-16-020	154-120-040	REP-P	96-13-100	154-300-060	REP	96-16-020
154-12-075	REP-P	96-13-100	154-120-040	REP	96-16-020	154-300-070	REP-P	96-13-100
154-12-075	REP	96-16-020	154-120-045	REP-P	96-13-100	154-300-070	REP	96-16-020
154-12-080	REP-P	96-13-100	154-120-045	REP	96-16-020	154-300-080	REP-P	96-13-100
154-12-080	REP	96-16-020	154-120-050	REP-P	96-13-100	154-300-080	REP	96-16-020
154-12-085	REP-P	96-13-100	154-120-050	REP	96-16-020	154-300-090	REP-P	96-13-100
154-12-085	REP	96-16-020	154-120-055	REP-P	96-13-100	154-300-090	REP	96-16-020
154-12-086	REP-P	96-13-100	154-120-055	REP	96-16-020	154-300-100	REP-P	96-13-100
154-12-086	REP	96-16-020	154-130-010	REP-P	96-13-100	154-300-100	REP	96-16-020
154-12-087	REP-P	96-13-100	154-130-010	REP	96-16-020	154-300-110	REP-P	96-13-100
154-12-087	REP	96-16-020	154-130-020	REP-P	96-13-100	154-300-110	REP	96-16-020
154-12-090	REP-P	96-13-100	154-130-020	REP	96-16-020	154-300-120	REP-P	96-13-100
154-12-090	REP	96-16-020	154-130-030	REP-P	96-13-100	154-300-120	REP	96-16-020
154-12-110	REP-P	96-13-100	154-130-030	REP	96-16-020	162-04	PREP	96-02-081
154-12-110	REP	96-16-020	154-140-010	REP-P	96-13-100	162-08	PREP	96-02-081
154-24-010	REP-P	96-13-100	154-140-010	REP	96-16-020	162-08-061	AMD-P	96-06-087
154-24-010	REP	96-16-020	154-140-020	REP-P	96-13-100	162-08-061	AMD	96-13-045
154-28-010	REP-P	96-13-100	154-140-020	REP	96-16-020	162-08-062	AMD-P	96-06-087
154-28-010	REP	96-16-020	154-140-030	REP-P	96-13-100	162-08-062	AMD	96-13-045
154-32-010	REP-P	96-13-100	154-140-030	REP	96-16-020	162-08-071	AMD-P	96-06-087
154-32-010	REP	96-16-020	154-150-010	REP-P	96-13-100	162-08-071	AMD	96-13-045
154-32-020	REP-P	96-13-100	154-150-010	REP	96-16-020	162-08-072	AMD-P	96-06-087
154-32-020	REP	96-16-020	154-150-020	REP-P	96-13-100	162-08-072	AMD	96-13-045
154-36-010	REP-P	96-13-100	154-150-020	REP	96-16-020	162-08-093	AMD-P	96-06-087
154-36-010	REP	96-16-020	154-150-030	REP-P	96-13-100	162-08-093	AMD	96-13-045
154-40-010	REP-P	96-13-100	154-150-030	REP	96-16-020	162-08-094	AMD-P	96-06-087
154-40-010	REP	96-16-020	154-150-040	REP-P	96-13-100	162-08-094	AMD	96-13-045
154-44-010	REP-P	96-13-100	154-150-040	REP	96-16-020	162-08-09401	NEW-P	96-06-087
154-44-010	REP	96-16-020	154-150-050	REP-P	96-13-100	162-08-09401	NEW	96-13-045
154-48-010	REP-P	96-13-100	154-150-050	REP	96-16-020	162-08-099	AMD-P	96-06-087
154-48-010	REP	96-16-020	154-160-010	REP-P	96-13-100	162-08-099	AMD	96-13-045
154-52-010	REP-P	96-13-100	154-160-010	REP	96-16-020	162-08-102	AMD-P	96-06-087
154-52-010	REP	96-16-020	154-160-020	REP-P	96-13-100	162-08-102	AMD	96-13-045

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
162-08-104	AMD-P	96-06-087	162-30-050	NEW-W	96-21-064
162-08-104	AMD	96-13-045	162-30-060	NEW-P	96-08-055
162-08-106	AMD-P	96-06-087	162-30-060	NEW-W	96-21-064
162-08-106	AMD	96-13-045	162-30-070	NEW-P	96-08-055
162-08-107	NEW-P	96-06-087	162-30-070	NEW-W	96-21-064
162-08-107	NEW	96-13-045	162-30-080	NEW-P	96-08-055
162-08-261	AMD-P	96-06-087	162-30-080	NEW-W	96-21-064
162-08-261	AMD	96-13-045	162-30-090	NEW-P	96-08-055
162-08-268	AMD-P	96-06-087	162-30-090	NEW-W	96-21-064
162-08-268	AMD	96-13-045	162-30-100	NEW-P	96-08-055
162-08-288	AMD-P	96-06-087	162-30-100	NEW-W	96-21-064
162-08-288	AMD	96-13-045	162-36	PREP	96-02-081
162-08-298	AMD-P	96-06-087	162-36-001	NEW-P	96-06-087
162-08-298	AMD	96-13-045	162-36-001	NEW	96-13-045
162-08-305	AMD-P	96-06-087	162-36-005	NEW-P	96-06-087
162-08-305	AMD	96-13-045	162-36-005	NEW	96-13-045
162-12	AMD-C	96-21-053	162-36-006	NEW-P	96-06-087
162-12-100	AMD-P	96-08-055	162-36-006	NEW	96-13-045
162-12-100	AMD	96-21-054	162-36-010	AMD-P	96-06-087
162-12-110	REP-P	96-08-055	162-36-010	AMD	96-13-045
162-12-110	REP	96-21-054	162-36-020	AMD-P	96-06-087
162-12-120	AMD-P	96-08-055	162-36-020	AMD	96-13-045
162-12-120	AMD	96-21-054	162-38	PREP	96-02-081
162-12-130	AMD-P	96-08-055	162-38-010	AMD-P	96-06-087
162-12-130	AMD	96-21-054	162-38-010	AMD	96-13-045
162-12-135	AMD-P	96-08-055	162-38-020	REP-P	96-06-087
162-12-135	AMD	96-21-054	162-38-020	REP	96-13-045
162-12-140	AMD-P	96-08-055	162-38-030	REP-P	96-06-087
162-12-140	AMD	96-21-054	162-38-030	REP	96-13-045
162-12-150	AMD-P	96-08-055	162-38-035	AMD-P	96-06-087
162-12-150	AMD	96-21-054	162-38-035	AMD	96-13-045
162-12-160	AMD-P	96-08-055	162-38-040	AMD-P	96-06-087
162-12-160	AMD	96-21-054	162-38-040	AMD	96-13-045
162-12-170	AMD-P	96-08-055	162-38-050	AMD-P	96-06-087
162-12-170	AMD	96-21-054	162-38-050	AMD	96-13-045
162-12-180	AMD-P	96-08-055	162-38-060	AMD-P	96-06-087
162-12-180	AMD	96-21-054	162-38-060	AMD	96-13-045
162-22	AMD-P	96-08-055	162-38-070	AMD-P	96-06-087
162-22	AMD-C	96-21-053	162-38-070	AMD	96-13-045
162-22-010	AMD-P	96-08-055	162-38-080	AMD-P	96-06-087
162-22-010	AMD-W	96-21-064	162-38-080	AMD	96-13-045
162-22-020	AMD-P	96-08-055	162-38-090	AMD-P	96-06-087
162-22-020	AMD-W	96-21-064	162-38-090	AMD	96-13-045
162-22-030	REP-P	96-08-055	162-38-100	AMD-P	96-06-087
162-22-030	REP-W	96-21-064	162-38-100	AMD-W	96-13-044
162-22-040	REP-P	96-08-055	162-38-110	AMD-P	96-06-087
162-22-040	REP-W	96-21-064	162-38-110	AMD	96-13-045
162-22-050	AMD-P	96-08-055	162-38-120	AMD-P	96-06-087
162-22-050	AMD-W	96-21-064	162-38-120	AMD	96-13-045
162-22-060	AMD-P	96-08-055	172-120	PREP	96-19-089
162-22-060	AMD-W	96-21-064	172-120-015	NEW-E	96-19-090
162-22-070	AMD-P	96-08-055	172-120-015	NEW-E	97-01-041
162-22-070	AMD-W	96-21-064	172-120-015	NEW-P	97-01-078
162-22-080	AMD-P	96-08-055	172-120-020	AMD-E	96-19-090
162-22-080	AMD-W	96-21-064	172-120-020	AMD-E	97-01-041
162-22-090	AMD-P	96-08-055	172-120-020	AMD-P	97-01-078
162-22-090	AMD-W	96-21-064	172-120-030	AMD-E	96-19-090
162-22-100	NEW-P	96-08-055	172-120-030	AMD-E	97-01-041
162-22-100	NEW-W	96-21-064	172-120-030	AMD-P	97-01-078
162-30	AMD-P	96-08-055	172-120-040	AMD-E	96-19-090
162-30	AMD-C	96-21-053	172-120-040	AMD-E	97-01-041
162-30	AMD-W	96-21-064	172-120-040	AMD-P	97-01-078
162-30-010	AMD-P	96-08-055	172-120-050	AMD-E	96-19-090
162-30-010	AMD-W	96-21-064	172-120-050	AMD-E	97-01-041
162-30-020	AMD-P	96-08-055	172-120-050	AMD-P	97-01-078
162-30-020	AMD-W	96-21-064	172-120-060	AMD-E	96-19-090
162-30-030	NEW-P	96-08-055	172-120-060	AMD-E	97-01-041
162-30-030	NEW-W	96-21-064	172-120-060	AMD-P	97-01-078
162-30-035	NEW-P	96-08-055	172-120-070	AMD-E	96-19-090
162-30-035	NEW-W	96-21-064	172-120-070	AMD-E	97-01-041
162-30-040	NEW-P	96-08-055	172-120-070	AMD-P	97-01-078
162-30-040	NEW-W	96-21-064	172-120-080	AMD-E	96-19-090
162-30-050	NEW-P	96-08-055	172-120-080	AMD-E	97-01-041
172-120-080	AMD-P	97-01-078	172-120-090	AMD-E	96-19-090
172-120-090	AMD-E	96-19-090	172-120-090	AMD-E	97-01-041
172-120-090	AMD-E	97-01-041	172-120-100	AMD-E	96-19-090
172-120-090	AMD-P	97-01-078	172-120-100	AMD-E	97-01-041
172-120-100	AMD-E	96-19-090	172-120-110	AMD-E	96-19-090
172-120-100	AMD-P	97-01-078	172-120-110	AMD-E	97-01-041
172-120-110	AMD-E	96-19-090	172-120-110	AMD-P	97-01-078
172-120-110	AMD-E	97-01-041	172-120-120	AMD-E	96-19-090
172-120-120	AMD-E	96-19-090	172-120-120	AMD-E	97-01-041
172-120-120	AMD-P	97-01-078	172-120-120	AMD-P	97-01-078
172-120-130	AMD-E	96-19-090	172-120-130	AMD-E	96-19-090
172-120-130	AMD-E	97-01-041	172-120-130	AMD-E	97-01-041
172-120-140	AMD-E	96-19-090	172-120-140	AMD-E	96-19-090
172-120-140	AMD-E	97-01-041	172-120-140	AMD-P	97-01-078
172-120-150	REP-E	96-19-090	172-120-150	REP-E	96-19-090
172-120-150	REP-P	97-01-078	173-09-010	AMD-P	96-11-136
173-09-010	AMD-P	96-11-136	173-09-010	AMD	96-15-104
173-09-020	AMD-P	96-11-136	173-09-020	AMD-P	96-11-136
173-09-020	AMD	96-15-104	173-09-020	AMD	96-15-104
173-09-040	NEW-P	96-11-136	173-09-040	NEW-P	96-11-136
173-09-040	NEW	96-15-104	173-09-040	NEW	96-15-104
173-14-010	REP-P	96-13-103	173-14-010	REP-P	96-13-103
173-14-010	REP	96-20-075	173-14-010	REP	96-20-075
173-14-020	REP-P	96-13-103	173-14-020	REP-P	96-13-103
173-14-020	REP	96-20-075	173-14-020	REP	96-20-075
173-14-030	REP-P	96-13-103	173-14-030	REP-P	96-13-103
173-14-030	REP	96-20-075	173-14-030	REP	96-20-075
173-14-040	REP-P	96-13-103	173-14-040	REP-P	96-13-103
173-14-040	REP	96-20-075	173-14-040	REP	96-20-075
173-14-050	REP-P	96-13-103	173-14-050	REP-P	96-13-103
173-14-050	REP	96-20-075	173-14-050	REP	96-20-075
173-14-055	REP-P	96-13-103	173-14-055	REP-P	96-13-103
173-14-055	REP	96-20-075	173-14-055	REP	96-20-075
173-14-060	REP-P	96-13-103	173-14-060	REP-P	96-13-103
173-14-060	REP	96-20-075	173-14-060	REP	96-20-075
173-14-062	REP-P	96-13-103	173-14-062	REP-P	96-13-103
173-14-062	REP	96-20-075	173-14-062	REP	96-20-075
173-14-064	REP-P	96-13-103	173-14-064	REP-P	96-13-103
173-14-064	REP	96-20-075	173-14-064	REP	96-20-075
173-14-070	REP-P	96-13-103	173-14-070	REP-P	96-13-103
173-14-070	REP	96-20-075	173-14-070	REP	96-20-075
173-14-080	REP-P	96-13-103	173-14-080	REP-P	96-13-103
173-14-080	REP	96-20-075	173-14-080	REP	96-20-075
173-14-090	REP-P	96-13-103	173-14-090	REP-P	96-13-103
173-14-090	REP	96-20-075	173-14-090	REP	96-20-075
173-14-100	REP-P	96-13-103	173-14-100	REP-P	96-13-103
173-14-100	REP	96-20-075	173-14-100	REP	96-20-075
173-14-110	REP-P	96-13-103	173-14-110	REP-P	96-13-103
173-14-110	REP	96-20-075	173-14-110	REP	96-20-075
173-14-115	REP-P	96-13-103	173-14-115	REP-P	96-13-103
173-14-115	REP	96-20-075	173-14-115	REP	96-20-075
173-14-120	REP-P	96-13-103	173-14-120	REP-P	96-13-103
173-14-120	REP	96-20-075	173-14-120	REP	96-20-075
173-14-130	REP-P	96-13-103	173-14-130	REP-P	96-13-103
173-14-130	REP	96-20-075	173-14-130	REP	96-20-075
173-14-140	REP-P	96-13-103	173-14-140	REP-P	96-13-103
173-14-140	REP	96-20-075	173-14-140	REP	96-20-075
173-14-150	REP-P	96-13-103	173-14-150	REP-P	96-13-103
173-14-150	REP	96-20-075	173-14-150	REP	96-20-075
173-14-155	REP-P	96-13-103	173-14-155	REP-P	96-13-103
173-14-155	REP	96-20-075	173-14-155	REP	96-20-075
173-14-170	REP-P	96-13-103	173-14-170	REP-P	96-13-103
173-14-170	REP	96-20-075	173-14-170	REP	96-20-075
173-14-174	REP-P	96-13-103	173-14-174	REP-P	96-13-103
173-14-174	REP	96-20-075	173-14-174	REP	96-20-075
173-17-010	REP-P	96-13-103	173-17-010	REP-P	96-13-103

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-430	REP	96-20-075	173-26-050	NEW	96-20-075	173-27-270	NEW-P	96-13-103
173-19-4301	REP-P	96-13-103	173-26-060	NEW-P	96-13-103	173-27-270	NEW	96-20-075
173-19-4301	REP	96-20-075	173-26-060	NEW	96-20-075	173-27-280	NEW-P	96-13-103
173-19-440	REP-P	96-13-103	173-26-070	NEW-P	96-13-103	173-27-280	NEW	96-20-075
173-19-440	REP	96-20-075	173-26-070	NEW	96-20-075	173-27-290	NEW-P	96-13-103
173-19-4401	REP-P	96-13-103	173-26-080	NEW-P	96-13-103	173-27-290	NEW	96-20-075
173-19-4401	REP	96-20-075	173-26-080	NEW	96-20-075	173-27-300	NEW-P	96-13-103
173-19-4402	REP-P	96-13-103	173-26-090	NEW-P	96-13-103	173-27-300	NEW	96-20-075
173-19-4402	REP	96-20-075	173-26-090	NEW	96-20-075	173-27-310	NEW-P	96-13-103
173-19-450	REP-P	96-13-103	173-26-100	NEW-P	96-13-103	173-27-310	NEW	96-20-075
173-19-450	REP	96-20-075	173-26-100	NEW	96-20-075	173-27-990	NEW-P	96-13-103
173-19-4501	REP-P	96-13-103	173-26-110	NEW-P	96-13-103	173-27-990	NEW	96-20-075
173-19-4501	REP	96-20-075	173-26-110	NEW	96-20-075	173-28-010	PREP-X	96-14-031
173-19-4502	REP-P	96-13-103	173-26-120	NEW-P	96-13-103	173-28-010	REP	96-20-074
173-19-4502	REP	96-20-075	173-26-120	NEW	96-20-075	173-28-020	PREP-X	96-14-031
173-19-4503	REP-P	96-13-103	173-26-130	NEW-P	96-13-103	173-28-020	REP	96-20-074
173-19-4503	REP	96-20-075	173-26-130	NEW	96-20-075	173-28-030	PREP-X	96-14-031
173-19-4504	REP-P	96-13-103	173-26-140	NEW-P	96-13-103	173-28-030	REP	96-20-074
173-19-4504	REP	96-20-075	173-26-140	NEW	96-20-075	173-28-040	PREP-X	96-14-031
173-19-4505	REP-P	96-13-103	173-26-150	NEW-P	96-13-103	173-28-040	REP	96-20-074
173-19-4505	REP	96-20-075	173-26-150	NEW	96-20-075	173-28-050	PREP-X	96-14-031
173-19-4506	REP-P	96-13-103	173-26-160	NEW-P	96-13-103	173-28-050	REP	96-20-074
173-19-4506	REP	96-20-075	173-26-160	NEW	96-20-075	173-28-060	PREP-X	96-14-031
173-19-4507	REP-P	96-13-103	173-27-010	NEW-P	96-13-103	173-28-060	REP	96-20-074
173-19-4507	REP	96-20-075	173-27-010	NEW	96-20-075	173-28-070	PREP-X	96-14-031
173-19-460	REP-P	96-13-103	173-27-020	NEW-P	96-13-103	173-28-070	REP	96-20-074
173-19-460	REP	96-20-075	173-27-020	NEW	96-20-075	173-28-080	PREP-X	96-14-031
173-19-4601	REP-P	96-13-103	173-27-030	NEW-P	96-13-103	173-28-080	REP	96-20-074
173-19-4601	REP	96-20-075	173-27-030	NEW	96-20-075	173-145-100	AMD-E	96-09-007
173-19-4602	REP-P	96-13-103	173-27-040	NEW-P	96-13-103	173-202-010	AMD-E	96-24-022
173-19-4602	REP	96-20-075	173-27-040	NEW	96-20-075	173-202-010	RESCIND	96-24-087
173-19-4603	REP-P	96-13-103	173-27-050	NEW-P	96-13-103	173-202-020	AMD-E	96-24-022
173-19-4603	REP	96-20-075	173-27-050	NEW	96-20-075	173-202-020	RESCIND	96-24-087
173-19-4604	REP-P	96-13-103	173-27-060	NEW-P	96-13-103	173-202-020	AMD-E	96-24-088
173-19-4604	REP	96-20-075	173-27-060	NEW	96-20-075	173-202-020	AMD	96-03-041
173-19-4605	REP-P	96-13-103	173-27-070	NEW-P	96-13-103	173-224-040	AMD	96-03-041
173-19-4605	REP	96-20-075	173-27-070	NEW	96-20-075	173-224-050	AMD	96-03-041
173-19-4606	REP-P	96-13-103	173-27-080	NEW-P	96-13-103	173-224-070	REP	96-03-041
173-19-4606	REP	96-20-075	173-27-080	NEW	96-20-075	173-224-090	AMD	96-03-041
173-19-4607	REP-P	96-13-103	173-27-090	NEW-P	96-13-103	173-303-515	REP-W	96-05-020
173-19-4607	REP	96-20-075	173-27-090	NEW	96-20-075	173-330-010	REP-W	96-05-020
173-19-4607	REP	96-20-075	173-27-090	NEW	96-20-075	173-330-020	REP-W	96-05-020
173-19-470	REP-P	96-13-103	173-27-100	NEW-P	96-13-103	173-330-030	REP-W	96-05-020
173-19-470	REP	96-20-075	173-27-100	NEW	96-20-075	173-330-040	REP-W	96-05-020
173-19-4701	REP-P	96-13-103	173-27-110	NEW-P	96-13-103	173-330-050	REP-W	96-05-020
173-19-4701	REP	96-20-075	173-27-110	NEW	96-20-075	173-330-060	REP-W	96-05-020
173-19-4702	REP-P	96-13-103	173-27-120	NEW-P	96-13-103	173-330-070	REP-W	96-05-020
173-19-4702	REP	96-20-075	173-27-120	NEW	96-20-075	173-330-900	REP-W	96-05-020
173-19-4703	REP-P	96-13-103	173-27-130	NEW-P	96-13-103	173-340-200	AMD	96-04-010
173-19-4703	REP	96-20-075	173-27-130	NEW	96-20-075	173-340-440	AMD	96-04-010
173-19-4704	REP-P	96-13-103	173-27-140	NEW-P	96-13-103	173-340-530	AMD	96-04-010
173-19-4704	REP	96-20-075	173-27-140	NEW	96-20-075	173-340-700	AMD	96-04-010
173-19-4705	REP-P	96-13-103	173-27-150	NEW-P	96-13-103	173-340-706	AMD	96-04-010
173-19-4705	REP	96-20-075	173-27-150	NEW	96-20-075	173-340-740	AMD	96-04-010
173-19-4706	REP-P	96-13-103	173-27-160	NEW-P	96-13-103	173-340-745	AMD	96-04-010
173-19-4706	REP	96-20-075	173-27-160	NEW	96-20-075	173-354-008	NEW-W	96-05-020
173-19-4707	REP-P	96-13-103	173-27-170	NEW-P	96-13-103	173-354-010	NEW-W	96-05-020
173-19-4707	REP	96-20-075	173-27-170	NEW	96-20-075	173-354-020	NEW-W	96-05-020
173-22	AMD-P	96-19-034	173-27-180	NEW-P	96-13-103	173-354-050	NEW-W	96-05-020
173-22-015	REP-P	96-19-034	173-27-180	NEW	96-20-075	173-354-070	NEW-W	96-05-020
173-22-030	AMD-P	96-19-034	173-27-190	NEW-P	96-13-103	173-354-090	NEW-W	96-05-020
173-22-035	NEW-P	96-19-034	173-27-190	NEW	96-20-075	173-354-100	NEW-W	96-05-020
173-22-040	AMD-P	96-19-034	173-27-200	NEW-P	96-13-103	173-354-150	NEW-W	96-05-020
173-22-070	AMD-P	96-19-034	173-27-200	NEW	96-20-075	173-354-200	NEW-W	96-05-020
173-22-080	NEW-P	96-19-034	173-27-210	NEW-P	96-13-103	173-354-230	NEW-W	96-05-020
173-26-010	NEW-P	96-13-103	173-27-210	NEW	96-20-075	173-354-300	NEW-W	96-05-020
173-26-010	NEW	96-20-075	173-27-220	NEW-P	96-13-103	173-354-320	NEW-W	96-05-020
173-26-020	NEW-P	96-13-103	173-27-220	NEW	96-20-075	173-354-340	NEW-W	96-05-020
173-26-020	NEW	96-20-075	173-27-240	NEW-P	96-13-103	173-354-360	NEW-W	96-05-020
173-26-030	NEW-P	96-13-103	173-27-240	NEW	96-20-075	173-354-380	NEW-W	96-05-020
173-26-030	NEW	96-20-075	173-27-250	NEW-P	96-13-103	173-354-400	NEW-W	96-05-020
173-26-040	NEW-P	96-13-103	173-27-250	NEW	96-20-075	173-354-440	NEW-W	96-05-020
173-26-040	NEW	96-20-075	173-27-260	NEW-P	96-13-103	173-354-460	NEW-W	96-05-020
173-26-050	NEW-P	96-13-103	173-27-260	NEW	96-20-075	173-354-500	NEW-W	96-05-020

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-354-515	NEW-W	96-05-020	174-120-015	NEW-P	96-08-066	180-20-115	AMD-P	96-16-096
173-354-525	NEW-W	96-05-020	174-120-015	NEW	96-13-086	180-20-115	AMD	96-20-042
173-354-535	NEW-W	96-05-020	174-120-025	NEW-P	96-08-066	180-20-120	AMD-P	96-16-096
173-354-545	NEW-W	96-05-020	174-120-025	NEW	96-13-086	180-20-120	AMD	96-20-042
173-354-555	NEW-W	96-05-020	174-120-030	REP-P	96-08-066	180-20-130	AMD-P	96-16-096
173-354-600	NEW-W	96-05-020	174-120-030	REP	96-13-086	180-20-130	AMD	96-20-042
173-354-620	NEW-W	96-05-020	174-120-035	NEW-P	96-08-066	180-20-145	AMD-P	96-16-096
173-354-640	NEW-W	96-05-020	174-120-035	NEW	96-13-086	180-20-145	AMD	96-20-042
173-354-660	NEW-W	96-05-020	174-120-040	REP-P	96-08-066	180-20-150	AMD-P	96-16-096
173-354-670	NEW-W	96-05-020	174-120-040	REP	96-13-086	180-20-150	AMD	96-20-042
173-354-680	NEW-W	96-05-020	174-120-045	NEW-P	96-08-066	180-20-155	REP-P	96-16-096
173-354-700	NEW-W	96-05-020	174-120-045	NEW	96-13-086	180-20-155	REP	96-20-042
173-354-720	NEW-W	96-05-020	174-120-050	REP-P	96-08-066	180-20-160	REP-P	96-16-096
173-354-800	NEW-W	96-05-020	174-120-050	REP	96-13-086	180-20-160	REP	96-20-042
173-354-900	NEW-W	96-05-020	174-120-055	NEW-P	96-08-066	180-27-056	PREP	96-13-011
173-354-990	NEW-W	96-05-020	174-120-055	NEW	96-13-086	180-40	PREP	96-10-003
173-400	PREP	96-12-080	174-120-060	REP-P	96-08-066	180-40	PREP	96-16-064
173-400	AMD-C	96-13-081	174-120-060	REP	96-13-086	180-40	PREP	97-01-046
173-400-030	AMD-P	96-06-036	174-120-065	NEW-P	96-08-066	180-40-205	AMD-P	96-12-088
173-400-030	AMD	96-19-054	174-120-065	NEW	96-13-086	180-40-205	AMD	96-15-098
173-400-045	AMD-P	96-06-036	174-120-070	REP-P	96-08-066	180-40-240	AMD-P	96-08-061
173-400-045	AMD	96-19-054	174-120-070	REP	96-13-086	180-40-240	AMD-W	96-09-025
173-400-070	AMD-P	96-06-036	174-120-075	NEW-P	96-08-066	180-40-240	AMD-P	96-12-088
173-400-070	AMD	96-19-054	174-120-075	NEW	96-13-086	180-40-240	AMD	96-15-098
173-400-075	AMD-P	96-06-036	174-120-080	REP-P	96-08-066	180-40-245	AMD-P	96-20-102
173-400-075	AMD	96-19-054	174-120-080	REP	96-13-086	180-40-245	AMD	97-01-047
173-400-105	AMD-P	96-06-036	174-120-085	NEW-P	96-08-066	180-40-255	AMD-P	96-08-061
173-400-105	AMD	96-19-054	174-120-085	NEW	96-13-086	180-40-255	AMD-W	96-09-025
173-400-115	AMD-P	96-06-036	174-120-090	REP-P	96-08-066	180-40-255	AMD-P	96-12-088
173-400-115	AMD	96-19-054	174-120-090	REP	96-13-086	180-40-255	AMD	96-15-098
173-400-116	AMD-P	96-06-036	174-122-010	PREP-X	96-14-007	180-40-260	AMD-P	96-20-102
173-400-116	AMD	96-19-054	174-122-020	PREP-X	96-14-007	180-40-260	AMD	97-01-047
173-400-141	AMD-P	96-06-036	174-122-030	PREP-X	96-14-007	180-40-310	AMD-P	96-08-061
173-400-141	AMD	96-19-054	174-122-040	PREP-X	96-14-007	180-40-310	AMD-W	96-09-025
173-401	PREP	96-11-134	180-08	PREP	96-21-136	180-40-310	AMD-P	96-12-088
173-401	PREP-W	96-14-052	180-16	PREP	96-16-043	180-40-310	AMD	96-15-098
173-422	PREP	96-15-134	180-16-221	AMD-P	97-01-103	180-40-315	AMD-P	96-08-061
173-422-030	AMD-P	96-12-023	180-16-222	AMD-P	97-01-103	180-40-315	AMD-W	96-09-025
173-422-030	AMD	96-21-029	180-16-223	REP-P	97-01-103	180-40-315	AMD-P	96-12-088
173-422-050	AMD-P	96-12-023	180-16-224	REP-P	97-01-103	180-40-315	AMD	96-15-098
173-422-050	AMD	96-21-029	180-16-238	PREP	96-04-070	180-40-317	NEW-P	96-08-061
173-422-060	AMD-P	96-12-023	180-16-238	NEW-P	96-07-046	180-40-317	NEW-W	96-09-025
173-422-060	AMD	96-21-029	180-16-238	NEW	96-11-111	180-40-317	NEW-P	96-12-088
173-422-070	AMD-P	96-12-023	180-16-238	PREP	96-21-028	180-40-317	NEW	96-15-098
173-422-070	AMD	96-21-029	180-20	PREP	96-08-060	180-40-320	AMD-P	96-08-061
173-422-170	AMD-P	96-12-023	180-20-005	AMD-P	96-12-089	180-40-320	AMD-W	96-09-025
173-422-170	AMD-P	96-19-093	180-20-005	AMD-W	97-01-082	180-40-320	AMD-P	96-12-088
173-422-170	AMD	96-21-029	180-20-035	AMD-P	96-16-096	180-40-320	AMD	96-15-098
173-422-170	AMD	96-23-030	180-20-035	AMD	96-20-042	180-51-050	AMD-P	96-04-071
173-422-190	AMD-P	96-12-023	180-20-040	AMD-P	96-16-096	180-51-050	AMD-C	96-09-010
173-422-190	AMD	96-21-029	180-20-040	AMD	96-20-042	180-51-050	AMD	96-09-027
173-430	PREP	96-12-081	180-20-045	AMD-P	96-12-089	180-51-050	PREP	97-01-010
173-430	AMD-C	96-24-089	180-20-045	REP-P	96-16-096	180-75	PREP	96-16-040
173-430	AMC-C	97-01-132	180-20-045	REP	96-20-042	180-75-003	REP-P	97-01-102
173-430-040	AMD-E	96-08-041	180-20-045	AMD-W	97-01-082	180-75-005	REP-P	97-01-102
173-430-040	AMD-E	96-16-013	180-20-055	AMD-P	96-16-096	180-75-016	REP-P	97-01-102
173-430-040	AMD-P	96-16-014	180-20-055	AMD	96-20-042	180-75-017	REP-P	97-01-102
173-430-040	AMD-E	96-16-024	180-20-060	AMD-P	96-16-096	180-75-045	REP-P	97-01-102
173-430-040	AMD-E	96-24-021	180-20-060	AMD	96-20-042	180-75-047	AMD	96-08-022
173-491-020	AMD-P	96-24-091	180-20-065	REP-P	96-16-096	180-75-047	REP-P	97-01-102
173-491-040	AMD-P	96-24-091	180-20-065	REP	96-20-042	180-75-048	REP-P	97-01-102
173-491-050	REP-P	96-24-091	180-20-070	AMD-P	96-16-096	180-75-050	REP-P	97-01-102
173-492	PREP	96-11-135	180-20-070	AMD	96-20-042	180-75-055	REP-P	97-01-102
173-492-010	AMD-P	96-14-084	180-20-075	AMD-P	96-16-096	180-75-060	REP-P	97-01-102
173-492-010	AMD	96-19-094	180-20-075	AMD	96-20-042	180-75-061	REP-P	97-01-102
173-492-050	AMD-P	96-14-084	180-20-090	AMD-P	96-16-096	180-75-065	REP-P	97-01-102
173-492-050	AMD	96-19-094	180-20-090	AMD	96-20-042	180-75-070	REP-P	97-01-102
173-492-070	AMD-P	96-14-084	180-20-095	AMD-P	96-16-096	180-75-081	DECOD-P	97-01-105
173-492-070	AMD	96-19-094	180-20-095	AMD	96-20-042	180-75-082	REP-P	97-01-102
173-806	PREP	96-06-018	180-20-101	AMD-P	96-16-096	180-75-083	DECOD-P	97-01-105
174-120	PREP	96-03-138	180-20-101	AMD	96-20-042	180-75-083	REP-P	97-01-102
174-120-010	REP-P	96-08-066	180-20-111	AMD-P	96-16-096	180-75-085	REP-P	97-01-102
174-120-010	REP	96-13-086	180-20-111	AMD	96-20-042	180-75-087	REP-P	97-01-102

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-75-088	REP-P	97-01-102	180-78A-080	NEW-P	97-01-100	180-79-311	AMD	96-08-024
180-75-089	REP-P	97-01-102	180-78A-135	NEW-P	97-01-100	180-79-311	REP-P	97-01-102
180-75-090	REP-P	97-01-102	180-78A-140	NEW-P	97-01-100	180-79-312	REP-P	97-01-102
180-75-091	REP-P	97-01-102	180-78A-142	NEW-P	97-01-100	180-79-315	REP-P	97-01-102
180-75-092	REP-P	97-01-102	180-78A-145	NEW-P	97-01-100	180-79-317	REP-P	97-01-102
180-75-100	REP-P	97-01-102	180-78A-150	NEW-P	97-01-100	180-79-320	REP-P	97-01-102
180-75-110	REP-P	97-01-102	180-78A-155	NEW-P	97-01-100	180-79-322	REP-P	97-01-102
180-77	PREP	96-16-042	180-78A-160	NEW-P	97-01-100	180-79-324	REP-P	97-01-102
180-77-003	AMD-P	97-01-101	180-78A-165	NEW-P	97-01-100	180-79-326	REP-P	97-01-102
180-77-031	AMD-P	97-01-101	180-78A-195	NEW-P	97-01-100	180-79-328	REP-P	97-01-102
180-77-041	AMD-P	97-01-101	180-78A-197	NEW-P	97-01-100	180-79-330	REP-P	97-01-102
180-77-120	AMD-P	97-01-101	180-78A-201	NEW-P	97-01-100	180-79-332	REP-P	97-01-102
180-77A	PREP	96-16-047	180-78A-260	NEW-P	97-01-100	180-79-333	REP-P	97-01-102
180-77A-003	NEW-P	97-01-099	180-78A-265	NEW-P	97-01-100	180-79-334	AMD-P	96-04-049
180-77A-004	NEW-P	97-01-099	180-78A-266	NEW-P	97-01-100	180-79-334	AMD	96-08-025
180-77A-006	NEW-P	97-01-099	180-78A-300	NEW-P	97-01-100	180-79-334	REP-P	97-01-102
180-77A-012	NEW-P	97-01-099	180-78A-301	NEW-P	97-01-100	180-79-336	REP-P	97-01-102
180-77A-014	NEW-P	97-01-099	180-78A-302	NEW-P	97-01-100	180-79-338	REP-P	97-01-102
180-77A-016	NEW-P	97-01-099	180-78A-303	NEW-P	97-01-100	180-79-340	AMD-W	96-15-007
180-77A-018	NEW-P	97-01-099	180-78A-304	NEW-P	97-01-100	180-79-340	REP-P	97-01-102
180-77A-020	NEW-P	97-01-099	180-78A-305	NEW-P	97-01-100	180-79-342	REP-P	97-01-102
180-77A-025	NEW-P	97-01-099	180-78A-306	NEW-P	97-01-100	180-79-344	REP-P	97-01-102
180-77A-026	NEW-P	97-01-099	180-78A-320	NEW-P	97-01-100	180-79-346	REP-P	97-01-102
180-77A-028	NEW-P	97-01-099	180-78A-340	NEW-P	97-01-100	180-79-348	REP-P	97-01-102
180-77A-029	NEW-P	97-01-099	180-78A-345	NEW-P	97-01-100	180-79-350	REP-P	97-01-102
180-77A-030	NEW-P	97-01-099	180-78A-350	NEW-P	97-01-100	180-79-352	REP-P	97-01-102
180-77A-033	NEW-P	97-01-099	180-78A-355	NEW-P	97-01-100	180-79-354	REP-P	97-01-102
180-77A-037	NEW-P	97-01-099	180-78A-360	NEW-P	97-01-100	180-79-356	REP-P	97-01-102
180-77A-040	NEW-P	97-01-099	180-78A-365	NEW-P	97-01-100	180-79-358	REP-P	97-01-102
180-77A-057	NEW-P	97-01-099	180-79	PREP	96-16-040	180-79-360	REP-P	97-01-102
180-77A-165	NEW-P	97-01-099	180-79-003	REP-P	97-01-102	180-79-362	REP-P	97-01-102
180-77A-170	NEW-P	97-01-099	180-79-005	REP-P	97-01-102	180-79-364	REP-P	97-01-102
180-77A-175	NEW-P	97-01-099	180-79-010	REP-P	97-01-102	180-79-366	REP-P	97-01-102
180-77A-180	NEW-P	97-01-099	180-79-031	REP-P	97-01-102	180-79-368	REP-P	97-01-102
180-77A-195	NEW-P	97-01-099	180-79-032	REP-P	97-01-102	180-79-370	REP-P	97-01-102
180-78	PREP	96-16-044	180-79-035	REP-P	97-01-102	180-79-372	REP-P	97-01-102
180-78-145	PREP	96-13-051	180-79-041	REP-P	97-01-102	180-79-374	REP-P	97-01-102
180-78-145	AMD-P	96-16-048	180-79-045	REP-P	97-01-102	180-79-376	REP-P	97-01-102
180-78-145	AMD	96-21-017	180-79-047	REP-P	97-01-102	180-79-378	REP-P	97-01-102
180-78-160	PREP	96-07-102	180-79-049	REP-P	97-01-102	180-79-379	REP-P	97-01-102
180-78-160	AMD-P	96-12-086	180-79-060	REP-P	97-01-102	180-79-380	REP-P	97-01-102
180-78-160	AMD	96-16-049	180-79-062	REP-P	97-01-102	180-79-382	REP-P	97-01-102
180-78-205	AMD-P	97-01-106	180-79-063	REP-P	97-01-102	180-79-384	REP-P	97-01-102
180-78-207	RECOD-P	97-01-106	180-79-065	REP-P	97-01-102	180-79-386	REP-P	97-01-102
180-78-215	AMD-P	97-01-106	180-79-075	REP-P	97-01-102	180-79-388	REP-P	97-01-102
180-78-217	RECOD-P	97-01-106	180-79-080	REP-P	97-01-102	180-79-390	REP-P	97-01-102
180-78-235	AMD-P	97-01-106	180-79-086	AMD-P	96-04-047	180-79-392	REP-P	97-01-102
180-78-237	RECOD-P	97-01-106	180-79-086	AMD	96-08-023	180-79-394	REP-P	97-01-102
180-78-285	AMD-P	97-01-106	180-79-086	REP-P	97-01-102	180-79-396	REP-P	97-01-102
180-78A	PREP	96-16-045	180-79-115	REP-P	97-01-102	180-79-398	REP-P	97-01-102
180-78A-003	NEW-P	97-01-100	180-79-117	REP-P	97-01-102	180-79A	PREP	96-16-040
180-78A-004	NEW-P	97-01-100	180-79-120	REP-P	97-01-102	180-79A-003	NEW-P	97-01-102
180-78A-005	NEW-P	97-01-100	180-79-121	REP-P	97-01-102	180-79A-005	NEW-P	97-01-102
180-78A-006	NEW-P	97-01-100	180-79-122	REP-P	97-01-102	180-79A-010	NEW-P	97-01-102
180-78A-007	NEW-P	97-01-100	180-79-123	REP-P	97-01-102	180-79A-012	NEW-P	97-01-102
180-78A-010	NEW-P	97-01-100	180-79-124	REP-P	97-01-102	180-79A-013	NEW-P	97-01-102
180-78A-012	NEW-P	97-01-100	180-79-125	REP-P	97-01-102	180-79A-015	NEW-P	97-01-102
180-78A-015	NEW-P	97-01-100	180-79-126	REP-P	97-01-102	180-79A-020	NEW-P	97-01-102
180-78A-025	NEW-P	97-01-100	180-79-127	REP-P	97-01-102	180-79A-022	NEW-P	97-01-102
180-78A-026	NEW-P	97-01-100	180-79-128	REP-P	97-01-102	180-79A-025	NEW-P	97-01-102
180-78A-028	NEW-P	97-01-100	180-79-131	DECOD-P	97-01-106	180-79A-101	NEW-P	97-01-102
180-78A-030	NEW-P	97-01-100	180-79-136	DECOD-P	97-01-106	180-79A-105	NEW-P	97-01-102
180-78A-033	NEW-P	97-01-100	180-79-140	DECOD-P	97-01-106	180-79A-110	NEW-P	97-01-102
180-78A-037	NEW-P	97-01-100	180-79-230	AMD	96-08-022	180-79A-115	NEW-P	97-01-102
180-78A-047	NEW-P	97-01-100	180-79-230	REP-P	97-01-102	180-79A-117	NEW-P	97-01-102
180-78A-057	NEW-P	97-01-100	180-79-236	REP-P	97-01-102	180-79A-120	NEW-P	97-01-102
180-78A-060	NEW-P	97-01-100	180-79-241	REP-P	97-01-102	180-79A-122	NEW-P	97-01-102
180-78A-063	NEW-P	97-01-100	180-79-245	REP-P	97-01-102	180-79A-125	NEW-P	97-01-102
180-78A-065	NEW-P	97-01-100	180-79-247	REP-P	97-01-102	180-79A-126	NEW-P	97-01-102
180-78A-068	NEW-P	97-01-100	180-79-300	REP-P	97-01-102	180-79A-130	NEW-P	97-01-102
180-78A-073	NEW-P	97-01-100	180-79-303	REP-P	97-01-102	180-79A-131	NEW-P	97-01-102
180-78A-074	NEW-P	97-01-100	180-79-305	REP-P	97-01-102	180-79A-140	NEW-P	97-01-102
180-78A-075	NEW-P	97-01-100	180-79-311	AMD-P	96-04-048	180-79A-150	NEW-P	97-01-102

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-79A-160	NEW-P	97-01-102	180-79A-430	NEW-P	97-01-102	182-08-160	AMD-P	96-02-079
180-79A-161	NEW-P	97-01-102	180-79A-433	NEW-P	97-01-102	182-08-160	AMD	96-08-042
180-79A-165	NEW-P	97-01-102	180-79A-435	NEW-P	97-01-102	182-08-165	AMD-P	96-02-079
180-79A-170	NEW-P	97-01-102	180-79A-440	NEW-P	97-01-102	182-08-165	AMD	96-08-042
180-79A-200	NEW-P	97-01-102	180-79A-445	NEW-P	97-01-102	182-08-170	REP-P	96-02-079
180-79A-205	NEW-P	97-01-102	180-79A-503	NEW-P	97-01-102	182-08-170	REP	96-08-042
180-79A-210	NEW-P	97-01-102	180-79A-510	NEW-P	97-01-102	182-08-180	AMD-P	96-02-079
180-79A-215	NEW-P	97-01-102	180-79A-515	NEW-P	97-01-102	182-08-180	AMD	96-08-042
180-79A-220	NEW-P	97-01-102	180-79A-517	NEW-P	97-01-102	182-08-190	AMD-P	96-02-079
180-79A-225	NEW-P	97-01-102	180-79A-520	NEW-P	97-01-102	182-08-190	AMD	96-08-042
180-79A-230	NEW-P	97-01-102	180-83-010	NEW	96-04-073	182-08-195	REP-P	96-02-079
180-79A-236	NEW-P	97-01-102	180-83-020	NEW	96-04-073	182-08-195	REP	96-08-042
180-79A-241	NEW-P	97-01-102	180-83-030	NEW	96-04-073	182-08-200	AMD-P	96-02-079
180-79A-300	NEW-P	97-01-102	180-83-040	NEW	96-04-073	182-08-200	AMD	96-08-042
180-79A-302	NEW-P	97-01-102	180-83-050	NEW	96-04-073	182-08-210	AMD-P	96-02-079
180-79A-304	NEW-P	97-01-102	180-83-060	NEW	96-04-073	182-08-210	AMD	96-08-042
180-79A-306	NEW-P	97-01-102	180-83-070	NEW	96-04-073	182-08-220	AMD-P	96-02-079
180-79A-308	NEW-P	97-01-102	180-85	PREP	96-16-046	182-08-220	AMD	96-08-042
180-79A-310	NEW-P	97-01-102	180-85-025	AMD-P	96-04-074	182-08-300	REP-P	96-02-079
180-79A-311	NEW-P	97-01-102	180-85-025	AMD	96-08-013	182-08-300	REP	96-08-042
180-79A-312	NEW-P	97-01-102	180-85-025	AMD-W	96-15-006	182-12	PREP	96-22-016
180-79A-315	NEW-P	97-01-102	180-85-025	AMD-P	97-01-104	182-12-110	AMD-P	96-02-080
180-79A-317	NEW-P	97-01-102	180-85-030	PREP	96-13-050	182-12-110	AMD	96-08-043
180-79A-320	NEW-P	97-01-102	180-85-030	AMD-W	96-15-006	182-12-111	AMD-P	96-02-080
180-79A-322	NEW-P	97-01-102	180-85-030	AMD-P	97-01-104	182-12-111	AMD	96-08-043
180-79A-324	NEW-P	97-01-102	180-85-032	NEW-P	96-04-074	182-12-115	AMD-P	96-02-080
180-79A-326	NEW-P	97-01-102	180-85-032	NEW	96-08-013	182-12-115	AMD	96-08-043
180-79A-328	NEW-P	97-01-102	180-85-110	REP-P	97-01-104	182-12-117	NEW-P	96-02-080
180-79A-330	NEW-P	97-01-102	180-85-115	REP-P	97-01-104	182-12-117	NEW	96-08-043
180-79A-332	NEW-P	97-01-102	180-85-120	REP-P	97-01-104	182-12-117	AMD-E	96-22-056
180-79A-333	NEW-P	97-01-102	180-85-135	REP-P	97-01-104	182-12-119	NEW-P	96-02-080
180-79A-334	NEW-P	97-01-102	180-85-200	AMD-P	97-01-104	182-12-119	NEW	96-08-043
180-79A-336	NEW-P	97-01-102	180-85-210	AMD-P	97-01-104	182-12-122	REP-P	96-02-080
180-79A-338	NEW-P	97-01-102	180-85-211	NEW-P	97-01-104	182-12-122	REP	96-08-043
180-79A-340	NEW-P	97-01-102	180-85-215	AMD-P	97-01-104	182-12-130	REP-P	96-02-080
180-79A-342	NEW-P	97-01-102	180-86	PREP	96-06-038	182-12-130	REP	96-08-043
180-79A-344	NEW-P	97-01-102	180-86	PREP	96-16-041	182-12-132	AMD-P	96-02-080
180-79A-346	NEW-P	97-01-102	180-86-011	NEW-P	97-01-105	182-12-132	AMD	96-08-043
180-79A-348	NEW-P	97-01-102	180-86-013	RECOD-P	97-01-105	182-12-145	AMD-P	96-02-080
180-79A-350	NEW-P	97-01-102	180-86-014	RECOD-P	97-01-105	182-12-145	AMD	96-08-043
180-79A-352	NEW-P	97-01-102	180-86-080	NEW-P	96-16-087	182-12-151	REP-P	96-02-080
180-79A-354	NEW-P	97-01-102	180-86-080	NEW-P	97-01-011	182-12-151	REP	96-08-043
180-79A-356	NEW-P	97-01-102	180-86-086	NEW-P	96-16-087	182-12-160	REP-P	96-02-080
180-79A-358	NEW-P	97-01-102	180-86-116	NEW-P	96-16-087	182-12-160	REP	96-08-043
180-79A-360	NEW-P	97-01-102	180-86-116	NEW-P	97-01-011	182-12-165	REP-P	96-02-080
180-79A-362	NEW-P	97-01-102	180-87-093	NEW-P	96-04-072	182-12-165	REP	96-08-043
180-79A-364	NEW-P	97-01-102	180-87-093	NEW	96-08-012	182-12-200	AMD-P	96-02-080
180-79A-366	NEW-P	97-01-102	180-90	PREP	96-09-026	182-12-200	AMD	96-08-043
180-79A-368	NEW-P	97-01-102	180-90-115	AMD-P	96-12-087	182-12-215	AMD-P	96-02-080
180-79A-370	NEW-P	97-01-102	180-90-115	AMD	96-15-099	182-12-215	AMD	96-08-043
180-79A-372	NEW-P	97-01-102	180-90-125	AMD-P	96-12-087	182-12-220	AMD-P	96-02-080
180-79A-374	NEW-P	97-01-102	180-90-125	AMD	96-15-099	182-12-220	AMD	96-08-043
180-79A-376	NEW-P	97-01-102	180-90-160	AMD-P	96-12-087	182-25-001	NEW-P	96-09-102
180-79A-378	NEW-P	97-01-102	180-90-160	AMD	96-15-099	182-25-001	NEW-W	96-15-008
180-79A-379	NEW-P	97-01-102	182-08	PREP	96-22-016	182-25-001	NEW	96-15-024
180-79A-380	NEW-P	97-01-102	182-08-010	AMD-P	96-02-079	182-25-010	NEW-P	96-09-102
180-79A-382	NEW-P	97-01-102	182-08-010	AMD	96-08-042	182-25-010	NEW-W	96-15-008
180-79A-384	NEW-P	97-01-102	182-08-015	NEW-P	96-02-079	182-25-010	NEW	96-15-024
180-79A-386	NEW-P	97-01-102	182-08-015	NEW	96-08-042	182-25-010	PREP	96-19-075
180-79A-388	NEW-P	97-01-102	182-08-020	AMD-P	96-02-079	182-25-020	NEW-P	96-09-102
180-79A-390	NEW-P	97-01-102	182-08-020	AMD	96-08-042	182-25-020	NEW-W	96-15-008
180-79A-392	NEW-P	97-01-102	182-08-030	REP-P	96-02-079	182-25-020	NEW	96-15-024
180-79A-394	NEW-P	97-01-102	182-08-030	REP	96-08-042	182-25-020	PREP	96-19-075
180-79A-396	NEW-P	97-01-102	182-08-040	REP-P	96-02-079	182-25-030	NEW-P	96-09-102
180-79A-398	NEW-P	97-01-102	182-08-040	REP	96-08-042	182-25-030	NEW-W	96-15-008
180-79A-403	NEW-P	97-01-102	182-08-060	REP-P	96-02-079	182-25-030	NEW	96-15-024
180-79A-405	NEW-P	97-01-102	182-08-060	REP	96-08-042	182-25-030	PREP	96-19-075
180-79A-415	NEW-P	97-01-102	182-08-090	NEW-P	96-02-079	182-25-030	AMD-E	96-22-055
180-79A-417	NEW-P	97-01-102	182-08-095	NEW	96-08-042	182-25-040	NEW-P	96-09-102
180-79A-420	NEW-P	97-01-102	182-08-110	REP-P	96-02-079	182-25-040	NEW-W	96-15-008
180-79A-422	NEW-P	97-01-102	182-08-110	REP	96-08-042	182-25-040	NEW	96-15-024
180-79A-423	NEW-P	97-01-102	182-08-120	AMD-P	96-02-079	182-25-040	PREP	96-19-075
180-79A-424	NEW-P	97-01-102	182-08-120	AMD	96-08-042	182-25-040	AMD-E	96-22-055

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
182-25-050	NEW-P	96-09-102	196-20-030	AMD	96-11-086	208-08-130	NEW	96-11-035
182-25-050	NEW-W	96-15-008	196-21-010	NEW-P	96-07-052	208-08-140	NEW-P	96-06-085
182-25-050	NEW	96-15-024	196-21-010	NEW	96-11-086	208-08-140	NEW	96-11-035
182-25-060	NEW-P	96-09-102	196-21-020	NEW-P	96-07-052	208-12-010	NEW-P	96-11-145
182-25-060	NEW-W	96-15-008	196-21-020	NEW	96-11-086	208-12-010	NEW	96-14-082
182-25-060	NEW	96-15-024	196-21-030	NEW-P	96-07-052	208-12-020	NEW-P	96-11-145
182-25-070	NEW-P	96-09-102	196-21-030	NEW	96-11-086	208-12-020	NEW	96-14-082
182-25-070	NEW-W	96-15-008	196-24-058	NEW-P	96-07-037	208-12-030	NEW-P	96-11-145
182-25-070	NEW	96-15-024	196-24-058	NEW	96-11-085	208-12-030	NEW	96-14-082
182-25-080	NEW-P	96-09-102	204-10-035	PREP	96-20-108	208-12-040	NEW-P	96-11-145
182-25-080	NEW-W	96-15-008	204-10-035	NEW-P	96-23-032	208-12-040	NEW	96-14-082
182-25-080	NEW	96-15-024	204-10-045	PREP	96-14-077	208-12-050	NEW-P	96-11-145
182-25-090	NEW-P	96-09-102	204-10-045	NEW-P	96-18-075	208-12-050	NEW	96-14-082
182-25-090	NEW-W	96-15-008	204-10-045	NEW-W	96-19-088	208-12-070	NEW-P	96-11-145
182-25-090	NEW	96-15-024	204-29-010	PREP	96-15-084	208-12-070	NEW	96-14-082
182-25-090	PREP	96-19-075	204-29-010	REP-P	96-19-076	208-12-080	NEW-P	96-11-145
182-25-100	NEW-P	96-09-102	204-29-010	REP	96-22-034	208-12-080	NEW	96-14-082
182-25-100	NEW-W	96-15-008	204-56	PREP	96-06-060	208-12-090	NEW-P	96-11-145
182-25-100	NEW	96-15-024	204-56-085	AMD-P	96-09-080	208-12-090	NEW	96-14-082
182-25-105	NEW-P	96-09-102	204-56-085	AMD	96-14-008	208-12-100	NEW-P	96-11-145
182-25-105	NEW-W	96-15-008	204-60	AMD-E	96-21-052	208-12-100	NEW	96-14-082
182-25-105	NEW	96-15-024	204-60	PREP	96-21-111	208-12-110	NEW-P	96-11-145
182-25-110	NEW-P	96-09-102	204-60	AMD-P	97-01-057	208-12-110	NEW	96-14-082
182-25-110	NEW-W	96-15-008	204-60-010	AMD-E	96-21-052	208-12-120	NEW-P	96-11-145
182-25-110	NEW	96-15-024	204-60-010	PREP	96-21-111	208-12-120	NEW	96-14-082
184-10-140	NEW-C	96-03-033	204-60-010	AMD-P	97-01-057	208-12-130	NEW-P	96-11-145
192-12-300	PREP	96-03-158	204-60-030	AMD-E	96-21-052	208-12-130	NEW	96-14-082
192-12-300	AMD-P	96-12-082	204-60-030	PREP	96-21-111	208-418	AMD-P	96-08-076
192-12-300	AMD	96-16-018	204-60-030	AMD-P	97-01-057	208-418	AMD	96-12-058
192-12-305	PREP	96-03-158	204-90-040	AMD-E	96-22-011	208-418-020	RECOD	96-06-011
192-12-305	REP-P	96-12-082	204-90-040	PREP	96-22-049	208-418-020	AMD-P	96-08-076
192-12-305	REP	96-16-018	204-90-040	AMD-P	97-01-058	208-418-020	AMD	96-12-058
192-16-002	AMD-P	96-04-065	204-91A-060	AMD-E	96-19-046	208-418-030	RECOD	96-06-011
192-16-002	AMD	96-11-002	204-91A-060	PREP	96-19-047	208-418-030	REP-P	96-08-076
192-16-024	NEW-P	96-04-065	204-91A-060	AMD-P	96-23-031	208-418-030	REP	96-12-058
192-16-024	NEW	96-11-002	204-91A-140	PREP	96-14-076	208-418-040	RECOD	96-06-011
192-16-051	AMD-P	96-04-065	204-91A-140	PREP-W	96-18-055	208-418-040	AMD-P	96-08-076
192-16-051	AMD	96-11-002	204-91A-140	AMD-E	96-19-046	208-418-040	AMD	96-12-058
192-16-052	NEW-P	96-04-065	204-91A-140	PREP	96-19-047	208-418-045	RECOD	96-06-011
192-16-052	NEW	96-11-002	204-91A-140	AMD-P	96-23-031	208-418-045	AMD-P	96-08-076
192-28-105	PREP	96-03-159	204-95-030	PREP	96-15-117	208-418-045	PREP-X	96-14-038
192-28-105	AMD-P	96-15-127	204-95-030	NEW-E	96-15-119	208-418-045	REP	96-17-072
192-28-105	AMD	96-20-051	204-95-030	NEW-P	96-22-050	208-418-045	AMD-W	96-21-063
192-28-120	PREP	96-03-159	204-95-030	NEW-E	96-24-002	208-418-050	RECOD	96-06-011
192-28-120	AMD-P	96-15-127	204-95-080	PREP	96-15-117	208-418-050	AMD-P	96-08-076
192-28-120	AMD	96-20-051	204-95-080	NEW-E	96-15-119	208-418-050	AMD	96-12-058
192-33-001	NEW-E	96-09-004	204-95-080	NEW-P	96-22-050	208-418-060	RECOD	96-06-011
192-33-001	NEW-E	96-16-016	204-95-080	NEW-E	96-24-002	208-418-060	AMD-P	96-08-076
192-36-010	NEW-P	96-08-062	208-08-010	NEW-P	96-06-085	208-418-060	AMD	96-12-058
192-36-010	NEW	96-11-141	208-08-010	NEW	96-11-035	208-418-060	AMD	96-12-058
192-36-015	NEW-P	96-08-062	208-08-020	NEW-P	96-06-085	208-418-070	RECOD	96-06-011
192-36-015	NEW	96-11-141	208-08-020	NEW	96-11-035	208-418-070	AMD-P	96-08-076
192-36-020	NEW-P	96-08-062	208-08-030	NEW-P	96-06-085	208-418-070	AMD	96-12-058
192-36-020	NEW	96-11-141	208-08-030	NEW	96-11-035	208-418-080	RECOD	96-06-011
192-36-025	NEW-P	96-08-062	208-08-030	NEW	96-11-035	208-418-080	REP-P	96-08-076
192-36-025	NEW	96-11-141	208-08-040	NEW-P	96-06-085	208-418-080	REP	96-12-058
192-42-060	PREP-X	96-14-042	208-08-040	NEW	96-11-035	208-418-080	REP	96-12-058
192-42-060	REP	96-18-035	208-08-050	NEW-P	96-06-085	208-436-010	RECOD	96-06-011
196-16-005	REP-P	96-07-052	208-08-050	NEW	96-11-035	208-436-010	AMD-P	96-14-122
196-16-005	REP	96-11-086	208-08-060	NEW-P	96-06-085	208-436-010	AMD	96-17-071
196-16-007	AMD-P	96-07-052	208-08-060	NEW	96-11-035	208-436-020	RECOD	96-06-011
196-16-007	AMD	96-11-086	208-08-070	NEW-P	96-06-085	208-436-020	AMD-P	96-14-122
196-16-010	AMD-P	96-07-052	208-08-070	NEW	96-11-035	208-436-020	AMD	96-17-071
196-16-010	AMD	96-11-086	208-08-070	NEW	96-11-035	208-436-030	RECOD	96-06-011
196-16-020	AMD-P	96-07-052	208-08-080	NEW-P	96-06-085	208-436-030	AMD-P	96-14-122
196-16-020	AMD	96-11-086	208-08-080	NEW	96-11-035	208-436-030	AMD	96-17-071
196-16-031	AMD-P	96-07-052	208-08-090	NEW-P	96-06-085	208-436-040	RECOD	96-06-011
196-16-031	AMD	96-11-086	208-08-090	NEW	96-11-035	208-436-040	AMD-P	96-14-122
196-20-010	AMD-P	96-07-052	208-08-100	NEW-P	96-06-085	208-436-040	AMD	96-17-071
196-20-010	AMD	96-11-086	208-08-100	NEW	96-11-035	208-436-050	RECOD	96-06-011
196-20-020	AMD-P	96-07-052	208-08-110	NEW-P	96-06-085	208-436-050	AMD-P	96-14-122
196-20-020	AMD	96-11-086	208-08-110	NEW	96-11-035	208-436-050	AMD	96-17-071
196-20-030	AMD-P	96-07-052	208-08-120	NEW-P	96-06-085	208-436-060	RECOD	96-06-011
			208-08-120	NEW	96-11-035	208-436-060	AMD-P	96-14-122
			208-08-130	NEW-P	96-06-085	208-436-060	AMD	96-17-071

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
208-436-070	RECOD	96-06-011	208-480-020	RECOD	96-06-011	208-660-090	RECOD	96-04-028
208-436-070	AMD-P	96-14-122	208-480-030	RECOD	96-06-011	208-660-09005	RECOD	96-04-028
208-436-070	AMD	96-17-071	208-480-030	AMD-P	96-14-122	208-660-09010	RECOD	96-04-028
208-436-080	RECOD	96-06-011	208-480-030	AMD	96-17-071	208-660-09015	RECOD	96-04-028
208-436-080	AMD-P	96-14-122	208-480-040	RECOD	96-06-011	208-660-09020	RECOD	96-04-028
208-436-080	AMD	96-17-071	208-480-050	RECOD	96-06-011	208-660-100	RECOD	96-04-028
208-436-090	RECOD	96-06-011	208-480-050	AMD-P	96-14-122	208-660-110	RECOD	96-04-028
208-436-090	AMD-P	96-14-122	208-480-050	AMD	96-17-071	208-660-120	RECOD	96-04-028
208-436-090	AMD	96-17-071	208-480-060	RECOD	96-06-011	208-660-125	RECOD	96-04-028
208-440-010	RECOD	96-06-011	208-480-070	RECOD	96-06-011	208-660-130	RECOD	96-04-028
208-440-010	AMD-P	96-14-122	208-620-010	NEW	96-04-013	208-660-140	RECOD	96-04-028
208-440-010	AMD	96-17-071	208-620-020	NEW	96-04-013	208-660-145	RECOD	96-04-028
208-440-020	RECOD	96-06-011	208-620-030	NEW	96-04-013	208-660-150	RECOD	96-04-028
208-440-030	RECOD	96-06-011	208-620-040	NEW	96-04-013	208-660-160	RECOD	96-04-028
208-440-030	PREP-X	96-14-071	208-620-050	NEW	96-04-013	208-660-165	RECOD	96-04-028
208-440-030	AMD-P	96-14-122	208-620-060	NEW	96-04-013	208-660-170	RECOD	96-04-028
208-440-030	REP	96-17-072	208-620-070	NEW	96-04-013	208-660-190	RECOD	96-04-028
208-440-040	RECOD	96-06-011	208-620-080	NEW	96-04-013	208-660-200	RECOD	96-04-028
208-440-050	RECOD	96-06-011	208-620-090	NEW	96-04-013	208-660-210	RECOD	96-04-028
208-444-010	RECOD	96-06-011	208-620-100	RECOD	96-04-013	208-680A	PREP	96-06-084
208-444-010	AMD-P	96-14-122	208-620-110	RECOD	96-04-013	208-680A-010	RECOD	96-05-018
208-444-010	AMD	96-17-071	208-620-120	RECOD	96-04-013	208-680A-010	REP-P	96-15-129
208-464-010	RECOD	96-06-011	208-620-130	RECOD	96-04-013	208-680A-010	REP	96-21-082
208-464-010	AMD-P	96-14-122	208-620-140	RECOD	96-04-013	208-680A-020	RECOD	96-05-018
208-464-010	AMD	96-17-071	208-620-150	NEW	96-04-013	208-680A-020	AMD-P	96-15-129
208-464-020	RECOD	96-06-011	208-620-160	RECOD	96-04-013	208-680A-020	AMD	96-21-082
208-464-030	RECOD	96-06-011	208-620-170	RECOD	96-04-013	208-680A-030	RECOD	96-05-018
208-464-030	AMD-P	96-14-122	208-620-180	NEW	96-04-013	208-680A-030	AMD-P	96-15-129
208-464-030	AMD	96-17-071	208-620-190	RECOD	96-04-013	208-680A-030	AMD	96-21-082
208-464-040	RECOD	96-06-011	208-620-200	NEW	96-04-013	208-680A-040	RECOD	96-05-018
208-464-050	RECOD	96-06-011	208-620-210	RECOD	96-04-013	208-680A-040	AMD-P	96-15-129
208-464-050	AMD-P	96-14-122	208-620-220	NEW	96-04-013	208-680A-040	AMD	96-21-082
208-464-050	AMD	96-17-071	208-630-005	RECOD	96-03-059	208-680B	PREP	96-06-084
208-464-060	RECOD	96-06-011	208-630-010	RECOD	96-03-059	208-680B-010	RECOD	96-05-018
208-464-060	AMD-P	96-14-122	208-630-015	RECOD	96-03-059	208-680B-020	RECOD	96-05-018
208-464-060	AMD	96-17-071	208-630-020	RECOD	96-03-059	208-680B-030	RECOD	96-05-018
208-464-070	RECOD	96-06-011	208-630-025	RECOD	96-03-059	208-680B-050	RECOD	96-05-018
208-464-070	AMD-P	96-14-122	208-630-030	RECOD	96-03-059	208-680B-070	RECOD	96-05-018
208-464-070	AMD	96-17-071	208-630-035	RECOD	96-03-059	208-680B-080	RECOD	96-05-018
208-464-080	RECOD	96-06-011	208-630-040	RECOD	96-03-059	208-680B-080	AMD-P	96-15-129
208-464-090	RECOD	96-06-011	208-630-050	RECOD	96-03-059	208-680B-080	AMD	96-21-082
208-472-010	RECOD	96-06-011	208-630-060	RECOD	96-03-059	208-680B-090	RECOD	96-05-018
208-472-012	RECOD	96-06-011	208-630-065	RECOD	96-03-059	208-680C	PREP	96-06-084
208-472-015	RECOD	96-06-011	208-630-068	RECOD	96-03-059	208-680C-020	RECOD	96-05-018
208-472-015	AMD-P	96-14-123	208-630-070	RECOD	96-03-059	208-680C-030	RECOD	96-05-018
208-472-015	AMD	96-17-070	208-630-075	RECOD	96-03-059	208-680C-040	RECOD	96-05-018
208-472-020	RECOD	96-06-011	208-630-080	RECOD	96-03-059	208-680C-045	NEW-P	96-15-129
208-472-020	AMD-P	96-14-122	208-630-085	RECOD	96-03-059	208-680C-045	NEW	96-21-082
208-472-020	AMD	96-17-071	208-630-090	RECOD	96-03-059	208-680C-050	RECOD	96-05-018
208-472-025	RECOD	96-06-011	208-630-095	RECOD	96-03-059	208-680D	PREP	96-06-084
208-472-025	AMD-P	96-14-122	208-630-100	RECOD	96-03-059	208-680D-010	RECOD	96-05-018
208-472-025	AMD	96-17-071	208-660-010	RECOD	96-04-028	208-680D-020	RECOD	96-05-018
208-472-041	RECOD	96-06-011	208-660-020	RECOD	96-04-028	208-680D-030	RECOD	96-05-018
208-472-041	AMD-P	96-14-122	208-660-025	NEW-P	96-15-128	208-680D-030	AMD-P	96-15-129
208-472-041	AMD	96-17-071	208-660-025	NEW	97-01-003	208-680D-030	AMD	96-21-082
208-472-045	RECOD	96-06-011	208-660-030	RECOD	96-04-028	208-680D-040	RECOD	96-05-018
208-472-045	AMD-P	96-14-122	208-660-035	RECOD	96-04-028	208-680D-050	RECOD	96-05-018
208-472-045	AMD	96-17-071	208-660-040	RECOD	96-04-028	208-680D-050	AMD-P	96-15-129
208-472-050	RECOD	96-06-011	208-660-042	RECOD	96-04-028	208-680D-060	RECOD	96-05-018
208-472-060	RECOD	96-06-011	208-660-045	RECOD	96-04-028	208-680D-060	AMD-P	96-15-129
208-472-060	AMD-P	96-14-122	208-660-050	RECOD	96-04-028	208-680D-060	AMD	96-21-082
208-472-060	AMD	96-17-071	208-660-060	RECOD	96-04-028	208-680D-070	RECOD	96-05-018
208-472-065	RECOD	96-06-011	208-660-070	RECOD	96-04-028	208-680D-080	RECOD	96-05-018
208-472-065	AMD-P	96-14-122	208-660-080	RECOD	96-04-028	208-680E	PREP	96-06-084
208-472-065	AMD	96-17-071	208-660-08005	RECOD	96-04-028	208-680E-011	RECOD	96-05-018
208-472-070	RECOD	96-06-011	208-660-08010	RECOD	96-04-028	208-680E-011	AMD-P	96-15-129
208-472-070	AMD-P	96-14-122	208-660-08015	RECOD	96-04-028	208-680E-011	AMD	96-21-082
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208-472-075	RECOD	96-06-011	208-660-08025	RECOD	96-04-028	208-680F-010	RECOD	96-05-018
208-472-075	AMD-P	96-14-122	208-660-08030	RECOD	96-04-028	208-680F-020	RECOD	96-05-018
208-472-075	AMD	96-17-071	208-660-08035	RECOD	96-04-028	208-680F-040	RECOD	96-05-018
208-472-080	RECOD	96-06-011	208-660-08040	RECOD	96-04-028	208-680F-040	AMD-P	96-15-129
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208-680F-050	AMD-P	96-15-129	212-17-21521	NEW-W	96-18-101	220-36-02300S	NEW-E	96-21-108
208-680F-050	AMD	96-21-082	212-17-21525	NEW-E	96-11-068	220-36-02300S	REP-E	96-21-108
208-680F-060	RECOD	96-05-018	212-17-21525	PREP	96-12-063	220-36-02300S	REP-E	96-23-012
208-680F-070	RECOD	96-05-018	212-17-21525	NEW-P	96-15-118	220-36-02300T	NEW-E	96-23-012
210-01-020	AMD-P	96-15-122	212-17-21525	NEW-W	96-18-101	220-40-021	AMD-P	96-09-104
210-01-020	AMD	96-18-029	218-04-010	NEW-P	96-13-063	220-40-021	AMD	96-13-035
210-01-030	AMD-P	96-15-122	218-04-010	NEW	96-16-062	220-40-027	AMD-P	96-09-104
210-01-030	AMD	96-18-029	218-04-020	NEW-P	96-13-063	220-40-027	AMD	96-13-035
210-01-120	AMD-P	96-15-122	218-04-020	NEW	96-16-062	220-40-02700N	NEW-E	96-23-010
210-01-120	AMD	96-18-029	218-04-030	NEW-P	96-13-063	220-40-02700N	REP-E	96-23-010
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212-17-185	REP-W	96-18-101	218-04-050	NEW-P	96-13-063	220-44-050	AMD-P	96-03-154
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212-17-190	PREP	96-12-063	220-16-320	AMD-W	96-11-084	220-44-0500A	NEW-E	96-18-047
212-17-190	REP-P	96-15-118	220-20-038	AMD-P	97-01-098	220-44-05000A	REP-E	96-19-028
212-17-185	REP-W	96-18-101	220-24-02000A	NEW-E	96-15-100	220-44-05000B	NEW-E	96-19-028
212-17-195	REP-E	96-11-068	220-24-02000A	REP-E	96-16-051	220-44-05000B	REP-E	96-20-084
212-17-195	PREP	96-12-063	220-24-02000B	NEW-E	96-16-051	220-44-05000C	NEW-E	96-20-084
212-17-195	REP-P	96-15-118	220-24-02000B	REP-E	96-18-002	220-44-05000C	REP-E	96-22-023
212-17-185	REP-W	96-18-101	220-24-02000C	NEW-E	96-18-002	220-44-05000D	NEW-E	96-22-023
212-17-200	REP-E	96-11-068	220-32-05100S	NEW-E	96-04-039	220-44-05000D	REP-E	97-01-128
212-17-200	PREP	96-12-063	220-32-05100S	REP-E	96-04-039	220-44-05000E	NEW-E	97-01-128
212-17-200	REP-P	96-15-118	220-32-05100T	NEW-E	96-18-027	220-44-05000W	REP-E	96-11-094
212-17-200	REP-W	96-18-101	220-32-05100T	REP-E	96-18-027	220-44-05000X	NEW-E	96-11-094
212-17-203	REP-E	96-11-068	220-32-05100U	NEW-E	96-19-024	220-44-05000X	REP-E	96-14-066
212-17-203	PREP	96-12-063	220-32-05100U	REP-E	96-19-024	220-44-05000Y	NEW-E	96-14-066
212-17-203	REP-P	96-15-118	220-32-05100V	NEW-E	96-19-059	220-44-05000Y	REP-E	96-17-048
212-17-203	REP-W	96-18-101	220-32-05100V	REP-E	96-19-059	220-44-05000Z	NEW-E	96-17-048
212-17-205	REP-E	96-11-068	220-32-05100W	NEW-E	96-20-035	220-44-05000Z	REP-E	96-18-047
212-17-205	PREP	96-12-063	220-32-05100W	REP-E	96-20-035	220-47-304	AMD-P	96-09-105
212-17-205	REP-P	96-15-118	220-32-05500A	NEW-E	96-21-020	220-47-304	AMD	96-15-101
212-17-205	REP-W	96-18-101	220-32-05500A	REP-E	96-21-020	220-47-307	AMD-P	96-09-105
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212-17-210	REP-W	96-18-101	220-32-05500W	REP-E	96-12-069	220-47-401	AMD-P	96-09-105
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212-17-215	AMD-P	96-15-118	220-32-05500Y	NEW-E	96-14-060	220-47-411	AMD	96-15-101
212-17-215	AMD-W	96-18-101	220-32-05500Z	NEW-E	96-20-123	220-47-427	NEW-P	96-09-105
212-17-21501	NEW-E	96-11-068	220-32-05500Z	REP-E	96-20-123	220-47-427	NEW-S	96-15-137
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212-17-21503	PREP	96-12-063	220-33-01000D	NEW-E	96-05-055	220-47-701	NEW-E	96-19-021
212-17-21503	NEW-P	96-15-118	220-33-01000D	REP-E	96-05-055	220-47-702	NEW-E	96-19-053
212-17-21503	NEW-W	96-18-101	220-33-01000E	NEW-E	96-17-047	220-47-702	REP-E	96-20-033
212-17-21506	NEW-E	96-11-068	220-33-01000E	REP-E	96-17-047	220-47-703	NEW-E	96-20-033
212-17-21506	PREP	96-12-063	220-33-01000F	NEW-E	96-17-049	220-47-703	REP-E	96-20-066
212-17-21506	NEW-P	96-15-118	220-33-01000F	REP-E	96-17-049	220-47-704	NEW-E	96-20-066
212-17-21506	NEW-W	96-18-101	220-33-01000G	NEW-E	96-19-026	220-47-704	REP-E	96-21-021
212-17-21509	NEW-E	96-11-068	220-33-01000G	REP-E	96-19-026	220-47-705	NEW-E	96-21-021
212-17-21509	PREP	96-12-063	220-33-01000H	NEW-E	96-19-051	220-47-705	REP-E	96-21-095
212-17-21509	NEW-P	96-15-118	220-33-01000H	REP-E	96-19-051	220-47-706	NEW-E	96-21-095
212-17-21509	NEW-W	96-18-101	220-33-01000I	NEW-E	96-19-062	220-47-706	REP-E	96-22-010
212-17-21512	NEW-E	96-11-068	220-33-01000I	REP-E	96-19-062	220-47-707	NEW-E	96-22-010
212-17-21512	PREP	96-12-063	220-33-01000J	NEW-E	96-20-067	220-47-707	REP-E	96-22-052
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212-17-21512	NEW-W	96-18-101	220-33-01000K	NEW-E	96-21-025	220-47-708	REP-E	96-23-011
212-17-21515	NEW-E	96-11-068	220-33-01000K	REP-E	96-21-025	220-47-709	NEW-E	96-23-011
212-17-21515	PREP	96-12-063	220-33-01000L	NEW-E	96-21-109	220-47-709	REP-E	96-23-033
212-17-21515	NEW-P	96-15-118	220-33-01000L	REP-E	96-21-109	220-47-710	NEW-E	96-23-033
212-17-21515	NEW-W	96-18-101	220-33-03000J	NEW-E	96-11-032	220-47-710	REP-E	96-24-012
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212-17-21518	NEW-P	96-15-118	220-33-04000B	REP-E	96-04-026	220-48-01500A	NEW-E	96-16-076
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220-52-04600R	NEW-E	96-20-107	220-56-19100U	REP-E	96-18-058	220-56-35000L	NEW-E	96-11-008
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222-24-030	AMD-E	96-13-026	230-02-162	NEW	96-07-075	230-08-255	AMD-P	96-03-077
222-24-030	AMD-S	96-20-120	230-02-240	AMD-P	96-19-083	230-08-255	AMD	96-07-075
222-30-050	AMD-E	96-03-009	230-02-240	AMD	96-24-006	230-12-005	NEW-P	96-13-072
222-30-050	AMD-C	96-04-076	230-02-278	AMD-P	96-03-077	230-12-005	NEW	96-17-012
222-30-050	AMD-C	96-05-090	230-02-278	AMD	96-07-075	230-12-020	AMD-P	96-04-085
222-30-050	AMD-S	96-09-099	230-02-279	NEW-P	96-03-077	230-12-020	AMD-S	96-05-041
222-30-050	AMD	96-12-038	230-02-279	NEW	96-07-075	230-12-020	AMD	96-09-073
222-30-050	AMD-E	96-13-026	230-02-362	NEW-P	96-19-085	230-12-050	AMD-P	96-19-085
222-30-050	AMD-S	96-20-120	230-02-362	NEW	96-24-008	230-12-050	AMD	96-24-008
222-30-060	AMD-E	96-03-009	230-02-364	NEW-P	96-19-085	230-12-053	PREP	96-20-001
222-30-060	AMD-C	96-04-076	230-02-364	NEW	96-24-008	230-12-076	NEW-P	96-03-077
222-30-060	AMD-C	96-05-090	230-02-366	NEW-P	96-19-085	230-12-076	NEW	96-07-075
222-30-060	AMD-S	96-09-099	230-02-366	NEW	96-24-008	230-12-215	NEW-P	96-19-083
222-30-060	AMD	96-12-038	230-02-455	NEW-P	96-19-085	230-20-050	AMD-P	96-03-079
222-30-060	AMD-E	96-13-026	230-02-455	NEW	96-24-008	230-20-050	AMD	96-07-078
222-30-060	AMD-S	96-20-120	230-02-503	NEW-P	96-19-085	230-20-052	NEW-P	96-03-079
222-30-065	NEW-E	96-03-009	230-02-503	NEW	96-24-008	230-20-052	NEW	96-07-078
222-30-065	NEW-C	96-04-076	230-02-511	AMD-P	96-03-080	230-20-055	AMD-P	96-03-080
222-30-065	NEW-C	96-05-090	230-02-511	AMD	96-07-076	230-20-055	AMD	96-07-076
222-30-065	NEW-S	96-09-099	230-02-530	NEW-P	96-19-085	230-20-059	NEW-P	96-19-085
222-30-065	NEW	96-12-038	230-02-530	NEW	96-24-008	230-20-059	NEW	96-24-008
222-30-065	NEW-E	96-13-026	230-02-535	NEW-P	96-19-085	230-20-060	NEW-P	96-19-085
222-30-065	AMD-S	96-20-120	230-02-535	NEW	96-24-008	230-20-060	NEW	96-24-008
222-30-070	AMD-E	96-03-009	230-02-540	NEW-P	96-19-085	230-20-062	NEW-P	96-19-085
222-30-070	AMD-C	96-04-076	230-02-540	NEW	96-24-008	230-20-062	NEW	96-24-008
222-30-070	AMD-C	96-05-090	230-04-024	AMD-P	96-03-077	230-20-064	AMD-P	96-03-077
222-30-070	AMD-S	96-09-099	230-04-024	AMD	96-07-075	230-20-064	AMD	96-05-011
222-30-070	AMD	96-12-038	230-04-040	AMD-P	96-03-077	230-20-064	AMD	96-07-075
222-30-070	AMD-E	96-13-026	230-04-040	AMD	96-07-075	230-20-064	PREP	96-11-125
222-30-070	AMD-S	96-20-120	230-04-064	AMD-P	96-03-077	230-20-064	REP-P	96-19-085
222-30-075	NEW-E	96-03-009	230-04-064	AMD	96-07-075	230-20-064	REP	96-24-008
222-30-075	NEW-W	96-03-067	230-04-120	AMD-P	96-05-042	230-20-101	AMD-P	96-07-072
222-30-075	NEW-E	96-13-026	230-04-120	AMD	96-09-071	230-20-101	AMD	96-13-067
222-30-100	AMD-E	96-03-009	230-04-120	AMD	96-11-126	230-20-102	AMD-P	96-19-085

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230-20-103	AMD	96-07-078	230-40-010	AMD	96-11-073	232-12-619	AMD	96-11-079
230-20-104	NEW-P	96-07-072	230-40-030	AMD-P	96-03-081	232-12-619	AMD-P	96-21-150
230-20-104	NEW	96-13-067	230-40-030	AMD-W	96-14-028	232-12-61900B	NEW-E	96-10-070
230-20-105	NEW-P	96-07-072	230-40-050	AMD-P	96-15-065	232-12-61900B	REP-E	96-10-070
230-20-105	NEW	96-13-067	230-40-050	AMD	96-19-082	232-12-827	REP	96-04-027
230-20-106	NEW-P	96-07-072	230-40-055	AMD-P	96-03-080	232-12-828	NEW	96-03-084
230-20-106	NEW	96-13-067	230-40-055	AMD-W	96-14-028	232-12-829	REP-E	96-03-083
230-20-107	NEW-P	96-07-072	230-40-999	NEW-P	96-13-070	232-12-829	REP	96-03-084
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230-20-108	NEW	96-13-067	230-46-100	AMD-P	96-07-073	232-12-831	REP	96-04-027
230-20-115	NEW-P	96-03-079	230-46-100	AMD	96-11-073	232-16-080	AMD-P	96-06-066
230-20-115	NEW	96-07-078	230-50-005	NEW-P	96-21-070	232-16-080	AMD	96-12-046
230-20-120	AMD-P	96-19-085	230-50-005	NEW-E	96-21-072	232-16-080	REP-P	96-14-126
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230-20-125	NEW-P	96-19-085	230-50-560	AMD	96-09-072	232-16-080	REP	96-18-010
230-20-125	NEW	96-24-008	230-50-562	NEW-P	96-03-078	232-16-410	REP-P	96-06-067
230-20-165	PREP	96-20-003	230-50-562	NEW	96-09-072	232-16-410	REP	96-12-057
230-20-190	AMD-P	96-19-085	230-50-800	AMD-P	96-10-050	232-16-730	NEW-P	96-14-141
230-20-190	AMD	96-24-008	230-50-800	AMD	96-13-068	232-16-730	NEW-W	96-18-028
230-20-230	AMD-P	96-03-079	230-50-815	NEW-P	96-17-010	232-16-740	NEW-P	96-14-140
230-20-230	AMD	96-07-078	230-50-815	NEW	96-21-073	232-16-740	NEW	96-18-005
230-20-230	PREP	96-20-003	232-12-001	AMD-C	96-05-044	232-16-740	NEW-E	96-17-074
230-20-240	AMD-P	96-07-072	232-12-001	AMD	96-11-079	232-16-74000A	NEW-E	96-21-004
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230-20-240	AMD-P	96-24-005	232-12-001	AMD-P	96-06-063	232-16-750	NEW	96-18-006
230-20-241	AMD-P	96-07-072	232-12-01701	NEW-P	96-06-063	232-16-760	NEW-P	96-14-139
230-20-241	AMD	96-13-067	232-12-01701	NEW	96-15-096	232-16-760	NEW	96-18-007
230-20-242	AMD-P	96-07-072	232-12-018	AMD-P	96-21-150	232-16-770	NEW-P	96-14-138
230-20-242	AMD	96-13-067	232-12-01800A	NEW-E	96-14-030	232-16-770	NEW	96-18-008
230-20-242	AMD	96-19-085	232-12-019	AMD-P	96-21-150	232-24-120	REP	96-04-027
230-20-242	AMD	96-24-008	232-12-024	AMD-P	96-21-155	232-28-02201	AMD-P	96-21-168
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230-20-247	NEW	96-15-064	232-12-026	NEW-W	96-09-003	232-28-02204	AMD	96-04-027
230-20-247	PREP	96-20-003	232-12-064	AMD-P	96-14-131	232-28-02204	AMD-P	96-21-171
230-20-247	AMD-P	96-24-005	232-12-064	AMD	96-18-059	232-28-02205	AMD	96-04-027
230-20-249	NEW-P	96-19-085	232-12-068	AMD-P	96-14-142	232-28-02205	AMD-P	96-21-172
230-20-249	NEW	96-24-008	232-12-068	AMD	96-18-009	232-28-02206	AMD-P	96-21-173
230-20-270	PREP	96-20-003	232-12-101	AMD-P	96-14-129	232-28-02210	AMD	96-04-027
230-20-325	AMD-P	96-03-076	232-12-101	AMD	96-18-061	232-28-02210	AMD-P	96-21-160
230-20-325	AMD	96-07-077	232-12-104	AMD-P	96-14-130	232-28-02220	AMD	96-04-027
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230-20-325	AMD	96-24-008	232-12-107	AMD	96-18-062	232-28-02240	AMD	96-04-027
230-20-335	AMD-P	96-03-076	232-12-114	AMD-P	96-14-127	232-28-02240	AMD-P	96-21-163
230-20-335	AMD	96-07-077	232-12-114	AMD	96-18-064	232-28-02250	AMD	96-04-027
230-20-510	NEW-P	96-03-080	232-12-121	AMD-P	96-14-135	232-28-02250	AMD-P	96-21-164
230-20-510	NEW	96-07-076	232-12-121	AMD	96-18-065	232-28-02260	AMD-P	96-21-165
230-25-040	AMD-P	96-03-076	232-12-124	AMD-P	96-14-128	232-28-02270	AMD	96-04-027
230-25-040	AMD	96-07-077	232-12-124	AMD	96-18-063	232-28-02270	AMD-P	96-21-166
230-25-220	AMD-P	96-03-076	232-12-128	NEW-P	96-14-136	232-28-02280	AMD	96-04-027
230-25-220	AMD	96-07-077	232-12-128	NEW-W	96-18-028	232-28-02280	AMD-P	96-21-167
230-25-330	AMD-P	96-05-042	232-12-131	AMD	96-04-027	232-28-02280	AMD	96-04-027
230-25-330	AMD	96-09-071	232-12-144	AMD-C	96-05-044	232-28-02290	AMD-P	96-21-152
230-30-025	NEW-P	96-19-083	232-12-144	AMD-W	96-11-083	232-28-206	REP	96-04-027
230-30-025	NEW	96-24-006	232-12-147	AMD-C	96-05-044	232-28-209	REP	96-04-027
230-30-040	NEW-P	96-19-083	232-12-147	AMD-W	96-11-083	232-28-2101	REP	96-04-027
230-30-040	NEW	96-24-006	232-12-147	AMD-P	96-21-150	232-28-215	REP	96-04-027
230-30-070	AMD-P	96-19-083	232-12-168	AMD-C	96-05-044	232-28-216	REP	96-04-027
230-30-070	AMD	96-19-083	232-12-168	AMD	96-11-079	232-28-225	REP	96-04-027
230-30-075	AMD-P	96-19-083	232-12-168	AMD-P	96-06-063	232-28-240	AMD	96-04-027
230-30-075	AMD	96-24-006	232-12-168	AMD	96-15-096	232-28-240	AMD-P	96-12-093
230-30-080	AMD-P	96-19-083	232-12-16800A	NEW-E	96-10-070	232-28-240	AMD	96-15-102
230-30-080	AMD	96-24-006	232-12-16800A	REP-E	96-10-070	232-28-240	AMD-P	96-15-116
230-30-097	AMD-P	96-10-049	232-12-275	AMD-P	96-06-064	232-28-240	AMD	96-18-051
230-30-097	AMD	96-13-069	232-12-275	AMD	96-12-045	232-28-240	AMD-P	96-21-153
230-30-102	AMD-P	96-19-083	232-12-284	AMD-P	96-14-143	232-28-241	AMD	96-04-027
230-30-102	AMD	96-24-006	232-12-284	AMD	96-22-073	232-28-241	AMD-P	96-06-068
230-30-103	AMD-P	96-19-083	232-12-31500C	NEW-E	96-24-062	232-28-241	AMD	96-12-044
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232-28-246	AMD	96-04-027	232-28-61900S	REP-E	96-15-120	242-02-130	AMD-P	97-01-066
232-28-248	AMD	96-04-027	232-28-61900T	NEW-E	96-15-121	242-02-210	AMD-P	97-01-066
232-28-248	AMD-P	96-21-156	232-28-61900U	NEW-E	96-16-019	242-02-220	AMD-P	97-01-066
232-28-249	AMD	96-04-027	232-28-61900U	REP-E	96-16-019	242-02-240	AMD-P	97-01-066
232-28-249	AMD-P	96-21-157	232-28-61900V	NEW-E	96-18-048	242-02-250	AMD-P	97-01-066
232-28-24901	NEW-E	96-23-050	232-28-61900V	REP-E	96-18-048	242-02-260	AMD-P	97-01-066
232-28-24901	REP-E	96-23-050	232-28-61900W	NEW-E	96-19-052	242-02-270	AMD-P	97-01-066
232-28-250	AMD-P	96-06-069	232-28-61900X	NEW-E	96-20-083	242-02-310	AMD-P	97-01-066
232-28-250	AMD	96-12-047	232-28-61900X	REP-E	96-21-032	242-02-510	AMD-P	97-01-066
232-28-251	AMD-P	96-06-070	232-28-61900Y	NEW-E	96-21-032	242-02-520	AMD-P	97-01-066
232-28-251	AMD	96-12-048	232-28-61900Z	NEW-E	97-01-129	242-02-52001	NEW-P	97-01-066
232-28-252	AMD-P	96-06-071	232-28-812	REP	96-04-027	242-02-52002	NEW-P	97-01-066
232-28-252	AMD	96-12-049	236-12-015	AMD-E	96-09-006	242-02-521	AMD-P	97-01-066
232-28-253	AMD-P	96-06-072	236-12-015	AMD-P	96-10-019	242-02-522	AMD-P	97-01-066
232-28-253	AMD	96-12-050	236-12-015	AMD	96-13-001	242-02-532	AMD-P	97-01-066
232-28-254	AMD-P	96-06-073	236-12-18003	NEW-P	96-21-115	242-02-533	AMD-P	97-01-066
232-28-254	AMD	96-12-051	236-12-18003	NEW	97-01-063	242-02-550	AMD-P	97-01-066
232-28-256	AMD-P	96-06-074	236-12-18005	NEW-P	96-21-115	242-02-554	REP-P	97-01-066
232-28-256	AMD	96-12-052	236-12-18005	NEW	97-01-063	242-02-560	AMD-P	97-01-066
232-28-257	AMD	96-04-027	236-12-18007	NEW-P	96-21-115	242-02-570	AMD-P	97-01-066
232-28-260	NEW	96-04-027	236-12-18007	NEW	97-01-063	242-02-634	AMD-P	97-01-066
232-28-260	AMD-P	96-14-132	236-12-351	AMD-E	96-09-006	242-02-650	AMD-P	97-01-066
232-28-260	AMD	96-18-066	236-12-351	AMD-P	96-10-019	242-02-660	AMD-P	97-01-066
232-28-260	AMD-P	97-01-117	236-12-351	AMD	96-13-001	242-02-670	AMD-P	97-01-066
232-28-261	NEW-P	96-06-075	236-12-360	AMD-E	96-09-006	242-02-710	AMD-P	97-01-066
232-28-261	NEW	96-12-053	236-12-360	AMD-P	96-10-019	242-02-820	REP-P	97-01-066
232-28-262	NEW-P	96-06-076	236-12-360	AMD	96-13-001	242-02-830	AMD-P	97-01-066
232-28-262	NEW	96-12-054	236-12-361	AMD-E	96-09-006	242-02-832	NEW-P	97-01-066
232-28-262	AMD-P	97-01-115	236-12-361	AMD-P	96-10-019	242-02-834	NEW-P	97-01-066
232-28-263	NEW-P	96-14-133	236-12-361	AMD	96-13-001	242-02-840	REP-P	97-01-066
232-28-263	NEW	96-18-067	236-12-362	REP-E	96-09-006	242-02-850	REP-P	97-01-066
232-28-263	AMD-P	97-01-116	236-12-362	REP-P	96-10-019	242-02-860	REP-P	97-01-066
232-28-264	NEW-P	96-21-158	236-12-362	REP	96-13-001	242-02-870	REP-P	97-01-066
232-28-26401	NEW-E	96-23-051	236-12-370	AMD-E	96-09-006	242-02-880	AMD-P	97-01-066
232-28-26401	REP-E	96-23-051	236-12-370	AMD-P	96-10-019	242-02-890	AMD-P	97-01-066
232-28-265	NEW-P	96-21-159	236-12-370	AMD	96-13-001	242-02-892	AMD-P	97-01-066
232-28-266	NEW-P	97-01-114	236-12-371	AMD-E	96-09-006	242-04-050	AMD-P	97-01-066
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232-28-407	REP	96-04-027	236-12-371	AMD	96-13-001	245-02-040	AMD-P	96-08-090
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232-28-419	REP	96-12-055	236-24-010	REP	96-17-090	246-08-104	PREP-X	96-14-046
232-28-420	NEW-P	96-14-124	236-24-020	PREP-X	96-13-040	246-08-104	REP	96-19-041
232-28-420	NEW	96-18-003	236-24-020	REP	96-17-090	246-08-105	PREP-X	96-14-046
232-28-42000A	NEW-E	96-17-075	236-24-030	PREP-X	96-13-040	246-08-105	REP	96-19-041
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232-28-60102	REP	96-04-027	236-48-131	PREP-X	96-13-038	246-10-107	AMD	96-21-027
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232-28-60415	REP	96-04-027	236-48-198	AMD-P	96-24-110	246-10-124	AMD	96-21-027
232-28-605	REP	96-04-027	236-50-010	PREP-X	96-13-039	246-10-204	AMD-P	96-14-069
232-28-60508	REP	96-04-027	236-50-010	REP	96-17-089	246-10-204	AMD	96-21-027
232-28-61610	REP	96-04-027	236-56-100	PREP-X	96-13-037	246-10-403	AMD-P	96-14-069
232-28-619	AMD-C	96-05-044	236-56-100	REP	96-17-087	246-10-403	AMD	96-21-027
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232-28-619	AMD-P	96-21-150	236-60-005	PREP-X	96-13-036	246-10-501	AMD	96-21-027
232-28-61900K	NEW-E	96-03-053	236-60-010	PREP-X	96-13-036	246-10-502	AMD-P	96-14-069
232-28-61900K	REP-E	96-03-053	236-60-020	PREP-X	96-13-036	246-10-502	AMD	96-21-027
232-28-61900L	NEW-E	96-03-054	236-60-030	PREP-X	96-13-036	246-10-503	AMD-P	96-14-069
232-28-61900L	REP-E	96-03-054	236-60-040	PREP-X	96-13-036	246-10-503	AMD	96-21-027
232-28-61900M	NEW-E	96-04-043	236-60-050	PREP-X	96-13-036	246-11	PREP	96-06-048
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232-28-61900P	REP-E	96-06-007	236-60-080	PREP-X	96-13-036	246-11-380	AMD	96-21-027
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232-28-61900Q	NEW-E	96-10-070	236-60-100	PREP-X	96-13-036	246-11-430	AMD	96-21-027
232-28-61900Q	REP-E	96-10-070	242-02-010	AMD-P	97-01-066	246-11-550	AMD-P	96-14-069
232-28-61900R	NEW-E	96-13-019	242-02-030	AMD-P	97-01-066	246-11-550	AMD	96-21-027
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232-28-61900R	REP-P	96-14-145	242-02-060	AMD-P	97-01-066	246-15-001	NEW-S	96-22-069
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246-15-020	NEW-P	96-19-086	246-254-053	AMD	96-11-043	246-310-050	AMD	96-24-052
246-15-020	NEW-S	96-22-069	246-254-070	AMD-P	96-07-103	246-310-070	REP-P	96-17-065
246-15-030	NEW-P	96-19-086	246-254-070	AMD	96-11-043	246-310-070	REP	96-24-052
246-50-001	NEW-S	96-22-069	246-254-080	AMD-P	96-07-103	246-310-080	AMD-P	96-17-065
246-50-001	AMD-P	96-04-082	246-254-080	AMD	96-11-043	246-310-080	AMD	96-24-052
246-50-001	AMD	96-09-042	246-254-090	AMD-P	96-07-103	246-310-090	AMD-P	96-17-065
246-50-010	AMD-P	96-04-082	246-254-090	AMD	96-11-043	246-310-090	AMD	96-24-052
246-50-010	AMD	96-09-042	246-254-100	AMD-P	96-07-103	246-310-100	AMD-P	96-17-065
246-100-042	AMD-P	96-04-078	246-254-100	AMD	96-11-043	246-310-100	AMD	96-24-052
246-100-042	AMD	96-11-077	246-255	PREP-X	96-14-046	246-310-110	AMD-P	96-17-065
246-100-076	AMD-P	96-16-072	246-255	REP	96-19-041	246-310-110	AMD	96-24-052
246-100-076	AMD	96-23-064	246-264-010	PREP-X	96-14-067	246-310-120	AMD-P	96-17-065
246-100-166	AMD	96-04-079	246-264-010	REP	96-19-043	246-310-120	AMD	96-24-052
246-100-207	AMD-P	96-22-070	246-264-010	PREP-X	96-14-067	246-310-130	AMD-P	96-17-065
246-100-218	NEW-P	96-04-077	246-264-020	REP	96-19-043	246-310-130	AMD	96-24-052
246-100-218	NEW	96-08-028	246-264-030	PREP-X	96-14-067	246-310-132	AMD-P	96-17-065
246-100-221	PREP-X	96-14-067	246-264-030	REP	96-19-043	246-310-132	AMD	96-24-052
246-100-221	REP	96-19-043	246-264-040	PREP-X	96-14-067	246-310-135	AMD-P	96-17-065
246-100-226	PREP-X	96-14-067	246-264-040	REP	96-19-043	246-310-135	AMD	96-24-052
246-100-226	REP	96-19-043	246-264-050	PREP-X	96-14-067	246-310-136	AMD-P	96-17-065
246-201-001	PREP-X	96-14-067	246-264-050	REP	96-19-043	246-310-136	AMD	96-24-052
246-201-001	REP	96-19-043	246-264-060	PREP-X	96-14-067	246-310-140	AMD-P	96-17-065
246-201-020	PREP-X	96-14-067	246-264-060	REP	96-19-043	246-310-140	AMD	96-24-052
246-201-020	REP	96-19-043	246-264-070	PREP-X	96-14-067	246-310-150	AMD-P	96-17-065
246-201-030	PREP-X	96-14-067	246-264-070	REP	96-19-043	246-310-150	AMD	96-24-052
246-201-030	REP	96-19-043	246-264-080	PREP-X	96-14-067	246-310-160	AMD-P	96-17-065
246-201-040	PREP-X	96-14-067	246-264-080	REP	96-19-043	246-310-160	AMD	96-24-052
246-201-040	REP	96-19-043	246-264-090	PREP-X	96-14-067	246-310-170	AMD-P	96-17-065
246-201-050	PREP-X	96-14-067	246-264-090	REP	96-19-043	246-310-170	AMD	96-24-052
246-201-050	REP	96-19-043	246-264-100	PREP-X	96-14-067	246-310-180	AMD-P	96-17-065
246-201-060	PREP-X	96-14-067	246-264-100	REP	96-19-043	246-310-180	AMD	96-24-052
246-201-060	REP	96-19-043	246-264-110	PREP-X	96-14-067	246-310-190	AMD-P	96-17-065
246-201-070	PREP-X	96-14-067	246-264-110	REP	96-19-043	246-310-190	AMD	96-24-052
246-201-070	REP	96-19-043	246-264-120	PREP-X	96-14-067	246-310-200	AMD-P	96-17-065
246-201-080	PREP-X	96-14-067	246-264-120	REP	96-19-043	246-310-200	AMD	96-24-052
246-201-080	REP	96-19-043	246-264-120	PREP-X	96-14-067	246-310-210	AMD-P	96-17-065
246-201-090	PREP-X	96-14-067	246-264-130	REP	96-19-043	246-310-210	AMD	96-24-052
246-201-090	REP	96-19-043	246-264-130	PREP-X	96-14-067	246-310-210	AMD	96-24-052
246-201-100	PREP-X	96-14-067	246-264-140	PREP-X	96-14-067	246-310-230	AMD-P	96-17-065
246-201-100	REP	96-19-043	246-264-140	REP	96-19-043	246-310-230	AMD	96-24-052
246-201-110	PREP-X	96-14-067	246-264-150	PREP-X	96-14-067	246-310-262	AMD-P	96-17-065
246-201-110	REP	96-19-043	246-264-150	REP	96-19-043	246-310-262	AMD	96-24-052
246-201-120	PREP-X	96-14-067	246-264-160	PREP-X	96-14-067	246-310-280	AMD-P	96-17-065
246-201-120	REP	96-19-043	246-264-160	REP	96-19-043	246-310-280	AMD	96-24-052
246-201-130	PREP-X	96-14-067	246-264-170	PREP-X	96-14-067	246-310-350	REP-P	96-17-065
246-201-130	REP	96-19-043	246-264-170	REP	96-19-043	246-310-350	REP	96-24-052
246-201-140	PREP-X	96-14-067	246-264-180	PREP-X	96-14-067	246-310-360	AMD-P	96-17-065
246-201-140	REP	96-19-043	246-264-180	REP	96-19-043	246-310-360	AMD	96-24-052
246-201-140	REP	96-19-043	246-264-190	PREP-X	96-14-067	246-310-370	AMD-P	96-17-065
246-201-150	PREP-X	96-14-067	246-264-190	REP	96-19-043	246-310-370	AMD	96-24-052
246-201-150	REP	96-19-043	246-264-200	PREP-X	96-14-067	246-310-380	AMD-P	96-17-065
246-201-160	PREP-X	96-14-067	246-264-200	REP	96-19-043	246-310-380	AMD	96-24-052
246-201-160	REP	96-19-043	246-282-005	AMD-P	96-14-110	246-310-390	AMD-P	96-17-065
246-201-170	PREP-X	96-14-067	246-282-005	AMD	96-18-096	246-310-390	AMD	96-24-052
246-201-170	REP	96-19-043	246-282-990	AMD-P	96-12-074	246-310-395	NEW-P	96-17-065
246-201-180	PREP-X	96-14-067	246-282-990	AMD	96-16-073	246-310-395	NEW	96-24-052
246-201-180	REP	96-19-043	246-292-030	PREP-X	96-14-046	246-310-396	NEW-P	96-17-065
246-201-190	PREP-X	96-14-067	246-292-030	REP	96-19-041	246-310-396	NEW	96-24-052
246-201-190	REP	96-19-043	246-310	PREP	96-05-059	246-310-397	NEW-P	96-17-065
246-201-200	PREP-X	96-14-067	246-310-010	AMD-P	96-17-065	246-310-397	NEW	96-24-052
246-201-200	REP	96-19-043	246-310-010	AMD	96-24-052	246-310-400	REP-P	96-17-065
246-201-210	PREP-X	96-14-067	246-310-020	AMD-P	96-17-065	246-310-400	REP	96-24-052
246-201-210	REP	96-19-043	246-310-020	AMD	96-24-052	246-310-410	AMD-P	96-17-065
246-235-077	PREP-W	96-21-040	246-310-035	AMD-P	96-17-065	246-310-410	AMD	96-24-052
246-249-080	PREP	96-11-129	246-310-035	AMD	96-24-052	246-310-470	AMD-P	96-17-065
246-249-090	AMD-P	96-21-120	246-310-041	NEW-P	96-17-065	246-310-470	AMD	96-24-052
246-250-001	AMD-P	96-21-120	246-310-041	NEW	96-24-052	246-310-480	AMD-P	96-17-065
246-250-010	AMD-P	96-21-120	246-310-042	NEW-P	96-17-065	246-310-480	AMD	96-24-052
246-250-050	AMD-P	96-21-120	246-310-042	NEW	96-24-052	246-310-490	AMD-P	96-17-065
246-252-010	AMD-P	96-21-119	246-310-043	NEW-P	96-17-065	246-310-490	AMD	96-24-052
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246-252-030	AMD-P	96-21-119	246-310-044	NEW-P	96-17-065	246-310-500	AMD	96-24-052
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246-310-570	AMD	96-24-052	246-790-080	PREP	96-14-043	246-807-130	REP-P	96-10-006
246-310-580	AMD-P	96-17-065	246-790-090	PREP	96-14-043	246-807-130	REP	96-16-074
246-310-580	AMD	96-24-052	246-790-100	PREP	96-14-043	246-807-135	REP-P	96-10-006
246-310-590	AMD-P	96-17-065	246-790-110	PREP	96-14-043	246-807-135	REP	96-16-074
246-310-590	AMD	96-24-052	246-790-120	PREP	96-14-043	246-807-140	REP-P	96-10-006
246-310-600	AMD-P	96-17-065	246-790-130	PREP	96-14-043	246-807-140	REP	96-16-074
246-310-600	AMD	96-24-052	246-800	PREP-W	96-09-018	246-807-150	REP-P	96-10-006
246-310-610	AMD-P	96-17-065	246-806-010	REP-P	96-10-006	246-807-150	REP	96-16-074
246-310-610	AMD	96-24-052	246-806-010	REP	96-16-074	246-807-160	REP-P	96-10-006
246-310-900	AMD-P	96-17-065	246-806-020	REP-P	96-10-006	246-807-160	REP	96-16-074
246-310-900	AMD	96-24-052	246-806-020	REP	96-16-074	246-807-171	REP-P	96-10-006
246-310-990	AMD-P	96-17-065	246-806-030	REP-P	96-10-006	246-807-171	REP	96-16-074
246-310-990	AMD	96-24-052	246-806-030	REP	96-16-074	246-807-173	REP-P	96-10-006
246-316-990	AMD-P	96-09-084	246-806-040	REP-P	96-10-006	246-807-173	REP	96-16-074
246-316-990	AMD	96-12-027	246-806-040	REP	96-16-074	246-807-180	REP-P	96-10-006
246-318	PREP	96-07-011	246-806-060	REP-P	96-10-006	246-807-180	REP	96-16-074
246-321	PREP	96-17-060	246-806-060	REP	96-16-074	246-807-190	REP-P	96-10-006
246-321-001	REP-P	96-24-098	246-806-070	REP-P	96-10-006	246-807-190	REP	96-16-074
246-321-010	REP-P	96-24-098	246-806-070	REP	96-16-074	246-807-200	REP-P	96-10-006
246-321-012	REP-P	96-24-098	246-806-075	REP-P	96-10-006	246-807-200	REP	96-16-074
246-321-014	REP-P	96-24-098	246-806-075	REP	96-16-074	246-807-210	REP-P	96-10-006
246-321-015	REP-P	96-24-098	246-806-080	REP-P	96-10-006	246-807-210	REP	96-16-074
246-321-017	REP-P	96-24-098	246-806-080	REP	96-16-074	246-807-220	REP-P	96-10-006
246-321-018	REP-P	96-24-098	246-806-085	REP-P	96-10-006	246-807-220	REP	96-16-074
246-321-020	REP-P	96-24-098	246-806-085	REP	96-16-074	246-807-230	REP-P	96-10-006
246-321-025	REP-P	96-24-098	246-806-090	REP-P	96-10-006	246-807-230	REP	96-16-074
246-321-030	REP-P	96-24-098	246-806-090	REP	96-16-074	246-807-240	REP-P	96-10-006
246-321-035	REP-P	96-24-098	246-806-100	REP-P	96-10-006	246-807-240	REP	96-16-074
246-321-040	REP-P	96-24-098	246-806-100	REP	96-16-074	246-807-250	REP-P	96-10-006
246-321-045	REP-P	96-24-098	246-806-110	REP-P	96-10-006	246-807-250	REP	96-16-074
246-321-050	REP-P	96-24-098	246-806-110	REP	96-16-074	246-807-260	REP-P	96-10-006
246-321-055	REP-P	96-24-098	246-806-120	REP-P	96-10-006	246-807-260	REP	96-16-074
246-321-990	REP-P	96-24-098	246-806-120	REP	96-16-074	246-807-270	REP-P	96-10-006
246-327-990	AMD-P	96-09-082	246-806-130	REP-P	96-10-006	246-807-270	REP	96-16-074
246-327-990	AMD	96-12-026	246-806-130	REP	96-16-074	246-807-280	REP-P	96-10-006
246-328-100	NEW-P	96-11-131	246-806-140	REP-P	96-10-006	246-807-280	REP	96-16-074
246-328-100	NEW	96-14-070	246-806-140	REP	96-16-074	246-807-290	REP-P	96-10-006
246-328-150	NEW-P	96-11-131	246-806-160	REP-P	96-10-006	246-807-290	REP	96-16-074
246-328-150	NEW	96-14-070	246-806-160	REP	96-16-074	246-807-300	REP-P	96-10-006
246-328-200	NEW-P	96-11-131	246-806-170	REP-P	96-10-006	246-807-300	REP	96-16-074
246-328-200	NEW	96-14-070	246-806-170	REP	96-16-074	246-807-310	REP-P	96-10-006
246-328-990	NEW-P	96-11-131	246-806-180	REP-P	96-10-006	246-807-310	REP	96-16-074
246-328-990	NEW	96-14-070	246-806-180	REP	96-16-074	246-807-311	REP-P	96-10-006
246-331-990	AMD-P	96-09-081	246-806-190	REP-P	96-10-006	246-807-311	REP	96-16-074
246-331-990	AMD	96-12-025	246-806-190	REP	96-16-074	246-807-320	REP-P	96-10-006
246-336-990	AMD-P	96-09-083	246-806-990	REP-P	96-10-006	246-807-320	REP	96-16-074
246-336-990	AMD	96-12-028	246-807-020	REP-P	96-10-006	246-807-330	REP-P	96-10-006
246-338-990	AMD-P	96-09-043	246-807-020	REP	96-16-074	246-807-330	REP	96-16-074
246-338-990	AMD	96-12-011	246-807-030	REP-P	96-10-006	246-807-340	REP-P	96-10-006
246-378-010	PREP-X	96-14-067	246-807-030	REP	96-16-074	246-807-340	REP	96-16-074
246-378-010	REP	96-19-043	246-807-030	REP	96-16-074	246-807-350	REP-P	96-10-006
246-378-020	PREP-X	96-14-067	246-807-040	REP-P	96-10-006	246-807-350	REP	96-16-074
246-378-020	REP	96-19-043	246-807-040	REP	96-16-074	246-807-360	REP-P	96-10-006
246-378-030	PREP-X	96-14-067	246-807-050	REP-P	96-10-006	246-807-360	REP	96-16-074
246-378-030	REP	96-19-043	246-807-050	REP	96-16-074	246-807-370	REP-P	96-10-006
246-378-040	PREP-X	96-14-067	246-807-060	REP-P	96-10-006	246-807-370	REP	96-16-074
246-378-040	REP	96-19-043	246-807-060	REP	96-16-074	246-807-380	REP-P	96-10-006
246-378-050	PREP-X	96-14-067	246-807-070	REP-P	96-10-006	246-807-380	REP	96-16-074
246-378-050	REP	96-19-043	246-807-070	REP	96-16-074	246-807-390	REP-P	96-10-006
246-430-030	AMD-P	96-04-081	246-807-080	REP-P	96-10-006	246-807-390	REP	96-16-074
246-430-030	AMD	96-13-027	246-807-080	REP	96-16-074	246-807-395	REP-P	96-10-006
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246-610-010	REP	96-19-043	246-807-090	REP	96-16-074	246-807-396	REP-P	96-10-006
246-610-020	PREP-X	96-14-067	246-807-100	REP-P	96-10-006	246-807-396	REP	96-16-074
246-610-020	REP	96-19-043	246-807-100	REP	96-16-074	246-807-400	REP-P	96-10-006
246-610-030	PREP-X	96-14-067	246-807-110	REP-P	96-10-006	246-807-400	REP	96-16-074
246-610-030	REP	96-19-043	246-807-110	REP	96-16-074	246-807-410	REP-P	96-10-006
246-610-040	PREP-X	96-14-067	246-807-115	REP-P	96-10-006	246-807-410	REP	96-16-074
246-610-040	REP	96-19-043	246-807-115	REP	96-16-074	246-807-420	REP-P	96-10-006
246-790-010	PREP	96-14-037	246-807-120	REP-P	96-10-006	246-807-420	REP	96-16-074
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246-807-440	REP	96-16-074	246-808-350	NEW-P	96-10-006	246-808-685	NEW	96-16-074
246-807-450	REP-P	96-10-006	246-808-350	NEW	96-16-074	246-808-690	NEW-P	96-10-006
246-807-450	REP	96-16-074	246-808-360	NEW-P	96-10-006	246-808-690	NEW	96-16-074
246-807-460	REP-P	96-10-006	246-808-360	NEW	96-16-074	246-808-695	NEW-P	96-10-006
246-807-460	REP	96-16-074	246-808-370	NEW-P	96-10-006	246-808-695	NEW	96-16-074
246-807-470	REP-P	96-10-006	246-808-370	NEW	96-16-074	246-808-700	NEW-P	96-10-006
246-807-470	REP	96-16-074	246-808-380	NEW-P	96-10-006	246-808-700	NEW	96-16-074
246-807-480	REP-P	96-10-006	246-808-380	NEW	96-16-074	246-808-710	NEW-P	96-10-006
246-807-480	REP	96-16-074	246-808-390	NEW-P	96-10-006	246-808-710	NEW	96-16-074
246-807-500	REP-P	96-10-006	246-808-390	NEW	96-16-074	246-808-720	NEW-P	96-10-006
246-807-500	REP	96-16-074	246-808-400	NEW-P	96-10-006	246-808-720	NEW	96-16-074
246-807-510	REP-P	96-10-006	246-808-400	NEW	96-16-074	246-808-801	NEW-P	96-10-006
246-807-510	REP	96-16-074	246-808-410	NEW-P	96-10-006	246-808-801	NEW	96-16-074
246-807-520	REP-P	96-10-006	246-808-410	NEW	96-16-074	246-808-810	NEW-P	96-10-006
246-807-520	REP	96-16-074	246-808-505	NEW-P	96-10-006	246-808-810	NEW	96-16-074
246-807-530	REP-P	96-10-006	246-808-505	NEW	96-16-074	246-808-820	NEW-P	96-10-006
246-807-530	REP	96-16-074	246-808-510	NEW-P	96-10-006	246-808-820	NEW	96-16-074
246-808-001	NEW-P	96-10-006	246-808-510	NEW	96-16-074	246-808-830	NEW-P	96-10-006
246-808-001	NEW	96-16-074	246-808-520	NEW-P	96-10-006	246-808-830	NEW	96-16-074
246-808-010	NEW-P	96-10-006	246-808-520	NEW	96-16-074	246-808-990	NEW-P	96-10-006
246-808-010	NEW	96-16-074	246-808-525	NEW-P	96-10-006	246-808-990	NEW	96-16-074
246-808-015	NEW-P	96-10-006	246-808-525	NEW	96-16-074	246-810	PREP	96-16-071
246-808-015	NEW	96-16-074	246-808-530	NEW-P	96-10-006	246-810-990	AMD	96-08-069
246-808-020	NEW-P	96-10-006	246-808-530	NEW	96-16-074	246-826-070	PREP	96-15-072
246-808-020	NEW	96-16-074	246-808-535	NEW-P	96-10-006	246-826-080	PREP	96-15-072
246-808-030	NEW-P	96-10-006	246-808-535	NEW	96-16-074	246-828-015	NEW-P	96-23-066
246-808-030	NEW	96-16-074	246-808-540	NEW-P	96-10-006	246-828-990	AMD-P	96-23-065
246-808-040	NEW-P	96-10-006	246-808-540	NEW	96-16-074	246-830-005	AMD-P	96-18-095
246-808-040	NEW	96-16-074	246-808-545	NEW-P	96-10-006	246-830-005	AMD	96-22-098
246-808-101	NEW-P	96-10-006	246-808-545	NEW	96-16-074	246-838-010	PREP-W	96-06-028
246-808-101	NEW	96-16-074	246-808-550	NEW-P	96-10-006	246-838-130	PREP-W	96-06-028
246-808-105	NEW-P	96-10-006	246-808-550	NEW	96-16-074	246-839-120	PREP-W	96-06-028
246-808-105	NEW	96-16-074	246-808-560	NEW-P	96-10-006	246-840-910	NEW	96-05-060
246-808-106	NEW-P	96-10-006	246-808-560	NEW	96-16-074	246-840-920	NEW	96-05-060
246-808-106	NEW	96-16-074	246-808-565	NEW-P	96-10-006	246-840-930	NEW	96-05-060
246-808-115	NEW-P	96-10-006	246-808-565	NEW	96-16-074	246-840-940	NEW	96-05-060
246-808-115	NEW	96-16-074	246-808-570	NEW-P	96-10-006	246-840-950	NEW	96-05-060
246-808-120	NEW-P	96-10-006	246-808-570	NEW	96-16-074	246-840-960	NEW	96-05-060
246-808-120	NEW	96-16-074	246-808-575	NEW-P	96-10-006	246-840-970	NEW	96-05-060
246-808-130	NEW-P	96-10-006	246-808-575	NEW	96-16-074	246-840-980	NEW	96-05-060
246-808-130	NEW	96-16-074	246-808-580	NEW-P	96-10-006	246-841-405	NEW	96-06-029
246-808-135	NEW-P	96-10-006	246-808-580	NEW	96-16-074	246-841-990	AMD	96-03-051
246-808-135	NEW	96-16-074	246-808-585	NEW-P	96-10-006	246-851-080	PREP	96-11-049
246-808-140	NEW-P	96-10-006	246-808-585	NEW	96-16-074	246-851-080	REP-P	96-14-044
246-808-140	NEW	96-16-074	246-808-590	NEW-P	96-10-006	246-851-080	REP	96-20-087
246-808-150	NEW-P	96-10-006	246-808-590	NEW	96-16-074	246-851-480	PREP	96-11-049
246-808-150	NEW	96-16-074	246-808-600	NEW-P	96-10-006	246-851-480	REP-P	96-14-044
246-808-155	NEW-P	96-10-006	246-808-600	NEW	96-16-074	246-851-480	REP	96-20-087
246-808-155	NEW	96-16-074	246-808-605	NEW-P	96-10-006	246-851-490	PREP	96-11-049
246-808-160	NEW-P	96-10-006	246-808-605	NEW	96-16-074	246-851-490	AMD-P	96-14-044
246-808-160	NEW	96-16-074	246-808-610	NEW-P	96-10-006	246-851-490	AMD	96-20-087
246-808-165	NEW-P	96-10-006	246-808-610	NEW	96-16-074	246-851-500	PREP	96-11-049
246-808-165	NEW	96-16-074	246-808-615	NEW-P	96-10-006	246-851-500	AMD-P	96-14-044
246-808-170	NEW-P	96-10-006	246-808-615	NEW	96-16-074	246-851-500	AMD	96-20-087
246-808-170	NEW	96-16-074	246-808-620	NEW-P	96-10-006	246-851-990	AMD-P	96-15-033
246-808-180	NEW-P	96-10-006	246-808-620	NEW	96-16-074	246-851-990	AMD	96-20-088
246-808-180	NEW	96-16-074	246-808-625	NEW-P	96-10-006	246-861-040	AMD-P	96-04-080
246-808-185	NEW-P	96-10-006	246-808-625	NEW	96-16-074	246-861-040	AMD	96-11-042
246-808-185	NEW	96-16-074	246-808-630	NEW-P	96-10-006	246-869-240	REP	96-03-016
246-808-190	NEW-P	96-10-006	246-808-630	NEW	96-16-074	246-872	PREP	96-15-110
246-808-190	NEW	96-16-074	246-808-640	NEW-P	96-10-006	246-879	PREP	96-15-109
246-808-201	NEW-P	96-10-006	246-808-640	NEW	96-16-074	246-883-020	PREP	96-03-012
246-808-201	NEW	96-16-074	246-808-650	NEW-P	96-10-006	246-883-020	AMD-P	96-11-041
246-808-215	NEW-P	96-10-006	246-808-650	NEW	96-16-074	246-883-020	AMD-C	96-14-109
246-808-215	NEW	96-16-074	246-808-655	NEW-P	96-10-006	246-883-020	AMD	96-21-041
246-808-301	NEW-P	96-10-006	246-808-655	NEW	96-16-074	246-885-030	NEW-P	96-03-134
246-808-301	NEW	96-16-074	246-808-660	NEW-P	96-10-006	246-885-030	NEW	96-07-012
246-808-320	NEW-P	96-10-006	246-808-660	NEW	96-16-074	246-887-160	PREP	96-24-097
246-808-320	NEW	96-16-074	246-808-670	NEW-P	96-10-006	246-887-170	PREP	96-10-038
246-808-330	NEW-P	96-10-006	246-808-670	NEW	96-16-074	246-904	PREP	96-11-130
246-808-330	NEW	96-16-074	246-808-680	NEW-P	96-10-006	246-904-010	NEW-E	96-11-103

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-904-010	NEW-P	96-17-066	246-918-250	AMD	96-03-073	246-920-170	REP	96-03-073
246-904-020	NEW-E	96-11-103	246-918-260	AMD	96-03-073	246-920-180	REP	96-03-073
246-904-020	NEW-P	96-17-066	246-918-310	AMD	96-03-073	246-920-190	REP	96-03-073
246-904-030	NEW-E	96-11-103	246-918-990	AMD	96-03-073	246-920-200	REP	96-03-073
246-904-030	NEW-P	96-17-066	246-919-010	NEW	96-03-073	246-920-210	REP	96-03-073
246-904-040	NEW-E	96-11-103	246-919-020	NEW	96-03-073	246-920-220	REP	96-03-073
246-904-040	NEW-P	96-17-066	246-919-030	NEW	96-03-073	246-920-230	REP	96-03-073
246-904-050	NEW-E	96-11-103	246-919-100	NEW	96-03-073	246-920-240	REP	96-03-073
246-904-050	NEW-P	96-17-066	246-919-110	NEW	96-03-073	246-920-250	REP	96-03-073
246-904-060	NEW-E	96-11-103	246-919-120	NEW	96-03-073	246-920-260	REP	96-03-073
246-904-060	NEW-P	96-17-066	246-919-130	NEW	96-03-073	246-920-270	REP	96-03-073
246-904-070	NEW-E	96-11-103	246-919-140	NEW	96-03-073	246-920-280	REP	96-03-073
246-904-070	NEW-P	96-17-066	246-919-150	NEW	96-03-073	246-920-290	REP	96-03-073
246-904-080	NEW-E	96-11-103	246-919-200	NEW	96-03-073	246-920-300	REP	96-03-073
246-904-080	NEW-P	96-17-066	246-919-200	PREP-X	96-14-045	246-920-310	REP	96-03-073
246-904-090	NEW-E	96-11-103	246-919-200	REP	96-19-042	246-920-320	REP	96-03-073
246-904-090	NEW-P	96-17-066	246-919-210	NEW	96-03-073	246-920-330	REP	96-03-073
246-904-100	NEW-E	96-11-103	246-919-210	PREP-X	96-14-045	246-920-340	REP	96-03-073
246-904-100	NEW-P	96-17-066	246-919-210	NEW	96-19-042	246-920-350	REP	96-03-073
246-907-020	AMD-P	96-17-076	246-919-220	NEW	96-03-073	246-920-360	REP	96-03-073
246-907-030	AMD-P	96-17-076	246-919-220	PREP-X	96-14-045	246-920-370	REP	96-03-073
246-915-030	AMD-E	96-03-050	246-919-220	NEW	96-19-042	246-920-380	REP	96-03-073
246-915-030	AMD-P	96-08-068	246-919-230	NEW	96-03-073	246-920-390	REP	96-03-073
246-915-030	AMD	96-13-008	246-919-230	PREP-X	96-14-045	246-920-400	REP	96-03-073
246-917-020	REP	96-03-073	246-919-230	NEW	96-19-042	246-920-410	REP	96-03-073
246-917-025	REP	96-03-073	246-919-240	NEW	96-03-073	246-920-420	REP	96-03-073
246-917-026	REP	96-03-073	246-919-240	PREP-X	96-14-045	246-920-430	REP	96-03-073
246-917-030	REP	96-03-073	246-919-240	NEW	96-19-042	246-920-440	REP	96-03-073
246-917-040	REP	96-03-073	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073
246-917-050	REP	96-03-073	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073
246-917-060	REP	96-03-073	246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073
246-917-070	REP	96-03-073	246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073
246-917-080	REP	96-03-073	246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073
246-917-090	REP	96-03-073	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073
246-917-100	REP	96-03-073	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073
246-917-110	REP	96-03-073	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073
246-917-120	REP	96-03-073	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073
246-917-121	REP	96-03-073	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073
246-917-125	REP	96-03-073	246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073
246-917-126	REP	96-03-073	246-919-380	NEW	96-03-073	246-920-560	REP	96-03-073
246-917-130	REP	96-03-073	246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073
246-917-135	REP	96-03-073	246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073
246-917-140	REP	96-03-073	246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073
246-917-150	REP	96-03-073	246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073
246-917-160	REP	96-03-073	246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073
246-917-170	REP	96-03-073	246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073
246-917-180	REP	96-03-073	246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073
246-917-190	REP	96-03-073	246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073
246-917-200	REP	96-03-073	246-919-460	NEW	96-03-073	246-920-650	REP	96-03-073
246-917-210	REP	96-03-073	246-919-470	NEW	96-03-073	246-920-660	REP	96-03-073
246-917-220	REP	96-03-073	246-919-480	NEW	96-03-073	246-920-670	REP	96-03-073
246-917-300	REP	96-03-073	246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073
246-917-990	REP	96-03-073	246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073
246-918	AMD	96-03-073	246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073
246-918-005	AMD	96-03-073	246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073
246-918-006	AMD	96-03-073	246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073
246-918-007	AMD	96-03-073	246-919-700	NEW	96-03-073	246-920-740	REP	96-03-073
246-918-008	AMD	96-03-073	246-919-710	NEW	96-03-073	246-920-750	REP	96-03-073
246-918-009	AMD	96-03-073	246-919-720	NEW	96-03-073	246-920-760	REP	96-03-073
246-918-030	AMD	96-03-073	246-919-730	NEW	96-03-073	246-920-770	REP	96-03-073
246-918-035	AMD	96-03-073	246-919-740	NEW	96-03-073	246-920-780	REP	96-03-073
246-918-050	AMD	96-03-073	246-919-750	NEW	96-03-073	246-920-890	REP	96-03-073
246-918-070	AMD	96-03-073	246-919-760	NEW	96-03-073	246-924-040	PREP	96-16-007
246-918-080	AMD	96-03-073	246-919-770	NEW	96-03-073	246-924-080	AMD-P	96-02-086
246-918-085	AMD	96-03-073	246-919-990	NEW	96-03-073	246-924-080	AMD	96-08-007
246-918-090	AMD	96-03-073	246-920-020	REP	96-03-073	246-924-240	PREP	96-16-009
246-918-095	AMD	96-03-073	246-920-030	REP	96-03-073	246-924-250	AMD-P	96-02-086
246-918-110	AMD	96-03-073	246-920-040	REP	96-03-073	246-924-250	AMD	96-08-007
246-918-120	AMD	96-03-073	246-920-120	REP	96-03-073	246-924-370	PREP	96-16-006
246-918-130	AMD	96-03-073	246-920-130	REP	96-03-073	246-924-470	AMD-P	96-02-086
246-918-140	AMD	96-03-073	246-920-140	REP	96-03-073	246-924-470	AMD	96-08-007
246-918-170	AMD	96-03-073	246-920-150	REP	96-03-073	246-924-480	PREP	96-16-008
246-918-180	AMD	96-03-073	246-920-160	REP	96-03-073	246-924-500	NEW-P	96-02-086

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-924-500	NEW	96-08-007	250-74-040	REP	96-18-025	251-22-045	AMD-P	96-18-018
246-924-500	PREP	96-16-009	250-74-050	PREP-X	96-13-028	251-22-045	AMD	96-21-036
246-924-990	AMD-P	96-02-085	250-74-050	REP	96-18-025	251-22-116	AMD-P	96-08-081
246-924-990	AMD	96-08-006	250-74-060	PREP-X	96-13-028	251-22-116	AMD-C	96-09-089
246-924-990	PREP	96-15-071	250-74-060	REP	96-18-025	251-22-116	AMD	96-13-077
246-976	PREP	96-17-063	251-04-050	AMD-P	96-08-088	251-22-124	AMD-E	96-15-047
246-976	PREP	96-21-118	251-04-050	AMD	96-11-063	251-22-124	AMD-P	96-18-018
246-976-010	AMD	96-03-052	251-06-020	AMD-P	96-08-088	251-22-124	AMD	96-21-036
246-976-045	NEW	96-03-052	251-06-020	AMD	96-11-063	251-22-167	AMD-P	96-08-081
246-976-076	PREP	96-06-049	251-06-070	AMD-P	96-22-084	251-22-167	AMD-C	96-09-089
246-976-076	NEW-P	96-14-111	251-06-070	AMD	97-01-065	251-22-167	AMD	96-13-077
246-976-076	NEW	96-17-067	251-10-030	AMD-P	96-10-065	251-22-195	AMD-P	96-08-081
246-976-077	PREP	96-06-049	251-10-030	AMD	96-13-078	251-22-195	AMD-C	96-09-089
246-976-077	NEW-P	96-14-111	251-10-060	AMD-P	96-22-084	251-22-195	AMD	96-13-077
246-976-077	NEW	96-17-067	251-10-060	AMD	97-01-065	251-22-197	REP-P	96-08-081
246-976-140	PREP	96-06-049	251-11-110	AMD-P	96-22-084	251-22-197	REP-C	96-09-089
246-976-140	AMD-P	96-14-111	251-11-110	AMD	97-01-065	251-22-197	REP	96-13-077
246-976-140	AMD	96-17-067	251-12-075	AMD-P	96-22-084	251-22-200	AMD-P	96-08-081
246-976-165	NEW	96-03-052	251-12-075	AMD	97-01-065	251-22-200	AMD-C	96-09-089
246-976-181	PREP	96-06-049	251-12-080	AMD-P	96-22-084	251-22-200	AMD	96-13-077
246-976-181	NEW-P	96-14-111	251-12-080	AMD	97-01-065	251-22-250	AMD-P	96-08-084
246-976-181	NEW	96-17-067	251-12-099	AMD-P	96-04-053	251-22-250	AMD	96-11-059
249A-01-010	NEW-P	96-20-061	251-12-099	AMD-C	96-07-091	251-22-260	AMD-E	96-15-047
249A-01-010	NEW	96-24-037	251-12-099	AMD	96-09-055	251-22-260	AMD-P	96-18-018
249A-02-010	NEW-P	96-20-062	251-12-100	AMD-P	96-04-053	251-21-260	AMD	96-21-036
249A-02-020	NEW-P	96-20-062	251-12-100	AMD-C	96-07-091	251-22-270	AMD-W	96-02-069
249A-02-030	NEW-P	96-20-062	251-12-100	AMD	96-09-055	251-22-270	AMD-P	96-08-084
249A-02-040	NEW-P	96-20-062	251-12-101	REP-P	96-04-053	251-22-270	AMD	96-11-059
249A-02-050	NEW-P	96-20-062	251-12-101	REP-C	96-07-091	251-22-280	AMD-P	96-08-084
249A-02-060	NEW-P	96-20-062	251-12-101	REP	96-09-055	251-22-280	AMD	96-11-059
249A-02-080	NEW-P	96-20-062	251-12-102	AMD-P	96-04-053	251-22-280	AMD-E	96-15-047
249A-02-100	NEW-P	96-20-062	251-12-102	AMD-C	96-07-091	251-22-280	AMD-P	96-18-018
249A-02-200	NEW-P	96-20-062	251-12-102	AMD	96-09-055	251-22-280	AMD	96-21-036
249A-02-210	NEW-P	96-20-062	251-12-104	NEW-P	96-04-053	251-22-290	AMD-P	96-08-084
249A-02-220	NEW-P	96-20-062	251-12-104	NEW-C	96-07-091	251-22-290	AMD	96-11-059
249A-02-250	NEW-P	96-20-062	251-12-104	NEW	96-09-055	251-22-290	AMD-E	96-15-047
249A-02-300	NEW-P	96-20-062	251-12-105	NEW-P	96-04-053	251-22-290	AMD-P	96-18-018
249A-02-350	NEW-P	96-20-062	251-12-105	NEW-C	96-07-091	251-22-290	AMD	96-21-036
249A-02-360	NEW-P	96-20-062	251-12-105	NEW	96-09-055	260-12	PREP	96-03-142
249A-02-410	NEW-P	96-20-062	251-12-106	NEW-P	96-04-053	260-12	PREP	96-12-084
249A-02-420	NEW-P	96-20-062	251-12-106	NEW-C	96-07-091	260-20	PREP	96-03-143
249A-02-430	NEW-P	96-20-062	251-12-106	NEW	96-09-055	260-24	PREP	96-06-086
249A-02-440	NEW-P	96-20-062	251-12-180	AMD-P	96-04-053	260-24-010	REP-P	96-09-097
249A-02-450	NEW-P	96-20-062	251-12-180	AMD-C	96-07-091	260-24-010	REP-W	96-22-020
249A-02-460	NEW-P	96-20-062	251-12-180	AMD	96-09-055	260-24-020	REP-P	96-09-097
249A-02-470	NEW-P	96-20-062	251-12-232	AMD-P	96-04-053	260-24-020	REP-W	96-22-020
249A-02-510	NEW-P	96-20-062	251-12-232	AMD-C	96-07-091	260-24-030	REP-P	96-09-097
249A-02-520	NEW-P	96-20-062	251-12-232	AMD	96-09-055	260-24-030	REP-W	96-22-020
249A-02-540	NEW-P	96-20-062	251-14-110	AMD-P	96-04-053	260-24-040	REP-P	96-09-097
249A-02-560	NEW-P	96-20-062	251-14-110	AMD-C	96-07-091	260-24-040	REP-W	96-22-020
249A-02-600	NEW-P	96-20-062	251-14-110	AMD	96-09-055	260-24-050	REP-P	96-09-097
249A-02-650	NEW-P	96-20-062	251-14-110	AMD-E	96-19-079	260-24-050	REP-W	96-22-020
249A-02-810	NEW-P	96-20-062	251-14-110	AMD-P	96-22-084	260-24-060	REP-P	96-09-097
249A-02-830	NEW-P	96-20-062	251-14-110	AMD	97-01-065	260-24-060	REP-W	96-22-020
249A-02-860	NEW-P	96-20-062	251-14-120	AMD-P	96-22-084	260-24-070	REP-P	96-09-097
249A-04-010	PREP	96-18-056	251-14-120	AMD-C	97-01-064	260-24-070	REP-W	96-22-020
249A-04-010	PREP-W	96-23-004	251-14-130	NEW-P	96-04-053	260-24-080	REP-P	96-09-097
250-20-021	AMD	96-04-019	251-14-130	NEW-C	96-07-091	260-24-080	REP-W	96-22-020
250-20-021	PREP	96-07-096	251-14-130	NEW	96-09-055	260-24-090	REP-P	96-09-097
250-20-021	AMD-P	96-11-101	251-14-130	AMD-P	96-22-084	260-24-090	REP-W	96-22-020
250-20-021	AMD	96-18-024	251-14-130	AMD	97-01-064	260-24-100	REP-P	96-09-097
250-65	PREP	96-07-095	251-17-010	AMD	96-02-072	260-24-100	REP-W	96-22-020
250-65-020	AMD-P	96-11-090	251-17-150	AMD-P	96-08-086	260-24-110	REP-P	96-09-097
250-65-020	AMD	96-18-023	251-17-150	AMD	96-11-061	260-24-110	REP-W	96-22-020
250-65-060	AMD-P	96-11-090	251-17-170	AMD	96-02-072	260-24-120	REP-P	96-09-097
250-65-060	AMD	96-18-023	251-19-050	AMD-P	96-22-084	260-24-120	REP-W	96-22-020
250-74-010	PREP-X	96-13-028	251-19-050	AMD	97-01-065	260-24-130	REP-P	96-09-097
250-74-010	REP	96-18-025	251-19-060	AMD-P	96-22-084	260-24-130	REP-W	96-22-020
250-74-020	PREP-X	96-13-028	251-19-060	AMD	97-01-065	260-24-140	REP-P	96-09-097
250-74-020	REP	96-18-025	251-19-105	REP-W	96-02-069	260-24-140	REP-W	96-22-020
250-74-030	PREP-X	96-13-028	251-19-105	AMD-P	96-02-071	260-24-150	REP-P	96-09-097
250-74-030	REP	96-18-025	251-19-105	AMD	96-05-026	260-24-150	REP-W	96-22-020
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260-70-640	NEW	96-10-001	284-02-010	AMD	96-09-038	284-13-590	AMD-P	97-01-131
260-70-650	NEW-P	96-04-067	284-02-020	AMD-P	96-04-087	284-13-595	NEW-P	97-01-131
260-70-650	NEW	96-10-001	284-02-020	AMD	96-09-038	284-17	AMD-C	96-15-085
260-70-660	NEW-P	96-04-067	284-02-030	AMD-P	96-04-087	284-17	AMD-C	96-17-006
260-70-660	NEW	96-10-001	284-02-030	AMD	96-09-038	284-17-220	AMD-P	96-11-144
260-70-670	NEW-P	96-04-067	284-02-040	AMD-P	96-04-087	284-17-220	AMD	96-17-029
260-70-670	NEW	96-10-001	284-02-040	AMD	96-09-038	284-17-220	PREP	96-24-106
260-70-680	NEW-P	96-04-067	284-02-050	AMD-P	96-04-087	284-17-230	AMD-P	96-11-144
260-70-680	NEW	96-10-001	284-02-050	AMD	96-09-038	284-17-230	AMD-W	96-24-079
260-70-690	NEW-P	96-04-067	284-02-060	AMD-P	96-04-087	284-23	PREP	96-24-108
260-70-690	NEW	96-10-001	284-02-060	AMD	96-09-038	284-30-395	NEW-P	96-21-140
260-70-700	NEW-P	96-04-067	284-02-070	AMD-P	96-04-087	284-30-395	NEW-C	97-01-059
260-70-700	NEW	96-10-001	284-02-070	AMD	96-09-038	284-36A-005	NEW-P	96-19-067
260-70-710	NEW-P	96-04-067	284-02-080	AMD-P	96-04-087	284-36A-005	NEW	96-22-064
260-70-710	NEW	96-10-001	284-02-080	AMD	96-09-038	284-36A-010	NEW-P	96-19-067
260-70-720	NEW-P	96-04-067	284-02-100	AMD-P	96-04-087	284-36A-010	NEW	96-22-064
260-70-720	NEW	96-10-001	284-02-100	AMD	96-09-038	284-36A-020	NEW-P	96-19-067
260-70-730	NEW-P	96-04-067	284-04	NEW-C	96-24-077	284-36A-020	NEW	96-22-064
260-70-730	NEW	96-10-001	284-04-001	NEW-P	96-19-066	284-36A-025	NEW-P	96-19-067
275-16-085	PREP	96-14-002	284-04-001	NEW-S	96-21-128	284-36A-025	NEW	96-22-064
275-16-085	AMD-P	96-15-057	284-04-005	NEW-P	96-19-066	284-36A-030	NEW-P	96-19-067
275-16-085	AMD	96-18-090	284-04-005	NEW-S	96-21-128	284-36A-030	NEW	96-22-064
275-26-010	AMD-P	96-07-090	284-04-008	NEW-P	96-19-066	284-36A-030	NEW-P	96-19-067
275-26-010	AMD	96-10-076	284-04-008	NEW-S	96-21-128	284-36A-035	NEW	96-22-064
275-26-074	NEW-P	96-07-090	284-04-010	NEW-P	96-19-066	284-36A-035	NEW	96-22-064
275-26-074	NEW	96-10-076	284-04-010	NEW-S	96-21-128	284-43	AMD-P	96-12-072
275-26-076	NEW-P	96-07-090	284-04-020	NEW-P	96-19-066	284-43	AMD	96-16-050
275-26-076	NEW	96-10-076	284-04-020	NEW-S	96-21-128	284-43	NEW-C	96-24-083
275-26-077	NEW-P	96-07-090	284-04-025	NEW-P	96-19-066	284-43-100	NEW-P	96-12-072
275-26-077	NEW	96-10-076	284-04-025	NEW-S	96-21-128	284-43-100	NEW	96-16-050
275-27	PREP	96-12-015	284-04-025	NEW-P	96-19-066	284-43-110	NEW-P	96-20-118
275-27-020	PREP	96-12-034	284-04-030	NEW-P	96-19-066	284-43-120	NEW-P	96-20-118
275-27-026	PREP	96-12-034	284-04-030	NEW-S	96-21-128	284-43-130	NEW-P	96-20-118
275-27-030	PREP	96-12-034	284-04-035	NEW-P	96-19-066	284-43-200	NEW-P	96-20-118
275-27-031	PREP	96-12-034	284-04-035	NEW-S	96-21-128	284-43-210	NEW-P	96-20-118
275-27-032	PREP	96-12-034	284-04-045	NEW-P	96-19-066	284-43-300	NEW-P	96-20-118
275-27-033	PREP	96-12-034	284-04-045	NEW-S	96-21-128	284-43-310	NEW-P	96-20-118
275-27-034	PREP	96-12-034	284-04-050	NEW-P	96-19-066	284-43-320	NEW-P	96-20-118
275-27-035	PREP	96-12-034	284-04-050	NEW-S	96-21-128	284-43-330	NEW-P	96-20-118
275-27-036	PREP	96-12-034	284-04-055	NEW-P	96-19-066	284-43-340	NEW-P	96-20-118
275-27-037	PREP	96-12-034	284-04-055	NEW-S	96-21-128	284-43-350	NEW-P	96-20-118
275-27-040	PREP	96-12-034	284-04-060	NEW-P	96-19-066	284-43-360	NEW-P	96-20-118
275-27-050	PREP	96-12-034	284-04-060	NEW-S	96-21-128	284-43-400	NEW-P	96-20-118
275-27-220	PREP	96-12-016	284-04-063	NEW-P	96-19-066	284-43-410	NEW-P	96-20-118
275-27-221	PREP	96-12-016	284-04-063	NEW-S	96-21-128	284-43-420	NEW-P	96-20-118
275-27-223	PREP	96-12-016	284-04-065	NEW-P	96-19-066	284-43-500	NEW-P	96-20-118
275-30-020	PREP	96-10-058	284-04-065	NEW-S	96-21-128	284-43-510	NEW-P	96-20-118
275-30-020	AMD-P	96-16-091	284-04-080	NEW-P	96-19-066	284-43-520	NEW-P	96-20-118
275-30-020	AMD	96-20-017	284-04-080	NEW-S	96-21-128	284-43-530	NEW-P	96-20-118
275-46-005	NEW-P	96-14-056	284-04-090	NEW-P	96-19-066	284-43-540	NEW-P	96-20-118
275-46-005	NEW	96-18-041	284-04-090	NEW-S	96-21-128	284-43-550	NEW-P	96-20-118
275-46-010	NEW-P	96-14-056	284-07	AMD-C	96-08-017	284-43-560	NEW-P	96-20-118
275-46-010	NEW	96-18-041	284-07	AMD-C	96-09-046	284-43-600	NEW-P	96-20-118
275-46-020	NEW-P	96-14-056	284-07-050	AMD-P	96-11-046	284-43-610	NEW-P	96-20-118
275-46-020	NEW	96-18-041	284-07-050	AMD-C	96-05-091	284-43-620	NEW-P	96-20-118
275-46-030	NEW-P	96-14-056	284-07-050	AMD-C	96-11-046	284-43-630	NEW-P	96-20-118
275-46-030	NEW	96-18-041	284-07-050	AMD	96-17-033	284-43-640	NEW-P	96-20-118
275-46-040	NEW-P	96-14-056	284-07-070	AMD	96-17-079	284-43-650	NEW-P	96-20-118
275-46-040	NEW	96-18-041	284-07-070	AMD-P	96-05-091	284-43-700	NEW-P	96-24-103
275-46-050	NEW-P	96-14-056	284-07-070	AMD-C	96-11-046	284-43-700	NEW-C	97-01-136
275-46-050	NEW	96-18-041	284-07-070	AMD-C	96-17-033	284-44-140	AMD-P	96-07-081
275-46-060	NEW-P	96-14-056	284-07-070	AMD	96-17-079	284-44-140	AMD	96-11-004
275-46-060	NEW	96-18-041	284-10-140	NEW-C	96-03-033	284-44-240	REP-P	96-20-118
275-46-070	NEW-P	96-14-056	284-10-140	NEW-C	96-03-075	284-44-345	REP-P	96-05-091
275-46-070	NEW	96-18-041	284-10-140	NEW	96-04-060	284-44-345	REP-C	96-08-017
275-47	PREP	96-15-081	284-13-505	NEW-P	97-01-131	284-44-345	REP-C	96-09-046
275-47-020	AMD-P	96-19-020	284-13-515	NEW-P	97-01-131	284-44-345	REP-C	96-11-046
275-47-020	AMD	96-24-075	284-13-520	AMD-P	97-01-131	284-44-345	REP-C	96-17-033
275-47-050	NEW-P	96-19-020	284-13-530	NEW-P	97-01-131	284-44-345	REP	96-17-079
275-47-050	NEW	96-24-075	284-13-535	NEW-P	97-01-131	284-44-410	REP-P	96-20-118
275-56	PREP	96-12-015	284-13-540	AMD-P	97-01-131	284-46-025	NEW-P	96-07-081
284-02	AMD-C	96-09-002	284-13-550	AMD-P	97-01-131	284-46-025	NEW	96-11-004
			284-13-560	AMD-P	97-01-131	284-46-060	REP-P	96-05-091

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284-46-060	REP-C	96-09-046	286-04-060	AMD-P	96-04-054	286-35	AMD	96-08-044
284-46-060	REP-C	96-11-046	286-04-060	AMD	96-08-044	286-35-020	REP-P	96-04-054
284-46-060	REP-C	96-17-033	286-04-070	AMD-P	96-04-054	286-35-020	REP	96-08-044
284-46-060	REP	96-17-079	286-04-070	AMD	96-08-044	286-35-030	AMD-P	96-04-054
284-46-575	REP-P	96-20-118	286-04-080	AMD-P	96-04-054	286-35-030	AMD	96-08-044
284-54	PREP	96-24-107	286-04-080	AMD	96-08-044	286-35-040	AMD-P	96-04-054
284-54-170	NEW-W	96-04-018	286-04-090	AMD-P	96-04-054	286-35-040	AMD	96-08-044
284-58-030	AMD-P	96-07-081	286-04-090	AMD	96-08-044	286-35-050	REP-P	96-04-054
284-58-030	AMD	96-11-004	286-13-010	AMD-P	96-04-054	286-35-050	REP	96-08-044
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284-66-020	AMD-P	96-04-086	286-13-030	AMD-P	96-04-054	286-35-070	REP	96-08-044
284-66-020	AMD	96-09-047	286-13-030	AMD	96-08-044	286-40-010	AMD-P	96-04-054
284-66-063	AMD-P	96-04-086	286-13-040	AMD-P	96-04-054	286-40-010	AMD	96-08-044
284-66-063	AMD	96-09-047	286-13-040	AMD	96-08-044	286-40-020	AMD-P	96-04-054
284-66-077	AMD-P	96-04-086	286-13-045	NEW-P	96-04-054	286-40-020	AMD	96-08-044
284-66-077	AMD	96-09-047	286-13-045	NEW	96-08-044	286-40-030	AMD-P	96-04-054
284-66-110	AMD-P	96-04-086	286-13-060	AMD-P	96-04-054	286-40-030	AMD	96-08-044
284-66-110	AMD	96-09-047	286-13-060	AMD	96-08-044	292-04-270	AMD-E	96-03-092
284-66-120	AMD-P	96-04-086	286-13-070	AMD-P	96-04-054	292-06-001	NEW-P	96-04-083
284-66-120	AMD	96-09-047	286-13-070	AMD	96-08-044	292-06-001	NEW-W	96-17-053
284-66-130	AMD-P	96-04-086	286-13-080	AMD-P	96-04-054	292-06-005	NEW-P	96-04-083
284-66-130	AMD	96-09-047	286-13-080	AMD	96-08-044	292-06-005	NEW-W	96-17-053
284-66-135	NEW-P	96-04-086	286-13-085	AMD-P	96-04-054	292-06-010	NEW-P	96-04-083
284-66-135	NEW	96-09-047	286-13-085	AMD	96-08-044	292-06-010	NEW-W	96-17-053
284-66-142	AMD-P	96-04-086	286-13-085	AMD-P	96-11-112	292-06-020	NEW-P	96-04-083
284-66-142	AMD	96-09-047	286-13-085	AMD-E	96-11-113	292-06-020	NEW-W	96-17-053
284-66-203	AMD-P	96-04-086	286-13-085	AMD-S	96-12-065	292-06-030	NEW-P	96-04-083
284-66-203	AMD	96-09-047	286-13-085	AMD	96-15-082	292-06-030	NEW-W	96-17-053
284-85	PREP	96-15-044	286-13-100	AMD-P	96-04-054	292-06-040	NEW-P	96-04-083
284-85	NEW-C	96-15-085	286-13-100	AMD	96-08-044	292-06-040	NEW-W	96-17-053
284-85	NEW-C	96-17-006	286-13-110	AMD-P	96-04-054	292-06-050	NEW-P	96-04-083
284-85	PREP	96-24-107	286-13-110	AMD	96-08-044	292-06-050	NEW-W	96-17-053
284-85-005	NEW-P	96-11-144	286-13-115	AMD-P	96-04-054	292-06-060	NEW-P	96-04-083
284-85-005	NEW	96-17-029	286-13-115	AMD	96-08-044	292-06-060	NEW-W	96-17-053
284-85-010	NEW-P	96-11-144	286-26-010	AMD-P	96-04-054	292-06-070	NEW-P	96-04-083
284-85-010	NEW	96-17-029	286-26-010	AMD	96-08-044	292-06-070	NEW-W	96-17-053
284-85-015	NEW-P	96-11-144	286-26-020	AMD-P	96-04-054	292-06-080	NEW-P	96-04-083
284-85-015	NEW	96-17-029	286-26-020	AMD	96-08-044	292-06-080	NEW-W	96-17-053
284-85-030	NEW-P	96-11-144	286-26-030	REP-P	96-04-054	292-06-090	NEW-P	96-04-083
284-85-030	NEW	96-17-029	286-26-030	REP	96-08-044	292-06-090	NEW-W	96-17-053
284-85-040	NEW-P	96-11-144	286-26-080	AMD-P	96-04-054	292-06-100	NEW-P	96-04-083
284-85-040	NEW	96-17-029	286-26-080	AMD	96-08-044	292-06-100	NEW-W	96-17-053
284-85-045	NEW-P	96-11-144	286-26-100	AMD-P	96-04-054	292-06-110	NEW-P	96-04-083
284-85-045	NEW	96-17-029	286-26-100	AMD	96-08-044	292-06-110	NEW-W	96-17-053
284-85-050	NEW-P	96-11-144	286-26-110	NEW-P	96-04-054	292-06-130	NEW-P	96-04-083
284-85-050	NEW	96-17-029	286-26-110	NEW	96-08-044	292-06-130	NEW-W	96-17-053
284-85-055	NEW-P	96-11-144	286-27-010	AMD-P	96-04-054	292-06-140	NEW-P	96-04-083
284-85-055	NEW	96-17-029	286-27-010	AMD	96-08-044	292-06-140	NEW-W	96-17-053
284-85-060	NEW-P	96-11-144	286-27-030	REP-P	96-04-054	292-06-160	NEW-P	96-04-083
284-85-060	NEW	96-17-029	286-27-030	REP	96-08-044	292-06-160	NEW-W	96-17-053
284-85-070	NEW-P	96-11-144	286-27-040	AMD-P	96-04-054	292-06-170	NEW-P	96-04-083
284-85-070	NEW	96-17-029	286-27-040	AMD	96-08-044	292-06-170	NEW-W	96-17-053
284-85-075	NEW-P	96-11-144	286-27-050	AMD-P	96-04-054	292-06-190	NEW-P	96-04-083
284-85-075	NEW	96-17-029	286-27-050	AMD	96-08-044	292-06-190	NEW-W	96-17-053
284-85-080	NEW-P	96-11-144	286-27-055	NEW-P	96-04-054	292-06-200	NEW-P	96-04-083
284-85-080	NEW	96-17-029	286-27-055	NEW	96-08-044	292-06-200	NEW-W	96-17-053
284-85-085	NEW-P	96-11-144	286-27-065	NEW-P	96-04-054	292-06-210	NEW-P	96-04-083
284-85-085	NEW	96-17-029	286-27-065	NEW	96-08-044	292-06-210	NEW-W	96-17-053
284-85-090	NEW-P	96-11-144	286-27-070	REP-P	96-04-054	292-06-220	NEW-P	96-04-083
284-85-090	NEW	96-17-029	286-27-070	REP	96-08-044	292-06-220	NEW-W	96-17-053
284-85-100	NEW-P	96-11-144	286-27-075	NEW-P	96-04-054	292-06-230	NEW-P	96-04-083
284-85-100	NEW	96-17-029	286-27-075	NEW	96-08-044	292-06-230	NEW-W	96-17-053
284-85-110	NEW-P	96-11-144	286-27-080	REP-P	96-04-054	292-06-240	NEW-P	96-04-083
284-85-110	NEW	96-17-029	286-27-080	REP	96-08-044	292-06-240	NEW-W	96-17-053
284-85-900	NEW-P	96-11-144	286-30-010	AMD-P	96-04-054	292-06-250	NEW-P	96-04-083
284-85-900	NEW	96-17-029	286-30-010	AMD	96-08-044	292-06-250	NEW-W	96-17-053
284-97-050	PREP	96-24-109	286-30-020	REP-P	96-04-054	292-06-270	NEW-P	96-04-083
286-04-010	AMD-P	96-04-054	286-30-020	REP	96-08-044	292-06-270	NEW-W	96-17-053
286-04-010	AMD	96-08-044	286-30-030	AMD-P	96-04-054	292-06-280	NEW-P	96-04-083
286-04-030	AMD-P	96-04-054	286-30-030	AMD	96-08-044	292-06-280	NEW-W	96-17-053

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292-08-010	REP-P	96-05-006	292-100-090	NEW-P	96-15-095	296-17-503	AMD-P	96-05-065
292-08-010	REP	96-17-024	292-100-090	NEW	96-22-028	296-17-503	AMD	96-12-039
292-08-020	REP-P	96-05-006	292-100-100	NEW-E	96-03-072	296-17-505	AMD-P	96-05-064
292-08-020	REP	96-17-024	292-100-100	NEW-P	96-15-095	296-17-505	AMD-P	96-05-065
292-08-030	REP-P	96-05-006	292-100-100	NEW	96-22-028	296-17-505	AMD	96-12-039
292-08-030	REP	96-17-024	292-100-110	NEW-E	96-03-072	296-17-50603	NEW-P	96-05-064
292-08-040	REP-P	96-05-006	292-100-110	NEW-P	96-15-095	296-17-50603	NEW	96-12-039
292-08-040	REP	96-17-024	292-100-110	NEW	96-22-028	296-17-507	REP-P	96-05-064
292-08-050	REP-P	96-05-006	292-100-120	NEW-P	96-15-095	296-17-507	NEW-P	96-05-065
292-08-050	REP	96-17-024	292-100-120	NEW	96-22-028	296-17-507	REP	96-12-039
292-11-010	NEW-P	96-21-130	292-100-130	NEW-P	96-15-095	296-17-50703	NEW-P	96-05-065
292-11-020	NEW-P	96-21-130	292-100-130	NEW	96-22-028	296-17-50703	NEW-W	96-19-007
292-11-030	NEW-P	96-21-130	292-100-140	NEW-P	96-15-095	296-17-508	AMD-P	96-05-064
292-12	REP-C	96-17-023	292-100-140	NEW	96-22-028	296-17-508	AMD-P	96-05-065
292-12-010	REP-P	96-05-006	292-100-150	NEW-P	96-15-095	296-17-508	AMD	96-12-039
292-12-010	REP	96-17-024	292-100-150	NEW	96-22-028	296-17-50904	REP-P	96-05-064
292-12-020	REP-P	96-05-006	292-100-160	NEW-P	96-15-095	296-17-50904	REP-P	96-05-065
292-12-020	REP	96-17-024	292-100-160	NEW	96-22-028	296-17-50904	REP	96-12-039
292-12-030	REP-P	96-05-006	292-100-170	NEW-P	96-15-095	296-17-50908	NEW-P	96-05-064
292-12-030	REP	96-17-024	292-100-170	NEW	96-22-028	296-17-50908	NEW-P	96-05-065
292-12-040	REP-P	96-05-006	292-100-180	NEW-P	96-15-095	296-17-50908	NEW	96-12-039
292-12-040	REP	96-17-024	292-100-180	NEW	96-22-028	296-17-50910	NEW-P	96-05-064
292-12-050	REP-P	96-05-006	292-100-190	NEW-P	96-15-095	296-17-50910	NEW-P	96-05-065
292-12-050	REP	96-17-024	292-100-190	NEW	96-22-028	296-17-50910	NEW	96-12-039
292-12-060	REP-P	96-05-006	292-100-200	NEW-P	96-15-095	296-17-50912	NEW-P	96-05-064
292-12-060	REP	96-17-024	292-100-200	NEW	96-22-028	296-17-50912	NEW-P	96-05-065
292-12-070	REP-P	96-05-006	292-110-020	NEW-P	96-15-094	296-17-50912	NEW	96-12-039
292-12-070	REP	96-17-024	292-110-020	NEW	96-22-030	296-17-50915	NEW-P	96-05-064
292-12-080	REP-P	96-05-006	292-110-030	NEW-P	96-15-093	296-17-50915	NEW-P	96-05-065
292-12-080	REP	96-17-024	292-110-030	NEW	96-22-029	296-17-50915	NEW	96-12-039
292-12-090	REP-P	96-05-006	294-04-010	NEW-P	96-16-095	296-17-50917	NEW-P	96-05-064
292-12-090	REP	96-17-024	294-04-020	NEW-P	96-16-095	296-17-50917	NEW-P	96-05-065
292-12-110	REP-P	96-05-006	294-04-030	NEW-P	96-16-095	296-17-50917	NEW	96-12-039
292-12-110	REP	96-17-024	294-04-040	NEW-P	96-16-095	296-17-510	AMD-P	96-05-064
292-12-120	REP-P	96-05-006	294-04-050	NEW-P	96-16-095	296-17-510	AMD-P	96-05-065
292-12-120	REP	96-17-024	294-04-060	NEW-P	96-16-095	296-17-510	AMD	96-12-039
292-12-130	REP-P	96-05-006	294-04-070	NEW-P	96-16-095	296-17-511	AMD-P	96-05-064
292-12-130	REP	96-17-024	294-04-080	NEW-P	96-16-095	296-17-511	AMD-P	96-05-065
292-12-140	REP-P	96-05-006	296-04	PREP	96-10-035	296-17-511	AMD	96-12-039
292-12-140	REP	96-17-024	296-15-070	PREP	96-12-094	296-17-51101	NEW-P	96-05-064
292-12-150	REP-P	96-05-006	296-15-070	AMD-P	96-16-057	296-17-51101	NEW-P	96-05-065
292-12-150	REP	96-17-024	296-15-070	AMD	96-21-145	296-17-51101	NEW	96-12-039
292-12-160	REP-P	96-05-006	296-15-190	PREP	96-12-094	296-17-512	AMD-P	96-05-064
292-12-160	REP	96-17-024	296-15-190	AMD-P	96-16-057	296-17-512	AMD-P	96-05-065
292-12-170	REP-P	96-05-006	296-15-190	AMD	96-21-145	296-17-512	AMD	96-12-039
292-12-170	REP	96-17-024	296-15-255	PREP	96-12-094	296-17-513	AMD-P	96-05-064
292-12-180	REP-P	96-05-006	296-15-255	AMD-P	96-16-057	296-17-513	AMD-P	96-05-065
292-12-180	REP	96-17-024	296-15-255	AMD	96-21-145	296-17-513	AMD	96-12-039
292-100-010	NEW-E	96-03-072	296-15-260	PREP	96-12-094	296-17-51301	NEW-P	96-05-064
292-100-010	NEW-P	96-15-095	296-15-260	AMD-P	96-16-057	296-17-51301	NEW-P	96-05-065
292-100-010	NEW	96-22-028	296-15-260	AMD	96-21-145	296-17-51301	AMD	96-12-039
292-100-020	NEW-E	96-03-072	296-17	PREP	96-09-100	296-17-517	AMD-P	96-05-064
292-100-020	NEW-P	96-15-095	296-17	PREP	96-15-088	296-17-517	AMD-P	96-05-065
292-100-020	NEW	96-22-028	296-17	PREP	96-22-106	296-17-517	AMD	96-12-039
292-100-030	NEW-E	96-03-072	296-17	PREP	96-22-107	296-17-519	AMD-P	96-05-064
292-100-030	NEW-P	96-15-095	296-17-420	AMD-P	96-05-064	296-17-519	AMD-P	96-05-065
292-100-030	NEW	96-22-028	296-17-420	AMD-P	96-05-065	296-17-519	AMD	96-12-039
292-100-040	NEW-E	96-03-072	296-17-420	AMD	96-12-039	296-17-52002	AMD-P	96-05-064
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292-100-040	NEW	96-22-028	296-17-440	AMD-P	96-05-065	296-17-52002	AMD	96-12-039
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292-100-050	NEW	96-22-028	296-17-45003	AMD-P	96-05-065	296-17-52103	AMD	96-12-039
292-100-060	NEW-E	96-03-072	296-17-45003	AMD	96-12-039	296-17-52104	AMD-P	96-05-064
292-100-060	NEW-P	96-15-095	296-17-45003	AMD-P	97-01-122	296-17-52104	AMD-P	96-05-065
292-100-060	NEW	96-22-028	296-17-45006	NEW-P	97-01-122	296-17-52104	AMD	96-12-039
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292-100-070	NEW-P	96-15-095	296-17-501	AMD-P	96-05-065	296-17-52107	AMD-P	96-05-065
292-100-070	NEW	96-22-028	296-17-501	AMD	96-12-039	296-17-52107	AMD	96-12-039
292-100-080	NEW-E	96-03-072	296-17-502	REP-P	96-05-064	296-17-52107	REP-P	97-01-122
292-100-080	NEW-P	96-15-095	296-17-502	REP-P	96-05-065	296-17-52110	AMD-P	96-05-064
292-100-080	NEW	96-22-028	296-17-502	REP	96-12-039	296-17-52110	AMD-P	96-05-065

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296-17-52112	NEW-P	96-05-064	296-17-55201	AMD	96-12-039
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296-17-52112	NEW	96-12-039	296-17-555	AMD-P	96-05-065
296-17-52112	REP-P	97-01-122	296-17-555	AMD	96-12-039
296-17-52113	NEW-P	96-05-064	296-17-556	REP-P	96-05-064
296-17-52113	NEW-P	96-05-065	296-17-556	REP-P	96-05-065
296-17-52113	NEW	96-12-039	296-17-556	REP	96-12-039
296-17-52114	NEW-P	97-01-122	296-17-561	AMD-P	96-05-064
296-17-52115	NEW-P	97-01-122	296-17-561	AMD-P	96-05-065
296-17-52116	NEW-P	97-01-122	296-17-561	AMD	96-12-039
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296-17-524	AMD-P	96-05-064	296-17-56101	AMD-P	96-05-065
296-17-524	AMD-P	96-05-065	296-17-56101	AMD	96-12-039
296-17-524	AMD	96-12-039	296-17-562	AMD-P	96-05-064
296-17-526	AMD-P	96-05-064	296-17-562	AMD-P	96-05-065
296-17-526	AMD-P	96-05-065	296-17-562	AMD	96-12-039
296-17-526	AMD	96-12-039	296-17-563	AMD-P	96-05-064
296-17-527	AMD-P	96-05-064	296-17-563	AMD-P	96-05-065
296-17-527	AMD-P	96-05-065	296-17-563	AMD	96-12-039
296-17-527	AMD	96-12-039	296-17-564	AMD-P	96-05-064
296-17-528	AMD-P	96-05-064	296-17-564	AMD-P	96-05-065
296-17-528	AMD-P	96-05-065	296-17-564	AMD	96-12-039
296-17-528	AMD	96-12-039	296-17-56401	AMD-P	96-05-064
296-17-529	AMD-P	96-05-064	296-17-56401	AMD-P	96-05-065
296-17-529	AMD-P	96-05-065	296-17-56401	AMD	96-12-039
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296-17-530	REP-P	96-05-065	296-17-56402	AMD	96-12-039
296-17-530	REP	96-12-039	296-17-565	AMD-P	96-05-064
296-17-534	AMD-P	96-05-064	296-17-565	AMD-P	96-05-065
296-17-534	AMD-P	96-05-065	296-17-565	AMD	96-12-039
296-17-534	AMD	96-12-039	296-17-56602	NEW-P	96-05-064
296-17-53501	AMD-P	96-05-064	296-17-56602	NEW-P	96-05-065
296-17-53501	AMD-P	96-05-065	296-17-56602	NEW	96-12-039
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296-17-53502	AMD-P	96-05-065	296-17-567	AMD	96-12-039
296-17-53502	AMD	96-12-039	296-17-568	AMD-P	96-05-064
296-17-536	AMD-P	96-05-064	296-17-568	AMD-P	96-05-065
296-17-536	AMD-P	96-05-065	296-17-568	AMD	96-12-039
296-17-536	AMD	96-12-039	296-17-56901	AMD-P	96-05-064
296-17-538	AMD-P	96-05-064	296-17-56901	AMD-P	96-05-065
296-17-538	AMD-P	96-05-065	296-17-56901	AMD	96-12-039
296-17-538	AMD	96-12-039	296-17-57001	AMD-P	96-05-064
296-17-53802	NEW-P	96-05-064	296-17-57001	AMD-P	96-05-065
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296-17-53802	NEW	96-12-039	296-17-57003	AMD-P	96-05-064
296-17-53803	AMD-P	96-05-064	296-17-57003	AMD-P	96-05-065
296-17-53803	AMD-P	96-05-065	296-17-57003	AMD	96-12-039
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296-17-53805	AMD-P	96-05-065	296-17-571	AMD	96-12-039
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296-17-539	AMD-P	96-05-064	296-17-573	AMD-P	96-05-065
296-17-539	AMD-P	96-05-065	296-17-573	AMD	96-12-039
296-17-539	AMD	96-12-039	296-17-57602	AMD-P	96-05-064
296-17-540	AMD-P	96-05-064	296-17-57602	AMD-P	96-05-065
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296-17-54101	AMD-P	96-05-065	296-17-57603	AMD	96-12-039
296-17-54101	AMD	96-12-039	296-17-579	REP-P	96-05-064
296-17-545	AMD-P	96-05-064	296-17-579	REP-P	96-05-065
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296-17-546	AMD-P	96-05-065	296-17-580	AMD	96-12-039
296-17-546	AMD	96-12-039	296-17-582	AMD-P	96-05-064
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296-17-920	AMD	96-24-063	296-23A-0560	NEW-P	96-24-105	296-54-45001	REP	96-22-013
296-18A-520	PREP	96-03-106	296-23A-0570	NEW-P	96-24-105	296-54-501	AMD-P	96-09-101
296-20-010	AMD-P	96-05-066	296-23A-0575	NEW-P	96-24-105	296-54-501	AMD	96-22-013
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296-20-135	AMD	96-19-060	296-23A-120	REP-P	96-24-105	296-54-515	AMD	96-22-013
296-20-200	PREP	96-17-092	296-23A-125	REP-P	96-24-105	296-54-519	AMD-P	96-09-101
296-20-200	AMD-P	96-01-123	296-23A-130	REP-P	96-24-105	296-54-519	AMD	96-22-013
296-20-210	PREP	96-17-092	296-23A-135	REP-P	96-24-105	296-54-521	AMD-P	96-09-101
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296-20-220	PREP	96-17-092	296-23A-145	REP-P	96-24-105	296-54-523	AMD-P	96-09-101
296-20-220	AMD-P	97-01-123	296-23A-150	REP-P	96-24-105	296-54-523	AMD	96-22-013
296-23-180	AMD-P	96-05-066	296-23A-155	REP-P	96-24-105	296-54-529	AMD-P	96-09-101
296-23-180	AMD	96-10-086	296-23A-160	REP-P	96-24-105	296-54-529	AMD	96-22-013
296-23-185	AMD-P	96-05-066	296-23A-165	REP-P	96-24-105	296-54-531	AMD-P	96-09-101
296-23-185	AMD	96-10-086	296-23A-170	REP-P	96-24-105	296-54-531	AMD	96-22-013
296-23-220	AMD-P	96-05-066	296-23A-175	REP-P	96-24-105	296-54-535	AMD-P	96-09-101
296-23-220	AMD	96-10-086	296-23A-180	REP-P	96-24-105	296-54-535	AMD	96-22-013
296-23-230	AMD-P	96-05-066	296-23A-185	REP-P	96-24-105	296-54-537	AMD-P	96-09-101
296-23-230	AMD	96-10-086	296-23A-190	REP-P	96-24-105	296-54-537	AMD	96-22-013
296-23-265	PREP	96-17-092	296-23A-200	REP-P	96-24-105	296-54-539	AMD-P	96-09-101
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296-23A	PREP	96-11-066	296-23A-310	REP-P	96-24-105	296-54-557	AMD	96-22-013
296-23A-0100	NEW-P	96-24-105	296-23A-315	REP-P	96-24-105	296-54-559	AMD-P	96-09-101
296-23A-0110	NEW-P	96-24-105	296-23A-320	REP-P	96-24-105	296-54-559	AMD	96-22-013
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296-23A-0130	NEW-P	96-24-105	296-23A-400	AMD	96-10-086	296-54-561	AMD	96-22-013
296-23A-0140	NEW-P	96-24-105	296-23A-400	REP-P	96-24-105	296-54-565	AMD-P	96-09-101
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296-23A-0180	NEW-P	96-24-105	296-24-084	AMD-P	96-03-024	296-54-575	AMD-P	96-09-101
296-23A-0190	NEW-P	96-24-105	296-24-084	AMD	96-09-030	296-54-575	AMD	96-22-013
296-23A-0195	NEW-P	96-24-105	296-24-092	AMD-P	96-03-024	296-54-577	AMD-P	96-09-101
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296-23A-0220	NEW-P	96-24-105	296-24-23533	AMD	96-09-030	296-54-593	AMD	96-22-013
296-23A-0230	NEW-P	96-24-105	296-27	PREP	96-06-033	296-54-595	AMD-P	96-09-101
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296-23A-0300	NEW-P	96-24-105	296-27-15503	AMD	96-17-056	296-54-597	AMD	96-22-013
296-23A-0310	NEW-P	96-24-105	296-27-16001	AMD-P	96-10-085	296-54-601	AMD-P	96-09-101
296-23A-0350	NEW-P	96-24-105	296-27-16001	AMD	96-17-056	296-54-601	AMD	96-22-013
296-23A-0360	NEW-P	96-24-105	296-30	PREP	96-17-055	296-54-605	AMD-P	96-09-101
296-23A-0400	NEW-P	96-24-105	296-30-010	AMD-P	96-21-015	296-54-605	AMD	96-22-013
296-23A-0410	NEW-P	96-24-105	296-30-060	AMD-P	96-21-015	296-62	PREP	96-24-034
296-23A-0420	NEW-P	96-24-105	296-30-081	AMD-P	96-21-015	296-62	PREP	96-24-035
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296-62-07727	AMD	97-01-079	296-78-800	AMD	96-17-056	296-116-185	PREP	96-05-054
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296-62-07733	AMD	97-01-079	296-78-84007	AMD	96-17-056	296-116-300	PREP	96-04-052
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296-305-01511	NEW-C	96-03-026	296-305-05501	NEW-C	96-03-026	296-305-085	AMD-C	96-03-026
296-305-01511	NEW	96-11-067	296-305-05501	NEW	96-11-067	296-305-085	REP	96-11-067
296-305-01513	NEW-C	96-03-026	296-305-05503	NEW-C	96-03-026	296-305-090	AMD-C	96-03-026
296-305-01513	NEW	96-11-067	296-305-05503	NEW	96-11-067	296-305-090	REP	96-11-067
296-305-01515	NEW-C	96-03-026	296-305-060	AMD-C	96-03-026	296-305-095	AMD-C	96-03-026
296-305-01515	NEW	96-11-067	296-305-060	REP	96-11-067	296-305-095	REP	96-11-067
296-305-01517	NEW-C	96-03-026	296-305-06001	AMD-C	96-03-026	296-305-100	AMD-C	96-03-026
296-305-01517	NEW	96-11-067	296-305-06001	AMD	96-11-067	296-305-100	REP	96-11-067
296-305-017	AMD-C	96-03-026	296-305-06003	AMD-C	96-03-026	296-305-105	AMD-C	96-03-026
296-305-017	REP	96-11-067	296-305-06003	AMD	96-11-067	296-305-105	REP	96-11-067
296-305-020	AMD-C	96-03-026	296-305-06005	AMD-C	96-03-026	296-305-110	AMD-C	96-03-026
296-305-020	REP	96-11-067	296-305-06005	AMD	96-11-067	296-305-110	REP	96-11-067
296-305-02001	NEW-C	96-03-026	296-305-06007	AMD-C	96-03-026	296-305-115	AMD-C	96-03-026
296-305-02001	NEW	96-11-067	296-305-06007	AMD	96-11-067	296-305-115	REP	96-11-067
296-305-02003	NEW-C	96-03-026	296-305-06009	AMD-C	96-03-026	296-306	PREP	96-06-034
296-305-02003	NEW	96-11-067	296-305-06009	REP	96-11-067	296-306	PREP	96-06-078
296-305-02005	NEW-C	96-03-026	296-305-06011	AMD-C	96-03-026	296-306-003	REP-P	96-14-121
296-305-02005	NEW	96-11-067	296-305-06011	REP	96-11-067	296-306-003	REP	96-22-048
296-305-02007	NEW-C	96-03-026	296-305-063	AMD-C	96-03-026	296-306-006	REP-P	96-14-121
296-305-02007	NEW	96-11-067	296-305-063	REP	96-11-067	296-306-006	REP	96-22-048
296-305-02009	NEW-C	96-03-026	296-305-064	AMD-C	96-03-026	296-306-009	REP-P	96-14-121
296-305-02009	NEW	96-11-067	296-305-064	REP	96-11-067	296-306-009	REP	96-22-048
296-305-02011	NEW-C	96-03-026	296-305-065	AMD-C	96-03-026	296-306-010	REP-P	96-14-121
296-305-02011	NEW	96-11-067	296-305-065	REP	96-11-067	296-306-010	REP	96-22-048
296-305-02013	NEW-C	96-03-026	296-305-06501	AMD-C	96-03-026	296-306-01001	REP-P	96-14-121
296-305-02013	NEW	96-11-067	296-305-06501	AMD	96-11-067	296-306-01001	REP	96-22-048
296-305-02015	NEW-C	96-03-026	296-305-06503	AMD-C	96-03-026	296-306-012	REP-P	96-14-121
296-305-02015	NEW	96-11-067	296-305-06503	AMD	96-11-067	296-306-012	REP	96-22-048
296-305-02017	NEW-C	96-03-026	296-305-06505	AMD-C	96-03-026	296-306-015	REP-P	96-14-121
296-305-02017	NEW	96-11-067	296-305-06505	AMD	96-11-067	296-306-015	REP	96-22-048
296-305-02019	NEW-C	96-03-026	296-305-06507	AMD-C	96-03-026	296-306-020	REP-P	96-14-121
296-305-02019	NEW	96-11-067	296-305-06507	AMD	96-11-067	296-306-020	REP	96-22-048
296-305-025	AMD-C	96-03-026	296-305-06509	AMD-C	96-03-026	296-306-025	REP-P	96-14-121
296-305-025	REP	96-11-067	296-305-06509	AMD	96-11-067	296-306-025	REP	96-22-048
296-305-02501	NEW-C	96-03-026	296-305-06511	AMD-C	96-03-026	296-306-030	REP-P	96-14-121
296-305-02501	NEW	96-11-067				296-306-030	REP	96-22-048

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306-035	REP-P	96-14-121	296-306-130	REP	96-22-048	296-306-300	REP-P	96-14-121
296-306-035	REP	96-22-048	296-306-135	REP-P	96-14-121	296-306-300	REP	96-22-048
296-306-040	REP-P	96-14-121	296-306-135	REP	96-22-048	296-306-310	REP-P	96-14-121
296-306-040	REP	96-22-048	296-306-140	REP-P	96-14-121	296-306-310	REP	96-22-048
296-306-045	REP-P	96-14-121	296-306-140	REP	96-22-048	296-306-320	REP-P	96-14-121
296-306-045	REP	96-22-048	296-306-145	REP-P	96-14-121	296-306-320	REP	96-22-048
296-306-050	REP-P	96-14-121	296-306-145	REP	96-22-048	296-306-330	REP-E	96-22-047
296-306-050	REP	96-22-048	296-306-14501	REP-P	96-14-121	296-306-330	REP-P	96-23-062
296-306-055	REP-P	96-14-121	296-306-14501	REP	96-22-048	296-306-400	REP-P	96-22-047
296-306-055	REP	96-22-048	296-306-14503	REP-P	96-14-121	296-306-400	REP-P	96-23-062
296-306-057	REP-P	96-14-121	296-306-14503	REP	96-22-048	296-306-40003	REP-P	96-14-121
296-306-057	REP	96-22-048	296-306-14503	REP-P	96-14-121	296-306-40003	REP	96-22-048
296-306-060	REP-E	96-22-047	296-306-14505	REP	96-22-048	296-306-40005	REP-P	96-14-121
296-306-060	REP-P	96-23-062	296-306-14507	REP-P	96-14-121	296-306-40005	REP	96-22-048
296-306-061	REP-P	96-14-121	296-306-14507	REP	96-22-048	296-306-40007	REP-E	96-22-047
296-306-061	REP	96-22-048	296-306-14509	REP-P	96-14-121	296-306-40007	REP-P	96-23-062
296-306-06101	REP-P	96-14-121	296-306-14511	REP-P	96-14-121	296-306-40009	REP-E	96-22-047
296-306-06101	REP	96-22-048	296-306-14511	REP	96-22-048	296-306-40009	REP-P	96-23-062
296-306-06103	REP-P	96-14-121	296-306-14513	REP-P	96-14-121	296-306-40011	REP-P	96-14-121
296-306-06103	REP	96-22-048	296-306-14513	REP	96-22-048	296-306-40011	REP	96-22-048
296-306-06105	REP-P	96-14-121	296-306-14515	REP-P	96-14-121	296-306A-003	NEW-P	96-14-121
296-306-06105	REP	96-22-048	296-306-14515	REP	96-22-048	296-306A-003	NEW	96-22-048
296-306-06107	REP-P	96-14-121	296-306-150	REP-P	96-14-121	296-306A-006	NEW-P	96-14-121
296-306-06107	REP	96-22-048	296-306-150	REP	96-22-048	296-306A-006	NEW	96-22-048
296-306-06109	REP-P	96-14-121	296-306-155	REP-P	96-14-121	296-306A-009	NEW-P	96-14-121
296-306-06109	REP	96-22-048	296-306-155	REP	96-22-048	296-306A-009	NEW	96-22-048
296-306-065	REP-P	96-14-121	296-306-160	REP-P	96-14-121	296-306A-012	NEW-P	96-14-121
296-306-065	REP	96-22-048	296-306-160	REP	96-22-048	296-306A-012	NEW	96-22-048
296-306-070	REP-P	96-14-121	296-306-165	REP-P	96-14-121	296-306A-015	NEW-P	96-14-121
296-306-070	REP	96-22-048	296-306-165	REP	96-22-048	296-306A-015	NEW	96-22-048
296-306-075	REP-P	96-14-121	296-306-170	REP-P	96-14-121	296-306A-018	NEW-P	96-14-121
296-306-075	REP	96-22-048	296-306-170	REP	96-22-048	296-306A-018	NEW	96-22-048
296-306-07501	REP-P	96-14-121	296-306-175	REP-P	96-14-121	296-306A-021	NEW-P	96-14-121
296-306-07501	REP	96-22-048	296-306-175	REP	96-22-048	296-306A-021	NEW	96-22-048
296-306-07503	REP-P	96-14-121	296-306-180	REP-P	96-14-121	296-306A-024	NEW-P	96-14-121
296-306-07503	REP	96-22-048	296-306-180	REP	96-22-048	296-306A-024	NEW	96-22-048
296-306-080	REP-P	96-14-121	296-306-200	REP-P	96-14-121	296-306A-030	NEW-P	96-14-121
296-306-080	REP	96-22-048	296-306-200	REP	96-22-048	296-306A-030	NEW	96-22-048
296-306-084	REP-P	96-14-121	296-306-250	REP-P	96-14-121	296-306A-033	NEW-P	96-14-121
296-306-084	REP	96-22-048	296-306-250	REP	96-22-048	296-306A-033	NEW	96-22-048
296-306-085	REP-P	96-14-121	296-306-25003	REP-P	96-14-121	296-306A-036	NEW-P	96-14-121
296-306-085	REP	96-22-048	296-306-25003	REP	96-22-048	296-306A-036	NEW	96-22-048
296-306-08501	REP-P	96-14-121	296-306-25005	REP-P	96-14-121	296-306A-039	NEW-P	96-14-121
296-306-08501	REP	96-22-048	296-306-25005	REP	96-22-048	296-306A-039	NEW	96-22-048
296-306-08503	REP-P	96-14-121	296-306-25007	REP-P	96-14-121	296-306A-042	NEW-P	96-14-121
296-306-08503	REP	96-22-048	296-306-25007	REP	96-22-048	296-306A-042	NEW	96-22-048
296-306-08505	REP-P	96-14-121	296-306-25009	REP-P	96-14-121	296-306A-045	NEW-P	96-14-121
296-306-08505	REP	96-22-048	296-306-25009	REP	96-22-048	296-306A-045	NEW	96-22-048
296-306-08507	REP-P	96-14-121	296-306-25013	REP-P	96-14-121	296-306A-050	NEW-P	96-14-121
296-306-08507	REP	96-22-048	296-306-25013	REP	96-22-048	296-306A-050	NEW	96-22-048
296-306-08509	REP-P	96-14-121	296-306-25017	REP-P	96-14-121	296-306A-055	NEW-P	96-14-121
296-306-08509	REP	96-22-048	296-306-25017	REP	96-22-048	296-306A-055	NEW	96-22-048
296-306-090	REP-P	96-14-121	296-306-25019	REP-P	96-14-121	296-306A-05501	NEW-P	96-14-121
296-306-090	REP	96-22-048	296-306-25019	REP	96-22-048	296-306A-05501	NEW	96-22-048
296-306-09001	REP-P	96-14-121	296-306-25021	REP-P	96-14-121	296-306A-05503	NEW-P	96-14-121
296-306-09001	REP	96-22-048	296-306-25021	REP	96-22-048	296-306A-05503	NEW	96-22-048
296-306-09003	REP-P	96-14-121	296-306-25023	REP-P	96-14-121	296-306A-05505	NEW-P	96-14-121
296-306-09003	REP	96-22-048	296-306-25023	REP	96-22-048	296-306A-05505	NEW	96-22-048
296-306-095	REP-P	96-14-121	296-306-25025	REP-P	96-14-121	296-306A-05507	NEW-P	96-14-121
296-306-095	REP	96-22-048	296-306-25025	REP	96-22-048	296-306A-05507	NEW	96-22-048
296-306-100	REP-P	96-14-121	296-306-260	REP-P	96-14-121	296-306A-060	NEW-P	96-14-121
296-306-100	REP	96-22-048	296-306-260	REP	96-22-048	296-306A-060	NEW	96-22-048
296-306-105	REP-P	96-14-121	296-306-26001	REP-P	96-14-121	296-306A-061	NEW-P	96-14-121
296-306-105	REP	96-22-048	296-306-26001	REP	96-22-048	296-306A-061	NEW	96-22-048
296-306-110	REP-P	96-14-121	296-306-265	REP-P	96-14-121	296-306A-065	NEW-P	96-14-121
296-306-110	REP	96-22-048	296-306-265	REP	96-22-048	296-306A-065	NEW	96-22-048
296-306-115	REP-P	96-14-121	296-306-270	REP-P	96-14-121	296-306A-070	NEW-P	96-14-121
296-306-115	REP	96-22-048	296-306-270	REP	96-22-048	296-306A-070	NEW	96-22-048
296-306-120	REP-P	96-14-121	296-306-27095	REP-P	96-14-121	296-306A-07001	NEW-P	96-14-121
296-306-120	REP	96-22-048	296-306-27095	REP	96-22-048	296-306A-07001	NEW	96-22-048
296-306-125	REP-P	96-14-121	296-306-275	REP-P	96-14-121	296-306A-07003	NEW-P	96-14-121
296-306-125	REP	96-22-048	296-306-275	REP	96-22-048	296-306A-07003	NEW	96-22-048
296-306-130	REP-P	96-14-121	296-306-275	REP	96-22-048	296-306A-07005	NEW-P	96-14-121

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296-306A-07007	NEW-P	96-14-121	296-306A-120	NEW-P	96-14-120	296-306A-145	NEW	96-22-048
296-306A-07007	NEW	96-22-048	296-306A-120	NEW-S	96-17-093	296-306A-14505	NEW-P	96-14-121
296-306A-07009	NEW-P	96-14-121	296-306A-120	NEW	96-20-082	296-306A-14505	NEW	96-22-048
296-306A-07009	NEW	96-22-048	296-306A-12005	NEW-P	96-14-120	296-306A-14510	NEW-P	96-14-121
296-306A-07011	NEW-P	96-14-121	296-306A-12005	NEW-S	96-17-093	296-306A-14510	NEW	96-22-048
296-306A-07011	NEW	96-22-048	296-306A-12005	NEW	96-20-082	296-306A-14520	NEW-P	96-14-121
296-306A-07013	NEW-P	96-14-121	296-306A-12010	NEW-P	96-14-120	296-306A-14520	NEW	96-22-048
296-306A-07013	NEW	96-22-048	296-306A-12010	NEW-S	96-17-093	296-306A-150	NEW-P	96-14-121
296-306A-073	NEW-P	96-14-121	296-306A-12010	NEW	96-20-082	296-306A-150	NEW	96-22-048
296-306A-073	NEW	96-22-048	296-306A-12015	NEW-P	96-14-120	296-306A-15003	NEW-P	96-14-121
296-306A-076	NEW-P	96-14-121	296-306A-12015	NEW-S	96-17-093	296-306A-15003	NEW	96-22-048
296-306A-076	NEW	96-22-048	296-306A-12015	NEW	96-20-082	296-306A-15006	NEW-P	96-14-121
296-306A-080	NEW-P	96-14-121	296-306A-12020	NEW-P	96-14-120	296-306A-15006	NEW	96-22-048
296-306A-080	NEW	96-22-048	296-306A-12020	NEW-S	96-17-093	296-306A-15009	NEW-P	96-14-121
296-306A-08003	NEW-P	96-14-121	296-306A-12020	NEW	96-20-082	296-306A-15009	NEW	96-22-048
296-306A-08003	NEW	96-22-048	296-306A-12025	NEW-P	96-14-120	296-306A-15012	NEW-P	96-14-121
296-306A-08006	NEW-P	96-14-121	296-306A-12025	NEW-S	96-17-093	296-306A-15012	NEW	96-22-048
296-306A-08006	NEW	96-22-048	296-306A-12025	NEW	96-20-082	296-306A-160	NEW-P	96-14-121
296-306A-08009	NEW-P	96-14-121	296-306A-12030	NEW-P	96-14-120	296-306A-160	NEW	96-22-048
296-306A-08009	NEW	96-22-048	296-306A-12030	NEW-S	96-17-093	296-306A-16001	NEW-P	96-14-121
296-306A-08012	NEW-P	96-14-121	296-306A-12030	NEW	96-20-082	296-306A-16001	NEW	96-22-048
296-306A-08012	NEW	96-22-048	296-306A-12035	NEW-P	96-14-120	296-306A-16003	NEW-P	96-14-121
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296-306A-08015	NEW	96-22-048	296-306A-12035	NEW	96-20-082	296-306A-16003	AMD-P	96-23-063
296-306A-08018	NEW-P	96-14-121	296-306A-12040	NEW-P	96-14-120	296-306A-16003	AMD-E	96-24-050
296-306A-08018	NEW	96-22-048	296-306A-12040	NEW-S	96-17-093	296-306A-16005	NEW-P	96-14-121
296-306A-08021	NEW-P	96-14-121	296-306A-12040	NEW	96-20-082	296-306A-16005	NEW	96-22-048
296-306A-08021	NEW	96-22-048	296-306A-12045	NEW-P	96-14-120	296-306A-16007	NEW-P	96-14-121
296-306A-085	NEW-P	96-14-121	296-306A-12045	NEW-S	96-17-093	296-306A-16007	NEW	96-22-048
296-306A-085	NEW	96-22-048	296-306A-12045	NEW	96-20-082	296-306A-16009	NEW-P	96-14-121
296-306A-090	NEW-P	96-14-121	296-306A-12050	NEW-P	96-14-120	296-306A-16009	NEW	96-22-048
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296-306A-095	NEW-P	96-14-121	296-306A-12050	NEW	96-20-082	296-306A-16011	NEW	96-22-048
296-306A-095	NEW	96-22-048	296-306A-12055	NEW-P	96-14-120	296-306A-16013	NEW-P	96-14-121
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296-306A-09506	NEW-P	96-14-121	296-306A-130	NEW-P	96-14-120	296-306A-16015	NEW	96-22-048
296-306A-09506	NEW	96-22-048	296-306A-130	NEW-S	96-17-093	296-306A-16017	NEW-P	96-14-121
296-306A-09509	NEW-P	96-14-121	296-306A-130	NEW	96-20-082	296-306A-16017	NEW	96-22-048
296-306A-09509	NEW	96-22-048	296-306A-13005	NEW-P	96-14-120	296-306A-16019	NEW-P	96-14-121
296-306A-09512	NEW-P	96-14-121	296-306A-13005	NEW-S	96-17-093	296-306A-16019	NEW	96-22-048
296-306A-09512	NEW	96-22-048	296-306A-13005	NEW	96-20-082	296-306A-16021	NEW-P	96-14-121
296-306A-09515	NEW-P	96-14-121	296-306A-13010	NEW-P	96-14-120	296-306A-16021	NEW	96-22-048
296-306A-09515	NEW	96-22-048	296-306A-13010	NEW-S	96-17-093	296-306A-16023	NEW-P	96-14-121
296-306A-09518	NEW-P	96-14-121	296-306A-13010	NEW	96-20-082	296-306A-16023	NEW	96-22-048
296-306A-09518	NEW	96-22-048	296-306A-13015	NEW-P	96-14-120	296-306A-185	NEW-P	96-14-121
296-306A-100	NEW-P	96-14-121	296-306A-13015	NEW-S	96-17-093	296-306A-185	NEW	96-22-048
296-306A-100	NEW	96-22-048	296-306A-13015	NEW	96-20-082	296-306A-18503	NEW-P	96-14-121
296-306A-10005	NEW-P	96-14-121	296-306A-13020	NEW-P	96-14-120	296-306A-18503	NEW	96-22-048
296-306A-10005	NEW	96-22-048	296-306A-13020	NEW-S	96-17-093	296-306A-18506	NEW-P	96-14-121
296-306A-10010	NEW-P	96-14-121	296-306A-13020	NEW	96-20-082	296-306A-18506	NEW	96-22-048
296-306A-10010	NEW	96-22-048	296-306A-13025	NEW-P	96-14-120	296-306A-18509	NEW-P	96-14-121
296-306A-10015	NEW-P	96-14-121	296-306A-13025	NEW-S	96-17-093	296-306A-18509	NEW	96-22-048
296-306A-10015	NEW	96-22-048	296-306A-13025	NEW	96-20-082	296-306A-18512	NEW-P	96-14-121
296-306A-10020	NEW-P	96-14-121	296-306A-13030	NEW-P	96-14-120	296-306A-18512	NEW	96-22-048
296-306A-10020	NEW	96-22-048	296-306A-13030	NEW-S	96-17-093	296-306A-18515	NEW-P	96-14-121
296-306A-10025	NEW-P	96-14-121	296-306A-13030	NEW	96-20-082	296-306A-18515	NEW	96-22-048
296-306A-10025	NEW	96-22-048	296-306A-13035	NEW-P	96-14-120	296-306A-190	NEW-P	96-14-121
296-306A-107	NEW-P	96-14-120	296-306A-13035	NEW-S	96-17-093	296-306A-190	NEW	96-22-048
296-306A-107	NEW-S	96-17-093	296-306A-13035	NEW	96-20-082	296-306A-19003	NEW-P	96-14-121
296-306A-107	NEW	96-20-082	296-306A-13040	NEW-P	96-14-120	296-306A-19003	NEW	96-22-048
296-306A-110	NEW-P	96-14-120	296-306A-13040	NEW-S	96-17-093	296-306A-19006	NEW-P	96-14-121
296-306A-110	NEW-S	96-17-093	296-306A-13040	NEW	96-20-082	296-306A-19006	NEW	96-22-048
296-306A-110	NEW	96-20-082	296-306A-13045	NEW-P	96-14-120	296-306A-19009	NEW-P	96-14-121
296-306A-11005	NEW-P	96-14-120	296-306A-13045	NEW-S	96-17-093	296-306A-19009	NEW	96-22-048
296-306A-11005	NEW-S	96-17-093	296-306A-13045	NEW	96-20-082	296-306A-19012	NEW-P	96-14-121
296-306A-11005	NEW	96-20-082	296-306A-13050	NEW-P	96-14-120	296-306A-19012	NEW	96-22-048
296-306A-11010	NEW-P	96-14-120	296-306A-13050	NEW-S	96-17-093	296-306A-19015	NEW-P	96-14-121
296-306A-11010	NEW-S	96-17-093	296-306A-13050	NEW	96-20-082	296-306A-19015	NEW	96-22-048
296-306A-11010	NEW	96-20-082	296-306A-13055	NEW-P	96-14-120	296-306A-19018	NEW-P	96-14-121
296-306A-11015	NEW-P	96-14-120	296-306A-13055	NEW-S	96-17-093	296-306A-19018	NEW	96-22-048
296-306A-11015	NEW-S	96-17-093	296-306A-13055	NEW	96-20-082	296-306A-195	NEW-P	96-14-121

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296-306A-490	NEW	96-22-048	296-306A-52013	NEW-P	96-14-121	304-25-530	REP	96-04-045
296-306A-49001	NEW-P	96-14-121	296-306A-52013	NEW	96-22-048	304-25-540	REP	96-04-045
296-306A-49001	NEW	96-22-048	296-306A-52015	NEW-P	96-14-121	304-25-550	REP	96-04-045
296-306A-49003	NEW-P	96-14-121	296-306A-52015	NEW	96-22-048	304-25-555	REP	96-04-045
296-306A-49003	NEW	96-22-048	296-306A-52017	NEW-P	96-14-121	304-25-560	REP	96-04-045
296-306A-49005	NEW-P	96-14-121	296-306A-52017	NEW	96-22-048	304-25-570	REP	96-04-045
296-306A-49005	NEW	96-22-048	296-306A-52019	NEW-P	96-14-121	304-25-580	REP	96-04-045
296-306A-49007	NEW-P	96-14-121	296-306A-52019	NEW	96-22-048	304-25-590	REP	96-04-045
296-306A-49007	NEW	96-22-048	296-306A-52021	NEW-P	96-14-121	308-04-001	PREP-X	96-13-021
296-306A-49009	NEW-P	96-14-121	296-306A-52021	NEW	96-22-048	308-04-001	REP	96-17-040
296-306A-49009	NEW	96-22-048	296-306A-52023	NEW-P	96-14-121	308-10-010	AMD	96-05-036
296-306A-49011	NEW-P	96-14-121	296-306A-52023	NEW	96-22-048	308-10-020	AMD	96-05-036
296-306A-49011	NEW	96-22-048	296-306A-52025	NEW-P	96-14-121	308-10-025	AMD	96-05-036
296-306A-49013	NEW-P	96-14-121	296-306A-52025	NEW	96-22-048	308-10-030	AMD	96-05-036
296-306A-49013	NEW	96-22-048	296-306A-52027	NEW-P	96-14-121	308-10-040	AMD	96-05-036
296-306A-49015	NEW-P	96-14-121	296-306A-52027	NEW	96-22-048	308-10-045	AMD	96-05-036
296-306A-49015	NEW	96-22-048	296-306A-52029	NEW-P	96-14-121	308-10-067	AMD	96-05-036
296-306A-495	NEW-P	96-14-121	296-306A-52029	NEW	96-22-048	308-12-025	AMD-P	96-20-113
296-306A-495	NEW	96-22-048	296-306A-52031	NEW-P	96-14-121	308-12-025	AMD-C	96-22-111
296-306A-49501	NEW-P	96-14-121	296-306A-52031	NEW	96-22-048	308-12-031	AMD-P	96-20-113
296-306A-49501	NEW	96-22-048	296-306A-52033	NEW-P	96-14-121	308-12-031	AMD-C	96-22-111
296-306A-49503	NEW-P	96-14-121	296-306A-52033	NEW	96-22-048	308-12-040	AMD-P	96-20-113
296-306A-49503	NEW	96-22-048	296-306A-52035	NEW-P	96-14-121	308-12-040	AMD-C	96-22-111
296-306A-49505	NEW-P	96-14-121	296-306A-52035	NEW	96-22-048	308-12-050	AMD-P	96-22-113
296-306A-49505	NEW	96-22-048	296-306A-52037	NEW-P	96-14-121	308-12-050	AMD-C	96-22-111
296-306A-49507	NEW-P	96-14-121	296-306A-52037	NEW	96-22-048	308-12-140	REP-P	96-20-113
296-306A-49507	NEW	96-22-048	296-306A-52039	NEW-P	96-14-121	308-12-140	REP-C	96-22-111
296-306A-500	NEW-P	96-14-121	296-306A-52039	NEW	96-22-048	308-12-145	REP-P	96-20-113
296-306A-500	NEW	96-22-048	296-306A-52041	NEW-P	96-14-121	308-12-145	REP-C	96-22-111
296-306A-50001	NEW-P	96-14-121	296-306A-52041	NEW	96-22-048	308-12-210	NEW-P	96-20-113
296-306A-50001	NEW	96-22-048	296-306A-52043	NEW-P	96-14-121	308-12-210	NEW-C	96-22-111
296-306A-50003	NEW-P	96-14-121	296-306A-52043	NEW	96-22-048	308-12-220	NEW-P	96-20-113
296-306A-50003	NEW	96-22-048	296-306A-52045	NEW-P	96-14-121	308-12-220	NEW-C	96-22-111
296-306A-50005	NEW-P	96-14-121	296-306A-52045	NEW	96-22-048	308-12-230	NEW-P	96-20-113
296-306A-50005	NEW	96-22-048	296-306A-52047	NEW-P	96-14-121	308-12-230	NEW-C	96-22-111
296-306A-50007	NEW-P	96-14-121	296-306A-52047	NEW	96-22-048	308-12-240	NEW-P	96-20-113
296-306A-50007	NEW	96-22-048	296-306A-530	NEW-P	96-14-121	308-12-240	NEW-C	96-22-111
296-306A-50009	NEW-P	96-14-121	296-306A-530	NEW	96-22-048	308-12-250	NEW-P	96-20-113
296-306A-50009	NEW	96-22-048	296-306A-53001	NEW-P	96-14-121	308-12-260	NEW-P	96-20-113
296-306A-50011	NEW-P	96-14-121	296-306A-53001	NEW	96-22-048	308-12-270	NEW-P	96-20-113
296-306A-50011	NEW	96-22-048	296-306A-53003	NEW-P	96-14-121	308-12-320	AMD-P	96-20-077
296-306A-50013	NEW-P	96-14-121	296-306A-53003	NEW	96-22-048	308-12-320	AMD-C	96-22-109
296-306A-50013	NEW	96-22-048	296-306A-53005	NEW-P	96-14-121	308-12-324	AMD-P	96-20-113
296-306A-50015	NEW-P	96-14-121	296-306A-53005	NEW	96-22-048	308-12-324	AMD-C	96-22-111
296-306A-50015	NEW	96-22-048	296-306A-53007	NEW-P	96-14-121	308-12-326	AMD-P	96-20-077
296-306A-50017	NEW-P	96-14-121	296-306A-53007	NEW	96-22-048	308-12-326	AMD-C	96-22-109
296-306A-50017	NEW	96-22-048	296-306A-53009	NEW-P	96-14-121	308-13-005	AMD-P	96-04-009
296-306A-50019	NEW-P	96-14-121	296-306A-53009	NEW	96-22-048	308-13-005	AMD-C	96-04-040
296-306A-50019	NEW	96-22-048	296-306A-53011	NEW-P	96-14-121	308-13-005	AMD	96-10-013
296-306A-50021	NEW-P	96-14-121	296-306A-53011	NEW	96-22-048	308-13-015	AMD-P	96-04-009
296-306A-50021	NEW	96-22-048	296-306A-53013	NEW-P	96-14-121	308-13-015	AMD-C	96-04-040
296-306A-50023	NEW-P	96-14-121	296-306A-53013	NEW	96-22-048	308-13-015	AMD	96-10-013
296-306A-50023	NEW	96-22-048	296-306A-53015	NEW-P	96-14-121	308-13-024	AMD-P	96-04-009
296-306A-50025	NEW-P	96-14-121	296-306A-53015	NEW	96-22-048	308-13-024	AMD-C	96-04-040
296-306A-50025	NEW	96-22-048	296-306A-53017	NEW-P	96-14-121	308-13-024	AMD	96-10-013
296-306A-50027	NEW-P	96-14-121	296-306A-53017	NEW	96-22-048	308-13-050	AMD-P	96-04-009
296-306A-50027	NEW	96-22-048	296-400	PREP	96-21-069	308-13-050	AMD-C	96-04-040
296-306A-50029	NEW-P	96-14-121	304-12-010	REP	96-04-045	308-13-050	AMD	96-10-013
296-306A-50029	NEW	96-22-048	304-12-020	REP	96-04-045	308-13-110	REP-P	96-04-009
296-306A-520	NEW-P	96-14-121	304-12-025	REP	96-04-045	308-13-110	REP-C	96-04-040
296-306A-520	NEW	96-22-048	304-12-145	AMD	96-04-045	308-13-110	REP	96-10-013
296-306A-52001	NEW-P	96-14-121	304-12-290	AMD	96-04-045	308-13-150	PREP	96-04-007
296-306A-52001	NEW	96-22-048	304-12-350	REP	96-04-045	308-13-150	AMD-P	96-08-005
296-306A-52003	NEW-P	96-14-121	304-25-010	REP	96-04-045	308-13-150	AMD	96-11-132
296-306A-52003	NEW	96-22-048	304-25-020	REP	96-04-045	308-13-160	PREP	96-22-110
296-306A-52005	NEW-P	96-14-121	304-25-030	REP	96-04-045	308-13-210	NEW-P	96-21-060
296-306A-52005	NEW	96-22-048	304-25-040	REP	96-04-045	308-13-210	NEW-C	96-22-108
296-306A-52007	NEW-P	96-14-121	304-25-050	REP	96-04-045	308-13-220	NEW-P	96-21-060
296-306A-52007	NEW	96-22-048	304-25-060	REP	96-04-045	308-13-220	NEW-C	96-22-108
296-306A-52009	NEW-P	96-14-121	304-25-110	REP	96-04-045	308-13-230	NEW-P	96-21-060
296-306A-52009	NEW	96-22-048	304-25-120	REP	96-04-045	308-13-230	NEW-C	96-22-108
296-306A-52011	NEW-P	96-14-121	304-25-510	REP	96-04-045	308-13-240	NEW-P	96-21-060
296-306A-52011	NEW	96-22-048	304-25-520	REP	96-04-045	308-13-240	NEW-C	96-22-108

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308-14-080	PREP-X	96-13-021	308-66-211	AMD	96-19-025	388-93-740	NEW-S	96-11-128
308-14-080	REP	96-17-040	308-66-212	AMD-P	96-13-042	308-93-740	NEW	96-16-038
308-14-110	PREP-X	96-13-021	308-66-212	AMD	96-19-025	308-93-750	NEW-P	96-07-030
308-14-110	REP	96-17-040	308-66-214	AMD-P	96-13-042	308-93-750	NEW-S	96-11-128
308-20-020	PREP-X	96-13-021	308-66-214	AMD	96-19-025	308-93-750	NEW	96-16-038
308-20-020	REP	96-17-040	308-66-215	REP-P	96-13-042	308-93-760	NEW-P	96-07-030
308-20-050	PREP-X	96-13-021	308-66-215	REP	96-19-025	308-93-760	NEW-S	96-11-128
308-20-050	REP	96-17-040	308-66-227	NEW-P	96-13-042	308-93-760	NEW	96-16-038
308-20-060	PREP-X	96-13-021	308-66-227	NEW	96-19-025	308-93-770	NEW-P	96-07-030
308-20-060	REP	96-17-040	308-66-230	REP-P	96-13-042	308-93-770	NEW-S	96-11-128
308-20-070	PREP-X	96-13-021	308-66-230	REP	96-19-025	308-93-770	NEW	96-16-038
308-20-070	REP	96-17-040	308-87-010	NEW-P	96-11-006	308-94-030	AMD	96-04-004
308-20-095	PREP-X	96-13-021	308-87-010	NEW	96-16-032	308-94-035	REP-P	96-09-039
308-20-095	REP	96-17-040	308-87-020	NEW-P	96-11-006	308-94-035	REP	96-13-053
308-20-100	PREP-X	96-13-021	308-87-020	NEW-E	96-12-076	308-96A	PREP	96-22-033
308-20-100	REP	96-17-040	308-87-020	NEW	96-16-032	308-96A-035	AMD	96-04-004
308-20-109	PREP-X	96-13-021	308-87-030	NEW-P	96-11-006	308-96A-063	NEW-P	96-16-031
308-20-109	REP	96-17-040	308-87-030	NEW	96-16-032	308-96A-063	NEW	96-21-044
308-20-140	PREP-X	96-13-021	308-87-040	NEW-P	96-11-006	308-96A-064	NEW-P	96-16-031
308-20-140	REP	96-17-040	308-87-040	NEW	96-16-032	308-96A-064	NEW	96-21-044
308-20-175	PREP-X	96-13-021	308-87-050	NEW-P	96-11-006	308-96A-073	AMD-P	97-01-030
308-20-175	REP	96-17-040	308-87-050	NEW	96-16-032	308-96A-074	AMD-P	97-01-030
308-20-205	PREP-X	96-13-021	308-87-060	NEW-P	96-11-006	308-96A-075	REP-P	97-01-030
308-20-205	REP	96-17-040	308-87-060	NEW-E	96-12-076	308-96A-175	AMD-P	96-16-030
308-20-208	PREP-X	96-13-021	308-87-060	NEW	96-16-032	308-96A-175	AMD	96-21-043
308-20-208	REP	96-17-040	308-87-070	NEW-P	96-11-006	308-96A-176	NEW-P	96-16-030
308-20-510	PREP-X	96-13-021	308-87-070	NEW	96-16-032	308-96A-176	NEW	96-21-043
308-20-510	REP	96-17-040	308-87-080	NEW-P	96-11-006	308-96A-306	AMD-P	96-22-086
308-20-540	PREP-X	96-13-021	308-87-080	NEW	96-16-032	308-96A-315	AMD-P	96-22-086
308-20-540	REP	96-17-040	308-89-010	AMD-P	96-11-006	308-96A-330	AMD-P	96-22-086
308-20-545	PREP-X	96-13-021	308-89-010	AMD	96-16-032	308-96A-335	AMD-P	96-22-086
308-20-545	REP	96-17-040	308-89-020	AMD-P	96-11-006	308-96A-340	AMD-P	96-22-086
308-48-140	PREP-X	96-13-021	308-89-020	AMD	96-16-032	308-96A-505	AMD-P	96-09-040
308-48-140	REP	96-17-040	308-89-030	AMD-P	96-11-006	308-96A-505	AMD	96-13-054
308-56A-030	AMD	96-04-004	308-89-030	AMD	96-16-032	308-102-006	PREP	96-14-095
308-56A-065	AMD-P	96-23-049	308-89-040	AMD-P	96-11-006	308-102-006	AMD-P	96-17-069
308-56A-070	AMD-P	96-23-049	308-89-040	AMD	96-16-032	308-102-006	AMD	96-20-089
308-56A-075	AMD-P	96-23-049	308-89-050	AMD-P	96-11-006	308-104	PREP	96-14-095
308-56A-090	AMD	96-03-047	308-89-050	AMD	96-16-032	308-104-018	NEW-P	96-17-069
308-56A-150	AMD-P	97-01-030	308-89-060	AMD-P	96-11-006	308-104-018	NEW	96-20-089
308-56A-160	AMD-P	97-01-030	308-89-060	AMD	96-16-032	308-124-005	AMD-P	96-21-113
308-56A-210	AMD	96-03-047	308-89-070	PREP	96-19-013	308-124-005	AMD	97-01-027
308-56A-470	AMD-P	97-01-030	308-90-070	AMD-P	96-21-090	308-124A-020	AMD-P	96-21-113
308-57	PREP	96-11-104	308-90-070	AMD	96-24-042	308-124A-020	AMD	97-01-027
308-66-110	AMD-P	96-13-042	308-90-130	AMD-P	96-21-090	308-124A-422	AMD-P	96-21-113
308-66-110	AMD	96-19-025	308-90-130	AMD	96-24-042	308-124A-422	AMD	97-01-027
308-66-120	AMD-P	96-13-042	308-90-160	AMD-P	96-21-090	308-124A-570	AMD-P	96-21-113
308-66-120	AMD	96-19-025	308-90-160	AMD	96-24-042	308-124A-570	AMD	97-01-027
308-66-150	AMD-P	96-13-042	308-93-010	AMD-P	96-07-030	308-124A-600	AMD-P	96-21-113
308-66-150	AMD	96-19-025	308-93-010	AMD-S	96-11-128	308-124A-600	AMD	97-01-027
308-66-155	AMD-P	96-13-042	308-93-010	AMD	96-16-038	308-124D-040	PREP	96-13-049
308-66-155	AMD	96-19-025	308-93-050	AMD-P	96-07-030	308-124D-040	REP-P	96-21-113
308-66-160	AMD-P	96-13-042	308-93-050	AMD-S	96-11-128	308-124D-040	REP	97-01-027
308-66-160	AMD	96-19-025	308-93-050	AMD	96-16-038	308-124H-025	AMD-P	96-21-113
308-66-170	AMD-P	96-13-042	308-93-070	AMD	96-04-004	308-124H-025	AMD	97-01-027
308-66-170	AMD	96-19-025	308-93-088	AMD	96-03-046	308-125-010	AMD-P	96-22-062
308-66-175	NEW-P	96-21-089	308-93-174	REP-P	96-09-041	308-125-020	AMD-P	96-22-062
308-66-175	NEW	96-24-041	308-93-174	REP	96-13-055	308-125-030	AMD-P	96-22-062
308-66-180	AMD-P	96-13-042	308-93-440	AMD	96-03-046	308-125-040	AMD-P	96-22-062
308-66-180	AMD	96-19-025	308-93-670	AMD	96-03-046	308-125-045	AMD-P	96-22-062
308-66-182	NEW-P	96-21-089	308-93-700	NEW-P	96-07-030	308-125-050	AMD-P	96-22-062
308-66-182	NEW	96-24-041	308-93-700	NEW-S	96-11-128	308-125-065	AMD-P	96-22-062
308-66-190	AMD-P	96-13-042	308-93-700	NEW	96-16-038	308-125-070	AMD-P	96-22-062
308-66-190	AMD	96-19-025	308-93-710	NEW-P	96-07-030	308-125-075	AMD-P	96-22-062
308-66-200	AMD-P	96-13-042	308-93-710	NEW-S	96-11-128	308-125-080	AMD-P	96-22-062
308-66-200	AMD	96-19-025	308-93-710	NEW	96-16-038	308-125-085	AMD-P	96-22-062
308-66-205	AMD-P	96-13-042	308-93-720	NEW-P	96-07-030	308-125-090	AMD-P	96-22-062
308-66-205	AMD	96-19-025	308-93-720	NEW-S	96-11-128	308-125-120	AMD-P	96-22-062
308-66-206	REP-P	96-13-042	308-93-720	NEW	96-16-038	308-125-180	AMD-P	96-22-062
308-66-206	REP	96-19-025	308-93-730	NEW-P	96-07-030	308-126A-010	PREP-X	96-13-021
308-66-210	AMD-P	96-13-042	308-93-730	NEW-S	96-11-128	308-126A-010	REP	96-17-040
308-66-210	AMD	96-19-025	308-93-730	NEW	96-16-038	308-126A-020	PREP-X	96-13-021
308-66-211	AMD-P	96-13-042	308-93-740	NEW-P	96-07-030	308-126A-020	REP	96-17-040

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-126A-030	PREP-X	96-13-021	308-128D-010	DECOD	96-05-018	308-330-316	AMD	96-13-089
308-126A-030	REP	96-17-040	308-128D-020	DECOD	96-05-018	308-330-400	AMD-P	96-10-039
308-126A-040	PREP-X	96-13-021	308-128D-030	DECOD	96-05-018	308-330-400	AMD	96-13-089
308-126A-040	REP	96-17-040	308-128D-040	DECOD	96-05-018	314-10-090	AMD-P	96-13-043
308-126B-010	PREP-X	96-13-021	308-128D-050	DECOD	96-05-018	314-10-090	AMD	96-19-018
308-126B-010	REP	96-17-040	308-128D-060	DECOD	96-05-018	314-10-100	PREP	96-15-042
308-126B-020	PREP-X	96-13-021	308-128D-070	DECOD	96-05-018	314-12-020	AMD	96-03-004
308-126B-020	REP	96-17-040	308-128D-080	DECOD	96-05-018	314-12-025	AMD	96-03-004
308-126B-030	PREP-X	96-13-021	308-128E	PREP	96-06-084	314-12-035	AMD	96-03-004
308-126B-030	REP	96-17-040	308-128E-011	DECOD	96-05-018	314-12-070	AMD	96-03-004
308-126B-040	PREP-X	96-13-021	308-128F	PREP	96-06-084	314-12-080	AMD	96-03-004
308-126B-040	REP	96-17-040	308-128F-010	DECOD	96-05-018	314-14-010	NEW	96-03-074
308-126B-050	PREP-X	96-13-021	308-128F-020	DECOD	96-05-018	314-14-020	NEW	96-03-074
308-126B-050	REP	96-17-040	308-128F-040	DECOD	96-05-018	314-14-030	NEW	96-03-074
308-126B-060	PREP-X	96-13-021	308-128F-050	DECOD	96-05-018	314-14-040	NEW	96-03-074
308-126B-060	REP	96-17-040	308-128F-060	DECOD	96-05-018	314-14-050	NEW	96-03-074
308-126B-070	PREP-X	96-13-021	308-128F-070	DECOD	96-05-018	314-14-060	NEW	96-03-074
308-126B-070	REP	96-17-040	308-129-010	NEW-W	96-08-057	314-14-070	NEW	96-03-074
308-126B-080	PREP-X	96-13-021	308-129-010	NEW-P	96-11-102	314-14-080	NEW	96-03-074
308-126B-080	REP	96-17-040	308-129-010	NEW	96-14-092	314-14-090	NEW	96-03-074
308-126B-090	PREP-X	96-13-021	308-129-011	NEW-E	96-09-056	314-14-100	NEW	96-03-074
308-126B-090	REP	96-17-040	308-129-020	NEW-W	96-08-057	314-14-110	NEW	96-03-074
308-126B-100	PREP-X	96-13-021	308-129-020	NEW-P	96-11-102	314-14-120	NEW	96-03-074
308-126B-100	REP	96-17-040	308-129-020	NEW	96-14-092	314-14-130	NEW	96-03-074
308-126B-110	PREP-X	96-13-021	308-129-021	NEW-E	96-09-056	314-14-140	NEW	96-03-074
308-126B-110	REP	96-17-040	308-129-030	NEW-W	96-08-057	314-14-150	NEW	96-03-074
308-126B-120	PREP-X	96-13-021	308-129-030	NEW-P	96-11-102	314-14-160	NEW	96-03-074
308-126B-120	REP	96-17-040	308-129-030	NEW	96-14-092	314-14-170	NEW-W	96-13-087
308-126B-130	PREP-X	96-13-021	308-129-031	NEW-E	96-09-056	314-16-190	PREP	96-21-055
308-126B-130	REP	96-17-040	308-129-100	NEW-W	96-08-057	314-16-196	AMD	96-03-005
308-126B-140	PREP-X	96-13-021	308-129-100	NEW-P	96-11-102	314-16-196	PREP	96-21-055
308-126B-140	REP	96-17-040	308-129-100	NEW	96-14-092	314-20-100	AMD-P	96-07-101
308-126C-010	PREP-X	96-13-021	308-129-101	NEW-E	96-09-056	314-20-100	AMD-W	96-11-075
308-126C-010	REP	96-17-040	308-129-110	NEW-W	96-08-057	314-24-190	AMD-P	96-07-101
308-126C-020	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102	314-24-190	AMD-W	96-11-075
308-126C-020	REP	96-17-040	308-129-110	NEW	96-14-092	314-24-220	AMD-P	96-07-100
308-126C-030	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056	314-24-220	AMD	96-11-076
308-126C-030	REP	96-17-040	308-129-120	NEW-W	96-08-057	314-70-010	AMD	96-03-004
308-126C-040	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102	314-70-030	AMD	96-03-004
308-126C-040	REP	96-17-040	308-129-120	NEW	96-14-092	315-04-220	AMD	96-03-039
308-126C-050	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057	315-06	PREP	96-09-103
308-126C-050	REP	96-17-040	308-129-130	NEW-P	96-11-102	315-06-120	PREP	96-12-095
308-126C-060	PREP-X	96-13-021	308-129-130	NEW	96-14-092	315-06-120	AMD-P	96-12-096
308-126C-060	REP	96-17-040	308-129-200	NEW-W	96-08-057	315-06-120	AMD	96-15-124
308-126C-070	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057	315-06-120	AMD-P	96-15-126
308-126C-070	REP	96-17-040	308-129-220	NEW-W	96-08-057	315-06-120	AMD	96-19-071
308-126C-080	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057	315-06-123	NEW-P	96-12-096
308-126C-080	REP	96-17-040	308-129-230	NEW-P	96-11-102	315-06-123	NEW	96-15-124
308-126C-090	PREP-X	96-13-021	308-129-230	NEW	96-14-092	315-10	PREP	96-15-123
308-126C-090	REP	96-17-040	308-129-240	NEW-W	96-08-057	315-10-010	AMD-P	96-24-102
308-126C-100	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057	315-10-020	AMD-P	96-24-102
308-126C-100	REP	96-17-040	308-129-300	NEW-P	96-11-102	315-10-022	NEW-P	96-24-102
308-126C-110	PREP-X	96-13-021	308-129-300	NEW	96-14-092	315-10-025	NEW-P	96-24-102
308-126C-110	REP	96-17-040	308-129-310	NEW-W	96-08-057	315-10-030	AMD-P	96-24-102
308-128A	PREP	96-06-084	308-129-310	NEW-P	96-11-102	315-10-035	NEW-P	96-24-102
308-128A-010	DECOD	96-05-018	308-129-310	NEW	96-14-092	315-10-050	PREP	96-03-156
308-128A-020	DECOD	96-05-018	308-129-320	NEW-P	96-11-102	315-10-050	REP-P	96-07-104
308-128A-030	DECOD	96-05-018	308-129-320	NEW	96-14-092	315-10-055	NEW-P	96-24-102
308-128A-040	DECOD	96-05-018	308-129-320	REP-P	96-21-126	315-10-050	REP	96-11-107
308-128B	PREP	96-06-084	308-129-320	REP	96-24-064	315-10-060	AMD-P	96-24-102
308-128B-010	DECOD	96-05-018	308-129-335	NEW-P	96-21-126	315-10-062	NEW-P	96-24-102
308-128B-020	DECOD	96-05-018	308-129-335	NEW	96-24-064	315-10-065	NEW-P	96-24-102
308-128B-030	DECOD	96-05-018	308-129-340	NEW-P	96-21-126	315-10-070	PREP	96-15-123
308-128B-050	DECOD	96-05-018	308-129-340	NEW	96-24-064	315-10-070	AMD-P	96-24-102
308-128B-070	DECOD	96-05-018	308-129-350	NEW-P	96-21-126	315-10-075	NEW-P	96-24-102
308-128B-080	DECOD	96-05-018	308-129-350	NEW	96-24-064	315-11	PREP	96-15-123
308-128B-090	DECOD	96-05-018	308-330-300	AMD-P	96-10-039	315-11A	PREP	96-08-004
308-128C	PREP	96-06-084	308-330-300	AMD	96-13-089	315-11A-157	NEW-W	96-03-038
308-128C-020	DECOD	96-05-018	308-330-305	AMD-P	96-10-039	315-11A-157	NEW-P	96-03-157
308-128C-030	DECOD	96-05-018	308-330-305	AMD	96-13-089	315-11A-157	NEW	96-07-015
308-128C-040	DECOD	96-05-018	308-330-307	AMD-P	96-10-039	315-11A-158	NEW	96-03-039
308-128C-050	DECOD	96-05-018	308-330-307	AMD	96-13-089	315-11A-159	NEW	96-03-039
308-128D	PREP	96-06-084	308-330-316	AMD-P	96-10-039	315-11A-160	NEW	96-03-039

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315-11A-162	NEW	96-07-015	315-34-100	NEW-P	96-12-096	317-31-220	NEW	96-12-077
315-11A-162	AMD-P	96-12-096	315-34-100	NEW	96-15-054	317-31-220	AMD-E	96-18-022
315-11A-162	AMD	96-15-124	317-21-020	AMD	96-03-070	317-31-230	NEW-P	96-03-071
315-11A-163	NEW-P	96-03-157	317-21-030	AMD	96-03-070	317-31-230	NEW	96-12-077
315-11A-163	NEW	96-07-015	317-21-120	AMD	96-03-070	317-31-230	AMD-E	96-18-022
315-11A-163	AMD-E	96-15-087	317-21-200	AMD	96-03-070	317-31-240	NEW-P	96-03-071
315-11A-163	AMD-P	96-15-126	317-21-205	AMD	96-03-070	317-31-240	NEW	96-12-077
315-11A-163	AMD	96-19-071	317-21-210	AMD	96-03-070	317-31-250	NEW-P	96-03-071
315-11A-164	NEW-P	96-03-157	317-21-215	AMD	96-03-070	317-31-250	NEW	96-12-077
315-11A-164	NEW	96-07-015	317-21-235	AMD	96-03-070	317-31-300	NEW-P	96-03-071
315-11A-164	PREP	96-08-071	317-21-245	AMD	96-03-070	317-31-300	NEW	96-12-077
315-11A-164	PREP	96-09-103	317-21-265	AMD	96-03-070	317-31-310	NEW-P	96-03-071
315-11A-164	AMD-P	96-12-096	317-21-320	AMD	96-03-070	317-31-310	NEW	96-12-077
315-11A-164	AMD	96-15-124	317-21-345	AMD	96-03-070	317-31-900	NEW-P	96-03-071
315-11A-165	NEW-P	96-03-157	317-21-500	AMD	96-03-070	317-31-900	NEW	96-12-077
315-11A-165	NEW	96-07-015	317-21-530	AMD	96-03-070	317-50-999	NEW-E	96-08-002
315-11A-166	NEW-P	96-03-157	317-21-540	AMD	96-03-070	326-02-030	AMD-E	96-13-010
315-11A-166	NEW	96-07-015	317-30	REP-C	96-09-008	326-02-030	AMD-P	96-21-174
315-11A-167	NEW-P	96-03-157	317-30-010	REP-P	96-03-071	326-02-030	AMD	96-24-085
315-11A-167	NEW	96-07-015	317-30-010	REP	96-12-077	326-30-041	PREP	96-07-089
315-11A-167	AMD-P	96-12-096	317-30-020	REP-P	96-03-071	326-30-041	AMD-P	96-11-100
315-11A-167	AMD	96-15-124	317-30-020	REP	96-12-077	326-30-041	AMD	96-14-064
315-11A-168	NEW-P	96-07-104	317-30-030	REP-P	96-03-071	326-30-051	AMD-E	96-13-010
315-11A-168	NEW	96-11-107	317-30-030	REP	96-12-077	326-30-051	AMD-P	96-21-174
315-11A-169	NEW-P	96-07-104	317-30-040	REP-P	96-03-071	326-30-051	AMD	96-24-085
315-11A-169	NEW	96-11-107	317-30-040	REP	96-12-077	326-40-030	PREP	96-07-088
315-11A-169	AMD-P	96-12-096	317-30-050	REP-P	96-03-071	326-40-060	AMD-E	96-13-010
315-11A-169	AMD	96-15-124	317-30-050	REP	96-12-077	326-40-060	AMD-P	96-21-174
315-11A-170	NEW-P	96-07-104	317-30-060	REP-P	96-03-071	326-40-060	AMD	96-24-085
315-11A-170	NEW	96-11-107	317-30-060	REP	96-12-077	332-24-221	AMD-P	96-08-027
315-11A-171	NEW-P	96-07-104	317-30-070	REP-P	96-03-071	332-24-221	AMD	96-12-020
315-11A-171	NEW	96-11-107	317-30-070	REP	96-12-077	332-24-301	PREP	96-12-021
315-11A-172	NEW-P	96-07-104	317-30-080	REP-P	96-03-071	332-24-301	AMD-P	96-16-037
315-11A-172	NEW	96-11-107	317-30-080	REP	96-12-077	332-24-301	AMD	96-21-094
315-11A-173	NEW-P	96-07-104	317-30-090	REP-P	96-03-071	332-24-720	AMD	96-03-003
315-11A-173	NEW	96-11-107	317-30-090	REP	96-12-077	332-26-040	NEW-E	96-13-048
315-11A-174	NEW-P	96-12-096	317-30-100	REP-P	96-03-071	332-26-050	NEW-E	96-13-048
315-11A-174	NEW	96-15-124	317-30-100	REP	96-12-077	332-26-060	NEW-E	96-13-048
315-11A-175	NEW-P	96-12-096	317-30-110	REP-P	96-03-071	332-130-025	AMD-P	96-21-093
315-11A-175	NEW	96-15-124	317-30-110	REP	96-12-077	352-20-010	AMD-P	96-19-080
315-11A-176	NEW-P	96-12-096	317-30-120	REP-P	96-03-071	352-20-010	AMD	96-22-018
315-11A-176	NEW	96-15-124	317-30-120	REP	96-12-077	352-32-010	AMD-P	96-19-080
315-11A-177	NEW-P	96-12-096	317-30-130	REP-P	96-03-071	352-32-010	AMD	96-22-018
315-11A-177	NEW	96-15-124	317-30-130	REP	96-12-077	352-32-130	AMD-P	96-19-080
315-11A-178	NEW-P	96-12-096	317-30-140	REP-P	96-03-071	352-32-130	AMD	96-22-018
315-11A-178	NEW	96-15-124	317-30-140	REP	96-12-077	352-32-250	AMD-P	96-19-080
315-11A-179	NEW-P	96-12-096	317-30-150	REP-P	96-03-071	352-32-250	AMD	96-22-018
315-11A-179	NEW	96-15-124	317-30-150	REP	96-12-077	352-32-251	AMD-P	96-19-080
315-11A-180	NEW-P	96-15-126	317-30-900	REP-P	96-03-071	352-32-251	AMD	96-22-018
315-11A-180	NEW	96-19-071	317-30-900	REP	96-12-077	352-32-300	PREP	96-13-079
315-11A-181	NEW-P	96-15-126	317-31	NEW-C	96-09-008	352-32-300	AMD-P	96-15-108
315-11A-181	NEW	96-19-071	317-31-010	NEW-P	96-03-071	352-32-300	AMD	96-19-031
315-11A-182	NEW-P	96-15-126	317-31-010	NEW	96-12-077	352-32-330	NEW-P	96-19-080
315-11A-182	NEW	96-19-071	317-31-020	NEW-P	96-03-071	352-32-330	NEW	96-22-018
315-11A-183	NEW-P	96-15-126	317-31-020	NEW	96-12-077	356-05-171	REP-P	96-08-082
315-11A-183	NEW	96-19-071	317-31-030	NEW-P	96-03-071	356-05-171	REP-C	96-09-088
315-11A-184	NEW-P	96-19-072	317-31-030	NEW	96-12-077	356-05-171	REP	96-13-076
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315-11A-186	NEW-P	96-19-072	317-31-100	NEW	96-12-077	356-06-080	AMD-P	96-08-087
315-12	PREP	96-24-101	317-31-110	NEW-P	96-03-071	356-06-080	AMD	96-11-062
315-34	PREP	96-08-004	317-31-110	NEW	96-12-077	356-10-020	AMD-P	96-08-087
315-34-010	AMD-P	96-12-096	317-31-120	NEW-P	96-03-071	356-10-020	AMD	96-11-062
315-34-010	AMD	96-15-054	317-31-120	NEW	96-12-077	356-14-240	AMD	96-02-073
315-34-020	AMD-P	96-12-096	317-31-130	NEW-P	96-03-071	356-14-260	AMD-P	96-08-082
315-34-020	AMD	96-15-054	317-31-130	NEW	96-12-077	356-14-260	AMD-C	96-09-088
315-34-040	AMD-P	96-12-096	317-31-140	NEW-P	96-03-071	356-14-260	AMD	96-13-076
315-34-040	AMD	96-15-054	317-31-140	NEW	96-12-077	356-15-030	AMD-P	96-08-082
315-34-070	NEW-P	96-12-096	317-31-200	NEW-P	96-03-071	356-15-030	AMD-C	96-09-088
315-34-070	NEW	96-15-054	317-31-200	NEW	96-12-077	356-15-030	AMD	96-13-076
315-34-080	NEW-P	96-12-096	317-31-200	AMD-E	96-18-022	356-15-050	AMD	96-02-073
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356-15-060	AMD-P	96-10-064	359-09	AMD	96-23-028	371-08-144	REP-P	96-10-063
356-15-060	AMD	96-13-075	359-39	AMD-P	96-20-038	371-08-144	REP	96-15-003
356-15-070	AMD	96-02-073	359-39	AMD	96-23-028	371-08-146	REP-P	96-10-063
356-15-090	AMD	96-02-073	359-48	AMD-P	96-20-038	371-08-146	REP	96-15-003
356-15-110	AMD	96-02-073	359-48	AMD	96-23-028	371-08-147	REP-P	96-10-063
356-18-025	AMD-E	96-15-046	365-135	PREP	96-19-014	371-08-147	REP	96-15-003
356-18-025	AMD-P	96-18-019	365-135-010	AMD-P	96-23-009	371-08-148	REP-P	96-10-063
356-18-025	AMD	96-21-037	365-135-020	AMD-P	96-23-009	371-08-148	REP	96-15-003
356-18-050	AMD-E	96-15-046	365-135-035	NEW-P	96-23-009	371-08-150	REP-P	96-10-063
356-18-050	AMD-P	96-18-019	365-135-040	AMD-P	96-23-009	371-08-150	REP	96-15-003
356-18-050	AMD	96-21-037	365-135-050	AMD-P	96-23-009	371-08-155	REP-P	96-10-063
356-18-060	AMD-P	96-08-082	365-135-060	AMD-P	96-23-009	371-08-155	REP	96-15-003
356-18-060	AMD-C	96-09-088	365-135-070	AMD-P	96-23-009	371-08-156	REP-P	96-10-063
356-18-060	AMD	96-13-076	365-185-010	NEW-E	96-03-045	371-08-156	REP	96-15-003
356-18-080	AMD-P	96-08-082	365-185-010	NEW	96-04-046	371-08-162	REP-P	96-10-063
356-18-080	AMD-C	96-09-088	365-185-020	NEW-E	96-03-045	371-08-162	REP	96-15-003
356-18-080	AMD	96-13-076	365-185-020	NEW	96-04-046	371-08-165	REP-P	96-10-063
356-18-110	AMD-P	96-08-082	365-185-030	NEW-E	96-03-045	371-08-165	REP	96-15-003
356-18-110	AMD-C	96-09-088	365-185-030	NEW	96-04-046	371-08-167	REP-P	96-10-063
356-18-110	AMD	96-13-076	365-185-040	NEW-E	96-03-045	371-08-167	REP	96-15-003
356-18-112	AMD-W	96-02-069	365-185-040	NEW	96-04-046	371-08-167	REP-P	96-10-063
356-18-112	AMD-P	96-08-083	365-185-050	NEW-E	96-03-045	371-08-180	REP-P	96-10-063
356-18-112	AMD	96-11-058	365-185-050	NEW	96-04-046	371-08-180	REP	96-15-003
356-18-112	AMD-E	96-15-046	365-185-060	NEW-E	96-03-045	371-08-183	REP-P	96-10-063
356-18-112	AMD-P	96-18-019	365-185-060	NEW	96-04-046	371-08-183	REP	96-15-003
356-18-112	AMD	96-21-037	371-08-001	REP-P	96-10-063	371-08-184	REP-P	96-10-063
356-18-116	AMD	96-02-073	371-08-001	REP	96-15-003	371-08-184	REP	96-15-003
356-18-140	AMD-P	96-08-082	371-08-002	REP-P	96-10-063	371-08-185	REP-P	96-10-063
356-18-140	AMD-C	96-09-088	371-08-002	REP-P	96-10-063	371-08-185	REP	96-15-003
356-18-140	AMD	96-13-076	371-08-005	REP-P	96-15-003	371-08-186	REP-P	96-10-063
356-18-145	AMD-P	96-08-082	371-08-005	REP	96-15-003	371-08-186	REP	96-15-003
356-18-145	AMD-C	96-09-088	371-08-010	REP-P	96-10-063	371-08-187	REP-P	96-10-063
356-18-145	AMD	96-13-076	371-08-010	REP	96-15-003	371-08-187	REP	96-15-003
356-18-150	AMD-P	96-08-082	371-08-020	REP-P	96-10-063	371-08-188	REP-P	96-10-063
356-18-150	AMD-C	96-09-088	371-08-020	REP	96-15-003	371-08-188	REP	96-15-003
356-18-150	AMD	96-13-076	371-08-030	REP-P	96-10-063	371-08-189	REP-P	96-10-063
356-22-220	AMD-P	96-08-085	371-08-030	REP	96-15-003	371-08-189	REP	96-15-003
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356-30-065	AMD-W	96-02-069	371-08-033	REP	96-15-003	371-08-196	REP	96-15-003
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356-30-330	AMD	96-02-073	371-08-040	REP	96-15-003	371-08-200	REP	96-15-003
356-37-020	AMD-P	96-04-052A	371-08-050	REP-P	96-10-063	371-08-215	REP-P	96-10-063
356-37-020	AMD	96-07-093	371-08-050	REP	96-15-003	371-08-215	REP	96-15-003
356-37-030	AMD-P	96-04-052A	371-08-055	REP-P	96-10-063	371-08-220	REP-P	96-10-063
356-37-030	AMD	96-07-093	371-08-055	REP	96-15-003	371-08-220	REP	96-15-003
356-37-040	AMD-P	96-04-052A	371-08-061	REP-P	96-10-063	371-08-230	REP-P	96-10-063
356-37-040	AMD	96-07-093	371-08-061	REP	96-15-003	371-08-230	REP	96-15-003
356-37-050	AMD-P	96-04-052A	371-08-065	REP-P	96-10-063	371-08-235	REP-P	96-10-063
356-37-050	AMD	96-07-093	371-08-065	REP	96-15-003	371-08-235	REP	96-15-003
356-37-100	AMD-P	96-04-052A	371-08-071	REP-P	96-10-063	371-08-240	REP-P	96-10-063
356-37-100	AMD	96-07-093	371-08-071	REP	96-15-003	371-08-240	REP	96-15-003
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356-37-160	NEW	96-07-093	371-08-075	REP	96-15-003	371-08-250	REP	96-15-003
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356-37-170	NEW	96-07-093	371-08-080	REP	96-15-003	371-08-255	REP	96-15-003
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356-42-020	AMD-C	96-09-054	371-08-085	REP	96-15-003	371-08-260	REP	96-15-003
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371-08-460	NEW	96-15-003	388-11-032	REP-P	96-06-039	388-15-203	AMD	96-20-093
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388-15-905	REP-P	96-04-084	388-49-530	REP-P	96-11-081	388-73-800	AMD	96-10-032
388-15-905	REP	96-11-045	388-49-530	REP	96-18-043	388-73-803	NEW-P	96-06-051
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388-15-935	REP	96-11-045	388-49-670	AMD-P	97-01-088	388-73-821	NEW-E	96-07-079
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388-49-015	AMD	96-23-020	388-55-060	NEW	96-05-009	388-76	AMD-C	96-11-106
388-49-020	AMD-P	96-03-013	388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-018
388-49-020	AMD	96-06-031	388-60-120	AMD-P	96-14-101	388-76	AMD-C	96-13-058
388-49-020	AMD-P	96-20-011	388-60-130	AMD-P	96-14-101	388-76	PREP	96-18-089
388-49-020	AMD-E	96-20-012	388-60-140	AMD-P	96-14-101	388-76-010	REP-P	96-06-040
388-49-020	AMD	96-23-022	388-60-150	AMD-P	96-14-101	388-76-010	REP	96-14-003
388-49-160	PREP	96-07-094	388-60-160	AMD-P	96-14-101	388-76-020	REP-P	96-06-040
388-49-160	AMD-E	96-10-059	388-60-190	NEW-P	96-14-101	388-76-020	REP	96-14-003
388-49-160	AMD-P	96-11-146	388-60-200	NEW-P	96-14-101	388-76-030	REP-P	96-06-040
388-49-160	AMD	96-14-074	388-60-210	NEW-P	96-14-101	388-76-030	REP	96-14-003
388-49-190	AMD-P	96-20-015	388-60-220	NEW-P	96-14-101	388-76-040	REP-P	96-06-040
388-49-190	AMD-E	96-20-016	388-60-230	NEW-P	96-14-101	388-76-040	REP	96-14-003
388-49-190	AMD	96-22-103	388-60-240	NEW-P	96-14-101	388-76-045	REP-P	96-06-040
388-49-310	AMD-P	96-20-056	388-60-250	NEW-P	96-14-101	388-76-045	REP	96-14-003
388-49-310	AMD-E	96-20-057	388-70	PREP	96-12-015	388-76-050	REP-P	96-06-040
388-49-310	AMD-E	96-20-091	388-70	PREP	96-15-107	388-76-050	REP	96-14-003
388-49-310	AMD-S	96-20-092	388-73	PREP	96-12-010	388-76-060	REP-P	96-06-040
388-49-330	AMD-P	96-04-036	388-73	PREP	96-12-015	388-76-060	REP	96-14-003
388-49-330	AMD	96-07-053	388-73-012	AMD-P	96-06-051	388-76-070	REP-P	96-06-040
388-49-355	NEW-E	96-24-017	388-73-012	AMD-E	96-07-079	388-76-070	REP	96-14-003
388-49-355	NEW-P	96-24-031	388-73-012	AMD	96-10-032	388-76-080	REP-P	96-06-040
388-49-360	AMD-E	96-22-067	388-73-014	AMD-P	96-06-051	388-76-080	REP	96-14-003
388-49-380	AMD-E	96-22-067	388-73-014	AMD-E	96-07-079	388-76-085	REP-P	96-06-040
388-49-410	AMD-P	96-04-008	388-73-014	AMD	96-10-032	388-76-085	REP	96-14-003
388-49-410	AMD	96-07-022	388-73-01950	AMD-P	96-06-051	388-76-087	REP-P	96-06-040
388-49-430	AMD-P	96-20-021	388-73-01950	AMD-E	96-07-079	388-76-087	REP	96-14-003
388-49-430	AMD-E	96-20-022	388-73-01950	AMD	96-10-032	388-76-090	REP-P	96-06-040
388-49-430	AMD	96-23-023	388-73-020	AMD-P	96-06-051	388-76-090	REP	96-14-003
388-49-460	PREP	96-15-090	388-73-020	AMD-E	96-07-079	388-76-095	REP-P	96-06-040
388-49-460	AMD-P	96-20-007	388-73-020	AMD	96-10-032	388-76-095	REP	96-14-003
388-49-460	AMD-E	96-20-008	388-73-030	AMD-C	96-03-105	388-76-100	REP-P	96-06-040
388-49-460	AMD	96-22-102	388-73-030	AMD-S	96-05-061	388-76-100	REP	96-14-003
388-49-470	AMD-P	96-20-054	388-73-030	RESCIND	96-05-067	388-76-110	REP-P	96-06-040
388-49-470	AMD-E	96-20-055	388-73-030	AMD-E	96-05-068	388-76-110	REP	96-14-003
388-49-470	AMD	96-22-100	388-73-030	AMD	96-10-043	388-76-130	REP-P	96-06-040
388-49-480	PREP	96-09-034	388-73-030	AMD-E	96-10-054	388-76-130	REP	96-14-003

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-76-140	REP-P	96-06-040	388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040
388-76-140	REP	96-14-003	388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003
388-76-155	REP-P	96-06-040	388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040
388-76-155	REP	96-14-003	388-76-480	REP-P	96-06-040	388-76-690	NEW	96-14-003
388-76-160	REP-P	96-06-040	388-76-480	REP	96-14-003	388-76-695	NEW-P	96-06-040
388-76-160	REP	96-14-003	388-76-490	REP-P	96-06-040	388-76-695	NEW	96-14-003
388-76-170	REP-P	96-06-040	388-76-490	REP	96-14-003	388-76-700	NEW-P	96-06-040
388-76-170	REP	96-14-003	388-76-500	REP-P	96-06-040	388-76-700	NEW	96-14-003
388-76-180	REP-P	96-06-040	388-76-500	REP	96-14-003	388-76-705	NEW-P	96-06-040
388-76-180	REP	96-14-003	388-76-520	REP-P	96-06-040	388-76-705	NEW	96-14-003
388-76-185	REP-P	96-06-040	388-76-520	REP	96-14-003	388-76-710	NEW-P	96-06-040
388-76-185	REP	96-14-003	388-76-530	REP-P	96-06-040	388-76-710	NEW	96-14-003
388-76-190	REP-P	96-06-040	388-76-530	REP	96-14-003	388-76-715	NEW-P	96-06-040
388-76-190	REP	96-14-003	388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003
388-76-200	REP-P	96-06-040	388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040
388-76-200	REP	96-14-003	388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003
388-76-220	REP-P	96-06-040	388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040
388-76-220	REP	96-14-003	388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003
388-76-240	REP-P	96-06-040	388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040
388-76-240	REP	96-14-003	388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003
388-76-250	REP-P	96-06-040	388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040
388-76-250	REP	96-14-003	388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003
388-76-260	REP-P	96-06-040	388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040
388-76-260	REP	96-14-003	388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003
388-76-280	REP-P	96-06-040	388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040
388-76-280	REP	96-14-003	388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003
388-76-290	REP-P	96-06-040	388-76-565	NEW	96-14-003	388-76-750	NEW-P	96-06-040
388-76-290	REP	96-14-003	388-76-570	NEW-P	96-06-040	388-76-750	NEW	96-14-003
388-76-300	REP-P	96-06-040	388-76-570	NEW	96-14-003	388-76-755	NEW-P	96-06-040
388-76-300	REP	96-14-003	388-76-575	NEW-P	96-06-040	388-76-755	NEW	96-14-003
388-76-310	REP-P	96-06-040	388-76-575	NEW	96-14-003	388-76-760	NEW-P	96-06-040
388-76-310	REP	96-14-003	388-76-580	NEW-P	96-06-040	388-76-760	NEW	96-14-003
388-76-320	REP-P	96-06-040	388-76-580	NEW	96-14-003	388-76-765	NEW-P	96-06-040
388-76-320	REP	96-14-003	388-76-585	NEW-P	96-06-040	388-76-765	NEW	96-14-003
388-76-325	REP-P	96-06-040	388-76-585	NEW	96-14-003	388-76-770	NEW-P	96-06-040
388-76-325	REP	96-14-003	388-76-590	NEW-P	96-06-040	388-76-770	NEW	96-14-003
388-76-330	REP-P	96-06-040	388-76-590	NEW	96-14-003	388-76-775	NEW-P	96-06-040
388-76-330	REP	96-14-003	388-76-595	NEW-P	96-06-040	388-76-775	NEW	96-14-003
388-76-340	REP-P	96-06-040	388-76-595	NEW	96-14-003	388-76-780	NEW-P	96-06-040
388-76-340	REP	96-14-003	388-76-600	NEW-P	96-06-040	388-76-780	NEW	96-14-003
388-76-350	REP-P	96-06-040	388-76-600	NEW	96-14-003	388-76-785	NEW-P	96-06-040
388-76-350	REP	96-14-003	388-76-605	NEW-P	96-06-040	388-76-785	NEW	96-14-003
388-76-360	REP-P	96-06-040	388-76-605	NEW	96-14-003	388-76-790	NEW-P	96-06-040
388-76-360	REP	96-14-003	388-76-610	NEW-P	96-06-040	388-76-790	NEW	96-14-003
388-76-370	REP-P	96-06-040	388-76-610	NEW	96-14-003	388-76-795	NEW-P	96-06-040
388-76-370	REP	96-14-003	388-76-615	NEW-P	96-06-040	388-76-795	NEW	96-14-003
388-76-380	REP-P	96-06-040	388-76-615	NEW	96-14-003	388-86	PREP	96-07-042
388-76-380	REP	96-14-003	388-76-620	NEW-P	96-06-040	388-86	PREP	96-07-043
388-76-390	REP-P	96-06-040	388-76-620	NEW	96-14-003	388-86	PREP	96-07-044
388-76-390	REP	96-14-003	388-76-625	NEW-P	96-06-040	388-86	PREP	96-07-045
388-76-400	REP-P	96-06-040	388-76-625	NEW	96-14-003	388-86	PREP	96-12-015
388-76-400	REP	96-14-003	388-76-630	NEW-P	96-06-040	388-87	PREP	96-07-042
388-76-405	REP-P	96-06-040	388-76-630	NEW	96-14-003	388-87	PREP	96-07-043
388-76-405	REP	96-14-003	388-76-635	NEW-P	96-06-040	388-87	PREP	96-07-044
388-76-410	REP-P	96-06-040	388-76-635	NEW	96-14-003	388-87	PREP	96-07-045
388-76-410	REP	96-14-003	388-76-640	NEW-P	96-06-040	388-87-020	PREP	96-08-091
388-76-420	REP-P	96-06-040	388-76-640	NEW	96-14-003	388-87-020	AMD-P	97-01-093
388-76-420	REP	96-14-003	388-76-645	NEW-P	96-06-040	388-91-005	REP-P	96-16-088
388-76-430	REP-P	96-06-040	388-76-645	NEW	96-14-003	388-91-010	REP	96-21-031
388-76-430	REP	96-14-003	388-76-650	NEW-P	96-06-040	388-91-010	REP-P	96-16-088
388-76-435	REP-P	96-06-040	388-76-650	NEW	96-14-003	388-91-013	REP	96-21-031
388-76-435	REP	96-14-003	388-76-655	NEW-P	96-06-040	388-91-013	REP-P	96-16-088
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-91-015	REP	96-21-031
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-91-015	REP-P	96-16-088
388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003	388-91-016	REP	96-21-031
388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040	388-91-016	REP-P	96-16-088
388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003	388-91-020	REP	96-21-031
388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040	388-91-020	REP-P	96-16-088
388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003	388-91-030	REP	96-21-031
388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040	388-91-030	REP-P	96-16-088
388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003	388-91-035	REP	96-21-031
388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040	388-91-035	REP-P	96-16-088
388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003			

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-91-040	REP-P	96-16-088	388-110-200	NEW	96-11-045	388-155-060	AMD	96-10-042
388-91-040	REP	96-21-031	388-110-210	NEW-P	96-04-084	388-155-070	AMD-P	96-07-010
388-91-050	REP-P	96-16-088	388-110-210	NEW	96-11-045	388-155-070	AMD	96-10-042
388-91-050	REP	96-21-031	388-110-220	NEW-P	96-04-084	388-155-085	NEW-P	96-14-027
388-96	PREP	96-07-024	388-110-220	NEW	96-11-045	388-155-085	NEW	96-20-095
388-96-221	AMD-P	96-11-010	388-110-230	NEW-P	96-04-084	388-155-090	AMD-C	96-03-105
388-96-221	AMD	96-15-056	388-110-230	NEW	96-11-045	388-155-090	AMD-S	96-05-061
388-96-534	AMD-P	96-11-010	388-110-240	NEW-P	96-04-084	388-155-090	RESCIND	96-05-067
388-96-534	AMD	96-15-056	388-110-240	NEW	96-11-045	388-155-090	AMD-E	96-05-068
388-96-585	AMD-P	96-11-010	388-110-250	NEW-P	96-04-084	388-155-090	AMD	96-10-043
388-96-585	AMD	96-15-056	388-110-250	NEW	96-11-045	388-155-090	AMD-E	96-10-054
388-96-708	NEW-P	96-11-010	388-110-260	NEW-P	96-04-084	388-155-090	AMD-P	96-14-027
388-96-708	NEW	96-15-056	388-110-260	NEW	96-11-045	388-155-090	AMD-W	96-20-094
388-96-735	AMD-P	96-11-010	388-110-260	AMD-P	96-18-102	388-155-092	NEW-P	96-14-027
388-96-735	AMD	96-15-056	388-110-260	AMD	96-21-050	388-155-092	NEW	96-20-095
388-96-745	AMD-P	96-11-010	388-110-270	NEW-P	96-04-084	388-155-093	NEW-P	96-14-027
388-96-745	AMD	96-15-056	388-110-270	NEW	96-11-045	388-155-093	NEW	96-20-095
388-96-762	AMD-P	96-11-010	388-110-280	NEW-P	96-04-084	388-155-094	NEW-P	96-14-027
388-96-762	AMD	96-15-056	388-110-280	NEW	96-11-045	388-155-094	NEW	96-20-095
388-96-774	AMD-P	96-11-010	388-150	PREP	96-12-010	388-155-095	NEW-P	96-14-027
388-96-774	AMD	96-15-056	388-150-085	NEW-P	96-14-027	388-155-095	NEW	96-20-095
388-96-776	AMD-P	96-11-010	388-150-085	NEW	96-20-095	388-155-096	NEW-P	96-14-027
388-96-776	AMD	96-15-056	388-150-090	AMD-C	96-03-105	388-155-096	NEW	96-20-095
388-96-810	AMD-P	96-11-010	388-150-090	AMD-S	96-05-061	388-155-097	NEW-P	96-14-027
388-96-810	AMD	96-15-056	388-150-090	RESCIND	96-05-067	388-155-097	NEW	96-20-095
388-96-904	AMD-P	96-11-010	388-150-090	AMD-E	96-05-068	388-155-098	NEW-P	96-14-027
388-96-904	AMD	96-15-056	388-150-090	AMD	96-10-043	388-155-098	NEW	96-20-095
388-97	PREP	96-14-100	388-150-090	AMD-E	96-10-054	388-155-600	NEW-P	96-07-010
388-97-027	PREP	96-22-026	388-150-090	AMD-P	96-14-027	388-155-600	NEW	96-10-042
388-110	NEW-C	96-09-032	388-150-090	AMD-W	96-20-094	388-155-605	NEW-P	96-07-010
388-110	NEW-C	96-10-010	388-150-092	NEW-P	96-14-027	388-155-605	NEW	96-10-042
388-110	NEW-C	96-10-077	388-150-092	NEW	96-20-095	388-155-610	NEW-P	96-07-010
388-110-005	NEW-P	96-04-084	388-150-093	NEW-P	96-14-027	388-155-610	NEW	96-10-042
388-110-005	NEW	96-11-045	388-150-093	NEW	96-20-095	388-155-620	NEW-P	96-07-010
388-110-010	NEW-P	96-04-084	388-150-094	NEW-P	96-14-027	388-155-620	NEW	96-10-042
388-110-010	NEW	96-11-045	388-150-094	NEW	96-20-095	388-155-630	NEW-P	96-07-010
388-110-020	NEW-P	96-04-084	388-150-095	NEW-P	96-14-027	388-155-630	NEW	96-10-042
388-110-020	NEW	96-11-045	388-150-095	NEW	96-20-095	388-155-640	NEW-P	96-07-010
388-110-030	NEW-P	96-04-084	388-150-096	NEW-P	96-14-027	388-155-640	NEW	96-10-042
388-110-030	NEW	96-11-045	388-150-096	NEW	96-20-095	388-155-650	NEW-P	96-07-010
388-110-040	NEW-P	96-04-084	388-150-097	NEW-P	96-14-027	388-155-650	NEW	96-10-042
388-110-040	NEW	96-11-045	388-150-097	NEW	96-20-095	388-155-660	NEW-P	96-07-010
388-110-040	AMD-P	96-18-102	388-150-098	NEW-P	96-14-027	388-155-660	NEW	96-10-042
388-110-040	AMD	96-21-050	388-150-098	NEW	96-20-095	388-155-670	NEW-P	96-07-010
388-110-050	NEW-P	96-04-084	388-151	PREP	96-12-010	388-155-670	NEW	96-10-042
388-110-050	NEW	96-11-045	388-151-085	NEW-P	96-14-027	388-155-680	NEW-P	96-07-010
388-110-060	NEW-P	96-04-084	388-151-085	NEW	96-20-095	388-155-680	NEW	96-10-042
388-110-060	NEW	96-11-045	388-151-090	AMD-C	96-03-105	388-160	PREP	96-05-057
388-110-070	NEW-P	96-04-084	388-151-090	AMD-S	96-05-061	388-160	PREP	96-12-010
388-110-070	NEW	96-11-045	388-151-090	RESCIND	96-05-067	388-160-050	PREP	96-05-057
388-110-080	NEW-P	96-04-084	388-151-090	AMD-E	96-05-068	388-160-050	AMD-P	96-14-099
388-110-080	NEW	96-11-045	388-151-090	AMD	96-10-043	388-160-050	AMD	96-21-018
388-110-090	NEW-P	96-04-084	388-151-090	AMD-E	96-10-054	388-160-080	PREP	96-05-057
388-110-090	NEW	96-11-045	388-151-090	AMD-P	96-14-027	388-160-080	AMD-P	96-14-099
388-110-100	NEW-P	96-04-084	388-151-090	AMD-W	96-20-094	388-160-080	AMD	96-21-018
388-110-100	NEW	96-11-045	388-151-092	NEW-P	96-14-027	388-160-090	AMD-C	96-03-105
388-110-110	NEW-P	96-04-084	388-151-092	NEW	96-20-095	388-160-090	AMD-S	96-05-061
388-110-110	NEW	96-11-045	388-151-093	NEW-P	96-14-027	388-160-090	RESCIND	96-05-067
388-110-110	AMD-P	96-18-102	388-151-093	NEW	96-20-095	388-160-090	AMD-E	96-05-068
388-110-110	AMD	96-21-050	388-151-094	NEW-P	96-14-027	388-160-090	AMD	96-10-043
388-110-120	NEW-P	96-04-084	388-151-094	NEW	96-20-095	388-160-090	AMD-E	96-10-054
388-110-120	NEW	96-11-045	388-151-095	NEW-P	96-14-027	388-160-120	AMD-S	96-05-061
388-110-140	NEW-P	96-04-084	388-151-095	NEW	96-20-095	388-160-120	AMD-E	96-05-068
388-110-140	NEW	96-11-045	388-151-096	NEW-P	96-14-027	388-160-120	AMD	96-10-043
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391-55-230	AMD-P	96-03-135	392-103-030	PREP-X	96-14-018	392-127-020	AMD-P	96-02-077
391-55-230	AMD	96-07-105	392-103-030	REP	96-18-014	392-127-020	AMD	96-05-022
391-55-235	AMD-P	96-03-135	392-103-035	PREP-X	96-14-018	392-127-050	AMD-P	96-02-077
391-55-235	AMD	96-07-105	392-103-035	REP	96-18-014	392-127-050	AMD	96-05-022
391-55-240	AMD-P	96-03-135	392-103-040	PREP-X	96-14-018	392-127-055	AMD-P	96-02-077
391-55-240	AMD	96-07-105	392-103-040	REP	96-18-014	392-127-055	AMD	96-05-022
391-55-245	AMD-P	96-03-135	392-103-045	PREP-X	96-14-018	392-127-060	AMD-P	96-02-077
391-55-245	AMD	96-07-105	392-103-045	REP	96-18-014	392-127-060	AMD	96-05-022
391-55-255	AMD-P	96-03-135	392-105	PREP	96-21-137	392-127-070	AMD-P	96-02-077
391-55-255	AMD	96-07-105	392-109-040	AMD-P	96-04-033	392-127-070	AMD	96-05-022
391-55-260	REP-P	96-03-135	392-109-040	AMD	96-08-001	392-127-080	AMD-P	96-02-077
391-55-260	REP	96-07-105	392-109-047	AMD-P	96-04-033	392-127-080	AMD	96-05-022
391-55-315	AMD-P	96-03-135	392-109-047	AMD	96-08-001	392-127-090	AMD-P	96-02-077
391-55-315	AMD	96-07-105	392-109-058	AMD-P	96-04-033	392-127-090	AMD	96-05-022
391-55-345	AMD-P	96-03-135	392-109-058	AMD	96-08-001	392-130	PREP	96-17-005
391-55-345	AMD	96-07-105	392-109-065	AMD-P	96-04-033	392-132	PREP	96-15-025
391-55-360	REP-P	96-03-135	392-109-065	AMD	96-08-001	392-132-010	AMD-P	96-24-043
391-55-360	REP	96-07-105	392-109-070	AMD-P	96-04-033	392-132-030	AMD-P	96-24-043
391-55-400	REP-P	96-03-135	392-109-070	AMD	96-08-001	392-132-040	AMD-P	96-24-043
391-55-400	REP	96-07-105	392-109-072	AMD-P	96-04-033	392-135	PREP	96-24-001
391-55-410	REP-P	96-03-135	392-109-072	AMD	96-08-001	392-139-120	AMD-P	96-15-091
391-55-410	REP	96-07-105	392-109-085	AMD-P	96-04-033	392-139-120	AMD	96-19-037
391-55-415	REP-P	96-03-135	392-109-085	AMD	96-08-001	392-139-129	AMD-P	96-15-091
391-55-415	REP	96-07-105	392-109-090	AMD-P	96-04-033	392-139-129	AMD	96-19-037
391-55-420	REP-P	96-03-135	392-109-090	AMD	96-08-001	392-139-150	AMD-P	96-15-091
391-55-420	REP	96-07-105	392-109-100	AMD-P	96-04-033	392-139-150	AMD	96-19-037
391-55-425	REP-P	96-03-135	392-109-100	AMD	96-08-001	392-139-152	AMD-P	96-15-091
391-55-425	REP	96-07-105	392-109-105	AMD-P	96-04-033	392-139-152	AMD	96-19-037
391-55-430	REP-P	96-03-135	392-109-105	AMD	96-08-001	392-139-154	AMD-P	96-15-091
391-55-430	REP	96-07-105	392-109-120	AMD-P	96-04-033	392-139-154	AMD	96-19-037
391-55-435	REP-P	96-03-135	392-109-120	AMD	96-08-001	392-139-156	AMD-P	96-15-091
391-55-435	REP	96-07-105	392-120	PREP	96-06-061	392-139-156	AMD	96-19-037
391-55-440	REP-P	96-03-135	392-121-435	NEW	96-03-001	392-139-158	AMD-P	96-15-091
391-55-440	REP	96-07-105	392-122-100	AMD	96-03-002	392-139-158	AMD	96-19-037
391-55-445	REP-P	96-03-135	392-122-105	AMD	96-03-002	392-139-162	AMD-P	96-15-091
391-55-445	REP	96-07-105	392-122-106	AMD	96-03-002	392-139-162	AMD	96-19-037
391-55-450	REP-P	96-03-135	392-122-107	AMD	96-03-002	392-139-164	AMD-P	96-15-091
391-55-450	REP	96-07-105	392-122-110	AMD	96-03-002	392-139-164	AMD	96-19-037
391-55-455	REP-P	96-03-135	392-122-120	AMD	96-03-002	392-139-166	REP-P	96-15-091
391-55-455	REP	96-07-105	392-122-130	AMD	96-03-002	392-139-166	REP	96-19-037
391-65-030	AMD-P	96-03-135	392-122-131	AMD	96-03-002	392-139-168	AMD-P	96-15-091
391-65-030	AMD	96-07-105	392-122-132	AMD	96-03-002	392-139-168	AMD	96-19-037
391-65-050	AMD-P	96-03-135	392-122-135	AMD	96-03-002	392-139-172	AMD-P	96-15-091
391-65-050	AMD	96-07-105	392-122-140	AMD	96-03-002	392-139-172	AMD	96-19-037
391-65-110	AMD-P	96-03-135	392-122-145	AMD	96-03-002	392-139-182	AMD-P	96-15-091
391-65-110	AMD	96-07-105	392-122-150	AMD	96-03-002	392-139-182	AMD	96-19-037
391-65-130	AMD-P	96-03-135	392-122-155	AMD	96-03-002	392-139-184	AMD-P	96-15-091
391-65-130	AMD	96-07-105	392-122-160	AMD	96-03-002	392-139-184	AMD	96-19-037
391-95-001	AMD-P	96-03-135	392-122-165	AMD	96-03-002	392-139-220	REP-P	96-15-091
391-95-001	AMD	96-07-105	392-122-166	NEW	96-03-002	392-139-220	REP	96-19-037
391-95-090	AMD-P	96-03-135	392-122-400	PREP-X	96-14-018	392-139-225	REP-P	96-15-091
391-95-090	AMD	96-07-105	392-122-400	REP	96-18-014	392-139-225	REP	96-19-037
391-95-110	AMD-P	96-03-135	392-122-401	PREP-X	96-14-018	392-139-310	AMD-P	96-15-091
391-95-110	AMD	96-07-105	392-122-401	REP	96-18-014	392-139-310	AMD	96-19-037
391-95-170	AMD-P	96-03-135	392-122-405	PREP-X	96-14-018	392-139-320	AMD-P	96-15-091
391-95-170	AMD	96-07-105	392-122-405	REP	96-18-014	392-139-320	AMD	96-19-037
391-95-230	AMD-P	96-03-135	392-122-410	PREP-X	96-14-018	392-139-330	AMD-P	96-15-091
391-95-230	AMD	96-07-105	392-122-410	REP	96-18-014	392-139-330	AMD	96-19-037
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391-95-260	AMD	96-07-105	392-122-415	REP	96-18-014	392-139-340	AMD	96-19-037
391-95-270	AMD-P	96-03-135	392-122-710	AMD	96-03-002	392-139-901	AMD-P	96-15-091

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392-140-073	NEW-P	96-15-114	392-140-441	REP	96-18-014	392-140-485	PREP-X	96-14-018
392-140-073	NEW	96-19-095	392-140-442	PREP-X	96-14-018	392-140-485	REP	96-18-014
392-140-175	PREP-X	96-14-018	392-140-442	REP	96-18-014	392-140-486	PREP-X	96-14-018
392-140-175	REP	96-18-014	392-140-443	PREP-X	96-14-018	392-140-486	REP	96-18-014
392-140-176	PREP-X	96-14-018	392-140-443	REP	96-18-014	392-140-490	AMD-P	96-02-078
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392-140-177	PREP-X	96-14-018	392-140-444	REP	96-18-014	392-140-490	PREP-X	96-14-018
392-140-177	REP	96-18-014	392-140-445	PREP-X	96-14-018	392-140-490	REP	96-18-014
392-140-178	PREP-X	96-14-018	392-140-445	REP	96-18-014	392-140-491	AMD-P	96-02-078
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392-140-183	REP	96-18-014	392-140-451	REP	96-18-014	392-140-494	AMD-P	96-02-078
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392-140-185	REP	96-18-014	392-140-452	REP	96-18-014	392-140-494	PREP-X	96-14-018
392-140-186	PREP-X	96-14-018	392-140-460	PREP-X	96-14-018	392-140-494	REP	96-18-014
392-140-186	REP	96-18-014	392-140-460	REP	96-18-014	392-140-495	PREP-X	96-14-018
392-140-220	PREP-X	96-14-018	392-140-461	AMD-P	96-02-078	392-140-495	REP	96-18-014
392-140-220	REP	96-18-014	392-140-461	AMD	96-05-021	392-140-496	PREP-X	96-14-018
392-140-221	PREP-X	96-14-018	392-140-461	PREP-X	96-14-018	392-140-496	REP	96-18-014
392-140-221	REP	96-18-014	392-140-461	REP	96-18-014	392-140-497	AMD-P	96-02-078
392-140-222	PREP-X	96-14-018	392-140-462	AMD-P	96-02-078	392-140-497	AMD	96-05-021
392-140-222	REP	96-18-014	392-140-462	AMD	96-05-021	392-140-497	PREP-X	96-14-018
392-140-223	PREP-X	96-14-018	392-140-462	PREP-X	96-14-018	392-140-497	REP	96-18-014
392-140-223	REP	96-18-014	392-140-462	REP	96-18-014	392-140-500	PREP-X	96-14-018
392-140-224	PREP-X	96-14-018	392-140-463	PREP-X	96-14-018	392-140-500	REP	96-18-014
392-140-224	REP	96-18-014	392-140-463	REP	96-18-014	392-140-501	PREP-X	96-14-018
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392-140-225	REP	96-18-014	392-140-464	REP	96-18-014	392-140-503	PREP-X	96-14-018
392-140-226	PREP-X	96-14-018	392-140-465	PREP-X	96-14-018	392-140-503	REP	96-18-014
392-140-226	REP	96-18-014	392-140-465	REP	96-18-014	392-140-504	PREP-X	96-14-018
392-140-230	PREP-X	96-14-018	392-140-466	PREP-X	96-14-018	392-140-504	REP	96-18-014
392-140-230	REP	96-18-014	392-140-466	REP	96-18-014	392-140-505	PREP-X	96-14-018
392-140-231	PREP-X	96-14-018	392-140-470	AMD-P	96-02-078	392-140-505	REP	96-18-014
392-140-231	REP	96-18-014	392-140-470	AMD	96-05-021	392-140-506	PREP-X	96-14-018
392-140-232	PREP-X	96-14-018	392-140-470	PREP-X	96-14-018	392-140-506	REP	96-18-014
392-140-232	REP	96-18-014	392-140-470	REP	96-18-014	392-140-507	PREP-X	96-14-018
392-140-233	PREP-X	96-14-018	392-140-471	PREP-X	96-14-018	392-140-507	REP	96-18-014
392-140-233	REP	96-18-014	392-140-471	REP	96-18-014	392-140-508	PREP-X	96-14-018
392-140-234	PREP-X	96-14-018	392-140-472	PREP-X	96-14-018	392-140-508	REP	96-18-014
392-140-234	REP	96-18-014	392-140-472	REP	96-18-014	392-140-509	PREP-X	96-14-018
392-140-336	PREP-X	96-14-018	392-140-473	PREP-X	96-14-018	392-140-509	REP	96-18-014
392-140-336	REP	96-18-014	392-140-473	REP	96-18-014	392-140-510	PREP-X	96-14-018
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392-140-337	REP	96-18-014	392-140-474	REP	96-18-014	392-140-511	PREP-X	96-14-018
392-140-338	PREP-X	96-14-018	392-140-475	PREP-X	96-14-018	392-140-511	REP	96-18-014
392-140-338	REP	96-18-014	392-140-475	REP	96-18-014	392-140-512	PREP-X	96-14-018
392-140-431	PREP-X	96-14-018	392-140-476	AMD-P	96-02-078	392-140-512	REP	96-18-014
392-140-431	REP	96-18-014	392-140-476	AMD	96-05-021	392-140-516	PREP-X	96-14-018
392-140-432	PREP-X	96-14-018	392-140-476	PREP-X	96-14-018	392-140-516	REP	96-18-014
392-140-432	REP	96-18-014	392-140-476	REP	96-18-014	392-140-517	PREP-X	96-14-018
392-140-433	PREP-X	96-14-018	392-140-477	PREP-X	96-14-018	392-140-517	REP	96-18-014
392-140-433	REP	96-18-014	392-140-477	REP	96-18-014	392-140-518	PREP-X	96-14-018
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392-140-435	PREP-X	96-14-018	392-140-480	AMD-P	96-02-078	392-140-519	REP	96-18-014
392-140-435	REP	96-18-014	392-140-480	AMD	96-05-021	392-140-525	PREP-X	96-14-018
392-140-436	PREP-X	96-14-018	392-140-480	PREP-X	96-14-018	392-140-525	REP	96-18-014
392-140-436	REP	96-18-014	392-140-480	REP	96-18-014	392-140-527	PREP-X	96-14-018
392-140-437	PREP-X	96-14-018	392-140-481	PREP-X	96-14-018	392-140-527	REP	96-18-014
392-140-437	REP	96-18-014	392-140-481	REP	96-18-014	392-140-529	PREP-X	96-14-018
392-140-438	PREP-X	96-14-018	392-140-482	PREP-X	96-14-018	392-140-529	REP	96-18-014
392-140-438	REP	96-18-014	392-140-482	REP	96-18-014	392-140-530	PREP-X	96-14-018
392-140-439	PREP-X	96-14-018	392-140-483	AMD-P	96-02-078	392-140-530	REP	96-18-014
392-140-439	REP	96-18-014	392-140-483	AMD	96-05-021	392-140-531	PREP-X	96-14-018
			392-140-483	PREP-X	96-14-018	392-140-531	REP	96-18-014

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392-140-535	PREP-X	96-14-018	392-140-670	NEW	96-19-095	392-162-005	AMD-P	96-20-050
392-140-535	REP	96-18-014	392-140-675	NEW-P	96-15-114	392-162-005	AMD-W	96-22-066
392-140-536	PREP-X	96-14-018	392-140-675	NEW	96-19-095	392-162-060	AMD-P	96-20-050
392-140-536	REP	96-18-014	392-140-680	NEW-P	96-15-114	392-162-060	AMD-W	96-22-066
392-140-537	PREP-X	96-14-018	392-140-680	NEW	96-19-095	392-162-120	NEW-P	96-20-050
392-140-537	REP	96-18-014	392-140-685	NEW-P	96-15-114	392-162-120	NEW-W	96-22-066
392-140-538	PREP-X	96-14-018	392-140-685	NEW	96-19-095	392-163	AMD-P	96-16-056
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392-140-540	REP	96-18-014	392-141-115	AMD	96-16-010	392-163-100	REP	96-18-014
392-140-542	PREP-X	96-14-018	392-141-125	REP-P	96-11-137	392-163-105	PREP-X	96-14-019
392-140-542	REP	96-18-014	392-141-125	PREP-X	96-14-018	392-163-105	REP	96-18-014
392-140-543	PREP-X	96-14-018	392-141-125	REP	96-16-010	392-163-110	PREP-X	96-14-019
392-140-543	REP	96-18-014	392-141-125	REP	96-18-014	392-163-110	REP	96-18-014
392-140-544	PREP-X	96-14-018	392-141-135	AMD-P	96-11-137	392-163-115	PREP-X	96-14-019
392-140-544	REP	96-18-014	392-141-135	AMD	96-16-010	392-163-115	REP	96-18-014
392-140-545	PREP-X	96-14-018	392-141-140	AMD-P	96-11-137	392-163-120	PREP-X	96-14-019
392-140-545	REP	96-18-014	392-141-140	AMD	96-16-010	392-163-120	REP	96-18-014
392-140-548	PREP-X	96-14-018	392-141-151	REP-P	96-11-137	392-163-125	PREP-X	96-14-019
392-140-548	REP	96-18-014	392-141-151	REP	96-16-010	392-163-125	REP	96-18-014
392-140-549	PREP-X	96-14-018	392-141-155	AMD-P	96-11-137	392-163-130	PREP-X	96-14-019
392-140-549	REP	96-18-014	392-141-155	AMD	96-16-010	392-163-130	REP	96-18-014
392-140-551	PREP-X	96-14-018	392-141-160	AMD-P	96-11-137	392-163-135	PREP-X	96-14-019
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392-140-552	REP	96-18-014	392-141-170	AMD	96-16-010	392-163-140	REP	96-18-014
392-140-553	PREP-X	96-14-018	392-141-175	REP-P	96-11-137	392-163-142	PREP-X	96-14-019
392-140-553	REP	96-18-014	392-141-175	PREP-X	96-14-018	392-163-142	REP	96-18-014
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392-140-555	REP	96-18-014	392-141-175	REP	96-18-014	392-163-145	REP	96-18-014
392-140-557	PREP-X	96-14-018	392-141-176	REP-P	96-11-137	392-163-150	PREP-X	96-14-019
392-140-557	REP	96-18-014	392-141-176	PREP-X	96-14-018	392-163-150	REP	96-18-014
392-140-559	PREP-X	96-14-018	392-141-176	REP	96-16-010	392-163-155	PREP-X	96-14-019
392-140-559	REP	96-18-014	392-141-176	REP	96-18-014	392-163-155	REP	96-18-014
392-140-600	NEW-P	96-15-114	392-141-185	AMD-P	96-11-137	392-163-160	PREP-X	96-14-019
392-140-600	NEW	96-19-095	392-141-185	AMD	96-16-010	392-163-160	REP	96-18-014
392-140-601	NEW-P	96-15-114	392-142	PREP	96-09-068	392-163-165	PREP-X	96-14-019
392-140-601	NEW	96-19-095	392-142-155	AMD-P	96-11-138	392-163-165	REP	96-18-014
392-140-602	NEW-P	96-15-114	392-142-155	AMD	96-16-011	392-163-170	PREP-X	96-14-019
392-140-602	NEW	96-19-095	392-143	PREP	96-09-069	392-163-170	REP	96-18-014
392-140-605	NEW-P	96-15-114	392-143-010	AMD-P	96-11-139	392-163-175	PREP-X	96-14-019
392-140-605	NEW	96-19-095	392-143-010	AMD	96-16-012	392-163-175	REP	96-18-014
392-140-608	NEW-P	96-15-114	392-151	PREP	96-15-048	392-163-180	PREP-X	96-14-019
392-140-608	NEW	96-19-095	392-151-025	AMD-P	96-19-096	392-163-180	REP	96-18-014
392-140-609	NEW-P	96-15-114	392-151-025	AMD	96-22-057	392-163-185	PREP-X	96-14-019
392-140-609	NEW	96-19-095	392-151-030	AMD-P	96-19-096	392-163-185	REP	96-18-014
392-140-610	NEW-P	96-15-114	392-151-030	AMD	96-22-057	392-163-186	PREP-X	96-14-019
392-140-610	NEW	96-19-095	392-153	PREP	96-11-108	392-163-186	REP	96-18-014
392-140-613	NEW-P	96-15-114	392-153-020	AMD-P	96-18-039	392-163-190	PREP-X	96-14-019
392-140-613	NEW	96-19-095	392-153-020	AMD	96-24-044	392-163-190	REP	96-18-014
392-140-616	NEW-P	96-15-114	392-153-025	AMD-P	96-18-039	392-163-195	PREP-X	96-14-019
392-140-616	NEW	96-19-095	392-153-025	AMD	96-24-044	392-163-195	REP	96-18-014
392-140-620	NEW-P	96-15-114	392-153-032	AMD-P	96-18-039	392-163-200	PREP-X	96-14-019
392-140-620	NEW	96-19-095	392-153-032	AMD	96-24-044	392-163-200	REP	96-18-014
392-140-625	NEW-P	96-15-114	392-160-004	AMD-P	97-01-012	392-163-205	PREP-X	96-14-019
392-140-625	NEW	96-19-095	392-160-004	AMD-P	97-01-012	392-163-205	REP	96-18-014
392-140-640	NEW-P	96-15-114	392-160-005	AMD-P	97-01-012	392-163-210	PREP-X	96-14-019
392-140-640	NEW	96-19-095	392-160-010	AMD-P	97-01-012	392-163-210	REP	96-18-014
392-140-643	NEW-P	96-15-114	392-160-015	AMD-P	97-01-012	392-163-215	PREP-X	96-14-019
392-140-643	NEW	96-19-095	392-160-016	NEW-P	97-01-012	392-163-215	REP	96-18-014
392-140-646	NEW-P	96-15-114	392-160-020	AMD-P	97-01-012	392-163-220	PREP-X	96-14-019
392-140-646	NEW	96-19-095	392-160-029	AMD-P	97-01-012	392-163-220	REP	96-18-014
392-140-650	NEW-P	96-15-114	392-160-035	AMD-P	97-01-012	392-163-225	PREP-X	96-14-019
392-140-650	NEW	96-19-095	392-160-036	NEW-P	97-01-012	392-163-225	REP	96-18-014
392-140-653	NEW-P	96-15-114	392-160-037	NEW-P	97-01-012	392-163-230	PREP-X	96-14-019
392-140-653	NEW	96-19-095	392-160-040	AMD-P	97-01-012	392-163-230	REP	96-18-014
392-140-656	NEW-P	96-15-114	392-160-045	REP-P	97-01-012	392-163-235	PREP-X	96-14-019
392-140-656	NEW	96-19-095	392-162-050	NEW-P	97-01-012	392-163-235	REP	96-18-014
392-140-660	NEW-P	96-15-114	392-160-060	NEW-P	97-01-012	392-163-236	PREP-X	96-14-019
392-140-660	NEW	96-19-095	392-160-070	NEW-P	97-01-012	392-163-236	REP	96-18-014
392-140-665	NEW-P	96-15-114	392-160-080	NEW-P	97-01-012	392-163-237	PREP-X	96-14-019
			392-160-090	NEW-P	97-01-012			

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392-163-237	REP	96-18-014	392-163-400	PREP-X	96-14-019	392-163-580	REP	96-18-014
392-163-240	PREP-X	96-14-019	392-163-400	REP	96-18-014	392-163-585	PREP-X	96-14-019
392-163-240	REP	96-18-014	392-163-405	PREP-X	96-14-019	392-163-585	REP	96-18-014
392-163-245	PREP-X	96-14-019	392-163-405	REP	96-18-014	392-163-590	PREP-X	96-14-019
392-163-245	REP	96-18-014	392-163-410	PREP-X	96-14-019	392-163-590	REP	96-18-014
392-163-250	PREP-X	96-14-019	392-163-410	REP	96-18-014	392-163-595	PREP-X	96-14-019
392-163-250	REP	96-18-014	392-163-415	PREP-X	96-14-019	392-163-595	REP	96-18-014
392-163-255	PREP-X	96-14-019	392-163-415	REP	96-18-014	392-163-600	PREP-X	96-14-019
392-163-255	REP	96-18-014	392-163-420	PREP-X	96-14-019	392-163-600	REP	96-18-014
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392-163-260	REP	96-18-014	392-163-425	PREP-X	96-14-019	392-163-605	REP	96-18-014
392-163-265	PREP-X	96-14-019	392-163-425	REP	96-18-014	392-163-610	PREP-X	96-14-019
392-163-265	REP	96-18-014	392-163-430	PREP-X	96-14-019	392-163-610	REP	96-18-014
392-163-270	PREP-X	96-14-019	392-163-430	REP	96-18-014	392-163-615	PREP-X	96-14-019
392-163-270	REP	96-18-014	392-163-435	PREP-X	96-14-019	392-163-615	REP	96-18-014
392-163-275	PREP-X	96-14-019	392-163-435	REP	96-18-014	392-163-620	PREP-X	96-14-019
392-163-275	REP	96-18-014	392-163-440	PREP-X	96-14-019	392-163-620	REP	96-18-014
392-163-280	PREP-X	96-14-019	392-163-440	REP	96-18-014	392-163-625	PREP-X	96-14-019
392-163-280	REP	96-18-014	392-163-445	PREP-X	96-14-019	392-163-625	REP	96-18-014
392-163-285	PREP-X	96-14-019	392-163-445	REP	96-18-014	392-163-630	PREP-X	96-14-019
392-163-285	REP	96-18-014	392-163-450	PREP-X	96-14-019	392-163-630	REP	96-18-014
392-163-290	PREP-X	96-14-019	392-163-450	REP	96-18-014	392-163-635	PREP-X	96-14-019
392-163-290	REP	96-18-014	392-163-455	PREP-X	96-14-019	392-163-635	REP	96-18-014
392-163-295	PREP-X	96-14-019	392-163-455	REP	96-18-014	392-163-640	PREP-X	96-14-019
392-163-295	REP	96-18-014	392-163-460	PREP-X	96-14-019	392-163-640	REP	96-18-014
392-163-299	PREP-X	96-14-019	392-163-460	REP	96-18-014	392-163-645	PREP-X	96-14-019
392-163-299	REP	96-18-014	392-163-465	PREP-X	96-14-019	392-163-645	REP	96-18-014
392-163-300	PREP-X	96-14-019	392-163-465	REP	96-18-014	392-163-700	NEW-P	96-16-056
392-163-300	REP	96-18-014	392-163-470	PREP-X	96-14-019	392-163-700	NEW	96-19-097
392-163-305	PREP-X	96-14-019	392-163-470	REP	96-18-014	392-163-705	NEW-P	96-16-056
392-163-305	REP	96-18-014	392-163-475	PREP-X	96-14-019	392-163-705	NEW	96-19-097
392-163-306	PREP-X	96-14-019	392-163-475	REP	96-18-014	392-163-710	NEW-P	96-16-056
392-163-306	REP	96-18-014	392-163-480	PREP-X	96-14-019	392-163-710	NEW	96-19-097
392-163-310	PREP-X	96-14-019	392-163-480	REP	96-18-014	392-163-715	NEW-P	96-16-056
392-163-310	REP	96-18-014	392-163-485	PREP-X	96-14-019	392-163-715	NEW	96-19-097
392-163-315	PREP-X	96-14-019	392-163-485	REP	96-18-014	392-165	PREP	96-21-092
392-163-315	REP	96-18-014	392-163-490	PREP-X	96-14-019	392-166-100	PREP-X	96-14-019
392-163-320	PREP-X	96-14-019	392-163-490	REP	96-18-014	392-166-100	REP	96-18-014
392-163-320	REP	96-18-014	392-163-495	PREP-X	96-14-019	392-166-105	PREP-X	96-14-019
392-163-322	PREP-X	96-14-019	392-163-495	REP	96-18-014	392-166-105	REP	96-18-014
392-163-322	REP	96-18-014	392-163-500	PREP-X	96-14-019	392-166-110	PREP-X	96-14-019
392-163-325	PREP-X	96-14-019	392-163-500	REP	96-18-014	392-166-110	REP	96-18-014
392-163-325	REP	96-18-014	392-163-505	PREP-X	96-14-019	392-166-115	PREP-X	96-14-019
392-163-330	PREP-X	96-14-019	392-163-505	REP	96-18-014	392-166-115	REP	96-18-014
392-163-330	REP	96-18-014	392-163-510	PREP-X	96-14-019	392-166-120	PREP-X	96-14-019
392-163-335	PREP-X	96-14-019	392-163-510	REP	96-18-014	392-166-120	REP	96-18-014
392-163-335	REP	96-18-014	392-163-515	PREP-X	96-14-019	392-166-125	PREP-X	96-14-019
392-163-340	PREP-X	96-14-019	392-163-515	REP	96-18-014	392-166-125	REP	96-18-014
392-163-340	REP	96-18-014	392-163-520	PREP-X	96-14-019	392-166-130	PREP-X	96-14-019
392-163-345	PREP-X	96-14-019	392-163-520	REP	96-18-014	392-166-130	REP	96-18-014
392-163-345	REP	96-18-014	392-163-525	PREP-X	96-14-019	392-166-135	PREP-X	96-14-019
392-163-350	PREP-X	96-14-019	392-163-525	REP	96-18-014	392-166-135	REP	96-18-014
392-163-350	REP	96-18-014	392-163-530	PREP-X	96-14-019	392-166-140	PREP-X	96-14-019
392-163-355	PREP-X	96-14-019	392-163-530	REP	96-18-014	392-166-140	REP	96-18-014
392-163-355	REP	96-18-014	392-163-535	PREP-X	96-14-019	392-166-145	PREP-X	96-14-019
392-163-360	PREP-X	96-14-019	392-163-535	REP	96-18-014	392-166-145	REP	96-18-014
392-163-360	REP	96-18-014	392-163-540	PREP-X	96-14-019	392-166-150	PREP-X	96-14-019
392-163-362	PREP-X	96-14-019	392-163-540	REP	96-18-014	392-166-150	REP	96-18-014
392-163-362	REP	96-18-014	392-163-545	PREP-X	96-14-019	392-166-155	PREP-X	96-14-019
392-163-363	PREP-X	96-14-019	392-163-545	REP	96-18-014	392-166-155	REP	96-18-014
392-163-363	REP	96-18-014	392-163-550	PREP-X	96-14-019	392-166-160	PREP-X	96-14-019
392-163-364	PREP-X	96-14-019	392-163-550	REP	96-18-014	392-166-160	REP	96-18-014
392-163-364	REP	96-18-014	392-163-555	PREP-X	96-14-019	392-166-165	PREP-X	96-14-019
392-163-365	PREP-X	96-14-019	392-163-555	REP	96-18-014	392-166-165	REP	96-18-014
392-163-365	REP	96-18-014	392-163-560	PREP-X	96-14-019	392-166-170	PREP-X	96-14-019
392-163-370	PREP-X	96-14-019	392-163-560	REP	96-18-014	392-166-170	REP	96-18-014
392-163-370	REP	96-18-014	392-163-565	PREP-X	96-14-019	392-166-175	PREP-X	96-14-019
392-163-375	PREP-X	96-14-019	392-163-565	REP	96-18-014	392-166-175	REP	96-18-014
392-163-375	REP	96-18-014	392-163-570	PREP-X	96-14-019	392-166-180	PREP-X	96-14-019
392-163-385	PREP-X	96-14-019	392-163-570	REP	96-18-014	392-166-180	REP	96-18-014
392-163-385	REP	96-18-014	392-163-575	PREP-X	96-14-019	392-166-185	PREP-X	96-14-019
392-163-390	PREP-X	96-14-019	392-163-575	REP	96-18-014	392-166-185	REP	96-18-014
392-163-390	REP	96-18-014	392-163-580	PREP-X	96-14-019	392-166-190	PREP-X	96-14-019

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-166-190	REP	96-18-014	392-193-010	PREP-X	96-14-019	400-12-120	AMD-P	96-20-121
392-166-195	PREP-X	96-14-019	392-193-010	REP	96-18-014	400-12-120	AMD	96-23-057
392-166-195	REP	96-18-014	392-193-020	PREP-X	96-14-019	400-12-200	AMD-P	96-20-121
392-166-200	PREP-X	96-14-019	392-193-020	REP	96-18-014	400-12-200	AMD	96-23-057
392-166-200	REP	96-18-014	392-193-025	PREP-X	96-14-019	400-12-525	AMD-P	96-20-121
392-166-205	PREP-X	96-14-019	392-193-025	REP	96-18-014	400-12-525	AMD	96-23-057
392-166-205	REP	96-18-014	392-193-030	PREP-X	96-14-019	400-12-535	AMD-P	96-20-121
392-166-210	PREP-X	96-14-019	392-193-030	REP	96-18-014	400-12-535	AMD	96-23-057
392-166-210	REP	96-18-014	392-193-035	PREP-X	96-14-019	400-12-545	AMD-P	96-20-121
392-166-215	PREP-X	96-14-019	392-193-035	REP	96-18-014	400-12-545	AMD	96-23-057
392-166-215	REP	96-18-014	392-193-045	PREP-X	96-14-019	400-12-615	AMD-P	96-20-121
392-166-220	PREP-X	96-14-019	392-193-045	REP	96-18-014	400-12-615	AMD	96-23-057
392-166-220	REP	96-18-014	392-193-050	PREP-X	96-14-019	400-12-645	NEW-P	96-20-121
392-166-225	PREP-X	96-14-019	392-193-050	REP	96-18-014	400-12-645	NEW	96-23-057
392-166-225	REP	96-18-014	392-193-055	PREP-X	96-14-019	400-12-700	AMD-P	96-20-121
392-166-230	PREP-X	96-14-019	392-193-055	REP	96-18-014	400-12-700	AMD	96-23-057
392-166-230	REP	96-18-014	392-193-060	PREP-X	96-14-019	415	PREP	96-06-079
392-166-235	PREP-X	96-14-019	392-193-060	REP	96-18-014	415-02-099	REP	96-03-100
392-166-235	REP	96-18-014	392-196	PREP	96-11-140	415-04	AMD-P	96-13-100
392-166-240	PREP-X	96-14-019	392-196-086	AMD-P	96-15-113	415-04	AMD	96-16-020
392-166-240	REP	96-18-014	392-196-086	AMD	96-19-038	415-04-010	AMD-P	96-13-100
392-166-245	PREP-X	96-14-019	392-196-100	AMD-P	96-15-113	415-04-010	AMD	96-16-020
392-166-245	REP	96-18-014	392-196-100	AMD	96-19-038	415-04-020	AMD-P	96-13-100
392-166-250	PREP-X	96-14-019	392-300-001	NEW-P	96-14-093	415-04-020	AMD	96-16-020
392-166-250	REP	96-18-014	392-300-001	NEW	96-17-045	415-04-030	NEW-P	96-13-100
392-166-255	PREP-X	96-14-019	392-300-005	NEW-P	96-14-093	415-04-030	NEW	96-16-020
392-166-255	REP	96-18-014	392-300-005	NEW	96-17-045	415-04-040	NEW-P	96-13-100
392-166-260	PREP-X	96-14-019	392-300-010	NEW-P	96-14-093	415-04-040	NEW	96-16-020
392-166-260	REP	96-18-014	392-300-010	NEW	96-17-045	415-04-050	NEW-P	96-13-100
392-166-265	PREP-X	96-14-019	392-300-015	NEW-P	96-14-093	415-04-050	NEW	96-16-020
392-166-265	REP	96-18-014	392-300-015	NEW	96-17-045	415-08-010	AMD-P	96-07-080
392-166-270	PREP-X	96-14-019	392-300-020	NEW-P	96-14-093	415-08-010	AMD	96-11-036
392-166-270	REP	96-18-014	392-300-020	NEW	96-17-045	415-08-015	NEW	96-16-020
392-166-275	PREP-X	96-14-019	392-300-025	NEW-P	96-14-093	415-08-020	AMD-P	96-07-080
392-166-275	REP	96-18-014	392-300-025	NEW	96-17-045	415-08-020	AMD	96-11-036
392-167A-005	PREP-X	96-14-019	392-300-030	NEW-P	96-14-093	415-08-023	NEW-P	96-07-080
392-167A-005	REP	96-18-014	392-300-030	NEW	96-17-045	415-08-023	NEW	96-11-036
392-167A-010	PREP-X	96-14-019	392-300-035	NEW-P	96-14-093	415-08-025	AMD-P	96-07-080
392-167A-010	REP	96-18-014	392-300-035	NEW	96-17-045	415-08-025	AMD	96-11-036
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392-167A-015	REP	96-18-014	392-300-040	NEW	96-17-045	415-08-027	NEW	96-11-036
392-167A-020	PREP-X	96-14-019	392-300-045	NEW-P	96-14-093	415-08-030	AMD-P	96-07-080
392-167A-020	REP	96-18-014	392-300-045	NEW	96-17-045	415-08-030	AMD	96-11-036
392-167A-025	PREP-X	96-14-019	392-300-050	NEW-P	96-14-093	415-08-040	AMD-P	96-07-080
392-167A-025	REP	96-18-014	392-300-050	NEW	96-17-045	415-08-040	AMD	96-11-036
392-167A-030	PREP-X	96-14-019	392-300-055	NEW-P	96-14-093	415-08-050	AMD-P	96-07-080
392-167A-030	REP	96-18-014	392-300-055	NEW	96-17-045	415-08-050	AMD	96-11-036
392-167A-035	PREP-X	96-14-019	392-300-060	NEW-P	96-14-093	415-08-080	AMD-P	96-07-080
392-167A-035	REP	96-18-014	392-300-060	NEW	96-17-045	415-08-080	AMD	96-11-036
392-167A-040	PREP-X	96-14-019	392-310-010	PREP-X	96-14-019	415-08-090	AMD-P	96-07-080
392-167A-040	REP	96-18-014	392-310-010	REP	96-18-014	415-08-090	AMD	96-11-036
392-167A-045	PREP-X	96-14-019	392-310-015	PREP-X	96-14-019	415-08-100	AMD-P	96-07-080
392-167A-045	REP	96-18-014	392-310-015	REP	96-18-014	415-08-100	AMD	96-11-036
392-167A-050	PREP-X	96-14-019	392-310-020	PREP-X	96-14-019	415-08-105	AMD-P	96-07-080
392-167A-050	REP	96-18-014	392-310-020	REP	96-18-014	415-08-105	AMD	96-11-036
392-167A-055	PREP-X	96-14-019	392-310-025	PREP-X	96-14-019	415-08-280	AMD-P	96-07-080
392-167A-055	REP	96-18-014	392-310-025	REP	96-18-014	415-08-280	AMD	96-11-036
392-167A-060	PREP-X	96-14-019	392-320	PREP	96-07-050	415-08-420	AMD-P	96-07-080
392-167A-060	REP	96-18-014	392-320-005	AMD-P	96-12-075	415-08-420	AMD	96-11-036
392-167A-065	PREP-X	96-14-019	392-320-005	AMD	96-15-115	415-10-010	NEW-P	96-21-047
392-167A-065	REP	96-18-014	392-320-015	AMD-P	96-12-075	415-10-010	NEW	97-01-014
392-167A-070	PREP-X	96-14-019	392-320-015	AMD	96-15-115	415-10-020	NEW-P	96-21-047
392-167A-070	REP	96-18-014	392-320-025	AMD-P	96-12-075	415-10-020	NEW	97-01-014
392-167A-075	PREP-X	96-14-019	392-320-025	AMD	96-15-115	415-10-030	NEW-P	96-21-047
392-167A-075	REP	96-18-014	392-320-040	AMD-P	96-12-075	415-10-030	NEW	97-01-014
392-167A-080	PREP-X	96-14-019	392-320-040	AMD	96-15-115	415-10-040	NEW-P	96-21-047
392-167A-080	REP	96-18-014	392-320-045	AMD-P	96-12-075	415-10-040	NEW	97-01-014
392-167A-085	PREP-X	96-14-019	392-320-045	AMD	96-15-115	415-10-050	NEW-P	96-21-047
392-167A-085	REP	96-18-014	392-320-050	AMD-P	96-12-075	415-10-050	NEW	97-01-014
392-167A-090	PREP-X	96-14-019	392-320-050	AMD	96-15-115	415-10-060	NEW-P	96-21-047
392-167A-090	REP	96-18-014	400-12	PREP	96-16-094	415-10-060	NEW	97-01-014
392-193-005	PREP-X	96-14-019	400-12-100	AMD-P	96-20-121	415-10-070	NEW-P	96-21-047
392-193-005	REP	96-18-014	400-12-100	AMD	96-23-057	415-10-070	NEW	97-01-014

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
415-10-080	NEW-P	96-21-047	415-104-375	NEW	97-01-016	415-113-090	AMD-P	96-15-080
415-10-080	NEW	97-01-014	415-104-377	NEW-P	96-18-074	415-113-090	AMD	96-20-004
415-10-090	NEW-P	96-21-047	415-104-377	NEW	97-01-016	415-200-020	NEW-P	96-20-116
415-10-090	NEW	97-01-014	415-104-379	NEW-P	96-18-074	415-200-020	NEW	96-23-025
415-10-100	NEW-P	96-21-047	415-104-379	NEW	97-01-016	415-210-020	NEW-P	96-21-083
415-10-100	NEW	97-01-014	415-104-380	NEW-P	96-18-074	415-210-020	NEW	97-01-013
415-104-0125	NEW	96-04-003	415-104-380	NEW	97-01-016	415-501-010	NEW-P	96-13-100
415-104-108	AMD	96-03-100	415-104-383	NEW-P	96-18-074	415-501-010	NEW	96-16-020
415-104-298	NEW-P	96-18-074	415-104-383	NEW	97-01-016	415-501-020	NEW-P	96-13-100
415-104-298	NEW	97-01-016	415-104-385	NEW-P	96-18-074	415-501-020	NEW	96-16-020
415-104-299	NEW-P	96-18-074	415-104-385	NEW	97-01-016	415-504-010	NEW-P	96-13-100
415-104-299	NEW	97-01-016	415-104-387	NEW-P	96-18-074	415-504-010	NEW	96-16-020
415-104-301	NEW-P	96-18-074	415-104-387	NEW	97-01-016	415-504-020	NEW-P	96-13-100
415-104-301	NEW	97-01-016	415-104-390	NEW-P	96-18-074	415-504-020	NEW	96-16-020
415-104-305	NEW-P	96-18-074	415-104-390	NEW	97-01-016	415-504-030	NEW-P	96-13-100
415-104-305	NEW	97-01-016	415-104-393	NEW-P	96-18-074	415-504-030	NEW	96-16-020
415-104-311	NEW-P	96-18-074	415-104-393	NEW	97-01-016	415-504-040	NEW-P	96-13-100
415-104-311	NEW	97-01-016	415-104-395	NEW-P	96-18-074	415-504-040	NEW	96-16-020
415-104-3200	NEW-P	96-18-074	415-104-395	NEW	97-01-016	415-504-050	NEW-P	96-13-100
415-104-3200	NEW	97-01-016	415-104-397	NEW-P	96-18-074	415-504-050	NEW	96-16-020
415-104-3201	NEW-P	96-18-074	415-104-397	NEW	97-01-016	415-504-060	NEW-P	96-13-100
415-104-3201	NEW	97-01-016	415-104-401	NEW-P	96-18-074	415-504-060	NEW	96-16-020
415-104-3202	NEW-P	96-18-074	415-104-401	NEW	97-01-016	415-504-070	NEW-P	96-13-100
415-104-3202	NEW	97-01-016	415-104-405	NEW-P	96-18-074	415-504-070	NEW	96-16-020
415-104-3203	NEW-P	96-18-074	415-104-405	NEW	97-01-016	415-504-080	NEW-P	96-13-100
415-104-3203	NEW	97-01-016	415-108-340	AMD	96-03-100	415-504-080	NEW	96-16-020
415-104-3204	NEW-P	96-18-074	415-112-0152	AMD-P	96-21-048	415-504-090	NEW-P	96-13-100
415-104-3204	NEW	97-01-016	415-112-0152	AMD	97-01-015	415-504-090	NEW	96-16-020
415-104-3205	NEW-P	96-18-074	415-112-0160	NEW-P	96-18-073	415-504-100	NEW-P	96-13-100
415-104-3205	NEW	97-01-016	415-112-040	AMD	96-03-100	415-504-100	NEW	96-16-020
415-104-330	NEW-P	96-18-074	415-112-330	AMD-E	96-18-072	415-504-110	NEW-P	96-13-100
415-104-330	NEW	97-01-016	415-112-330	AMD-P	97-01-017	415-504-110	NEW	96-16-020
415-104-3301	NEW-P	96-18-074	415-112-335	NEW-E	96-18-072	415-508-010	NEW-P	96-13-100
415-104-3301	NEW	97-01-016	415-112-335	NEW-P	97-01-017	415-508-010	NEW	96-16-020
415-104-3302	NEW-P	96-18-074	415-112-410	REP-P	96-18-073	415-508-020	NEW-P	96-13-100
415-104-3302	NEW	97-01-016	415-112-411	REP-P	96-18-073	415-508-020	NEW	96-16-020
415-104-3303	NEW-P	96-18-074	415-112-414	REP-P	96-18-073	415-508-030	NEW-P	96-13-100
415-104-3303	NEW	97-01-016	415-112-444	NEW-P	96-18-073	415-508-030	NEW	96-16-020
415-104-3304	NEW-P	96-18-074	415-112-445	NEW-P	96-18-073	415-508-040	NEW-P	96-13-100
415-104-3304	NEW	97-01-016	415-112-450	NEW-P	96-18-073	415-508-040	NEW	96-16-020
415-104-3305	NEW-P	96-18-074	415-112-460	NEW-P	96-18-073	415-508-050	NEW-P	96-13-100
415-104-3305	NEW	97-01-016	415-112-4601	NEW-P	96-18-073	415-508-050	NEW	96-16-020
415-104-3306	NEW-P	96-18-074	415-112-4603	NEW-P	96-18-073	415-512-010	NEW-P	96-13-100
415-104-3306	NEW	97-01-016	415-112-4604	NEW-P	96-18-073	415-512-010	NEW	96-16-020
415-104-340	NEW-P	96-18-074	415-112-4605	NEW-P	96-18-073	415-512-015	NEW-P	96-13-100
415-104-340	NEW	97-01-016	415-112-4607	NEW-P	96-18-073	415-512-015	NEW	96-16-020
415-104-3401	NEW-P	96-18-074	415-112-4608	NEW-P	96-18-073	415-512-020	NEW-P	96-13-100
415-104-3401	NEW	97-01-016	415-112-4609	NEW-P	96-18-073	415-512-020	NEW	96-16-020
415-104-3402	NEW-P	96-18-074	415-112-470	NEW-P	96-18-073	415-512-030	NEW-P	96-13-100
415-104-3402	NEW	97-01-016	415-112-471	NEW-P	96-18-073	415-512-030	NEW	96-16-020
415-104-3403	NEW-P	96-18-074	415-112-473	NEW-P	96-18-073	415-512-040	NEW-P	96-13-100
415-104-3403	NEW	97-01-016	415-112-475	NEW-P	96-18-073	415-512-040	NEW	96-16-020
415-104-3404	NEW-P	96-18-074	415-112-477	NEW-P	96-18-073	415-512-050	NEW-P	96-13-100
415-104-3404	NEW	97-01-016	415-112-480	NEW-P	96-18-073	415-512-050	NEW	96-16-020
415-104-3405	NEW-P	96-18-074	415-112-482	NEW-P	96-18-073	415-512-070	NEW-P	96-13-100
415-104-3405	NEW	97-01-016	415-112-483	NEW-P	96-18-073	415-512-070	NEW	96-16-020
415-104-3406	NEW-P	96-18-074	415-112-485	NEW-P	96-18-073	415-512-075	NEW-P	96-13-100
415-104-3406	NEW	97-01-016	415-112-487	NEW-P	96-18-073	415-512-075	NEW	96-16-020
415-104-350	NEW-P	96-18-074	415-112-489	NEW-P	96-18-073	415-512-080	NEW-P	96-13-100
415-104-350	NEW	97-01-016	415-112-490	NEW-P	96-18-073	415-512-080	NEW	96-16-020
415-104-360	NEW-P	96-18-074	415-112-491	NEW-P	96-18-073	415-512-085	NEW-P	96-13-100
415-104-360	NEW	97-01-016	415-112-540	AMD-P	96-21-048	415-512-085	NEW	96-16-020
415-104-363	NEW-P	96-18-074	415-112-540	AMD	97-01-015	415-512-086	NEW-P	96-13-100
415-104-363	NEW	97-01-016	415-112-545	NEW-P	96-21-048	415-512-086	NEW	96-16-020
415-104-365	NEW-P	96-18-074	415-112-545	NEW	97-01-015	415-512-087	NEW-P	96-13-100
415-104-365	NEW	97-01-016	415-113-0306	AMD-P	96-15-080	415-512-087	NEW	96-16-020
415-104-367	NEW-P	96-18-074	415-113-0306	AMD	96-20-004	415-512-090	NEW-P	96-13-100
415-104-367	NEW	97-01-016	415-113-055	AMD-P	96-15-080	415-512-090	NEW	96-16-020
415-104-370	NEW-P	96-18-074	415-113-055	AMD	96-20-004	415-512-090	PREP	96-22-051
415-104-370	NEW	97-01-016	415-113-059	AMD-P	96-15-080	415-512-090	AMD-E	96-23-043
415-104-373	NEW-P	96-18-074	415-113-059	AMD	96-20-004	415-512-110	NEW-P	96-13-100
415-104-373	NEW	97-01-016	415-113-070	AMD-P	96-15-080	415-512-110	NEW	96-16-020
415-104-375	NEW-P	96-18-074	415-113-070	AMD	96-20-004	415-524-010	NEW-P	96-13-100

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
415-524-010	NEW	96-16-020	415-640-020	NEW-P	96-13-100	419-20-080	PREP-X	96-14-040
415-528-010	NEW-P	96-13-100	415-640-020	NEW	96-16-020	419-20-080	REP	96-17-072
415-528-010	NEW	96-16-020	415-640-030	NEW-P	96-13-100	419-20-090	PREP-X	96-14-040
415-532-010	NEW-P	96-13-100	415-640-030	NEW	96-16-020	419-20-090	REP	96-17-072
415-532-010	NEW	96-16-020	415-650-010	NEW-P	96-13-100	419-20-100	PREP-X	96-14-040
415-532-020	NEW-P	96-13-100	415-650-010	NEW	96-16-020	419-20-100	REP	96-17-072
415-532-020	NEW	96-16-020	415-650-020	NEW-P	96-13-100	419-20-110	PREP-X	96-14-040
415-536-010	NEW-P	96-13-100	415-650-020	NEW	96-16-020	419-20-110	REP	96-17-072
415-536-010	NEW	96-16-020	415-650-030	NEW-P	96-13-100	419-20-120	PREP-X	96-14-040
415-540-010	NEW	96-16-020	415-650-030	NEW	96-16-020	419-20-120	REP	96-17-072
415-544-010	NEW-P	96-13-100	415-650-040	NEW-P	96-13-100	419-20-130	PREP-X	96-14-040
415-544-010	NEW	96-16-020	415-650-040	NEW	96-16-020	419-20-130	REP	96-17-072
415-548-010	NEW-P	96-13-100	415-650-050	NEW-P	96-13-100	419-20-140	PREP-X	96-14-040
415-548-010	NEW	96-16-020	415-650-050	NEW	96-16-020	419-20-140	REP	96-17-072
415-552-010	NEW-P	96-13-100	415-660-010	NEW-P	96-13-100	419-20-150	PREP-X	96-14-040
415-552-010	NEW	96-16-020	415-660-010	NEW	96-16-020	419-20-150	REP	96-17-072
415-556-010	NEW-P	96-13-100	415-660-020	NEW-P	96-13-100	419-20-900	PREP-X	96-14-040
415-556-010	NEW	96-16-020	415-660-020	NEW	96-16-020	419-20-900	REP	96-17-072
415-560-010	NEW-P	96-13-100	415-670-010	NEW-P	96-13-100	419-28-010	PREP-X	96-14-039
415-560-010	NEW	96-16-020	415-670-010	NEW	96-16-020	419-28-010	REP	96-17-072
415-564-010	NEW-P	96-13-100	415-680-010	NEW-P	96-13-100	419-28-020	PREP-X	96-14-039
415-564-010	NEW	96-16-020	415-680-010	NEW	96-16-020	419-28-020	REP	96-17-072
415-564-020	NEW-P	96-13-100	415-680-020	NEW-P	96-13-100	419-28-030	PREP-X	96-14-039
415-564-020	NEW	96-16-020	415-680-020	NEW	96-16-020	419-28-030	REP	96-17-072
415-564-030	NEW-P	96-13-100	415-680-030	NEW-P	96-13-100	419-28-040	PREP-X	96-14-039
415-564-030	NEW	96-16-020	415-680-030	NEW	96-16-020	419-28-040	REP	96-17-072
415-564-040	NEW-P	96-13-100	415-680-040	NEW-P	96-13-100	419-28-050	PREP-X	96-14-039
415-564-040	NEW	96-16-020	415-680-040	NEW	96-16-020	419-28-050	REP	96-17-072
415-564-050	NEW-P	96-13-100	415-680-050	NEW-P	96-13-100	419-28-060	PREP-X	96-14-039
415-564-050	NEW	96-16-020	415-680-050	NEW	96-16-020	419-28-060	REP	96-17-072
415-564-060	NEW-P	96-13-100	415-680-060	NEW-P	96-13-100	419-28-070	PREP-X	96-14-039
415-564-060	NEW	96-16-020	415-680-060	NEW	96-16-020	419-28-070	REP	96-17-072
415-568-010	NEW-P	96-13-100	415-680-070	NEW-P	96-13-100	419-28-080	PREP-X	96-14-039
415-568-010	NEW	96-16-020	415-680-070	NEW	96-16-020	419-28-080	REP	96-17-072
415-568-020	NEW-P	96-13-100	415-690-010	NEW-P	96-13-100	419-28-990	PREP-X	96-14-039
415-568-020	NEW	96-16-020	415-690-010	NEW	96-16-020	419-28-990	REP	96-17-072
415-610-010	NEW-P	96-13-100	415-695-010	NEW-P	96-13-100	419-36-010	DECOD	96-06-011
415-610-010	NEW	96-16-020	415-695-010	NEW	96-16-020	419-36-020	DECOD	96-06-011
415-610-015	NEW-P	96-13-100	415-695-020	NEW-P	96-13-100	419-36-030	DECOD	96-06-011
415-610-015	NEW	96-16-020	415-695-020	NEW	96-16-020	419-36-040	DECOD	96-06-011
415-610-020	NEW-P	96-13-100	415-695-030	NEW-P	96-13-100	419-36-050	DECOD	96-06-011
415-610-020	NEW	96-16-020	415-695-030	NEW	96-16-020	419-36-060	DECOD	96-06-011
415-610-030	NEW-P	96-13-100	415-695-040	NEW-P	96-13-100	419-36-070	DECOD	96-06-011
415-610-030	NEW	96-16-020	415-695-040	NEW	96-16-020	419-36-080	DECOD	96-06-011
415-620-010	NEW-P	96-13-100	419-04-010	PREP-X	96-14-041	419-36-090	DECOD	96-06-011
415-620-010	NEW	96-16-020	419-04-010	REP	96-17-072	419-40-010	DECOD	96-06-011
415-620-015	NEW-P	96-13-100	419-04-020	PREP-X	96-14-041	419-40-020	DECOD	96-06-011
415-620-015	NEW	96-16-020	419-04-020	REP	96-17-072	419-40-030	DECOD	96-06-011
415-620-020	NEW-P	96-13-100	419-04-030	PREP-X	96-14-041	419-40-040	DECOD	96-06-011
415-620-020	NEW	96-16-020	419-04-030	REP	96-17-072	419-40-050	DECOD	96-06-011
415-620-025	NEW-P	96-13-100	419-18	PREP	96-03-037	419-44-010	DECOD	96-06-011
415-620-025	NEW	96-16-020	419-18-020	DECOD	96-06-011	419-64-010	DECOD	96-06-011
415-620-030	NEW-P	96-13-100	419-18-030	DECOD	96-06-011	419-64-020	DECOD	96-06-011
415-620-030	NEW	96-16-020	419-18-040	DECOD	96-06-011	419-64-030	DECOD	96-06-011
415-620-035	NEW-P	96-13-100	419-18-045	DECOD	96-06-011	419-64-040	DECOD	96-06-011
415-620-035	NEW	96-16-020	419-18-050	DECOD	96-06-011	419-64-050	DECOD	96-06-011
415-620-040	NEW-P	96-13-100	419-18-060	DECOD	96-06-011	419-64-060	DECOD	96-06-011
415-620-040	NEW	96-16-020	419-18-070	DECOD	96-06-011	419-64-070	DECOD	96-06-011
415-620-045	NEW-P	96-13-100	419-18-080	DECOD	96-06-011	419-64-080	DECOD	96-06-011
415-620-045	NEW	96-16-020	419-20-010	PREP-X	96-14-040	419-64-090	DECOD	96-06-011
415-620-050	NEW-P	96-13-100	419-20-010	REP	96-17-072	419-72-010	DECOD	96-06-011
415-620-050	NEW	96-16-020	419-20-020	PREP-X	96-14-040	419-72-012	DECOD	96-06-011
415-620-055	NEW-P	96-13-100	419-20-020	REP	96-17-072	419-72-015	DECOD	96-06-011
415-620-055	NEW	96-16-020	419-20-030	PREP-X	96-14-040	419-72-015	PREP	96-09-005
415-630-010	NEW-P	96-13-100	419-20-030	REP	96-17-072	419-72-020	DECOD	96-06-011
415-630-010	NEW	96-16-020	419-20-040	PREP-X	96-14-040	419-72-025	DECOD	96-06-011
415-630-020	NEW-P	96-13-100	419-20-040	REP	96-17-072	419-72-041	DECOD	96-06-011
415-630-020	NEW	96-16-020	419-20-050	PREP-X	96-14-040	419-72-045	DECOD	96-06-011
415-630-030	NEW-P	96-13-100	419-20-050	REP	96-17-072	419-72-050	DECOD	96-06-011
415-630-030	NEW	96-16-020	419-20-060	PREP-X	96-14-040	419-72-060	DECOD	96-06-011
415-640-010	NEW-P	96-13-100	419-20-060	REP	96-17-072	419-72-065	DECOD	96-06-011
415-640-010	NEW	96-16-020	419-20-070	PREP-X	96-14-040	419-72-070	DECOD	96-06-011
			419-20-070	REP	96-17-072	419-72-075	DECOD	96-06-011

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
419-72-080	DECOD	96-06-011	434-75-220	AMD-E	96-03-140	434-219-100	RECOD	96-03-141
419-80-010	DECOD	96-06-011	434-75-220	AMD	96-03-141	434-219-110	RECOD	96-03-141
419-80-020	DECOD	96-06-011	434-75-220	DECOD	96-03-141	434-219-120	RECOD	96-03-141
419-80-030	DECOD	96-06-011	434-75-230	AMD-E	96-03-140	434-219-130	RECOD	96-03-141
419-80-040	DECOD	96-06-011	434-75-230	AMD	96-03-141	434-219-140	RECOD	96-03-141
419-80-050	DECOD	96-06-011	434-75-230	DECOD	96-03-141	434-219-150	RECOD	96-03-141
419-80-060	DECOD	96-06-011	434-75-240	AMD-E	96-03-140	434-219-160	RECOD	96-03-141
419-80-070	DECOD	96-06-011	434-75-240	AMD	96-03-141	434-219-180	RECOD	96-03-141
434-40-225	NEW-E	96-20-081	434-75-240	DECOD	96-03-141	434-219-190	RECOD	96-03-141
434-40-230	AMD-E	96-20-081	434-75-250	AMD-E	96-03-140	434-219-210	RECOD	96-03-141
434-40-235	NEW-E	96-18-103	434-75-250	AMD	96-03-141	434-219-220	RECOD	96-03-141
434-40-310	REP-E	96-18-103	434-75-250	DECOD	96-03-141	434-219-230	RECOD	96-03-141
434-75-010	AMD-E	96-03-141	434-75-260	AMD-E	96-03-140	434-219-240	RECOD	96-03-141
434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141	434-219-250	RECOD	96-03-141
434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141	434-219-260	RECOD	96-03-141
434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140	434-219-270	RECOD	96-03-141
434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141	434-219-280	RECOD	96-03-141
434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141	434-219-290	RECOD	96-03-141
434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140	434-219-310	RECOD	96-03-141
434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141	434-219-320	RECOD	96-03-141
434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141	434-219-330	RECOD	96-03-141
434-75-040	AMD-E	96-03-140	434-75-290	AMD-E	96-03-140	434-219-340	RECOD	96-03-141
434-75-040	AMD	96-03-141	434-75-290	AMD	96-03-141	434-219-350	RECOD	96-03-141
434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141	440-22	PREP	96-08-079
434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140	440-22	PREP	96-12-015
434-75-050	AMD	96-03-141	434-75-300	REP	96-03-141	440-22	PREP	96-22-027
434-75-050	DECOD	96-03-141	434-75-310	AMD-E	96-03-140	440-22-005	AMD-P	96-09-078
434-75-060	AMD-E	96-03-140	434-75-310	AMD	96-03-141	440-22-005	AMD-C	96-12-033
434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141	440-22-005	AMD-S	96-14-055
434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140	440-22-406	NEW-P	96-09-078
434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141	440-22-406	NEW-C	96-12-033
434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141	440-22-406	NEW-S	96-14-055
434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140	440-22-408	NEW-P	96-09-078
434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141	440-22-408	NEW-C	96-12-033
434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141	440-22-408	NEW-W	96-22-019
434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140	440-26-005	NEW-P	96-13-101
434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141	440-26-005	NEW	96-16-015
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434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140	440-26-010	NEW	96-16-015
434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141	440-26-020	NEW-P	96-13-101
434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141	440-26-020	NEW	96-16-015
434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085	440-26-030	NEW-P	96-13-101
434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089	440-26-030	NEW	96-16-015
434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021	440-26-100	NEW-P	96-13-101
434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089	440-26-100	NEW	96-16-015
434-75-120	AMD-E	96-03-140	434-120-105	AMD-W	96-19-008	440-26-110	NEW-P	96-13-101
434-75-120	AMD	96-03-141	434-120-130	AMD-P	96-05-089	440-26-110	NEW	96-16-015
434-75-120	DECOD	96-03-141	434-120-130	AMD-W	96-19-008	440-26-120	NEW-P	96-13-101
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434-75-130	DECOD	96-03-141	434-120-225	AMD-P	96-05-089	440-26-130	NEW	96-16-015
434-75-140	AMD-E	96-03-140	434-120-225	AMD	96-10-021	440-26-140	NEW-P	96-13-101
434-75-140	AMD	96-03-141	434-120-255	AMD-P	96-05-089	440-26-140	NEW	96-16-015
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434-75-150	AMD-E	96-03-140	434-120-300	AMD-P	96-05-088	440-26-160	NEW	96-16-015
434-75-150	AMD	96-03-141	434-120-300	AMD	96-08-049	440-26-200	NEW-P	96-13-101
434-75-150	DECOD	96-03-141	434-120-335	AMD-P	96-05-088	440-26-200	NEW	96-16-015
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434-75-160	AMD	96-03-141	434-166-260	AMD-P	96-07-069	440-26-205	NEW	96-16-015
434-75-160	DECOD	96-03-141	434-166-260	AMD	96-10-052	440-26-210	NEW-P	96-13-101
434-75-170	REP-E	96-03-140	434-166-280	AMD-P	96-07-069	440-26-210	NEW	96-16-015
434-75-170	REP	96-03-141	434-166-280	AMD	96-10-052	440-26-220	NEW-P	96-13-101
434-75-180	AMD-E	96-03-140	434-166-290	AMD-P	96-07-069	440-26-220	NEW	96-16-015
434-75-180	AMD	96-03-141	434-166-290	AMD	96-10-052	440-26-230	NEW-P	96-13-101
434-75-180	DECOD	96-03-141	434-219-010	RECOD	96-03-141	440-26-230	NEW	96-16-015
434-75-190	AMD-E	96-03-140	434-219-020	RECOD	96-03-141	440-26-240	NEW-P	96-13-101
434-75-190	AMD	96-03-141	434-219-030	RECOD	96-03-141	440-26-240	NEW	96-16-015
434-75-190	DECOD	96-03-141	434-219-040	RECOD	96-03-141	440-26-250	NEW-P	96-13-101
434-75-200	REP-E	96-03-140	434-219-050	RECOD	96-03-141	440-26-250	NEW	96-16-015
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434-75-210	AMD-E	96-03-140	434-219-070	RECOD	96-03-141	446-10-090	AMD-P	96-21-065
434-75-210	AMD	96-03-141	434-219-080	RECOD	96-03-141	446-10-090	AMD	97-01-018
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446-16-025	AMD-P	97-01-056	458-20-101	AMD-P	96-22-092	458-53-180	REP	96-05-002
446-16-030	PREP	96-21-112	458-20-104	PREP	96-15-136	458-53-200	AMD	96-05-002
446-16-030	AMD-P	97-01-056	458-20-104	AMD-P	96-22-092	458-53-210	AMD	96-05-002
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446-16-040	REP-P	97-01-056	458-20-12401	NEW-P	96-09-087	458-56-010	REP	96-21-143
446-16-050	PREP	96-21-112	458-20-12401	NEW-E	96-10-020	458-56-020	PREP-X	96-14-050
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446-16-070	PREP	96-21-112	458-20-13601	PREP	96-08-040	458-56-030	PREP-X	96-14-050
446-16-070	AMD-P	97-01-056	458-20-14601	PREP	96-07-097	458-56-030	REP	96-21-143
446-16-080	PREP	96-21-112	458-20-14601	NEW-P	96-22-091	458-56-040	PREP-X	96-14-050
446-16-080	AMD-P	97-01-056	458-20-199	AMD-P	96-06-057	458-56-040	REP	96-21-143
446-16-100	PREP	96-21-112	458-20-199	AMD-C	96-10-040	458-56-050	PREP-X	96-14-050
446-16-100	AMD-P	97-01-056	458-20-199	AMD	96-12-024	458-56-050	REP	96-21-143
446-16-110	PREP	96-21-112	458-20-211	AMD	96-03-139	458-56-060	PREP-X	96-14-050
446-16-110	AMD-P	97-01-056	458-20-226	AMD	96-05-080	458-56-060	REP	96-21-143
446-16-120	PREP	96-21-112	458-20-232	PREP-X	96-14-051	458-56-070	PREP-X	96-14-050
446-16-120	AMD-P	97-01-056	458-20-232	REP	96-21-142	458-56-070	REP	96-21-143
446-20-050	PREP	96-21-112	458-20-262	PREP	96-17-037	458-56-080	PREP-X	96-14-050
446-20-050	AMD-P	97-01-056	458-20-263	PREP	96-14-079	458-56-080	REP	96-21-143
446-20-090	PREP	96-21-112	458-20-263	NEW-E	96-14-080	458-56-090	PREP-X	96-14-050
446-20-090	AMD-P	97-01-056	458-20-263	NEW-E	96-22-017	458-56-090	REP	96-21-143
446-20-100	PREP	96-21-112	458-20-263	NEW-P	96-22-093	458-56-100	PREP-X	96-14-050
446-20-100	AMD-P	97-01-056	458-24-010	PREP-X	96-14-049	458-56-100	REP	96-21-143
446-20-110	PREP	96-21-112	458-24-010	REP	96-21-141	458-56-110	PREP-X	96-14-050
446-20-110	REP-P	97-01-056	458-24-020	PREP-X	96-14-049	458-56-110	REP	96-21-143
446-20-170	PREP	96-21-112	458-24-020	REP	96-21-141	458-56-120	PREP-X	96-14-050
446-20-170	AMD-P	97-01-056	458-24-030	PREP-X	96-14-049	458-56-120	REP	96-21-143
446-20-280	PREP	96-21-112	458-24-030	REP	96-21-141	458-56-130	PREP-X	96-14-050
446-20-280	AMD-P	97-01-056	458-24-040	PREP-X	96-14-049	458-56-130	REP	96-21-143
446-20-285	PREP	96-21-112	458-24-040	REP	96-21-141	458-56-140	PREP-X	96-14-050
446-20-285	AMD-P	97-01-056	458-24-050	PREP-X	96-14-049	458-56-140	REP	96-21-143
446-20-290	REP-E	96-11-069	458-24-050	REP	96-21-141	458-56-150	PREP-X	96-14-050
446-20-290	PREP	96-11-070	458-24-060	PREP-X	96-14-049	458-56-150	REP	96-21-143
446-20-290	REP-P	96-14-078	458-24-060	REP	96-21-141	458-56-160	PREP-X	96-14-050
446-20-290	REP	96-18-017	458-24-070	PREP-X	96-14-049	458-56-160	REP	96-21-143
446-20-500	PREP	96-21-112	458-24-070	REP	96-21-141	458-56-170	PREP-X	96-14-050
446-20-500	AMD-P	97-01-056	458-24-080	PREP-X	96-14-049	458-56-170	REP	96-21-143
446-20-510	PREP	96-21-112	458-24-080	REP	96-21-141	458-56-180	PREP-X	96-14-050
446-20-510	AMD-P	97-01-056	458-24-090	PREP-X	96-14-049	458-56-180	REP	96-21-143
446-20-520	PREP	96-21-112	458-24-090	REP	96-21-141	458-56-190	PREP-X	96-14-050
446-20-520	AMD-P	97-01-056	458-30-262	AMD-P	96-23-056	458-56-190	REP	96-21-143
446-20-530	PREP	96-21-112	458-30-590	AMD-P	96-23-055	458-56-200	PREP-X	96-14-050
446-20-530	AMD-P	97-01-056	458-40-540	AMD-P	96-22-089	458-56-200	REP	96-21-143
446-20-600	NEW-E	96-11-069	458-40-660	PREP	96-06-058	458-56-210	PREP-X	96-14-050
446-20-600	PREP	96-11-070	458-40-660	AMD-P	96-10-075	458-56-210	REP	96-21-143
446-20-600	NEW-P	96-14-078	458-40-660	AMD	96-14-063	458-56-220	PREP-X	96-14-050
446-20-600	NEW	96-18-017	458-40-660	PREP	96-19-087	458-56-220	REP	96-21-143
446-20-610	NEW-E	96-11-069	458-40-660	AMD-P	96-22-090	458-56-230	PREP-X	96-14-050
446-20-610	PREP	96-11-070	458-40-690	PREP	96-19-087	458-56-230	REP	96-21-143
446-20-610	NEW-P	96-14-078	458-40-690	AMD-P	96-22-090	460-10A	PREP	96-03-121
446-20-610	NEW	96-18-017	458-53-010	AMD	96-05-002	460-10A-035	REP-P	96-07-084
446-20-620	NEW-E	96-11-069	458-53-020	AMD	96-05-002	460-10A-035	REP	96-11-026
446-20-620	PREP	96-11-070	458-53-030	AMD	96-05-002	460-10A-050	AMD-P	96-07-084
446-20-620	NEW-P	96-14-078	458-53-040	REP	96-05-002	460-10A-050	AMD	96-11-026
446-20-620	NEW	96-18-017	458-53-050	AMD	96-05-002	460-10A-055	REP-P	96-07-084
446-20-630	NEW-E	96-11-069	458-53-051	REP	96-05-002	460-10A-055	REP	96-11-026
446-20-630	PREP	96-11-070	458-53-070	AMD	96-05-002	460-10A-060	AMD-P	96-07-084
446-20-630	NEW-P	96-14-078	458-53-080	AMD	96-05-002	460-10A-060	AMD	96-11-026
446-20-630	NEW	96-18-017	458-53-090	AMD	96-05-002	460-10A-065	REP-P	96-07-084
446-65-010	AMD-E	96-14-112	458-53-095	NEW	96-05-002	460-10A-065	REP	96-11-026
446-65-010	PREP	96-14-113	458-53-100	AMD	96-05-002	460-10A-075	REP-P	96-07-084
446-65-010	AMD-P	96-19-077	458-53-105	NEW	96-05-002	460-10A-075	REP	96-11-026
446-65-010	AMD	96-22-035	458-53-110	REP	96-05-002	460-10A-080	REP-P	96-07-084
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458-10-010	NEW-P	96-21-116	458-53-130	AMD	96-05-002	460-10A-090	REP-P	96-07-084
458-10-020	NEW-P	96-21-116	458-53-135	NEW	96-05-002	460-10A-090	REP	96-11-026
458-10-030	NEW-P	96-21-116	458-53-140	AMD	96-05-002	460-10A-095	REP-P	96-07-084
458-10-040	NEW-P	96-21-116	458-53-141	REP	96-05-002	460-10A-095	REP	96-11-026
458-10-050	NEW-P	96-21-116	458-53-142	REP	96-05-002	460-10A-100	REP-P	96-07-084
458-10-060	NEW-P	96-21-116	458-53-150	REP	96-05-002	460-10A-100	REP	96-11-026
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460-10A-110	AMD	96-11-026	460-17A-060	AMD	96-11-027	461-08-065	REP-P	96-10-062
460-10A-115	REP-P	96-07-084	460-17A-070	AMD-P	96-07-083	461-08-065	REP	96-15-002
460-10A-115	REP	96-11-026	460-17A-070	AMD	96-11-027	461-08-070	REP-P	96-10-062
460-10A-120	REP-P	96-07-084	460-20B-020	PREP	96-03-117	461-08-070	REP	96-15-002
460-10A-120	REP	96-11-026	460-20B-020	AMD-P	96-07-059	461-08-075	REP-P	96-10-062
460-10A-125	REP-P	96-07-084	460-20B-020	AMD-W	96-20-109	461-08-075	REP	96-15-002
460-10A-125	REP	96-11-026	460-20B-035	NEW-S	96-12-018	461-08-080	REP-P	96-10-062
460-10A-130	AMD-P	96-07-084	460-20B-035	NEW	96-15-062	461-08-080	REP	96-15-002
460-10A-130	AMD	96-11-026	460-20B-070	PREP	96-03-117	461-08-085	REP-P	96-10-062
460-10A-135	REP-P	96-07-084	460-20B-070	NEW-P	96-07-059	461-08-085	REP	96-15-002
460-10A-135	REP	96-11-026	460-20B-070	NEW-W	96-20-109	461-08-090	REP-P	96-10-062
460-10A-140	REP-P	96-07-084	460-21B-050	AMD-P	96-24-040	461-08-090	REP	96-15-002
460-10A-140	REP	96-11-026	460-21B-080	REP-P	96-24-040	461-08-093	REP-P	96-10-062
460-10A-145	REP-P	96-07-084	460-22B-070	REP-P	96-24-040	461-08-093	REP	96-15-002
460-10A-145	REP	96-11-026	460-22B-080	REP-P	96-24-040	461-08-095	REP-P	96-10-062
460-10A-150	REP-P	96-07-084	460-24A-046	REP-P	96-24-040	461-08-095	REP	96-15-002
460-10A-150	REP	96-11-026	460-33A-020	PREP	96-03-124	461-08-100	REP-P	96-10-062
460-10A-155	REP-P	96-07-084	460-33A-020	AMD-P	96-07-056	461-08-100	REP	96-15-002
460-10A-155	REP	96-11-026	460-33A-020	AMD	96-11-025	461-08-105	REP-P	96-10-062
460-10A-170	AMD-P	96-07-084	460-40A-025	PREP	96-03-122	461-08-105	REP	96-15-002
460-10A-170	AMD	96-11-026	460-40A-025	REP-P	96-07-060	461-08-110	REP-P	96-10-062
460-10A-180	AMD-P	96-07-084	460-40A-025	REP	96-11-018	461-08-110	REP	96-15-002
460-10A-180	AMD	96-11-026	460-42A-010	PREP	96-03-119	461-08-115	REP-P	96-10-062
460-10A-185	NEW-P	96-07-084	460-42A-010	REP-P	96-07-067	461-08-115	REP	96-15-002
460-10A-185	NEW	96-11-026	460-42A-010	REP	96-11-028	461-08-120	REP-P	96-10-062
460-10A-190	NEW-P	96-07-084	460-42A-081	AMD-P	96-03-131	461-08-120	REP	96-15-002
460-10A-190	NEW	96-11-026	460-42A-081	AMD	96-11-016	461-08-125	REP-P	96-10-062
460-10A-195	NEW-P	96-07-084	460-44A-503	PREP	96-03-116	461-08-125	REP	96-15-002
460-10A-195	NEW	96-11-026	460-44A-503	AMD-P	96-12-019	461-08-130	REP-P	96-10-062
460-10A-200	NEW-P	96-07-084	460-44A-503	AMD	96-15-063	461-08-130	REP	96-15-002
460-10A-200	NEW	96-11-026	460-44A-506	PREP	96-03-116	461-08-135	REP-P	96-10-062
460-10A-205	NEW-P	96-07-084	460-46A-050	AMD-P	96-03-132	461-08-135	REP	96-15-002
460-10A-205	NEW	96-11-026	460-46A-050	AMD	96-11-015	461-08-140	REP-P	96-10-062
460-10A-210	NEW-P	96-07-084	460-60A-015	PREP	96-03-123	461-08-140	REP	96-15-002
460-10A-210	NEW	96-11-026	460-60A-015	AMD-P	96-07-058	461-08-143	REP-P	96-10-062
460-16A-010	PREP	96-03-129	460-60A-015	AMD	96-11-022	461-08-143	REP	96-15-002
460-16A-010	AMD-P	96-07-057	460-60A-015	AMD	96-11-022	461-08-144	REP-P	96-10-062
460-16A-010	AMD	96-11-023	460-60A-020	PREP	96-03-123	461-08-144	REP	96-15-002
460-16A-015	PREP	96-03-128	460-60A-020	AMD-P	96-07-058	461-08-145	REP-P	96-10-062
460-16A-015	AMD-P	96-07-065	460-60A-020	AMD	96-11-022	461-08-145	REP	96-15-002
460-16A-015	AMD	96-11-019	460-80-160	PREP	96-03-118	461-08-150	REP-P	96-10-062
460-16A-111	PREP	96-03-127	460-80-160	REP-P	96-07-066	461-08-150	REP	96-15-002
460-16A-111	AMD-P	96-07-063	460-80-160	REP	96-11-029	461-08-155	REP-P	96-10-062
460-16A-111	AMD	96-11-020	461-08-001	REP-P	96-10-062	461-08-155	REP	96-15-002
460-16A-120	PREP	96-03-126	461-08-001	REP	96-15-002	461-08-156	REP-P	96-10-062
460-16A-120	AMD-P	96-07-062	461-08-005	REP-P	96-10-062	461-08-156	REP	96-15-002
460-16A-120	AMD	96-11-021	461-08-005	REP	96-15-002	461-08-157	REP-P	96-10-062
460-16A-125	PREP	96-03-125	461-08-010	REP-P	96-10-062	461-08-157	REP	96-15-002
460-16A-125	AMD-P	96-07-055	461-08-010	REP	96-15-002	461-08-160	REP-P	96-10-062
460-16A-125	AMD	96-11-024	461-08-015	REP-P	96-10-062	461-08-160	REP	96-15-002
460-16A-150	PREP	96-03-125	461-08-015	REP	96-15-002	461-08-167	REP-P	96-10-062
460-16A-150	AMD-P	96-07-055	461-08-020	REP-P	96-10-062	461-08-167	REP	96-15-002
460-16A-150	AMD	96-11-024	461-08-020	REP	96-15-002	461-08-170	REP-P	96-10-062
460-16A-205	PREP	96-03-130	461-08-025	REP-P	96-10-062	461-08-170	REP	96-15-002
460-16A-205	AMD-P	96-07-061	461-08-025	REP	96-15-002	461-08-174	REP-P	96-10-062
460-16A-205	AMD	96-11-017	461-08-030	REP-P	96-10-062	461-08-174	REP	96-15-002
460-16A-390	PREP	96-03-129	461-08-030	REP	96-15-002	461-08-175	REP-P	96-10-062
460-16A-390	AMD-P	96-07-057	461-08-035	REP-P	96-10-062	461-08-175	REP	96-15-002
460-16A-390	AMD	96-11-023	461-08-035	REP	96-15-002	461-08-180	REP-P	96-10-062
460-17A	PREP	96-03-120	461-08-040	REP-P	96-10-062	461-08-180	REP	96-15-002
460-17A	AMD-P	96-07-083	461-08-040	REP	96-15-002	461-08-185	REP-P	96-10-062
460-17A	AMD	96-11-027	461-08-045	REP-P	96-10-062	461-08-185	REP	96-15-002
460-17A-010	AMD-P	96-07-083	461-08-045	REP	96-15-002	461-08-190	REP-P	96-10-062
460-17A-010	AMD	96-11-027	461-08-047	REP-P	96-10-062	461-08-190	REP	96-15-002
460-17A-020	AMD-P	96-07-083	461-08-047	REP	96-15-002	461-08-195	REP-P	96-10-062
460-17A-020	AMD	96-11-027	461-08-050	REP-P	96-10-062	461-08-195	REP	96-15-002
460-17A-030	AMD-P	96-07-083	461-08-050	REP	96-15-002	461-08-205	REP-P	96-10-062
460-17A-030	AMD	96-11-027	461-08-053	REP-P	96-10-062	461-08-205	REP	96-15-002
460-17A-040	AMD-P	96-07-083	461-08-053	REP	96-15-002	461-08-210	REP-P	96-10-062
460-17A-040	AMD	96-11-027	461-08-055	REP-P	96-10-062	461-08-210	REP	96-15-002
460-17A-050	AMD-P	96-07-083	461-08-055	REP	96-15-002	461-08-215	REP-P	96-10-062

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
461-08-215	REP	96-15-002	461-08-410	NEW	96-15-002	468-06-030	AMD-P	96-12-036
461-08-220	REP-P	96-10-062	461-08-415	NEW-P	96-10-062	468-06-030	AMD	96-16-004
461-08-220	REP	96-15-002	461-08-415	NEW	96-15-002	468-06-040	AMD-P	96-12-036
461-08-221	REP-P	96-10-062	461-08-420	NEW-P	96-10-062	468-06-040	AMD	96-16-004
461-08-221	REP	96-15-002	461-08-420	NEW	96-15-002	468-06-070	AMD-P	96-12-036
461-08-225	REP-P	96-10-062	461-08-425	NEW-P	96-10-062	468-06-070	AMD	96-16-004
461-08-225	REP	96-15-002	461-08-425	NEW	96-15-002	468-06-090	AMD-P	96-12-036
461-08-230	REP-P	96-10-062	461-08-430	NEW-P	96-10-062	468-06-090	AMD	96-16-004
461-08-230	REP	96-15-002	461-08-430	NEW	96-15-002	468-16	PREP	97-01-087
461-08-235	REP-P	96-10-062	461-08-435	NEW-P	96-10-062	468-38-070	AMD-P	96-20-040
461-08-235	REP	96-15-002	461-08-435	NEW	96-15-002	468-38-070	AMD	96-23-003
461-08-237	REP-P	96-10-062	461-08-440	NEW-P	96-10-062	468-38-070	AMD-E	96-23-005
461-08-237	REP	96-15-002	461-08-440	NEW	96-15-002	468-38-071	NEW-P	96-20-040
461-08-240	REP-P	96-10-062	461-08-445	NEW-P	96-10-062	468-38-071	NEW	96-23-003
461-08-240	REP	96-15-002	461-08-445	NEW	96-15-002	468-38-071	NEW-E	96-23-005
461-08-245	REP-P	96-10-062	461-08-450	NEW-P	96-10-062	468-38-120	PREP	96-11-009
461-08-245	REP	96-15-002	461-08-450	NEW	96-15-002	468-38-120	AMD-P	96-15-018
461-08-250	REP-P	96-10-062	461-08-455	NEW-P	96-10-062	468-38-120	AMD	96-18-053
461-08-250	REP	96-15-002	461-08-455	NEW	96-15-002	468-66	PREP	96-06-022
461-08-255	REP-P	96-10-062	461-08-460	NEW-P	96-10-062	468-66-010	AMD-P	96-10-007
461-08-255	REP	96-15-002	461-08-460	NEW	96-15-002	468-66-010	AMD	96-13-007
461-08-260	REP-P	96-10-062	461-08-465	NEW-P	96-10-062	468-66-080	AMD	96-03-031
461-08-260	REP	96-15-002	461-08-465	NEW	96-15-002	468-86-010	NEW-W	96-05-032
461-08-265	REP-P	96-10-062	461-08-470	NEW-P	96-10-062	468-86-020	NEW-W	96-05-032
461-08-265	REP	96-15-002	461-08-470	NEW	96-15-002	468-86-020	NEW-W	96-05-032
461-08-270	REP-P	96-10-062	461-08-475	NEW-P	96-10-062	468-86-030	NEW-W	96-05-032
461-08-270	REP	96-15-002	461-08-475	NEW	96-15-002	468-86-040	NEW-W	96-05-032
461-08-300	NEW-P	96-10-062	461-08-480	NEW-P	96-10-062	468-86-050	NEW-W	96-05-032
461-08-300	NEW	96-15-002	461-08-480	NEW	96-15-002	468-86-060	NEW-W	96-05-032
461-08-305	NEW-P	96-10-062	461-08-485	NEW-P	96-10-062	468-86-070	NEW-W	96-05-032
461-08-305	NEW	96-15-002	461-08-485	NEW	96-15-002	468-86-080	NEW-W	96-05-032
461-08-310	NEW-P	96-10-062	461-08-490	NEW-P	96-10-062	468-86-090	NEW-W	96-05-032
461-08-310	NEW-S	96-13-064	461-08-490	NEW	96-15-002	468-86-100	NEW-W	96-05-032
461-08-310	NEW	96-17-017	461-08-495	NEW-P	96-10-062	468-86-110	NEW-W	96-05-032
461-08-315	NEW-P	96-10-062	461-08-495	NEW	96-15-002	468-86-120	NEW-W	96-05-032
461-08-315	NEW	96-15-002	461-08-500	NEW-P	96-10-062	468-86-130	NEW-W	96-05-032
461-08-320	NEW-P	96-10-062	461-08-500	NEW	96-15-002	468-86-140	NEW-W	96-05-032
461-08-320	NEW	96-15-002	461-08-505	NEW-P	96-10-062	468-86-150	NEW-W	96-05-032
461-08-325	NEW-P	96-10-062	461-08-505	NEW	96-15-002	468-86-160	NEW-W	96-05-032
461-08-325	NEW	96-15-002	461-08-510	NEW-P	96-10-062	468-86-170	NEW-W	96-05-032
461-08-330	NEW-P	96-10-062	461-08-510	NEW	96-15-002	468-86-180	NEW-W	96-05-032
461-08-330	NEW	96-15-002	461-08-515	NEW-P	96-10-062	468-86-190	NEW-W	96-05-032
461-08-335	NEW-P	96-10-062	461-08-515	NEW	96-15-002	468-86-200	NEW-W	96-05-032
461-08-335	NEW	96-15-002	461-08-520	NEW-P	96-10-062	468-86-210	NEW-W	96-05-032
461-08-340	NEW-P	96-10-062	461-08-520	NEW-S	96-13-064	468-86-220	NEW-W	96-05-032
461-08-340	NEW	96-15-002	461-08-520	NEW	96-17-017	468-86-230	NEW-W	96-05-032
461-08-345	NEW-P	96-10-062	461-08-525	NEW-P	96-10-062	468-86-240	NEW-W	96-05-032
461-08-345	NEW	96-15-002	461-08-525	NEW	96-15-002	468-86-260	NEW-W	96-05-032
461-08-350	NEW-P	96-10-062	461-08-530	NEW-P	96-10-062	468-105-010	NEW	96-03-107
461-08-350	NEW	96-15-002	461-08-530	NEW	96-15-002	468-105-020	NEW	96-03-107
461-08-355	NEW-P	96-10-062	461-08-535	NEW-P	96-10-062	468-105-030	NEW	96-03-107
461-08-355	NEW	96-15-002	461-08-535	NEW	96-15-002	468-105-040	NEW	96-03-107
461-08-360	NEW-P	96-10-062	461-08-540	NEW-P	96-10-062	468-105-050	NEW	96-03-107
461-08-360	NEW	96-15-002	461-08-540	NEW	96-15-002	468-105-060	NEW	96-03-107
461-08-365	NEW-P	96-10-062	461-08-545	NEW-P	96-10-062	468-105-070	NEW	96-03-107
461-08-365	NEW	96-15-002	461-08-545	NEW	96-15-002	468-105-080	NEW	96-03-107
461-08-370	NEW-P	96-10-062	461-08-550	NEW-P	96-10-062	468-200	AMD-C	97-01-075
461-08-370	NEW	96-15-002	461-08-550	NEW	96-15-002	468-200-020	NEW	96-02-067
461-08-375	NEW-P	96-10-062	461-08-555	NEW-P	96-10-062	468-200-040	NEW	96-02-067
461-08-375	NEW	96-15-002	461-08-555	NEW	96-15-002	468-200-060	NEW	96-02-067
461-08-380	NEW-P	96-10-062	461-08-560	NEW-P	96-10-062	468-200-080	NEW	96-02-067
461-08-380	NEW	96-15-002	461-08-560	NEW	96-15-002	468-200-080	AMD-P	96-22-063
461-08-385	NEW-P	96-10-062	461-08-565	NEW-P	96-10-062	468-200-100	NEW	96-02-067
461-08-385	NEW	96-15-002	461-08-565	NEW	96-15-002	468-200-110	NEW	96-02-067
461-08-390	NEW-P	96-10-062	461-08-570	NEW-P	96-10-062	468-200-120	NEW	96-02-067
461-08-390	NEW	96-15-002	461-08-570	NEW	96-15-002	468-200-160	NEW	96-02-067
461-08-395	NEW-P	96-10-062	461-08-575	NEW-P	96-10-062	468-200-160	AMD-P	96-22-063
461-08-395	NEW	96-15-002	461-08-575	NEW	96-15-002	468-200-180	NEW	96-02-067
461-08-400	NEW-P	96-10-062	461-08-580	NEW-P	96-10-062	468-200-200	NEW	96-02-067
461-08-400	NEW	96-15-002	461-08-580	NEW	96-15-002	468-200-220	NEW	96-02-067
461-08-405	NEW-P	96-10-062	461-08-585	NEW-P	96-10-062	468-200-230	NEW	96-02-067
461-08-405	NEW	96-15-002	461-08-585	NEW	96-15-002	468-200-240	NEW	96-02-067
461-08-410	NEW-P	96-10-062	468-06	PREP	96-09-013	468-200-250	NEW	96-02-067
						468-200-260	NEW	96-02-067

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-200-280	NEW	96-02-067	468-240-190	RECOD-P	96-14-024	478-120-065	NEW	96-10-051
468-200-300	NEW	96-02-067	468-240-190	RECOD	96-17-018	478-120-070	REP	96-10-051
468-200-320	NEW	96-02-067	468-240-195	RECOD-P	96-14-024	478-120-075	NEW	96-10-051
468-200-340	NEW	96-02-067	468-240-195	RECOD	96-17-018	478-120-080	REP	96-10-051
468-200-350	NEW	96-02-067	468-240-200	RECOD-P	96-14-024	478-120-085	NEW	96-10-051
468-200-350	AMD-P	96-22-063	468-240-200	RECOD	96-17-018	478-120-090	REP	96-10-051
468-200-360	NEW	96-02-067	468-240-205	RECOD-P	96-14-024	478-120-095	NEW	96-10-051
468-210-001	RECOD-P	96-14-024	468-240-205	RECOD	96-17-018	478-120-100	AMD	96-10-051
468-210-001	RECOD	96-17-018	468-240-210	RECOD-P	96-14-024	478-120-105	NEW	96-10-051
468-210-010	RECOD-P	96-14-024	468-240-210	RECOD	96-17-018	478-120-110	REP	96-10-051
468-210-010	RECOD	96-17-018	468-240-215	RECOD-P	96-14-024	478-120-115	NEW	96-10-051
468-210-020	RECOD-P	96-14-024	468-240-215	RECOD	96-17-018	478-120-120	REP	96-10-051
468-210-020	RECOD	96-17-018	468-240-350	RECOD-P	96-14-024	478-120-125	NEW	96-10-051
468-210-030	RECOD-P	96-14-024	468-240-350	RECOD	96-17-018	478-120-130	REP	96-10-051
468-210-030	RECOD	96-17-018	468-240-360	RECOD-P	96-14-024	478-120-135	NEW	96-10-051
468-210-040	RECOD-P	96-14-024	468-240-360	RECOD	96-17-018	478-120-140	NEW	96-10-051
468-210-040	RECOD	96-17-018	468-240-370	RECOD-P	96-14-024	478-120-145	NEW	96-10-051
468-210-050	RECOD-P	96-14-024	468-240-370	RECOD	96-17-018	478-124	AMD-C	96-03-091
468-210-050	RECOD	96-17-018	468-240-380	RECOD-P	96-14-024	478-124-037	NEW	96-10-051
468-220-010	RECOD-P	96-14-024	468-240-380	RECOD	96-17-018	478-276	PREP	96-20-114
468-220-010	RECOD	96-17-018	468-250-010	RECOD-P	96-14-024	479-12-008	AMD	96-04-015
468-230-050	RECOD-P	96-14-024	468-250-010	RECOD	96-17-018	479-20-013	AMD	96-04-015
468-230-050	RECOD	96-17-018	468-250-020	RECOD-P	96-14-024	479-112-0055	AMD	96-04-015
468-240-002	RECOD-P	96-14-024	468-250-020	RECOD	96-17-018	480-09-300	AMD	96-02-083
468-240-002	RECOD	96-17-018	468-250-030	RECOD-P	96-14-024	480-09-310	AMD	96-02-083
468-240-005	RECOD-P	96-14-024	468-250-030	RECOD	96-17-018	480-09-330	AMD	96-02-083
468-240-005	RECOD	96-17-018	468-250-040	RECOD-P	96-14-024	480-09-340	AMD	96-02-083
468-240-025	RECOD-P	96-14-024	468-250-040	RECOD	96-17-018	480-09-390	NEW	96-02-083
468-240-025	RECOD	96-17-018	468-250-050	RECOD-P	96-14-024	480-09-426	NEW	96-02-083
468-240-030	RECOD-P	96-14-024	468-250-050	RECOD	96-17-018	480-09-460	AMD	96-02-083
468-240-030	RECOD	96-17-018	468-250-060	RECOD-P	96-14-024	480-09-465	AMD	96-02-083
468-240-035	RECOD-P	96-14-024	468-250-060	RECOD	96-17-018	480-09-466	NEW	96-02-083
468-240-035	RECOD	96-17-018	468-250-070	RECOD-P	96-14-024	480-09-467	NEW	96-02-083
468-240-040	RECOD-P	96-14-024	468-250-070	RECOD	96-17-018	480-09-470	AMD	96-02-083
468-240-040	RECOD	96-17-018	468-250-080	RECOD-P	96-14-024	480-09-480	AMD	96-02-083
468-240-045	RECOD-P	96-14-024	468-250-080	RECOD	96-17-018	480-09-750	AMD	96-02-083
468-240-045	RECOD	96-17-018	468-250-090	RECOD-P	96-14-024	480-09-751	NEW	96-02-083
468-240-050	RECOD-P	96-14-024	468-250-090	RECOD	96-17-018	480-31-010	NEW-P	96-23-071
468-240-050	RECOD	96-17-018	468-250-100	RECOD-P	96-14-024	480-31-020	NEW-P	96-23-071
468-240-105	RECOD-P	96-14-024	468-250-100	RECOD	96-17-018	480-31-030	NEW-P	96-23-071
468-240-105	RECOD	96-17-018	468-250-110	RECOD-P	96-14-024	480-31-040	NEW-P	96-23-071
468-240-110	RECOD-P	96-14-024	468-250-110	RECOD	96-17-018	480-31-050	NEW-P	96-23-071
468-240-110	RECOD	96-17-018	468-250-120	RECOD-P	96-14-024	480-31-060	NEW-P	96-23-071
468-240-115	RECOD-P	96-14-024	468-250-120	RECOD	96-17-018	480-31-070	NEW-P	96-23-071
468-240-115	RECOD	96-17-018	468-250-130	RECOD-P	96-14-024	480-31-080	NEW-P	96-23-071
468-240-120	RECOD-P	96-14-024	468-250-130	RECOD	96-17-018	480-31-090	NEW-P	96-23-071
468-240-120	RECOD	96-17-018	468-250-140	RECOD-P	96-14-024	480-31-100	NEW-P	96-23-071
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