

Washington State Register

NOVEMBER 18, 1998

OLYMPIA, WASHINGTON

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of November 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Mary F. Gallagher Dille
Chair, Statute Law Committee

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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 nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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].

1998 - 1999

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>					
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
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99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

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.

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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;

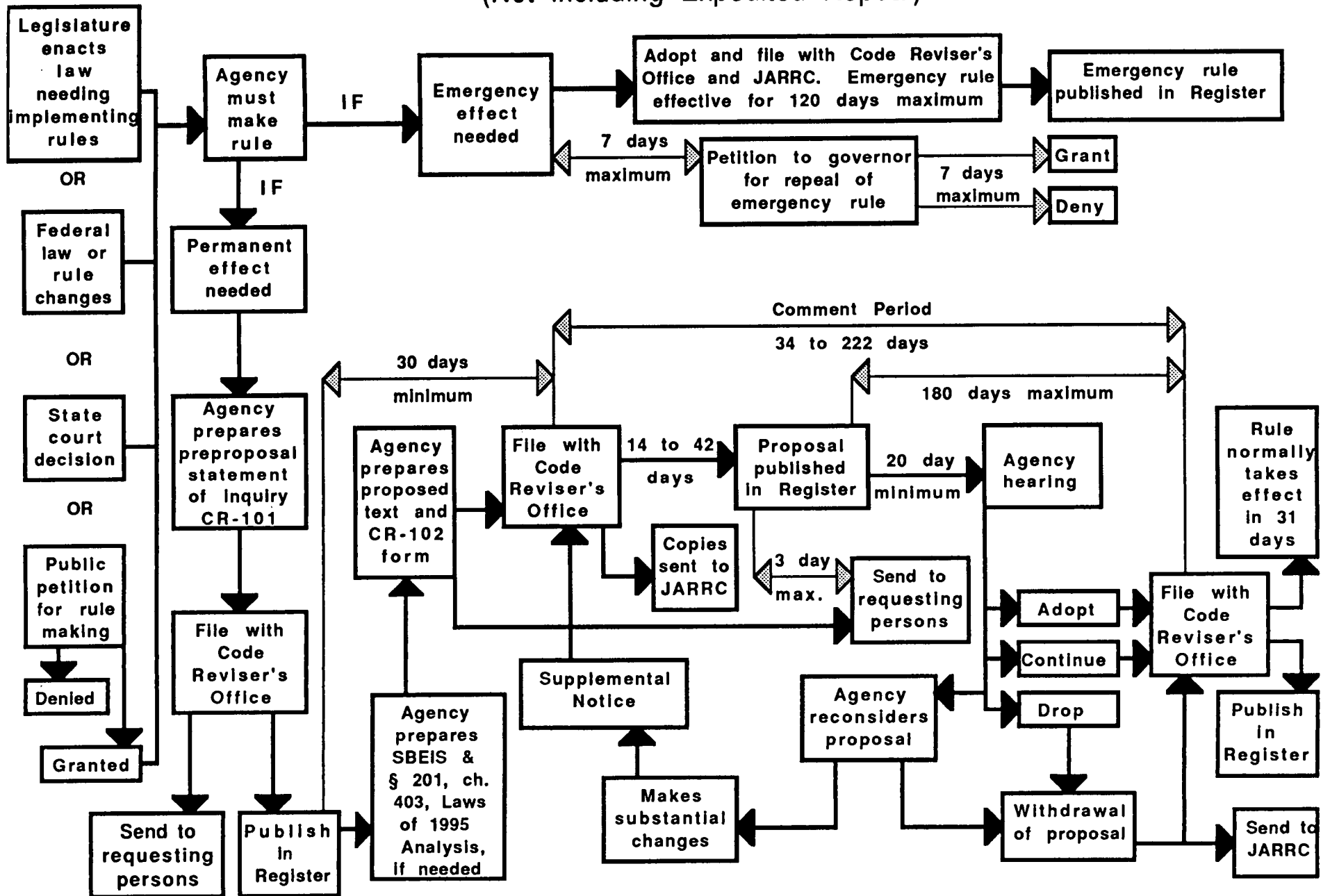
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 98-22-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 21, 1998, 3:19 p.m.]

Subject of Possible Rule Making: Recreational fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is mandated to provide recreational fishing opportunity. Each year adjustments are needed based on stock status. The amendments and new rules will allow fishing opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Pacific Fisheries Management Council makes recommendations through the North of Falcon panel, which the Washington Department of Fish and Wildlife participates in.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Fish Management Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325.

October 21, 1998

Evan Jacoby
 Rules Coordinator

WSR 98-22-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed October 22, 1998, 1:29 p.m.]

Subject of Possible Rule Making: Modifying current child and family services WACs and independent living services WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.18 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Education, Rehabilitation Services Administration; Department of Social and Health Services, Division of Vocational Rehabilitation.

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. Copies of the changes will be mailed and comments encouraged: Diana Koreski, United States Department of Education, 915 2nd Avenue, Room 2848, MC: 10-90-50 SE, Seattle, WA 98170-1099; Jerry Johnson, Client Assist Program, 2531 Rainier Avenue South, Seattle, WA 98144; and Jeanne Munro, Division of Vocational Rehabilitation, 4408 7th Avenue S.E., P.O. Box 45340, Olympia, WA 98504-

5340. Independent Living Advisory Committee met and approved these changes on October 8, 1998. Advisory Council scheduled to review changes October 24, 1998. Formal hearing to be announced in Friends of the Department mailing list and the Newsletter to parents of children who are blind.

October 20, 1998

Bonnie Jindra
 Assistant Director

WSR 98-22-028
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed October 28, 1998, 3:34 p.m.]

Subject of Possible Rule Making: Temporary moratorium on net return requirements for charitable/nonprofit bingo licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change would prevent charitable/nonprofit bingo licensees from having their licenses limited for not meeting the minimum net return requirements while commission staff conduct a study to determine if the net return requirements should be decreased.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 301; or Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings at LaConner Country Inn, 107 South Second, LaConner, WA 98257, (360) 466-3101, on January 8-9, 1999; at the Ramada Governor House, 621 Capitol Way South, Olympia, WA 98501, (360) 352-7700, on February 12-13, 1999; and at The Inn at Semi-ah-moo, 9565 Semiah-moo Parkway, Blaine, WA 98230, (360) 371-2000, on March 12-13, 1999.

October 28, 1998

Susan Arland
 Public Information Officer

WSR 98-22-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed October 29, 1998, 8:27 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificate of title—Motor vehicles etc., to include but not limited to WAC 308-56A-250, 308-56A-255, 308-56A-265, 308-56A-270, 308-56A-275, 308-56A-280, and 308-56A-285.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

October 28, 1998

Nancy Kelly, Administrator
 Title and Registration Services

WSR 98-22-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed October 29, 1998, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificate of title, to include but not [be] limited to WAC 308-93-370, 308-93-380, 308-93-390, 308-93-400, 308-93-490, 308-93-500, and 308-93-510.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070, 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957,

Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

October 28, 1998

Nancy Kelly, Administrator
 Title and Registration Services

WSR 98-22-041
PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-20—Filed October 29, 1998,
 4:56 p.m.]

Subject of Possible Rule Making: The commissioner will consider new rules implementing the health care provider provisions of RCW 48.43.045, commonly referred to as the "every category of provider" statute. The new rules will supersede an earlier declaratory order (G 96-13) filed on May 21, 1996.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.43.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency issued a declaratory order in 1996 to clarify issues relating to health carrier compliance with the "every category of provider" statute. Since the 1996 order, carrier and health care provider experiences and the need for guidance in complying with the statute suggest that a rule would resolve issues raised by carriers, consumers, and health care providers. Among the issues addressed in the order and likely to be included in new rules are the following: Application of the statute to particular health plans and services; credentialing of health care providers; limits on coverage or health services; and the use of separately priced, optional riders to comply with the law.

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 commissioner will form small groups comprised of affected parties to consider developing new rules.

Deadline for Comments: November 30, 1998.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, fax (360) 407-0186, internet KacyB@oic.wa.gov.

October 28, 1998

John S. Conniff
 Deputy Commissioner
 Managed Health Care

WSR 98-22-051**PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES OF SPOKANE**

[Filed November 2, 1998, 9:27 a.m.]

Subject of Possible Rule Making: Repeal of WAC 132Q-12-010.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal of this rule is necessary as other institution policies on the same subject make the rule redundant. In addition, the current rule refers to another agency's WAC that has also been repealed.

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 Geoffrey J. Eng, Community Colleges of Spokane, 2000 North Greene Street, Mailstop 1014, Spokane, WA 99217-5499, phone (509) 533-7435, fax (509) 533-8193.

October 28, 1998

Geoffrey J. Eng

District Director

Affirmative Action

Administrative Services

WSR 98-22-056**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Medical Assistance Administration)

(Aging and Adult Services Administration)

[Filed November 2, 1998, 1:02 p.m.]

Subject of Possible Rule Making: Economic Services Administration (ESA), working in collaboration with Medical Assistance Administration (MAA) and Aging and Adult Services Administration (AASA) is reviewing all its policies for compliance with the Governor's Executive Order 97-02, and the Department of Social and Health Services (DSHS) secretary's order on regulatory improvement. This review will result in the adoption of new rules, or in the repeal or amendment of existing rules that affect ESA, MAA, or AASA services. These rules primarily reside in Title 388 WAC, but could include other rules, new or existing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Statutory authority for ESA to adopt, amend, or repeal rules are found in RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESA, MAA, and AASA will review and amend policies to reduce complexities within and among the public assistance programs they administer. The

goal is to make program policies as simple and consistent as possible and to eliminate any policies that are no longer needed for effective program operation. Policy differences can make programs and services difficult for clients to understand and for staff to appropriately interpret and administer. The public, clients, vendors, advocates and other parts of government will be included in the development of any new rules and any changes to existing rules needed to support these simplified policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Community, Trade and Economic Development, Employment Security Department, Office of Superintendent of Public Instruction and other administrations within DSHS may need to be involved. ESA will coordinate with all other affected agencies and include them in mailings, invitations to participate in meetings regarding these rule changes and any other rule development activities.

Process for Developing New Rule: All rules will be reviewed by the ESA or MAA regulatory improvement team (RIT) to ensure they comply with Executive Order 97-02. After this review, all rules will be developed and adopted as required by DSHS policy and the Administrative Procedure Act.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To have your name added to the list of interested parties to receive mailings and meeting announcements, contact Tom Medina, Program Simplification Project Manager, Economic Services Administration, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 413-3124, fax (360) 413-3495, e-mail medintr@dshs.wa.gov.

October 28, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-057**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed November 2, 1998, 1:03 p.m.]

Subject of Possible Rule Making: To create new rules for the voluntary placement/foster care program and implement rules to manage the program. The legislature created a voluntary foster care system for children with disabilities, when the only reason for out-of-home placement was solely due to a disability. The governor directed DSHS to implement a new law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.350, 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter describes what is a voluntary placement agreement, out-of-home placement and permanency planning for children who meet the definition of developmental disabilities (defined in RCW 74.13.021). The rules will: Define certain key terms, such as

permanency plan; set out the criteria for determining when out-of-home placement is appropriate; describe the process for obtaining an out-of-home placement both at the agency level and in superior court; describe the department's policy regarding the goals of out-of-home placement including familial and social relationships with birth parents and foster parents.

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

Process for Developing New Rule: The agency invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Gil, Program for Voluntary Placement and Foster Care, Department of Social and Health Services, Division of Developmental Disabilities, Mailstop 45310, Olympia, WA 98504-5310, phone (360) 902-8440, fax (360) 902-8482, e-mail gilll@dshs.wa.gov, TTY (360) 902-8455.

October 28, 1998
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed November 2, 1998, 1:04 p.m.]

Subject of Possible Rule Making: Medical transportation services. Current WAC 388-86-085 and 388-87-035, transportation (other than ambulance) and payment methodology; and WAC 388-86-086 and 388-86-036, ambulance services and payment methodology.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Specific federal or state statute: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, and 74.09.500; 42 CFR 431.53, 441.62, and 440.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These programs assure that Medicaid and medical assistance clients obtain appropriate and necessary transportation to and from providers of medically necessary services. These rules also regulate payments to providers of transportation services.

The department is rewriting these rules to comply with the Governor's Executive Order 97-02, which requires that all regulations be rewritten for clarity, legal foundation, fairness, with public input, etc.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on

the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-1008, fax (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

October 28, 1998
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)
[Filed November 2, 1998, 1:06 p.m.]

Subject of Possible Rule Making: WAC 388-320-350 through 388-320-370. These three WAC sections cover declaratory orders, a process one can use to request DSHS to make a determination of legal rights under a DSHS program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.240, 34.05.250, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: MSA is considering whether to amend these WACs so that they are in plain English; repeal these WACs and incorporate model WAC 10-08-250 through 10-08-252 by reference; repeal the WACs outright; take no action; or follow another course of action.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Management Services Administration (MSA) knows of no other state or federal agency that regulates this subject for state agencies in general or for DSHS in particular. The Washington State Office of Administrative Hearings manages model WAC 10-08-250 through 10-08-252. RCW 34.05.250 states, "Each agency shall adopt as much of the model rules as is reasonable under its circumstances."

Process for Developing New Rule: MSA welcomes and encourages input from the public in deciding what actions, if any, to take in reviewing the declaratory order WACs. Anyone interested in participating should contact the staff person indicated below. After the staff person drafts the rule, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Merry A. Kogut, Administrative Services Division, Department of Social and Health Services, P.O. Box 45800, Olympia, WA 98504-5800, voice (360) 902-8317, fax (360) 902-8292, e-mail kogutma@dshs.wa.gov.

Management Services Administration (MSA) will:

- Consider all comments and suggestions;
- Proactively seek participation and discussion; and
- Give interested parties every opportunity to participate in the process.

October 28, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-079

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed November 3, 1998, 12:43 p.m.]

This is a request to withdraw WSR 96-16-006, 96-16-007, and 96-16-008 which were all filed on July 25, 1996. Because of the age of these CR101s, they are no longer adequate to initiate rule-making activities. Therefore, current CR101s are being submitted.

If you have any questions regarding this request, please contact Janice K. Boden, Program Manager, at (360) 236-4912.

Kris Van Gorkom
Deputy Secretary

WSR 98-22-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Medical Quality Assurance Commission)

[Filed November 3, 1998, 12:50 p.m.]

Subject of Possible Rule Making: Current licensing requirements. These rules would reinstate language that had been inadvertently repealed during a previous rules process. The reinstated language would require physicians, whose licenses have been expired longer than three years, to meet the current requirements for licensure. Each legislative session has the potential of changing requirements for licensure. If a licensee has allowed his or her license to expire for a period of time, it is possible they may no longer meet the current requirements of licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.71.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Uniform rules were developed for health care practitioner credentialing. The rules included creating new WACs (chapter 246-12 WAC) and changing or repealing existing WACs. After adoption, it was discovered two sections of WAC were inadvertently repealed. These rules would reestablish these sections with the stipulation that licensees who have allowed their licenses to lapse for a period of time must meet the licensure requirements currently in statute.

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

Process for Developing New Rule: The commission will conduct two public workshops (one in the SeaTac area and one in the Spokane area) in order to allow interested persons to participate in the development of language for these rules. Notification of these meetings will be sent to those individuals and organizations who have indicated that they are to be notified of any rule-making process. Those interested parties include the Washington State Medical Association, the University of Washington School of Medicine, all County Medical Societies, and private citizens.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit written information, Susan Anthony, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

October 9, 1998

Bonnie L. King
Executive Director

WSR 98-22-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Medical Quality Assurance Commission)

[Filed November 3, 1998, 12:52 p.m.]

Subject of Possible Rule Making: These rules would change the license renewal cycle for physicians and physician assistants from an annual basis to a two year cycle. In addition, it would change the reporting requirement for continuing medical education from a three year cycle to a two year cycle, to conform to the revised renewal cycle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.080 and 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Quality Assurance Commission has received numerous comments in the past regarding the renewal cycle. Many have indicated annual renewal is a difficult cycle, both to remember as well as coordinate with due dates of other entities related to their professions. In addition, a two year renewal cycle will reduce the workload for the Renewal Representative position and free up time which could be devoted to other commission business.

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

Process for Developing New Rule: The commission will conduct two public meetings to allow interested persons to participate in the development of these rules. In addition, interested parties, which include licensees, the Washington State Medical Association, the University of Washington School of Medicine, all county medical societies, and private citizens, will be notified by mail.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit written information, Susan Anthony, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

October 8, 1998
Bonnie L. King
Executive Director

WSR 98-22-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed November 3, 1998, 12:54 p.m.]

Subject of Possible Rule Making: Considering the adoption of the pain management guidelines into rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Patients have raised concern about access to appropriate medical treatment, including opioid therapy, for addressing chronic intractable pain. Similarly, providers express apprehensions about challenges by state disciplinary authorities when prescribing opioid analgesics for indicated medical treatment when serving the legitimate medical needs of pain patients.

Process for Developing New Rule: Solicit input from professional association, licensees, public. Provide information to individuals on the mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745. The public and licensees may submit written comments or attend regular board meetings that this issue is on the agenda for discussion.

October 13, 1998
Robert J. Nicoloff
Executive Director

WSR 98-22-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed November 3, 1998, 12:58 p.m.]

Subject of Possible Rule Making: Changing continuing education reporting period to a two year cycle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Podiatric Medical Board has been asked by its licensees to change the continuing edu-

cation reporting period to a two year cycle in order to take advantage of more extensive and comprehensive training courses. This will be more cost efficient for licensees.

Process for Developing New Rule: Solicit input from professional association, licensees, public. Provide information to individuals on the mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745. The public and licensees may submit written comments or attend regular board meetings that this issue is on the agenda for discussion.

October 13, 1998
Robert J. Nicoloff
Executive Director

WSR 98-22-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)
[Filed November 3, 1998, 12:59 p.m.]

Subject of Possible Rule Making: Considering the adoption of the pain management guidelines into rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Patients have raised concern about access to appropriate medical treatment, including opioid therapy, for addressing chronic intractable pain. Similarly, providers express apprehensions about challenges by state disciplinary authorities when prescribing opioid analgesics for indicated medical treatment when serving the legitimate medical needs of pain patients.

Process for Developing New Rule: Solicit input from professional association, licensees, public. Provide information to individuals on the mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745. The public and licensees may submit written comments or attend regular board meetings that this issue is on the agenda for discussion.

October 13, 1998
Robert J. Nicoloff
Executive Director

WSR 98-22-087**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed November 3, 1998, 1:00 p.m.]

Subject of Possible Rule Making: Standards for minimally competent child custody evaluations performed by licensed psychologists. This effort includes educational prerequisites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050(1) Examining board—Powers and duties, RCW 18.83.121(4) Unprofessional conduct.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Examining Board of Psychology receives a large number of complaints relating to child custody evaluations and perceives a need to adopt standards in this area. Such standards would ensure that the public is protected from untrained or incompetent practice.

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

Process for Developing New Rule: Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janice K. Boden, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 753-3095, fax (360) 664-9484.

September 16, 1998
Janice K. Boden
Program Manager

WSR 98-22-088**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed November 3, 1998, 1:01 p.m.]

Subject of Possible Rule Making: Requirements for education, training, and experience for psychologist. This effort includes educational prerequisites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050 (1)(2) Examining board—Powers and duties, RCW 18.83.070 (2)(3) Applicants—Qualifications—Examination.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Examining Board of Psychology is charged with examining the qualifications of applicants for licensing. This includes defining appropriate experience and education prerequisites. The board has identified areas in the current rules that may need revision and/or addition to ensure applicants are well qualified for entry into the profession.

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

Process for Developing New Rule: Collaborative rule making. Develop in consultation with stakeholders through public meetings, telephone, and correspondence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janice K. Boden, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 753-3095, fax (360) 664-9484.

September 16, 1998
Janice K. Boden
Program Manager

WSR 98-22-089**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed November 3, 1998, 1:58 p.m.]

Subject of Possible Rule Making: Rules regarding a second chance drawing and/or other drawings to promote on-line and/or scratch games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering adding a second chance drawing and/or other drawings to promote on-line and/or scratch games. The purpose of these drawings would be to increase ticket sales.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 753-1947, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

November 3, 1998
Mary Jane Ferguson
Rules Coordinator

WSR 98-22-090**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed November 3, 1998, 2:00 p.m.]

Subject of Possible Rule Making: Rules regarding additional drawings per week for Lotto and/or Quinto.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending WAC 315-33A-060 and 315-34-060 to change drawing dates for Quinto and Lotto and/or to allow for an increased number of drawings per week.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 753-1947, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

November 3, 1998
Mary Jane Ferguson
Rules Coordinator

WSR 98-22-092

**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed November 4, 1998, 8:58 a.m.]

Subject of Possible Rule Making: Prehearing summary disposition, WAC 314-04-005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.44.010, 66.24.010(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider changes to WAC 314-04-005 to simplify the administrative violation process for persons who allegedly violate the liquor laws and rules. The proposed rule revisions would include a simplification to the process to inform licensees who allegedly commit first-time violations without aggravating or mitigating circumstances to be informed what the proposed penalty will be upon notice of the violation. Currently, licensees must wait for the process to go through several steps before they are made aware of the proposed penalty.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the Attorney General. The Liquor Control Board will contact this agency for input into the proposed rule making.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-1641, fax (360) 704-4920, e-mail teb@liq.wa.gov.

November 3, 1998
Nathan S. Ford, Jr.
Chair

WSR 98-22-095

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed November 4, 1998, 10:31 a.m.]

Subject of Possible Rule Making: WAC 388-424-0005, 388-424-0010, and 388-505-0210.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to implement a state-funded CN scope of care medical program for certain alien children who entered the United States after August 22, 1996, based on new interpretation of legislative intent.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. 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, WA 98504-5530, phone (360) 753-7462, fax (360) 753-7315, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

November 3, 1998
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-096

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed November 4, 1998, 10:33 a.m.]

Subject of Possible Rule Making: Adding information and making changes to existing rules to correctly reflect federal regulations in the following WAC chapters and all related rules: Chapter 388-412-WAC, Benefit issuances—Issuing food assistance allotments, chapter 388-418-WAC, Changes of circumstances—Prospective eligibility and notifying a recipient, and chapter 388-470 WAC, Resources—Excluded resources for food assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additions and corrections are needed to correctly reflect federal regulations; needed changes include corrections to directions in chapter 388-412 WAC; additional information in chapter 388-418 WAC; and wording changes in chapter 388-470 WAC to clarify.

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

Process for Developing New Rule: These are basically "housekeeping" changes. Drafts will be distributed to all interested parties for review and comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Program Manager, Division of Assistance Programs, 1009 College Street S.E., Lacey, WA 98504, (360) 413-3083, fax (360) 413-3493, e-mail Forsliwc.

November 3, 1998

Marie Myerchin-Redifer
Manager

WSR 98-22-097

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

[Filed November 4, 1998, 10:34 a.m.]

Subject of Possible Rule Making: WAC 388-452-0005
Interview requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 CFR 435.907 and RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to waive the requirement of a face-to-face interview for family-related medical programs. CFR only requires a written application.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. 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, WA 98504-5530, phone (360) 753-7462, fax (360) 753-7315, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

November 3, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-098 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed November 4, 1998, 10:36 a.m.]

Subject of Possible Rule Making: WAC 388-418-0025
Change of circumstances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 4731 of the Federal Balanced Budget Act of 1997, (Public Law 105-33), RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to implement a new federal option in the Balanced Budget Act of 1997. This amendment will guarantee children receive twelve months of medical coverage.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. 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, WA 98504-5530, phone (360) 753-7462, fax (360) 753-7315, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

November 3, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-22-105 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 4, 1998, 11:25 a.m.]

Subject of Possible Rule Making: 4.18% increase in contractor registration (chapter 296-200A WAC), factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, and 296-150R WAC), electrical permit (WAC 296-46-910), elevators (chapter 296-86A WAC), fees, clarification of old fees and possible new fees for electrical licensing (WAC 296-46-915) and electrical certification (WAC 296-401A-700).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW, Registration of contractors; chapter 43.22 RCW, Factory assembled structures (FAS); chapter 19.28 RCW, Electrical; and chapter 296-86A WAC, Elevators.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 4.18% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 1999, is necessary to

maintain the operational effectiveness of the contractor registration, FAS, electrical and elevator programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the sole agency charged with setting plumbing, contractor registration, elevator, electrical and most FAS fees. However, the United States Department of Housing and Urban Development (HUD) will review any proposed increase in manufactured home fees.

Process for Developing New Rule: The department will solicit input from the director's FAS Advisory Board, the Elevator Board, the Electrical Board, an ad hoc committee, individual stakeholders, other stakeholder groups and the public hearing process in developing this rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Morris, Chief Contractor Compliance/Plumber Certification, phone (360) 902-5578 or fax (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44470, Olympia, WA 98504-4470; Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, phone (360) 902-5225 or fax (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44440, Olympia, WA 98504-4440; Becky Ernstes, Acting Chief Elevator Inspector, phone (360) 902-6128 or fax (360) 902-6132, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44480, Olympia, WA 98504-4480; or Janet Lewis, Chief Electrical Inspector, phone (360) 902-5249 or fax (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44460, Olympia, WA 98504-4460.

November 2, 1998

Gary Moore
Director

WSR 98-22-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 4, 1998, 11:28 a.m.]

Subject of Possible Rule Making: Amendments to WAC 296-30-020 Vehicular assault, 296-30-060 Requirement to report criminal acts, 296-30-081 Acceptance of rules and fees for medical and mental health services, 296-30-900 Effective date of amendatory acts, 296-31-040 Special programs, 296-31-060 Reporting requirements, 296-31-071 Keeping of records, 296-31-072 Review of mental health service providers, 296-31-073 Utilization management, 296-31-075 Excess recoveries and 296-31-080 Billing procedures; new section WAC 296-31-085 Can out-of-state providers bill the department? and repeal of WAC 296-30-025 Medical assistance eligibility and 296-31-100 Severability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.020, 7.68.030, 7.68.060, 7.68.080, and 7.68.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some of the rules in this preproposal are unnecessary or obsolete. Others include parts that are no longer applicable. The sections are being amended and repealed to provide people affected by the rules with current information. All but two of the amended rules are being rewritten in language that can be more clearly understood, the other two only have housekeeping amendments.

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

Process for Developing New Rule: Executive Order 97-02 intensive review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, CVC Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, e-mail NNAN235@LNI.WA.GOV. Other Opportunities to Comment: 1. CVC Advisory Committee meetings. 2. Public hearing (to be scheduled).

November 3, 1998

Gary Moore
Director

WSR 98-22-108

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-21—Filed November 4, 1998, 11:33 a.m.]

Subject of Possible Rule Making: The commissioner will amend rules governing health care provider contracts under the recently adopted chapter 284-43 WAC. These changes to provider contract rules will address problems brought to the attention of the commissioner by health care professionals and health care facilities. Subjects may include dispute resolution, provider payment, provider liability, plan medical management, and health information privacy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, 48.43.055, 48.44.050, 48.44.070, 48.46.030, 48.46.200, and 48.46.243.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The terms and conditions of contracts between health carriers and health care providers affect the health care delivered to consumers and affect the coverage under the health plans sold to consumers. Many health care providers have complained of unfair terms and conditions contained in provider contracts. Providers have requested that the agency adopt additional standards for these contracts.

Process for Developing New Rule: Agency study; and the commissioner will form small groups comprised of affected parties to consider developing new rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256,

Olympia, WA 98504-0256, phone (360) 407-0729, fax (360)
407-0186, internet KacyB@oic.wa.gov.

November 4, 1998

John S. Conniff
Deputy Commissioner
Managed Health Care



WSR 98-22-080
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed November 3, 1998, 12:46 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-828-340 Surety bonding—Security in lieu of bonding.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4916.

Reason the Expedited Repeal of the Rule is Appropriate: The rule has not remedied the problem it was intended to address. The surety bond requirement is clearly defined in RCW 18.35.240.

October 20, 1998

Mark H. Scoones, Chair
Board of Hearing and Speech

WSR 98-22-081
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed November 3, 1998, 12:48 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-828-110, 246-828-120, 246-828-130, 246-828-140, 246-828-150, 246-828-160, 246-828-170, 246-828-180, 246-828-190, 246-828-200, 246-828-210, 246-828-230, 246-828-240, 246-828-250, 246-828-260, and 246-828-310, advertising and unfair practices.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869, attention: Diane Young.

Reason the Expedited Repeal of the Rule is Appropriate: The content of the rules are redundant of the Uniform Disciplinary Act, chapter 18.130 RCW or they are no longer appropriate because of changes in technology.

October 20, 1998

Mark H. Scoones, Chair
Board of Hearing and Speech



WSR 98-22-003
PROPOSED RULES
DEPARTMENT OF LICENSING
 (Real Estate Commission)
 [Filed October 22, 1998, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-071.

Purpose: Amend title of chapter 308-124 WAC, the new name will be gender neutral.

Amend WAC 308-124-007 Meetings, the proposed changes will provide more information regarding the commission's schedule of annual regular meetings.

Amend WAC 308-124-021 Definitions, the proposed changes to this section are to make it easier to read. The definition of incorporated associated broker is eliminated, and the payment of commissions to incorporated licensees is addressed in new proposed rule WAC 308-124D-080.

Repeal WAC 308-124-001 Promulgation—Authority and 308-124-005 Organization, these sections are duplicative of statutory language.

Amend WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required, the proposed changes eliminate the credit reference requirement in light of changing business practices in the profession.

Amend WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees, the proposed changes will increase fees within I-601 and help the department meet its operating costs and expenses.

Amend WAC 308-124B-140 Multiple business usage of office, the proposed changes are a reflection of changing business practices in the profession.

Amend WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction, the proposed changes clarify out-of-state licensees' requirements for maintaining the location of trust accounts.

Amend WAC 308-124C-010 Licensee's responsibilities, the proposed changes will require the licensee to keep the department informed of changes in mailing address rather than changes in home address.

Amend WAC 308-124D-061 Broker supervision of affiliated licensees, this clarifies the standards for broker supervision.

New WAC 308-124D-070 Discriminatory acts—Prohibition, this moves a former WAC section into this chapter, allowing the department to eliminate chapter 308-124F WAC.

New WAC 308-124D-080 Payment of earned commissions, this section is proposed in light of changing practices in the profession.

Repeal WAC 308-124F-010 Real estate office in same building as residence requirements, this section is a proposed repealer because the requirement is no longer relevant in light of changing business practices in the profession.

Repeal WAC 308-124F-020 Discriminatory acts—Prohibition, this section has been moved and proposed as new section WAC 308-124D-070. Moving this section out of chapter 308-124F WAC allows the department to eliminate a WAC chapter.

Repeal WAC 308-124F-030 Misuse of broker's license—Prohibited, this section has been moved and proposed in new section WAC 308-124D-061. The repeal of chapter 308-124F WAC allows the department to eliminate chapter 308-124F WAC.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: Governor's Executive Order on Regulatory Improvement 97-02.

Reasons Supporting Proposal: Most of the proposed changes are a result of a regulatory improvement review designed to streamline and eliminate irrelevant or obsolete information in rules. The proposed rules relating to fee increases are necessary to help the Department of Licensing meet its statutory mandate to cover its operating costs from the fees it collects.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Mitchell, Real Estate Program Manager, P.O. Box 9015, Olympia, WA 98057-9015, fax (360) 586-0998, e-mail btmitchell@dol.wa.gov, (360) 586-6012.

Name of Proponent: Department of Licensing, Real Estate Commission, 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.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington Housing Finance Commission Office, 1000 Second Avenue, Seattle, WA, on Friday, December 4, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Bob Mitchell by Monday, November 30, 1998.

Submit Written Comments to: Fax (360) 586-0998, by Monday, November 30, 1998.

Date of Intended Adoption: December 4, 1998.

October 21, 1998

Linda M. Moran

Senior Assistant

Attorney General

Chapter 308-124 WAC

REAL ESTATE BROKERS AND ((SALESMEN)) SALESPERSONS—GENERAL PROVISIONS

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

WAC 308-124-007 Meetings. The real estate commission meets quarterly, March, June, September and December or at the call of the director. Individuals desiring to be informed as to date, time, place and agenda of the meeting must make a written request to the real estate program. Annual notice of the commission's yearly schedule will be

published by the code reviser at the beginning of each new year.

AMENDATORY SECTION (Amending WSR 98-01-107, filed 12/17/97, effective 1/17/98)

WAC 308-124-021 Definitions. ~~((1))~~ Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

~~((2))~~ (1) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

~~((3))~~ (2) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

~~((4))~~ (3) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

~~((5))~~ "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

~~((6))~~ (4) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, ~~((incorporated associate brokers,))~~ and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-124-001 Promulgation—Authority.
- WAC 308-124-005 Organization.

AMENDATORY SECTION (Amending WSR 98-01-107, filed 12/17/97, effective 1/17/98)

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required. The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corpora-

tion, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

~~(2)~~ ~~((The applicant shall furnish a character and credit rating of the designated broker, officers, managers or members and principal owners of the corporation or limited liability company directly involved in the company's Washington real estate activity and, in the case of a partnership or limited liability partnership, the general partners and all principal owners. A new credit rating is not required if one has been filed with the department within the preceding eighteen months.~~

~~(3))~~ If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

~~((4))~~ (3) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

~~((5))~~ ~~If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations, limited liability companies, limited liability partnerships or partnerships under this chapter.)~~

AMENDATORY SECTION (Amending WSR 93-24-096, filed 11/30/93, effective 1/1/94)

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after June 30, 1999, and all renewals for existing licenses with expiration date after June 30, 1999. The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	((130.00)) <u>\$139.00</u>
Reexamination	((130.00)) <u>139.00</u>
Original license	((160.00)) <u>171.25</u>
License renewal	((160.00)) <u>171.25</u>
Late renewal with penalty	((185.00)) <u>198.00</u>
Duplicate license	((25.00)) <u>26.75</u>
Certification	((25.00)) <u>26.75</u>

PROPOSED

Title of Fee	Fee
Name or address change, transfer or license activation	((25.00)) <u>26.75</u>
Real estate broker - Branch office:	
Original license	((\$150.00)) <u>\$160.50</u>
License renewal	((150.00)) <u>160.50</u>
Late renewal with penalty	((175.00)) <u>187.25</u>
Duplicate license	((25.00)) <u>26.75</u>
Name or address change	((25.00)) <u>26.75</u>
Real estate salesperson:	
Application/examination	((\$130.00)) <u>\$139.00</u>
Reexamination	((130.00)) <u>139.00</u>
Original license	((100.00)) <u>107.00</u>
License renewal	((100.00)) <u>107.00</u>
Late renewal with penalty	((125.00)) <u>133.75</u>
Duplicate license	((25.00)) <u>26.75</u>
Certification	((25.00)) <u>26.75</u>
Name or address change, transfer or license activation	((25.00)) <u>26.75</u>

The following fee shall be charged annually for land development representatives:

Land development representative:	
Registration	((25.00)) <u>26.75</u>

AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

WAC 308-124B-140 Multiple business usage of office. ((+)) A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, ((compatible)) business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

(((2) Two or more licensed real estate brokerage businesses may be conducted at an office location with a common

entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results.))

NEW SECTION

WAC 308-124B-145 Two or more real estate businesses in same location. Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results.

AMENDATORY SECTION (Amending Order PM 711, filed 3/1/88)

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the ((maintenance of trust account and transaction records for a period of three years in the state of Washington in one location at the Washington office of an escrow agent licensed in the state of Washington, a real estate broker licensed in the state of Washington, attorneys at law licensed to practice in the state of Washington or title companies for all Washington transactions for the broker)) Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Spokane, Seattle, or Olympia) nearest to the location of the records to sign the audit report.

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though

PROPOSED

another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current (~~home~~) mailing address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department. The broker shall provide copies of required records upon demand by the director or the director's authorized representative.

AMENDATORY SECTION (Amending WSR 98-01-107, filed 12/17/97, effective 1/17/98)

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he/she does not exercise adequate supervision over the activities of his or her licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW.

(2) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company, limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

~~((2))~~ (3) A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

NEW SECTION

WAC 308-124D-070 Discriminatory acts—Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, marital sta-

tus, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, metal, or physical handicap.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

NEW SECTION

WAC 308-124D-080 Payment of earned commissions. A broker may disburse real estate commissions earned by an associate broker or salesperson directly to a third party, including a natural person, corporation, or other business entity provided:

(1) The broker has and maintains for a period of three years, written instructions from the salesperson or associate broker directing to whom the funds are to be paid;

(2) The disbursal is made by check from the broker's business account; and

(3) The person or business entity receiving the funds has not engaged in any unlicensed real estate activity.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 308-124F-010 Real estate office in same building as residence requirements.
- WAC 308-124F-020 Discriminatory acts—Prohibition.
- WAC 308-124F-030 Misuse of broker's license—Prohibited.

WSR 98-22-013
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed October 23, 1998, 1:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-109.

Title of Rule: WAC 460-28A-015 All advertisements to be filed.

Purpose: To amend WAC 460-28A-015 to clarify the advertisement prefiling requirement for registered offerings of securities.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: This amendment is being proposed to clarify the time period for filing of sales and advertising literature and promotional material relating to registered offerings of securities. WAC 460-28A-015(1) currently provides that copies must be filed five days before intended use. It is proposed to amend the requirement to provide a five business day standard.

Reasons Supporting Proposal: To provide a business day standard for all filed advertising literature and promotional materials addressed by the rule.

Name of Agency Personnel Responsible for Drafting: Brad Ferber, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760; and Enforcement: Deborah Bortner, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Following review of this rule according to Executive Order 97-02, Securities Division staff acknowledged the distinction between calendar days and business days. Subsection (1) of the rule contains an apparent calendar day standard for pre-filing of sales and advertising literature and promotional materials, while subsection (2) of the rule specifies a business day standard for the disallowance of filed materials. In the interests of consistency and clarity it is being proposed to amend subsection (1) to also utilize the business day standard for filing of sales and advertising literature and promotional materials.

Proposal Changes the Following Existing Rules: WAC 460-28A-015(1) is proposed to be amended to provide a business day standard for all filed advertising literature and promotional materials.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not have economic impact on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not a listed agency in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on December 15, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by December 14, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Brad Ferber, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 586-5068, by December 14, 1998.

Date of Intended Adoption: January 15, 1998 [1999].

October 21, 1998

John L. Bley
 Director

AMENDATORY SECTION (Amending Order 342, filed 9/29/75)

WAC 460-28A-015 All advertisements to be filed. All sales and advertising literature and promotional material, other than that exempted by these rules, shall be governed by the following:

- (1) The registration applicant or registrant shall file with the division, at least five business days before its intended dissemination, one copy of each item of literature or material.
- (2) If not disallowed by the administrator by written notice or otherwise within three business days from the date filed, the literature or material may be disseminated.
- (3) No formal approval of the literature or material shall be issued by the administrator.
- (4) The disseminator of the literature or material shall be responsible for the accuracy and reliability of the literature and material, and its conformance with the code and these rules.

WSR 98-22-014
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed October 23, 1998, 1:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-125.

Title of Rule: New section WAC 460-24A-145 Investment advisor brochure rule.

PROPOSED

Purpose: To adopt existing federal regulations governing the disclosure of information by investment advisors and to create uniformity with other state regulatory agencies.

Statutory Authority for Adoption: Section 9, chapter 15, Laws of 1998.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: The proposed rule would require investment advisors to disclose certain information about themselves and their businesses to advisory clients and prospective advisory clients. The required disclosure would consist of the information provided in Part II of Form ADV, the Uniform Application for Investment Advisor Registration.

Reasons Supporting Proposal: The proposed rule will create uniformity with other state regulatory agencies and fill a gap created when the United States Securities and Exchange Commission amended its rules making them inapplicable to some investment advisors.

Name of Agency Personnel Responsible for Drafting: Steven Raney, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760; **Implementation:** John L. Bley, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760; and **Enforcement:** Deborah Bortner, 210 11th Avenue S.W., Olympia, WA, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule incorporates existing federal regulations without material change. It was adopted by the North American Securities Administrators Association using a national notice and comment procedure. The rule would require investment advisors to disclose certain information about themselves and their businesses to advisory clients and prospective advisory clients. It is intended to help the public make informed investment decisions.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule adopts, without material change, existing federal regulations of this subject.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not a listed agency in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on December 15, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by December 14, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Steven Raney, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 586-5068, by December 14, 1998.

Date of Intended Adoption: January 15, 1999.

October 21, 1998

John L. Bley
Director

[NEW SECTION]

WAC 460-24A-145 Investment adviser brochure rule. (1) **General Requirements.** Unless otherwise provided in this rule, an investment adviser, registered or required to be registered pursuant to RCW 21.20.040 shall, in accordance with the provisions of this section, furnish each advisory client and prospective advisory client with a written disclosure statement which may be a copy of Part II of its Form ADV or written documents containing at least the information then so required by Part II of Form ADV, or such other information as the administrator may require.

(2) **Delivery.** (a) An investment adviser, except as provided in subparagraph (b) of this paragraph, shall deliver the statement required by this section to an advisory client or prospective advisory client (i) not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or (ii) at the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five business days after entering into the contract.

(b) delivery of the statement required by subparagraph (a) need not be made in connection with entering into (i) and investment company contract or (ii) a contract for impersonal advisory services.

(3) **Offer to Deliver.** (a) An investment adviser, except as provided in subdivision (b), annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the statement required by this section.

(b) The delivery or offer required by subparagraph (a) need not be made to advisory clients receiving advisory services solely pursuant to (i) an investment company contract or (ii) a contract for impersonal advisory services requiring a payment of less than \$200.00.

(c) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in subparagraph (a) shall also be made at the time of entering into an advisory contract.

(d) Any statement requested in writing by an advisory client pursuant to an offer required by this subsection must be mailed or delivered within seven days of the receipt of the request.

(4) **Omission of Inapplicable Information.** If an investment adviser renders substantially different types of investment advisory services to different advisory clients, any information required by Part II of Form ADV may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(5) **Other Disclosures.** Nothing in this rule shall relieve any investment adviser from any obligation pursuant to any provision of Chapter 21.20 RCW or the rules and regulations thereunder or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule.

(6) Definitions. For the purpose of this rule: (a) "contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or (iii) any combination of the foregoing services.

(b) "entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(c) "investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of Section 15(c) of that Act.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 98-22-015
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed October 23, 1998, 1:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-124.

Title of Rule: New section WAC 460-24A-110 Agency cross transactions.

Purpose: To adopt new section WAC 460-24A-200 to make the rules relating to investment advisers uniform among the states and to conform regulation of investment advisers with federal statutes and regulations.

Other Identifying Information: NASAA Uniform Rule 102(f)-1.

Statutory Authority for Adoption: Section 2, chapter 15, Laws of 1998, RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: This rule is being proposed to adopt a rule to require investment advisers and certain affiliates, who act as the principal or effect transactions between clients, to disclose the capacity in which the investment adviser or affiliate is acting and to obtain the consent of the client prior to execution of the transaction at issue.

Reasons Supporting Proposal: The proposed rule is intended to protect investors who conduct business with state regulated investment advisers. The proposed rule will foster uniformity with other jurisdictions and conform to federal statutes and regulations.

Name of Agency Personnel Responsible for Drafting: Marlo DeLange, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722; and Enforce-

ment: Deborah Bortner, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Section 2, chapter 15, Laws of 1998, requires investment adviser and certain affiliates of the adviser, who act as the principal or effect transactions between clients, to disclose the capacity in which the investment adviser or affiliate is acting and to obtain the consent of the client prior to execution of the transaction at issue. The proposed rule provides conditions, if met, in which the investment is deemed to be in compliance with section 2, chapter 15, Laws of 1998.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The adoption of the rule is being proposed solely for the purpose of conformity with federal statute and regulations and NASAA uniform rules. Specifically, Section 303 Improved Supervision Through State and Federal Cooperation, of Title III of the National Securities Markets Improvement Act of 1996 divided regulation of investment advisers between the United States Securities and Exchange Commission (SEC) and the states. The proposal regulates investment advisers not otherwise regulated by the SEC and, is the equivalent of 17 C.F.R. 275.206(3)-2, promulgated under the Investment Advisers Act of 1940. The proposal adopts, without material change, the federal regulation and the NASAA uniform rule, which was adopted by NASAA with a notice and comment procedure in the industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not a listed agency in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on December 15, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by December 14, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Marlo DeLange, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 586-5068, by December 14, 1998.

Date of Intended Adoption: January 15, 1999.

October 21, 1998

John L. Bley
 Director

NEW SECTION

WAC 460-24A-110 Agency cross transactions. (a) For purposes of this rule, "agency cross transaction for an advisory client" means a transaction in which a person acts as an investment adviser in relation to a transaction in which the investment adviser, or any person controlling, controlled by, or under common control with such investment adviser, including an investment adviser representative, acts as a broker-dealer for both the advisory client and another person on

the other side of the transaction. When acting in such capacity such person is required to be registered as a broker-dealer in this state unless excluded from the definition.

(b) An investment effecting an agency cross transaction for an advisory client shall be in compliance with 1998 Wash. Laws ch. 15, §2 if the following conditions are met:

(1) The advisory client executes a written consent prospectively authorizing the investment adviser to effect agency cross transactions for such client;

(2) Before obtaining such written consent from the client, the investment adviser makes full written disclosure to the client that, with respect to agency cross transactions, the investment adviser will act as broker-dealer for, receive commissions from and have a potentially conflicting division of loyalties and responsibilities regarding both parties to the transactions;

(3) At or before the completion of each agency cross transaction, the investment adviser or any other person relying on this rule sends the client a written confirmation. The written confirmation shall include (A) a statement of the nature of the transaction, (B) the date the transaction took place (C) an offer to furnish, upon request, the time when the transaction took place and (D) the source and amount of any other remuneration the investment adviser received or will receive in connection with the transaction. In the case of a purchase, if the investment adviser was not participating in a distribution, or, in the case of a sale, if the investment adviser was not participating in a tender offer, the written confirmation may state whether the investment adviser has been receiving or will receive any other remuneration and that the investment adviser will furnish the source and amount of such remuneration to the client upon the client's written request;

(4) At least annually, and with or as part of any written statement or summary of the account from the investment adviser, the investment adviser or any other person relying on this rule sends each client a written disclosure statement identifying (A) the total number of agency cross transactions during the period for the client since the date of the last such statement or summary and (B) the total amount of all commissions or other remuneration the investment adviser received or will receive in connection with agency cross transactions for the client during the period;

(5) Each written disclosure and confirmation required by this rule must include a conspicuous statement that the client may revoke the written consent required under subsection (b)(1) of this rule at any time by providing written notice to the investment adviser;

(6) No agency cross transaction may be effected in which the same investment adviser recommended the transaction to both any seller and any purchaser.

(c) Nothing in this rule shall be construed to relieve an investment adviser or investment adviser representative from acting in the best interest of the client, including fulfilling his duty with respect to the best price and execution for the particular transaction for the client nor shall it relieve any investment adviser or investment adviser representative of any other disclosure obligations imposed by the Securities Act of Washington, chapter 21.20 RCW, and the rules and regulations thereunder.

WSR 98-22-016
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed October 23, 1998, 1:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-123.

Title of Rule: WAC 460-24A-220 Unethical business practices of investment advisers and federal covered advisers.

Purpose: The rule specifies conduct by investment advisers that is deemed to be unethical business practices. The purpose of the proposal is to amend WAC 460-24A-200 to make uniform the rules relating to state regulated investment advisers and federal covered investment advisers to the extent permitted by the National Securities Markets Improvement Act of 1996.

Other Identifying Information: NASAA Uniform Rule 102 (a)(4)-1.

Statutory Authority for Adoption: RCW 21.20.100, 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Title III of the National Securities Markets Improvement Act of 1996 divided regulation of investment advisers between federal and state jurisdictions. The proposal covers the unethical business practices of investment advisers who are not otherwise regulated by the United States Securities and Exchange Commission and other federal covered investment advisers to the extent permitted by NSMIA. The proposal would conform the existing rule to the changes that NSMIA brought about with respect to investment advisers.

Reasons Supporting Proposal: The proposed amendment is intended to protect investors against unethical business practices of investment advisers. The proposed amendment will foster uniformity with other jurisdictions and conform to federal statutes and regulations.

Name of Agency Personnel Responsible for Drafting: Marlo DeLange, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722; and Enforcement: Deborah Bortner, 210 11th Avenue S.W., Olympia, WA, (360) 902-8722.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule specifies prohibited conduct of investment advisers; however, the conduct set forth in the rule is not inclusive. The rule is meant to protect investors who conduct business with investment advisers against unethical business practices. The amendments expand the scope of prohibited conduct by incorporating sections 204A, 205, 215, and 206(4) of the Investment Advisers Act of 1940 and the Securities Act of Washington, chapter 21.20 RCW.

Proposal Changes the Following Existing Rules: WAC 460-24A-220 will be amended to include conduct by invest-

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ment advisers and federal covered advisers, to the extent permitted by NSMIA, related to policies and procedures involving prevention of misuse of nonpublic information; advisory contracts; waivers of compliance; fraudulent, deceptive, or manipulative acts, practices, or courses of business; and violations of the Securities Act of Washington.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment is being proposed solely for the purpose of conformity with federal statutes and regulations and NASAA uniform rules. Specifically, Section 303 Improved Supervision Through State and Federal Cooperation of Title III of the National Securities Markets Improvement Act of 1996 divided regulation of investment advisers between the United States Securities and Exchange Commission and the states. The proposal is the equivalent of 17 C.F.R. 275.206(4)-4, promulgated under the Investment Advisers Act of 1940. The proposal adopts, without material change, the federal regulation and the NASAA uniform rule, which was adopted by NASAA with notice and comment procedure in the industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not a listed agency in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 300 General Administration Building, 210 11th Avenue S.W., Olympia, WA 98504, on December 15, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by December 14, 1998, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: Marlo DeLange, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 586-5068, by December 14, 1998.

Date of Intended Adoption: January 15, 1999.

October 21, 1998

John L. Bley

Director

AMENDATORY SECTION [(Amending Order SDO-220-85, filed 11/19/85)]

WAC 460-24A-220 (~~(Dishonest or u)~~)**Unethical business practices—Investment advisers and** (~~(investment adviser salespersons)~~) **federal covered advisers.** (~~(The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to investment advisers and investment adviser salespersons is hereby defined to include any of the following:))~~ A person who is an investment adviser or a federal covered adviser is a fiduciary and has a duty to act primarily for the benefit of its clients. The provisions of this subsection apply to federal covered advisers to the extent that the conduct alleged is fraudulent, deceptive, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290). While the extent and nature of this duty varies according to the nature of the relationship between an investment adviser and its clients and the circumstances of each case, an investment adviser or a federal covered adviser shall not engage in unethical business practices, including the following:

(1) Recommending to a client to whom investment supervisory, management or consulting services are provided

the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser.

(2) Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within ten (10) business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

(3) Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account~~((:-))~~ in light of the fact that an adviser in such situations can directly benefit from the number of securities transactions effected in a client's account. The rule appropriately forbids an excessive number of transaction orders to be induced by an adviser for a "customer's account."

(4) Placing an order to purchase or sell a security for the account of a client without authority to do so.

(5) Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party trading authorization from the client.

(6) Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.

(7) Loaning money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.

(8) To misrepresent to any advisory client, or prospective advisory client, the qualifications of the investment adviser or any employees of the investment adviser, or to misrepresent the nature of the advisory services being offered or fees to be charged for such service, or to omit to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

(9) Providing a report or recommendation to any advisory client prepared by someone other than the adviser without disclosing that fact. (This prohibition does not apply to a situation where the adviser uses published research reports or statistical analyses to render advice or where an adviser orders such a report in the normal course of providing service.)

(10) Charging a client an unreasonable advisory fee (~~(in relation to fees charged by other investment advisers or investment adviser salespersons for similar services))~~).

(11) Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including (~~(but not limited to)~~):

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(a) Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; and

(b) Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees(†and

(c) ~~An ownership or interest in any entity in which the investment adviser or investment adviser salesperson is recommending that the client purchase (excluding mutual funds)).~~

(12) Guaranteeing a client that a specific result will be achieved (gain or no loss) with advice which will be rendered.

(13) Publishing, circulating or distributing any advertisement which does not comply with Rule 206(4)-1 under the Investment Advisers Act of 1940.

(14) Disclosing the identity, affairs, or investments of any client unless required by law to do so, or unless consented to by the client.

(15) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Reg. 206(4)-2 under the Investment Advisers Act of 1940.

(16) Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the adviser and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract.

(17) Failing to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information contrary to the provisions of Section 204A of the Investment Advisers Act of 1940.

(18) Entering into, extending, or renewing any advisory contract contrary to the provisions of section 205 of the Investment Advisers Act of 1940. This provision shall apply to all advisers registered or required to be registered under the Securities Act of Washington, chapter 21.20 RCW, notwithstanding whether such adviser would be exempt from federal registration pursuant to section 203(b) of the Investment Advisers Act of 1940.

(19) To indicate, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of the Securities Act of Washington, chapter 21.20 RCW, or of the Investment Advisers Act of 1940, or any other practice contrary to the provisions of section 215 of the Investment Advisers Act of 1940.

(20) Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contrary to the provisions of section 206(4) of the Investment Advisers Act of 1940, notwithstanding the fact that such investment

adviser is not registered or required to be registered under section 203 of the Investment Advisers Act of 1940.

(21) Engaging in conduct or any act, indirectly or through or by any other person, which would be unlawful for such person to do directly under the provisions of the Securities Act of Washington, chapter 21.20 RCW, or any rule or regulation thereunder.

The conduct set forth above is not inclusive. ((e))Engaging in other conduct such as ((forgery, embezzlement,)) non-disclosure, incomplete disclosure ((or misstatement of material facts)), ((or manipulative)) or deceptive practices shall ((also be grounds for denial suspension or revocation of registration)) be deemed an unethical business practice. The federal statutory and regulatory provisions referenced herein shall apply to investment advisers and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

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 98-22-017

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 98-19—Filed October 23, 1998, 3:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-084.

Title of Rule: Forest practices rules and regulations to protect water quality, chapter 173-202 WAC.

Purpose: Incorporate by reference revisions to forest practices rules to better protect resources. Current forest practices rules are not providing adequate protection for salmon and other public resources. Resource agencies face many new resource protection challenges, including current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, [meeting] the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board and ecology are planning to conduct rule making on a comprehensive package of new and revised rules. Called the "forestry module," TFW has identified the need to revise forest practices rules (Title 222 WAC) in order to better protect public resources. TFW participants have been negotiating issues covered by this proposal, but have not reached consensus. Should consensus be reached

during this rule-making process, the proposal may be modified to include their recommendation as an alternative.

Other Identifying Information: The Forest Practices Board filed a companion preproposal as WSR 98-16-099 and a rule-making proposal as WSR 98-21-015. See Purpose above.

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Adopt by reference modifications to forest practices rules (Title 222 WAC) to better protect public resources. Rule categories: Riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; roads; slope stability; forest chemicals; monitoring; adaptive management; watershed analysis. See Purpose above.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Doug Rushton, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6180; **Implementation and Enforcement:** Dick Wallace, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6489.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule includes the following forest practices rules that would be adopted by reference:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.
- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board (FPB) manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Expands adaptive management requirements by formally establishing the Cooperative Monitoring,

Evaluation, and Research (CMER) Committee of TFW and charging them with implementing adaptive management based on scientific findings; encourages cooperative opportunities for working with the board.

The purpose and anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry. See Purpose above.

Proposal Changes the Following Existing Rules: The proposed rule amendment of chapter 173-202 WAC incorporates by reference changes to the forest practices rules related to water quality.

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

Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-24 issue of the Register.

A copy of the statement may be obtained by writing to Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1412, e-mail forestpractices.board@wadnr.gov, fax (360) 902-1784.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Considered to be a significant legislative rule.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on May 19, 1999, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary by May 1, 1999, TDD (360) 902-1125.

Submit Written Comments to: Doug Ruston, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6426, by May 21, 1999.

Date of Intended Adoption: May 28, 1999.

October 21, 1998

Daniel J. Silver

Deputy Director

AMENDATORY SECTION (Amending Order 97-46, filed 3/30/98, effective 4/30/98)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on ~~((March 13))~~ **October 12, 1998**, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices ~~((regulations))~~ **rules.**

WAC 222-10-020—SEPA policies for certain forest practices within 200 feet of a Type S Water.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.
 WAC 222-12-090—Forest practices board manual.
 WAC 222-16-010—General definitions.
 WAC 222-16-030—Water typing system.
 WAC 222-16-035—Wetland typing system.
 WAC 222-16-050 (1)(a), ~~(1)(d)~~, (1)(e), (1)(h), (1)(i),
~~(1)(j)~~, (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n),
 (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c),
 (5)(d), (5)(e), (5)(f), (5)(h), (5)(n), ~~(5)(o)~~—Classes
 of forest practices.
 WAC 222-16-070—Pesticide uses with the potential for
 a substantial impact on the environment.
WAC 222-20-015—Multiyear permits.
WAC 222-20-020(6)—Application time limits.
 WAC 222-22-010—Policy.
 WAC 222-22-020—Watershed administrative units.
 WAC 222-22-030—Qualification of watershed resource
 analysts, specialists, and field managers.
 WAC 222-22-040—Watershed prioritization.
 WAC 222-22-050—Level 1 watershed resource assess-
 ment.
 WAC 222-22-060—Level 2 watershed resource assess-
 ment.
 WAC 222-22-070—Prescription recommendation.
 WAC 222-22-080—Approval of watershed analysis.
 WAC 222-22-090—Use and review of watershed analy-
 sis.
 WAC 222-22-100—Application review prior to water-
 shed analysis.
 WAC 222-24-010—Policy.
 WAC 222-24-020 (2), (3), (4), ~~(5)~~, (6), ~~(8)~~, ~~(13)~~—Road
 location and design.
 WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road
 design.
 WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road
 construction.
 WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—
 Landing location and construction.
 WAC 222-24-040 ~~((1), (2), (3), (4))~~—Water crossing
 structures.
 WAC 222-24-050—Road maintenance.
 WAC 222-24-060 (1), (2), (3), (6)—Rock quarries,
 gravel pits, borrow pits, and spoil disposal areas.
 WAC 222-30-010—Policy—Timber harvesting.
 WAC 222-30-020 (2), (3), (4), ~~((5))~~ (6), (7)(a), (7)(e),
 (7)(f), (8)~~((e))~~—Harvest unit planning and design.
 WAC 222-30-025—Green-up: Even-aged harvest size
 and timing.
 WAC 222-30-030—Stream bank integrity.
 WAC 222-30-040—Shade requirements to maintain
 stream temperature.
 WAC 222-30-050 (1), (2), (3)—Felling and bucking.
 WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
 WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—
 Tractor and wheeled skidding systems.
 WAC 222-30-080 (1), (2)—Landing cleanup.
 WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash dis-
 posal.
 WAC 222-34-040—Site preparation and rehabilitation.
 WAC 222-38-010—Policy—Forest chemicals.

WAC 222-38-020—Handling, storage, and application
 of pesticides.
 WAC 222-38-030—Handling, storage, and application
 of fertilizers.
 WAC 222-38-040—Handling, storage, and application
 of other forest chemicals.

WSR 98-22-034**PROPOSED RULES****PERSONNEL RESOURCES BOARD**

[Filed October 29, 1998, 12:00 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under
 RCW 34.05.310(4).

Title of Rule: WAC 356-30-260 Probationary period—
 Provisions—Status of employee and 356-30-305 Trial ser-
 vice period—Provision.

Purpose: These rules pertain to provisions of probat-
 ionary and trial service periods.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: These modifications will allow an
 employee's probationary period or trial service period to be
 extended day for day when an employee uses shared leave.

Name of Agency Personnel Responsible for Drafting:
 Sharon Peck, 521 Capitol Way South, Olympia, WA, (360)
 753-0468; Implementation and Enforcement: Department of
 Personnel.

Name of Proponent: Department of Personnel, govern-
 mental.

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

Explanation of Rule, its Purpose, and Anticipated
 Effects: These rules pertain to probationary period and trial
 service period. Currently the probationary and trial service
 periods are extended by the number of calendar days in
 excess of thirty when an employee is on shared leave. These
 modifications will allow an employee's probationary period
 or trial service period to be extended day for day when an
 employee uses shared leave.

Proposal Changes the Following Existing Rules: See
 above.

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

Section 201, chapter 403, Laws of 1995, does not apply
 to this rule adoption. These rules relate to internal govern-
 mental operations that are not subject to violation by a nongov-
 ernmental party. Therefore, pursuant to RCW 34.05.328
 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Cap-
 itol Way South, Olympia, WA, on December 10, 1998, at
 10:00 a.m.

Assistance for Persons with Disabilities: Contact
 Department of Personnel by December 3, 1998, TDD (360)
 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by December 8, 1998.

Date of Intended Adoption: December 10, 1998.

October 27, 1998

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 91-20-029 [98-19-034] (Order 383), filed 9/23/91 [9/10/98], effective 11/1/91 [10/12/98])

WAC 356-30-260 Probationary period—Provisions—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the board. The board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, (~~shared leave~~) or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 91-20-029 (Order 383), filed 9/23/91)

WAC 356-30-305 Trial service period—Provision.

(1) Employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay or shared leave shall have their trial service period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, (~~shared leave~~) or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

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(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

WSR 98-22-035
PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed October 29, 1998, 12:02 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-26-110 Certification—Actions required.

Purpose: This rule pertains to actions taken on certifications.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification is housekeeping in nature and is needed to reflect current automated reporting programs.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes what action needs to be taken on certifications. The modification is housekeeping in nature and is needed to reflect current automated reporting programs.

Proposal Changes the Following Existing Rules: See above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules related to internal government operations that are not subject to violation by a nongov-

ernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 14, 1999, at 10:00 a.m.

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

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by January 12, 1999.

Date of Intended Adoption: January 14, 1999.

October 27, 1998

Dennis Karras

Secretary

AMENDATORY SECTION (Amending Order 40, filed 12/10/71)

WAC 356-26-110 Certification—Actions required. ~~((Reports of actions taken on certified eligibles by the appointing authority shall be in writing to the director within ten working days following certification unless the director has specifically granted an extended time.))~~ The department of personnel shall be notified by the appointing authority of actions taken on certifications. The date of selection constitutes the closing of the referral; however, exceptions may be granted in unusual circumstances. Fair consideration must be given to all names certified.

The following actions are allowed and/or required:

(1) Appropriate appointment of one of the names certified.

(2) Request for additional names to replace names of eligibles who:

(a) Were considered, provided they were only from unranked registers.

(b) Waived consideration, which shall be confirmed by the director.

(c) Failed to reply within four days of notice to appear for consideration.

(d) Were not satisfactory for valid and pertinent reasons directly connected with the position as determined by the director from a written report by the appointing authority.

The preceding actions may be taken, provided the additional name or names do not cause the total number of names certified to exceed the number normally certified.

(3) Request for cancellation of the certification in accordance with WAC 356-26-050.

WSR 98-22-036

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed October 29, 1998, 2:42 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 458-40-540 Forest land values—1998.

Purpose: RCW 84.33.120 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.120(2). These published land values are used by county assessors for property tax purposes in 1999.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.120.

Summary: The proposed rule adjusts the table of forest land values in Washington as required by statute.

Reasons Supporting Proposal: RCW 84.33.120 requires the values provided in this rule be adjusted each year.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 711 Capitol Way South, #303, Olympia, WA (360) 586-3505; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-40-540 adjusts the forest land values in accordance with the statutory formula found in RCW 84.33.120(2). County assessors use these land values to assess property tax for 1999.

Proposal Changes the Following Existing Rules: The forest land values are statutorily adjusted. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Updating the forest land values are required by law under a set statutory formula. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rule is excepted from section 201 by RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Revenue, Target Place Building, No. 4, Conference Room, 2735 Harrison Avenue N.W., Olympia, WA, on December 10, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Virginia Sunde by December 3, 1998, TDD 1-800-451-7985, or (360) 586-8640.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by December 10, 1998.

Date of Intended Adoption: December 30, 1998.

October 29, 1998
 Russell W. Brubaker
 Assistant Director
 Legislation and Policy Division

AMENDATORY SECTION [(Amending WSR 98-02-014, filed 12/30/97)]

WAC 458-40-540 Forest land values—~~((1998))~~ 1999.

The forest land values, per acre, for each grade of forest land for the ~~((1998))~~ 1999 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES ROUNDED
1	1	((245)) <u>\$251</u>
	2	((238)) <u>\$244</u>
	3	((227)) <u>\$232</u>
	4	((164)) <u>\$168</u>
2	1	((207)) <u>212</u>
	2	((198)) <u>203</u>
	3	((190)) <u>195</u>
	4	((138)) <u>141</u>
3	1	((164)) <u>165</u>
	2	((156)) <u>160</u>
	3	((154)) <u>158</u>
	4	((118)) <u>121</u>
4	1	((122)) <u>125</u>
	2	((119)) <u>122</u>
	3	((118)) <u>121</u>
	4	((90)) <u>92</u>
5	1	((89)) <u>91</u>
	2	((82)) <u>84</u>
	3	((84)) <u>83</u>
	4	((54)) <u>55</u>
6	1	((45)) <u>46</u>
	2	((41)) <u>42</u>
	3	((41)) <u>42</u>
	4	((39)) <u>40</u>
7	1	((22)) <u>23</u>
	2	((22)) <u>23</u>
	3	21
	4	21
8		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.

WSR 98-22-038
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed October 29, 1998, 2:47 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 98-19-046.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: RCW 84.33.091 requires that the stumpage value tables rule be revised twice annually. WAC 458-40-660 is being amended to provide the proposed stumpage values for the first half of 1999. Large harvesters of timber use these values to calculate the timber excise tax on harvested timber.

Statutory Authority for Adoption: RCW 82.33.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091, 82.32.060, and 84.33.077.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, and thinning. In addition, the rule also contains a domestic market adjustment table for some timber which is not sold by a competitive bidding process and that is prohibited from export.

Reasons Supporting Proposal: RCW 84.33.091 requires the values provided in this rule be revised twice a year.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 711 Capitol Way South, #303, Olympia, WA, (360) 586-3505; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires the department to publish stumpage values on a semiannual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than small harvesters, use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: Values are updated. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Updating the stumpage value tables are required by law. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These are significant legislative rules pursuant to RCW 34.05.328 (5)(a)(I).

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N. W., Olympia, WA, on December 10, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Virginia Sunde by December 3, 1998, TDD 1-800-451-7985, or (360) 586-8640.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by December 10, 1998.

Date of Intended Adoption: December 30, 1998.

October 29, 1998

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 98-14-083, filed 6/30/98, effective 7/1/98)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July) January 1 through ((December 31, 1998)) June 30, 1999:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Timber Quality Species Code	Code Number	Hauling Distance-Zone-Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$615	\$608	\$601	\$594	\$587
		2	604	597	590	583	576
		3	562	555	548	541	534
		4	303	296	289	282	275
Western Redcedar ²	RC	1	1263	1256	1249	1242	1235
		2	938	931	924	917	910
		3	789	782	775	768	761
		4	751	744	737	730	723
Western Hemlock ³	WH	1	400	393	386	379	372
		2	375	368	361	354	347
		3	358	351	344	337	330
		4	278	271	264	257	250
Other Conifer	OC	1	400	393	386	379	372
		2	375	368	361	354	347
		3	358	351	344	337	330
		4	278	271	264	257	250
Red Alder	RA	1	210	203	196	189	182
		2	162	155	148	141	134

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TABLE 5 - Stumpage Value Table

Species Name	Timber Quality	Distance	Zone	Number	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹				
					1	2	3	4	5
Lodgepole Pine	LP	+	217	210	203	196	189		
	PP	+	373	366	359	352	345		
Ponderosa Pine	PP	+	244	237	230	223	216		
	RC	+	1263	1256	1249	1242	1235		
Western Redcedar ³	RC	+	938	931	924	917	910		
	RC	+	789	782	775	768	761		
Western Hemlock ⁴	WH	+	400	393	386	379	372		
	WH	+	363	356	349	342	335		
Other Conifer	OC	+	400	393	386	379	372		
	OC	+	363	356	349	342	335		
Red Alder	RA	+	210	203	196	189	182		
	RA	+	162	155	148	141	134		
Black Cottonwood	BC	+	61	54	47	40	33		
	BC	+	25	18	11	4	+		
Other Hardwood	OH	+	141	134	127	120	113		
	OH	+	22	15	8	+	+		
Douglas Fir Poles	DFP	+	986	979	972	965	958		
	DFP	+	60	53	46	39	32		
Douglas Fir Poles	DFP	+	986	979	972	965	958		
	DFP	+	60	53	46	39	32		
Western Redcedar Poles	RCP	+	986	979	972	965	958		
	RCP	+	363	356	349	342	335		
Chipwood	CHW	+	+	+	+	+	+		
	CHW	+	331	324	317	310	303		
RC Shake Blocks	RCS	+	303	296	289	282	275		
	RCS	+	289	282	275	268	261		
RC Shingle Blocks	RCF	+	121	114	107	100	93		
	RCF	+	938	931	924	917	910		
RC & Other Poles ⁵	RCP	+	0.45	0.45	0.45	0.45	0.45		
	RCP	+	0.25	0.25	0.25	0.25	0.25		
DF Christmas Trees ⁶	DFX	+	0.25	0.25	0.25	0.25	0.25		
	DFX	+	0.25	0.25	0.25	0.25	0.25		

July 1 through December 31, 1998

TABLE 4 - Stumpage Value Table

Species Name	Timber Quality	Distance	Zone	Number	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹				
					1	2	3	4	5
Black Cottonwood	BC	+	61	54	47	40	33		
	BC	+	25	18	11	4	+		
Other Hardwood	OH	+	141	134	127	120	113		
	OH	+	22	15	8	+	+		
Douglas Fir Poles	DFP	+	986	979	972	965	958		
	DFP	+	60	53	46	39	32		
Western Redcedar Poles	RCP	+	986	979	972	965	958		
	RCP	+	363	356	349	342	335		
Chipwood	CHW	+	+	+	+	+	+		
	CHW	+	331	324	317	310	303		
RC Shake Blocks	RCS	+	303	296	289	282	275		
	RCS	+	289	282	275	268	261		
RC Shingle Blocks	RCF	+	121	114	107	100	93		
	RCF	+	938	931	924	917	910		
RC & Other Poles ⁵	RCP	+	0.45	0.45	0.45	0.45	0.45		
	RCP	+	0.25	0.25	0.25	0.25	0.25		
DF Christmas Trees ⁶	DFX	+	0.25	0.25	0.25	0.25	0.25		
	DFX	+	0.25	0.25	0.25	0.25	0.25		

July 1 through December 31, 1998

TABLE 5 - Stumpage Value Table

July 1 through December 31, 1998

Stumpage Value Area 5

Stumpage value per lineal foot:

Stumpage value per 8 lineal feet or portion thereof:

Stumpage value per lineal foot:

Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-684 and 458-40-686.

Includes Western Larch:

Includes Alaska Cedar:

Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

Stumpage value per 8 lineal feet or portion thereof:

Stumpage value per lineal foot:

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TABLE 5—Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity	Hauling	Species Code				
			1	2	3	4	5
Other Christmas Trees ²	+	TFX	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 6—Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity	Hauling	Species Code				
			1	2	3	4	5
Douglas Fir ²	+	DF	\$337	\$330	\$323	\$316	\$309
Engelmann-Spruce	+	ES	211	204	197	190	183
Lodgepole Pine	+	LP	217	210	203	196	189
Ponderosa Pine	+	PP	373	366	359	352	345
Western Redcedar ³	+	RC	417	410	403	396	389
True Fir ⁴	+	WH	194	187	180	173	166
Western White-Pine	+	WP	420	413	406	399	392
Hardwoods	+	OH	50	43	36	29	22
Western Redcedar-Poles	+	RCB	516	509	502	495	488
Small Logs	+	SML	27	26	25	24	23
Chipwood	+	CHW	+	+	+	+	+
RC Shake & Shingle Blocks	+	RCF	92	85	78	71	64
LP & Other Poles ⁵	+	LPP	0.35	0.35	0.35	0.35	0.35

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 7—Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity	Hauling	Species Code				
			1	2	3	4	5
Douglas Fir ²	+	DF	\$244	\$237	\$230	\$223	\$216
Engelmann-Spruce	+	ES	195	188	181	174	167
Lodgepole Pine	+	LP	220	213	206	199	192
Ponderosa Pine	+	PP	314	307	300	293	286
Western Redcedar ³	+	RC	461	454	447	440	433
True Fir ⁴	+	WH	217	210	203	196	189
Western White-Pine	+	WP	392	385	378	371	364
Hardwoods	+	OH	50	43	36	29	22
Western Redcedar-Poles	+	RCB	516	509	502	495	488
Small Logs	+	SML	20	19	18	17	16
Chipwood	+	CHW	+	+	+	+	+

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 6—Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity	Hauling	Species Code				
			1	2	3	4	5
Pine Christmas Trees ²	+	PX	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ³	+	DFX	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 7—Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity	Hauling	Species Code				
			1	2	3	4	5
Douglas Fir ²	+	DF	\$244	\$237	\$230	\$223	\$216
Engelmann-Spruce	+	ES	195	188	181	174	167
Lodgepole Pine	+	LP	220	213	206	199	192
Ponderosa Pine	+	PP	314	307	300	293	286
Western Redcedar ³	+	RC	461	454	447	440	433
True Fir ⁴	+	WH	217	210	203	196	189
Western White-Pine	+	WP	392	385	378	371	364
Hardwoods	+	OH	50	43	36	29	22
Western Redcedar-Poles	+	RCB	516	509	502	495	488
Small Logs	+	SML	20	19	18	17	16
Chipwood	+	CHW	+	+	+	+	+

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1998

Species	Name	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹					
		Timber	Quality	Distance	Zone	Number	
		1	2	3	4	5	
Other-Conifer	OC	1	386	379	372	365	358
		2	381	374	367	360	353
Red Alder	RA	1	196	189	182	175	168
		2	148	141	134	127	120
Black Cottonwood	BC	1	47	40	33	26	19
		2	11	4	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	84	77	70	63	56
Douglas Fir Poles	DPL	1	972	965	958	951	944
		2	46	39	32	25	18
Western Redcedar Poles	RCP	1	972	965	958	951	944
		2	107	100	93	86	79
Chipwood	CHW	1	1	1	1	1	1
		2	1	1	1	1	1
RC Shake & Shingle Blocks	RCS	1	303	296	289	282	275
		2	121	114	107	100	93
RC Shingle Blocks	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.25	0.25	0.25	0.25	0.25
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.50	0.50	0.50	0.50	0.50
Other Christmas Trees ⁷	OFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.25	0.25	0.25	0.25	0.25

Species	Name	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹					
		Timber	Quality	Distance	Zone	Number	
		1	2	3	4	5	
Douglas Fir ²	DF	1	\$720	\$713	\$706	\$699	\$692
		2	572	565	558	551	544
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
		2	0.50	0.50	0.50	0.50	0.50
Other Christmas Trees ⁷	OFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.25	0.25	0.25	0.25	0.25
LP & Other Poles ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
		2	0.35	0.35	0.35	0.35	0.35
Ponderosa Pine	PP	1	373	366	359	352	345
		2	244	237	230	223	216
Lodgepole Pine	LP	1	217	210	203	196	189
		2	347	340	333	326	319
Western Redcedar ³	RC	1	1249	1242	1235	1228	1221
		2	924	917	910	903	896
Western Hemlock ⁴	WH	1	386	379	372	365	358
		2	381	374	367	360	353
		3	362	355	348	341	334
		4	737	730	723	716	709

¹ Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per lineal foot or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1998

Species	Name	Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹					
		Timber	Quality	Distance	Zone	Number	
		1	2	3	4	5	
RC Shake & Shingle Blocks	RCP	1	92	85	78	71	64
		2	0.35	0.35	0.35	0.35	0.35
LP & Other Poles ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
		2	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	OFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
Douglas Fir Poles	DPL	1	972	965	958	951	944
		2	107	100	93	86	79
Western Redcedar Poles	RCP	1	972	965	958	951	944
		2	107	100	93	86	79
Chipwood	CHW	1	1	1	1	1	1
		2	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
		2	121	114	107	100	93
RC Shingle Blocks	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.25	0.25	0.25	0.25	0.25
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.50	0.50	0.50	0.50	0.50
Other Christmas Trees ⁷	OFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per lineal foot or portion thereof.
⁶ Stumpage value per lineal foot—Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$595	\$588	\$581	\$574	\$567
		2	484	477	470	463	456
		3	430	423	416	409	402
		4	288	281	274	267	260
Western Redcedar ²	RC	1	1155	1148	1141	1134	1127
		2	861	854	847	840	833
		3	809	802	795	788	781
		4	797	790	783	776	769
Western Hemlock ³	WH	1	331	324	317	310	303
		2	322	315	308	301	294
		3	317	310	303	296	289
		4	278	271	264	257	250
Other Conifer	OC	1	331	324	317	310	303
		2	322	315	308	301	294
		3	317	310	303	296	289
		4	278	271	264	257	250
Red Alder	RA	1	199	192	185	178	171
		2	161	154	147	140	133
		3	135	128	121	114	107
Black Cottonwood	BC	1	55	48	41	34	27
		2	16	9	2	1	1
		3	13	6	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
Douglas-fir Poles	DFL	1	1038	1031	1024	1017	1010
Western Redcedar Poles	RCL	1	1038	1031	1024	1017	1010
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$595	\$588	\$581	\$574	\$567
		2	509	502	495	488	481
		3	460	453	446	439	432
		4	279	272	265	258	251
Western Redcedar ²	RC	1	1155	1148	1141	1134	1127
		2	861	854	847	840	833
		3	809	802	795	788	781
		4	797	790	783	776	769
Western Hemlock ³	WH	1	350	343	336	329	322
		2	350	343	336	329	322
		3	310	303	296	289	282
		4	305	298	291	284	277
Other Conifer	OC	1	350	343	336	329	322
		2	350	343	336	329	322
		3	310	303	296	289	282
		4	305	298	291	284	277
Red Alder	RA	1	199	192	185	178	171
		2	161	154	147	140	133
		3	135	128	121	114	107
Black Cottonwood	BC	1	55	48	41	34	27
		2	16	9	2	1	1
		3	13	6	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
Douglas-fir Poles	DFL	1	1038	1031	1024	1017	1010
Western Redcedar Poles	RCL	1	1038	1031	1024	1017	1010
Chipwood	CHW	1	3	2	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
Douglas-fir Poles	DFL	1	1038	1031	1024	1017	1010
Western Redcedar Poles	RCL	1	1038	1031	1024	1017	1010
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275

PROPOSED

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$595	\$588	\$581	\$574	\$567
		2	442	435	428	421	414
		3	401	394	387	380	373
		4	333	326	319	312	305
Western Redcedar ³	RC	1	1155	1148	1141	1134	1127
		2	861	854	847	840	833
		3	809	802	795	788	781
		4	797	790	783	776	769
Western Hemlock ⁴	WH	1	319	312	305	298	291
		2	295	288	281	274	267
		3	291	284	277	270	263
		4	254	247	240	233	226
Other Conifer	OC	1	319	312	305	298	291
		2	295	288	281	274	267
		3	291	284	277	270	263
		4	254	247	240	233	226
Red Alder	RA	1	199	192	185	178	171

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		2	161	154	147	140	133
		3	135	128	121	114	107
Black Cottonwood	BC	1	55	48	41	34	27
		2	16	9	2	1	1
		3	13	6	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
Douglas-fir Poles	DFL	1	1038	1031	1024	1017	1010
Western Redcedar Poles	RCL	1	1038	1031	1024	1017	1010
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$733	\$726	\$719	\$712	\$705
		2	486	479	472	465	458

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		3	462	455	448	441	434
		4	383	376	369	362	355
Lodgepole Pine	LP	1	203	196	189	182	175
Ponderosa Pine	PP	1	364	357	350	343	336
		2	219	212	205	198	191
Western Redcedar ²	RC	1	1155	1148	1141	1134	1127
		2	861	854	847	840	833
		3	809	802	795	788	781
		4	797	790	783	776	769
Western Hemlock ⁴	WH	1	352	345	338	331	324
		2	329	322	315	308	301
		3	317	310	303	296	289
		4	308	301	294	287	280
Other Conifer	OC	1	352	345	338	331	324
		2	329	322	315	308	301
		3	317	310	303	296	289
		4	308	301	294	287	280
Red Alder	RA	1	199	192	185	178	171
		2	161	154	147	140	133
		3	135	128	121	114	107
Black Cottonwood	BC	1	55	48	41	34	27
		2	16	9	2	1	1
		3	13	6	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
Douglas-fir Poles	DFL	1	1038	1031	1024	1017	1010
Western Redcedar Poles	RCL	1	1038	1031	1024	1017	1010
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$531	\$524	\$517	\$510	\$503
		2	489	482	475	468	461
		3	435	428	421	414	407
		4	283	276	269	262	255
Lodgepole Pine	LP	1	203	196	189	182	175
Ponderosa Pine	PP	1	364	357	350	343	336
		2	219	212	205	198	191
Western Redcedar ³	RC	1	1155	1148	1141	1134	1127
		2	861	854	847	840	833
		3	809	802	795	788	781
		4	797	790	783	776	769
Western Hemlock ⁴	WH	1	352	345	338	331	324
		2	352	345	338	331	324
		3	277	270	263	256	249
		4	277	270	263	256	249
Other Conifer	OC	1	352	345	338	331	324
		2	352	345	338	331	324
		3	277	270	263	256	249
		4	277	270	263	256	249
Red Alder	RA	1	199	192	185	178	171

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		2	161	154	147	140	133
		3	135	128	121	114	107
<u>Black Cottonwood</u>	<u>BC</u>	1	55	48	41	34	27
		2	16	9	2	1	1
		3	13	6	1	1	1
<u>Other Hardwood</u>	<u>OH</u>	1	127	120	113	106	99
		2	99	92	85	78	71
		3	74	67	60	53	46
<u>Douglas-fir Poles</u>	<u>DFL</u>	1	1038	1031	1024	1017	1010
<u>Western Redcedar Poles</u>	<u>RCL</u>	1	1038	1031	1024	1017	1010
<u>Chipwood</u>	<u>CHW</u>	1	3	2	1	1	1
<u>RC Shake Blocks</u>	<u>RCS</u>	1	303	296	289	282	275
<u>RC Shingle Blocks</u>	<u>RCF</u>	1	121	114	107	100	93
<u>RC & Other Posts⁵</u>	<u>RCP</u>	1	0.45	0.45	0.45	0.45	0.45
<u>DF Christmas Trees⁶</u>	<u>DFX</u>	1	0.25	0.25	0.25	0.25	0.25
<u>Other Christmas Trees⁶</u>	<u>TFX</u>	1	0.50	0.50	0.50	0.50	0.50

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
<u>Engelmann Spruce</u>	<u>ES</u>	1	200	193	186	179	172
<u>Lodgepole Pine</u>	<u>LP</u>	1	203	196	189	182	175
<u>Ponderosa Pine</u>	<u>PP</u>	1	364	357	350	343	336
		2	219	212	205	198	191
<u>Western Redcedar²</u>	<u>RC</u>	1	427	420	413	406	399
<u>True Firs⁴</u>	<u>WH</u>	1	237	230	223	216	209
<u>Western White Pine</u>	<u>WP</u>	1	423	416	409	402	395
<u>Hardwoods</u>	<u>OH</u>	1	50	43	36	29	22
<u>Western Redcedar Poles</u>	<u>RCL</u>	1	516	509	502	495	488
<u>Small Logs</u>	<u>SML</u>	1	24	23	22	21	20
<u>Chipwood</u>	<u>CHW</u>	1	2	1	1	1	1
<u>RC Shake & Shingle Blocks</u>	<u>RCF</u>	1	92	85	78	71	64
<u>LP & Other Posts⁵</u>	<u>LPP</u>	1	0.35	0.35	0.35	0.35	0.35
<u>Pine Christmas Trees⁶</u>	<u>PX</u>	1	0.25	0.25	0.25	0.25	0.25
<u>Other Christmas Trees⁷</u>	<u>DFX</u>	1	0.25	0.25	0.25	0.25	0.25

PROPOSED

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
<u>Douglas-Fir²</u>	<u>DF</u>	1	\$239	\$232	\$225	\$218	\$211

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$239	\$232	\$225	\$218	\$211
Engelmann Spruce	ES	1	200	193	186	179	172
Lodgepole Pine	LP	1	203	196	189	182	175
Ponderosa Pine	PP	1	364	357	350	343	336
		2	219	212	205	198	191
Western Redcedar ³	RC	1	427	420	413	406	399
True Firs ⁴	WH	1	237	230	223	216	209
Western White Pine	WP	1	423	416	409	402	395
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	23	22	21	20	19
Chipwood	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$719	\$712	\$705	\$698	\$691
		2	472	465	458	451	444
		3	448	441	434	427	420
		4	369	362	355	348	341
Lodgepole Pine	LP	1	203	196	189	182	175
Ponderosa Pine	PP	1	364	357	350	343	336
		2	219	212	205	198	191
Western Redcedar ³	RC	1	1141	1134	1127	1120	1113
		2	847	840	833	826	819
		3	795	788	781	774	767
		4	783	776	769	762	755
		Western Hemlock ⁴	WH	1	338	331	324
		2	315	308	301	294	287
		3	303	296	289	282	275
		4	294	287	280	273	266
		Other Conifer	OC	1	338	331	324
		2	315	308	301	294	287
		3	303	296	289	282	275
		4	294	287	280	273	266
		Red Alder	RA	1	185	178	171
		2	147	140	133	126	119
		3	121	114	107	100	93
		Black Cottonwood	BC	1	41	34	27
		2	2	1	1	1	1
		3	1	1	1	1	1
		Other Hardwood	OH	1	113	106	99
		2	85	78	71	64	57
		3	60	53	46	39	32
		Douglas-fir Poles	DFL	1	1024	1017	1010
Western Redcedar Poles	RCL	1	1024	1017	1010	1003	996
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1999

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DEX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((July)) January 1 through ((December 31, 1998)) June 30, 1999:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((July)) January 1 through ((December 31, 1998)) June 30, 1999

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00

II. Logging conditions

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	-\$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	-\$145.00
Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610(21))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$125.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((July)) January 1 through ((December 31, 1998)) June 30, 1999

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00

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Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island	- \$50.00
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TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 98-22-042
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed October 30, 1998, 8:41 a.m.]

Continuance of WSR 98-19-087.

Title of Rule: Inspection and identification of livestock, proposed rules to implement changes in livestock inspection procedures.

Purpose: To extend adoption date to November 3, 1998.

Date of Intended Adoption: [November 3, 1998.]
October 30, 1998
Julie C. Sandberg
Assistant Director

**WSR 98-22-052
PROPOSED RULES
DEPARTMENT OF LICENSING**
[Filed November 2, 1998, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-071.

Title of Rule: General provisions for doing business with the Department of Licensing.

Purpose: To update and reflect current and desired operating procedures.

Statutory Authority for Adoption: RCW 46.01.110, 43.24.023.

Summary: To clarify processes. Eliminate procedures that no longer apply. Raise the dishonored check handling fee for vehicle services to \$25.

Name of Agency Personnel Responsible for Drafting: Walt Fahrer, 1125 Washington Street S.E., Olympia, WA, 902-3640; Implementation: Pat Zlateff, 1125 Washington Street S.E., Olympia, WA, 902-3718; and Enforcement: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, 902-3754.

Name of Proponent: Title and Registration Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule revision will reflect how the agency is actually conducting business and will raise the dishonored check handling fee to a level that is more reflective of the industry standard.

Proposal Changes the Following Existing Rules: Changes are reflective of how the agency actually conducts business.

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

RCW 34.05.328 does not apply to this rule adoption. The Department of Licensing is exempt from RCW 34.05.328.

Hearing Location: Highways-Licenses Building, 1125 Washington Street S.E., Room 402, Olympia, WA 98507-9020, on December 8, 1998, at 9 a.m.

Assistance for Persons with Disabilities: Contact Walt Fahrer by December 3, 1998, (360) 902-3640.

Submit Written Comments to: Walt Fahrer, 1125 Washington Street S.E., Olympia, WA 98507-9020, fax (360) 753-7500, by December 7, 1998.

Date of Intended Adoption: December 8, 1998.
November 2, 1998
Walt Fahrer
Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending Order 86-1, filed 4/1/86)

WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty. (1) All checks must be made payable to the state treasurer or department of licensing, except those checks written in payment for transactions through the department's vehicle and vessel licensing agents may be made payable to the county auditor(~~(, who is acting as the agent)~~).

(2) State warrants (~~(which bear a reasonable relationship to)~~) equal to or less than the amount of license fees due shall be accepted when tendered for payment of (~~(license fees. Proper identification will be required)~~) a department of licensing transaction. If the warrant is for vehicle or vessel license, title or permit fees or taxes and is less than the amount due, the applicant shall pay the difference by cash, check, or money order.

(3) Checks (~~(must)~~) should be for the exact amount of the license fee due and the purpose for which the check is intended should be noted on its face.

(4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter (~~(by certified mail)~~) advising him or her that the license will be canceled unless a money order, cash, or cashier's check for the amount due, including the handling fee, is received within fifteen days.

(b) (~~(Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be notified.~~)

(e)) The failure to pay a license fee or tax due after notice of dishonor has been given will result (~~({in})~~) in cancellation of any service, license, permit, or registration provided.

(~~(d) In cases where a dishonored check is given for professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.~~)

(~~(5) No checks~~) (5) Checks written on foreign banks and foreign postal money orders (outside of the United States) (~~(will be accepted and only those foreign postal money orders made)~~) shall be payable in U.S. dollars (~~(at the Olympia Post Office will be acceptable for payment of any license fees,)~~ provided, however, that Canadian checks marked "Payable in U.S. funds," shall be an exception and will be acceptable for payment)).

AMENDATORY SECTION (Amending Order TL/RG 38, filed 10/9/87)

WAC 308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses(, etc)). Whenever registrations, licenses, or permits relating to the licensing or registration of vehicles or vessels have been paid for by checks to county auditors, agents, and subagents appointed or approved by the director pursuant to RCW 46.01.140, if the check has been dishonored by nonaccep-

tance or nonpayment, a handling fee, in an amount not to exceed (~~(fifteen))~~ twenty-five dollars may be assessed for each such instrument. County auditors, agents, and subagents, may collect restitution, and where they have collected restitution may retain the reasonable handling fee.

WSR 98-22-060**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed November 2, 1998, 1:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-048.

Title of Rule: Highway access management, access control classification system and standards, chapter 468-52 WAC.

Purpose: This rule details department roadway classifications and standards for regulating access to state highway not covered by chapter 47.52 RCW, Limited access highways.

Other Identifying Information: These standards are the minimums to be used by local jurisdictions, when they are the permitting authority, who have not implemented their own standards.

Statutory Authority for Adoption: Chapter 47.50 RCW.

Statute Being Implemented: Chapter 47.50 RCW.

Summary: This modification provides for language changes to make the rule easier to understand, clarify intent of the rules, makes technical corrections, and implements commitments made to the legislature.

Reasons Supporting Proposal: This proposal will assist the public in understanding the rules and will provide for additional notification when driveway access changes are made.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall Deer, Design Office, Room 2B10, (360) 705-7251.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule details department classifications and standards for regulating access to state highway not covered by chapter 47.52 RCW, Limited access highways. It provides a description of the classifications, standards and provides for a procedure to change classifications.

The rule implements chapter 47.50 RCW which directs the department to enact rules to regulate access to state highway so as to provide for mobility, safety, and efficiency while still providing for access to abutting property.

It is anticipated that the modifications to this rule will help the department in implementing the rule in a fair and consistent manner by clarifying portions of the rule. In addition will assist the public by providing notification of proposed access changes to all affected parties and help with understanding of the rule by simplifying its language.

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Proposal Changes the Following Existing Rules:

- Allows for variances to access connections that might not meet the standards for spacing or number of access points.
- Defines what is a "contiguous parcel" for this application to bring it into conformance with other state law.
- Clarifies the intent of "reasonable access."
- Other changes include wording and definition changes to make the rules easier for property owners to understand.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a modification of an existing rule and just basically clarifies and simplifies the existing rule language.

RCW 34.05.328 does not apply to this rule adoption. Analysis of rule making is consistent with direction defined in RCW 34.05.328.

Hearing Location: Washington State Department of Transportation, Transportation Building, Room #1D2, 310 Maple Park Avenue S.E., Olympia, WA, on December 18, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by December 15, 1998.

Submit Written Comments to: Randy Deer, fax (360) 705-6815, by December 18, 1998.

Date of Intended Adoption: December 18, 1998.

October 30, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-020 Definitions. For the purposes of this chapter, the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) "Average daily traffic (ADT)" means the volume of traffic passing a point or segment of a highway, in both directions, during a period of time, divided by the number of days in the period and factored to represent an estimate of traffic volume for an average day of the year.

(2) "Conforming connection" means a connection that meets current department location, spacing, and design criteria.

(3) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(4) "Connection permit" means a written authorization given by the department for a specifically designed connection to the state highway system at a specific location for a specific type and intensity of property use and specific volume of traffic for the proposed connection, based on the final stage of proposed development of the applicant's property. The actual form used for this authorization will be determined by the department.

(5) "Contiguous parcels" means two or more pieces of real property under the same ownership with one or more boundaries that touch and have similarity of use.

(6) "Controlled access facility" means a transportation facility (excluding limited access facilities as defined in chapter 47.52 RCW) to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to and from such facility at such points only and in such manner as may be determined by the governmental entity.

(7) "Corner clearance" means the distance from an intersection of a public or private road to the nearest connection along a controlled access facility. This distance is measured from the closest edge of the traveled way of the intersecting road to the closest edge of the traveled way of the connection measured along the traveled way (through lanes).

(8) "Department" means the Washington state department of transportation.

(9) "Governmental entity" means, for the purpose of this chapter, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(10) "Intersection" means an at grade connection on a state highway with a road or street duly established as a public road or public street by the local governmental entity.

(11) "Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

(12) "Limited access facility" means a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons have no right or easement, or only a limited right or easement of access, light, view, or air by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

(13) "Nonconforming connection" means a connection not meeting current department location, spacing, or design criteria.

(14) "Permit" means written approval issued by the department, subject to conditions stated therein, authorizing construction, reconstruction, maintenance, or reclassification of a state highway connection and associated traffic control devices on or to the department's right of way.

(15) "Permitting authority" means the department or any county, municipality, or transportation authority authorized to regulate access to their respective transportation systems.

(16) "State highway system" means all roads, streets, and highways designated as state routes ((pursuant to)) in compliance with chapter 47.17 RCW.

(17) "Reasonable access" means an access connection that is suitable for the existing and/or proposed property use and does not adversely affect the safety, operations or maintenance of the state highway system.

(18) "Variance permit" means a special nonconforming or additional connection permit, issued for a location not normally permitted by current department standards, after an engineering study demonstrates, to the satisfaction of the department, that the connection will not adversely affect the safety, maintenance or operation of the highway in accor-

dance with its assigned classification. This permit will remain valid until modified or revoked by the permitting authority.

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-030 General. The connection and intersection spacing distances specified in this chapter are minimums. Greater distances may be required by the department on individual permits issued in accordance with chapter 468-51 WAC to provide desirable traffic operational and safety characteristics. If greater distances are required, the department will document, as part of the response to a connection permit application ((pursuant to)) in compliance with chapter 468-51 WAC, the reasons, based on traffic engineering principles, that such greater distances are required. Nonconforming permits may be issued in accordance with chapter 468-51 WAC allowing for less than minimum spacing where no other reasonable access exists, or a variance connection permit may be issued where it can be substantiated by a traffic analysis ((#)), to the satisfaction of the department, through the permit application process that allowing less than the minimum spacing or more than the maximum number of connections, would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety, maintenance or operation of the state highway.

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-040 Access control classification system and standards. This section provides an access control classification system consisting of five classes. The functional characteristics and the access control design standards for each class are described. The classes are arranged from the most restrictive, class one, to the least restrictive, class five. This access control classification system does not include highways or portions thereof that have been established as limited access highways ((pursuant to)) in compliance with chapter 47.52 RCW. For state highways that are planned for the establishment of limited access control in accordance with the Master Plan for Limited Access Highways, an access control classification will be assigned to each highway segment to remain in effect until such time that the facility is established as a limited access facility.

On all access classes, property access shall be located and designed to minimize interference with transit facilities and/or high occupancy vehicle (HOV) facilities on state highways where such facilities exist or where such facilities are proposed in a state, regional, metropolitan, or local transportation plan. In such cases, if reasonable access is available from the general street system, primary property access shall be provided from the general street system rather than from the state highway.

(1) Class one.

(a) Functional characteristics:

These highways have the capacity for safe and efficient high speed and/or high volume traffic movements, providing

for interstate, interregional, and intercity travel needs and some intracity travel needs. Service to abutting land is subordinate to providing service to major traffic movements. Highways in this class are typically distinguished by a highly controlled, limited number of public and private connections, restrictive medians with limited median openings on multi-lane facilities, and infrequent traffic signals.

(b) Access control design standards:

(i) It is the intent that the design of class one highways be generally capable of achieving a posted speed limit of fifty to ((fifty-five)) sixty-five mph. Spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one mile. One-half mile spacing may be permitted, but only when no reasonable alternative access exists.

(ii) Private direct access to the state highway shall not be permitted except when the property has no other reasonable access to the general street system. The following standards will be applied when direct access must be provided:

(A) The access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or access to the general street system becomes available and is permitted.

(B) The minimum distance to another public or private access connection shall be one thousand three hundred twenty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit; however, variance permits are not allowed. No more than one connection shall be provided to an individual parcel or to contiguous parcels under the same ownership.

(C) All private direct access shall be for right turns only on multilane facilities, unless special conditions warrant and are documented by a traffic analysis in the connection permit application, signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(D) No additional access connections to the state highway shall be provided for newly created parcels resulting from property divisions. All access for such parcels shall be provided by internal road networks. Access to the state highway will be at existing permitted connection locations or at revised connection locations, as conditions warrant.

(iii) A restrictive median shall be provided on multilane facilities to separate opposing traffic movements and to prevent unauthorized turning movements.

(2) Class two.

(a) Functional characteristics:

These highways have the capacity for medium to high speeds and medium to high volume traffic movements over medium and long distances in a safe and efficient manner, providing for interregional, intercity, and intracity travel needs. Direct access service to abutting land is subordinate to providing service to traffic movement. Highways in this class are typically distinguished by existing or planned restrictive medians, where multilane facilities are warranted, and minimum distances between public and private connections.

(b) Access control design standards:

(i) It is the intent that the design of class two highways be generally capable of achieving a posted speed limit of thirty-five to fifty mph in urbanized areas and forty-five to fifty-five

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mph in rural areas. Spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access to the state highway system shall be permitted only when the property has no other reasonable access to the general street system or if access to the general street system would cause traffic operational conditions or safety concerns unacceptable to the local governmental entity. When direct access must be provided, the following conditions shall apply:

(A) The access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or acceptable access to the general street system becomes available and is permitted.

(B) The minimum distance to another public or private access connection shall be six hundred sixty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit. No more than one connection shall be provided to an individual parcel or to contiguous parcels under the same ownership unless the highway frontage exceeds one thousand three hundred twenty feet and it can be shown that the additional access would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

~~(D)~~ (D) All private direct access shall be for right turns only on multilane facilities, unless special conditions warrant and are ~~((documented by a traffic analysis in the connection permit application))~~ demonstrated, to the satisfaction of the department, by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, included with the connection permit application and only if left turn channelization is provided.

~~((E))~~ (E) No additional access connections to the state highway shall be provided for newly created parcels resulting from property divisions. All access for such parcels shall be provided by internal road networks. Access to the state highway will be at existing permitted connection locations or at revised connection locations, as conditions warrant.

(iii) On multilane facilities a restrictive median shall be provided to separate opposing traffic movements and to pre-

vent unauthorized turning movements; however, a nonrestrictive median or a two way left turn lane may be used when special conditions exist and mainline volumes are below 20,000 ADT.

(3) Class three.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for medium and short travel distances providing for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between direct access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is less intensive than maximum buildout and where the probability of significant land use change and increased traffic demand is high. Highways in this class are typically distinguished by planned restrictive medians, where multilane facilities are warranted, and minimum distances between public and private connections. Two-way left-turn-lanes may be utilized where special conditions warrant and mainline traffic volumes are below 25,000 ADT. Development of properties with internal road networks and joint access connections are encouraged.

(b) Access control design standards:

(i) It is the intent that the design of class three highways be generally capable of achieving a posted speed limit of thirty to forty mph in urbanized areas and forty-five to fifty-five mph in rural areas. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-half mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation, of the state highway.

(B) The minimum distance to another public or private access connection shall be three hundred thirty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with

chapter 18.43 RCW, which is included with the connection permit application.

(4) Class four.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for medium and short travel distances providing for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between direct access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is more intensive and where the probability of major land use changes is less probable than on class three highway segments. Highways in this class are typically distinguished by existing or planned nonrestrictive medians. Restrictive medians may be used as operational conditions warrant to mitigate turning, weaving, and crossing conflicts. Minimum connection spacing standards should be applied if adjoining properties are redeveloped.

(b) Access control design standards:

(i) It is the intent that the design of class four highways be generally capable of achieving a posted speed limit of thirty to thirty-five mph in urbanized areas and thirty-five to forty-five mph in rural areas. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-half mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(B) The minimum distance to another public or private access connection shall be two hundred fifty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

(5) Class five.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for primarily short travel distances providing for intracity and intracommunity trips primarily for access to state highways of higher classification. Access needs may generally be higher than the need for through traffic mobility without compromising the public health, welfare, or safety. These highways will generally have nonrestrictive medians.

(b) Access control design standards:

(i) It is the intent that the design of class five highways be capable of achieving a posted speed limit of twenty-five to thirty-five mph. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-quarter mile. Less than one-quarter mile spacing may be permitted where no reasonable alternative exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-quarter mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(B) The minimum distance to another public or private access connection shall be one hundred twenty-five feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

~~(6) ((Interim standards. The interim standards set forth in this section shall be effective for all segments of the state highway system, except where access rights have been previously acquired pursuant to chapter 47.52 RCW, until superseded by an adopted access control classification as defined in this chapter. These interim standards are mandatory for all state highways where the department is the permitting authority, and are advisory for city streets designated as state highways pursuant to chapter 47.24 RCW where incorporated cities or towns are the permitting authority. Permit applications received after adoption of this chapter, but before the classification of a highway segment is adopted, shall be reviewed for consistency with the interim standards.~~

After a highway segment has been classified pursuant to this chapter, the standards described for that particular class shall supersede the interim standards for the classified highway segment.

INTERIM STANDARDS		
Posted Speed	Minimum Private Connection Spacing	Minimum Public Intersection Spacing
MPH	Feet	Miles
35 or less	Rural: 250 Urban: 125	0.5
36-45	Rural: 330 Urban: 250	0.5
Over 45	Rural: 660 Urban: 330	1.0

(7)) Corner clearance. Corner clearances for connections shall meet or exceed the minimum connection spacing requirements ((of the interim standards, or) of the applicable access class where the highway segment has been assigned a classification. A single connection may be placed closer to the intersection, ((pursuant to)) in compliance with the permit application process specified in chapter 468-51 WAC, and in accordance with the following criteria:

(a) If, due to property size, corner clearance standards of this chapter cannot be met, and where joint access meeting or exceeding the minimum corner clearance standards cannot be obtained, or is determined by the department to be not feasible because of conflicting land use or conflicting traffic volumes or operational characteristics, then the following minimum corner clearance criteria may be used:

CORNER CLEARANCE AT INTERSECTIONS		
With Restrictive Median		
Position	Access Allowed	Minimum (feet)
Approaching intersection	Right In/Right Out	115
Approaching intersection	Right In Only	75
Departing intersection	Right In/Right Out	230*
Departing intersection	Right Out Only	100

Without Restrictive Median		
Position	Access Allowed	Minimum (feet)
Approaching intersection	Full Access	230*
Approaching intersection	Right In Only	100

Without Restrictive Median		
Position	Access Allowed	Minimum (feet)
Departing intersection	Full Access	230*
Departing intersection	Right Out Only	100

*For Access Class 5 and for speeds less than thirty-five mph, one hundred twenty-five feet may be used.

(b) In cases where connections are permitted under the above criteria, the permit issued ((pursuant to)) in compliance with chapter 468-51 WAC shall contain the following additional conditions:

(i) There shall be no more than one connection per property frontage on the state highway.

(ii) When joint or alternate access meeting or exceeding the minimum corner clearance standards becomes available, the ((permittee will)) permit holder shall close the permitted connection, unless the ((permittee)) permit holder shows to the department's satisfaction that such closure is not feasible.

(iii) Variance permits are not allowed.

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-050 Application of access control classification system standards. (1) Review of permits on classified highway segments. Connection permit applications on controlled access facilities of the state highway system received on a particular segment that has been classified in accordance with this chapter shall be reviewed subject to the requirements of this chapter ((pursuant to)) in compliance with the permit application process specified in chapter 468-51 WAC.

(2) Prior approvals. Connections permitted prior to the adoption of this chapter and unpermitted connections that do not require closure in accordance with WAC 468-51-030 are not required to meet the interim standards or the standards of assigned access classifications adopted ((pursuant to)) in compliance with this chapter.

(3) New permits required by chapter 468-51 WAC. All new connection permits required due to significant changes in property site use ((pursuant to)) in compliance with WAC 468-51-110, or permit modification ((pursuant to)) in compliance with WAC 468-51-120 shall be reviewed subject to the requirements of this chapter.

(4) Permits approved under interim standards. Connection permits that were issued in accordance with the interim standards in WAC 468-52-040 on a highway segment where an access classification ((has)) had not been adopted shall remain in effect after adoption of an access classification on that highway segment unless a new permit is required due to changes in property site use ((pursuant to)) in compliance with WAC 468-51-110 or unless permit modification, revocation, or closure of the permitted connection is required ((pursuant to)) in compliance with WAC 468-51-120.

(5) Nonconforming permits. Nonconforming permits may be issued in accordance with WAC 468-51-100 for cer-

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tain connections not meeting the interim standards in WAC 468-52-040 or the access classification location and spacing standards adopted for a particular highway segment.

(6) Variance permits. Variance permits may be issued in accordance with WAC 468-51-105 for certain connections not meeting the access classification standards for location, spacing or exceed the number of connections allowed by the standards adopted for a particular highway segment. These permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer who is registered in accordance with chapter 18.43 RCW, and included in the connection permit application, and will remain in effect unless a new permit is required due to changes in property site use in compliance with WAC 468-51-110 or unless permit modification, revocation, or closure of the permitted connection is required in compliance with WAC 468-51-120.

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-060 Assignment of access control classifications to highway segments. The assignment of an access control classification to all controlled access segments of the state highway system shall be the responsibility of the department. The process to be followed in assigning the classifications is as follows:

(1) Defining segments. The determination of the length and termini of segments shall be the responsibility of the department working in cooperation with the Regional Transportation Planning Organizations, Metropolitan Planning Organizations, and the appropriate local governmental entities.

(a) Segments of highways to be assigned to a particular access control classification shall be defined by the department in cooperation with local governments. The length and termini of segments shall take into consideration the mobility and access needs of the traveling public, the access needs of the existing and proposed land use abutting the highway segment, and the existing and desired mobility characteristics of the roadway. The number of classification changes occurring along a particular highway shall be minimized to provide highway system continuity, uniformity, and integrity to the maximum extent feasible. The segments shall not necessarily be confined by local jurisdictional boundaries. Points of transition between classifications along a particular route should be located on boundaries, or coincident with identifiable physical features.

(2) Assignment of classifications. All segments of all controlled access facilities on the state highway system shall be assigned to one of the access control classes one through five. The assignment of a classification to a specific segment of highway shall be the responsibility of the department. The classification shall be made in cooperation with the Regional Transportation Planning Organization, Metropolitan Planning Organization, and the appropriate local governmental entities. For city streets that are designated as state highways ((pursuant to)) in compliance with chapter 47.24 RCW, the department will obtain concurrence in the final class assign-

ment from the city or town for those state highways where the city or town is the permitting authority. The assignment of a classification shall take into consideration the following factors:

- (a) Local land use plans, zoning, and land development regulations as set forth in adopted comprehensive plans;
- (b) The current and potential functional classification of the highway;
- (c) Existing and projected future traffic volumes;
- (d) Existing and projected state, local, and metropolitan planning organization transportation plans and needs including consideration of new or improved parallel facilities;
- (e) Drainage requirements;
- (f) The character of the lands adjoining the highway;
- (g) The type and volume of traffic requiring access;
- (h) Other operational aspects of access, including corridor accident history;
- (i) The availability of reasonable access to the state highway by way of county roads or city streets as an alternative to a connection to the state highway;
- (j) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(3) Changes in jurisdiction. When the boundaries of an incorporated city or town are revised to include a portion of a controlled access state highway resulting in a change in the permitting authority from the department to the city or town in accordance with chapter 47.24 RCW, the access classification of that portion of the state highway shall remain unchanged unless modified in accordance with WAC 468-52-070.

AMENDATORY SECTION (Amending Order 135, filed 1/13/93, effective 2/13/93)

WAC 468-52-070 Review and modification of classifications. (1) Department initiated action. The department may, at any time, initiate a review of the access control classification of any segment of any state highway. When a major change occurs in any of the factors noted in WAC 468-52-060(2), the department shall review the access classification for the specific segments of any state highway affected by the change. Prior to the initiation of any change in classification of a highway segment, the department shall notify in writing the appropriate Regional Transportation Planning Organization, Metropolitan Planning Organization, and local governmental entities. The department will consult with the RTPO, MPO, and local governmental entities and shall take into consideration, any comments or concerns received during the review process. For city streets that are designated as state highways ((pursuant to)) in compliance with chapter 47.24 RCW, the department will obtain concurrence in the final class assignment from the city or town for those state highways where the city or town is the permitting authority. The department shall notify the RTPO, MPO, and local governmental entities in writing of the final determination of the reclassification action.

(2) Requests for departmental review. A Regional Transportation Planning Organization, Metropolitan Planning

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Organization, or local governmental entity may request, in writing, at any time that the secretary of transportation initiate a review of the access control classification of a specific segment or segments of a state highway(s). Such written request shall identify the segment(s) of state highway for which the review is requested and shall include a specific recommendation for the reclassification of the highway segment(s) involved. Justification for the requested change shall be provided in the request taking into account the standards and criteria in WAC 468-52-040 and 468-52-060. The department will consult with the RTPO, MPO, and local governmental entities involved and shall take into consideration, any comments or concerns received during the review process. The department shall notify the RTPO, MPO, and local governmental entities in writing of the final determination of the reclassification action.

Other interested persons or organizations who wish to initiate a review of the access control classification of a specific highway segment shall do so through the local governmental entity, MPO, or RTPO.

WSR 98-22-061

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 2, 1998, 1:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-049.

Title of Rule: Highway access management, access permits—Administrative process, chapter 468-51 WAC.

Purpose: This rule details department procedures for regulating access to state highway not covered by chapter 47.52 RCW, Limited access highways.

Other Identifying Information: These procedures may be used by local jurisdictions, who are the permitting authority, who have not implemented their own rules.

Statutory Authority for Adoption: Chapter 47.50 RCW.
Statute Being Implemented: Chapter 47.50 RCW.

Summary: This modification provides for language changes to make the rule easier to understand, clarify intent of the rules, makes technical corrections, changes fees and implements commitments made to the legislature.

Reasons Supporting Proposal: This proposal will assist the public in understanding the rules and will provide for additional notification when driveway access changes are made.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall Deer, Design Office, Room 2B10, (360) 705-7251.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule details department procedures for regulating access to state highway not covered by chapter 47.52 RCW, Limited access highways. It provides a description of

the permit application process, exceptions, fees, denials, closures, and for an administrative appeal process.

The rule implements chapter 47.50 RCW which directs the department to enact rules to regulate access to state highway so as to provide for mobility, safety, and efficiency while still providing for access to abutting property.

It is anticipated that the modifications to this rule will help the department in implementing the rule in a fair and consistent manner by clarifying portions of the rule. In addition will assist the public by providing notification of proposed access changes to all affected parties and help with understanding of the rule by simplifying its language.

Proposal Changes the Following Existing Rules:

- Requires the department to notify emergency services, business owners, (tenants) as well as property owners when a project will impact their access.
- Directs that the criteria for modification of an approach be provided to the property owner upon request.
- Streamlines the administrative hearings procedure to make it easier for the property owner.
- Allows for variances to access connections that might not meet the standards for spacing or number of access points.
- Fee changes to balance costs between home owners, temporary access connections and small business owners.
- Clarifies that the department is responsible to pay for needed access changes that were not the result of the permit holders property use changes and are not required by law or administrative rule.
- Specifies that the minimum acceptable standards of highway safety and mobility must be based on accident data, traffic data or accepted traffic engineering criteria, a copy of which must be provided to the property owner upon written request.
- Other changes include wording and definition changes to make the rules easier for property owners to understand.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a modification of an existing rule and just basically clarifies and simplifies the existing rule language.

RCW 34.05.328 does not apply to this rule adoption. Analysis of rule making is consistent with direction defined in RCW 34.05.328.

Hearing Location: Washington State Department of Transportation, Transportation Building, Room #1D2, 310 Maple Park Avenue S.E., Olympia, WA, on December 18, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by December 15, 1998.

Submit Written Comments to: Randy Deer, fax (360) 705-6815, by December 15, 1998.

Date of Intended Adoption: December 18, 1998.

October 30, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-010 Purpose. This chapter is adopted for use by the Washington state department of transportation to implement chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within unincorporated areas that are under the jurisdiction of the Washington state department of transportation. However, this chapter and chapter 468-52 WAC may be used, as a default, by cities that are the permitting authorities if they have not adopted an enacting ordinance as required under chapter 47.50 RCW.

This chapter describes the connection permit application process and procedures, including a preapplication conceptual review process, and requirements for closure of unpermitted and nonconforming connections to the state highway system.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-020 Definitions. For the purposes of this chapter, the following definitions of ~~((the))~~ terms shall apply unless the context clearly indicates otherwise:

(1) "Application" means an application form supplied by the department and completed by the applicant, a certified check or money order for the required application fee, and related property site, driveway, roadway, and traffic information.

(2) "Average daily traffic (ADT)" means the volume of traffic passing a point or segment of a highway, in both directions, during a period of time, divided by the number of days in the period and factored to represent an estimate of traffic volume for an average day of the year.

(3) "Average weekday vehicle trip ends (AWDVTE)" means the estimated total of all trips entering plus all trips leaving the applicant's site based on the final stage of proposed development.

~~((3))~~ (4) "Conforming connection" means a connection that meets current department location, spacing, and design criteria.

~~((4))~~ (5) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

~~((5))~~ (6) "Connection category" means a permit category of all state highway connections, in accordance with the type of property served and the estimated traffic generated by the applicant's site based on rates accepted by the department.

~~((6))~~ (7) "Connection permit" means a written authorization given by the department for a specifically designed connection to the state highway system at a specific location for a specific type and intensity of property use and specific volume of traffic for the proposed connection, based on the final stage of proposed development of the applicant's property. The actual form used for this authorization will be determined by the department.

~~((7))~~ (8) "Controlled access facility" means a transportation facility (excluding limited access facilities as defined

in chapter 47.52 RCW) to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of reasonable access to and from such facility at such points only and in such manner as may be determined by the governmental entity.

~~((8))~~ (9) "Department" means the Washington state department of transportation.

~~((9))~~ (10) "Development approval" means an official action by a governmental land use planning authority authorizing the developer or land owner to begin construction of any permanent improvements on the property.

~~((10))~~ (11) "Governmental entity" means, for the purpose of this chapter, a unit of local government or officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

~~((11))~~ (12) "Joint use connection" means a single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

~~((12))~~ (13) "Limited access facility" means a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons have no right or easement, or only a limited right or easement of access, light, view or air by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility.

~~((13))~~ (14) "Median" means the portion of a divided highway or divided connection separating vehicular traffic traveling in opposite directions; not including speed change lanes, storage lanes for left turning or U-turning vehicles, or two way left turn lanes.

~~((14))~~ (15) "Median opening" means either a full opening in a continuous median for the specific purpose of allowing vehicles to make a left turn maneuver into or out of a property abutting the highway, to facilitate U-turns, or to allow for a vehicle to totally cross the road, or a directional opening allowing for left turn maneuvers into the property and U-turn maneuvers, but not allowing for left turns or cross movements out of the property.

~~((15))~~ (16) "Nonconforming connection" means a connection not meeting current department location, spacing, or design criteria.

~~((16))~~ (17) "Permit" means written approval issued by the department, subject to conditions stated therein, authorizing construction, reconstruction, maintenance, or reclassification of a state highway connection and associated traffic control devices on or to the department's right of way.

~~((17))~~ (18) "Permitting authority" means the department or any county, municipality, or transportation authority authorized to regulate access to their respective transportation systems.

~~((18))~~ (19) "Reasonable access" means an access connection that is suitable for the existing and/or proposed property use and does not adversely affect the safety, operations or maintenance of the highway system.

~~(20)~~ "Right of way (R/W)" means a general term denoting land or interest therein, acquired for or designated for transportation purposes. More specifically, land in which the department, a county, or a municipality owns the fee simple title, has an easement devoted to or required for use as a public road and appurtenant facilities, or has established ownership by prescriptive right (~~(pursuant to RCW 47.04.040)~~), or lands that have been dedicated for public transportation purposes.

~~((19))~~ (21) "Shoulder" means the portion of the highway contiguous with the traveled lanes for the accommodation of stopped vehicles for emergency use, and for lateral support of base and surface courses and for other uses as allowed by law.

~~((20))~~ (22) "State highway system" means all roads, streets, and highways designated as state routes (~~(pursuant to)~~) in compliance with chapter 47.17 RCW.

~~((21))~~ (23) "Temporary connection" means a permitted connection for a specific property use, conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right of way to be restored by the (~~(permittee)~~) permit holder to its original condition upon connection closure.

(24) "Variance permit" means a special nonconforming or additional connection permit, issued for a location not normally permitted by current department standards, after an engineering study demonstrates, to the satisfaction of the department, that the connection will not adversely affect the safety, maintenance or operation of the state highway in accordance with its assigned classification. This permit will remain valid until modified or revoked by the permitting authority.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-030 General provisions. (1) When connection permits required. Every owner of property which abuts a state highway, or has a legal easement to the state highway, where limited access rights have not been acquired has a right to reasonable access, but may not have the right to a particular means of access, to the state highway system. The right of access to the state highway may be restricted if, (~~(pursuant to)~~) in compliance with local regulation, reasonable access to the state highway can be provided by way of another public road which abuts the property. These public roads shall be of sufficient width and strength to reasonably handle the traffic type and volumes that would be accessing that road. All new connections including alterations and improvements to existing connections to state highways shall require a connection permit. Such permits, if (~~(issued)~~) allowed, shall be issued only after (~~(issuance of)~~) written development approval where such approval is required, unless other interagency coordination procedures are in effect. However, the department can provide a letter of intent to issue a connection permit if that is a requirement of the agency that is responsible for development approval. The alteration or closure of any existing access connection caused by changes to the character, intensity of development, or use of the property served by the connection or the construction

of any new access connection shall not (~~(be initiated prior to obtaining)~~) begin before a connection permit is obtained from the department. Use of a new connection at the location specified in the permit is not authorized until the (~~(permittee)~~) permit holder constructs or modifies the connection in accordance with the permit requirements. If a property owner or (~~(permittee holding)~~) permit holder who has a valid connection permit wishes to change the character, use, or intensity of the property or development served by the connection, the department must be contacted to determine whether a new connection permit would be required.

(2) Responsibility for other approvals. Connection permits authorize construction improvements to be built by the (~~(permittee)~~) permit holder on department right of way. It is the responsibility of the applicant or (~~(permittee)~~) permit holder to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the applicant to acquire any property rights necessary to provide continuity from the applicant's property to the state highway right of way if the applicant's property does not abut the right of way, except where the connection replaces an existing access as a result of department relocation activity.

(3) Early consultation. In order to expedite the overall permit review process, the applicant is strongly encouraged to consult with the department prior to and during the local government subdivision, rezoning, site plan, or any other applicable predevelopment review process for which a connection permit will be required. The purpose of the consultation shall be to determine the permit category and to obtain a conceptual review of the development site plan and proposed access connections to the state highway system with respect to department connection location, quantity, spacing, and design standards. Such consultation will assist the developer in minimizing problems and delays during the permit application process and could eliminate the need for costly changes to site plans when unpermissible connection proposals are identified early in the planning phase. The conceptual review process is further detailed in WAC 468-51-050.

(4) Cost of construction.

(a) (~~(Permittee-)~~) Permit holder. The cost of construction or modification of a connection shall be the responsibility of the (~~(permittee)~~) permit holder, including the cost of modification of any connection required as a result of changes in property site use in accordance with WAC 468-51-110. However, the permit holder is not responsible for alterations made at the request of the department that are not required by law or administrative rule.

(b) Department. Existing permitted connections impacted by the department's work program and which, in the consideration of the department, necessitate modification, relocation, or replacement in order to meet current department connection location, quantity, spacing, and design standards, shall be modified, relocated, or replaced in kind by the department at no cost to the (~~(permittee)~~) permit holder. The cost of further enhancements or modification to the altered, relocated, or replaced connections (~~(desired)~~) requested by the (~~(permittee)~~) permit holder shall be the responsibility of the (~~(permittee)~~) permit holder.

(5) Notification. The department shall notify affected property owners, permit holders, business owners and/or emergency services, in writing, where appropriate, whenever the department's work program requires the modification, relocation, or replacement of their access connections. In addition to written notification, the department shall facilitate, where appropriate, a public process which may include, but is not limited to, public notices, meetings or hearings, and/or individual meetings. The department shall provide the interested parties with the standards and principles of access management.

(6) Department responsibility. The department has the responsibility to issue permits and authority to approve, disapprove, and revoke such permits, and to close connections, with cause.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-040 Connection categories. All connections, public or private shall be determined by the department to be in one of the following categories:

(1) "Category I - minimum connection" provides connection to the state highway system for up to ten single family residences, a duplex, or a small multi-family complex of up to ten dwelling units, which use a common connection. The category shall also apply to permanent connections to agricultural and forest lands, including field entrances; connections for the operation, maintenance, and repair of utilities; and connections serving other low volume traffic generators expected to have an average weekday vehicle trip ends (AWDVTE) of one hundred or less.

(2) "Category II - minor connection" provides connection to the state highway system for medium volume traffic generators expected to have an AWDVTE of one thousand five hundred or less, but not included in Category I.

(3) "Category III - major connection" provides connection to the state highway system for high volume traffic generators expected to have an AWDVTE exceeding one thousand five hundred.

(4) "Category IV - temporary connection" provides a temporary, time limited, connection to the state highway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forest land clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The department reserves the right to remove any temporary connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary connection permit does not bind the department, in any way, to the future issuance of a permanent connection permit at the temporary connection location.

(5) "Nonconforming connection" designation may be issued for Category I through IV permits after an analysis and determination by the department that a conforming connection cannot be made and a finding that the denial of a connection would leave the property without a reasonable means of access to the public road system. In such instances, the permit shall be noted as nonconforming and contain specific restrictions and provisions, including limits on the maximum vehic-

ular use of the connection, the future availability of alternate means of reasonable access for which a conforming connection permit could be obtained, the removal of the nonconforming connection at the time the conforming access is available, and other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

(6) "Variance connection" means a special nonconforming or additional connection permit, issued for a location not normally permitted by current department standards, after an engineering study demonstrates that the connection will not adversely affect the safety, maintenance or operation of the highway in accordance with its assigned classification. This permit will remain valid until modified or revoked by the permitting authority.

(7) "Median opening" includes openings requested for both new connections and for existing connections. New median openings proposed as part of a new driveway connection shall be reviewed as part of the permit application review process. Request for the construction of new median openings to serve existing permitted connections shall require a reevaluation of the location, quantity, design of existing connection, and traffic at the existing connections. The property owner must file a new connection permit application, for the proper connection category, showing the new proposed median opening location and design and its relationship to the existing or modified driveway connections. Nothing contained herein shall be construed to prohibit the department from closing an existing median opening where operational or safety reasons require the action. The department shall notify affected property owners, permit holders and tenants, in writing, thirty days in advance of the closure of a median opening unless immediate closure is needed for safety or operational reasons.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-060 Application requirements and procedures. This rule shall be used where the department is the permitting authority. Where the local governmental entity is the permitting authority, the applicable procedures of the local governmental entity must be followed. If the local governmental entity has no procedures then this rule may apply.

(1) Connection permit application and information. The appropriate application form and the application information are available from the designated local department offices. An application shall consist of the above form; application fee, as specified in WAC 468-51-070; plans; traffic data; and connection information specified in this section.

All connection and roadway design documents for Category II and III permits shall bear the seal and signature of a professional engineer, registered in accordance with chapter 18.43 RCW.

(2) Information required - all permits. The following information is required of all applicants for all permit categories, unless the department determines that specific information will not be required on individual applications. Additional information required of Category II, III, and IV permit applications is specified in this chapter. In all cases it would be prudent, prior to submittal of the application, for the appli-

cant to inquire of the department whether the application needs additional information. The department reserves the right to request clarification or additional information during the application review process. Failure to provide the requested information within the time limits specified in the request shall result in withdrawal of the permit application.

(a) Identification and signature of property owner and applicant. The current complete names, mailing addresses, and telephone numbers of the property owner(s), the developer(s), the applicant, the transportation and legal consultants representing the applicant (if any), and the local government representative(s) responsible for processing the development's approval shall be provided as part of the application. If the property owner desires to have a representative sign the application, a notarized letter of authorization from the applicant is to be provided with the application. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished. The names of all individuals signing the application and their titles shall be typed or printed directly below the signature.

(b) Property uses and traffic information. The ultimate planned property uses shall be indicated in sufficient detail to determine the appropriate permit classification. Estimated average weekday vehicle trip ends to be generated by the development, based on the planned property use, consistent with the latest trip generation information published by the Institute of Transportation Engineers, Washington, D.C., (ITE) shall be included as appropriate. If local or special trip generation rates are used, instead of the ITE rates the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential developments with ten or fewer units, ten trips per day per unit may be assumed. The requirement for an average weekday vehicle trip ends estimate may be waived for agricultural uses where no retail marketing is proposed.

(c) Site plan. The application shall include a plan to scale, or a schematic drawing showing critical dimensions (allowable on Category I permits only), the location of the property, and existing conditions and the character and extent of work proposed. The location of existing and proposed on-site development with respect to the existing and proposed driveway location(s) and the highway shall be shown. Minimum information on the plan shall include:

(i) Road information.

- State route number.
- County or local road name.
- Highway pavement type.
- Cross section.
- Posted speed limit.

•The existence and location of any existing and/or future proposed public or private road abutting or entering the property; the horizontal and vertical curvature of the road(s) noting the location of existing and proposed connections and any other pertinent information.

(ii) Property information.

•Location of all existing and proposed buildings, and other structures, such as gasoline pumps, lights, trees, etc., with respect to the existing and proposed property and right of way lines.

•Any adjacent properties that are owned or controlled by the applicant, or in which the applicant has a financial interest, and indicate whether these properties will be accessed by means of the proposed connection(s).

•Proof of legal ownership or legal easement.

•The application shall include a boundary survey. The requirement for a boundary survey may be waived for Category I connections, at the discretion of the department.

•Any existing or proposed parcels segregated from the applicant's property for separate development also shall be clearly designated on the plan.

(iii) Connection location information.

•The proposed connection milepost and highway engineer's station, if available.

•Location of the highway centerline with respect to existing and proposed property lines.

•Distance of proposed public or private access connection to intersecting roads, streets, railroads.

•Existing or proposed median openings (crossovers) and connections on all sides of the state highway and other roads within six hundred sixty feet of the proposed connection location in urban areas and one thousand three hundred twenty feet in nonurban (rural) areas.

•Location of existing or proposed public or private retaining walls, fences, poles, sidewalks, bike paths, drainage structures and easements, traffic control devices, fire hydrants, utilities, or other physical features, such as trees, landscaping, green belts, and wetlands, that could affect driveway location.

•It shall be the responsibility of the applicant to physically identify the location of the proposed connection at the proposed site.

(iv) Connection design information.

•Proposed connection and approach improvements including its profile approaching the state highway, width, radii, angle to the highway, auxiliary pavement.

•Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the state highway and the proposed connection).

•Drainage calculations and other pertinent data.

•Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials, and thicknesses.

•Specific requirements for design information on individual Category I permit applications may be relaxed, or waived, at the discretion of the department.

(v) Joint driveway use.

•If the driveway is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence for all property owners on joint driveway usage.

•Joint driveway use serving adjoining properties is encouraged on all highways and may be required on some highways, (~~pursuant to~~) in compliance with rules adopted by the department.

(3) Additional information required, Category II and Category III permits. The following is a list of additional information that may be required for each phase of the development from the applicant. Prior to the submittal of the appli-

cation, the applicant shall coordinate with the appropriate designated local office of the department on the level of detail and the analysis techniques to be used.

(a) Circulation plans. All parking, interior drives, and internal traffic circulation plans.

(b) Connection users. All internal and external adjacent parcels which will use the requested connection. All existing and proposed connecting roadways and potential means of alternate access through the final buildout stage of development shall be shown on the plans submitted with the application.

(c) Traffic control devices and illumination. Proposed traffic control devices and lighting locations.

(d) Sight distance. Analysis of horizontal and vertical sight distance on the state highway with respect to the proposed connection.

(e) Traffic data and analysis. Traffic data submitted by the applicant shall be signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW. The following traffic study information may be required:

(i) Turning movements. Vehicle turning movements for present and future traffic conditions.

(ii) Volume and type. Amount and type of traffic that will be generated by the proposed development including a breakdown of anticipated peak hour traffic and an analysis of the impact on the level of service on the state highway.

(iii) Parking and circulation. Analysis of off-street parking and traffic circulation, including distances to secondary access points on the connection roadway and their impact on the operation of the state highway.

(iv) Traffic signal data. If a traffic signal is requested, the following studies may be required: Traffic signal warrants; phasing and timing analysis; signal progression analysis; signalization, signing, and lighting plans in ~~((conformance))~~ compliance with department standards. A separate department traffic signal permit is required.

(v) Off-site improvements. A traffic analysis to determine the need for off-site related roadway and geometric improvements and mitigation requirements.

(vi) Traffic control plan. A traffic control plan conforming to current department standards set forth in the "Manual on Uniform Traffic Control Devices," documenting how the ~~((permittee))~~ permit holder will provide for safe and efficient movement on the state highway system during the construction of the connection.

(4) Additional information required, Category IV permits. Permit applications must contain the specific dates that the connection is to be open and must contain assurances acceptable to the department that the shoulder, curbing, sidewalks, bikeways, ditch, right of way, and any other amenities will be restored to their original condition at the ~~((permittee's))~~ permit holder's expense upon closure of the temporary connection.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-070 Fees and surety bond. (1) Fee structure. The following nonrefundable fee structure is established

for department application processing, review, and inspection. Full payment of base fees must accompany the permit application. Due to the potential complexity of Category II and Category III connection proposals, and required mitigation measures that may involve construction on the state highway, the department may require a developer agreement in addition to the connection permit. The developer agreement may include, but is not limited to: Plans; specifications; maintenance requirements; bonding requirements; inspection requirements; division of costs by the parties, where applicable; and provisions for payment by the applicant of actual costs incurred by the department in the review and administration of the applicant's proposal that exceed the required base fees in the following schedule:

(a) Category I base fees for one connection.	
(i) Field (agricultural), forest lands, utility operation and maintenance	((50)) \$ 100
(ii) Residential dwelling units (up to 10) utilizing a single connection point	((50)) \$ 100
	per dwelling unit
(iii) Other, with 100 AWDVTE or less	((500)) \$ 250
(iv) Fee per additional connection point	((50)) \$ 100
(b) Category II base fees for one connection.	
(i) Less than 1,000 AWDVTE	\$ 1,000
(ii) 1,000 to 1,500 AWDVTE	\$ 1,500
(iii) Fee per additional connection point	\$ 250
(c) Category III base fees for one connection.	
(i) 1,500 to 2,500 AWDVTE	\$ 2,500
(ii) Over 2,500 AWDVTE	\$ 4,000
(iii) Fee per additional connection point	\$ 1,000
(d) Category IV base fee per connection	\$ 100

(2) Surety bond. Prior to the beginning of construction of any ~~((Category II or Category III))~~ connection, the department may require the ~~((permittee))~~ permit holder to provide a surety bond as specified in WAC 468-34-020(3).

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-080 Application submittal, review, conditions. (1) Application submittal. The application shall be submitted to the designated local department office serving the area. The application shall be properly prepared, clearly completed, and signed. Information on the specific number of copies to be provided and other submittal information is available from the designated local department office.

PROPOSED

(2) Application review, processing, and approval. Upon receipt of the application, the application shall be reviewed consistent with the provisions of this chapter. If the department identifies errors in the application or if additional information is required, the department will notify the applicant. Applicants must provide such information or correct errors within thirty days of the notification. If the applicant determines that the time to provide additional or corrected information is insufficient, the applicant shall contact the department in writing to request additional time be approved. If the additional or corrected information has not been received by the department within thirty days or the approved time period agreed to, the application will be withdrawn.

(a) Review. Upon timely receipt of all required information, or upon expiration of the time period for receipt of additional or corrected information, the location and design of the connection shall be examined for consistency with current department location, quantity, spacing, classifications, and department design standards. The review shall also include an analysis of the impact of the site's existing and projected traffic on the operation and safety of the state highway.

(b) Concurrence or denial, notice. If the department concurs in the location and design of the proposed connection, written notification of that concurrence will be sent to the applicant and to the local governmental land use planning authority having jurisdiction over the development. If the applicant has gone through the voluntary conceptual review process, the written notice of concurrence will indicate whether or not there have been any changes in the number, location, or design of the connection required by the department. No construction may commence on the department's right of way until all necessary department and local governmental permits are issued in accordance with (c) of this subsection. If the department does not concur in the connection location, quantity, or design, both the applicant and the local governmental land use planning authority having jurisdiction over the development approval shall be notified, in writing, indicating the department's intent to deny the connection as proposed in the application. The written notification shall state the specific reasons for the intent to deny the connection, the process for submitting an amended application, and the appeal rights of the applicant. The applicant may submit a revised application within thirty days based on department comments and concerns as stated in the notification. The submittal of a revised application within thirty days shall not require the payment of any additional application fees. Submittal of a revised permit is not a prerequisite for a request for an adjudicative proceeding ~~((pursuant to))~~ in compliance with WAC 468-51-150.

(c) Permit issuance. The department shall issue the connection permit after review and concurrence that the application and the location and design of the connection comply with the requirements of this chapter, and after either:

(i) The applicant has received development approval from the appropriate local governmental land use planning authority; or

(ii) Other interagency coordination procedures in effect are satisfied for development approval by the local governmental land use planning authority.

The department shall provide the applicant with the connection permit for signature, and the applicant shall sign and return the permit to the department within thirty days after the mailing date. If the department does not receive the signed permit back from the applicant within thirty days after the mailing date or within an agreed upon time, the permit will be void and the application fee will be forfeited. The permit is not valid and construction on the access cannot begin without a completed permit that is signed by both the department and the applicant.

Additionally, the applicant must be in compliance with the surety bond requirements specified in the permit prior to construction, in ~~((accordance))~~ compliance with WAC 468-51-070.

(d) Request for adjudicative proceedings. In the event of a denial of a connection permit as proposed in the application, the applicant may apply for an adjudicative proceeding ~~((pursuant to))~~ in compliance with WAC 468-51-150.

(3) Permit conditions. Any special requirements or provisions for the connection including off-site mitigation shall be clearly and specifically identified as part of the permit. Failure by the applicant or ~~((permittee))~~ permit holder to abide by the permit provisions shall be sufficient cause for the department to initiate action to alter the connection or to revoke the permit and close the connection at the expense of the ~~((permittee))~~ permit holder. The permit requirements shall be binding on the ~~((permittee))~~ permit holder, the ~~((permittee's))~~ permit holder's successors, heirs and assigns, the permit application ~~((signators))~~ signatories, and all future owners and occupants of the property. The applicant may challenge the permit conditions by applying for an adjudicative proceeding ~~((pursuant to))~~ in compliance with WAC 468-51-150.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-090 Construction requirements. (1) Preconstruction conference. The department may require a preconstruction conference prior to any work being performed on the department's right of way. When required by provisions in the permit, the department will schedule a preconstruction conference. The preconstruction conference should be attended by the necessary personnel to assure compliance with the terms and provisions of the permit.

(2) Time limit. Substantial construction of the connection shall begin within ninety days of the effective date of the permit, unless a longer time is approved by the department or a time extension is requested by the applicant and approved by the department. Construction shall be completed within one hundred twenty days of the date of issuance of the permit, unless a time extension is approved by the department. As a condition of the permit, the department may further limit construction time, if the department determines that such limitation is warranted. Failure to comply with the time limits specified in the permit shall result in an automatic expiration of the permit following written notification to the ~~((permittee))~~ permit holder. For any permit which expires for failure to begin construction or to complete construction within the specified time limits, the department may require a new

application, including the payment of the required application fee prior to the initiation of any construction.

(3) Posting of permit. The approved connection permit shall be displayed in a prominent location, protected from the weather, within the vicinity of the connection construction.

(4) Disruption of traffic. All construction and/or maintenance within department right of way shall conform to the provisions of the connection permit, the "*Manual on Uniform Traffic Control Devices*" (MUTCD); the department's current "*Design Manual*," and the current "*Standard Specifications for Road, Bridge, and Municipal Construction*." The department may require or restrict hours of construction to minimize disruption of traffic on the state highway system. If construction activity within the department's right of way causes undue disruption of traffic or creates safety hazards on a state highway, or if the construction activity is not in compliance with the traffic control specifications in the permit, the department shall advise the ((permittee)) permit holder or the ((permittee's)) permit holder's contractor of the need for immediate corrective action, and may order immediate suspension of all or part of the work if deemed necessary. Failure to comply with this provision may result in permit modification or revocation.

(5) Traffic signals and other traffic control devices. Traffic signals and other traffic control devices installed by ((permittee)) the permit holder shall conform to MUTCD and department design and construction standards. The ((permittee)) permit holder is responsible for securing any state and local permits needed for traffic signalization and regulatory signing and marking.

(6) Connection construction inspection. For Category II and Category III connections, the department may require the ((permittee)) permit holder, the developer, or landowner to provide inspection of construction and certification that connection construction is in accordance with permit provisions and appropriate department standards by a professional engineer, registered in accordance with chapter 18.43 RCW, or the department may do the inspection at the applicant's expense, as provided in the developer agreement.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/4/92, effective 7/25/92)

WAC 468-51-100 Nonconforming connection permits. The department may issue a permit for a connection to meeting department location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable ((~~means of connection~~)) access to the public road system. The department may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the state for restoring or maintaining the operational efficiency and safety of the state highway. Nonconforming connection permits shall specify conditions or limits including:

(1) **Traffic volume.** The maximum vehicular usage of the connection shall be specified in the permit.

(2) **Future alternate access.** The permit shall specify that a conforming connection be constructed when future

alternate means of access become available, and that the non-conforming connection be removed.

(3) **Users.** The permit shall specify the properties to be served by the connection; and any other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

NEW SECTION

WAC 468-51-105 Variance connection permits. Variance permits may be issued, at the discretion of the department, for certain connections not meeting the access classification location and spacing or that exceed the number of connections allowed by the standards adopted for a particular highway segment. These permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application. The variance permit will remain in effect unless a new permit is required due to changes in property site use in compliance with WAC 468-51-110 or unless permit modification, revocation, or closure of the variance permitted connection is required as provided for in WAC 468-51-120. The department may issue a connection permit requiring a legally enforceable joint-use connection when it is determined to be in the best interest of the state for restoring or maintaining the operational efficiency and safety of the state highway. Variance connection permits shall specify conditions or limits including, but not limited to:

(1) **Traffic volume.** The maximum vehicular usage of the connection shall be specified in the permit.

(2) **Users.** The permit shall specify the properties to be served by the connection, and any other conditions as necessary to carry out the provisions of chapter 47.50 RCW.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-110 Changes in property site use. The connection permit is issued to the ((permittee)) permit holder for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the ((permittee)) permit holder, ((their)) his or her assignee, or property owner to contact the department to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection. An engineering study, signed and sealed by a professional engineer registered in accordance with chapter 18.43 RCW, may be required to document the extent of the change. If modification of the existing connection is required, based on a significant change as determined by the department, the ((permittee)) permit holder, his or her assignee, or the property owner shall ((acquire)) obtain a new permit prior to the initiation of any on-site construction to the connection or to the property.

(1) **Significant change.** A significant change is one that would cause a change in the category of the connection permit or one that causes an operational, safety, or maintenance

problem on the state highway system based on objective engineering criteria or available accident data. Such data shall be provided to the property owner and/or permit holder and tenant upon written request.

(2) Notification. Failure to contact the department to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation of property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner and/or permit holder and tenant of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The ~~((permittee))~~ permit holder is responsible for all costs associated with connection removal, relocation, or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-120 Permit modification, revocation, closure of permitted connections. (1) Revocation criteria. All connection permits issued by the department prior to the effective date of this chapter remain valid until revoked. The department may initiate an action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property or of the state highway, requiring the relocation, alteration, or closure of the connection; if the connection was not constructed at the location or to the design specified in the permit; ~~((or))~~ if the permit provisions were not met; or if the connection causes a safety, maintenance, or operational problem on the state highway system. The process to be followed by the department in the revocation of permits shall be consistent with the requirements of chapter 34.05 RCW and WAC 468-51-150. The notification process is as follows:

(a) Notification, correction of deficiencies. The department shall serve notice, in accordance with rules adopted ~~((pursuant to))~~ in compliance with chapter 34.05 RCW, to the ~~((permittee))~~ permit holder, ~~((permittee's))~~ permit holder's successors or assigns, or property owner with a copy to the occupant, for any connection found to be in noncompliance with the conditions of the permit or this chapter. The notice will identify and request that the deficiencies be corrected within thirty days of service of the notice. The notice shall further advise that the department's determination of non-compliance or deficiencies shall become final and conclusive thirty calendar days following service of the notice unless the violations are corrected or an adjudicative proceeding ~~((pursuant to))~~ in compliance with chapter 34.05 RCW and WAC 468-51-150 is requested by the ~~((permittee))~~ permit holder, ~~((permittee's))~~ permit holder's successor or assigns, or the property owner.

(2) Costs. The ~~((permittee))~~ permit holder, permit holder's successor or assignee, or property owner shall be responsible for the costs of closure due to revocation of a connection permit ~~((pursuant to))~~ in compliance with WAC 468-51-120 except when the closure is required by changes to the state highway.

(3) Emergency action. This chapter shall not restrict the department's right to take immediate remedial action, including the closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare, ~~((pursuant to))~~ in compliance with chapter 47.32 RCW. In such event, the department shall conform to the provisions for emergency adjudicative proceedings in RCW 34.05.479 and rules adopted thereunder.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-130 Closure of unpermitted connections. Closure criteria, permit requirements. Any unpermitted connections to the state highway system which were in existence and in active use consistent with the type of connection on July 1, 1990, shall not require the issuance of a permit and may continue to provide connection to the state highway system, unless the property owner had received written notification initiating connection closure from the department prior to July 1, 1990, or unless the department determines that the unpermitted connection does not meet minimum acceptable standards of highway safety and mobility based on accident and/or traffic data or accepted traffic engineering criteria, a copy of which must be provided to the property owner and/or permit holder and tenant upon written request. The department may require that a permit be obtained if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway ~~((to which it provides access)).~~ If a permit is not obtained, the department may initiate action to close the unpermitted connection point ~~((pursuant to))~~ in compliance with RCW 47.50.040. Any unpermitted connection opened subsequent to July 1, 1990, is subject to closure by the department. The process to be followed by the department in the closure of an unpermitted connection shall be consistent with chapter 34.05 RCW and rules adopted thereunder. The notification process is as follows:

(1) Notification. The department shall serve notice, in accordance with rules adopted ~~((pursuant to))~~ in compliance with chapter 34.05 RCW, upon the property owner of a connection to a state highway which is found by the department to be unpermitted. This notice shall clearly describe the highway connection violation and shall establish a thirty-day time limit for either applying for a connection permit or requesting an adjudicative proceeding ~~((pursuant to))~~ in compliance with chapter 34.05 RCW. ~~((The sole issue to be determined at the adjudicative proceeding is whether a permit should be required.))~~ The notice will further advise the property owner that failure to act in either of the prescribed ways within the time period will result in department closure of the unpermitted connection.

(2) Permit application. If a permit application is filed within the thirty days, and the application is denied, the department shall notify the property owner of the denial. The property owner may then proceed with the permit application revision process set forth in WAC 468-51-080 or request an adjudicative proceeding ~~((pursuant to))~~ in compliance with WAC 468-51-150 within thirty days. Failure to act in either of those prescribed ways within the time period set forth in the rules will result in department closure of the unpermitted

connection. If the location and design of the connection in the permit application are acceptable to the department, the existing connection may continue to be used for a specified period of time or until the connection specified in the permit application is constructed.

(3) Approval conditions. Modifications, relocation, or closure of unpermitted connections may be required by the department as a requirement of permit approval, subject to the adjudicative proceedings provisions of WAC 468-51-150.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-140 Department construction projects.

During construction of department projects, connections will be provided as replacements for existing approved permitted connections, that are consistent with all current department spacing, location, and design standards, based on the following conditions:

(1) Nonconforming connections. All nonconforming connections will be examined to determine if the construction project will require relocation, alteration, or closure of the connection to make it conforming.

(2) Application of current standards. The number and location of connections shall be modified to the maximum extent possible to meet current department spacing, location, and design standards. Where current department standards cannot be met, the connection shall be classified as nonconforming.

(3) New connections, modifications. The department shall allow new or require modification of existing connections if a connection permit application is made and approved.

(4) Replacement of existing connections. When connections are made as part of a department construction project replacing existing connection points without material differences, no additional permit shall be required. Costs shall be borne by the department.

(5) New connections—Cost. The construction of new connection points, if approved by the department, shall be done at the owner's expense by either the department's contractor as part of the roadway improvement or by the owner's contractor at the department's option.

(6) Modifications—Cost. If the modification of the connection point, that are based on the owner's request, is more extensive than the routine replacement of an existing connection, the owner shall also participate in the differential cost.

(7) Work by ~~((permittee's))~~ permit holder's contractor. The department shall require that work done by the owner's contractor be accomplished at the completion of the department's contract or be scheduled so as not to interfere with the department's contractor. The department may require a surety bond prior to construction of the connection in accordance with WAC 468-51-070. When the number, location or design of existing access connections to the state highway are being modified by a department construction project, the resulting modified access connections shall provide the same general functionality for the existing property use as they did before the modification, taking into consideration the exist-

ing site design, normal vehicle types, and traffic circulation requirements.

Notification. The department shall notify affected property owners, permit holders, business owners and/or emergency services, in writing, where appropriate, whenever the department's work program requires the modification, relocation, or replacement of their access connections. In addition to written notification, the department shall facilitate, where appropriate, a public process which may include, but is not limited to, public notices, meetings or hearings, and/or individual meetings. The department shall provide the interested parties with the standards and principles of access management.

AMENDATORY SECTION (Amending WSR 92-14-044, filed 6/24/92, effective 7/25/92)

WAC 468-51-150 Adjudicative proceedings. (1) Application. Any person who ~~((is the recipient or otherwise))~~ has standing to challenge the denial of a permit application ~~((pursuant to))~~ in compliance with WAC 468-51-080; a permit with conditions ~~((pursuant to))~~ in compliance with WAC 468-51-080; a notice of permit modification, revocation, or closure of permitted connection ~~((pursuant to))~~ in compliance with WAC 468-51-120; or notice of closure of an unpermitted connection ~~((pursuant to))~~ in compliance with WAC 468-51-130 may apply for an adjudicative proceeding on the matter ~~((pursuant to))~~ in compliance with chapter 34.05 RCW ~~((and)),~~ rules adopted thereunder, and department rules within thirty days of the date the initial determination of the department is ~~((mailed to the recipient))~~ sent by certified mail.

(2) Conduct. Thereafter, and within the times set forth by chapter 34.05 RCW, rules adopted thereunder, and department rules, the department shall convene an adjudicative proceeding ~~((or a brief adjudicative proceeding as is deemed appropriate by the department)).~~ The proceeding shall be conducted ~~((pursuant to))~~ in compliance with chapter 34.05 RCW ~~((and)),~~ rules adopted thereunder, and department rules.

~~((3))~~ ~~((Brief adjudicative hearings. The department hereby adopts RCW 34.05.482 through 34.05.494 pertaining to brief adjudicative proceedings for purposes of hearing challenges under the provisions listed in subsection (1) of this section.~~

~~((4))~~ Failure to apply. Failure to apply for an adjudicative proceeding within the times set forth in subsection (1) of this section shall result in the adoption of the department's initial determination as its final determination.

~~((5))~~ (4) Failure to participate. Failure to attend or otherwise participate in an adjudicative proceeding ~~((or brief adjudicative proceeding))~~ may result in a finding of default.

(5) Reasonableness of access. The department in its regulation of connections in compliance with chapter 47.50 RCW and these regulations shall allow reasonable access. If the department's final order denies reasonable access, the appellant shall be entitled to just compensation in compliance with RCW 47.50.010(5). Access which is not reasonable is not compensable.

PROPOSED

WSR 98-22-065
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed November 3, 1998, 8:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-044.

Title of Rule: WAC 4-25-511 Confidential information and 4-25-920 Hearings by the board.

Purpose: Repeal sections of chapter 4-25 WAC.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055(1).

Summary: Repeal sections of chapter 4-25 WAC.

Reasons Supporting Proposal: The Attorney General's Office identified these two rules as repetitive and unnecessary. WAC 4-25-511 is a duplication of statute. WAC 4-25-920 is a duplication of statutorily defined administrative procedures the agency is required to follow.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Statute governs the same activities as these rules, making the rules redundant. The Attorney General's Office recommends the agency repeal these repetitive and unnecessary rules.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The repeal of these rules will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Conference Room, Deloitte & Touche LLP, 700 5th Avenue, Suite 4500, Seattle, on December 18, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by December 11, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by December 17, 1998.

Date of Intended Adoption: December 18, 1998.

November 2, 1998

Dana M. McInturff, CPA
Executive Director

WSR 98-22-066
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed November 3, 1998, 8:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-045.

Title of Rule: WAC 4-25-530 Fees.

Purpose: To set fees at a level adequate to pay the costs administering chapter 18.04 RCW.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.065, and 18.04.0195(6).

Statute Being Implemented: RCW 18.04.065 and 18.04.105.

Summary: To amend the fees the board charges to take the certified public accountant (CPA) examination and for dishonored checks.

Reasons Supporting Proposal: The increase in fees to take the CPA examination is necessary to provide needed flexibility in contracting for the CPA examination and to ensure that an adequate pool of vendors respond to future requests for proposal.

In December 1995 the board entered into a contract with CPA examination services (CPAES) for the administration of the uniform CPA examination. The contract for administration expires on May 1, 1999. The current provider has stated the current fees are insufficient and in order to bid on the board's upcoming contract the fees will need to be increased.

The proposed fee increases are based on approximately a 5% inflation adjustment for each of the three years since the fees were last set in July 1996.

The board's legal counsel opines the board should amend its fee schedule to conform to any contract entered into with a vendor providing CPA examination administration.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 18.04.065 directs the board to "set its fees at a level adequate to pay the costs of administering this chapter" (that is, chapter 18.04 RCW, the Accountancy Act). As a matter of policy, the [board] attempts to set its fees to cover the costs of the various services related to each fee. The primary change proposed by this rule amendment simply sets CPA examination fees and the dishonored check fee at the level negotiated with the CPA examination administration vendor.

Proposal Changes the Following Existing Rules: Increases the fees for taking the CPA examination and increases the fees for dishonored checks (including insufficient funds or closed accounts).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed fee increase for the CPA examination (\$30 increase for first time candidates) and the "NSF" fee increase (\$5.00) will not impose more than minor costs on industry and is therefore outside the scope of RCW 19.85.030.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to rules that set or adjust fees or rates pursuant to legislative standards. The Board of

Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Conference Room, Deloitte & Touche LLP, 700 5th Avenue, Suite 4500, Seattle, on December 18, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by December 11, 1998, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by December 17, 1998.

Date of Intended Adoption: December 18, 1998.

October 27, 1998

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 96-12-060, filed 5/31/96, effective 7/1/96)

WAC 4-25-530 Fees. (~~Commencing July 1, 1996,~~)

The board shall charge the following fees:

- (1) CPA examination applications:
 - (a) First-time \$ ~~((200))~~ 230
 - (b) Reexamination, four sections \$ ~~((180))~~ 205
 - ~~((c) Reexamination, three sections \$ ~~((155))~~ 155~~
 - ~~((d))~~ Reexamination, two sections \$ ~~((135))~~ 155
 - ~~((e))~~ Reexamination, one section \$ ~~((120))~~ 140
 - ~~((f))~~ Administration of examination for out-of-state applicants \$ ~~((75))~~ 20
- (2) Application for certificate \$ 50
- (3) Application for certificate by reciprocity from other jurisdictions \$ 150
- (4) Biennial license to practice public accounting, includes certificate renewal fee \$ 80
- (5) Biennial certificate renewal \$ 25
- (6) Biennial firm license:
 - (a) Sole proprietorships (with one or more employees) \$ 60
 - (b) Partnerships and limited liability partnerships \$ 60
 - (c) P.S. corporations and limited liability companies \$ 60
 - (d) Amendment to firm license \$ 10
- (7) Copies of records, per page \$0.10
- (8) Printed listing of CPAs, CPA firms, CPA exam candidates, set up charge plus \$.01/record \$ 50
- (9) Computer diskette listing of CPAs, CPA firms, CPA exam candidates \$ 50
- (10) Applications for reinstatement \$ 25
- (11) Replacement CPA certificates \$ 25
- (12) Quality assurance review program per financial statement report review

- (includes monitoring reviews for up to two years) \$ 225
- (13) Late or incomplete individual or firm renewal application, per month or part thereof, to a maximum of \$200 per application \$ 25
- (14) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) \$ ~~((25))~~ 30

Note: The board may waive late filing fees for good cause.

WSR 98-22-069
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 9823—Filed November 3, 1998, 9:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-18-103.

Title of Rule: Amend chapter 173-532 WAC, Water resources program, Walla Walla Basin.

Purpose: To prioritize change applications over new applications when change applications meet certain criteria.

Statutory Authority for Adoption: Chapters 43.21A, 43.27A, 90.03, 90.44, 90.54 RCW.

Statute Being Implemented: Chapters 90.44 and 90.54 RCW.

Summary: The amendment enables ecology to prioritize water right change applications ahead of applications for new water rights if the project proposed in the change application would result in at least one of the following: (a) Saving at least 10% of the annual quantity of water formerly beneficially consumed under the water right being changed; (b) enhancement of the natural environment; or (c) construction of a single municipal water supply system consistent with an approved water system plan, managed according to conservation principles.

Reasons Supporting Proposal: Applications for new water rights are generally being held pending resolution of hydraulic continuity issues and some change applications may achieve at least one of the results noted above.

Name of Agency Personnel Responsible for Drafting: Thom Lufkin, Lacey, (360) 407-6631; Implementation and Enforcement: Bill Neve, Walla Walla, (509) 527-4546.

Name of Proponent: Walla Walla County Regional Planning Department and Walla Walla County Board of Commissioners, public and governmental.

Rule is necessary because of state court decision, *Hillis vs. Ecology*, Washington State Supreme Court (No. 63399-1) filed March 6, 1997.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment to chapter 173-532 WAC, Water resources program for the Walla Walla Basin, enables ecology to prioritize water right change applications ahead of applications for new water rights if the project proposed in the change application would result in at least one of the following:

PROPOSED

(a) Saving at least 10% of the annual quantity of water formerly beneficially consumed under the water right being changed, to remain in the stream to either be used by an existing water right holder (if necessary to meet the full right to water) or to contribute to instream flow;

(b) Enhancement of the natural environment in a manner approved by ecology and maintained as long as the water right is used; or

(c) Construction of a single municipal water supply system consistent with an approved water system plan, managed according to conservation principles negotiated with and approved by ecology.

Proposal Changes the Following Existing Rules: Please see above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed language is essentially procedural in nature (see above for description). Business and individuals whose applications for change or transfer of water rights qualify, would enjoy a reduction in waiting time and costs for consideration of their application. Businesses and individuals whose applications were put back in time would experience an increase in waiting time and costs. However, given the notation (in proposed WAC 173-532-085(1)) that little water is available for new appropriation in the basin, these increases may be essentially moot. In any event, there is no necessary or logical basis for attributing these impacts to small versus large businesses, either in absolute or relative terms. Rather, they follow from the nature of water rights applicants' proposals and their temporal place in the applications line.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they make significant amendments to a regulatory program. The agency has conducted the additional analysis under RCW 34.05.328.

Hearing Location: WSU/Walla Walla County Extension Office Auditorium, 317 West Rose, Walla Walla, WA, on December 8, 1998, at 7:00 p.m. to 9:00 p.m.

Assistance for Persons with Disabilities: Contact Paula Smith by November 24, 1998, TDD (360) 407-6006, or voice (360) 407-6607.

Submit Written Comments to: Thom Lufkin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6631, by December 18, 1998.

Date of Intended Adoption: January 5, 1999.

November 2, 1998

Daniel J. Silver
Deputy Director

NEW SECTION

WAC 173-532-085 Water resources program for the Walla Walla River basin, WRIA 32. (1) The department recognizes that the many water resource planning documents and water supply studies which have been prepared for the Walla Walla River basin contain a significant amount of useful water management information. The department's general interpretation of these studies is that there is little water available within the basin for new appropriations. Consequently, the department has concluded that managing water

within the Walla Walla basin by processing applications for changes to or transfers of existing water rights is the most efficient and effective approach available. This approach also may provide positive benefits to the environment and economy of the region.

(2) Therefore, an application for a change to or transfer of an existing water right may be processed before applications for new water rights with senior filing dates proposing to use water from the same source, provided one or more of the following criteria are satisfied:

(a) The proposed transfer or change would result in saving at least ten percent of the annual quantity of water that was formerly consumed by a beneficial use under the water right that is being transferred or changed, with the saved water remaining instream to either be appropriated, as necessary, for permitted uses existing prior to adoption of this amendment or to provide instream flow; or

(b) The proposed transfer or change would incorporate a water resources component specifically designed to enhance, and which would enhance, the quality of the natural environment in a manner deemed appropriate by the department, with the enhancement to be maintained by the applicant or the subsequent holder(s) of the water right for as long as the water associated with the transfer or change continues to be used; or

(c) The proposed transfer or change would result in the construction of a single municipal water supply system which is consistent with an approved water system plan and which will be managed according to specific water conservation principles negotiated with and agreed to by the department prior to approval of the proposed change or transfer.

(3) Although subsection (2) of this section allows transfer or change applications to be processed before new applications for water from the same source that were filed earlier than the applications for transfer or change, the department is required by law to assure that the availability of water for the earlier applications would not be impaired if the transfer or change application is approved.

(4) The criteria in subsection (2) of this section are meant to supplement WAC 173-152-050 (3)(a). Nothing in this chapter shall serve to supersede the requirements set forth through chapter 173-152 WAC.

WSR 98-22-070

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health Plan)

[Filed November 3, 1998, 9:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-062.

Title of Rule: Washington basic health plan.

Purpose: Describes procedures for appealing a basic health or MHCS decision.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: Chapter 70.47 RCW.

Summary: Revising basic health rules for appeals, to clarify and include additional information, as required by Executive Order 97-02.

Reasons Supporting Proposal: Executive Order 97-02 requires that rules be reviewed for clarity. Rules are revised to make them more understandable for basic health members, and to include additional detail.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; **Implementation and Enforcement:** Ida Zodrow, Lacey, Washington, (360) 923-2996.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revises rules regarding basic health appeals for clarification, as required by Executive Order 97-02. This revision does not change the processes currently in place, but is intended to describe them more clearly.

Proposal Changes the Following Existing Rules: Clarifies process, including more detail than in previous rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. Costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, 3rd Floor Conference Room, Lacey, WA 98504, on December 8, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by November 24, 1998, (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, fax (360) 412-4276, by December 8, 1998.

Date of Intended Adoption: December 15, 1998.

October 23, 1998

Elin S. Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-100 ((Appeals and mediation of grievances.)) Where to find instructions for filing an appeal. (((1) HCA decisions regarding basic health plan eligibility, premium, enrollment, suspension, disenrollment or change of MHCS may be appealed pursuant to WAC 182-25-105.

(2) The HCA will not hear appeals of decisions regarding children covered under BHP plus. Those decisions must be appealed through the department of social and health services, according to the provisions of chapters 388-08 and 388-526 WAC, as amended.

(3) Decisions made by a MHCS, such as coverage disputes or benefits interpretation may be appealed pursuant to WAC 182-25-110.)) (1) WAC 182-25-105 and 182-25-110 cover appeals submitted by or on behalf of basic health plan

enrollees or applicants. To appeal a decision regarding a child enrolled in BHP plus or a woman receiving maternity benefits through medical assistance, subscribers must contact the Washington state department of social and health services (DSHS) to request a fair hearing under chapters 388-08 and 388-526 WAC.

(2) WAC 182-25-105 covers appeals of decisions made by the health care authority, such as decisions regarding basic health plan eligibility, premium, premium adjustments or penalties, enrollment, suspension, disenrollment, or a member's selection of managed health care system (MHCS). Decisions which affect an entire group (for example, the disenrollment of an employer group) should be appealed for the entire group by the employer, home care agency, or financial sponsor, using these same rules.

(3) WAC 182-25-110 covers appeals of decisions made by the enrollee's managed health care system (MHCS), such as decisions regarding coverage disputes or benefits interpretation. The term MHCS, which is defined in WAC 182-25-010(22), refers to the health plan or carrier that provides BHP coverage.

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-105 ((Appeals of HCA decisions regarding BHP.)) How to appeal health care authority decisions. (((1) If a subscriber or applicant wishes to appeal a HCA decision regarding BHP eligibility, premium, enrollment, suspension, disenrollment or change of MHCS, he/she must send a letter of appeal, signed by the appealing party, to the HCA appeals committee no more than thirty days after the date the HCA's decision was sent to the subscriber or applicant. The letter should include the name, address and BHP account number of the enrollee and subscriber or the applicant and a statement of:

(a) The decision being appealed;

(b) Why the enrollee considers the decision to be incorrect; and

(c) The facts upon which the appeal is based, including any supporting documents.

(2) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to the subscriber or applicant within sixty days of receipt of the subscriber's or applicant's letter of appeal. The written initial decision will include reasons for the decision and information and instructions on further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer.

(3) If the HCA appeals committee decision results in disenrollment, the enrollee may request a review hearing by the

PROPOSED

office of administrative hearings, pursuant to chapter 34.12 RCW and RCW 34.05.488 through 34.05.494, as amended. An enrollee or applicant may request review of all other initial decisions of the HCA appeals committee by a HCA hearings officer, pursuant to RCW 34.05.488 through 34.05.494, as amended. A request for review of the initial decision must be made in writing within twenty-one days after service of the written statement as required by RCW 34.05.485(3), as amended. Otherwise, the HCA appeals committee decision will be the final agency decision.

(4) An enrollee who has appealed a disenrollment decision will remain disenrolled pending the appeal decision, with the exception of enrollees who have filed a timely appeal of a disenrollment decision that was due to an issue of eligibility. In appeals of a disenrollment for ineligibility, the disenrollment will not become effective pending the appeal decision, provided:

(a) The enrollee otherwise remains eligible and continues to make all premium payments when due; and

(b) The enrollee has not demonstrated a risk to the safety or property of MHCS or health care authority staff, providers, patients or visitors.) (1) Under this section, enrollees or applicants may file appeals of health care authority decisions regarding eligibility, premiums, premium adjustments or penalties, enrollment, suspension, disenrollment, or a member's selection of managed health care system (MHCS).

(2) To appeal a health care authority (HCA) decision, enrollees or applicants must send a letter of appeal to the HCA appeals committee. The letter of appeal must be signed by the appealing party and received by the HCA within thirty calendar days of the date of the decision. The letter of appeal must include:

(a) The name, mailing address, and BHP account number of the subscriber or applicant;

(b) The name and address of the enrollee or applicant affected by the decision, if that person is not the subscriber on the account;

(c) A copy of the HCA notice of the decision that is being appealed or, if the notice is not available, a statement of the decision being appealed; and

(d) A statement explaining why the appealing party believes the decision was incorrect, outlining the facts surrounding the decision and including supporting documentation.

(3) Upon receiving the letter of appeal, the HCA will send notification to the appealing party, confirming that the appeal has been received and indicating when a decision can be expected.

(4) The HCA will conduct appeals according to RCW 34.05.485. The HCA appeals committee or a hearings officer designated by the HCA will usually review and decide the appeal based on submitted documents but may elect to hold a hearing in person or by telephone.

(5) The HCA will send the appealing party written notification of the appeals committee's or hearings officer's initial decision within sixty days of receiving the letter of appeal. The notification will include the reasons for their initial decision, and instructions on further appeal rights.

(6) The initial decision of the appeals committee or hearings officer becomes the final decision unless the HCA

receives a request for a review hearing from the appealing party within thirty days of the date of the decision. The appealing party may request review of the initial decision either verbally or in writing. The person requesting review must reference the initial decision and provide any additional written information that the appealing party would like considered in the review.

(a) If the appealing party requests a review of the appeals committee's or hearings officer's initial decision regarding a disenrollment, the office of administrative hearings will review the decision through a hearing conducted under chapter 34.12 RCW and RCW 34.05.488 through 34.05.494.

(b) If the appealing party requests a review of any decision of the appeals committee or hearings officer other than a disenrollment decision, a hearings officer designated by the HCA will review the decision through a hearing conducted under RCW 34.05.488 through 34.05.494.

(7) In a review under subsection (6)(a) or (b) of this section:

(a) The hearings officer will usually review and decide the appeal based on submitted documents but may elect to hold a hearing in person or by telephone.

(b) The review officer will make any inquiries necessary to determine whether the proceeding must become a formal adjudicative proceeding under the provisions of chapter 34.05 RCW.

(8) If an enrollee submits a timely appeal of a disenrollment decision that was based on eligibility issues and not related to premium payments, the enrollee will remain enrolled during the appeal process, provided the enrollee:

(a) Otherwise remains eligible;

(b) Continues to make all premium payments when due; and

(c) Has not demonstrated a danger or threat to the safety or property of the MHCS or health care authority or their staff, providers, patients or visitors.

(9) An enrollee who has appealed a disenrollment decision related to nonpayment of premium or any issue other than eligibility will remain disenrolled during the appeal process.

(10) If the appealing party disagrees with a review decision under subsection (6) of this section, the appealing party may request judicial review of the decision, as provided for in RCW 34.05.542. Request for judicial review must be filed with the court within thirty days of the final agency decision.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-110 (~~(Appeals of MHCS decisions.)~~)
How to appeal a managed health care system (MHCS) decision. ((1) Disputes arising between enrollees and the managed health care system in which they are enrolled, such as coverage disputes or benefits interpretation, are considered to be contractual disputes between those parties. Every MHCS is required to maintain a grievance/appeals process for enrollees, providing for resolution by MHCS personnel with authority to require corrective action, including but not limited to review by appropriate medical personnel of complaints regarding quality of care or access to urgently needed

services. The MHCS will make available information on its grievance/appeals process through its customer service department.

(2) The enrollee must exhaust the grievance/appeals process through the MHCS:

(a) If an issue is not resolved through that process within a reasonable time, or if the MHCS has not replied in writing to the enrollee within thirty days of receiving his/her written grievance/appeal, the enrollee may send a letter of appeal to the HCA appeals committee, requesting the HCA to inquire as to the status of the grievance/appeal. The HCA may initiate informal dispute resolution aimed at achieving a resolution satisfactory to the MHCS and the enrollee. In the event informal dispute resolution is unable to resolve the issue, the grievance/appeal will be reviewed by the HCA appeals committee.

(b) If the MHCS decision is not satisfactory to the enrollee, and the enrollee has not previously requested HCA assistance with the issue, the enrollee may send a letter of appeal to the HCA appeals committee. The letter of appeal must be received by the HCA no more than thirty days after the MHCS written notice of the decision is sent.

(3) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to both parties in the appeal, including the reasons for the decision, within sixty days of scheduling the appeal and, if the decision supports the MHCS position, will advise the enrollee of further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer. A HCA appeals committee decision which differs from the MHCS decision shall prevail and the MHCS shall perform in accordance to the HCA appeals committee decision.

(4)(a) If the HCA appeals committee agrees with the MHCS decision, the enrollee may request review of the HCA appeals committee decision by the HCA hearings officer. This request for review of the decision must be received no more than twenty-one days after the date of the HCA appeals committee decision.

(b) If the decision of the HCA appeals committee disagrees with the MHCS decision, the MHCS may request a dispute hearing with the HCA administrator, according to the terms of the contract between the MHCS and the HCA.)) (1) Enrollees who are appealing a MHCS decision, including decisions related to coverage disputes, denial of claims, or benefits interpretation, must first appeal the decision through their MHCS's grievance/appeals process. Under this section, the HCA may review MHCS decisions that have been the subject of a MHCS grievance/appeal process.

(2) Each MHCS must maintain a grievance/appeals process for enrollees and must provide enrollees with instructions for filing a grievance or appeal. This grievance/appeals

process must comply with HCA contract requirements for timeliness in responding to complaints, including procedures for an expedited review if the enrollee is urgently in need of medical care. In addition, the MHCS grievance/appeal process must include review of MHCS decisions by:

(a) MHCS personnel who have the authority to require corrective action; and

(b) Appropriate medical personnel, if the appeal includes complaints regarding quality of care or access to urgently needed services.

(3) An enrollee who has appealed a MHCS decision may ask the HCA to initiate informal dispute resolution in either of the following circumstances:

(a) The appeal has not been resolved within the timelines established by the MHCS grievance/appeal process or agreed to by the MHCS and the appealing party; or

(b) The enrollee has not received a response from the MHCS within thirty days of initiating the appeal. The response from the MHCS may be a decision or, if a delay of the appeal decision is necessary, it may be notification of a delay. If the decision has been delayed, the notice must include the reason for the delay and the date the enrollee can expect a decision from the MHCS. The HCA has the authority to determine if the delay is reasonable.

(i) If the HCA determines the delay to be unreasonable, the HCA will initiate informal dispute resolution.

(ii) If the HCA determines the delay to be reasonable, the HCA will not initiate informal dispute resolution unless the MHCS fails to issue a decision by the date indicated in the delay notice.

(4) Enrollees requesting informal dispute resolution must submit a written request to the HCA, which includes:

(a) The name, mailing address, and BHP account number of the subscriber;

(b) The name and address of the enrollee affected by the decision, if that person is not the subscriber on the account;

(c) A statement of the dispute and efforts to resolve it; and

(d) A statement, with facts and documentation, in support of the appealing party's opinion.

(5) When the HCA receives the request for informal dispute resolution, the HCA will notify the MHCS and will attempt to resolve the dispute. The HCA will notify the enrollee of the outcome of the informal dispute resolution within the timelines of the MHCS grievance/appeals process. If the HCA notifies the enrollee that the issue has not been resolved, the appealing party may ask the HCA appeals committee to review the MHCS decision. The request may be written or oral and must be received within thirty days of the date the HCA notifies the appealing party of the outcome of the informal dispute resolution. The appealing party may submit additional documentation with the request.

(6) Enrollees may appeal a final MHCS decision by sending a letter of appeal to the HCA appeals committee, asking for review of the final MHCS decision. The letter of appeal must be signed by the appealing party and received by the HCA within thirty days of the date of the final MHCS decision, and must include the information listed in subsection (4) of this section.

(7) The HCA will follow the procedures in WAC 182-25-105 (3) through (8) when conducting reviews of MHCS decisions. The MHCS must be given the opportunity to submit written comments or participate in any proceeding before the appeals committee or in any subsequent administrative review.

WSR 98-22-071
PROPOSED RULES
EXECUTIVE ETHICS BOARD

[Filed November 3, 1998, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-026.

Title of Rule: Procedural rules.

Purpose: To amend chapter 292-100 WAC.

Statutory Authority for Adoption: RCW 42.52.360(3).

Statute Being Implemented: Chapter 42.52 RCW.

Summary: To add new sections and amend existing rules concerning complaints, investigations, and hearings pursuant to RCW 42.52.410, 42.52.420, 42.52.430, 42.52.470, and 42.52.500.

Reasons Supporting Proposal: Redresses procedural problems in existing rule to create a more efficient investigative and hearing process for ethics complaints.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret A. Grimaldi, 1125 Washington Street S.E., Olympia, WA, (360) 664-0871.

Name of Proponent: [Executive Ethics Board], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements Executive Ethics Board procedures for ethics complaints, investigations and hearings. The purpose is to provide guidance and direction for complainants, respondents, and their representatives in ethics cases. The anticipated effect is to provide all parties with a clear understanding of the administrative process used by the board to investigate and adjudicate ethics complaints.

Proposal Changes the Following Existing Rules: The proposal adds definitions to provide for clarity of reference; incorporates confidentiality protections under chapter 42.17 RCW for complainants; provides procedures for referral and action by the respondent's employing agency; defines procedures for filing an answer to the written determination on reasonable cause; explains informal settlement procedures; limits discovery; clarify roles and responsibilities of the administrative law judge and the board during hearings.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact statement was prepared because this rule is limited to the Executive Ethics Board's procedures.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 34.05.328(5), the Executive Ethics Board is not an agency subject to the provisions of RCW 34.05.328

(1)-(4). In addition, under RCW 34.05.328 (5)(b)(ii), these rules relate to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: AGO Conference Center, 4224 6th Avenue, Building 1, Lacey, WA 98504, on January 8, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patti Hurn, Executive Ethics Board Clerk, by December 31, 1998, (360) 586-3265.

Submit Written Comments to: Executive Ethics Board, P.O. Box 40100, Olympia, WA 98504-0100, fax (360) 664-0229, by December 15, 1998.

Date of Intended Adoption: January 8, 1999.

November 3, 1998

Margaret A. Grimaldi

Executive Secretary

NEW SECTION

WAC 292-100-005 Purpose. The purpose of this chapter is to promulgate Executive Ethics Board rules concerning complaints, investigations, and hearings pursuant to RCW 42.52.410, 42.52.420, 42.52.430, 42.52.470 and 42.52.500.

NEW SECTION

WAC 292-100-006 Adoption of model rules of procedure. The model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use by the board. In the case of a conflict between the model rules of procedure and procedural rules adopted in this chapter, the procedural rules adopted by the board shall take precedence.

NEW SECTION

WAC 292-100-007 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board staff" shall include the executive secretary, the investigator, attorneys who bring cases before the board, and the board clerk.

(2) "Complainant" means a person who has filed a complaint with the board.

(3) "Employing agency" means the former or current state agency of the respondent during the time the alleged violation occurred.

(4) "Party" includes the board staff, the respondent, and his or her representative.

(5) "Preliminary investigation" refers to the confidential fact-finding investigation that occurs before the board's determination of reasonable cause.

(6) "Presiding officer" refers to the board chair, vice chair, a board member designated as presiding officer by the chair or vice chair, or an administrative law judge.

(7) "Respondent" means a state officer or state employee alleged to have violated chapter 42.52 RCW by a complainant.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-010 Initiation of complaint. (1) A complaint alleging a violation of chapter 42.52 RCW may be filed by:

- (a) Any person;
- (b) The board;

(2) If a member of the board or the board's staff files a complaint in his or her individual capacity, the board member or staff member shall be disqualified from acting in his or her official capacity with regard to the disposition of that complaint.

(3) Other agencies may refer information about possible violations of chapter 42.52 RCW to the board for consideration. The board ~~((with))~~ may file a complaint if appropriate.

(4) Complaints initiated by the board will be signed on behalf of the board by the executive secretary.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-020 Complaint procedures—Status of complainant and others. (1) When a complaint has been filed with the board, neither the complainant, if other than board ~~((staff))~~, nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the board. The complainant is not a party to an ethics case for any purpose; however, the board staff ~~((staff))~~ will give notice to the complainant and the employing agency of any open board hearings on the matter.

(2) The person or persons alleged in a complaint to have violated chapter 42.52 RCW, are respondents as to that complaint.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-030 Procedures for filing complaints. (1) A complaint filed with the board shall be in writing on a form provided by the board, or in an appropriate written form that includes the information in subsection (2) of this section, and signed by the complainant. A complaint signed by the complainant may also be filed by the complainant's ~~((representative))~~ counsel.

(2) A complaint shall include:

(a) The complainant's name; except that the board may choose to issue a complaint based upon information provided by a person who refuses to be identified;

(b) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; and

(c) All available documentation and other evidence including any witnesses to the violation which the complainant is able to supply to demonstrate a reason for believing that a violation of chapter 42.52 RCW, or the rules adopted under it has occurred.

(3) A complaint which is incomplete, or does not contain enough information to allege a violation of chapter 42.52 RCW, will not be accepted for filing.

(4) The board will not consider allegations in a properly filed complaint that fall outside the jurisdiction of the board. The board or its staff may refer such allegations to an appropriate agency with jurisdiction.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-040 Investigation of complaints. (1) Upon acceptance of a complaint the board staff shall conduct an investigation.

(2) If board staff determine that a complaint alleges conduct which may violate a criminal statute, the staff ~~((shall))~~ may refer the complaint to the appropriate prosecuting attorney or the Washington State Patrol and ~~((shall))~~ if referred, will suspend their investigation until the prosecuting attorney or the Washington State Patrol responds as to whether criminal charges will be filed. If the prosecuting attorney elects to file criminal charges, no further action will be taken while the criminal case is pending. If the prosecuting attorney elects not to file criminal charges, board staff shall complete their investigation and follow the procedures set forth in these rules.

(3) During the course of the preliminary investigation, the board staff ~~((shall contact))~~ will give the respondent(s) ~~((and provide the respondent(s) with))~~ a copy of the complaint and an opportunity to present such information as the respondent may desire, provided that if a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint.

(4) It is the intent of the board that board staff who are investigating a complaint will work with the ~~((agency that employs the))~~ respondent's employing agency, unless in the judgment of the investigator it will impede the investigation. During the course of the investigation, the board staff ~~((shall))~~ will provide the ~~((agency that employs respondent))~~ employing agency with a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint.

(5) The board staff may refer a complaint to the employing agency ~~((that employs the respondent))~~ for investigation and recommendation of resolution. The referral will include a copy of the complaint and all supporting documentation and shall include a date for submission of the report and recommendation allowing at least 30 days. The agency receiving the referral may request additional time, if needed. During the course of the agency's investigation, the agency shall contact the respondent and provide the respondent with a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted from the complaint. The agency will provide the respondent with an opportunity to present such information as the respondent may desire.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-050 Determination on reasonable cause. (1) Following the preliminary investigation, the board staff shall prepare a written investigation report and make a recommendation to the board on whether to find reasonable cause, including a recommendation as to whether the penalty may be greater than \$500.

(2) Upon receipt of the board staff's investigation report and recommendation, the board shall determine whether or not there is reasonable cause to believe that a violation of chapter 42.52 RCW has occurred.

(3) The board's reasonable cause determination shall be done in closed session.

(4) If the board finds reasonable cause, the board shall consider whether the penalty for the alleged violation may be greater than \$500. If the board ~~((may wish to impose a penalty))~~ concludes that the potential penalty and costs may be greater than \$500, the respondent ((may)) shall be given the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. If the respondent is not given that option, the board may not impose a penalty or costs greater than \$500. The board may, on its own initiative, choose to retain an administrative law judge to conduct any hearing.

(5) Upon receipt of an investigation report and recommendation on a complaint referred to the employing agency ((that employs the respondent)) for investigation, the board shall either:

(a) Reject the report and recommendation and initiate its own investigation; or

(b) Concur with the report and recommendation and either initiate a hearing if the recommended penalty is a monetary fine or refer the matter ~~((back))~~ to the ~~((referral agency for implementation of the recommendation, if the recommended penalty involves disciplinary action))~~ employing agency for implementation of the recommendation if the recommendation is within the agency's authority to implement. The agency shall report implementation to the board and the board shall dismiss the complaint; or

(c) Concur with the report and recommendation, enter a finding of no reasonable cause and dismiss the complaint; or

(d) Concur with the report and recommendation, consider the report an investigative report, enter a finding of reasonable cause, and proceed under this section.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-060 ~~((Notice of hearing—))~~ Filing of answer—Notice of hearing. (1) Following the board's determination on reasonable cause, the board shall provide the complainant, the respondent and the employing agency ((that employs the respondent)) with a copy of the written determination on reasonable cause ~~((and with)),~~ a copy of the board staff's written investigation report, and a copy of the complaint. If a complainant has requested confidentiality under chapter 42.17 RCW, the complainant's name and identifying information will be deleted. If reasonable cause is found, the

determination of reasonable cause shall include a statement of the alleged violations. Prior to scheduling a public hearing, the board shall provide the respondent with an explanation of the option to request that the hearing be conducted by an administrative law judge if the penalty and costs for the alleged violation may be greater than \$500.

(2) Within 30 days of ~~((the issuance))~~ service of the written determination on reasonable cause, the respondent shall file an answer to the written determination on reasonable cause which shall state his/her response to the alleged violations. ~~((The answer shall include either a request for or a waiver of the right to request an administrative law judge if the penalty for the alleged violation may be greater than \$500.))~~

(3) ~~((The respondent shall be notified of the date of the hearing no later than 30 days before the hearing date.))~~ Failure to file an answer to the written determination on reasonable cause within 30 days of service constitutes a default, and the board may proceed to resolve the case without further notice to, or hearing for the benefit of, the respondent.

(4) Within 10 days after service of a default order under subsection (3) of this section, the respondent may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the board chair or a designated board member may adjourn further proceedings or conduct them without the participation of the respondent.

(5) Within 30 days of service of the written determination on reasonable cause, the respondent shall file a request for hearing. The request shall include either a request for or a waiver of the right to request an administrative law judge if the penalty and costs for the alleged violation may be greater than \$500.

(6) The respondent shall be notified of the date of the hearing no later than 30 days before the hearing date.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-070 Investigation materials not disclosable during investigation. (1) It is the policy of the board during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). The investigation is not considered complete until ~~((the board has made its reasonable cause determination as to whether there is reasonable cause to believe a violation has occurred))~~ a case is resolved either by a stipulation and settlement that is signed by all parties; or, when the board enters a final order after a public hearing. If a public records request is made following ((the reasonable cause determination)) a signed stipulation and settlement or a final order for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-080 Investigation procedures—Subpoenas. (1) During the course of an investigation, the board, or any board member, may issue a subpoena directed to any person who is likely to possess information which is relevant and material to the investigation. The subpoena shall:

(a) Specifically describe the information which is sought, and

(b) ~~((Set forth a reasonable time and place for the production of the information))~~ Require the production of information at a reasonable place and time, but no later than ten days from the date it is served, and

(c) Notify the person that if the information is not produced, the board will apply to the superior court for an appropriate order or other remedy. The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The board may issue a subpoena under RCW 42.52.390 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the board deems relevant and material.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-090 Informal settlement—Cases resolvable by stipulation. (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any respondent may request settlement by notifying ~~((the staff of the))~~ board staff in writing.

(b) If settlement may be accomplished by negotiation, negotiations shall be commenced at the earliest possible time. ~~((Settlement may))~~ When board staff and the respondent agree that some or all of the facts are uncontested and a stipulation of the facts is reached, board staff is responsible for providing a written description of the recommended resolution or stipulation to the person(s) involved.

(c) If settlement of a hearing may be accomplished by informal negotiation, negotiations shall be concluded by:

(i) Stipulation of facts by the parties; or

(ii) Stipulation of facts, conclusions and penalty by the parties.

(d) Board staff shall only present proposed stipulations and settlements to the board which it recommends the board adopt.

(2) Any proposed stipulation shall be in writing and signed by each party to the stipulation ~~((or))~~ and his or her ~~((representative))~~ counsel, if represented. The stipulation shall be recited on the record at the hearing. The board has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the board accepts the stipulation or modifies the stipulation with the agreement of the respondent, the board shall enter an

order in conformity with the terms of the stipulation. If the board rejects the stipulation or the respondent does not agree to the board's proposed modifications to the stipulation, the normal process will continue. The proposed stipulation and information obtained during formal settlement discussions shall not be admitted into evidence at a subsequent public hearing. If the board requests additional facts be presented, the matter shall be referred to the board staff for further investigation.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-100 ((Conduct of hearings.)) Prehearing conference—Rule. (1) ~~((A hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC), shall be followed unless modified by chapter 292-100 WAC.~~

~~((2) A hearing shall be conducted either by the board or by an administrative law judge. If an administrative law judge participates, either by request of a respondent or by request of the board, the board may choose to sit with the administrative law judge to hear the matter and to enter a final order at the conclusions of the proceedings; or to have the administrative law judge hear the matter alone and prepare an initial order for review by the board. If an administrative law judge sits with the board, he or she shall rule on procedural and evidentiary matters.~~

~~((3) After the hearing the board or administrative law judge may find that:~~

~~((a) Respondent(s) did not violate the act, as alleged, and dismiss the case; or~~

~~((b) Respondent(s) is (are) in apparent violation of chapter 42.52 RCW, the board's remedy would be inadequate and the matter should be referred to the appropriate law enforcement agency as provided in RCW 42.52.470.~~

~~((4) Following a hearing in which the board participates, the board-~~

~~((a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and~~

~~((b) Shall deliver, either in person or by mail, to each respondent, complainant and the agency that employs the respondent, a copy of the findings of fact, conclusions of law and decision.~~

~~((5) Following a hearing in which the board does not participate, the administrative law judge shall-~~

~~((a) Set forth written findings of fact, conclusions of law and decision on the merits of the case in an initial order;~~

~~((b) Shall deliver, either in person or by mail to each respondent and board staff a copy of the findings of fact, conclusions of law and decision, including a statement of the right to request review of the initial order by the board.~~

~~((c) If neither the board staff nor the respondent files exceptions to the initial order within 20 days, the board may adopt the initial order as the final order of the board.~~

~~((d) Within 20 days of entry of the initial order, either the board staff or the respondent may file written exceptions to the initial order. Such exceptions shall be filed with the secretary to the board and served on all other parties. The board shall set a date for submission of written argument on the~~

exceptions and shall notify the board staff and the respondent in writing:

(e) ~~The board shall review the initial order, any exceptions and argument filed and shall issue a final order which shall be delivered, either in person or by mail, to the board staff and the respondent, complainant and the agency that employs the respondent.))~~ In any proceeding, the presiding officer upon his/her own motion or upon request by board staff or the respondent or their counsel, may direct the board staff or respondent to appear at a specified time and place for a conference to consider:

(a) Simplification of issues;

(b) The necessity of amendments to the hearing notice;

(c) The possibility of obtaining stipulations, admissions of facts and of documents;

(d) Limitation on the number of witnesses;

(e) Authorizing discovery by any party; and

(f) Procedural and such other matters as may aid in the disposition of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference. If no objection to the order is filed with the presiding officer within seven days after the date the order is mailed, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

NEW SECTION

WAC 292-100-105 Discovery—Authority of presiding officer. After a finding of reasonable cause, no discovery is permitted by a party pursuant to WAC 292-100-110 through 292-100-150 unless authorized by the presiding officer. In deciding whether to authorize discovery and the extent of discovery to be allowed, the presiding officer shall consider the party's need for discovery while ensuring that discovery does not unduly delay the hearing. If the determination of reasonable cause includes an allegation that the respondent has violated RCW 42.52.180, the presiding officer shall permit discovery by the parties. Prior to the appointment of a presiding officer, the chair or other member designated by the board may authorize discovery if the party can demonstrate a compelling reason why discovery must be conducted prior to the appointment of a presiding officer.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-110 ((Prehearing conference—Rule,)) **Hearings—Discovery—Subpoenas.** (1) ~~((In any proceeding, the board chair or an administrative law judge upon his/her own motion or upon request by staff or the respondent or their qualified representative, may direct the staff or respondent to appear at a specified time and place for a conference to consider:~~

~~(a) Simplification of issues;~~

~~(b) The necessity of amendments to the hearing notice;~~

~~(c) The possibility of obtaining stipulations, admissions of facts and of documents;~~

~~(d) Limitation on the number of witnesses; and~~

~~(e) Procedural and such other matters as may aid in the disposition of the proceeding.~~

~~(2) Prehearing conferences may be presided over by the chair or an administrative law judge.~~

~~(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.~~

~~(4) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference. If no objection to the order is filed with the presiding officer within seven days after the date the order is mailed, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.))~~ The board, a board member, or the executive secretary may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material and the board or presiding officer may issue protective orders as appropriate. Any party may issue subpoenas. All subpoenas for hearings must be filed with the board, together with proof of proper service, at least five days prior to the date of the hearing for which they are issued. All subpoenas will be issued and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120.

(2) The board, upon motion and before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-120 Hearings—Discovery—((Subpoenas)) **Methods authorized.** ~~((1) The board or a board member may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material and the board or presiding officer may issue protective orders as appropriate. Any party may issue subpoenas. All subpoenas must be filed with the board, together with proof of proper service, at least five days prior to the date of the hearing for which they are issued. Such subpoenas will issue and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120.~~

~~(2) The board, upon motion and before the time specified in the subpoena for compliance therewith, may:~~

~~(a) Quash or modify the subpoena if it is unreasonable and oppressive; or~~

~~(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.~~

~~(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.)~~ The following discovery methods are authorized: Deposition upon oral examination, written interrogatories, requests for production, and requests for admission. Deposition upon oral examination, written interrogatories, and requests for admission may be used as evidence in the hearing. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas, except that board staff and the respondent may stipulate to other arrangements.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-130 Hearings—Discovery—Depositions and interrogatories—((Right to take)) Notice. ~~((Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas, except that staff and the respondent may stipulate to other arrangements.))~~ A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than five business days in writing to all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-140 ((Hearings—Discovery—)) Depositions and interrogatories in hearings—((Notice)) Protection of parties and deponents. ~~((A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than seven days in writing to the board and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the board or its hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.))~~ After notice is served for tak-

ing a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the presiding officer may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

At any time during the taking of the deposition, on motion of any party or the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the presiding officer may order the party conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-150 ((Depositions and interrogatories in hearings—Protection of parties and deponents.)) Discovery—Production of documents and use at hearing. ~~((After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or its designated hearing officer may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.))~~ (1) Upon request by either party, copies of all materials to be presented at the hearing shall be provided to the requester within seven days of the

request but, for good cause shown, not less than three business days prior to the date of the hearing.

(2) When documents are to be offered into evidence at the hearing, the one offering the exhibit shall provide a minimum of ten copies, for the opposing party, members of the board, the board's legal counsel, and board staff.

(3) If documentary evidence has not been exchanged prior to the hearing, the parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-160 (~~Discovery—Production of documents and use at~~) **Conduct of hearings.** (1) ((Upon request by either the board or the staff or the respondent copies of all materials to be presented at the hearing shall be provided to the requester within seven days of the request but, for good cause shown, not less than three business days prior to the date of the hearing.

(2) When documents are to be offered into evidence at the hearing, the one offering the exhibit shall provide a minimum of seven copies, one for opposing party, one for each member of the board, and one for the board's legal advisor.

(3) If documentary evidence has not been exchanged prior to the hearing, the parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced.) A hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC), shall be followed unless modified by chapter 292-100 WAC.

(2) A hearing shall be conducted either by the board or by an administrative law judge. If an administrative law judge participates, either by request of a respondent or by request of the board, the board may choose to sit with the administrative law judge to hear the matter and to enter a final order at the conclusions of the proceedings; or to have the administrative law judge hear the matter alone and prepare an initial order for review by the board. If an administrative law judge sits with the board, he or she shall rule on procedural and evidentiary matters.

(3) After the hearing the board may find that:

(a) The respondent(s) did not violate the act, as alleged, and dismiss the case; or

(b) The respondent(s) has (have) violated chapter 42.52 RCW; or

(c) The respondent(s) is(are) in violation of chapter 42.52 RCW, the board's remedy would be inadequate and the matter should be referred to the appropriate law enforcement agency as provided in RCW 42.52.470.

(4) Following a hearing in which the board participates, the board:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall serve each party, the complainant and the employing agency, a copy of the findings of fact, conclusions of law and decision.

(5) Following a hearing in which the board does not participate, the administrative law judge shall:

(a) Set forth written findings of fact, conclusions of law and decision on the merits of the case in an initial order;

(b) Shall serve each party and board staff a copy of the findings of fact, conclusions of law and decision, including a statement of the right to request review of the initial order by the board.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-170 (~~Brief enforcement hearings—~~**Authority;) **Review of initial orders by an administrative law judge.** (1) ((The board may provide a brief enforcement hearing for violations of provisions in chapter 42.52 RCW in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations.)) An initial order by an administrative law judge shall become the final order of the board within twenty days of the initial order unless:**

(a) The board, upon its own motion, determines that the initial order should be reviewed;

(b) A party files a petition for review of the initial order within twenty days of the entry of the initial order.

(2) The petition for review will specify the portions of the initial order to which exception is taken and will refer to the evidence of record relied upon to support the petition.

(3) Petitions for review shall be filed with the executive secretary and served on all other parties. The party not filing the petition for review shall have twenty days to reply to the petition for review. The reply shall be filed with the executive secretary and copies of the reply shall be served on all other parties or their counsel at the time the reply is filed, and may cross-petition for review. If the reply contains a cross-petition, it shall specify portions of the initial order to which exception is taken by the replying party, and shall refer to the evidence of the record relied upon to support the reply.

(4) The board shall personally consider the whole record or such portions of it as may be cited by the parties.

(a) The board shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(b) The board shall enter a final order disposing of the proceeding.

(c) The board shall serve copies of the final order on all parties, the complainant, and the employing agency.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-180 **Brief enforcement hearing—** (~~Procedure~~) **Authority.** ((1) A brief enforcement hearing may be presided over by the chair, or a member of the board designated by the chair.

(2) When a violation is alleged, before taking action, the secretary of the board shall send the alleged violator notice, which shall include:

(a) Alleged violation;

~~(b) The maximum amount of the penalty which can be imposed at the hearing and the amount of any proposed fine; and~~

~~(c) Person's right to respond, within ten days, either in writing or in person to explain his/her view of the matter.~~

~~(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an enforcement hearing by the full board or an administrative law judge.~~

~~(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed and their right to request review by the board at the next scheduled board meeting.~~

~~(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.) The board may provide a brief enforcement hearing for violations of provisions in chapter 42.52 RCW in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations.~~

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-190 Brief enforcement hearing—~~((Administrative review))~~ Procedure(s). (1) ~~((The board shall conduct a review of the initial order upon the written or oral request of a party if the board receives the request within twenty-one days after the service of the initial order.~~

~~(2) If the parties have not requested review, the board may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.~~

~~(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that judicial review is available. The order on review shall be entered within twenty-one days after the date of the initial order or of the request for review, whichever is later.) A brief enforcement hearing may be presided over by the chair, or a member of the board designated by the chair.~~

(2) When a violation is alleged, before taking action, the executive secretary shall send the alleged violator notice, which shall include:

(a) Alleged violation:

(b) The maximum amount of the penalty and costs which can be imposed at the hearing and the amount of any proposed fine; and

(c) Person's right to respond, within ten days, either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties and costs greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter to be scheduled for an enforcement hearing by the full board or an administrative law judge.

(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty and costs imposed and their right to request review by the board at the next scheduled board meeting.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

AMENDATORY SECTION (Amending WSR 96-22-028, filed 10/30/96, effective 11/30/96)

WAC 292-100-200 ((Reconsideration and review of decisions.)) Brief enforcement hearing—Administrative review procedures. (1) ~~((For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the board which is reviewable by a court.~~

~~(2) A decision may be reconsidered only upon (a) the written request of a party or (b) the motion or written request of a board member who voted on the prevailing side when that decision was made.~~

~~(3) Such a request for reconsideration shall be served at the office of the board, or motion made, no later than ten days after service of the decision of which reconsideration is sought.~~

~~(4) A request or motion for reconsideration shall specify the grounds therefor.~~

~~(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The board may not reconsider any decision after being served with a petition for judicial review.~~

~~(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the board has acted on the reconsideration.~~

~~(7) The board shall act on the reconsideration, at the next meeting at which it practicably may do so by: (a) Deciding whether to reconsider its decision, and (b) if it decides to do so, either affirming or amending its decision. Provided, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner, as required for the original decision.) The board will conduct a review of the initial order upon the written or oral request of a party if the board receives the request within twenty-one days after the service of the initial order.~~

(2) If the parties have not requested review, the board may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that judicial review is available. The order on review shall be entered within twenty-one days after the date of the initial order or of the request for review, whichever is later.

PROPOSED

NEW SECTION

WAC 292-100-210 Reconsideration and review of decisions. (1) For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the board which is reviewable by a court.

(2) A decision may be reconsidered only upon:

(a) The written request of a party; or

(b) The motion or written request of a board member who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration shall be served at the office of the board and on all parties, or motion made, no later than ten days after service of the decision of which reconsideration is sought.

(4) A request or motion for reconsideration shall specify the grounds therefor.

(5) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the board has acted on the reconsideration. Any party may respond to a request or motion for reconsideration. The response is due no later than ten days after the party is served with the request of motion.

(6) The board shall act on the reconsideration, at the next meeting at which it practicably may do so by:

(a) Deciding whether to reconsider its decision; and

(b) If it decides to do so, either affirming or amending its decision. A copy of the board's decision on reconsideration shall be served on all parties, the complainant, and the employing agency.

(7) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The board may not reconsider any decision after being served with a petition for judicial review.

WSR 98-22-074**WITHDRAWAL OF PROPOSED RULES****DEPARTMENT OF
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed November 3, 1998, 11:39 a.m.]

WAC 220-88A-050, proposed by the Department of Fish and Wildlife in WSR 98-09-088 appearing in issue 98-09 of the State Register, which was distributed on May 6, 1998, 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 98-22-075**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH**

(By the Code Reviser's Office)

[Filed November 3, 1998, 11:39 a.m.]

WAC 246-312-110 and 246-312-120, proposed by the Department of Health in WSR 98-09-111 appearing in issue 98-09 of the State Register, which was distributed on May 6, 1998, 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 98-22-076**PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed November 3, 1998, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-148.

Title of Rule: Rules addressing collective investment funds and their administration.

Purpose: To provide consistency with Regulation 9, the federal law on which chapter 50-36 WAC, Administration of trust companies, is based. Regulation 9 was amended by the Comptroller of the Currency (national bank regulator) in 1997.

Statutory Authority for Adoption: RCW 43.320.010, 43.329.040, and 30.04.030.

Statute Being Implemented: RCW 30.04.030.

Summary: Amendments to WAC 50-36-010(1), definitions; WAC 50-36-020 (1)(b) and (4)(b), administration of fiduciary powers; WAC 50-36-030 Audit of the trust department; WAC 50-36-050(1), Collective investment funds—Administration of funds; WAC 50-36-060(1), Collective investment funds—Valuation of assets, admissions and withdrawals; WAC 50-36-080(4), Collective investment funds—Financial reports; WAC 50-36-090 (1) and (6)(c), Collective investment funds—Investments and administration; WAC 50-36-100 (1), (2) and (3)(a) through (3)(c), organization and management fees; and WAC 50-36-110 Certificate of interest.

Reasons Supporting Proposal: Chapter 50-36 WAC is based on Regulation 9, which was amended by the Comptroller of the Currency in 1997. Amendments to state rule reflect the changes to Regulation 9.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Division of Banks, 300 General Administration Building, Olympia, (360) 902-8704.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 50-36 WAC is based on Regulation 9, the federal law which addresses collective investment funds. The amendments to chapter 50-36 WAC will make state rules consistent with federal law.

Proposal Changes the Following Existing Rules: The amendments provide consistency with the federal regulation on which chapter 50-36 WAC is based.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is adopted for the purpose of conforming with federal regulations, more specifically Regulation 9 promulgated by the United States Comptroller of the Currency.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to these proposals. The Department of Financial Institutions is requesting the amendments to maintain consistency between state and federal regulations.

Hearing Location: Room 300, General Administration Building, Olympia, Washington, on December 14, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Patty Brombacher by December 7, 1998, (360) 902-8748.

Submit Written Comments to: Mike Abe, Program Manager, P.O. Box 41200, Olympia, WA, fax (360) 753-6070 by December 14, 1998.

Date of Intended Adoption: December 14, 1998.

November 4 [3], 1998

John L. Bley
Director

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-010 Definitions. For purposes of this chapter, the following words are defined as:

(1) "Fiduciary powers" means the power to act in any fiduciary capacity authorized by the state of Washington including, but not limited to, trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, agent, custodian, investment adviser, if the trust company receives a fee for its investment advice, escrow agent, corporate bond paying and transfer agent, escrow holder, managing agent, depository, committee of estates of incompetents, and any capacity in which the trust company possesses investment discretion on behalf of another.

(2) "Trust department" means that group or groups of officers and employees of a trust company organized under the supervision of officers or employees to whom are designated by the board of directors the performance of the fiduciary responsibilities of the trust company, whether or not the group or groups are so named.

(3) "Agency" means the fiduciary relationship in which title to the property constituting the agency does not pass to the trust institution but remains in the owner of the property, who is known as the principal, and in which the agent is charged with certain specific duties with respect to the property.

(4) "Agency coupled with an interest" means an agency in which the agent has a legal interest in the subject matter.

Such an agency is not terminated automatically, as are other agencies, by the death of the principal but continue in effect until the agent can realize upon its legal interest.

(5) "Managing agent" means the fiduciary relationship assumed by a trust company upon the creation of an account which names the trust company as agent and confers investment discretion upon the trust company.

(6) "Trust company" as used herein shall also include banks which are authorized to exercise trust powers.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-020 Administration of fiduciary powers.

(1)(a) The board of directors is responsible for the proper exercise of fiduciary powers by the trust company. All matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all officers, employees, and committees utilized by the trust company in the exercise of its fiduciary powers, are the responsibility of the board. In discharging this responsibility, the board of directors may assign, by action duly entered in the minutes, the administration of such of the trust company's fiduciary powers as it may consider proper to assign to such director(s), officer(s), employee(s) or committee(s) as it may designate.

(b) No fiduciary account shall be accepted without the prior approval of the board, or of the director(s), officer(s) or committee(s) to whom the board may have designated the performance of that responsibility. A written record shall be made of such acceptances and of the relinquishment or closing out of all fiduciary accounts. Upon the acceptance of an account for which the trust company has investment responsibilities a prompt review of the assets shall be made. The board shall also ensure that at least once during every calendar year thereafter, ~~((and within 15 months of the last review;))~~ all the assets held in or for each fiduciary account where the bank has investment responsibilities are reviewed to determine the advisability of retaining or disposing of such assets.

(2) All officers and employees taking part in the operation of the trust department shall be adequately bonded.

(3) Every qualified fiduciary subject to this regulation and exercising fiduciary powers in this state shall designate, employ or retain legal counsel who shall be readily available to pass upon fiduciary matters and to advise the trust company and its trust department.

(4)(a) The trust department may utilize personnel and facilities of other departments of the trust company or its affiliates, and other departments of the trust company may utilize the personnel and facilities of the trust department or its affiliates only to the extent not prohibited by law and as long as the separate identity of the trust department is preserved.

(b) Agency agreements. Pursuant to a written agreement, a trust company exercising fiduciary powers may perform services related to the exercise of fiduciary powers for another trust company or other entity, and may purchase ser-

PROPOSED

VICES RELATED TO THE EXERCISE OF FIDUCIARY POWERS FROM ANOTHER TRUST COMPANY OR OTHER ENTITY.

(5) Fiduciary records shall be kept separate and distinct from other records of the trust company and maintained in compliance with the provisions of RCW 30.04.240. All fiduciary records shall be kept and retained for such time as to enable the fiduciary to furnish such information or reports with respect thereto as may be required by the supervisor of banking.

(6) Every such fiduciary shall keep an adequate record of all pending litigation to which it is a party in connection with its exercise of fiduciary powers.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-030 Audit of the trust department. A committee of directors, exclusive of any active officers of the trust company, shall at least once during each calendar year ~~((and within 15 months of the last such audit,))~~ make suitable audits of the trust department or cause suitable audits to be made by auditors responsible only to the board of directors, and at such time shall ascertain whether the department has been administered in accordance with law, this regulation and sound fiduciary principles. The board of directors may elect, in lieu of such periodic audits, to adopt an adequate continuous audit system. A report of the audits and examination required under this section, together with the action taken thereon, shall be noted in the minutes of the board of directors.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-050 Collective investment funds—Administration of funds. Collective investments of funds or other property held by such qualified fiduciary (and referred to in this paragraph as "collective investment funds") shall be administered as follows:

(1) Each collective investment fund shall be established and maintained in accordance with a written plan (referred to herein as the plan) which shall be approved by a resolution of the trust company's board of directors or by a committee authorized by the board and filed with the supervisor of banking. The plan shall contain appropriate provisions not inconsistent with the rules and regulations of the supervisor of banking as to the manner in which the fund is to be operated, including provisions relating to the investment powers and a general statement of the investment policy of the trust company with respect to the fund; the allocation of income, profits and losses; the terms and conditions governing the admission or withdrawal of participations in the fund; the auditing of accounts of the bank with respect to the fund; the basis and method of valuing assets in the fund, setting forth specific criteria for each type of asset; the minimum frequency for valuation of assets of the fund; the period following each such valuation date during which the valuation may be made (which period in usual circumstances should not exceed 10 business days); the basis upon which the fund may be terminated; and such other matters as may be necessary to define

clearly the rights of participants in the fund. A copy of the plan shall be available at the principal office of the trust company for inspection during all banking hours, and upon request a copy of the plan shall be furnished to any person.

(2) Property held by a bank in its capacity as trustee of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation under any provisions of the Internal Revenue Code may be invested in collective investment funds established under the provisions of subparagraph (a) or (b) of WAC 50-36-040, subject to the provisions herein contained pertaining to such funds, and may qualify for tax exemption pursuant to section 584 of the Internal Revenue Code. Assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation by reason of being described in section 401 of the code may be invested in collective investment funds established under the provisions of subparagraph (b) of WAC 50-36-040, if the fund qualifies for tax exemption under Revenue Ruling 56-267 and following rulings.

(3) All participants in the collective investment fund shall be on the basis of a proportionate interest in all of the assets. In order to determine whether the investment of funds received or held by a trust company as fiduciary in a participation in a collective investment fund is proper, the trust company may consider the collective investment fund as a whole and shall not, for example, be prohibited from making such investment because any particular asset is nonincome producing.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-060 Collective investment funds—Valuation of assets, admissions and withdrawals. (1) Not less frequently than once during each period of 3 months a trust company administering a collective investment fund shall determine the value of the assets in the fund as of the date set for the valuation of assets. No participation shall be admitted to or withdrawn from the fund except: (a) On the basis of such valuation, and (b) as of such valuation date, (c) no participation shall be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action shall have been entered on or before the valuation date in the fiduciary records of the trust company and approved in such manner as the board of directors shall prescribe, and (d) no requests or notice may be canceled or countermanded after the valuation date. However, in the case of a fund that is invested primarily in real estate or other assets that are not readily marketable, the value of the fund's assets shall be determined at least once each year.

(2) When participations are withdrawn from a collective investment fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind, provided that all distributions as of any one valuation date shall be made on the same basis.

(3) If for any reason an investment is withdrawn in kind from a collective investment fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it shall be segregated and administered or realized upon for the benefit rat-

ably of all participants in the collective investment fund at the time of withdrawal.

(4) Any trust company administering a collective investment fund shall have the responsibility of maintaining in cash and readily marketable investments such part of the assets of the fund as shall be deemed to be necessary to provide adequately for the needs of participants and to prevent inequities between such participants, and if prior to any admissions to or withdrawals from a fund the trust company shall determine that after effecting the admissions and withdrawals which are to be made less than 40 percent of the value of the remaining assets of the collective investment fund would be composed of cash and readily marketable investments, no admissions to or withdrawals from the fund shall be permitted as of the valuation date upon which such determination is made: *Provided*, That ratable distribution upon all participations shall not be so prohibited in any case.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-080 Collective investment funds—Financial reports. (1) A trust company administering a collective investment fund shall at least once during each period of 12 months prepare a financial report of the fund which shall be filed with the supervisor of banking within 90 days after the end of the fund's fiscal year. This report, based upon the above audit, shall contain a list of investments in the fund showing the cost and current market value of each investment; a statement for the period since the previous report showing purchases, with cost; sales, with profit or loss and any other investment changes; income and disbursements; and an appropriate notation as to any investments in default.

(2) The financial report may include a description of the fund's value on previous dates, as well as its income and disbursements during previous accounting periods. No predictions or representations as to future results may be made. In addition, as to funds described in WAC 50-36-040, neither the report nor any other publication of the trust company shall make reference to the performance of funds other than those administered by the trust company.

(3) A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. A copy of such financial report may be furnished to prospective customers. The cost of printing and distribution of these reports will be borne by the trust company. In addition, a copy of the report shall be furnished upon request to any person for a reasonable charge. The fact of the availability of the report for any fund described in WAC 50-36-040 may be given publicity solely in connection with the promotion of the fiduciary services of the trust company.

(4) Except as herein provided, the trust company shall not advertise or publicize its collective investment fund(s); provided, however, that publication in a newspaper, periodical, or other medium of the net asset value of collective investment fund(s) for which a daily net asset value is available, shall not be considered an advertisement or publication

prohibited by this section. Restraint is required in fiduciary advertisements to preclude the violation of securities laws including the Mutual Fund Reform Act.

AMENDATORY SECTION (Amending WSR 90-07-011, filed 3/13/90, effective 4/13/90)

WAC 50-36-090 Collective investment funds—Investments and administration. (1) A trust company administering a collective investment fund shall have the exclusive management thereof, except as a prudent person might delegate responsibilities to others.

(2) No trust company shall have any interest in a collective investment fund other than in its fiduciary capacity. Except for temporary net cash overdrafts or as otherwise specifically provided herein, it may not lend money to a fund, sell property to, or purchase property from a fund. No assets of a collective investment fund may be invested in stock or obligations, including time or savings deposits, of the bank or any of its affiliates: *Provided*, That such deposits may be made of funds awaiting investment or distribution. Subject to all other provisions of this part, funds held by a trust company as fiduciary for its own employees may be invested in a collective investment fund.

(3) A trust company may not make any loan on the security of a participation in a fund. If because of a creditor relationship or otherwise the trust company acquires an interest in a participation in a fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected. However, in no case shall an unsecured advance until the time of the next valuation date to an account holding a participation be deemed to constitute the acquisition of an interest by the bank.

(4) Any trust company administering a collective investment fund may purchase for its own account from such fund any devaluated fixed income investment held by such fund, if in the judgment of the board of directors the cost of segregation of such investment would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. If the trust company elects to so purchase such investment, it must do so at its market value or at the sum of cost, accrued unpaid interest, and penalty charges, whichever is greater.

(5) Except in the case of collective investment funds described in paragraph (b) of WAC 50-36-040:

(a) No funds or other property shall be invested in a participation in a collective investment fund if as a result of such investment the participant would have an interest aggregating in excess of 10 percent of the then market value of the fund: *Provided*, That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such accounts shall be considered as one;

(b) No investment for a collective investment fund shall be made in stocks, bonds, or other obligations of any closely held corporation, as may be determined by the supervisor of banking, or, of any one person, firm, or corporation if as a result of such investment the total amount invested in stocks, bonds, or other obligations issued or guaranteed by such per-

son, firm, or corporation would aggregate in excess of 10 percent of the then market value of the fund: *Provided*, That this limitation shall not apply to investments in direct obligations of the United States or its agencies or other obligations fully guaranteed by the United States or its agencies as to principal and interest: *And Provided Further*, That this limitation shall not apply to investments in securities of, or other interests in, an open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940, as now or hereafter amended, if both of the following conditions are met:

(i) The portfolio of the investment company or investment trust is limited to such obligations of, or fully guaranteed by, the United States or its agencies and to repurchase agreements fully collateralized by such obligations; and

(ii) The investment company or investment trust takes delivery of the collateral for any repurchase agreement either directly or through an authorized custodian;

(6) In addition to the investments permitted under WAC 50-36-040, funds or other property received or held by a trust company as fiduciary may be invested collectively, to the extent not prohibited by law, as follows:

(a) In shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a "bank fiduciary fund."

(b) In a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation or other property, either real, personal or mixed, of a single issue: *Provided*, That the trust company owns no participation in the loan or obligation and has no interest in any investment therein except in its capacity as fiduciary.

(c) In a common trust fund maintained by the trust company for the collective investment of cash balances received or held by a trust company in its capacity as trustee, executor, administrator, or guardian, which the trust company considers to be individually too small to be invested separately to advantage. The total investment for such fund must not exceed ~~(\$100,000)~~ \$1,000,000; the number of participating accounts is limited to 100, and no participating account may have an interest in the fund in excess of ~~(\$10,000)~~ \$1,000,000: *Provided*, That in applying these limitations if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is presently payable or applicable to the use of the same person or persons, such account shall be considered as one: *And Provided*, That no fund shall be established or operated under this subparagraph for the purpose of avoiding the provisions of chapter 50-36 WAC.

(d) In any investment specifically authorized by court order, or authorized by the instrument creating the fiduciary relationship, in the case of trusts created by a corporation, its subsidiaries or affiliates or by several individual settlors who are closely related: *Provided*, That such investment is not made under this subparagraph for the purpose of avoiding any provision of this regulation, in particular, but not limited to the provisions beginning with new section WAC 50-36-040.

(e) In such other manner as shall be approved in writing by the supervisor of banking.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-100 Organization and management fees.

(1) A trust company administering a collective investment fund may charge reasonable expenses incurred in operating the collective investment fund but shall absorb the costs of establishing or reorganizing a collective investment fund.

(2) The trust company may charge a fee for the management of the collective investment fund provided ~~((that the fractional part of such fee proportionate to the interest of each participant shall not, when added to any other compensations charged by a trust company to a participant, exceed the total amount of compensations which would have been charged to said participant if no assets of said participant had been invested in participations in the fund))~~ (a) the fee is permitted under applicable law (and complies with fee disclosure requirements, if any) in the state in which the trust company maintains the fund; and (b) the amount of the fee does not exceed an amount commensurate with the value of legitimate services of tangible benefit to the participating fiduciary accounts that would not have been provided to the accounts were they not invested in the fund.

~~(3)((+))~~ (a) The reasonable expenses incurred in servicing mortgages held by a collective investment fund may be charged against the income account of the fund and paid to servicing agents, including the trust company administering the fund.

~~((+))~~ (b) A trust company may (but shall not be required to) transfer up to 5 percent of the net income derived by a collective investment fund from mortgages held by such fund during any regular accounting period to a reserve account: *Provided*, That no such transfers shall be made which would cause the amount in such account to exceed 1 percent of the outstanding principal amount of all mortgages held in the fund. The amount of such reserve account, if established, shall be deducted from the assets of the fund in determining the fair market value of the fund for the purposes of admissions and withdrawals.

~~((+))~~ (c) At the end of each accounting period, all interest payments which are due but unpaid with respect to mortgages in the fund shall be charged against such reserve account to the extent available and credited to income distributed to participants. In the event of subsequent recovery of such interest payments by the fund, the reserve account shall be credited with the amount so recovered.

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-110 Certificate of interest. No trust company administering a collective investment fund shall issue any certificate or other document evidencing a direct or indirect interest in such fund in any form, except to provide a withdrawing account with an interest in a segregated investment.

WSR 98-22-078**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH**

[Filed November 3, 1998, 12:40 p.m.]

Please withdraw WAC 246-312-110 and 246-312-120 which was filed on April 22, 1998, as WSR 98-09-111. WAC 246-312-110 was deleted because the proposed language could not be justified given the underlying statutory authority. WAC 246-312-120 was incorporated into a new section (WAC 246-312-200) with some additional clarifying language.

If you have any questions, please contact Steve Boruchowitz at (360) 236-4621.

Kris Van Gorkom
Deputy Secretary

WSR 98-22-093**PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed November 4, 1998, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-037.

Title of Rule: WAC 314-37-030 May liquor vendors accept bank credit cards and debit cards?

Purpose: To outline the procedures under which state agency vendors may accept bank credit and debit cards for liquor purchases.

Statutory Authority for Adoption: RCW 66.08.030, 66.16.041.

Statute Being Implemented: RCW 66.16.041.

Summary: The 1997 legislature authorized the Liquor Control Board to allow the use of credit cards and debit cards in all state liquor stores and agencies. The board was given rule-making authority to implement the use of credit and debit cards. The proposed rule outlines the procedures under which agency vendors may accept bank debit and credit cards.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-1641; and Implementation: Mike Donaldson, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-1825.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule outlines the procedures under which state agency vendors may accept bank credit and debit cards for liquor purchases. This rule making is a result of a law passed by the 1997 legislature, which authorized the Liquor Control Board to allow the use of credit cards and debit cards in all state liquor stores and agencies, and gave the board rule-making authority.

The rule outlines the procedures for the acceptance of bank credit and debit cards, including sales transactions, recording transactions, reporting, and retention of records.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Capital Plaza Building, Board Room, Fifth Floor, 1025 East Union Avenue, Olympia, WA 98504, on December 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by December 8, 1998, TDD (360) 586-4727, or (360) 586-1641.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 664-9689, by December 9, 1998.

Date of Intended Adoption: December 16, 1998.

November 3, 1998

Nathan S. Ford, Jr.

Chair

NEW SECTION**WAC 314-37-030 Bank credit cards and debit cards.****(1) May liquor vendors accept bank credit cards and debit cards?**

Yes. Per RCW 66.16.041, liquor vendors may accept bank credit cards and debit cards for liquor purchases. Any equipment provided by the board to an agency liquor vendor may be used only for the sale of liquor obtained from the board.

(2) What are the procedures for accepting bank credit cards and debit cards for liquor purchases? The procedures for accepting bank credit cards and debit cards for liquor purchases are as follows:

(a) Sales transactions.

(i) All credit/debit card sales transactions will be made in accordance with liquor control board and SPS procedures.

(ii) Cash back is not allowed.

(iii) Batch closing must be done nightly in order to ensure transactions are processed in a timely manner.

(b) Recording transactions. Liquor vendors will record transactions on forms provided by the liquor control board.

(c) Reporting. Liquor vendors will report all credit/debit card sales to the administrative services division of the liquor control board.

(d) Retention of records.

(i) All credit/debit card receipts and balancing reports will be kept for the current fiscal year, in addition to the prior two complete fiscal years.

(ii) Liquor vendors are responsible for the security of all credit/debit card records.

WSR 98-22-094
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed November 4, 1998, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-18-083.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificate of title, vessel title and registration enforcement measures.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02. 2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070, 308.02.100 [88.02.100].

Summary: WAC 308-93-250 Secured party not liable for acts of vessel owner, 308-93-270 Appeals to superior court from suspension cancellation, or refusal of registration or certificate of ownership and 308-93-280 Hull identification numbers; and repealing WAC 308-93-410 Cancel/refusal to issue certificate and 308-93-620 Hull identification number required.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

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 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents 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 98507, on December 10, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by December 9, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by December 9, 1998.

Date of Intended Adoption: January 4, 1999.

November 4, 1998

Nancy S. Kelly, Administrator
 Title and Registration Services

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-250 (~~Legal owner~~) **Secured party not liable for acts of** (~~registered~~) **vessel owner.** (~~The person, firm, copartnership, association or corporation to whom a certificate of title shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for or by or under the authority of such registered owner.~~) **Is the secured party liable for the acts of the vessel owner?**

No. **The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.**

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-270 Appeals to superior court from suspension, (~~revocation~~), cancellation, or refusal of registration or certificate of (~~title~~) **ownership.** **May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?**

Yes. The suspension, (~~revocation~~), cancellation, or refusal by the (~~director~~) **department** of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, (~~revoked~~), canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, (~~revocation~~), cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, (~~revocation~~), cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the (~~director~~) **department** to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the (~~director~~) **department**. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, (~~revocation~~), cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, (~~revocation~~), cancellation, or refusal.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-280 (~~Procedure when~~) **Hull identification numbers** (~~altered or obliterated~~). (~~Before the department shall issue a certificate of title, or reissue such a certificate covering any vessel, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vessel~~)

~~shall file an application with the department, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vessel. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vessel, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed upon the vessel in the manner prescribed by the department. Upon receipt by the department of an application for a certificate of title or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vessel in any certificate of registration or certificate of title that may thereafter be issued therefor.)~~ (1) **When is a hull identification number required on a vessel?**

A hull identification number is required whenever a vessel is titled or registered in Washington.

(2) When would a hull identification number (HIN) need to be assigned by the department?

The HIN needs to be assigned at the time of application through the vehicle field system whenever the HIN has been altered, removed, obliterated, defaced, omitted, or is otherwise absent.

(3) How is the department assigned HIN affixed to the vessel?

(a) The number shall be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The number shall be at least one quarter of an inch in height and shall be placed on:

- (i) The outboard starboard side of the transom; or
- (ii) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.

(4) Can the previous HIN be reaffixed?

At the department's discretion, it may authorize the vessel owner to reaffix the HIN.

(5) If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?

Yes. The department will assign a HIN at the time the purchaser applies for certificate of ownership.

(6) Is it unlawful to destroy, remove, alter, cover or deface the HIN?

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-93-410 Cancel/refusal to issue certificate.

WAC 308-93-620

Hull identification number required.

**WSR 98-22-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed November 4, 1998, 10:38 a.m.]

Supplemental Notice to WSR 98-19-014.

Preproposal statement of inquiry was filed as WSR 96-07-042.

Title of Rule: Repealing WAC 388-87-110 Durable medical equipment—Prosthetic devices.

Purpose: WAC 388-87-110 is being replaced by new chapter 388-543 WAC, which was proposed for adoption under WSR 98-19-014. WAC 388-87-110 was intended to be repealed at the same time, but was not included in the filing due to a typographical error. This will allow additional time for the public to review and comment on this proposal.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Statute Being Implemented: Chapters 74.08, 74.09 RCW.

Summary: WAC 388-87-110 is being replaced by new chapter 388-543 WAC.

Reasons Supporting Proposal: The repeal of WAC 388-87-110 will avoid conflict with new chapter 388-543 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sharon Morrison, Medical Assistance Administration, 8th Avenue S.E., Olympia, Washington 98504, (360) 586-2337.

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: WAC 388-87-110 is being replaced by new chapter 388-543 WAC, which was proposed for adoption under WSR 98-19-014. WAC 388-87-110 was intended to be repealed at the same time and was not included due to a typographical error. To avoid conflict with chapter 388-543 WAC, WAC 388-87-110 must be repealed.

Proposal Changes the Following Existing Rules: It repeals the existing rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of a "significant legislative rule."

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 8, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 30, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

PROPOSED

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 8, 1998.

Date of Intended Adoption: December 9, 1998.

October 30, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-110 Durable medical equipment—Prosthetic devices.

WSR 98-22-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Juvenile Rehabilitation Administration)
[Filed November 4, 1998, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-19-103.

Title of Rule: Chapter 275-30 WAC, Juvenile parole revocation.

Purpose: Chapter 275-30 WAC, Juvenile parole revocation, establishes the Juvenile Rehabilitation Administration's (JRA) parole revocation process as authorized in RCW 13.40.210.

Statutory Authority for Adoption: RCW 72.01.090, 72.05.130.

Statute Being Implemented: RCW 13.40.210.

Summary: The rules are amended to include revocation requirements associated with possession of firearms or use of deadly weapons; and to meet regulatory improvement requirements by streamlining the revocation process through the consolidation of forms, eliminating the need for unnecessary petition files, and improving clarity of procedural expectations which results in the repeal of two WACs. Form consolidation also allows development of a "parole arrest warrant" which can be more easily recognized by law enforcement personnel based on its consistency with the residential "arrest warrant" used by JRA. These changes benefit all involved in the process.

Reasons Supporting Proposal: Chapter 275-30 WAC is being amended to reflect statutory changes in RCW 13.40.210, update procedural changes, and meet the requirements of Executive Order 97-02, Regulatory Improvement.

Name of Agency Personnel Responsible for Drafting: Cheryl Colglazier, P.O. Box 45720, Olympia, WA 98504, (colglcl@dshs.wa.gov), (360) 902-8081; Implementation and Enforcement: Robin Cummings, P.O. Box 45720, Olympia, WA 98504, (cummirj@dshs.wa.gov), (360) 902-8080.

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: These rules establish requirements for issuing parole arrest warrants and conducting the parole revocation process. The rules are being amended to include statutory revocation requirements associated with possession of firearms or use of deadly weapons; and to meet regulatory improvement requirements by streamlining the revocation process and improving clarity of procedural expectations. It is anticipated users (JRA and juvenile court staff, defense attorneys, administrative law judges, law enforcement personnel, and juvenile parolees and their parents/guardians) and other customers will benefit from the proposed amendments through increased public safety, staff efficiency, and effectiveness of the process.

Proposal Changes the Following Existing Rules: In addition to format changes to make the rules more user-friendly, changes include: WAC 275-30-010, updates and clarifies definitions, WAC 275-30-030, clarifies requirements for issuing a "parole arrest warrant" and conducting the informal hearing for continued detention; and reflects changes associated with replacing the "parole suspension, arrest, and detention" form with the "parole arrest warrant," WAC 275-30-040, updates the section to reflect changes made to the "parole revocation petition" form and associated procedures, including integrating the hearing waiver, WAC 275-30-050, repealed, needed information included in the petition form and process, WAC 275-30-060, text clarification, WAC 275-30-070, provides clarification and consistency with RCW by cross-referencing the definition of "detention facility" and identifying where a juvenile parolee's confinement must be served; and integrates authority for reinstatement of parole (WAC 275-30-080) following confinement, and WAC 275-30-080, repealed, needed information included in juvenile parolee confinement requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 applies to this rule adoption. Since the proposed amendments "make significant amendments to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)), JRA has determined the proposed rules to be "significant" as defined by the legislature. A copy of the required cost benefit analysis (CBA) may be requested by contacting Cheryl Colglazier at Juvenile Rehabilitation Administration, P.O. Box 45720, Olympia, WA 98504, (360) 902-8081 or (colglcl@dshs.wa.gov).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 8, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 30, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 8, 1998.

Date of Intended Adoption: December 14, 1998.
 October 30, 1998
 Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 2709, filed 10/5/88)

WAC 275-30-010 Definitions. ~~((1))~~ **"Department"** means the department of social and health services.

~~((2))~~ **"Juvenile parole officer"** means a state employee, or person under contract to the state, whose responsibilities include supervising ~~((juveniles on parole))~~ juvenile parolees.

~~((3))~~ **"Juvenile parolee"** means a person under age twenty-one released from a juvenile ~~((correctional))~~ rehabilitation administration residential facility and placed under the supervision of a juvenile parole officer.

~~((4))~~ **"Modification of parole conditions"** means a change in the order of parole conditions provided by the juvenile parole officer with full knowledge of the change by the juvenile parolee.

~~((5))~~ **"Parole"** means a period of supervision following release from a juvenile ~~((correctional))~~ rehabilitation administration residential facility, during which time certain parole conditions ~~((must))~~ are to be ~~((adhered to or consequences from a predetermined list may be invoked))~~ followed.

~~((6))~~ **"Parole conditions"** mean interventions or expectations listed in RCW 13.40.210, intended to facilitate the juvenile parolee's reintegration into the community and/or to reduce the likelihood of reoffending.

"Secretary" means secretary of the department of social and health services or his or her designee.

~~((7))~~ **"Violation"** means behavior by a juvenile parolee contrary to written parole conditions which may result in sanctions that include, but are not limited to, modification of parole conditions and/or confinement.

AMENDATORY SECTION (Amending Order 2709, filed 10/5/88)

WAC 275-30-030 Parole ~~((suspension,))~~ **arrest** ~~((, and detention))~~ **warrant.** (1) ~~((When))~~ A juvenile parole officer ~~((believes));~~

(a) Must issue a parole arrest warrant when he/she has reason to believe a juvenile parolee ~~((has violated a condition of parole, the officer may issue an order of parole suspension, arrest, and detention if:~~

~~((a) The juvenile parolee poses an imminent danger to himself or herself or other persons))~~ possessed a firearm or used a deadly weapon during the parole period; or

(b) ((The)) May issue a parole arrest warrant when he/she has reason to believe a juvenile parolee ~~((is unlikely to voluntarily appear at a parole revocation hearing, considering such factors as whether the juvenile parolee has failed to appear at other judicial or administrative hearings))~~ has violated a condition of parole, other than possession of a firearm or use of a deadly weapon.

(2) ~~The~~ ~~((order of))~~ parole ~~((suspension,))~~ ~~arrest~~ ~~((, and detention))~~ warrant, on department forms, ~~((shall))~~ must include a ~~((complete))~~ statement of the nature of the violation(s) and the date ~~((thereof, and shall inform the juvenile parolee of his or her right to be represented by an attorney. Copies of the order of parole suspension, arrest, and detention shall be sent to the appropriate local law enforcement agencies, to the detention facility, and to the secretary))~~ it occurred.

(3) A juvenile parolee held in detention for an alleged violation of parole conditions is entitled ~~((, within twenty-four hours (excluding Saturdays, Sundays, and holidays) of being placed in detention,))~~ to an informal hearing to determine whether there is probable cause to believe a parole violation occurred and whether continued detention pending a parole revocation hearing is necessary. The hearing ~~((shall))~~ must be:

(a) Held within twenty-four hours (excluding Saturdays, Sundays, and holidays) of being placed in detention; and

(b) Conducted by a parole supervisor or designee not directly involved in the case. The parole supervisor or designee ~~((shall))~~ must:

(i) Interview both the juvenile parolee and ~~((the))~~ a juvenile parole ~~((officer suspending the parole. Immediately following the hearing, the parole supervisor or designee shall))~~ staff with knowledge of the alleged violation(s). If such a parole staff is unavailable, documentation of the allegation(s) may be reviewed in place of the staff interview; and

(ii) Issue a decision, immediately following the hearing, with reasons ~~((, on department forms,))~~ for either releasing the juvenile parolee or authorizing continued detention. The decision must be documented on department forms. In no event shall a juvenile parolee be held in detention longer than seventy-two hours (excluding Saturdays, Sundays, and holidays) without a parole revocation petition being filed pursuant to WAC 275-30-040.

AMENDATORY SECTION (Amending Order 2709, filed 10/5/88)

WAC 275-30-040 Parole revocation petition. (1) ~~((If a))~~ The juvenile parole officer ~~((believes a));~~

(a) Must initiate a parole revocation petition if he/she has reason to believe the juvenile parolee ~~((has violated a condition of parole, the juvenile parole officer may file a parole revocation petition))~~ possessed a firearm or used a deadly weapon during the parole period; or

(b) May initiate a parole revocation petition if he/she has reason to believe the juvenile parolee has violated a condition of parole, other than possession of a firearm or use of a deadly weapon.

(2) The petition, on department forms, ~~((shall))~~ must include ~~((the following)):~~

(a) A statement of the nature of the violation and the date ~~((thereof))~~ it occurred;

(b) The ~~((number of days of confinement sought))~~ relief requested by the juvenile parole officer as a result of the violation; and

(c) ((Notice of the time, date, and location of the parole revocation hearing; and

(d)) Notice of the juvenile parolee's right to be represented by an attorney, either one of his or her own choosing or one appointed at public expense.

~~((2) The parole revocation petition shall be filed with the local office of the state office of administrative hearings.))~~

(3) A copy of the petition ~~((shall))~~ must:

(a) Be served either personally or by certified mail, return receipt requested, on the juvenile parolee or the juvenile parolee's attorney~~((, and on the juvenile parolee's parents or guardian. Another copy shall be filed with the secretary))~~; and

(b) Be provided to the juvenile parolee's parent/guardian.

(4) A juvenile parolee, only through an attorney, may waive the right to a parole revocation hearing and agree to the parole revocation and agreed upon relief. The decision to waive must be documented on the petition.

(5) If the juvenile parolee or his/her attorney does not waive the right to a hearing, the parole revocation petition must be filed with the local office of the state office of administrative hearings within seventy-two hours (excluding Saturdays, Sundays, and holidays) of the juvenile parolee being placed in detention. If the juvenile parolee is not detained, the petition must be filed within seventy-two hours (excluding Saturdays, Sundays, and holidays) of the petition being served. The parole revocation petition must include the time, date, and location of the parole revocation hearing, as determined by the state office of administrative hearings.

AMENDATORY SECTION (Amending Order 3091, filed 11/6/90, effective 12/7/90)

WAC 275-30-060 Parole revocation hearing. (1) ~~((Unless waived by the juvenile parolee))~~ After the petition is filed, the department ((shall)) must initiate a parole revocation hearing ((on every parole revocation petition for determining)) to determine whether the alleged parole violation occurred unless the juvenile parolee waives his/her right to a parole revocation hearing. If the juvenile parolee is held in detention as described under WAC 275-30-030, the administrative law judge ~~((shall))~~ must hold the hearing within seventy-two hours (excluding Saturdays, Sundays, and holidays) of ~~((service))~~ filing of the petition. Otherwise the administrative law judge ~~((shall))~~ must hold a hearing no sooner than seven days after service of the petition.

(2) At the parole revocation hearing, the juvenile may waive ~~((his or her))~~ the right to be represented by an attorney. A juvenile waiving the right to an attorney may either contest or agree to the parole revocation.

(3) The administrative law judge ~~((shall))~~ must conduct a parole revocation hearing in accordance with chapter 10-08 WAC ~~((a parole revocation hearing))~~. The administrative law judge ~~((shall))~~ must grant the parole revocation petition if the administrative law judge finds, by a preponderance of the evidence, the violation occurred and the violation warrants revocation. If the parole revocation petition is granted, the administrative law judge ~~((shall))~~ must order the ~~((period of confinement))~~ relief requested in the petition.

(4) The administrative law judge ~~((shall))~~ must issue an oral decision immediately following the parole revocation hearing. Within forty-eight hours of the hearing, the administrative law judge ~~((shall))~~ must issue a written decision. The decision shall constitute a final administrative decision. The administrative law judge must provide a copy of the decision to the juvenile parole officer, the juvenile parolee and his ~~((or))~~ her attorney, the juvenile parolee's parent~~((s or))~~ guardian, and the department.

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 3091, filed 11/6/90, effective 12/7/90)

WAC 275-30-070 Confinement. (1) A juvenile's confinement for violating one or more conditions of parole, as alleged in a parole revocation petition, may not exceed thirty days. Confinement may be continuous, or for a portion of each day, or for certain days each week with the balance of time under supervision. The department ~~((shall))~~ must give the juvenile credit against any period of confinement for days served in detention pending a parole revocation hearing. The juvenile ~~((shall))~~ must serve his or her confinement in a county detention facility ~~((unless otherwise ordered by the secretary))~~ as defined in RCW 13.40.020, a juvenile rehabilitation administration facility, or, if the juvenile parolee is eighteen years old or older, the juvenile may serve his or her confinement in a county jail.

(2) If a juvenile's parole is revoked two or more times during one parole period, the secretary ~~((shall))~~ or designee must approve any period of confinement exceeding a combined total of thirty days.

(3) Instead of confinement under subsection (1) of this section, the secretary or designee may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined under RCW 9.94A.030.

(4) Unless conditions of parole are otherwise amended, the order of parole conditions in effect at the time the parole was revoked shall be deemed reinstated immediately following any period of confinement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-30-050 Waiver of hearing.

WAC 275-30-080 Reinstatement of parole.

WSR 98-22-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed November 4, 1998, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-03-124.

Title of Rule: WAC 388-15-650 through 388-15-662, adult day health services; WAC 388-15-650 Purpose, 388-15-651 Definitions, 388-15-652 Adult day care (COPEs level I), 388-15-653 Adult day health (level II), 388-15-654 Plan of care, 388-15-655 Title XIX adult day health certification and monitoring, 388-15-656 Administration and organization, 388-15-657 Staffing, 388-15-658 Personnel requirements, 388-15-659 Facility, 388-15-660 Nonduplication of services, 388-15-661 Clients in residential care or nursing facilities care settings, and 388-15-662 Expenditures not to exceed.

Purpose: Establishes client eligibility, care levels, payment rates, and criteria for provider eligibility.

Statutory Authority for Adoption: RCW 74.39A.007 and 74.08.090.

Statute Being Implemented: RCW 74.39A.007.

Summary: These rules will establish eligibility, care levels and payment rates that will ensure appropriate health and social services for the clients receiving Medicaid services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cheryl Allen, Aging and Adult Services Administration, 600 Woodland Square Loop S.E., Lacey, WA 98504, (360) 478-4772.

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: These rules will implement the goals and objectives outlined in RCW 74.39A.007 and 74.39A.030 by offering a balanced array of health, social, and supportive services. Adult day health will promote individual choice, dignity, and the highest practicable level of independence while ensuring services that are the most cost-effective.

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

Are large and small business involved? The majority of the adult day health providers impacted by these rules would be classified as nonprofit small businesses. The definition of a small business found in RCW 19.85.020 is: "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."

What is the impact on business? There is no significant impact since each provider receives an adequate rate depending on the metropolitan area or county in which they

are located, and the level of care that is authorized for each participant. The ability to generate revenue does not go away. The average provider can receive an average daily rate per participant of \$40.43 for level II services and an average of \$30.82 per participant for level I services (for as many days per week they are operating).

Are there disproportionate impacts to large and small business? There would be no disproportionate impacts as all providers receive the same level of reimbursement.

How did the department mitigate these costs? There is no disproportionate impact, therefore no costs to mitigate.

A copy of the statement may be obtained by writing to Aging and Adult Services Administration, Adult Day Health Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2545, fax (360) 438-8633.

RCW 34.05.328 applies to this rule adoption. These rules do meet the definition of significant rules and a cost benefit analysis has been prepared. To obtain a copy of the cost benefit analysis please contact the address above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on December 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by December 11, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by December 22, 1998.

Date of Intended Adoption: January 15, 1999.

November 3, 1998

Marie Myerchin-Redifer, Manager

Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-23 issue of the Register.

WSR 98-22-103
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed November 4, 1998, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-24-100.

Title of Rule: WAC 246-05-001, 246-05-010, and 246-05-030, local public health guidelines.

Purpose: Repeals WAC 246-05-001, 246-05-010, and 246-05-030 because these rules are obsolete and ambiguous as an outdated "guideline" for negotiating support from counties, cities and towns. It also lacks clarity and is interpreted differently among individual local health jurisdictions.

Statutory Authority for Adoption: RCW 43.70.580.

Summary: Repeals outdated, unnecessary sections of chapter 246-05 WAC, Local public health guidelines.

Reasons Supporting Proposal: Eliminating this rule meets many of the goals for the Executive Order on Regulatory Improvement (97-02) by eliminating obsolete and ambiguous language, and improving effectiveness and efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry Reid, 1102 S.E. Quince Street, Olympia, WA, (360) 236-4082.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will repeal WAC 246-05-001, 246-05-010, and 246-05-030. The rule is redundant with RCW 43.70.580 which prohibits the supplanting of local funding to local health jurisdictions with state funds. The purpose of RCW 43.70.580 is to assure that state funding results in enhanced capacity for local health jurisdictions and does not supplant local funding. Repealing the rule, which is redundant with the statute will have no anticipated effect on local health financing.

Proposal Changes the Following Existing Rules: It repeals WAC 246-05-001, 246-05-010, and 246-05-030.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact, disproportionate or otherwise, to businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the threshold of a legislatively significant rule. It does not subject violators to penalties; it does not set qualifications for license or permit; and it does not make any significant changes to a policy or regulatory program.

Hearing Location: DoubleTree Hotel SeaTac, 18440 Pacific Highway South, Seattle, WA 98188, on December 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Michael Zimmerman, (360) 586-0399, by December 4, 1998, TDD (800) 833-6388.

Submit Written Comments to: Terry Reid, fax (360) 236-4088, by December 2, 1998.

Date of Intended Adoption: December 9, 1998.

November 4, 1998

Kristine Van Gorkom

Deputy Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-05-001	Purpose.
WAC 246-05-010	Definitions.
WAC 246-05-030	Assurance of nonsupplanting.

STATE BOARD OF HEALTH

[Filed November 4, 1998, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-155.

Title of Rule: WAC 246-05-020 Appendix—County, city or town in a public health district, department or county-city department.

Purpose: Repeals WAC 246-05-020 because the list of services are out of date and are not reflective of the full scope of current public health activities. The rule is obsolete and ambiguous as an outdated "guideline" and is interpreted differently among individual local health jurisdictions.

Statutory Authority for Adoption: RCW 43.30.050.

Statute Being Implemented: RCW 70.46.080.

Summary: Repeals an outdated, unnecessary section of chapter 246-05 WAC, Local public health guidelines.

Reasons Supporting Proposal: This list of services in WAC 246-05-020 is not reflective of all services and activities provided by local health jurisdictions. The information is outdated, obsolete and is inconsistent with the goals of the Executive Order on Regulatory Improvement (97-02). Additionally, there is a question of adequacy of the statutory authority for the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry Reid, 1102 S.E. Quince Street, Olympia, WA, (360) 236-4082.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will repeal WAC 246-05-020. The rule is an outdated guideline for negotiating financial support for local health departments and districts from counties, cities and towns. The rule is being repealed because it is outdated, obsolete and unclear and no longer an accurate description of the financing of local health jurisdictions. This section also describes the services of local public health and is being interpreted differently by local health officials and contributing to confusion about the scope of local health jurisdiction mandated services. The State Board of Health will update the financing guidelines for multi-county health districts consistent with the direction of RCW 70.46.080.

Proposal Changes the Following Existing Rules: It repeals WAC 246-05-020.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact, disproportionate or otherwise, to businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the threshold of a legislatively significant rule. It does not subject violators to penalties; it does not set qualifications for license or permit; and it does not make any significant changes to a policy or regulatory program.

PROPOSED

Hearing Location: DoubleTree Hotel SeaTac, 18440 Pacific Highway South, Seattle, WA 98188, on December 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Michael Zimmerman, (360) 586-0399, by December 4, 1998, TDD (800) 833-6388.

Submit Written Comments to: Terry Reid, fax (360) 236-4088, by December 2, 1998.

Date of Intended Adoption: December 9, 1998.

November 4, 1998

Sylvia Beck

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-05-020 Appendix—County, city, or town in a public health district, department, or county-city department.

WSR 98-22-107
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 4, 1998, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-123.

Title of Rule: Chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules; and chapter 296-401A WAC, Certification of competence for journeyman electricians.

Purpose: Chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules, National Electrical Code (NEC) initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules, are made to be at least as effective as the 1999 NEC code. According to RCW 19.28.060, the department, in conjunction with the Electrical Board, is required to adopt reasonable rules based upon the latest revision of the NEC code. These NEC-initiated proposed amendments will not establish any additional compliance requirements.

- WAC 296-46-090 Forward, the proposed amendments adopt the 1999 edition of the NEC codes and standards as the minimum standard for electrical installations in Washington.

Department-initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules, are being made to comply with RCW 19.28.060 which requires the department, in conjunction with the Electrical Board, to adopt "reasonable

rules to ensure safety to life and property." These proposed amendments establish additional compliance requirements.

- WAC 296-46-23040 Service conductors, the proposed amendment clarifies that multiple service laterals must terminate in listed service equipment, including listed metering or service accessory equipment.
- WAC 296-46-370 Boxes and fittings, the proposed provision will allow conductors rated for wet locations to terminate in designated direct burial open-bottom junction boxes. The junction boxes shall be rated for not less than H-10 loading and have a metal cover to identify it as electrical.
- WAC 296-46-495 Electrical work permits and fees, the proposed provision requires that an electrical inspection must be requested no later than the first business day after completion of the electrical installation or after any part of the installation has been energized, whichever occurs first.
- WAC 296-46-50002 On-site sewage disposal systems, the proposed amendment clarifies that structure plumbing vents, approved by the local jurisdiction authority, shall constitute adequate venting of the septic system pumping chamber.
- WAC 296-46-930 Electrical contractor license and administrator certificate designation, in order to be in compliance with RCW 19.28.120, this proposed provision creates a new limited energy electrical contractor license and administrator certificate for work performed on HVAC/refrigeration limited energy control circuits. Contractors who provide proof they were engaged full time in the business of performing HVAC/refrigeration limited energy installations will be allowed to designate a supervisory employee or member of the firm to take the administrator examination.

The following legislative-initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules, are being made to comply with 1998 amendments to RCW 26.23.120:

- WAC 296-46-940(1) electrical contractor license, the proposed provision requires that an electrical contractor (sole proprietor or partnership only) must submit his or her Social Security number, date of birth and mailing address prior to issuance or renewal of an electrical contractor license. This provision is mandated in RCW 26.23.120 which requires that a Social Security number be filed when obtaining licenses or certificates.
- WAC 296-46-950(1) administrators certificate, the proposed amendment will require an electrical administrator to provide his or her Social Security number, date of birth, and mailing address to the department in order to obtain or renew an administrator certificate. This provision is required by RCW 26.23.120.

The following legislative-initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electrical wires and equipment—Administrative rules, are being made to comply with changes to chapter 19.28 RCW:

PROPOSED

- WAC 296-46-940 (4) and (5) electrical contractor license, the proposed provision allows manufacturers to perform specific work on premanufactured electric power generation equipment without licensing. Manufacturers are allowed to perform specific tasks associated with the testing, repair, modification, maintenance, and installation of certain parts associated with the generator and control gear.

The following legislative-initiated proposed amendments to chapter 296-401A WAC, Certification of competency for journeyman electricians, are being made to comply with 1998 amendments to RCW 26.23.120:

- WAC 296-401A-100 Certificate of competency required, in order to be issued or to renew a certificate of competency or an electrical trainee certificate, applicants must submit their Social Security number, date of birth, and mailing address to the department.

The following department-initiated proposed amendments to chapter 296-401A WAC, Certification of competency for journeyman electricians, are being made to comply with chapter 19.28 RCW which requires the department, in conjunction with the Electrical Board, to adopt "reasonable rules to ensure safety to life and property." These proposed amendments establish additional compliance requirements.

- WAC 296-401A-140(7) HVAC/refrigeration limited energy technician, creates a new limited energy electrical technician certificate for work performed on HVAC/refrigeration limited energy control circuits. To qualify for the examination, a person must provide proof of a minimum of two years employment performing HVAC/refrigeration limited energy installations with a contractor engaged in that business.
- WAC 296-401A-530 Trainees working without supervision, the proposed provisions add a department review prior to issuing a six-month unsupervised training certificate and require that the applicant be working for a licensed electrical contractor who employs at least one certified journeyman or specialty electrician on staff.

Statutory Authority for Adoption: Chapter 19.28 RCW.
Statute Being Implemented: Chapters 19.28, 26.23 RCW.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Janet Lewis, Tumwater, Washington, 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, Washington, 902-6348.

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: 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. The department does not consider the economic impact of the proposed rules to be

a more than minor economic impact on business. Therefore, the preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. The proposed rule amendments are considered to be "significant legislative rules" for the following reason:

1. The rules adopt new policies. See Purpose above.
2. The rules amend significant policies. See Purpose above.
3. The rules change the requirements for issuing certificates.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 11, 1998, at 1:00 p.m.; and at the Spokane Service Location, Fourth Floor Conference Room, 901 North Monroe, Suite 100, Spokane, WA 99201, on December 16, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 902-5797 or (360) 902-6411, by December 1, 1998.

Submit Written Comments to: Janet Lewis, Chief Electrical Inspector, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44460, Olympia, WA 98507-4460 by December 28, 1998. In addition to written comments, the department will accept comments submitted to fax (360) 902-5292. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: January 25, 1999.

November 3, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-401A-100 Certificate of competency required. *Who can work in the electrical construction trade?*

Those who can work in the electrical construction trade are persons who hold the following certificates obtained through proper application that includes the individual's Social Security number, date of birth, and mailing address to the department who:

- (1) Possess a current journeyman electrician certificate of competency issued by the department; or
- (2) Possess a current specialty electrician certificate of competency issued by the department; or
- (3) Possess a valid temporary permit; or
- (4) Possess a current electrical trainee certificate and are enrolled in an electrician's apprenticeship program approved under chapter 49.04 RCW, and are learning the trade under the supervision of a certified journeyman; or
- (5) Possess a current electrical trainee certificate and are learning the trade under the supervision of a certified journeyman electrician or certified specialty electrician working in their specialty.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-401A-140 Electrical specialties. *Can I obtain a certificate of competency for an electrical specialty?*

PROPOSED

The department issues specialty electricians' certificates of competency in the following areas of electrical work:

(1) **Residential certificate (02):** This certificate limits you to wiring one-family and two-family dwellings, or multi-family dwellings that do not exceed three floors above grade. All residential wiring, except service and feeder wiring, must be nonmetallic sheathed cable. **This certificate does not allow you to wire commercial occupancies such as motels, hotels, offices or stores.**

(2) **Pump and irrigation certificate (03):** This certificate limits you to wiring the electrical connection of domestic water pumps, irrigation pumps, circular irrigating systems and related pumps and pump houses. With this certificate, you may also install the circuits, feeders, controls and services necessary to supply electricity to the pumps.

(3) **Domestic well specialty electrical technician certificate (03A):** This certificate limits you to the installation of materials, wires and equipment providing electrical power, control and operation of domestic water pumping systems. In addition, you are limited to the extension of a branch circuit (which has been supplied and installed by others) to pump controllers, pressure switches, alarm sensors, and water pumps which do not exceed 7 and 1/2 horsepower at 230 volts AC single phase.

Prior to December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination if you provide the department with notarized verification of at least four years prior experience installing domestic water systems, including pump installations, under the supervision of a firm engaged in the business of installing domestic water systems.

After December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination **only if** you provide the department with notarized verification of two years experience installing domestic pump systems working under the direct supervision of a domestic well specialty technician, a pump and irrigation specialty electrician or a journeyman electrician.

Certification of domestic well specialty electrical technicians shall be according to the provisions of WAC 296-401A-105 (original certification) and WAC 296-401A-110 (renewal of certification).

(4) **Signs and outline lighting certificate (04):** This certificate limits you to placing signs and outline lighting and connecting them to their electrical supply, controls and related circuit extensions. You are further limited to the installation of a maximum 60 ampere, 120/240 volt, single phase service supplying power to a remote sign.

(5) **Domestic appliance certificate (05):** This certificate limits you to electrically connecting and wiring domestic appliances such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces and similar appliances. You may also install the circuits to those domestic appliances. However, **you may not** install service or feeder wires or circuits to electrical furnaces and heat pump equipment.

(6) **Limited energy system certificate (06):** This certificate limits you to installing signaling circuits, power limited circuits and related equipment. Examples of such equipment would be fire protection signaling systems, intrusion alarms,

nonutility owned communication systems and similar low energy circuits and equipment.

(7) **HVAC/refrigeration limited energy technician (06A):** This certificate limits you to installing low voltage, Class 2 HVAC/refrigeration control circuit cables for control of furnaces, heat pumps, and similar HVAC or refrigeration equipment when such conductors do not connect to other than HVAC or refrigeration equipment and when such buildings do not exceed three floors above grade, except for residential occupancies. Associated limited energy control components that are integral with, and control the operation of, the heating and cooling equipment or refrigeration equipment are included in the scope of this specialty. These limited energy components include, but are not limited to, the following: Thermostats, humidistats, low voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, zone control valves, and the mounting of HVAC/refrigeration control panels and low voltage connections only. Integrated energy management systems other than HVAC/refrigeration systems as defined herein, are not included in this specialty.

HVAC/refrigeration limited energy technicians may install, service, maintain, repair, or replace HVAC/refrigeration systems as long as the work is on the HVAC/refrigeration system itself. HVAC/refrigeration technicians may replace line voltage components within the equipment, only if the components are like in kind with identical voltage and current ratings. HVAC/refrigeration technicians may not install branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches to HVAC/refrigeration equipment. Short sections of raceway may be installed for access to or physical protection of cables, however wiring in conduit systems and wiring in classified locations are excluded from this specialty.

To qualify to take this certificate examination on or before March 1, 2000, you must provide proof to the department that you performed HVAC or refrigeration equipment installations and you were employed for a minimum of two years by a contractor engaged full time in the business of HVAC or refrigeration equipment installation or repair work. Individuals that meet this requirement will qualify for a third year training certificate and be considered temporarily until March 1, 2002, an HVAC/refrigeration limited energy technician for the purposes of working within the scope of this specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio. After March 1, 2002, you must have successfully passed the certificate examination to perform this work without supervision or to supervise trainees. If you have less than two years of experience, on or before March 1, 2000, you may apply for a training certificate level comparable to the hours for which you can provide proof of experience.

After March 1, 2000, all applicants for this certificate examination must have a minimum of two years full-time experience under the direct supervision of an HVAC/refrigeration limited energy technician, or a limited energy specialty electrician, or a journeyman electrician. Trainees may work unsupervised during their second year when installing HVAC systems with controls consisting of a single thermostat in one and two family dwelling units only.

(8) Nonresidential maintenance certificate (07): This certificate limits you to maintaining, repairing and replacing electrical equipment and conductors on industrial or commercial premises. **You may not** conduct maintenance activities in hotels, motels or dwelling units.

(9) Nonresidential lighting maintenance and lighting retrofit technician (07A): This certificate limits you to working within the housing of existing nonresidential lighting fixtures and limits you to work related to repair, service, maintenance of lighting fixtures and the installation of energy efficiency upgrades. Your work may include the replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. Your work must be limited to the fixture body, however, you may replace or retrofit remote located ballasts with approved products. **You may not** install new fixtures or branch circuits, move or relocate existing fixtures, or alter existing branch circuits.

To qualify for this certificate **on or before June 30, 1999**, you must provide proof to the department that you performed electrical lighting maintenance and lighting retrofit installations and you were employed for a minimum of two years by a contractor engaged full-time in the business of nonresidential lighting maintenance and lighting retrofit work. **After June 30, 1999**, all applicants for this certificate must have a minimum of two years full-time experience under the direct supervision of a nonresidential lighting maintenance and retrofit technician; or a nonresidential maintenance specialty electrician; or a journeyman electrician.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-401A-530 Trainees working without supervision. *Can I work as a trainee without supervision?*

(You will) After review by the department, you may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow you to work without supervision if you:

- (1) Apply for an unsupervised electrical training certificate; **and**
- (2) Have worked over 7,000 hours; **and**
- (3) Have successfully completed or are currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges; **and**
- (4) Pay the fee listed in WAC 296-401A-700; **and**
- (5) Are currently working for and must continue to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician on staff.

HVAC/refrigeration limited energy technician trainees may work unsupervised during their second year when installing HVAC systems with controls consisting of a single thermostat in one and two family dwelling units only.

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-090 Foreword. The ~~((1996))~~ 1999 edition of the National Electrical Code (NFPA 70 - ~~((1996))~~ 1999) including Appendixes A, B, and C, the ~~((1993))~~ 1996

edition of Centrifugal Fire Pumps (NFPA 20 - ~~((1993))~~ 1996) and the ~~((1993))~~ 1996 edition of Emergency and Standby Power Systems (NFPA 110 - ~~((1993))~~ 1996) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours. Where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20) or Emergency and Standby Power Systems (NFPA 110), the requirements of this chapter shall be observed. Where there is any conflict between Centrifugal Fire Pumps (NFPA 20) or Emergency and Standby Power Systems (NFPA 110) and the National Electrical Code (NFPA 70), the National Electrical Code shall be followed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code, the standard on Centrifugal Fire Pumps and the standard on Emergency and Standby Power Systems and this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

The department is authorized to enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

At the time of inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to visually inspect the installation to verify conformance with the National Electrical Code and any other electrical requirements of chapter 296-46 WAC. Visual inspection of cables or raceways shall not be required where cables or raceways are fished according to the National Electrical Code. Wires pulled into raceway shall not be considered concealed.

AMENDATORY SECTION (Amending WSR 93-06-072, filed 3/2/93, effective 4/2/93)

WAC 296-46-23040 Service conductors. (1) Service entrance conductors shall extend at least 18 inches from the service head to permit connection to the service drop.

(2)(a) The installation of service conductors not exceeding 600 volts nominal, within a building or structure shall be limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(b) The installation of service conductors exceeding 600 volts, nominal, within a building or structure shall be limited to the following methods: Galvanized rigid metal conduit; galvanized intermediate metal conduit; metal-clad cable that is exposed for its entire length; cablebus; or busways.

(3) Service conductors under the exclusive control of the serving utility, where installed within a building or structure shall be installed in rigid steel galvanized conduit or Schedule 80 nonmetallic conduit. The grounded service conductor shall be permitted to be identified with a yellow jacket or with one or more yellow stripes.

(4) Multiple-occupancy buildings. A second or additional underground service lateral to a building having more

than one occupancy shall be permitted to be installed at a location separate from other service laterals to the building provided that all the following conditions are complied with:

(a) Each service lateral is sized in accordance with the National Electrical Code for the calculated load to be served by the conductors;

(b) Each service lateral terminates in service equipment, including listed metering or service accessory equipment, that is located in or on a unit served by the service equipment;

(c) The service laterals originate at the same transformer or power supply;

(d) The service equipment is separated at least fifteen feet from other service equipment in or on the building; and

(e) A permanent directory, suitable for the environment, is placed at each service equipment location that identifies all other service equipment locations in or on the building and the area or units served by each.

Exception: Service laterals for two-family dwellings are permitted to terminate in meter enclosures that are permitted to be located less than 15 feet apart.

(5) The service raceway or cable shall extend no more than fifteen feet inside a building or structure.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-370 Boxes and fittings, ((Reserved))
Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box and enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:

(1) The box shall be rated for not less than H-10 loading (8000 pounds over a 10" x 10" area) and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL." Metal covers shall be grounded per NEC Article 250.

(2) All conductors must be installed in approved electrical raceways which enter vertically from the open bottom of the enclosure. These raceways shall be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 2 inches (5 cm) above the bottom surface material. The bottom surface material shall be pea gravel, sand, or concrete.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-46-495 Electrical work permits and fees.

(1) Where an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections shall not be made, equipment energized, nor services connected unless an electrical work permit is completely and legibly filled out and readily available, and all applicable inspection fees have been paid. The classification or type of facility to be inspected and the scope of the electrical work to be performed shall be clearly shown on the electrical work permit. The address where the inspection is to be made shall be identifiable from

the street, road or highway that serves the premises. Driving directions and/or a legible map must be provided for the inspectors' use.

(2) Except for emergency repairs to existing electrical systems, electrical work permits shall be obtained prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems shall be obtained no later than the next business day.

(3) The electrical work permit application shall be posted on the job site at a conspicuous location prior to beginning electrical work and at all times electrical work is performed.

(4) Electrical work permits shall expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Electrical work permits for temporary construction activity shall expire ninety days after suspended construction and no later than one year after purchase. Refunds are not available for expired electrical work permits.

(5) Fees shall be paid in accordance with the inspection fee schedule WAC 296-46-910.

(6) Each person, firm, partnership, corporation, or other entity shall furnish an electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application shall be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing or responsible for the electrical installation or alteration.

(7) An electrical work permit is required for installation, alteration, or maintenance of electrical systems except for replacement of circuit breakers or fuses, for replacement of lamps, snap switches, receptacle outlets or heating elements, replacement of a lighting fixture ballast with an exact same ballast, replacement of contactors, relays, timers, starters, or similar control components or for plug-in appliances or travel trailers.

(8) Requests for inspections must be made no later than the first business day after completion of the electrical installation or after any part of the installation has been energized, whichever occurs first.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-46-5002 On-site sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in both on-site and septic tank effluent pump (S.T.E.P.) disposal systems shall be considered unclassified when not more than five residential units are connected to the system or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with.

(a) The pumping chamber shall be adequately vented. Venting may be accomplished through the building or structure plumbing vents where ((adequate)) the system venting has been approved by the local jurisdiction authority or by a direct 2" minimum vent to the atmosphere.

(b) Equipment that in normal operation may cause an arc or spark shall not be installed in any pumping chamber.

(c) Float switches installed in an unclassified location shall be hermetically sealed to prevent the entrance of gases or vapors.

(d) Junction boxes, conduits and fittings installed in the septic atmosphere shall be of the noncorrosive type, installed to prevent the entrance of gases or vapors.

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing fitting shall be installed to prevent the migration of gases or vapors from the pumping chamber, and shall remain accessible.

(f) Wire splices in junction boxes installed in pumping chambers, shall be suitable for wet locations.

(g) Submergence of the pumping motor shall be guaranteed by the design of the pump or by redundant off floats.

(2) Nonresidential loading characteristics shall be certified by a Washington state registered professional engineer, engaged in the business of wastewater management systems design. Documentation that is signed and stamped by the engineer shall be provided to the electrical inspector prior to the inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system shall be classified as Class I Division I.

(4) Pumping chamber access covers shall be permitted to be covered by gravel, light aggregate, or noncohesive granulated soil, and shall be accessible for excavation. Access covers that are buried, shall have their location identified at the electrical panel or other approved prominent location.

(5) Secondary treatment effluent pumping chambers such as sandfilters are unclassified, and require no special wiring methods.

Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment shall be inspected and approved by the department prior to being loaded with sewage.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98; effective 6/30/98)

WAC 296-46-930 Electrical contractor license and administrator certificate designation. See RCW 19.28.120.

(1) General electrical license and/or administrator's certificate encompasses all phases and all types of electrical installations.

(2) Specialty (limited) electrical licenses and/or administrator's certificates are as follows:

(a) Residential (02): Limited to the wiring of one and two family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring to be in nonmetallic sheathed cable, except service and/or feeders. This specialty does not include wiring commercial occupancies such as motels, hotels, offices, or stores.

(b)(i) Pump and irrigation (03): Limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems and related pumps and pump houses. This specialty includes circuits, feeders, controls, and services to supply said pumps.

(ii) Domestic well (03A): Limited to the extension of a branch circuit, which is supplied and installed by others, to pump controllers; pressure switches; alarm sensors; and water pumps which do not exceed 7 1/2 horsepower at 230 volts AC single phase.

(c) Signs (04): Limited to placement and connection of signs and outline lighting, the electrical supply, related controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only.

(d) Domestic appliances (05): Limited to the electrical connection of household appliances and the wiring thereto; such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. This specialty includes circuits to the appliances; however, it does not include the installation of service and/or feeders or circuits to electric furnaces and heat pump equipment.

(e)(i) Limited energy system (06): Limited to the installation of signaling and power limited circuits and related equipment. This specialty includes the installation of fire protection signaling systems, intrusion alarms, nonutility owned communications systems, and such similar low energy circuits and equipment.

(ii) HVAC/refrigeration limited energy system (06A): Limited to installation of low voltage, Class 2 HVAC/refrigeration control circuit cables for control of furnaces, heat pumps, and similar HVAC or refrigeration equipment when such conductors do not connect to other than HVAC or refrigeration equipment and when such buildings do not exceed three floors above grade, except for residential occupancies. Associated limited energy control components that are integral with, and control the operation of, the heating and cooling equipment or refrigeration equipment are included in the scope of this specialty. These limited energy components include, but are not limited to, the following: Thermostats, humidistats, low voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, zone control valves, and the mounting of HVAC/refrigeration control panels and low voltage connections only. Integrated energy management systems other than HVAC/refrigeration systems as defined herein, are not included in this specialty.

This specialty may install, service, maintain, repair, or replace HVAC/refrigeration systems as long as the work is on the HVAC/refrigeration system itself. This specialty may replace line voltage components within the equipment, only if the components are like in kind with identical voltage and current ratings. This specialty may not install branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches to HVAC/refrigeration equipment. Short sections of raceway may be installed for access to or physical protection of cables, however wiring in conduit systems and wiring in classified locations are excluded from this specialty.

On or before March 1, 2000, a registered contractor (chapter 18.27 RCW) who provides proof to the department that for a minimum of two years they were engaged full time in the business of HVAC or refrigeration equipment installation or repair work may designate a supervisory employee or member of the firm to take the required administrator's exam-

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ination. This initial designee will satisfy the requirements of RCW 19.28.125 for application for an HVAC/refrigeration limited energy contractor's license. This initial designated administrator must successfully pass the HVAC/refrigeration limited energy specialty administrator's examination prior to the expiration (twenty-four months) of the specialty electrical contractor license. No extension of this initial administrator's status will be permitted unless they pass the HVAC/refrigeration limited energy specialty administrator's examination to qualify for a permanent certificate.

(f)(i) Nonresidential maintenance (07): Limited to maintenance, repair and replacement of electrical equipment and conductors on industrial or commercial premises. This specialty certificate of license does not include maintenance activities in hotel, motel, or dwelling units.

(ii) Nonresidential lighting maintenance and lighting retrofit (07A): Limited to working within the housing of existing nonresidential lighting fixtures for work related to repair, service, maintenance of lighting fixtures and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the fixture body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new fixtures or branch circuits; moving or relocating existing fixtures; or altering existing branch circuits.

This specialty contractor must employ an administrator who holds a nonresidential lighting maintenance and lighting retrofit administrator certificate; or a nonresidential maintenance administrator; or a general administrator. This specialty contractor must adhere to the ratio requirements for trainee supervision in RCW 19.28.510 for specialty electricians to trainees. A specialty lighting maintenance and retrofit specialty technician is allowed to supervise a maximum of two trainees on the same job site. A contractor must obtain an electrical permit and request inspection for all retrofit installations.

The contractor must have a documented electrical lighting maintenance safety training program for all employees working under this specialty contractor license.

(3) Combination specialty electrical contractor license. The department may issue a combination specialty electrical contractor license to a firm which qualifies for more than one specialty electrical contractor license. The license shall plainly indicate the specialty licenses which are included in the combination electrical contractor license.

(4) Combination specialty electrical administrator certificate. The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate shall plainly indicate the specialty administrators' certificate the holder has qualified for.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-46-940 Electrical contractor license. (1) The department shall issue an electrical contractor license to

a person, firm, partnership, corporation or other entity that complies with RCW 19.28.120 which shall expire twenty-four months following the date of issue. An electrical contractor license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical contractor license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor licenses which expire each month. The department shall prorate the electrical contractor license fee according to the number of months in the license period. All subsequent licenses shall be issued for a twenty-four month period.

(2) Cash or securities deposit release. A cash or security deposit which has been filed with the department in lieu of a surety bond, shall not be released until one year after the date the electrical contractor notifies the department in writing, that the person, firm, partnership, corporation, or other entity who (which) has been issued the electrical contractor license, has ceased to do business in the state of Washington.

(3) Manufacturers of electrical products shall be allowed to utilize their factory-trained personnel to perform initial calibration, testing, adjustment, modification incidental to the startup and check out of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided: The product has not been previously energized and/or is within the manufacturer's warranty. Modifications, as designated above, shall not include changes to the original intended configuration nor changes or contact with externally field-connected components. The manufacturers will be responsible for obtaining any required reapproval/recertification from the original listing agent.

(4) No license under the provision of this chapter shall be required from any manufacturer or any person, firm, partnership, or other entity employed by or authorized by a manufacturer of power generation equipment assemblies for the following work on premanufactured electric power generation equipment assemblies and control gear:

(a) Testing, repair, modification, maintenance, and installation of components internal to the transfer switch, or replacement of components within the confines of the specific product incidental to the start up and check out of the equipment: *Provided*, The product has not been previously energized and/or is within the manufacturer's warranty. Modifications of the transfer switch shall not include changes to the original intended configuration nor changes or contact with externally field-connected components. The manufacturer will be responsible for obtaining any required reapproval or recertification from the original listing agent;

(b) Testing, repair, modification, maintenance, installation of components internal to the control gear;

(c) Testing, repair, modification, maintenance, installation of components internal to the premanufactured power generation unit.

Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annun-

ciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(5) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW.

(a) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(b) Installation of the transfer switch;

(c) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(d) Connections between the power generation unit, transfer switch, control gear, and any building or structure;

(e) Test connections with any part of;

(i) The utility's transmission or distribution system;

(ii) The building or structure.

Nothing in this subsection shall alter or amend any other exemptions from or requirement for licensure under this chapter.

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-950 Administrators certificate. (1) The department shall issue an administrator certificate to a person who qualifies for a certificate in accordance with RCW 19.28.125 and makes proper application that includes the person's Social Security number, date of birth, and mailing address. The first certificate issued shall expire on the person's birthdate at least one year and not more than three years from the date of issue. If a person was born in an even numbered year, the certificate shall expire on the holder's even numbered birthdate. If the person was born in an odd numbered year, the certificate shall expire on the holder's odd numbered birthdate. The department shall prorate the administrators certificate fee according to the number of months or major portions of months in a certificate period. All subsequent certificates shall be issued for a twenty-four month period. The signature of a person who desires to renew their certificate shall be notarized.

(2) Effective July 1, 1987, an administrator designated on the electrical contractor license shall be a member of the firm who shall fulfill the duties of a full-time supervisory employee, or be a full-time supervisory employee. In determining whether the person is a member of the firm, the department shall require that the person is named as the sole proprietor, a partner or an officer in a corporation as shown on the electrical contractor license application on file with the department. In determining whether a person is a full-time supervisory employee, the department shall consider whether the person is on the electrical contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical contractor and carries out the duties shown in RCW 19.28.125(2).

(3) The department may deny an application for an administrator's certificate for up to two years if the applicant's

previous administrator's certificate has been revoked for a serious violation and all appeals concerning the revocation have been exhausted.

A serious violation is a violation of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. A certified electrician is considered qualified, provided the electrician is working within his or her certification.

WSR 98-22-110

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Commission Docket No. UR-980080—Filed November 4, 1998, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-050.

Title of Rule: Low-level radioactive waste disposal site rule revision.

Purpose: To implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. This review also includes reviewing the rules to determine whether or not the current rules are providing the results that they were originally intended to achieve and whether the rules are consistent with the appropriate policies and laws.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Sondra Walsh, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1286; Implementation and Enforcement: Carole J. Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules address how the Washington Utilities and Transportation Commission regulates the rates of low-level radioactive waste site operators. This review is undertaken to comply with Executive Order 97-02. The order requires agencies to review their rules for clarity, intent and statutory authority, need, effectiveness and efficiency, coor-

dination, cost and fairness. This proposal would redraft the rules to promote clarity and reader understanding, eliminate rules that are no longer needed, add rules that were policies and rewrites the rules in a clear and concise manner. Minor substantive changes are proposed to simplify rules.

Proposal does not change existing rules. These proposed substantive changes to the text include the following:

(1) Deleting the definition of "initial rate proceeding" as it is unneeded, (2) adding to the definition of low-level radioactive waste "naturally occurring or accelerator produced radioactive material (Norm)", (3) expanding consumer elements to require customer notice, (4) changing the time for annual reporting to be consistent with the payment of regulatory fees for increased efficiencies, and (5) change semiannual reporting to implement amendment to RCW 81.108.050(3).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will have no fiscal impact on the regulated company or the industry.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies, and this rule change is not a significant legislative rule as defined therein.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by December 7, 1998, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504 or e-mail to <records@wutc.wa.gov>, fax (360) 586-1150, by November 24, 1998. Please include Docket No. UR-980080 in your communication.

Date of Intended Adoption: December 9, 1998.

November 4, 1998

Gloria Papiez

for Carole J. Washburn

Secretary

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-011 Application of this chapter. ~~((4))~~
~~The rules in this chapter (shall) apply to any ((company operating as a)) low-level radioactive waste site operating company, as defined ((as such by the laws of)) in RCW 81.04.010, operating within the state of Washington, ((and which)) that is ((subject to the jurisdiction of the commission)) not exempt from commission regulation under RCW 81.108.100 and 81.108.110.~~

~~((2) Upon proper showing of any site operator, the commission may waive or modify the provisions of any section herein except when such provisions are fixed by statute. Application for the waiver or modification of any of the rules and regulations of the commission shall be made in accordance with the following instructions:~~

~~(a) Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive SW, PO Box 47250, Olympia WA 98504-7250, and should be typewritten on paper 8 1/2 by 11 inches in size.~~

~~(b) Reference must be made in a separate paragraph to each section for which modification or waiver is requested, and a full explanation given as to the reasons why such waiver or modification is desired.))~~

NEW SECTION

WAC 480-92-016 Waiver. (1) The commission may grant a waiver of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and sound public policy, and is not inconsistent with applicable statutes.

(2) To request a rule waiver, a site operator must file a written request with the commission identifying the rule for which a waiver is sought, and giving a full explanation of the reason for requesting the waiver.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated ~~((herein))~~ by ~~((this))~~ reference in this section. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Commission" means the Washington utilities and transportation commission.

"Effective rate" means the highest permissible rate, for the disposal of low-level radioactive waste, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume ~~((between))~~ among all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

"Generator" means a person, partnership, association, corporation, or any other entity ~~((whatsoever))~~ that, as a part of its activities, produces low-level radioactive waste.

"Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

~~((("Initial rate proceeding" means the proceeding described in RCW 81.108.040.))~~

"Low-level radioactive waste" means waste material ~~((which))~~ that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities ~~((which))~~ that exceed applicable federal or state standards for unrestricted release. Low-level waste does not

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include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations nor naturally occurring or accelerator produced radioactive material.

"Maximum disposal rate" ~~((means))~~ the maximum disposal is the rate ((described)) a site operator may charge generators as provided in RCW 81.108.050.

"Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"Site operator" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

~~WAC 480-92-031 ((Accounts — Uniform system adopted—))~~ Customer records. ~~((1) Each site operator shall conform its accounting system to the "Uniform System of Accounts for Low Level Disposal Site Operators" dated January 1, 1992. A copy of that document is available at the headquarters office of the commission and shall be available from the commission upon request.~~

~~((2) Each site operator shall maintain complete records of the disposal service provided to each customer, showing for each and every customer the amount billed, the type of service provided, the dollar amounts collected and the balance due. Each site operator shall maintain customer records in such a way that the service and the rates and charges are easily identifiable in accordance with rates set for the site operator. Records must be kept on file at the office of the site operator at the disposal site, and in any other place as may be approved by the commission, for a period of at least three years.))~~ A site operator must maintain, at a minimum, the following records, by generator, at the disposal site for at least three years:

- Customer name and address;
- Type of service provided;
- Current rates;
- Billed amount;
- Amount collected; and
- Balance due.

NEW SECTION

WAC 480-92-041 Uniform system of accounts. Pursuant to RCW 81.108.030(4) commission staff may require a

site operator to use a uniform system of accounts to ensure that the commission can effectively audit the company's operations.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-050 ((Semiannual)) Annual report((s)). ~~((Each site operator shall file semiannual reports reporting the results of operations for the site. These reports shall cover the period from January through June and from July through December. Reports shall be filed on forms provided by the commission, and submitted no later than sixty days after the end of the period for which the report is submitted. The first such report shall cover the period from July to December 1992.))~~ The commission will distribute an annual report form to site operators each year. The site operator must complete the form, file it with the commission, and pay regulatory fees for the preceding calendar year by May 1.

A site operator may request in writing prior to May 1, an extension of time to file its annual report, stating the reasons for the request and the extension date. The commission will not grant extensions for payment of regulatory fees.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

~~WAC 480-92-060 ((Initial rate filing — Form — Notice.))~~ Minimum filing requirements. ~~((1) No later than March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The request shall be in the form of a petition. An original and twenty copies shall be filed with the commission.~~

~~((2) The petition shall set out the proposed maximum disposal rate; the proposed inflation, volume, and extraordinary volume adjustments; the proposed administrative fee for small volumes pursuant to RCW 81.108.040(5); and a proposed method for determining the cost to receive and handle extraordinary volumes of waste pursuant to RCW 81.108.070(1).~~

~~((3) The filing shall include, at a minimum, testimony, exhibits, work papers, summaries, annual reports, cost studies, proposed tariffs, and any other information necessary to determine a maximum disposal rate and to support the proposed rates, fees, adjustments, and costs.~~

~~((4) Within five days after filing the request with the commission, the site operator shall notify all customers who ship or deliver waste to the site that a request has been filed with the commission. Notice shall be mailed to any customer who has paid for disposal of waste at the site within three years prior to the filing of the request. The notice shall include a statement of the site operator's proposed maximum disposal rate and shall include the address of the commission, with a statement that more detailed information may be obtained by writing to the commission.~~

~~((5) Hearings before the commission on the rates, charges, and methods contained in the petition shall be conducted in accordance with chapter 480-09 WAC.~~

~~((6) Once approved, the maximum disposal fee shall become the highest disposal fee the site operator may charge~~

customers:)) (1) When a site operator files for a general rate increase, it must follow the minimum filing requirements set forth in WAC 480-09-300 through 480-09-330.

(2) A site operator filing a request with the commission for a general rate increase must concurrently notify all generators who have disposed of low-level radioactive waste in the three years prior to the request for the proposed rate increases or service changes. The notice must include at minimum: a clear, brief explanation the generators can easily understand of the proposed rates, conditions and changes; the requested effective date; the commission's address, with a statement that generators may obtain more detailed information by writing to the commission; and a phone number for generators to call a company representative if they have questions.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-070 ((Semiannual adjustments to maximum disposal fee—Filing—Notice.)) Annual rate adjustment. (1) ((After January 1, 1993,)) A site operator(s) may file each year for ((adjustments to the maximum disposal fee for reasons set forth in RCW 81.108.050(3). Inflation and volume adjustments must be filed to become effective in January or July and must allow for thirty days from the date of filing to become effective:)) rate adjustments, as set forth in RCW 81.108.050(3), to become effective January 1 of the following year. Rate adjustments will be effective thirty days after filing with the commission, unless suspended. Upon proper request the commission may allow filings to become effective in less than thirty days.

(2) A site operator may also file for rate adjustments ((to the maximum disposal fee)) at any time for reasons set forth in RCW 81.108.050(4).

((3) In all filings for a change in the maximum disposal fee, the site operator shall provide its customers with notice of the filing as required for the initial rate filing under this chapter:))

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-080 Contracts. (1) **Contract rates - Generally.** A site operator may contract with any person to provide a ((contract)) disposal rate lower than the ((maximum disposal)) current tariff rate. ((Each such contract shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms the thirty-first day from the date of its filing unless earlier approved, suspended, or rejected by the commission. Upon application and for good cause shown:)) Once the commission ((may)) approves ((the)) a contract ((as of its effective date prior to the date that the contract would have become effective in accordance with this section)), the site operator may not collect a disposal fee greater than the lowest contract rate plus an administrative fee.

(2) ((Each contract filed for commission approval shall be accompanied by such documentation as may be necessary to show that the contract does not result in discrimination

among customers receiving like and contemporaneous service under substantially similar circumstances, and provides for the recovery of all costs associated with the provision of the service; provided, that discrimination between customers is not present to the extent a site operator charges small volume customers an administrative fee determined according to RCW 81.108.040(5). The site operator shall file the following information in conjunction with each contract submitted for commission approval:

(a) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge;

(b) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract; and

(c) A statement indicating the basis for the use of a contract rather than a filed tariff for the specific service involved.

(3) All contracts shall be for a stated time period. The commission may approve terms and conditions which prescribe the rate or rates to be applied during the time period, if such rates are found to be appropriate. Unless otherwise provided by the commission, such approval shall not be determinative with respect to the expenses and revenues of the site operator for subsequent ratemaking considerations.

(4) Every contract filed shall contain the provision that it is made subject to the power and authority of the commission to fix, alter, and amend just, fair, and reasonable classifications, rules and regulations, and rates for low-level radioactive waste disposal site operators:)) **Contract requirements.** A contract between a site operator and a generator must be limited to a definite time period.

A contract between a site operator and a generator must contain a provision that the contract is entered into subject to the power and authority of the commission to set just, fair, reasonable and sufficient rates for the disposal of low-level radioactive waste. The contract must provide for recovery of all costs associated with providing the service.

(3) Approval by the commission.

(a) The commission may approve the terms and conditions of a contract, and the rate or rates to be applied during the time period, if it finds the rates to be fair, just, reasonable and sufficient. The commission may not include revenues and expenses generated and incurred under contract for subsequent ratemaking purposes.

(b) Each contract must be filed with the commission at least thirty days before the proposed effective date of the contract. Contracts will become effective on the thirty-first day after filing with the commission unless:

(i) The site operator request, and the commission allows, for the contract to become effective in less than thirty days;

(ii) The commission rejects the contract; or

(iii) The commission suspends the contract and sets the matter for hearing.

(4) Information to support approval of a contract. A site operator must submit the following information with each contract filed for commission approval:

(a) A statement explaining the use of a contract rather than a filed tariff for the specific service involved;

(b) All documents and calculations showing how the site operator derived the proposed rate;

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(c) All documents showing that the contract does not discriminate, or result in discrimination, among customers receiving like and contemporaneous service under substantially similar circumstances; and

(d) Any other information requested by the commission.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-090 ((Complaint procedures.)) Site operator responsibility for complaints and disputes. ((1) Complaints against a site operator shall be made by letter to the commission. The complainant shall send a copy of the complaint to the site operator by registered mail.

(2) A complaint shall include the dates of acts or omissions complained against, the relevant statutes or rules, and other information essential to disposition of the complaint.

(3) The commission encourages alternate forms of dispute resolution to resolve disputes between the site operator and any other person. In order to resolve disputes informally, the voluntary settlement procedures of WAC 480-09-465 may be used to resolve complaints brought before the commission.)) (1) If a site operator receives complaints or disputes regarding its operations, it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Tell the complainant the decision may be appealed to a higher level representative of the company, if any;

(f) Tell the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability to review the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Complainants may file with the commission:

(a) An informal complaint against a site operator as set forth in WAC 480-09-150; and/or

(b) A formal complaint against a site operator as set forth in RCW 81.108.080 and chapter 480-09 WAC.

(3) When commission staff refers an informal complaint to a site operator, the operator must:

(a) Investigate and respond to commission staff within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested, and warranted; and

(b) Report regularly to commission staff about progress toward the solution and the final result.

(4) A site operator must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken; and

(d) The final result.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-100 Tariffs. (1) ((Every)) A site operator ((shall)) must file with the commission ((, and post at the company's main office at the disposal site, its)) a tariff showing all rates ((and charges, including all accessorial charges.)) for the disposal of low-level radioactive waste. The site operator must post the tariff at their office at the disposal site.

(2) ((Two copies of all such tariffs shall be transmitted to the commission with a letter of transmittal in duplicate.

(3) Tariffs shall be typed or printed on 8 1/2 by 11 inch paper and shall be paginated. A margin of not less than five-eighths of an inch must be left on all four sides for binding.

(4) Tariffs shall consist of at least)) The tariff must include the following:

(a) A title page ((which identifies)) with the ((name of the)) company ((issuing the tariff)) name, date of issue ((and date)), effective date, and name((-)) and title ((and street address)) of ((tariff publishing)) the officer ((by whom the tariff or supplement is issued)).

(b) ((A general rules section that contains all rules and regulations governing how and in what manner rates and charges shall be assessed by the company.

(c) A section that names all rates and charges that shall be assessed by the company.

(d) A page listing all abbreviations and symbols used in the tariff, and containing an explanation of said abbreviations and symbols.)) Pages containing all rates and the rules for assessing rates.

(e) A page listing the abbreviations and symbols used in the tariff, and an explanation of each abbreviation and symbol.

AMENDATORY SECTION (Amending Order R-366, Docket No. T-910676, filed 1/10/92, effective 2/10/92)

WAC 480-92-110 Penalty assessments. ((In addition to all other penalties provided by law, every site operator and every officer, agent, or employee of every such company who violates or procures, aids, or abets in the violation of any law, rule, regulation, or commission decision applicable to such company shall incur a penalty of up to one thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation.)) Pursuant to RCW 81.108.030 (4)(d) and chapter 81.04 RCW, the commission may assess penalties of up to one thousand dollars for each violation per occurrence if a site operator violates any provisions of Title 81 RCW, commission rule, or decision.

WSR 98-22-111
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Commission Docket No. UG-980962—Filed November 4, 1998, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-011.

Title of Rule: WAC 480-93-010, adopt rules for liquefied natural gas facilities and recent natural gas amendments to comply with federal pipeline safety standards.

Purpose: Natural gas pipeline safety, adopting federal rules by reference to bring state rules into conformity with existing federal rules.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 80.28.210.

Summary: Will add liquefied natural gas rules Part 193 of Title 49 Code of Federal Regulations (CFR) to WAC rules. Adopt recent federal amendments of Part 193 and Parts 191, 192, and 199 which were previously adopted as required by the Federal Department of Transportation - Office of Pipeline Safety under the Pipeline Safety Law, 49 U.S.C. § 60105.

Reasons Supporting Proposal: Pipeline safety. Adoption by reference of federal standards regarding natural gas rules and liquefied natural gas facilities will comply with federal requirements and support the state certification program.

Name of Agency Personnel Responsible for Drafting: Dennis Lloyd, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1319; **Implementation and Enforcement:** Carole J. Washburn, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Rule is necessary because of federal law, 49 U.S.C. § 60105.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule making is necessary for the Washington Utilities and Transportation Commission (commission) to comply with Federal Pipeline Safety Law, 49 U.S.C. § 60101 et seq., which requires the adoption of the federal pipeline safety standards and penalties. The commission is certified for both natural gas and hazardous liquid pipeline safety programs. Congress, in passing the Pipeline Safety Law, fully intended that states would assume responsibility for intrastate pipeline safety, while the federal government retains responsibility for interstate pipeline safety. States are better positioned to provide local/state oversight and regulatory assistance to pipeline operators. The commission also participates in the OPS grants program. OPS has the authority to reimburse a state agency up to 50% of its pipeline safety program costs based upon the availability of funds and the state's performance. Rule making is necessary in order to comply with federal requirements in order for the commission to retain its certification and enhance pipeline safety under Pipeline Safety Law, 49 U.S.C. § 60101 et seq. to participate in the federal pipeline safety program.

Proposal Changes the Following Existing Rules: This proposal will add existing liquefied natural gas rules Part 193

of Title 49 Code of Federal Regulations (CFR), to Parts 191, 192, and 199, previously adopted, and adopt recent federal amendments.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Compliance with the referenced provisions is already required by federal law, so the proposal adds no new requirements.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 (5)(b)(iii) exempts rules which adopt or incorporate by reference federal regulations without material change.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by December 7, 1998, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, or e-mail to <records@wutc.wa.gov>, fax (360) 586-1150, by November 30, 1998. Please include Docket No. UG-980962 in your communication.

Date of Intended Adoption: December 9, 1998.

November 4, 1998

Gloria Papiez

for Carole J. Washburn
Secretary

AMENDATORY SECTION (Amending Order R-437, Docket No. UG-951453, filed 6/10/96, effective 7/11/96)

WAC 480-93-010 Compliance with federal standards. Gas ~~companies'~~ gathering, storage, distribution, and transmission facilities ~~((of all gas operators in this state shall))~~ must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 ((CFR)) Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on the effective date of this rule((-except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 191, 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission)). The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

PROPOSED



WSR 98-22-037
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE

[Filed October 29, 1998, 2:44 p.m.]

Title of Rule: WAC 458-57-575 Waiver or cancellation of penalties.

Purpose: To explain the circumstances under which the Department of Revenue is authorized to waive or cancel the penalty for the late filing of the Washington estate tax return.

Statutory Authority for Adoption: RCW 83.100.200 and 83.100.070.

Statute Being Implemented: RCW 83.100.070.

Summary: Chapter 136, Laws of 1997, revised RCW 83.100.070(3) to authorize the Department of Revenue to waive or cancel the penalty for the late filing of the Washington estate tax return under limited circumstances. This legislation directs the department to adopt a rule for the waiver or cancellation of this penalty.

Reasons Supporting Proposal: To implement chapter 136, Laws of 1997.

Name of Agency Personnel Responsible for Drafting: Pat Moses, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-7150; Implementation: Claire Hesselholt, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 83.100.070(3), as amended by chapter 136, Laws of 1997, authorizes the Department of Revenue to waive or cancel the penalty for the late filing of a Washington estate tax return under limited circumstances. Specifically, the department is authorized to waive or cancel the penalty if the delinquency was the result of a circumstance beyond the control of the person responsible for filing the state return. Prior to this legislation, the department had no authority for waiving or canceling penalties imposed under the estate tax program. This rule explains the circumstances under which a waiver or cancellation of the penalty for the late filing of the return will be granted. It also explains the procedure for requesting a waiver or cancellation of the penalty.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Pat Moses, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax

(360) 664-0693, e-mail patm@dor.wa.gov, AND RECEIVED BY January 2, 1999.

October 29, 1998

Russell W. Brubaker

Assistant Director

NEW SECTION

WAC 458-57-575 Waiver or cancellation of penalties. (1) **Introduction.** RCW 83.100.070(3), as amended by chapter 136, Laws of 1997, authorizes the Washington state department of revenue (department) to waive or cancel the penalty for late filing of the Washington estate tax return under limited circumstances. This rule explains the circumstances under which a waiver or cancellation of the penalty will be granted, and the procedure for claiming the waiver or cancellation.

(2) **Claiming the waiver.** The department will cancel or waive the late filing penalty imposed on a Washington estate tax return (state return) when the delinquent filing is the result of circumstances beyond the control of the person responsible for filing ((øF)) the state return. The person responsible for filing the state return is the same person who is responsible for filing the federal estate tax return (federal return).

A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The person responsible bears the burden of establishing that the circumstances were beyond the responsible person's control and directly caused the late filing. The request must be made in the form of a letter and submitted to the department's special programs division.

(3) **Circumstances eligible for waiver.** In order to qualify for a waiver of penalty the circumstances beyond the control of the person responsible for filing the state return must directly cause the late filing of the state return. These circumstances are generally immediate, unexpected, or in the nature of an emergency. Such circumstances result in the person responsible not having reasonable time or opportunity to obtain an extension of their due date for the federal return or to otherwise timely file the state return. Circumstances beyond the control of the responsible person include, but are not necessarily limited to, the following:

(a) The delinquency was caused by the death or serious illness of the person responsible for filing the state return or a member of the responsible person's immediate family. In order to qualify for penalty waiver, the death or serious illness must directly prevent the person responsible from having reasonable time or opportunity to arrange for timely filing of the state return. Generally, the death or serious illness must have occurred within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date.

(b) The delinquency was caused by an unexpected and unavoidable absence of the person responsible. Generally, this absence must be within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date. "Unavoidable absence of the person responsi-

EXPEDITED ADOPTION

ble" does not include absences because of business trips, vacations, personnel turnover, or personnel terminations.

(c) The delinquency was caused by the destruction by fire or other casualty of estate records necessary for completion of the state return.

(d) An estate tax return was timely filed, but was filed incorrectly with another state due to an issue of the decedent's domicile.

(e) A Washington estate tax return was properly prepared and timely filed, but was sent to the location for filing of the federal estate tax return.

WSR 98-22-046
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE

[Filed October 30, 1998, 1:46 p.m.]

Title of Rule: WAC 458-20-231 Tax on internal distribution.

Purpose: To explain the internal distribution tax which applies to transfers of tangible personal property from a central location to retail outlets where there is no change of ownership as imposed by RCW 82.04.270.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.270.

Summary: This rule explains the conditions under which the tax on internal distributions applies and the acceptable methods for determining the taxable value of articles distributed.

Reasons Supporting Proposal: This rule is being revised to explain that chapter 329, Laws of 1998, repealed the tax on internal distributions effective June 11, 1998.

Name of Agency Personnel Responsible for Drafting: D. Douglas Titus, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 664-0687; Implementation: Claire Hesselholt, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the application of the tax formerly imposed by RCW 82.04.270. This tax applied to persons distributing articles of tangible personal property owned by them from their own warehouse(s) or other central location(s) to two or more of their own retail stores or outlets in this state. The rule also provides formulas and methods for calculating internal transfer prices for tax purposes.

Proposal Changes the Following Existing Rules: This is an amendment of an existing rule, WAC 458-20-231 (Rule 231) Tax on internal distribution. This rule is being revised to notify the reader that the tax on internal distributions has been repealed effective June 11, 1998 (chapter 329, Laws of 1998). The department proposes to retain much of the lan-

guage addressing this tax because the tax does apply within the statutory time-period provided by RCW 82.32.050.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO D. Douglas Titus, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, AND RECEIVED BY January 2, 1999.

October 30, 1998

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 90-23-020, filed 11/14/90, effective 12/15/90)

WAC 458-20-231 Tax on internal distribution. (1) **Introduction.** (~~The intent of~~) Effective July 1, 1998, the tax on internal distribution was repealed by chapter 329, Laws of 1998. Prior to July 1, 1998, RCW 82.04.270 ((is to impose)) imposed a tax equal to the wholesaler's tax upon persons doing functions essentially the same as those of a wholesaler, but not making sales. Persons engaged in the business of distributing articles of tangible personal property owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets in this state ((are)) were taxable under the internal distribution classification of the business and occupation tax. This tax ((applies)) applied to transfers of merchandise from a central location to retail outlets even if the goods ((are)) were preordered and there ((is)) was no inspection or opening of cartons or boxes at or by the central location.

(2) **Warehouse or other central location.** The term "warehouse or other central location" generally means any facility regardless of the type of activity conducted there, which is operated in this state by a person who distributed tangible personal property from that facility to two or more of his or her own retail stores or outlets.

(a) This term includes any retail outlet no matter how the distributed goods are inventoried or stored at such outlet. The term includes any facility, central distributing point, building, loading platform and adjacent areas operated by the taxpayer where articles of tangible personal property are received and from which they are distributed. Such facilities, distributing points, buildings, platforms and areas are included within the term regardless of how long such property may remain at such places and regardless of the nature of the activity performed at such places with respect to such property.

(b) This term also includes any manufacturing or processing facility operated by the taxpayer from which such distribution is made. The term does not include facilities

operated by other persons at which team track deliveries are made into trucks for distribution to retail outlets nor does it include any individual trucks owned by the taxpayer from which deliveries are made at facilities or places not owned by the taxpayer to other trucks for distribution to retail outlets.

(3) **Two or more retail stores or outlets.** The term "two or more of their own retail stores or outlets" means two or more retail stores operated within this state separate and apart from any "warehouse or other central location." The term does not include a retail store or retail outlet, a part of which is operated as a warehouse from which distribution is made. However, a retail store or outlet will be counted as separate and apart, even though it may be located within the same premises or under the same roof as a warehouse or central location, if it is operated separately, as evidenced for example by separate employee payrolls, accounting records, inventory control, or clearly defined work and retail sale areas. The term does not include trucks or vans used solely for delivery purposes. The term does include trucks or vans from which sales are made at retail such as sales of safety shoes or food through catering vans. The term "retail store or outlet" does not include vending machines or similar devices through which sales are made by coin deposits. However, the term includes business establishments which sell goods to consumers primarily through the use of such devices.

(a) Transfers of merchandise for sale on consignment are not subject to the internal distributions tax when the merchandise is delivered to retail outlets operated by another retailer. Such transfers are not taxable because delivery is not made to the distributors own retail stores or outlets.

(b) Shipments directly to a consumer from a warehouse or central location are not subject to the internal distributions tax even if the billing to the consumer is made from a branch location of the distributor. There must be a physical delivery of the merchandise to the branch location for the internal distributions tax to apply.

(4) **Articles of tangible personal property.** The term "articles of tangible personal property" means all goods distributed from a warehouse or central location for sale, including particular articles which may be distributed to only one of two or more retail stores or outlets.

(5) **Taxable distributions.** In cases where the taxpayer sells at both wholesale and retail, the internal distribution tax will not apply with respect to articles distributed for sale at wholesale and upon the sale of which tax will be due under the classification wholesaling—other. ((+)) Articles distributed from independent manufacturers or distributors directly to the taxpayer's retail stores or outlets, or the taxpayer's retail customers are not taxable distributions by the taxpayer. Only the first distribution of seasonal or other goods from a warehouse or central location is taxable, whether or not such goods were originally received in a retail store and later transferred to the warehouse or central location from which taxable distribution is later made.

(6) **Determination of the value of the articles distributed.** The value of articles distributed shall correspond as nearly as possible to gross proceeds of sales at wholesale in this state by other taxpayers of similar articles of like quality and character and in similar quantities.

(7) **Methods for determining taxable value.** One of the following methods must be used for determining the taxable value of internal distributions.

(a) **Method 1. Cost of production.** The value of articles distributed may be computed upon the basis of the cost of manufacturing or producing such articles. In such case there shall be included every item of cost attributable to the particular article or articles manufactured or produced, including direct and indirect overhead costs and the cost of transportation to the local distribution point. In such event tax liability accrues during the period in which the articles are distributed.

(b) **Method 2. Purchase price.** The value of articles distributed may be computed upon the basis of purchase price including delivery costs of such articles delivered at the local distribution point. The purchase price must include the amount of state and federal excise taxes imposed upon the distributor for the sale, handling or distribution of the articles distributed, whether such taxes are paid by the distributor to his vendor, or are paid by him directly to the taxing body. In such event tax liability accrues during the period in which the articles were purchased, even though the particular articles purchased may not be distributed until a later date. (Not available to those who manufacture or produce the articles distributed.)

(c) **Method 3. Invoice price to retail store.** The value of articles distributed may be computed upon the basis of charges or memorandum invoices rendered to the retail stores at the time the articles are distributed, providing the amount of such charges or invoices is not less than the cost price of such articles. In computing the cost price, there must be included the amount of state and federal excise taxes imposed upon the distributor for the sale, handling or distribution of the articles distributed, whether such taxes are paid by the distributor to his vendor, or are paid by him directly to the taxing body. In such event tax liability accrues during the period in which the articles are distributed.

(d) **Method 4. Retail selling price less 15%.** The value of articles distributed may be computed upon the basis of the retail selling price less 15%. In such event tax liability accrues during the period in which the articles are sold at retail.

(e) **Method 5. Corresponding wholesale sales.** The value of articles distributed may be determined according to the gross proceeds of sales of similar articles of like quality, character and quantity where bona fide wholesale sales are made during the same period, either by the taxpayer or by others, and providing a general standard price is established for such articles during said period. In such event tax liability accrues during the period in which the articles are distributed.

(8) **Election to be made.** A taxpayer may elect to report upon the basis of any one of the five above methods, providing that the method elected shall be applied to all articles distributed, and after such election is made such taxpayer shall not be permitted to change to any other method without securing the written consent of the department of revenue. Taxpayers who manufacture the product may use method 1 for those products and any one of the other methods for products which they do not manufacture. Intricate or unusual problems concerning determination of the value of articles

distributed should be submitted to the department for special ruling. ~~((a))~~ The statute ~~((provides))~~ provided that the internal distributions tax may not be assessed twice to the same person for the same article. In the absence of separate accounting for articles upon which the tax has or has not been paid, the taxpayer may use percentage formula computed according to a factual segregation of articles distributed for a test period of at least two representative months. Any such formula is subject to approval by the department.

WSR 98-22-047**EXPEDITED ADOPTION
DEPARTMENT OF REVENUE**

[Filed October 30, 1998, 1:48 p.m.]

Title of Rule: WAC 458-20-167 Educational institutions, school districts, student organizations, and private schools.

Purpose: To explain how Washington's B&O, retail sales and use taxes apply to educational institutions, school districts, student organizations, private schools, nursery schools, preschools, child care operations, and persons who monitor home child care facilities.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.170, [82.04].339, [82.04].399, [82.04].4282, [82.04].4332, 82.08.02537, 82.12.02595, [82.12].0264, [82.12].0284, [82.12].0347.

Summary: "Educational institutions" may deduct tuition fees from their measure of tax. This rule clarifies which institutions satisfy the definition of the term "educational institutions." It provides tax-reporting information for other types of income, and identifies and explains exemptions available to educational institutions, school districts, student organizations, and private schools.

Reasons Supporting Proposal: To incorporate the latest statutory changes in the rule. This rule is being revised to incorporate chapter 272, Laws of 1996 (exempting sales/use of academic transcripts from the B&O, retail sales and use taxes); chapter 182, Laws of 1998 (expanding the use tax exemption available for property donated to nonprofit and state/local government entities); and chapter 312, Laws of 1998 (providing a new and lower B&O tax rate for persons providing child care services for periods of less than twenty-four hours).

Name of Agency Personnel Responsible for Drafting: Pat Moses, 711 Capitol Way South, #303, Olympia, WA, (360) 753-1063; Implementation: Claire Hesselholt, 711 Capitol Way South, #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, 711 Capitol Way South, #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains how Washington's B&O, retail sales, and use taxes apply to educational institutions, school

districts, student organizations, and private schools. It also provides tax-reporting instructions to nursery schools, preschools, child care operators, and persons who monitor home child care facilities. The rule also identifies and explains tax exemptions that are available for these types of entities. The rule gives persons one convenient location for information concerning the various tax classifications, exemptions, and deductions provided in statute.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 458-20-167. This rule is being revised to incorporate chapter 272, Laws of 1996 (exempting sales/use of academic transcripts from the B&O, retail sales, and use taxes); chapter 182, Laws of 1998 (expanding the use tax exemption available to property donated to nonprofit and state/local government entities); chapter 312, Laws of 1998 (providing a new and lower B&O tax rate for persons providing child care services for periods of less than twenty-four hours). Information now provided in an ancillary document to Rule 167 (ETA 557.04.224—Taxability of income from daycare monitoring), is being incorporated into this rule. The rule is also being revised to identify use tax exemptions that were not previously identified in the rule.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Pat Moses, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail PATM@dor.wa.gov, AND RECEIVED BY January 2, 1999.

October 30, 1998

Russell W. Brubaker

Assistant Director

AMENDATORY SECTION (Amending WSR 94-07-047, filed 3/10/94, effective 4/10/94)

WAC 458-20-167 Educational institutions, school districts, student organizations, and private schools. (1) **Introduction.** This section explains the application of Washington's business and occupation (B&O), retail sales, and use taxes to educational institutions, school districts, student organizations, and private schools. It also gives tax reporting information to persons operating nursery schools, preschools, ~~((and day))~~ or providing child care. Educational institutions which are institutions of the state of Washington should also refer to WAC 458-20-189 (Sales to and by the state of Washington, etc.). Nonprofit organizations should also refer to WAC 458-20-169 (Religious, charitable, benevolent, nonprofit service organizations, and sheltered workshops).

(2) **Definitions.** For the purposes of this section, the following definitions apply:

(a) The term "tuition fees" includes fees for instruction, library, laboratory, and health services. The term also includes special fees and amounts charged for room and board when the property or service for which such charges are made is furnished exclusively to the students (~~(or faculty), teachers, or other staff~~ of the institution.

(b) "Educational institutions" means the following:

(i) Institutions which are established, operated, and governed by this state or its political subdivisions under Title 28A (Common school provisions), 28B (Higher education), or 28C (Vocational education) RCW.

(ii) Nonpublic schools, including parochial or independent schools or school districts, carrying out a program for any or all of the grades one through twelve, which have been approved by the Washington state board of education. (See also chapter 180-90 WAC.)

(iii) Degree-granting institutions offering educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree or certificate beyond the secondary level, provided the institution is accredited by an accrediting association recognized by the United States Secretary of Education and offers to students an educational program of a general academic nature. Degree-granting institutions should refer to chapter 28B.85 RCW for information about the requirement for authorization by the Washington higher education coordinating board.

(iv) Institutions which are not operated for profit, and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture.

(v) ~~((On and after July 1, 1993, the term includes educational))~~ Programs that an educational institution cosponsors with a nonprofit organization, as defined by the Internal Revenue Code Sec. 501 (c)(3), provided that educational institution grants college credit for course work successfully completed through the educational program. ~~((See chapter 18, Laws of 1993 sp.s.))~~

(vi) ~~((On and after July 25, 1993, "educational institutions" includes))~~ Certain branch campuses of foreign degree-granting institutions, provided the following requirements, among others, are satisfied:

(A) The branch campus must be owned and operated directly by a foreign degree-granting institution or indirectly through a Washington profit or nonprofit corporation in which the foreign degree-granting institution is the sole or controlling shareholder or member;

(B) Courses must be provided solely and exclusively to students enrolled in a degree-granting program offered by the institution;

(C) The branch campus must be approved by the Washington higher education coordinating board to operate in this state; and

(D) The branch campus must be recognized to be exempt from income taxes pursuant to 26 U.S.C. Sec. 501(c). ~~((See chapter 181, Laws of 1993.))~~

(vii) "Educational institutions" does not include any entity defined as a "private vocational school" under chapter 28C.10 RCW and/or any entity defined as a "degree-granting private vocational school" under chapters 28C.10 and 28B.85 RCW (other than those described in (b)(iv) of this subsection).

(c) "Private schools" means all schools and institutions which are excluded from the above definition of "educational institutions." For example, an elementary school operated by a church organization is a "private school" if the school is not approved. It will be given the tax treatment of an "educational institution" for purposes of this section only if it has obtained approval from the Washington state board of education.

(3) **Business and occupation tax.** Departments and institutions of the state of Washington are not subject to the B&O tax. (See WAC 458-20-189.) School districts are also not subject to the B&O tax, except as to income derived from a public utility or enterprise activity. RCW 82.04.419. Private schools, student organizations, school districts engaging in utility or enterprise activities, and educational institutions which are not departments or institutions of the state of Washington are subject to the B&O tax as follows:

(a) **Service and other business activities.** The service B&O tax applies to the following nonexclusive list of activities or sources of income:

(i) Tuition fees received by private schools. However, educational institutions, as defined above, may deduct amounts derived from tuition fees. ~~((Refer to))~~ RCW 82.04.428. ~~((s))~~

(ii) Rental of conference facilities to various organizations or groups.

(iii) Rental by private schools of dormitories or other student lodging facilities which are not generally available to the public and where the student does not have an absolute right of control and occupancy. (See WAC 458-20-118.) However, educational institutions may deduct the income from charges for lodging made to students. These amounts are defined by law as being tuition.

(iv) Amounts received by private schools for providing meals to students where the meals are provided exclusively for students, teachers, staff, and their guests. However, refer to the comments under retailing for the taxability of meals sold to guests of students. Income from providing meals to students by educational institutions is deductible.

(v) Amounts received from owners of coin operated vending machines or amusement devices for allowing the placement of those machines on the premises of the school. (Refer also to WAC 458-20-187.)

(b) **Retailing.** ~~((The retailing B&O tax applies to the following activities or sources of income))~~ Activities and sources of income subject to the retailing BO tax include, but are not limited to, the following:

(i) Sales of tangible personal property or services classified as retail sales. This includes sales of books and supplies to students where these materials are not supplied as part of the tuition charge. Sales of academic transcripts are exempt from tax. RCW 82.04.399.

~~((Charges for making copies of public records or documents, such as transcripts.~~

~~((iii)))~~ Sales of meals to guests of students.

~~((iv)))~~ (iii) Sales of meals or prepared foods in facilities which are generally open to the public, including those sold to students. (See also WAC 458-20-119.)

(4) **Retail sales tax.** The retail sales tax applies to all retail sales ~~((of the type identified under retailing))~~ including,

but not limited to, those identified in subsection (3) of this section, unless a specific statutory exemption applies.

(a) Educational institutions, school districts, student organizations, and private schools, including departments or institutions of the state of Washington, are required to collect the retail sales tax on sales of tangible personal property and retail services to consumers, ~~((notwithstanding)) even though~~ such sales may be exempt from the retailing B&O tax. Retail sales tax exemptions are provided for sales of academic transcripts (RCW 82.08.2537) and certain food products (RCW 82.08.0293 and 82.08.0297, and WAC 458-20-244).

(b) Amounts derived from charges between departments or institutions of the state of Washington, or between departments of the same entity, constitute interdepartmental charges and are not subject to the retailing or retail sales tax. (See WAC 458-20-201 and 458-20-189.) ~~((Sales of certain food products are exempt from the retail sales tax. (See WAC 458-20-244.))~~

(c) Persons selling merchandise through vending machines should refer to WAC 458-20-187.

(5) Deferred sales or use tax. Educational institutions, school districts, student organizations, and private schools are required to report the deferred sales or use tax upon the use of all tangible personal property purchased or acquired under conditions whereby the Washington retail sales tax has not been paid, unless a specific statutory exemption applies. If items are purchased for dual purposes (i.e., for both consumption and resale), a tax paid at source deduction may be claimed for the cost of the articles resold upon which retail sales tax was previously paid. (See WAC 458-20-102.)

(a) These organizations are the consumers of food or beverage products which are ingredients of meals that are furnished to students and faculty. However, certain food products are exempt from the retail sales and/or use tax. ~~((Refer to)) RCW 82.12.0293 and 82.12.0297, and WAC 458-20-244. ((If items are purchased for dual purposes (i.e., for both consumption and resale), these organizations may claim a tax paid at source deduction for the cost of the articles resold upon which retail sales tax was paid. (See WAC 458-20-102.))~~

(b) Use tax exemptions are also provided for the following:

(i) Academic transcripts. RCW 82.12.0347.

(ii) Computers, computer components, computer accessories, or computer software irrevocably donated to any public or private nonprofit school or college in this state, as defined by chapter 82.36 RCW. For the purposes of this exemption, RCW 82.12.0284 defines "computer" as a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator. This exemption is available to both the donor and the private nonprofit school or college receiving the donation.

(iii) Tangible personal property donated to a nonprofit charitable organization or state or local governmental entity. RCW 82.12.02595. Prior to June 11, 1998, this exemption is available only to the nonprofit charitable organization or state or local governmental entity receiving the donation. On and after June 11, 1998, the following are also exempt from the use tax:

(A) The subsequent use of the property by a person to whom the property is donated or bailed by the nonprofit charitable organization, or state or local governmental entity, if used to further the purpose of that organization; and

(B) The donation of tangible personal property without intervening use to a nonprofit charitable organization, or the incorporation of tangible personal property without intervening use into real or personal property of or for a nonprofit charitable organization in the course of installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating the real or personal property for no charge. Chapter 182, Laws of 1998.

(iv) Motor vehicles equipped with dual controls loaned to and exclusively used by a school in connection with the school's driver training program. This exemption is available to both the donor and the school receiving the donation. For the purposes of this exemption, RCW 82.12.0264 limits the term "school" to:

(A) The University of Washington, Washington State University, the regional universities, The Evergreen State College, and the state community colleges;

(B) Any public, private, or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station); or

(C) Any public vocational school meeting the standards, courses, and requirements established and prescribed or approved in accordance with the Community College Act of 1967.

(6) Nursery schools, preschools, ((day)) child care providers, ((and)) privately operated kindergartens, and persons monitoring home child care facilities. Income received by nursery schools, preschools, ((day)) child care providers, and privately operated kindergartens for the care or education of children who are under eight years of age and not enrolled in or above the first grade is exempt from the B&O tax. ~~((Refer to)) RCW 82.04.4282.(())~~ Such persons are, however, subject to ~~((the service))~~ B&O tax upon the gross proceeds derived from providing child care to children who are eight years of age or older or enrolled in or above the first grade.

Effective July 1, 1998, persons providing child care for periods of less than twenty-four hours are subject to tax under the child care B&O classification, RCW 82.04.2905. The service and other activities B&O tax classification applied to these services prior to July 1, 1998, and continues to apply to child care services provided for periods in excess of twenty-four hours. Nursery schools, preschools, and ((day)) child care providers receiving both taxable and exempt income must properly segregate such income in their books of account.

~~((Effective June 11, 1992.))~~ (a) The B&O tax does not apply to income derived by a church for the care of children of any age for periods of less than twenty-four hours, provided the church is exempt from property tax under RCW 84.36.020. ~~((See chapter 81, Laws of 1992.))~~ RCW 82.04.339.

(b) Persons who monitor home child care facilities under one or more federal nutrition programs are required to register with the department and are taxable on their gross income under the service and other classification of the B&O tax.

These monitors contract with, and are accountable to the superintendent of public instruction which receives funds from the United States Department of Agriculture and disburses funds to each monitor. Commonly, a portion of the funds received by the monitor is required by law to be passed directly to the home child care facilities for the provision of qualifying meals. That portion of the funds received by the monitor may be taken as a "reimbursement" deduction on the monitor's combined excise tax return, so that the monitor is subject to B&O tax only on the portion of funds retained for the rendering of services.

(7) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) MN University is an educational institution created by the state of Washington. MN University operates a book store at which it sells text books, school supplies, and apparel to students and nonstudents. As an institution of the state of Washington, MN University is exempt from the B&O tax with respect to all sales, irrespective that sales are made to nonstudents. However, MN is required to collect and remit retail sales tax on its gross proceeds of sales made through its book store.

(b) DMG College is a degree-granting institution accredited by an accrediting association recognized by the United States Secretary of Education. DMG College is an educational institution operated by a church. DMG makes charges to its students for tuition, meals, and lodging. It also receives income for occasionally providing lodging and meals to guests of its students during the year. DMG also rents its conference and dormitory facilities to various groups during the summer, providing cafeteria services when needed. The income from tuition, meals, and lodging received from the students is exempt of B&O and retail sales tax because this entity comes within the definition of an educational institution. DMG must report the retailing B&O tax and collect and remit retail sales tax upon the gross proceeds derived from the sales of meals and prepared foods to the conference attendees and guests. The income derived from the rental of the conference and dormitory facilities to various groups and student guests is subject to the service B&O tax. The college is not considered as holding itself out for the sale of lodging to the general public.

(c) JB College is an educational institution which is not a department or institution of the state of Washington. JB College has converted five housing units from student use for use by nonstudents. Guests of the administration use these units for stays of two or three days, and are charged a specific amount per night. The college provides linen, towels, etc., to the users. These units are always rented for periods under thirty days. JB College must report this rental income under the retailing B&O tax and collect and remit retail sales tax. This income is not derived from the occasional rental of student lodging facilities, but is derived from the rental of accommodations specifically maintained for public use.

(d) Jane Doe operates a private preschool and kindergarten, providing care and elementary education for children. She also provides after hours child care. Jane Doe may claim

a deduction for the income received for the care and education of children under eight years old and not enrolled in or above the first grade, provided this income is properly segregated in her books of account. The income attributable to the care of children at or above the first grade level, i.e., eight years old or enrolled in or above the first grade, is subject to the ((service)) child care B&O tax. ((However, no service B&O tax will be due if the measure of taxable income is less than the amount for which the B&O tax is required to be paid. (See)) Jane Doe may be able to reduce or eliminate any child care B&O tax liability if she qualifies for the small business B&O tax credit. RCW 82.04.4451 and WAC 458-20-104.(9))

WSR 98-22-102

EXPEDITED ADOPTION

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed November 4, 1998, 10:43 a.m.]

Title of Rule: WAC 388-15-196, 388-15-19600, 388-15-19610, 388-15-19620, 388-15-19630, 388-15-19640, 388-15-19650, 388-15-19660, 388-15-19670, and 388-15-19680, related to individual providers and home care agency providers.

Purpose: Modifies language to clarify rules without changing the effect of the rules. Modify the language of "In-home provider," and distinguish individual providers and home care agency providers separately. Modify language describing abuse, neglect, exploitation, or abandonment to make it clearer, and remove the word "financial." Include "designee" as a person who can obtain Social Security card information and complete criminal conviction background inquiries. The proposed rules clarify language without changing its effect and correct language dictated by statute.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050.

Statute Being Implemented: RCW 43.20A.710, 74.39A.050, 43.43.830, 42 CFR 1002.210, 42 CFR 431.51.

Summary: Modifies the language to clarify rules without changing these rules or their effect. Removes the term in-home providers, and distinguishes individual providers and home care agency providers separately. Removes the word "agreed" from orders. Replaces "related to" with "of guilt for" to provide clarity. Removes "financial" from exploitation to comply with specific statute. Includes "designee" as a person who can obtain Social Security card identification and complete criminal conviction background inquiries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue McDonough, Program Manager, Home and Community, HCSD, AASA, Olympia, Washington, (360) 407-0331.

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: The rule separates the two entities responsible for providing in-home care to persons on the COPEs, MPC, and Chore programs, which are covered in WAC 388-15-196 through 388-15-19680. The purpose is to remove the term "in-home providers," and replace it with individual providers and home care agency providers. The anticipated effect is to clarify which rules apply to both individual providers and home care agency providers, and which are specific to each entity. The proposed rules clarify language without changing its effect.

The rule removes the word "agreed" from "orders" in WAC 388-15-19610 (2)(d). Replaces "related to" with "of guilt for" in the same sentence. The purpose and anticipated effect is to improve clarity. The proposed rules provide clarity without changing its effect.

The word "financial" is removed from the language in WAC 388-15-19610 (2)(d). The purpose and effect is to comply with the explicit and specific dictate of the statute.

The rule adds "designee" to "social worker or case manager" as a person who can obtain Social Security card identification and complete criminal conviction background inquiries in WAC 388-15-19620 (2)(3). The purpose is to include other entities who complete this work. The anticipated effect is to provide those persons with the ability to do these functions. The proposed rules provide clarity without changing its effect.

Proposal Changes the Following Existing Rules: See above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, AND RECEIVED BY January 4, 1999.

November 3, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-196 ((In)) Individual providers and home care agency providers. The intent of WAC 388-15-196 through 388-15-19680 is to describe the:

- (1) Qualifications of an individual provider (IP), defined in WAC 388-15-202 (25) and (26);
- (2) Qualifications of ((an in-home provider employed by)) a home care agency provider, defined in WAC 388-15-202(2);

(3) Conditions under which the department will pay an ((in-home)) individual provider; and

(4) Conditions under which the department may deny a contract to an individual provider or terminate payment to an ((in-home)) individual provider or a home care agency provider.

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 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19600 How do I apply to be an ((in-home)) individual provider of an adult client? A person who wants to be an ((in-home)) individual provider must((+))
(+) contact the client's social worker or case manager((+or
(2) Be employed by a home care agency)).

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19610 What requirements must an adult client's ((in-home)) individual provider or a home care agency provider meet? An ((in-home)) individual provider or a home care agency provider of an adult must:

- (1) Meet the requirements of chapter 246-336 WAC, if employed by a home care agency;
- (2) Meet the following requirements, if employed by the client as an individual provider:
 - (a) Be eighteen years of age or older;
 - (b) Not be the spouse of the client receiving services, unless the client is on the chore personal care program or the parent of a child age seventeen or younger;
 - (c) Have no conviction for a disqualifying crime, as listed in RCW 43.43.830 and 43.43.842;
 - (d) Have no findings of fact or conclusions of law or ((agreed)) orders ((related-to)) of guilt for abuse, neglect, ((financial)) exploitation or abandonment of a minor or vulnerable adult, as defined in RCW 74.39A.050(8);
 - (e) Have not had a license or a contract for the care of children or vulnerable adults denied, suspended, or revoked, or terminated; for noncompliance with state and federal regulations;
 - (f) Have read and understand the client's service plan, translated or interpreted, as necessary, for the client and/or IP; and
 - (g) Provide the services, as outlined in the client's service plan within the scope of practice in WAC 388-15-203.

AMENDATORY SECTION (Amending 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19620 How do I get paid as an individual provider? In order to be paid by the department, an individual provider must:

- (1) Be hired by a client/legal guardian;
- (2) Provide the social worker ((or))case manager/designee with a Social Security card and picture identification;

(3) Complete and submit to the social worker ((~~or~~)/case manager/designee the department's criminal conviction background inquiry application;

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPES or Medicaid personal care client, or other department contract or agreement; and

(5) Meet the conditions in WAC 388-15-19610(2).

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19630 Under what conditions will the department deny payment to an ((~~in-home~~)) individual provider or a home care agency provider? The department will deny payment when an ((~~in-home~~)) individual provider or a home care agency provider:

(1) Does not meet the conditions of the contract;

(2) Has been terminated by the department for cause;

(3) Does not successfully complete the training requirements within the time limits in WAC 388-15-19650 through 388-15-19680;

(4) Demonstrates an unwillingness or inability to provide care following mandatory training or other training provided by the client's social worker/case manager or through the nurse expertise service; or

(5) Does not meet the conditions as stated in WAC 388-15-19610 and 388-15-19620.

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19640 Does the ((~~in-home~~)) individual provider or the home care agency provider have responsibilities in addition to the service plan? In addition to providing services as outlined on the client's service plan, the ((~~in-home~~)) individual provider or the home care agency provider must:

(1) Accommodate client's individual preferences and differences in providing care;

(2) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(3) Observe the client for change(s) in health, and respond to emergencies;

(4) Notify the case manager immediately when the client enters a hospital, an adult family home, an adult residential care facility, an enhanced adult residential care facility, an assisted living facility, or a nursing facility; and

(5) Notify the case manager immediately if the client dies.

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19650 What are the educational requirements for an ((~~in-home~~)) individual provider or a home care agency provider? To meet the educational requirements, an ((~~in-home~~)) individual provider or a home care agency provider must:

(1) Possess a certificate of successfully completing department-designated fundamentals of caregiving training within one hundred and twenty days after beginning employment;

(2) Complete a minimum of ten hours of continuing education credits each calendar year following the year in which the fundamentals of caregiving training is taken. One hour of completed instruction equals one hour of credit on topics that pertain to services provided in an in-home setting including, but not limited to:

(a) Client's rights;

(b) Personal care (such as transfers or skin care);

(c) Dementia;

(d) Mental illness;

(e) Depression;

(f) Medication assistance;

(g) Communication skills;

(h) Alternatives to restraints;

(i) Activities for clients; and

(3) Provide the department with proof of completion of continuing education credits.

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19660 Do all ((~~in-home~~)) individual providers or home care agency providers have to take the fundamentals of caregiving training? An IP or a home care agency provider can do the following instead of taking the fundamentals of caregiving:

(1) Pass the department's challenge test for the required class. This test can be taken once only. An IP contacts the AAA designated trainer to request the test; or

(2) Complete the department designated modified fundamentals of caregiving training and be a:

(a) Registered or licensed practical nurse;

(b) Physical or occupational therapist;

(c) Certified nursing assistant; or

(d) Medicare-certified home health aide; or

(3) Complete the division of developmental disabilities' (DDD) staff training required by chapter 275-26 WAC and continue to work for a DDD-contracted agency.

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19670 Are there special rules about training for parents who are the ((~~in-home~~)) individual providers of division of developmental disabilities (DDD) adult children? Natural, step, or adoptive parents of adult DDD children:

(1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed department-approved training within one hundred eighty days after beginning employment;

(2) Are exempt from continuing education requirements; and

(3) Are exempt from the fundamentals of caregiving training if they provide care only for their own adult DDD child.

AMENDATORY SECTION (Amending WSR 98-18-037, filed 8/27/98, effective 9/27/98)

WAC 388-15-19680 Are there special rules about training for parents who are the ((in-home)) **individual providers of non-DDD adult children**? Natural, step, or adoptive parents of adult non-DDD children must:

- (1) Possess a certificate of successfully completing the fundamentals of caregiving training within one hundred eighty days after beginning employment; or
- (2) Pass the department's challenge test; and
- (3) Complete and provide proof of ten hours of continuing education credits as required under WAC 388-15-19650 (2) and (3).

WSR 98-22-112

**EXPEDITED ADOPTION
SECRETARY OF STATE**

[Filed November 4, 1998, 11:45 a.m.]

Title of Rule: Washington Electronic Authentication Act, chapter 19.34 RCW.

Purpose: Implementing amendments to chapter 19.34 RCW based on chapter 33, Laws of 1998 and conforming our rule to changes in national standards.

Other Identifying Information: Administrative changes and housekeeping.

Statutory Authority for Adoption: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500.

Statute Being Implemented: Chapter 19.34 RCW, HB 2931, chapter 33, Laws of 1998.

Summary: Consistent with other sections of chapter 434-180 WAC and chapter 19.34 RCW as recently amended, to provide that operative personnel must not [have] been convicted of a felony within the past seven years. Conformance with new standards adopted by National Institute of Standards and Technology (NIST).

Reasons Supporting Proposal: Administrative changes and technical housekeeping deemed necessary for the implementation of the Electronic Authentication Act.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, (360) 5876-0393; Implementation and Enforcement: David Billeter, 505 East Union, Olympia, (360) 753-2524.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-180-215, the proposed changes will ensure consistency with other sections of the WAC and statute.

WAC 434-180-360, reflects the introduction of a new draft, dated July 13, 1998, by the National Institute of Standards and Technology (NIST).

Proposal Changes the Following Existing Rules: WAC 434-180-215(2) was amended to reduce the time for back-

ground checks to seven years. Subsequently, this change has to be reflected in subsection (4) also.

The National Institute of Standards and Technology (NIST) introduced a new draft of CCPPCS, dated July 13, 1998. The WAC 434-180-360 should be corrected to reflect the new draft date.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, phone 586-0393, fax 664-8781, TDD 753-1485, AND RECEIVED BY December 18, 1998.

November 4, 1998

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 98-16-031, filed 7/29/98, effective 8/29/98)

WAC 434-180-215 Certification of operative personnel. The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past seven years of a felony and has never been convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the previous seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information

that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past (~~fifteen~~) seven years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-360 Trustworthy system. A system shall be regarded as trustworthy if it materially satisfies the Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed by the National Institute of Standards and Technology (NIST). The determination whether a departure from CCPPCS is material shall be governed by WAC 434-180-240(2). For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until such time as the referenced standard is adopted by NIST, the standard applicable for purposes of this chapter shall be the draft of CCPPCS dated (~~May 23, 1997~~) July 13, 1998.

WSR 98-22-113

EXPEDITED ADOPTION

SECRETARY OF STATE

[Filed November 4, 1998, 11:46 a.m.]

Title of Rule: Washington Electronic Authentication Act, chapter 19.34 RCW.

Purpose: Changes and clarification to the Washington Electronic Authentication Act, chapter 19.34 RCW.

Other Identifying Information: Amending WAC 434-180-265.

Statutory Authority for Adoption: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500.

Statute Being Implemented: Chapter 19.34 RCW.

Summary: Amending WAC 434-180-265 to provide administrative notice and procedures for the imposition of civil penalties.

Reasons Supporting Proposal: To clarify the process used to impose civil penalties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Billeter, 505 East Union, Olympia, (360) 753-2524.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will clarify the administrative steps to be followed by the agency and certification authority when the secretary exercises his/her right to impose a civil penalty for a violation of chapter 19.34 RCW as provided by RCW 19.34.120. This rule should make the administrative process more efficient and easier for participants to understand.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 434-180-265. Changes are as described above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, phone 586-0393, fax 664-8781, TDD 753-1485, AND RECEIVED BY December 18, 1998.

November 4, 1998

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-265 Civil penalties. The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of chapter 19.34 RCW as provided by RCW 19.34.120.

(1) Penalties imposed under this section shall not exceed ten thousand dollars per incident, or ninety percent of the rec-

ommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. In the case of a state agency authorized by law to become a licensed certification authority, the sole penalty imposed pursuant to this section shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the Secretary. Any penalty imposed pursuant to this chapter and chapter 34.05 RCW shall be enforceable in the superior court.

(2) In assessing penalties under this section, the Secretary shall:

(a) Issue to the licensed certification authority a Notice of Apparent Non-Compliance, specifying the provisions of statute or rule with which the certification authority is not in compliance and the range of possible sanctions.

(b) Specify a time period of not less than thirty days during which the certification authority may respond in writing to the Notice of Apparent Non-Compliance;

(c) If the certification authority does not respond in writing within the specified period, or obtain a written extension of that period, then the Secretary may impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500;

(d) If the certification authority does respond in writing:

(i) If the Secretary deems the response to satisfactorily demonstrate compliance with the provisions referenced in the notice, then the Secretary shall terminate this process without imposing any penalty;

(ii) If the Secretary does not deem the response satisfactory, then the Secretary may either:

(A) Issue a new or revised notice pursuant to subsection (2)(a) above; or

(B) Impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500.

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 98-20-023
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed September 25, 1998, 2:42 p.m., effective October 1, 1998]

Reviser's note: The complete text of WSR 98-20-023 which was to be shown in this issue of the Register was shown in the 98-21 Issue of the Register in the permanent section.

WSR 98-22-008
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed October 22, 1998, 3:38 p.m.]

Date of Adoption: October 22, 1998.

Purpose: To make the Department of Social and Health Services child care subsidy rules in WAC 388-15-170, 388-15-171, 388-15-174, 388-15-175, and 388-15-176 consistent with rules in chapter 388-290 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-170.

Statutory Authority for Adoption: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090, and 74.13.0903.

Adopted under notice filed as WSR 98-14-034 on June 23, 1998.

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 4, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, 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 4, Amended 1, Repealed 0.

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

October 22, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 93-10-021, filed 4/28/93, effective 5/29/93)

WAC 388-15-170 (~~General and seasonal child day care services~~) **Definitions.** ~~((1) The department may approve child day care funding to facilitate care, protection, and related services for a) The following definitions apply to WAC 388-15-171, 388-15-174, 388-15-175 and 388-15-176.~~

"Child" means a person twelve years of age or younger~~((The department may approve special needs child care for a child))~~ or a person under nineteen years of age ((or younger)) who is physically ((or), mentally, or emotionally incapable of ((earing for himself or herself,)) self care as verified by ((the state, supported by)) a licensed medical ((documentation)) practitioner or masters level or above mental health professional.

~~((2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:~~

~~(a) Parents, or parent in a single-parent household, are employed and are not aid to families with dependent children (AFDC) grant recipients;~~

~~(b) Parents, or parent in a single-parent household, are employed and receiving AFDC;~~

~~(c) Parents, or parent in a single-parent household, are receiving AFDC and are enrolled in job opportunity and basic skills (JOBS);~~

~~(d) School-aged parent is enrolled in an approved secondary education or GED program;~~

~~(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or~~

~~(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.~~

~~(3) The department shall limit goals for general child day care services as specified under WAC 388-15-010 (1)(a), (d), (e), and (2).~~

~~(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:~~

~~(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;~~

~~(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and~~

~~(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.~~

~~(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:~~

~~(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally-related work;~~

~~(b) Fifty percent or more of the family's annual income is derived from agriculturally-related work;~~

~~(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-~~

parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection (5)(b) and (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In the child's own home with an unrelated person.

(8) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall make the following assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;

(ii) Be free of communicable disease;

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the child in care. Subject to the discretion of the social worker, the parent or guardian shall provide written evidence to the department that the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

(iv) Be able to work with the child without using corporal punishment or psychological abuse;

(v) Be able to accept and follow instructions;

(vi) Be able to maintain personal cleanliness;

(vii) Be prompt and regular in job attendance; and

(viii) Meet the department's in-home caretaker registration requirement. Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

(i) Provide constant care and supervision of the child for whom the caretaker is responsible throughout the time the caretaker is on duty in accordance with the needs of the child; and

(ii) Provide developmentally appropriate activities for the child under the caretaker's care.

(c) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home))

"Co-payment" means the amount of money the family is responsible to pay the child care provider toward the cost of child care each month.

"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

"In-home/relative child care provider" see definition for **"in-home/relative provider"** under WAC 388-290-020.

"Parent" see definition for **"parent"** under WAC 388-290-020.

"Teen parent" means a parent twenty-one years of age or younger.

NEW SECTION

WAC 388-15-171 Subsidized child care for teen parents. (1) The department may authorize teen parent child care within available funds for parents who:

(a) Are twenty-one years of age or younger;

(b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;

(c) Are not receiving a temporary assistance for needy families (TANF) grant; and

(d) Have an income at or below one hundred seventy-five percent of the Federal Poverty Level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly co-payment to the child care provider which is:

(a) Determined by the teen parent's income; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

NEW SECTION

WAC 388-15-174 Subsidized child care for seasonal workers. (1) The department may purchase seasonal child care within available funds for children residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application;

(d) In a one-parent household, the single parent is employed in agricultural work for eleven months or less with any given employer, in the twelve months previous to the time of application; and

(e) The family's monthly income, averaged for the twelve months prior to the time of application, is at or below one hundred and seventy-five percent of the FPL.

(2) Failure of the parent(s) to meet the requirements of (b) of this subsection due to receipt of TANF within the past twelve months shall not result in ineligibility for seasonal child care.

(3) The parent(s) participates in the cost of child care by making a monthly co-payment to the child care provider which is:

(a) Determined by the parent's income averaged for the twelve months prior to the time of application; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(4) The department will fund child care during the portion of the day described under WAC 388-15-171(3).

NEW SECTION

WAC 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

NEW SECTION

WAC 388-15-176 In-home/relative child care. (1) When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

(a) The in-home/relative provider is:

(i) Eighteen years of age or older;

(ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;

(iii) Able to work with the child without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness; and

(vi) Prompt and regular in job attendance.

(b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(c) The home where care is provided is safe for the care of the child; and

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

(a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and

(b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.

(3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

WSR 98-22-012

PERMANENT RULES

COLUMBIA RIVER

GORGE COMMISSION

[Filed October 22, 1998, 9:48 a.m.]

Date of Adoption: July 21, 1998.

Purpose: To amend 350-11, 350-12 and 350-14 to provide clarification and bring into compliance with state statutes.

Citation of Existing Rules Affected by this Order: Amending 350-11-001 Definitions for 350-11-001 to 350-11-010, 350-11-003 Meetings of commission to be open to public, 350-11-004 Public notice required, 350-11-006 Exec-

PERMANENT

utive sessions permitted on certain purposes, 350-11-008 Enforcement of 350-11-001 to 350-11-007, 350-11-009 Prima facie evidence of violation required of plaintiff, 350-12-005 Certified copies of public records, and 350-12-006 Public records exempt from disclosure; and adopting 350-14-006 Ex parte contact and 350-14-007 Appearance of fairness.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: ORS 196.150, 16 USC 544 et seq.

Adopted under notice filed as WSR 98-09-069 on April 20, 1998.

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.

October 21, 1998

Jan Brending

Rules Coordinator

AMENDATORY SECTION

350-11-001. Definitions for 350-11-001 to 350-11-010.

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the commission is required at any meeting at which a quorum is present.

(2) "Executive session" means any meeting or part of a meeting of the commission which is closed to certain persons for deliberation on certain matters.

(3) "Commission" means the Columbia River Gorge Commission or any ((public body)) Commission committee which consists of two or more members, with the authority to make decisions for or recommendations to the commission on policy or administration.

(4) "Meeting" means the convening of the commission for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any onsite inspection of any project or program. "Meeting" also does not include the attendance of members of the commission at any national, regional or state association to which the commission or members of the commission belong.

AMENDATORY SECTION

350-11-003. Meetings of commission to be open to public; location of meetings. (1) All meetings of the commission shall be open to the public and all persons shall be

permitted to attend any meeting except as otherwise provided by 350-11-001 to 350-11-010.

(2) No quorum of the commission shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by 350-11-001 to 350-11-010.

(3) The commission shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by the commission if use of a place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the commission shall be held within the geographic boundaries over which the commission has jurisdiction, or at the administrative headquarters of the commission or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies shall be held within the geographical boundaries over which one of the participating public bodies has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5) Notwithstanding the requirements of section (4) above, committee meetings may be held in any location where the committee deems it useful.

(6) Meetings of the commission shall be held in locations that are accessible to the disabled.

(7) Upon request of a hearing impaired person, the commission shall make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The person requesting the interpreter shall provide the commission at least 48 hours' notice of the request, shall provide the name of the requester, sign language preference and any other relevant information the commission may require.

(8) Voting by the commission shall take place in public and each member's vote shall be recorded as it is cast.

AMENDATORY SECTION

350-11-004. Public notice required; special notice for executive sessions, special or emergency meetings. (1) The commission shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the commission to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the commission, the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the commission, the news media which have requested notice and the general public. In

case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

(4) The commission may adjourn or continue a meeting to a time and place specified in an order of adjournment or continuance. Written notice of the adjournment or continuance shall be provided in accordance with subsection (3) above. A copy of the order of adjournment or continuance shall be conspicuously posted immediately after adjournment or continuance on the door where the meeting was held.

AMENDATORY SECTION

350-11-006. Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The filing of a vacancy in an elective office.

(B) The filling of a vacancy on any public committee, commission or other advisory group.

(C) The consideration of general employment policies.

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and their has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing.

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations.

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions.

(e) To consider records that are exempt by law from public inspection.

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations.

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed.

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employee or staff member unless the person whose performance is being

reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of any agency goal, objective or operation of any directive to personnel concerning agency goals, objectives, operations or programs.

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

(2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but ~~((the commission may require that specified))~~ no information that is the subject of the executive session shall be ~~((#))~~disclosed.

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

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

350-11-008. Enforcement of 350-11-001 to 350-11-007; effect of violation on validity of decision of the commission; liability of members. (1) Any person affected by a decision of the commission may commence a suit in the circuit court or superior court of the county in which the commission ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of 350-11-001 to ~~((350-11-008))~~ 350-11-007, by members of the commission, or to determine the applicability of 350-11-001 to ~~((350-11-008))~~ 350-11-007 to matters or decisions of the commission. The court may order such equitable relief as it deems appropriate in the circumstances. A decision shall not be voided if other equitable relief is available. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney's fees at trial and on appeal, by the commission.

(2) If the court makes a finding that a violation of 350-11-001 to ~~((350-11-008))~~ 350-11-007 has occurred under subsection (1) of this section and that the violation is the result of wilful misconduct by any member or members of the commission, that member or members shall be jointly and severally liable to the commission for the amount paid by the commission under subsection (1) of this section.

(3) The provisions of this section shall be the exclusive remedy for an alleged violation of 350-11-001 to ~~((350-11-008))~~ 350-11-007.

AMENDATORY SECTION

350-11-009. Prima facie evidence of violation required of plaintiff. In any suit commenced under 350-11-008(1), the plaintiff shall be required to present prima facie evidence of a violation of 350-11-001 to ~~((350-11-008))~~ 350-11-007 before the commission shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meeting law, the burden to prove that the provisions of 350-11-001 to ~~((350-11-008))~~ 350-11-007 were complied with shall be on the commission.

AMENDATORY SECTION

350-12-005. Certified copies of public records; fees. (1) The custodian of any public record which a person has a right to inspect shall give the person, on demand, a certified copy of it, if the record is of a nature permitting such copying, or shall furnish reasonable opportunity to inspect or copy.

(2) ~~((The public body may establish fees reasonably calculated))~~ The Commission will establish a schedule of fees to reimburse it for its actual costs in making such records available except for requests from government agencies and the media. This applies to both regular and certified copies of records.

AMENDATORY SECTION

350-12-006. Public records exempt from disclosure.

(1) The following public records are exempt from disclosure under 350-12-001 to 350-12-006 unless the public interest requires disclosure in the particular instance:

(a) Records of the commission pertaining to litigation to which the commission is a party if the complaint has been filed, or if the complaint has not been filed, if the commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Investigatory information compiled for criminal law purposes, except that the record of an arrest or the report of a crime shall not be confidential unless and only so long as there is a clear need in a particular case to delay disclosure in the course of a specific investigation. Nothing in this paragraph shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purpose of this paragraph, the record of an arrest or the report of a crime includes, but is not limited to:

- (A) The arrested person's name, age, residence, employment, marital status and similar biographical information;
 - (B) The offense with which the arrested person is charged;
 - (C) The conditions of release;
 - (D) The identity of and biographical information concerning both complaining party and victim;
 - (E) The identity of the investigation and arresting agency and the length of the investigation;
 - (F) The circumstances of arrest, including time, place, resistance in apprehending fugitives from justice;
 - (G) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice;
 - (d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again;
 - (e) Information relating to the appraisal of real estate prior to its acquisition;
 - (f) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;
 - (g) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complaint is resolved, or a final administrative determination is made;
 - (h) Investigatory information relating to any complaint filed relating to unfair labor practices;
 - (i) Information concerning the location of archaeological sites or objects, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist activity or attraction; and
 - (j) A personnel discipline action, or materials or documents supporting that action.
- (2) The following public records are exempt from disclosure under 350-12-001 to 350-12-006:
- (a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the commission shows that in the particular instance the public interest in encouraging frank communication between officials and employees of the commission clearly outweighs the public interest in disclosure;
 - (b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;
 - (c) Information submitted to the commission in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the commission has obliged itself in good faith

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not to disclose the information, and when the public interest would suffer by the disclosure;

(d) ~~((Any public records or information the disclosure of which is prohibited by federal law or regulations)) Any public records or information the disclosure of which is prohibited by federal or state law or regulations;~~

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged;

(f) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(3) If any public record contains material which is not exempt under subsection (1) or (2) of this section, as well as material which is exempt from disclosure, the commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

(4) Student records required by state or federal law are exempt from disclosure.

(5) Disclosure of information in violation of Rule 350-12-006(2) is grounds for assessment of a civil penalty pursuant to Rule 350-30 et seq.

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

350-14 CONFLICT OF INTEREST, EX PARTE CONTACT, APPEARANCE OF FAIRNESS (title change)

NEW SECTION

350-14-006. Ex parte contact. (1) Members of the Commission shall not have ex parte contact, i.e. discussion of specific issues regarding a pending land use permit, with applicants or interested parties seeking a land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Scenic Area.

(2) Members of the Commission shall place on the record of the appeal or proceedings under these rules any ex parte contact set forth in subsection (1). The Chair or presiding officer shall notify all parties to the appeal or proceeding. The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may also request the member of the Commission to participate in the appeal or proceedings or, the member of the Commission step down from hearing the matter.

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

NEW SECTION

350-14-007. Appearance of fairness. (1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under Rules 350-60 et seq. and Rules 350-70 et seq.

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

WSR 98-22-019

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 98-02—Filed October 23, 1998, 4:34 p.m.]

Date of Adoption: October 23, 1998.

Purpose: The purpose of the rule is to incorporate the MSW landfill NSPS, 40 CFR 60 subpart WWW, into state rules.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-115.

Statutory Authority for Adoption: RCW 70.94.785 Plans approved pursuant to Federal Clean Air Act—Enforcement authority.

Adopted under notice filed as WSR 98-09-097 on April 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: The paragraph related to "existing" MSW landfills was deleted. The date of the NSPS revisions incorporated by reference was updated from July 1, 1997, to October 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

October 22, 1998

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-115 Standards of performance for new sources. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as in effect on January 1, 1993, is adopted by reference except for sections 60.5 (determination of construction or modification) and 60.6

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(review of plans). The term "administrator" in 40 CFR Part 60 shall mean both the administrator of EPA and the director of ecology.

Title 40, Code of Federal Regulations, Part 60, subpart WWW (40 CFR 60.750 et seq.) Standards of Performance for Municipal Solid Waste Landfills, as in effect on 10-1-98 is adopted by reference.

As of January 1, 1993, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart Dc Small industrial-commercial-institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart L Secondary lead smelters
- Subpart M Brass and bronze ingot production plants
- Subpart N Iron and steel plants

- Subpart Na Secondary emissions from basic oxygen process steel making facilities
- Subpart O Sewage treatment plants
- Subpart P Primary copper smelters
- Subpart Q Primary zinc smelters
- Subpart R Primary lead smelters
- Subpart S Primary aluminum reduction plants
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants
- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities
- Subpart Y Coal preparation plants
- Subpart Z Ferroalloy production facilities
- Subpart AA Steel plants: Electric arc furnaces
- Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels
- Subpart BB Kraft pulp mills
- Subpart CC Glass manufacturing plants
- Subpart DD Grain elevators
- Subpart EE Industrial surface coating: Metal furniture
- Subpart GG Stationary gas turbines
- Subpart HH Lime manufacturing plants
- Subpart KK Lead-acid battery plants
- Subpart LL Metallic mineral processing plants
- Subpart MM Automobile and light duty truck surface coating operations
- Subpart NN Phosphate rock plants
- Subpart PP Ammonium sulfate manufacture
- Subpart QQ Publication rotogravure printing
- Subpart RR Pressure sensitive tape and label surface coating operations
- Subpart SS Industrial surface coating: Large appliances
- Subpart TT Industrial surface coating: Metal coils
- Subpart UU Asphalt processing and asphalt roofing manufacture
- Subpart VV SOCM1 equipment leaks (VOC)
- Subpart WW Beverage can surface coating operations
- Subpart XX Bulk gasoline terminals
- Subpart AAA New residential wood heaters
- Subpart BBB Rubber tire manufacturing industry
- Subpart DDD VOC emissions from the polymer manufacturing industry

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Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart HHH	Synthetic fiber production facilities
Subpart III	VOC emissions from SOCOMI air oxidation unit processes
Subpart JJJ	Petroleum dry cleaners
Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants
Subpart LLL	Onshore natural gas processing; SO ₂ emissions
Subpart NNN	VOC emissions from SOCOMI distillation operations
Subpart PPP	Wool fiberglass insulation manufacturing plants
Subpart QQQ	VOC emissions from petroleum refinery wastewater emissions
Subpart RRR	VOC emissions from synthetic organic chemical manufacturing industry
Subpart SSS	Magnetic tape coating facilities
Subpart TTT	Industrial surface coating: Surface coating of plastic parts for business machines
Subpart UUU	Calciners and dryers in mineral industries
Subpart VVV	Polymeric coating of supporting substrates facilities

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

WSR 98-22-022
PERMANENT RULES
GRAYS HARBOR COLLEGE
 [Filed October 27, 1998, 10:33 a.m.]

Date of Adoption: April 1, 1998.

Purpose: Revise the college's student code of conduct through repeal.

Citation of Existing Rules Affected by this Order: Repealing WAC 132B-120-050, 132B-120-060, 132B-120-070, 132B-120-090, 132B-120-100, 132B-120-110, 132B-120-140, 132B-120-150, and 132B-120-160.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Adopted under preproposal statement of inquiry filed as WSR 98-18-061 on August 31, 1998.

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 9.

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.

October 26, 1998

Arlene Torgerson

Vice-President

for Student Services

WSR 98-22-024
PERMANENT RULES
BOARD OF BOILER RULES
 [Filed October 28, 1998, 8:34 a.m.]

Date of Adoption: September 30, 1998.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-104-525, 296-104-600, 296-104-800, 296-104-801, and 296-104-805 (replaced with new WAC numbers); and amending WAC 296-104-010, *296-104-017, 296-104-100, 296-104-102, *296-104-180, 296-104-200, 296-104-265, *296-104-307, 296-104-310, 296-104-405, 296-104-502, 296-104-510, 296-104-515, 296-104-520, 296-104-530, *296-104-535, and *296-104-540. (Note: * indicates replacement section).

Statutory Authority for Adoption: RCW 70.79.030 and 70.79.040.

Adopted under notice filed as WSR 98-16-079 on August 5, 1998.

Changes Other than Editing from Proposed to Adopted Version: Changes are editorial only for clarification.

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 17, Repealed 5.

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 17, Repealed 5.

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 17, Repealed 5.

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

October 28, 1998

Daryl A. Hoffman

Chair

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-010 Definitions. "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"ASME Code" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" shall mean the board created by law and empowered under RCW 70.79.010.

"Certificate of competency" shall mean a certificate issued by the state board of boiler rules to a person who has passed an examination prescribed by the board of boiler rules.

"Chief inspector" shall mean the inspector appointed under RCW 70.79.100.

"Commission" shall mean an annual state commission/commission card issued to a person in the employ of the state, an insurance company or a company owner/user inspection agency holding a certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Deputy inspector" shall mean an inspector appointed under RCW 70.79.120.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"External inspection" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Hot water heater" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:

(a) Pressure of 160 psi (1100 kpa);

(b) Temperature of 210 degrees F (99 C);

(c) Capacity of 120 U.S. gallon (454 liters);

(d) Input of 200,000 BTU/hr (58.58 kw).

Each vessel shall be protected with an approved temperature and pressure safety relief valve.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

"Internal inspection" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels 36" inside diameter and under, shall constitute an internal inspection.

"Low pressure heating boiler" shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Nonstandard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Power boiler" shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.

"Reinstalled boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.

"Rental boiler" shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.

"Second hand boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

"Special inspector" shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Standard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.

"Unfired pressure vessel" shall mean a closed vessel under pressure excluding:

(a) Fired process tubular heaters;

(b) Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;

(c) Piping whose primary function is to transport fluids from one location to another;

(d) Those vessels defined as low pressure heating boilers or power boilers.

"Unfired steam boiler" shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

NEW SECTION

WAC 296-104-017 Administration—How are rules affected if other rules are invalidated? Should any section, subsection, sentence, clause, phrase, provision or exemption of these rules be declared unconstitutional or invalid for any reason, such invalidity shall not affect the remaining portion or provisions.

AMENDATORY SECTION (Amending WSR 95-19-058, filed 9/15/95, effective 10/16/95)

WAC 296-104-100 Inspection—((Frequency of inspections.)) How often must boilers and unfired pressure vessels be inspected? ((Power boilers shall be inspected

~~annually both internally and externally while not under pressure, and annually externally while under pressure, except organic vapor boilers which shall be internally inspected biennially and externally annually.~~

~~Low pressure heating boilers shall be inspected externally biennially. They shall in addition be inspected internally biennially except where construction does not permit an internal inspection or those nonvapor boilers using glycol, oil, or adequately treated with a corrosion inhibitor. In addition to the required external inspection, low pressure steam boilers shall, as a minimum, have a biennial internal inspection of their low water fuel cutoff.~~

~~Unfired pressure vessels shall be inspected externally biennially. Where subject to corrosion and construction permits they shall in addition be inspected internally biennially or at intervals established in accordance with the NBIC or API 510 when utilized by an owner/user inspection agency.~~

~~When internal intervals are extended by an owner/user inspection agency, based on the NBIC or API 510, ultrasonic examination is required at the biennial external certificate inspection.~~

~~Unfired pressure vessels not subject to internal corrosion shall be inspected externally biennially.)) (1) Power boilers shall be inspected:~~

~~(a) Internally and externally while not under pressure - Annually.~~

~~(b) Externally while under pressure - Annually.~~

~~(2) Organic vapor boilers shall be inspected:~~

~~(a) Internally and externally while not under pressure - Biennially.~~

~~(b) Externally while under pressure - Annually.~~

~~(3) Low pressure heating boilers shall be inspected:~~

~~(a) Externally while under pressure - Biennially.~~

~~(b) Internally while not under pressure (except where construction does not permit an internal) - Biennially.~~

~~(c) Internally, all steam heating boilers will have as a minimum, an internal of their low water fuel cutoff - Biennially.~~

~~(d) Internally, none required for nonvapor boilers using glycol, oil or adequately treated with a corrosion inhibitor.~~

~~(4) Hot water heaters shall be inspected:~~

~~(a) Externally - Biennially.~~

~~(b) Internally - None required.~~

~~(5) Unfired pressure vessels shall be inspected:~~

~~(a) Externally - Biennially.~~

~~(b) Internally:~~

~~(i) When subject to corrosion and construction permits - Biennially; or~~

~~(ii) Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510, provided nondestructive examination (NDE) is performed at the biennial external inspection; or~~

~~(iii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI TIS 0402-16, provided the owner has established a written inspection program accepted by the inspector that requires the minimums in section 8 of TAPPI TIS 0402-16; or~~

~~(iv) Vessels not subject to corrosion do not require an internal.~~

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-102 Inspection—What are the standards for in-service inspection? ~~(1) Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail.~~

~~(2) The standard for ((nonnuclear)) inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), 1995 edition, with addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).~~

~~(3) The standard for ((nuclear)) inspection of nuclear items is ((the)) ASME section XI ((code)). The ASME ((section XI)) Code ((year)) edition and addenda shall be as specified in the owner in-service inspection program plan.~~

~~(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510((, March 1992 seventh)) Pressure Vessel Inspection Code, eighth edition, with supplements. This code may be used on or after the date of issue.~~

~~((Where a conflict exists between the requirements of the above standards and this chapter, this chapter shall prevail.))~~

~~(5) TAPPI TIS 0402-16, dated 1995 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.~~

NEW SECTION

WAC 296-104-180 Inspection—How are radioactive systems inspected? An alternative means of inspection is allowed when a pressure vessel has radioactive contamination that would not allow entering for visual inspection. The inspector and owner shall work out a program of nondestructive examination that shall ascertain the condition of the vessel to assure its integrity.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are ((the)):

~~(1) ASME Boiler and Pressure Vessel Code, 1998 edition, Sections I, III, IV, VIII, X, and CSD-1 (for boilers with fuel input ratings less than 12,500,000 BTU/hr) ((1995 edition, and the));~~

~~(2) ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), 1987 edition; and~~

~~(3) Standards of construction meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items, Revision 2, provided the boilers and unfired pressure vessels are registered with the National Board.~~

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The

board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-265 Installation—What control and limit devices are required on boilers? ~~(1) Installations prior to June 1989:~~ All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

~~(a) An automatic low-water fuel cut-off; and~~

~~(b) An automatic water feeding device. ((These may be incorporated in one body or may be separate devices. Designs embodying a float and float bowl shall have a vertical straight away valve drain pipe at lowest point in the water equalizing pipe connection by which the bowl and equalizing pipe can be flushed and the device tested. Immersion units))~~

~~(c) All devices shall be designed so that they may be readily tested at frequent intervals.~~

~~(2) Installations from June 1989 to December 1998:~~

~~(a) All boilers ((installed after June 1989)) that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with;~~

~~(i) Two high steam pressure limit controls, ((one)) the highest of which shall be provided with a manual reset ((on the control with the highest setting, and)).~~

~~(ii) Two low-water fuel cut-offs, one of which shall be provided with a manual reset device and independent of the feed water controller.~~

~~(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall ((be manually)) have a manual reset ((in the hot water coil section of the boiler)). This is instead of the low-water fuel cut-off.~~

~~(iv) All control and limit devices shall be independently connected and electrically wired in series.~~

~~(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with;~~

~~(i) Two high-temperature limit controls, ((one)) the highest of which shall be provided with a manual reset ((on the control with the highest setting, and)).~~

~~(ii) One low-water fuel cut-off with a manual reset and independent of the feed water controller.~~

~~(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cut-off.~~

~~(iv) All control and limit devices shall be independently connected and electrically wired in series.~~

~~(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998:~~ All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combina-

tion of gas or oil shall comply with ~~((any additional))~~ the fuel train requirements defined in ASME CSD-1 ~~((where applicable))~~, as adopted in WAC 296-104-200 where applicable.

NEW SECTION

WAC 296-104-307 Installation—What safety devices are required on boilers and pressure vessels? All boiler and pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs as specified in the ASME Code. As an alternative they may be safeguarded by a fail safe pressure relief control system that is evaluated by a professional engineer licensed by the state of Washington and accepted by the chief inspector.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-310 Installation—Where should the discharge from safety valves, blow offs and drains be directed? Direct the discharge from safety valves, blow offs and drains to prevent injury to personnel or property. Run the discharge line outside the building from single or multiple safety valves on boilers, pressure vessels or headers with a capacity of 5,000 pounds of steam per hour or more.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-405 Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? The maximum allowable working pressure MAWP shall be established as follows:

- (1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.
- (2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 160 psi.
- (3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.
- (4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.
- (5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = MAWP$$

- TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.
- t = thickness in inches of the thinnest part determined by actual measurement.

- E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code. When construction methods are not known welded joint efficiency will be 70%.
- R = radius of largest course in inches.
- FS = Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

(6) For miniature hobby boilers the MAWP shall be computed using the formulas referenced in the ASME Code Section I, but the MAWP may not exceed 150 psi. For these formulas the maximum allowable stress (MAS) value shall be 0.75 times the maximum stress at 400 degrees F. in ASME Code Section II Part D, for listed materials or as set by the department for nonlisted materials.

AMENDATORY SECTION (Amending WSR 94-21-002, filed 10/5/94, effective 11/5/94)

WAC 296-104-502 Repairs—What are the requirements for nonnuclear ~~((and alterations to))~~ boilers and pressure vessel~~((s))~~ repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102.

Repairs/alterations may be made by:

- (1) An organization in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.
- (2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.

Owner/user special inspectors may only accept repairs/alterations to unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Where required, reports of welded repairs/alterations, signed by the organization and a commissioned inspector shall be submitted to the department.

AMENDATORY SECTION (Amending Part VII, filed 3/23/60)

WAC 296-104-510 Repairs—Do riveted patches~~((s))~~ require prior approval? ~~((In))~~ Yes, prior to applying riveted patches the design of the patch and method of installation ~~((is subject to approval of))~~ shall be approved by the inspector.

PERMANENT

AMENDATORY SECTION (Amending Order 86-01, filed 2/4/86)

~~WAC 296-104-515 ((Nonnuclear)) Repairs—What are the requirements for repair of nonnuclear safety devices((?))?~~ ~~((All boilers and pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs, as specified in the ASME Code.))~~

The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.

Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. This adjustment shall be witnessed and approved by a National Board Commissioned Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.

AMENDATORY SECTION (Amending Part VII, filed 3/23/60)

WAC 296-104-520 Repairs—When a lap seam crack((?)) is discovered along a riveted longitudinal joint what action is required and what repairs are allowed? (1) A "lap seam crack" is a crack found in riveted lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

(2) The shell or drum of ((a)) any boiler or unfired pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately discontinued from use.

(3) If the boiler or unfired pressure vessel is not more than 15 years of age, a complete new course of the original thickness may be installed at the discretion of the inspector (and after approval of the chief inspector).

(4) If the boiler or unfired pressure vessel is over 15 years of age the shell or drum of the boiler or unfired pressure vessel shall be replaced.

(5) Patching of a lap seam is prohibited. ~~((By "lap seam crack" is meant the typical crack frequently found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.))~~

AMENDATORY SECTION (Amending WSR 92-11-070, filed 5/20/92, effective 6/20/92)

WAC 296-104-530 Repairs—Can air or vapor testing((?)) be performed? Testing by air or vapor at pressures in excess of 15 ~~((lbs. shall not))~~ psig may be ~~((undertaken~~

~~without))~~ performed with special permission from the inspector.

NEW SECTION

WAC 296-104-535 Repairs—What are the requirements for nuclear repairs/replacement? (1) Repairs/replacement to all nuclear components, appurtenances, and their supports shall conform to the rules contained in the ASME Section XI Code. The ASME Section XI Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(2) Where a repair/replacement is performed, a report as required by ASME Section XI Code, signed by the owner and the Authorized Nuclear In-service Inspector (ANII) shall be submitted to the jurisdiction.

NEW SECTION

WAC 296-104-540 Repairs—What are the requirements for nuclear repairs of safety devices. All nuclear components shall be safe-guarded by safety devices, as specified in the ASME Section III Code.

(1) The resetting, repair, and restamping of these safety devices shall be performed only by organizations holding a valid ASME "N" Certificate of Authorization to repair ASME Section III Code safety devices.

(2) Nuclear plant owners with an approved ASME Section XI program, may authorize resetting, repairing or replacement of their safety devices.

(3) Resetting, repairing or replacement activities shall be witnessed and approved by an inspector, with appropriate National Board endorsements.

(4) All repaired safety devices shall be resealed showing the identification of the organization making the repair and the date.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-104-525	Repairs—Hydrostatic pressure tests.
WAC 296-104-600	General requirements—Conditions not covered by these rules.
WAC 296-104-800	Inspection of systems subject to radioactivity.
WAC 296-104-801	Nuclear repairs/replacement.
WAC 296-104-805	Nuclear repairs—Safety devices.

PERMANENT

WSR 98-22-026
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed October 28, 1998, 1:09 p.m.]

Date of Adoption: October 27, 1998.

Purpose: These rules relate to the distribution of state matching grants for the graduate fellowship program.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-73-030; and amending WAC 250-73-015, 250-73-020, 250-73-025, 250-73-035, 250-73-040, and 250-73-045.

Statutory Authority for Adoption: RCW 28B.10.883.

Adopted under notice filed as WSR 98-19-069 on September 18, 1998.

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 6, 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: Thirty-one days after filing.

October 27, 1998

Patricia Mosqueda

Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10.880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from nonpublic fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ~~((time))~~ two years as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-020 Allocation system. ~~((1) Until July 1, 1991, the board shall allocate trust funds consistent with the allocation system as provided in chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) The six fellowships allocated under chapter 16, Laws of 1990 1st ex. sess. to be divided equally among Central Washington University, Eastern Washington University, Western Washington University and The Evergreen State College shall be allocated as follows:~~

~~(a) One fellowship will be reserved for each of the four institutions until June 30, 1991.~~

~~(b) Two fellowships will be made available on a first come, first served basis to any of the four institutions that has fully funded the reserved fellowship allocated to it. No institution shall be eligible for more than one of the fellowships allocated in this subsection.~~

~~(c) First come, first served shall be determined by the date and time of receipt of notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on August 24, 1990. If the board receives written notification from more than two institutions at 8 a.m. on August 24, 1990, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.~~

~~(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-73-025 unless otherwise directed by the legislature.)) (1) The board shall allocate available trust funds among institutions according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.~~

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-73-025 as revised.

(3) Trust funds must be distributed in increments of \$25,000 for the state matching grant portion for each graduate fellowship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full fellowship.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-025 Allocation system effective ((July 1, 1991)) June 11, 1998. ((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-73-020, 250-73-030, and 250-73-040 and of the total number of fellowships available. The board shall allocate the available fellowships as follows:

(1) University of Washington—the first, fourth, and sixth available fellowships.

(2) Washington State University—the second and fifth available fellowships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University—the third available fellowship.

(a) Fellowships available under this section shall be designated on a first come first served basis to any of the four institutions that has fully funded the designated fellowships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.) At the time funds become available, the board shall notify all institutions of the amount of funding and the number of graduate fellowships available to each institution or group of institutions. The board shall allocate available funding for graduate fellowships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of fellowships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of fellowships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of fellowships which can be fully funded).

Graduate fellowships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-035 Designation ((of trust)) to an institution of allocated funds. (((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate twenty five thousand dollars from available trust funds for an institution's pledged fellowship when the institution provides notification according to subsection (1) that a private donation of twenty five thousand dollars has been pledged for a graduate fellowship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-73-025.

(4) If a pledged private donation is not received within two years from the date of designation, the board shall make the designated funds available for another pledged fellowship.) (1) Within one year of notification by the board that an institution has been allocated one or more graduate fellowships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to subsection (1) of this section, the board shall designate funds for that institution. Funds will be designated for a period of up to two years.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ((designated)) allocated funds when((:

(a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-73-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year)) secured a pledge within one year of notification that funds were available to that institution.

(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within two years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).

(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.

(4) The following reallocation guidelines will be utilized by the board:

(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;

(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;

(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.

AMENDATORY SECTION (Amending WSR 90-16-029, filed 7/23/90, effective 8/23/90)

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-73-030 Allocation of earnings from investments.

**WSR 98-22-027
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD**

[Filed October 28, 1998, 1:12 p.m.]

Date of Adoption: October 27, 1998.

Purpose: These rules relate to the distribution of state matching grants for the distinguished professorship program.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-72-030; and amending WAC 250-72-015, 250-72-020, 250-72-025, 250-72-035, 250-72-040, and 250-72-045.

Statutory Authority for Adoption: RCW 28B.10.869.

Adopted under notice filed as WSR 98-19-070 on September 18, 1998.

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 6, 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: Thirty-one days after filing.

October 27, 1998
Patricia Mosqueda
Policy Associate

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(5) "Private donation" means funds made specifically to the distinguished professorship program from nonpublic fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of ~~((time))~~ three years as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

~~**WAC 250-72-020 Allocation system.** ~~((1))~~ Until July 1, 1991, the board shall allocate trust funds consistent with allocation systems as provided in RCW 28B.15.866 [28B.10.866] and chapter 16, Laws of 1990 1st ex. sess.~~

~~(2) The board shall allocate available trust funds according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.~~

~~(3) An institution is not eligible for any funds under chapter 16, Laws of 1990 1st ex. sess., until the institution has provided notification requesting designation of the funds allocated to it under RCW 28B.15.866 [28B.10.866].~~

~~(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-72-025 unless otherwise directed by the legislature.) (1)~~

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The board shall allocate available funds among institutions according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-72-025 as revised.

(3) Any trust fund designated prior to June 11, 1998, and forfeited subsequent to that date, will be reallocated according to revised WAC 250-72-040.

(4) Trust funds must be distributed in increments of \$250,000 for the state matching grant portion for each distinguished professorship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full professorship.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-025 Allocation system effective ((July 1, 1994)) June 11, 1998. ((The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-72-020, 250-72-030, and 250-72-040 and of the total number of professorships available. The board shall allocate the available professorships as follows:

(1) University of Washington—the first, fourth, and sixth available professorships.

(2) Washington State University—the second and fifth available professorships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University—the third available professorship.

(a) Professorships available under this section shall be designated on a first come, first served basis to any of the four institutions that has requested designation of the professorships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991, or the first working day thereafter. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.)) At the time funds become available, the board shall notify all institutions of the amount of funding and the number of distinguished professorships available to each institution or group of institutions. The board shall allocate available funding for distinguished professorships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of professorships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of professorships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of professorships which can be fully funded).

Distinguished professorships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-035 Designation ((of trust)) to an institution of allocated funds. ((1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate two hundred fifty thousand dollars from available trust funds for an institution's pledged professorship when the institution provides notification according to subsection (1) that a private donation of two hundred fifty thousand dollars has been pledged for a distinguished professorship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-72-025.

(4) If a pledged private donation is not received within three years from the date of designation, the board shall make the designated funds available for another pledged professorship.)) (1) Within one year of notification by the board that an institution has been allocated one or more distinguished professorships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to the above, the board shall designate funds for that institution. Funds will be designated for a period of up to three years.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously ((designated)) allocated funds when((:

(a)) an institution has not ((received a full private donation for designated matching trust funds within the required period of time under WAC 250-72-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of

PERMANENT

each year)) secured a pledge within one year of notification that funds were available to that institution.

(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within three years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).

(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.

(4) The following reallocation guidelines will be utilized by the board:

(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;

(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;

(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.

AMENDATORY SECTION (Amending WSR 90-16-030, filed 7/23/90, effective 8/23/90)

WAC 250-72-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-72-030 Allocation of earnings from investments.

WSR 98-22-032

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 29, 1998, 8:35 a.m., effective October 29, 1998]

Date of Adoption: October 29, 1998.

Purpose: 1. Meet criteria supporting Governor Locke's Executive Order 97-02. 2. Implementation of 2SSB 6190, 1998 legislative session. 3. To better account for renewals of disabled persons parking placards.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-310 Application—Disabled per-

son parking privileges, 308-96A-320 Cardiovascular disease or cardiac condition, 308-96A-325 Loss of disabled person parking placard, plate, 308-96A-330 Application for organization disabled person parking placards, 308-96A-335 Organization special parking privilege placards—Transfer limitations, and 308-96A-340 Disabled person parking privileges—Validation term; amending WAC 308-96A-306 Definitions—Disabled person special parking privileges; and new sections WAC 308-96A-311 General provisions, 308-96A-312 Temporary disabled person parking placard, 308-96A-313 Permanent disabled person parking placard/photo ID—Individual, 308-96A-314 Special disabled person license plates—Individual, and 308-96A-316 Permanent placard and special disabled person license plates for organizations.

Statutory Authority for Adoption: RCW 46.16.381, 46.01.110, 46.16.276.

Adopted under notice filed as WSR 98-15-014 on July 2, 1998.

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 5, Amended 1, Repealed 8.

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 5, Amended 1, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 5, Amended 1, Repealed 8; 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: Required WACs to be effective immediately pursuant to changes caused by 2SSB 6190 enacted during the 1998 legislative session. Emergency rules filed under WSR 98-15-014 expire October 29, 1998.

Effective Date of Rule: October 29, 1998.

October 29, 1998
Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending WSR 97-02-001, filed 12/19/96, effective 1/19/97)

WAC 308-96A-306 Definitions—Disabled person special parking privileges. For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

(1) (~~"Public transportation authorities" are those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381. Public transportation authorities may con-~~

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~~tract with private carriers to perform services entitling the carriers to the special parking privileges.~~

~~(2) "Private carriers" are those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.~~

~~(3) "Adult family homes" means a regular family abode licensed under chapter 70.128 RCW.~~

~~(4) "Licensed physician" means, for the purpose of determining a disability that limits or impairs the ability to walk and meets one of the criteria set forth in RCW 46.16.381, a health care provider licensed, certified, registered, or otherwise authorized by the department of health to provide health care in the ordinary course of business or practice as a profession. Licensed physician includes, but is not limited to, medical doctors, chiropractors, osteopaths, physician's assistants, and nurse practitioners, but does not include those persons licensed in the professions of optometry, fitting and dispensing of hearing aids, dentistry, or dental hygienist.)~~ "Licensed physician" means, for the purpose of determining the disability that limits the ability to walk and meets the criteria set forth in RCW 46.16.381(1), a health care provider licensed by the department of health to provide health care whose scope of practice includes those areas covered in the statute. Licensed physician includes chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the placard, photo ID or special license plate(s).

(4) "Photo ID" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) "Expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the month and year of issuance of a permanent placard, as specified by the department on the placard.

(8) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(9) "Signature" means any memorandum, mark, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

NEW SECTION

WAC 308-96A-311 General provisions. (1) How do I qualify for a disabled person parking privilege?

In order to qualify for a disabled person parking privilege, a licensed physician must certify that you have a disability that limits or impairs the ability to walk and that you meet one of the requirements listed in RCW 46.16.381 (1)(a) through (g).

(2) What types of placards are issued?

The types of placards you may receive are:

- (a) Temporary; or
- (b) Permanent.

(3) How do I apply for a disabled person's parking privilege?

To apply for the disabled person's parking privilege, a licensed physician must complete and certify his or her portion of the application. Then, you must complete and sign your portion of the application and submit it to the department as provided in WAC 308-96A-312 (temporary placard), WAC 308-96A-313 (permanent placard) or WAC 308-96A-314 (special license plates).

(4) When is the disabled person's parking privilege no longer valid?

The disabled person's parking privilege is no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists; or
- (d) If the privilege was issued in error.

NEW SECTION

WAC 308-96A-312 Temporary disabled person parking placard. (1) Where and how may I obtain a temporary disabled person parking placard?

You may obtain a temporary disabled person parking placard by mail or at any vehicle licensing office or driver licensing-licensing services office. You must submit a completed and signed application certified by a licensed physician.

(2) How long does the temporary disabled person parking placard last?

The temporary disabled person parking placard may last for up to six months from the date of issuance by the department.

(3) Can my temporary disabled person parking placard be extended?

No. If your condition continues beyond the expiration date, you may obtain a new temporary disabled person parking placard by submitting a completed and signed new application certified by a licensed physician.

(4) What happens if the temporary disabled person parking placard is lost, mutilated, destroyed, or stolen?

If you wish to replace your temporary disabled person parking placard, complete and sign a statement explaining what happened to the placard. A new temporary disabled person parking placard will be issued indicating the original expiration date.

(5) When is the temporary disabled person parking placard no longer valid?

The placard is no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If a replacement placard has been issued; or
- (e) If the privilege was issued in error.

(6) What should I do when my temporary placard is no longer valid?

You should destroy it.

(7) If I qualify for a temporary disabled person parking privilege, how is the privilege identified?

You may receive one temporary placard.

NEW SECTION**WAC 308-96A-313 Permanent disabled person parking placard/photo ID—Individual. (1) Where may I obtain a permanent disabled person parking placard(s) and photo ID card?**

You may obtain the permanent disabled person parking placards and photo ID card only from drivers licensing-licensing services offices.

(2) Why is the photo ID issued?

The photo ID is issued to assist law enforcement in determining that the person who is using the disabled person parking placard is the person to whom the placard was issued.

(3) Must I present the photo ID upon request of law enforcement?

Yes.

(4) What do I need to receive the photo ID card?

You need:

- (a) Completed application; and
- (b) Proof of identity which includes the following:
 - (i) Washington drivers license;
 - (ii) Washington identification card;
 - (iii) Other valid identification document specified by

RCW 46.20.035;

(iv) Affidavit of parent, guardian, or person with power of attorney; or

(v) Affidavit of individual applying for disabled person parking permit.

(5) When does the permanent disabled person parking placard(s) expire?

The permanent disabled person parking placard(s) is issued for not less than five years from the month and year of issuance, and expires on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003. The department may issue a placard for a period of longer than five years from the month and year of issuance, but for no more than six years, as may be necessary to stagger the permanent placard renewal workload.

(6) How do I replace a permanent disabled person parking placard that has become lost, mutilated, destroyed, or stolen?

If you wish to replace your permanent disabled person parking placard, complete and sign a statement explaining

what happened to the placard and return your existing photo ID card. A new permanent disabled person parking placard and photo ID will be issued indicating the original expiration date.

(7) How do I replace my photo ID that has become lost, mutilated, destroyed or stolen?

In order to replace your photo ID, you must appear in person at a driver licensing-licensing services office. You shall complete and sign a statement explaining what happened to the photo ID, and present proof of identity as provided in subsection (4) of this section. A new photo ID will be issued indicating the previously issued placard number(s).

(8) How do I renew my permanent disabled person parking placard(s)?

The department will mail you a renewal notice thirty days prior to expiration. The permanent parking placard is renewed by submitting a completed renewal notice or new application with existing photo ID card or proof of identity as provided in subsection (4) of this section at a driver licensing-licensing services office. You will receive new permanent disabled person parking placards and a new photo ID.

(9) When are the permanent disabled person parking placard(s) no longer valid?

The permanent disabled person parking placard is no longer valid:

- (a) Upon expiration of the permanent placard;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If the privilege was issued in error; or
- (e) If a replacement permanent parking placard has been issued.

(10) If I qualify for a permanent disabled person parking privilege, how is the privilege identified?

You may receive:

- (a) One placard;
- (b) One set of special license plates;
- (c) One placard and one set of special license plates; or
- (d) Two placards.

(11) How do I obtain a second permanent disabled person parking placard?

You may obtain a second placard upon written request.

NEW SECTION**WAC 308-96A-314 Disabled person special license plates—Individual. (1) Where can I obtain a disabled person special license plate?**

Disabled person special license plates are available at vehicle licensing offices only.

(2) How do I obtain disabled person special license plates?

In order to receive disabled person special license plates:

- (a) Your name must be shown on the department's record as being a registered owner of the vehicle; and
- (b) You must submit a completed application certified by a licensed physician or have a disabled person privilege established with the department.

(3) When do the disabled person special license plates expire?

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

(4) May I have a disabled person placard when I have the disabled person special license plate?

Yes, you may have one disabled person placard in addition to your disabled person special license plates.

(5) When are the disabled person special license plates no longer valid?

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the disabled person;
- (d) If the disability no longer exists; or
- (e) If the privilege was issued in error.

(6) How do I replace a disabled person's special license plates if they become lost, mutilated, destroyed, or stolen?

You shall complete and sign a statement explaining what happened to the disabled person's special license plates. New special disabled person's license plates will be issued indicating the original expiration date. This voids the previously issued plates.

NEW SECTION

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) When can a qualifying organization exercise the privilege?

Only when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for disabled person's special license plates and permanent disabled person's parking placards?

The organization must meet the criteria in RCW 46.16.381(3).

(3) How does a qualifying organization apply for disabled person's special license plates and permanent disabled person's parking placards?

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) Where does a qualifying organization obtain disabled person's parking placard(s) or disabled person's special license plates?

A qualifying organization may obtain permanent disabled person's parking placard(s) only from driver licensing services offices. Disabled person's special license plates may be applied for at any vehicle licensing office.

(5) Is a qualifying organization issued a photo ID?

No. A photo ID may not be issued for an organization.

(6) When does the permanent disabled person's parking placard(s) expire?

The permanent disabled person's parking placard(s) expires five years from the date of issuance to the department.

(7) When do the disabled person special license plates issued to a qualifying organization expire?

The disabled person special license plates reflect the expiration date of the vehicle registration and must be renewed annually.

(8) How does a qualifying organization replace permanent disabled person's parking placards or disabled person's special license plates if they become lost, mutilated, destroyed, or stolen?

The organization shall complete and sign a statement explaining what happened to the placards or disabled person's special license plates. New permanent disabled person's parking placards or disabled person's special license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates.

(9) How does a qualifying organization renew their permanent disabled person's parking placard?

The department will send a disabled person's parking renewal notice to the qualifying organization thirty days prior to expiration. The privilege is renewed by submitting the completed and signed renewal notice to the department. A new application may be submitted in lieu of the renewal notice. Upon receipt of the properly completed and signed renewal notice or application the department will issue new placards.

(10) When are the placard and disabled person special license plates no longer valid?

Placard(s) and disabled person special license plates are no longer valid when:

- (a) The organization no longer qualifies;
- (b) The organization's business license is canceled or expires;
- (c) The placard or disabled person special license plates were issued in error; or
- (d) A replacement has been issued.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-310	Application—Disabled person parking privileges.
WAC 308-96A-320	Cardiovascular disease or cardiac condition.
WAC 308-96A-325	Loss of disabled person parking placard, plate.
WAC 308-96A-330	Application for organization disabled person parking placards.
WAC 308-96A-335	Organization special parking privilege placards—Transfer, limitations.

WAC 308-96A-340

Disabled person parking privileges—Validation term.

WSR 98-22-033**PERMANENT RULES****WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Filed October 29, 1998, 10:04 a.m.]

Date of Adoption: October 21, 1998.

Purpose: To make chapter 490-105 WAC more accessible to users and more easily understood, and to repeal chapter 490-100 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 490-100 WAC.

Statutory Authority for Adoption: RCW 28C.10.040(2).

Adopted under notice filed as WSR 98-17-052 on August 14, 1998.

Changes Other than Editing from Proposed to Adopted Version: **WAC 490-105-050 How does a school register its sales agents?** (See RCW 28C.10.060.)

(4) If an individual is applying to represent a private vocational school that is located in another state and does not operate a training facility within Washington state, the application must be accompanied by the fee in WAC ~~((490-100-120(2)))~~ **490-105-070(2)**.

WAC 490-105-080 How are contributions to the tuition recovery trust fund calculated? (See RCW 28C.10.082 and 28C.10.084.)

(4) Contribution schedule. In order to remain licensed under this chapter, the school must remit to the agency semi-annual payments for deposit into the tuition recovery trust fund. The amount of the deposits ~~((is calculated by applying the two matrices and/or formula displayed under subsection (2) of this section to an amount totaling one million dollars.))~~ for the first five years is calculated by applying the percentages displayed under subsection (2) of this section to an amount totaling one million dollars as required by RCW 28C.10.084. In the second five years contributions for amounts between zero and two hundred thousand dollars will be reduced by fifty percent.

(9) Claimant, as referenced under RCW 28C.10.084 (10)(a), is further defined to mean an enrolled student in regular attendance or on an authorized leave of absence at the time of closure.

WAC 490-105-100 Who is exempt from licensing? To qualify for an exemption as test preparation or continuing education under WAC ~~((490-100-030 (1)(e)))~~ **490-105-030 (1)(c)**, a school must apply to the agency on a form created for that purpose and obtain approval. Exemptions must be renewed annually.

WAC 490-105-130 What are minimum requirements for student refunds? (See RCW 28C.10.050 (1)(b).) At a minimum, schools must use the following cancellation and refund policies; however, the agency may approve refund policies whose terms are more favorable to students than the following established minimums. Refunds must be paid

within thirty calendar days of the student's official date of termination.

WAC 490-105-160 What reports are required? (See RCW 28C.10.050 and 28C.10.060.)

(2) No later than July 1, 2000, ((S)) submit the following information for each ~~((enrolled))~~ student who participated in training. The information will be used to compile consumer reports that will be published in the future:

WAC 490-105-190 What agency actions can a school appeal?

(2) An appeal filed by a school will result in an administrative hearing conducted by a designated hearings officer in accordance with the Administrative Procedure Act, chapter 34.05 RCW (see RCW 28C.10.120):

(a) The hearings officer will make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The findings, conclusions, and any recommendations for action will be submitted to the executive director for final action pursuant to RCW ~~((34.05-461))~~ **34.05.464.**

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 23, Amended 0, Repealed 30.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 23, Amended 0, Repealed 30.

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.

October 21, 1998

Betty Jane Narver

Chair

Chapter 490-105 WAC**REGULATION OF
PRIVATE VOCATIONAL SCHOOLS****NEW SECTION**

WAC 490-105-010 What is the purpose of these regulations? These regulations are adopted under chapter 28C.10 RCW in order to establish procedures for the licensing and regulation of private vocational schools.

NEW SECTION

WAC 490-105-020 Who administers these rules? (See RCW 28C.10.060.) Unless otherwise indicated, the agency delegates authority for administering the act and these

rules to the executive director, who may further delegate as necessary and appropriate.

NEW SECTION

WAC 490-105-030 How are words and phrases used in these rules? (1) The following clarifies the statutory exemptions under RCW 28C.10.030:

(a) "Avocational" or "recreational" means instruction that is primarily intended for leisure; it is not offered to provide a student with employable skills or competencies. Instruction offered as a prerequisite for a vocational program does not qualify for this exemption.

(b) "Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days" means instruction that can be completed within three eight-hour days. A vocational education program divided into a series of supplementary seminars does not qualify for this exemption.

(c) "Programs of continuing professional education" include:

(i) Review programs offered solely as preparation for tests leading to certification in specific disciplines but not offered to provide occupational competencies. For example, this exemption applies to test preparation programs that lead to: Certification by a state board of accountancy (CPA); certification by the institute of certified management accounting (CMA); admission to practice before a state bar; certification in health occupations initiated by the American Medical Association, American Dental Association, and their respective professional auxiliaries; and, acquisition of other public certificates of convenience and necessity; and

(ii) Programs offered to conform with rules adopted by state agencies that require practitioners to undergo continuing professional education as a condition to renewing certification or licensure.

(2) The term "revoke" as used in RCW 28C.10.050(3) means an agency action that terminates a school's license. The agency's executive director or designee may revoke a school's license for just cause.

(3) The term "suspend" as used in RCW 28C.10.050(3) means an action by which the agency interrupts the school's authority to make offers of training. The agency's executive director or designee may suspend a school's license for just cause. An order of suspension prohibits the school from beginning instruction of new students for a maximum of thirty days. The school may remain in operation to continue training students in regular attendance on the date the suspension takes effect.

(4) The term "private vocational school" is further defined to include instruction at the postsecondary level that is intended for use by individuals who have either completed high school or are beyond the age of compulsory school attendance. Instruction or training offered to pre-kindergarten, kindergarten, elementary, or secondary school students is not encompassed by the act.

NEW SECTION

WAC 490-105-040 What does it take to obtain a private vocational school license? (See RCW 28C.10.050 and

28C.10.060.) An entity that wishes to operate a private vocational school must apply for a license on forms provided by the agency. If the agency determines an application is deficient, the applicant will be so notified. The applicant must correct the deficiencies within thirty days of notification. If that fails to occur, the application will be returned to the applicant. The license application fee will not be refunded. The agency's executive director or designee may deny a license application for just cause.

The application must include the following information attested to by the school's chief administrative officer:

(1) An identification of owners, shareholders, and directors.

(a) The complete legal name, current telephone number, and current mailing address of the owner;

(b) The form of ownership; e.g., sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birth dates, and prior school affiliations if any, of all individuals with ten percent or more ownership interest;

(d) A school that is a corporation or a subsidiary of another corporation must submit:

(i) Current evidence that the corporation is registered with the Washington secretary of state's office; and

(ii) The name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares;

(f) Schools under common ownership may designate a single location as the principal facility for recordkeeping via written notice to the agency.

(2) Financial statement.

(a) The school must submit information reflecting its financial condition at the close of its most recent fiscal year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. The financial statement must be completed in a format supplied by the agency.

(b) If inadequate time exists to produce a financial statement in the interval between the ending date of the school's fiscal year and the due date of an application, the agency will adjust the school's license period to provide a reasonable interval.

(c) New schools must submit a proposed operating budget for the initial twelve months of operation rather than the financial statement described in (a) of this subsection. The proposed operating budget must be completed in a format supplied by the agency.

(d) New schools that have operated another business for at least one year, must submit, in addition to the proposed operating budget described in (c) of this subsection, a financial statement for that business. The financial statement must

cover the existing business' most recently completed fiscal year and be prepared by a certified public accountant or be certified by the business' chief administrative officer.

(e) Owners of multiple schools may file financial information that consists of a single, consolidated financial statement and balance sheet for the corporation. The consolidated financial statement must be accompanied by data that documents total tuition earnings for each separate school under the corporation's ownership at the close of its most recent fiscal year. If historical data is not available, the data must project total tuition earnings for the school in its first or next completed twelve months of operation.

(3) Financial references.

(a) The school must furnish the names of at least one bank or other financial institution and two other entities that the agency may consult as financial references.

(b) A statement must be included authorizing the agency to obtain financial information from the references.

(4) A copy of the school's catalog. (See RCW 28C.10.050 (1)(c).) The school must publish a catalog or brochure that explains its operations and requirements. The catalog must be current, comprehensive, and accurate. The school must disclose the following in some combination of a catalog, brochure or other written material and furnish a copy of each to every prospective student prior to completing an enrollment agreement:

(a) Date of publication;

(b) Names of owners having a ten percent or more equity ownership and officers, including any governing boards, and the name and address of its parent corporation, if a subsidiary;

(c) Names, addresses, and telephone numbers of the school's administrative offices and all auxiliary facilities;

(d) Names and qualifications of faculty. The list must be accurate as of the date of catalog publication. Any changes of faculty must be noted on a catalog errata sheet;

(e) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;

(f) Admission procedures including policies describing all prerequisites needed by entering students to:

(i) Successfully complete the programs of study in which they are interested; and

(ii) Qualify for the fields of employment for which their education is designed;

(g) A description of the placement assistance offered, if any. If no assistance is offered, the school must make that fact known;

(h) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(i) The school's policy regarding leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(j) The school's policy regarding standards of progress required of the student. This policy must define the grading system, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory progress, a description of the probationary period, if any, allowed by the school, conditions for reentrance for those students dismissed for

unsatisfactory progress; and information that a statement will be furnished to the student regarding satisfactory or unsatisfactory progress;

(k) An accurate description of the school's facilities and equipment available for student use, the maximum or usual class size and the average student/teacher ratio;

(l) The total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, special clothing, student activities, insurance and all other charges and expenses necessary for completion of the program;

(m) A description of each program of instruction, including:

(i) Specific program objectives including the job titles for which the program purports to train;

(ii) The number of clock or credit hours of instruction, the method of instruction (e.g., correspondence, classroom, lab, computer assisted), and the average length of time required for successful completion;

(iii) If instruction is calculated in credit hours, the catalog must contain at least one prominent statement describing the contact hour conversion formula applied by the school; i.e., the number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum, and/or internship/externship;

(iv) For the purpose of home study schools, instructional sequences must be described in numbers of lessons. "Home study school" means the instructional format of the school involves the sequential distribution of lessons to the student, who studies the material, completes an examination, and returns the examination to the school. The school then grades the examination (and, in some instances, provides additional comments and instruction), and returns the graded examination to the student along with the next set of instructional materials;

(n) The scope and sequence of courses or programs required to achieve the educational objective;

(o) A statement indicating the type of educational credential that is awarded upon successful completion;

(p) The school's cancellation and refund policy;

(q) The following statement must appear prominently on either the first or last printed page or inside the front or back cover: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (360/753-5673);

(r) The availability of financial aid, if any;

(s) Supplements or errata sheets for the catalog and other written materials related to enrollment must be filed with the agency prior to being used (see RCW 28C.10.110(2));

(i) Supplements or errata sheets must be made an integral part of that publication;

(ii) The supplement or errata sheet must include its publication date;

(iii) In the event information on a supplement or errata sheet supplants information contained in the catalog, the insert must identify the information it replaces, including at the least an appropriate page reference.

(5) A copy of the school's enrollment agreement/contract. (See RCW 28C.10.050 (1)(d).) An enrollment agreement is any agreement that creates a binding obligation to purchase a course of instruction from a school. Each school must use an enrollment contract or agreement that includes:

(a) The school's cancellation and refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirements of this section;

(b) The following statement: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD, BUILDING 17, AIRDUSTRIAL PARK, P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (360/753-5673);

(c) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(i) The name and address of the school and the student;

(ii) The program or course title as it appears in the school's catalog, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(iii) An itemization of all charges, fees, and required purchases being incurred by the student or his/her sponsor in order to complete the training. The student enrollment agreement must also contain the methods of payment and/or payment schedule being established;

(iv) Language explaining that the agreement will be binding only when it has been fully completed, signed and dated by the student and an authorized representative of the school prior to the time instruction begins;

(d) A statement that any changes in the agreement will not be binding on either the student or the school unless such changes have been acknowledged in writing by an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor;

(e) A "NOTICE TO THE BUYER" section which includes the following statements in a position above the space reserved for the student's signature:

(i) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(ii) ALL PAGES OF THE CONTRACT ARE BINDING.

(iii) READ BOTH SIDES OF ALL PAGES BEFORE SIGNING.

(iv) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN AND ARE REQUIRED TO SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THOSE.

(v) IF YOU HAVE NOT STARTED TRAINING, YOU MAY CANCEL THIS CONTRACT BY PROVIDING WRITTEN NOTICE OF CANCELLATION TO THE SCHOOL AT ITS ADDRESS SHOWN ON THE CONTRACT. THE NOTICE MUST BE POSTMARKED NOT LATER THAN MIDNIGHT OF THE FIFTH BUSINESS DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT OR THE WRITTEN NOTICE MAY BE PERSONALLY OR OTHERWISE DELIVERED TO THE SCHOOL WITHIN THAT TIME. IN EVENT OF DISPUTE OVER TIMELY NOTICE, THE BURDEN TO PROVE SERVICE RESTS ON THE APPLICANT.

(vi) IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(f) Attached to each contract must be a form provided by the agency that contains statements relating to the student's rights, responsibilities, and loan repayment obligations; and the school's responsibility to counsel the student against incurring excessive debt;

(g) The school must provide the student a copy of the signed enrollment agreement.

(6) Information regarding the qualifications of administrative and instructional personnel. (See RCW 28C.10.050 and 28C.10.060.) The education and experience of administrators, faculty, and other staff must be adequate to insure students will receive educational services consistent with the stated program objectives.

(a) The school must file the qualifications of all affected individuals with the agency within thirty calendar days of their employment. The information must be submitted on forms provided by the agency.

(b) The school must establish and enforce written policies for the qualification, supervision, and periodic evaluation of administrators, faculty, and staff.

(c) School directors must have at least two years of experience in either school or business administration, teaching, or other experience related to their duties within the organization.

(d) Faculty who teach a course related to an occupation for which the student must subsequently be licensed or certificated must:

(i) Hold or be qualified to hold such a license or certificate and possess at least two years of work experience, post-secondary training or a combination of both in the subject they instruct; or

(ii) Possess current evidence of being qualified to teach that has been issued by a regulatory agency of this or another state.

(e) If the school uses teacher assistants, aides, or trainees, it must maintain policies governing their duties and functions. Such personnel may provide services to students only under the direct supervision of a qualified instructor. They may not act as substitutes for the instructor.

(f) Administrators, faculty, agents and other staff must be of good moral character and reputation. The agency may find that a person is not of good moral character and reputation if the person has been convicted of:

(i) Any felony within the prior seven years;

(ii) A misdemeanor which involved the illegal use, possession, or sale of a controlled substance; or

(iii) A misdemeanor that involved any sexual offense.

(g) If the person has been convicted of a felony, the agency will consider the relationship of the facts supporting the conviction to the performance of his or her occupational responsibilities with the licensed school and to that school's students.

(h) In making such determinations the agency will request a letter of recommendation from the employing school and may consider any other related materials submitted by the school and/or affected individual prior to making a finding under this section.

NEW SECTION

WAC 490-105-050 How does a school register its sales agents? (See RCW 28C.10.060.)

- (1) Each school must register its sales agents with the agency within thirty calendar days of their hire.
- (2) An application to register a sales agent must be in writing on forms supplied by the agency.
- (3) Each individual applying to be registered as an agent is considered to be acting as an agent of the school designated on the application. No person can be independently registered to perform the functions of an agent.
- (4) If an individual is applying to represent a private vocational school that is located in another state and does not operate a training facility within Washington state, the application must be accompanied by the fee in WAC 490-105-070(2).

(5) Each school to whom the agent is registered must notify the agency in writing within thirty calendar days following the date that the registered agent ceases to perform those services.

(6) Each school must provide training to sales agents prior to their representing the school. The training must include at a minimum:

- (a) Provisions of the Private Vocational School Act (chapter 28C.10 RCW) and the regulations contained in this chapter;
- (b) A detailed review of the school's catalog, enrollment contract, and refund policy;
- (c) An organized review of the school's policies and practices governing the ethical conduct of sales agents.

NEW SECTION

WAC 490-105-060 Do off-campus activities require licensing? (1) The agency may grant exemptions from licensing for off-campus activities that either:

- (a) Absorb a temporary overload that the licensed facility cannot accommodate; or
- (b) Provide a single, specialized kind of training activity, generally on a short-term basis, under circumstances that cannot readily be accommodated at the licensed facility; or
- (c) Provide training under contract with a public agency, private company, or other sponsor as long as no contractual responsibility is created between students and the school and the training is not open to the general public.

(2) The school must obtain approval from the agency before conducting operations at an auxiliary facility. To obtain approval, the school must document that:

- (a) The facility meets one of the above definitions;
- (b) The instructional program, site administration, and training are significantly integrated with the school's primary facility;

(c) The facility will not be represented as a school location and its address will not be advertised; and

(d) No enrollment will be solicited or executed at the auxiliary facility.

(3) Activities occurring at an auxiliary facility must be incorporated into operational and financial data the school reports to the agency. However, income derived from activities conducted under contract should not be reported for purposes of calculating license fees or contributions to the tuition recovery trust fund (see subsection (1)(c) of this section).

NEW SECTION

WAC 490-105-070 How much does it cost to obtain a license? (See RCW 28C.10.060(3).)

- (1) Annual fee:
 - (a) A school located within the state of Washington must pay an annual license application fee based on total annual tuition income.
 - (b) A school located outside the state of Washington must pay an annual license application fee based on the total annual tuition income received from or on behalf of Washington state residents.
 - (c) A new school that has not been in operation prior to the date of initial licensing must base its application fee on estimated total annual tuition income.

If the school's total annual tuition income is:	Its Annual License Fee is:
\$0 - \$25,000	\$250
\$25,001 - \$50,000	\$500
\$50,001 - \$100,000	\$600
\$100,001 - \$250,000	\$750
\$250,001 - \$500,000	\$1,000
\$500,001 - \$1,000,000	\$1,500
\$1,000,001 - \$2,500,000	\$2,000
\$2,500,001+	\$2,500

(2) Other fees:

Sales Agents representing out-of-state schools	\$120 annually per agent
Late filing of renewal application	\$25 per day to a maximum of 30 calendar days
Auxiliary location certificate, reissuance of license/auxiliary certificate, change of school name or location	\$25

(3) All fees related to licensing, except for the initial deposit to the tuition recovery trust fund, are nonrefundable. No right to a license or registration is established or implied through the payment of fees.

PERMANENT

NEW SECTION

WAC 490-105-080 How are contributions to the tuition recovery trust fund calculated? (See RCW 28C.10.082 and 28C.10.084.)

(1) Establishment of fund liability limits. The amount of liability that can be satisfied by this fund on behalf of each individual school licensed under this chapter is identified in the table in subsection (4) of this section.

(a) If the school is located within the state of Washington, its liability limit will be based on the total annual tuition income received from or on behalf of all students, as reported in the financial statement required by WAC 490-105-040 (2)(a);

(b) If the school is located outside the state of Washington, its liability limit is based on the total annual tuition income received from or on behalf of Washington state residents, as reported in the financial statement required by WAC 490-105-040 (2)(a);

(c) If the school was not in operation prior to the date of initial licensing, its liability limit is based on the total annual tuition estimate supplied under the provisions of WAC 490-105-040 (2)(c);

(d) The minimum liability established in any circumstance is five thousand dollars.

(2) Matrices for calculating initial deposits and any assessments necessary under subsection (7) of this section:

Level of Liability:	Prorated Share:
\$5,000	0.15%
\$7,500	0.23%
\$10,000	0.30%

Level of Liability:	Prorated Share:
\$15,000	0.46%
\$20,000	0.61%
\$25,000	0.76%
\$35,000	1.07%
\$50,000	1.52%
\$75,000	2.28%
\$100,000	3.05%
\$125,000	3.81%
\$150,000	4.57%
\$175,000	5.33%
\$200,000	6.10%
\$225,000	6.86%
\$250,000	7.62%
\$275,000	8.38%

(3) Initial deposit. When the school submits its initial license application, it must include for deposit into the tuition recovery trust fund, the amount identified in the third column of the table below.

(4) Contribution schedule. In order to remain licensed under this chapter, the school must remit to the agency semi-annual payments for deposit into the tuition recovery trust fund. The amount of the deposits for the first five years is calculated by applying the percentages displayed under subsection (2) of this section, to an amount totaling one million dollars as required by RCW 28C.10.084. In the second five years, contributions for amounts between zero and two hundred thousand dollars will be reduced by fifty percent.

If the school's total annual tuition income is:	Its liability limit under the Tuition Recovery Trust Fund is:	Based on its liability limit, the school will make an initial deposit to the fund of:	The school will make the following semi-annual payments for the first five years it is licensed:	The school will make the following semiannual payments for the second five years it is licensed:
\$0 - \$50,000	\$5,000	\$305	\$122	\$61
\$50,001 - \$75,000	\$7,500	\$457	\$183	\$92
\$75,001 - \$100,000	\$10,000	\$609	\$244	\$122
\$100,001 - \$150,000	\$15,000	\$914	\$366	\$183
\$150,001 - \$200,000	\$20,000	\$1,219	\$487	\$487
\$200,001 - \$250,000	\$25,000	\$1,523	\$609	\$609
\$250,001 - \$350,000	\$35,000	\$2,133	\$853	\$853
\$350,001 - \$500,000	\$50,000	\$3,046	\$1,219	\$1,219
\$500,001 - \$750,000	\$75,000	\$4,570	\$1,828	\$1,828
\$750,001 - \$1,000,000	\$100,000	\$6,093	\$2,437	\$2,437
\$1,000,001 - \$1,250,000	\$125,000	\$7,616	\$3,046	\$3,046
\$1,250,001 - \$1,500,000	\$150,000	\$9,139	\$3,656	\$3,656
\$1,500,001 - \$1,750,000	\$175,000	\$10,663	\$4,265	\$4,265
\$1,750,001 - \$2,000,000	\$200,000	\$12,186	\$4,874	\$4,874

PERMANENT

If the school's total annual tuition income is:	Its liability limit under the Tuition Recovery Trust Fund is:	Based on its liability limit, the school will make an initial deposit to the fund of:	The school will make the following semiannual payments for the first five years it is licensed:	The school will make the following semiannual payments for the second five years it is licensed:
\$2,000,001 - \$2,250,000	\$225,000	\$13,710	\$5,483	\$5,483
\$2,250,001 - \$2,500,000	\$250,000	\$15,233	\$6,092	\$6,092
>\$2,500,000	\$275,000	\$16,757	\$6,702	\$6,702

(5) The agency will send semiannual notices of the due dates and amounts of deposits required under subsection (4) of this section. The fee for late filings under WAC 490-105-070(2) of this chapter applies to late payments of deposits into the fund for a period cumulating to thirty calendar days. Failure to make a deposit within thirty calendar days is a violation of RCW 28C.10.050 (1)(f).

(6) Each semiannual notice will include:

(a) The school's aggregated prior deposits into the fund;
 (b) The school's balance of remaining payments, based on the most recent deposit received and adjusted to the current contribution level;

(c) The cumulated balance existing in the fund at the most recent half-year accounting; and

(d) A summary showing any disbursements made from the fund to satisfy claims in the period since the last summary was disseminated.

(7) If disbursements made to settle claims reduce the operating balance below one million dollars and recovery of such funds has not been ensured under the provisions of RCW 28C.10.084 (10)(d), the agency will assess each school a pro rata share of the amount required to restore the deficiency. The assessment will be made within thirty calendar days of the date deficiency is created. Each school's share of the assessment will be calculated using the percentages established under subsection (2) of this section. If the school's assessment equals or is less than the semiannual amount of deposit established for the school under subsection (4) of this section, the assessment must be paid within thirty calendar days of notice. If the assessment exceeds the amount of the school's semiannual deposit, it may apply to the agency for a schedule of deferred payments. The agency will grant deferrals on application, but in no case will the extension exceed one year beyond the date of the assessment.

(8) Funds disbursed to settle claims against a currently licensed school will be recovered by the agency under a schedule to be negotiated with the affected school on a case-by-case basis. To secure deferral of payment more than thirty calendar days after demand for recovery is made, the burden to prove manifest hardship rests on the school but in no case will the time extended exceed one year beyond the date of the initial demand notice.

(9) Claimant, as referenced under RCW 28C.10.084 (10)(a), is further defined to mean an enrolled student in regular attendance or on an authorized leave of absence at the time of closure.

NEW SECTION

WAC 490-105-090 How often must a license be renewed? (See RCW 28C.10.060.) Private vocational school licenses must be renewed annually. The renewal application must include a financial statement attested to by the chief administrative officer; amendments to any statements or materials on file that are no longer accurate; and the required fees.

NEW SECTION

WAC 490-105-100 Who is exempt from licensing? To qualify for an exemption as test preparation or continuing education under WAC 490-105-030 (1)(c), a school must apply to the agency on a form created for that purpose and obtain approval. Exemptions must be renewed annually.

NEW SECTION

WAC 490-105-110 Display of licenses—Loss or destruction—Status changes. (See RCW 28C.10.060.) The school must display its license or auxiliary facility certificate prominently in the licensed premises.

(1) If the license or auxiliary facility certificate is lost or destroyed, the school must apply for a duplicate and pay the reissuance fee described in WAC 490-105-070(2) (Other fees).

(2) If the school plans to change its name, it must notify the agency in advance and pay the certificate reissuance fee described in WAC 490-105-070(2) (Other fees).

(3) If the school plans to change its location or that of an auxiliary facility it must notify the agency in advance and pay the certificate reissuance fee described in WAC 490-105-070(2) (Other fees).

NEW SECTION

WAC 490-105-120 What if the school changes ownership? (See RCW 28C.10.060.) Private vocational school licenses are not transferable. When a sale takes place, the school's license expires. The new owner must secure a new license.

(1) The following are considered changes of ownership:

(a) A sale by the sole proprietor of a school, unless the seller becomes the majority stockholder of the buying corporation;

(b) A change in the majority interest of general partners of a partnership; or

(c) A sale or transfer of stock that creates a change in the majority interest in the issued and outstanding shares of a corporation.

(2) To assure there is no disruption in students' training the agency may extend the existing license for up to sixty calendar days beyond the date the ownership changes. To obtain this extension, the new owner must:

(a) Apply for a new license no less than fifteen calendar days prior to the sale; and

(b) Furnish a written statement that the school will continue to meet all conditions in the act and regulations during the time the new license is pending.

(3) If the new owner fails to become licensed within sixty calendar days of the date of sale the school may not continue to operate unless the agency has granted an extension of time. Continued operation without an extension is a violation of RCW 28C.10.090.

NEW SECTION

WAC 490-105-130 What are minimum requirements for student refunds? (See RCW 28C.10.050 (1)(b).) At a minimum, schools must use the following cancellation and refund policies; however, the agency may approve refund policies whose terms are more favorable to students than the following established minimums. Refunds must be paid within thirty calendar days of the student's official date of termination.

(1) For resident programs:

(a) The school must refund all money paid if the applicant is not accepted. This includes instances where a starting class is canceled by the school;

(b) The school must refund all money paid if the applicant cancels within five business days (excluding Sundays and holidays) after the day the contract is signed or an initial payment is made, as long as the applicant has not begun training;

(c) The school may retain an established registration fee equal to ten percent of the total tuition cost, or one hundred dollars, whichever is less, if the applicant cancels after the fifth business day after signing the contract or making an initial payment. A "registration fee" is any fee charged by a school to process student applications and establish a student records system;

(d) If training is terminated after the student enters classes, the school may retain the registration fee established under (c) of this subsection, plus a percentage of the total tuition as described in the following table:

If the student completes this amount of training:	The school may keep this percentage of the tuition cost:
One week or up to 10%, whichever is less	10%
More than one week or 10% whichever is less but less than 25%	25%
25% through 50%	50%
More than 50%	100%

(e) When calculating refunds, the official date of a student's termination is the last date of recorded attendance:

(i) When the school receives notice of the student's intention to discontinue the training program;

(ii) When the student is terminated for a violation of a published school policy which provides for termination;

(iii) When a student, without notice, fails to attend classes for thirty calendar days.

(2) Discontinued programs:

(a) If instruction in any program is discontinued after training has begun or if the school moves from one location to another, it must either:

(i) Provide students pro rata refunds of all tuition and fees paid; or

(ii) Arrange for comparable training at another public or private vocational school. Students must accept comparable training in writing.

(b) If the school plans to discontinue a program it must notify the agency and affected students in advance. The notification must be in writing and must include at least data required under WAC 490-105-210(3).

(c) Students affected by a discontinuation must request a refund within ninety days.

(3) For home study programs:

(a) A student may request cancellation in any manner.

(b) The following is a minimum refund policy for home study courses without mandatory resident training:

(i) An applicant may cancel up to five business days after signing the enrollment agreement. In the event of a dispute over timely notice, the burden to prove service rests on the applicant.

(ii) If a student cancels after the fifth calendar day but before the school receives the first completed lesson, the school may keep only a registration fee of either fifty dollars or an amount equal to fifteen percent of the tuition (in no case is the school entitled to keep a registration fee greater than one hundred fifty dollars).

(iii) After the school receives the student's first completed lesson and until the student completes half the total number of lessons in the program, the school is entitled to keep the registration fee and a percentage of the total tuition as described in the following table:

If the student completes this percentage of lessons:	The school may keep this percentage of the tuition cost:
0% through 10%	10%
11% through 25%	25%
26% through 50%	50%
More than 50%	100%

(iv) Calculate the amount of the course completed by dividing the number of lesson assignments contained in the program by the number of completed lessons received from the student.

(4) Combination home study/resident training programs:

(a) The following is a minimum refund policy for a home study program that includes mandatory resident training courses.

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(i) Tuition for the home study and resident portions of the program must be stated separately on the enrollment agreement. The total of the two is the price of the program.

(ii) For settlement of the home study portion of the combination program, the provisions of the table in subsection (2)(b)(iii) of this section apply.

(iii) For the resident portion of the program, beginning with the first resident class session if the student requests a cancellation, the provisions of the table in subsection (1)(d) of this section apply.

(iv) Calculate the amount of resident training completed by dividing the total number of training days provided in the resident training program by the number of instructional days the student attends resident training.

(b) A home study student who cancels after paying full tuition is entitled to receive all course materials, including kits and equipment.

NEW SECTION

WAC 490-105-140 What are student admission standards? (See RCW 28C.10.050 (1)(g).) Prior to enrolling students the school must assess their basic skills and relevant aptitudes to determine that they have the ability to complete and benefit from the training they are considering.

(1) When a school applies for initial licensing under chapter 28C.10 RCW, it must submit a description of the method it will use to comply with the requirements under this section. Any subsequent change in that method must be reported to the agency no more than fifteen calendar days after the change is adopted.

(2) The school must measure all applicants' ability to benefit against current prerequisites for employment in the job objective established for the program, e.g., prior work and health history, driving and arrest records, and evaluations of any applicable physiological factors such as vision acuity, color perception, lifting and weight bearing capabilities, and manual dexterity.

(3) Applicants who have earned a high school diploma or General Educational Development (GED) certificate may be considered to have adequate academic abilities to meet learning needs.

(4) Applicants who have not earned a high school diploma or GED must be tested. The school must adopt or devise a test to assess the applicants' academic abilities. The test must have the capability of:

(a) Validating that applicants possess skills, competencies, and knowledge that correlate with grades, course or program completion or other measures of success in the program of study; or

(b) Validating that applicants' academic skills, competencies, and knowledge are at a level equivalent to that of persons completing a high school education;

(c) Comparing success ratios of accepted students with test cut-off scores and incorporating appropriate cut-off adjustments.

(5) Any ability to benefit (ATB) test that has been published by the American College Testing Service (ACT) or reviewed and approved by the American Council on Educa-

tion (ACE) is acceptable evidence of meeting the criteria in subsection (4) of this section.

(6) The following must be part of the methodology developed for assessment:

(a) In the event tests are administered by school officials, evidence the tests are being administered as intended by the publisher;

(b) Information about the test security procedures employed, evidencing that students have no advance information about the exact questions or tasks and that answers cannot be supplied by a third party while completing the test(s);

(c) Information about test scoring procedures employed, evidencing that if tests are scored by school officials the tests are being evaluated as intended by the publisher;

(d) Information that the tests are free from information that is offensive with regard to gender, age, native language, ethnic origin, or handicapping conditions.

(7) Records resulting from the ability to benefit assessment must be included as a regular part of all students' records.

NEW SECTION

WAC 490-105-150 What are program, facility and equipment standards? (See RCW 28C.10.050 and 28C.10.060.)

(1) The school must design and implement programs that will adequately achieve the stated objectives for which they are offered. In evaluating programs, the agency will use as a guideline their comparability to similar programs that have been established by other comparable schools.

(2) The school must have an exact physical location which:

(a) Is adequate to meet the needs of its students and the objectives of the program;

(b) Provides a modern and effective learning environment with enough classroom, laboratory, and shop space for the number of students to be trained; and

(c) Is maintained in compliance with state laws and local ordinances related to safety and health.

(3) The school must have equipment, furniture, instructional devices and aids, machinery and other physical features that are:

(a) Adequate in number and condition to achieve the stated educational objectives of the course;

(b) Comparable in number and quality with those used by comparable schools with similar programs;

(c) Comparable to those in current use by the appropriate trade, business or profession; and

(d) Of sufficient quantity for the number of enrolled students.

NEW SECTION

WAC 490-105-160 What reports are required? (See RCW 28C.10.050 and 28C.10.060.) In addition to the minimum licensing standards described in RCW 28C.10.050, each school must:

(1) Complete and submit to the agency an annual Impact Data Survey; and

(2) No later than July 1, 2000, submit the following information for each student who participated in training. The information will be used to compile consumer reports that will be published in the future:

(a) Student name, address, telephone number and Social Security number if provided by the student;

(b) Start date of training and date of completion or drop-out;

(c) Whether or not the student graduated;

(d) Previous education before starting the current training program;

(e) Ethnicity;

(f) Date of birth;

(g) Gender;

(h) Program or major (for larger schools with multiple programs).

NEW SECTION

WAC 490-105-170 What actions are prohibited? (1)

The term "unfair business practice" under RCW 28C.10.110(11) is further defined to mean those practices described as prohibited under RCW 28C.10.090.

(2) In addition to the actions described in RCW 28C.10.110 it is an unfair business practice for a private vocational school or its agent to:

(a) Advertise, offer, sell, or award any educational credential without requiring the consumer to enroll in and successfully complete a prescribed program of study, as outlined in the school's catalog or brochure;

(b) Sell, discount, or transfer contracts or promissory notes for tuition to third parties without the signed consent of the student or the student's financial sponsors, and a statement notifying all parties that the cancellation and refund policy continues to apply;

(c) Misrepresent to students the potential amount of federal financial aid available;

(d) Employ the term "accredited" in advertising unless:

(i) The school holds a current grant of accreditation; and

(ii) The term "accredited" is accompanied with equal prominence by the full name and/or seal of the agency from whom the school holds a current grant of accreditation.

(iii) If the accrediting agency is not recognized by the United States Secretary of Education under the provisions of the Higher Education Act (Chapter 34 CFR), as amended, the school must provide the agency with documentation of its grant of accreditation and other related information required by the agency to establish the nature and scope of the accrediting agency. The agency will approve or disapprove its use in advertising after reviewing submitted documentation.

(3) Schools are prohibited under RCW 28C.10.110(3) from advertising educational programs under the "help wanted" section of publications. Schools may, however, advertise under a help wanted classification for the purposes of:

(a) Recruiting for bona fide job openings; or

(b) Soliciting job opportunities for available graduates.

(4) To establish consistency in the implementation of this section, the following definitions will apply:

(a) "Advertise" means the publishing by a school of information that establishes its identity, location, and nature of its training programs. It may or may not contain an offer of training.

(b) "Help wanted" section means any classified advertising section in a publication that contains job listings. The particular wording the publication uses to identify such a section is not material.

(c) "Newspaper" means a printed publication containing news, editorials, advertisements, etc. The definition extends to tabloids such as "nickel-savers" that contain primarily or exclusively advertising. It is not material whether the publication is sold or given away.

(d) For purposes of this section, it is not considered "advertising" if a school inserts a notice in a "help wanted" section referring the reader to a different classified heading in the same issue of the same publication, as long as:

(i) An offer of training is being made by the school under an appropriate other section in the same issue of the same publication; and

(ii) The referral notice contains only the name of the school and not its address, telephone number, or description of program(s); and

(iii) The overall size and general appearance of what appears as a notice is consistent with its purpose only to refer readers elsewhere.

(5) Schools are prohibited from making offers of training without including the full name and/or d/b/a under which the school is licensed. Permutations of the name and/or d/b/a such as initials or nicknames can be used only with prior written permission of the agency.

(6) RCW 28C.10.110(12) makes it an unfair business practice for a school to attempt to recruit students within forty feet of a building that contains a welfare or unemployment office. The term "recruiting" is defined by statute. Other terms employed in the statute are further defined as follows:

(a) The distance of "forty feet from a building" is measured as a straight line from any doorway affording public access. In instances of buildings with multiple entrances, the distance is measured from any part of the structure.

(b) When applied to state government, "welfare or unemployment office" means buildings offering public access to provide services to clients of the Washington state employment security department or the department of social and health services.

(c) When applied to county and municipal agencies, "welfare or unemployment office" means those buildings offering public access for the purpose of providing shelter, food, employment, health, and social services.

(d) The term "welfare or unemployment office" includes established locations operated by community-based, non-profit organizations for the purpose of providing shelter, food, employment, health, and social services to disadvantaged populations.

NEW SECTION

WAC 490-105-180 How are student complaints handled? (See RCW 28C.10.084(10) and 28C.10.120.)

- (1) A complaint must be filed no more than:
- (a) One calendar year following:
 - (i) A resident student's last recorded date of attendance;
 - or
 - (ii) The date the school received a home study student's last completed lesson; or
 - (b) Sixty calendar days from the date a school ceases to provide educational services.
- (2) The agency may extend the time a student has to file a complaint if the student can establish that good faith efforts to obtain satisfaction from the school were being made during the time elapsed.
- (3) The term "a person" used to reference a complainant under RCW 28C.10.120(1) is further defined to mean only individuals who established a contractual relationship through their enrollment in a school or, in the case of a minor, the minor's parent or guardian.

(a) Private or public agencies, employers, or others who contract with a private vocational school to provide training services to a particular individual or individuals do not have access to the complaint process.

(b) When a person establishes a financial obligation for only a portion of the contracted costs and is subsidized for the remainder as described under (a) of this subsection, that student's claim will be prorated to recognize only the unsubsidized amount.

(4) The agency may consider the following costs when determining losses suffered by a complainant:

- (a) Tuition and fees;
- (b) Transportation costs;
- (c) Books, supplies, equipment, uniforms and protective clothing, rental charges; and
- (d) Insurance required by the school.

(5) In estimating a student's attendance related expenses other than tuition, the agency may use standards developed under Title IV of the Higher Education Act or those of the Washington state departments of employment security and social and health services.

(6) When the agency receives a complaint, it will:

- (a) Evaluate the complaint for completeness and to determine eligibility within ten working days after receipt;
- (b) Accept or reject the complaint and so notify the complainant within an additional five working days;
- (c) Forward a copy of a bona fide complaint and related attachments to the school by certified mail.

(7) The school has fifteen working days after receipt to respond to the student's complaint. If a school fails to submit a timely response the agency will conclude the school has no defense to offer.

(8) Based on all information then available, the agency will:

- (a) Investigate the facts;
- (b) Secure additional information if so indicated;
- (c) Attempt to bring about a negotiated solution;
- (d) Adjudicate the complaint by making findings, conclusions, and determinations; and

(e) Notify all parties of the determinations and remedies.

(9) If a student can document that the procedures used by the agency to resolve a complaint were either unreasonable, unfair, or not in keeping with the intent of the law, the student may request a review of the decision.

(a) The student must request the review in writing within twenty days following receipt of the complaint determination. A timely request stays the agency's determination during the review process.

(b) When the agency receives a request for review it will:

(i) Notify the school that the student has requested a review and that the complaint determination will not take effect until the review has been completed;

(ii) Schedule an informal hearing to be conducted by agency staff; and

(iii) Make a final determination regarding the complaint within fifteen working days following the hearing.

NEW SECTION

WAC 490-105-190 What agency actions can a school appeal? (1) In addition to the action described under RCW 28C.10.120(5), a school may appeal the following:

(a) A denial of an exemption under RCW 28C.10.030(6).

(b) A denial, suspension or revocation of licensing under RCW 28C.10.050.

(2) An appeal filed by a school will result in an administrative hearing conducted by a designated hearings officer in accordance with the Administrative Procedure Act, chapter 34.05 RCW (see RCW 28C.10.120):

(a) The hearings officer will make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The findings, conclusions, and any recommendations for action will be submitted to the executive director for final action pursuant to RCW 34.05.464.

(b) The executive director may accept or reject, in whole or in part, any recommendations made by the hearings officer, may remand for further findings, or take any other action deemed appropriate under the circumstances, pursuant to the provisions of the act and these rules.

NEW SECTION

WAC 490-105-200 What are the minimum requirements for record retention? (See RCW 28C.10.160.) The school must keep student educational records for a minimum of fifty years from the date of each student's enrollment or until the school ceases to be licensed under this chapter, whichever comes first.

(1) "Educational records" include single page transcripts for each student, indicating:

- (a) School name, address and telephone number;
- (b) Student name, address, telephone number, and Social Security number;
- (c) Dates of attendance;
- (d) Course of instruction or subjects attempted;
- (e) Amount of credit, if any, awarded for each subject;
- (f) Grade for each subject completed;

(g) Date of completion or termination along with notation of the document issued signifying satisfactory completion, if achieved (degree, diploma, certificate);

(h) If terminated, the reason(s) for termination;

(i) Signature and title of the certifying officer; and

(j) Date that transcript is prepared.

(2) On request, the school must provide, without charge, a transcript, described under subsection (1) of this section, to students who have satisfied financial obligations currently due and payable directly to the school. The school may establish and collect a fee for subsequent copies requested.

(3) "Financial records" include the following and must be kept for a minimum of three years from the student's date of enrollment:

(a) Signed and completed enrollment agreements and other training related contracts; and

(b) The student's payment record.

(4) Financial aid records related to Title IV student financial assistance are not under state jurisdiction, and should be kept in accordance with appropriate federal regulations.

(5) Catalogs, catalog supplements, and errata sheets must be kept for one year from their respective dates of publication.

NEW SECTION

WAC 490-105-210 What if a school closes? (See RCW 28C.10.060(4); 28C.10.084(9) and 28C.10.160.)

(1) "Ceases to provide educational services" means that a stoppage of training has occurred because:

(a) Facilities are rendered continuously unusable for a period of thirty calendar days or more; or

(b) Faculty or qualified substitutes assigned to a specific class are not available or otherwise fail to perform instructional duties for five or more successive days of scheduled instruction; or

(c) Bankruptcy proceedings or other financial conditions exist that result in the school interrupting scheduled instruction for five or more successive days; or

(d) Adverse action has been taken by a federal, state, or local jurisdiction which result in the school interrupting scheduled instruction for five or more successive days.

(2) The school must take measures to protect the contractual rights of present and former students if it ceases to provide educational services. The school must return its license certificate to the agency within ten calendar days of ceasing to provide educational services or expiration of the school's license, whichever occurs first.

(3) If the school ceases to provide educational services, either voluntarily or involuntarily, it must:

(a) Inform the agency promptly by the most expeditious means available and send confirmation by certified mail within three business days;

(b) Provide the name, address, and telephone number of the person(s) designated to be responsible for fulfilling the requirements of this section;

(c) Provide the agency with the following information for each student who has not completed a course or program:

(i) Name;

(ii) Social Security number;

(iii) Address and telephone number of record;

(iv) Program name and amount of tuition and fees charged;

(v) Amount of tuition and fees paid to date;

(vi) Amount of class time left to complete the course or program; and

(vii) If the tuition and fees were paid through federal student aid, the amount and type of aid;

(d) A written notice must be distributed to all enrolled students at least three business days prior to a planned cessation. The notice must explain the procedures students are to follow to secure refunds or continue their education. A copy of the notice must also be submitted to the agency within three business days;

(e) File with the agency procedures for disbursement of refunds to students and set a date no longer than thirty calendar days from the last day of instruction to issue refund checks in the full amount for which students are entitled;

(4) File with the agency its plans if any, for teach-out; ensuring that all affected students will continue to receive training at another institution of the same quality and content as that for which they contracted:

(a) Arrangements for teaching out students must be filed with the agency;

(b) The agency will verify that students will receive the same kind of program and instructional services as those for which they contracted;

(5) Make pro rata refunds to any student who does not agree, in writing, to comparable training. Refunds must be paid to either the student or his/her parent, guardian or sponsor based on a day-by-day proportion of the services provided compared to the total length of the program.

(6) Make specific arrangements to transfer transcripts and other student records described under WAC 490-105-210 to the agency's custody.

NEW SECTION

WAC 490-105-220 Notice of adverse actions—Change of circumstances. (See RCW 28C.10.060.) When a school applies for an initial license or license renewal, it must advise the agency of any consent orders with the Federal Trade Commission or any adverse actions that have been taken by a federal or state agency, the courts, or accrediting commissions. The school must inform the agency in writing of actions being taken to correct deficiencies cited. Any change of circumstance, including bankruptcy, which would amend information reported in the application for initial license or license renewal must be filed with the agency within ten calendar days of the change.

NEW SECTION

WAC 490-105-230 Do these rules apply to degree-granting private vocational schools? (See RCW 28C.10.040(4).) Nondegree programs offered by degree-granting private vocational schools are regulated pursuant to the terms of an interagency agreement executed between the higher education coordinating board and the work force train-

ing and education coordinating board. Copies of the agreement are available from either agency on request.

- WAC 490-100-230 Declaratory rulings.
- WAC 490-100-240 Declaratory rulings—Forms.
- WAC 490-100-250 Degree-granting private vocational schools—Applicable rules.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 490-100-010 Authority.
- WAC 490-100-015 Delegation.
- WAC 490-100-030 Definitions.
- WAC 490-100-035 Auxiliary facilities.
- WAC 490-100-040 Cancellation and refund policy.
- WAC 490-100-050 Catalog, brochure, or other written material.
- WAC 490-100-060 Enrollment contract or agreement.
- WAC 490-100-070 Time of application.
- WAC 490-100-080 Display of licenses—Loss or destruction—Change of name—Change of location.
- WAC 490-100-090 Change of ownership—License nontransferable.
- WAC 490-100-100 Application contents.
- WAC 490-100-105 Application to operate as agent of private vocational school.
- WAC 490-100-110 Notice of actions by governmental entities or accrediting commissions—Change of circumstances.
- WAC 490-100-120 Fees.
- WAC 490-100-130 Financial standards.
- WAC 490-100-135 Admissions standards.
- WAC 490-100-140 Program standards.
- WAC 490-100-150 Staff qualifications.
- WAC 490-100-160 Facilities.
- WAC 490-100-170 Equipment and materials.
- WAC 490-100-180 Tuition recovery trust fund.
- WAC 490-100-190 Prohibitions.
- WAC 490-100-200 Complaints.
- WAC 490-100-205 Appeals.
- WAC 490-100-208 Hearings.
- WAC 490-100-210 Record retention.
- WAC 490-100-220 School closing/change of status.

WSR 98-22-039
PERMANENT RULES
BOARD OF TAX APPEALS
 [Filed October 29, 1998, 4:14 p.m.]

Date of Adoption: October 14, 1998.
 Purpose: To amend chapter 456-09 WAC, Formal hearings—Practice and procedure, to reflect the new requirements imposed by sections 1, 2, and 3, chapter 54, Laws of 1998, and to update existing filing procedures to include electronic mail transmissions.

Citation of Existing Rules Affected by this Order: Amending WAC 456-09-310, 456-09-320, 456-09-325, 456-09-365, 456-09-410, and 456-09-430.

Statutory Authority for Adoption: RCW 82.03.170.
 Adopted under notice filed as WSR 98-16-046 on July 31, 1998.

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 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, 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 6, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 October 28, 1998
 R. A. Virant
 Executive Director

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-310 Notice of appeal—Forms—Contents. (1) For all appeals, an appellant may file a notice of appeal using forms provided by the board.

(2) In the alternative, an appellant may file a notice of appeal that shall substantially contain:

- (a) A caption in the following form:

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BEFORE THE BOARD OF TAX APPEALS
STATE OF WASHINGTON

Appellant,	}	Name of county in which property is located (if applicable) Docket No.
v.		NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)
Respondent.		

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

(b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

(ii) The date of the order or determination from which the appeal is taken together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property.

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention, and the issue to be adjudicated in the proceeding.

(v) A notice of intention that the hearing be held pursuant to the Administrative Procedure Act.

(vi) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

~~((2) For informal appeals from property valuation decisions of a board of equalization or property exemption decisions of the department of revenue, the appellant may use forms provided by the board.)~~

AMENDATORY SECTION (Amending Order 95-01, filed 2/8/95, effective 3/11/95)

WAC 456-09-320 Notice of appeal—Filing and service ((and filing)). (1) The original notice of appeal and a

copy of the order or determination that is being appealed shall be filed with the board ((and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-09-440)). The board shall transmit a copy of the notice of appeal and a copy of the order or determination that is being appealed to the responding party within thirty days of its receipt by the board.

(2) Appeals not timely filed ((and served)) as provided by statute and this regulation shall be dismissed. Appeals not properly filed ((and served)) may be dismissed if the appealing party fails to substantially comply with this regulation.

AMENDATORY SECTION (Amending Order 95-01, filed 2/8/95, effective 3/11/95)

WAC 456-09-325 Date of filing—Filing via facsimile machine or electronic mail transmission. (1) The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand delivered. The board's date stamp placed thereon shall be ((prima facie)) evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be ((prima facie)) evidence of the date of filing.

(2) All documents may be filed with the board via facsimile machine or electronic mail transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile machine or electronic mail 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 or computer shall be ((prima facie)) evidence of the date and time of receipt of transmission.

(b) The original ((document)) notice of appeal must be filed with the board within ten business days from the date of transmission.

(c) All transmissions are sent at the risk of the sender.

AMENDATORY SECTION (Amending Order 95-01, filed 2/8/95, effective 3/11/95)

WAC 456-09-365 Conversion of hearing. (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130 (appeal from board of equalization) may, within twenty calendar days from the date of the board's mailing of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) If a direct appeal is requested pursuant to RCW 84.40.038(3), either party may state upon the direct appeal form that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(3) In appeals under RCW 82.03.190 and 82.03.130(5), the department of revenue may, within thirty calendar days from the date of ((receipt)) the board's mailing of the notice of appeal, file with the board a notice of its intention that the

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hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

((3)) (4) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-410 Service of papers. (1) Copies of all documents, exhibits, and papers filed with the board shall be served upon all counsel or representatives of record and upon parties not represented: Provided, That this shall not apply to the notice of appeal.

(2) Such service upon the representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon both the party and their counsel or representative of record, if any.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-430 Service of papers—When complete. ~~((1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed. Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:~~

~~(a) The original document must be filed with the board within ten days from the date of transmission.~~

~~(b) Facsimile confirmation of transmission.~~

~~(c) All transmissions are sent at the risk of the sender.~~

~~(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.) Service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed. Service by facsimile machine or electronic mail shall be deemed complete only when the original document is filed with the board within ten business days from the date of transmission. All facsimile machine or electronic mail transmissions are sent at the risk of the sender. This section shall not extend any applicable time for appeal to the board.~~

WSR 98-22-040

PERMANENT RULES

BOARD OF TAX APPEALS

[Filed October 29, 1998, 4:16 p.m.]

Date of Adoption: October 14, 1998.

Purpose: To amend chapter 456-10 WAC, Informal hearings—Practice and procedure, to reflect the new requirements imposed by sections 1, 2, and 3, chapter 54, Laws of

1998, and to update existing filing procedures to include electronic mail transmissions.

Citation of Existing Rules Affected by this Order: Amending WAC 456-10-310, 456-10-320, 456-10-325, 456-10-360, 456-10-410, 456-10-430, and 456-10-570.

Statutory Authority for Adoption: RCW 82.03.170.

Adopted under notice filed as WSR 98-16-047 on July 31, 1998.

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 3, 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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

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

October 28, 1998

R. A. Virant

Executive Director

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

WAC 456-10-310 Notice of appeal—Forms—Contents. (1) For ~~((informal appeals from decisions of a board of equalization or property exemption decisions of the department of revenue, the))~~ all appeals, an appellant may ~~((use))~~ file a notice of appeal using forms provided by the board.

(2) In ~~((all other cases,))~~ the alternative, an appellant may file a notice of appeal ~~that~~ shall substantially contain:

(a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS STATE OF WASHINGTON		
Appellant,	}	Name of county in which property is located (if applicable) Docket No.
v.		NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)
Respondent.	}	

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

(b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

PERMANENT

(ii) The date of the order or determination from which the appeal is taken, together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property.

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention.

(v) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

AMENDATORY SECTION (Amending Order 95-02, filed 2/8/95, effective 3/11/95)

WAC 456-10-320 Notice of appeal—Filing and service ((and filing)). (1) The original notice of appeal and a copy of the order or determination that is being appealed shall be filed with the board ((and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-10-440)). The board shall transmit a copy of the notice of appeal and a copy of the order or determination that is being appealed to the responding party within thirty days of its receipt by the board.

(2) Appeals not timely filed ((and served)) as provided by statute and this regulation shall be dismissed. Appeals not properly filed ((and served)) may be dismissed if the appealing party fails to substantially comply with this regulation.

AMENDATORY SECTION (Amending Order 95-02, filed 2/8/95, effective 3/11/95)

WAC 456-10-325 Date of filing—Filing via facsimile machine or electronic mail transmission. (1) The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand delivered. The board's date stamp placed thereon shall be ((prima facie)) evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be ((prima facie)) evidence of the date of filing.

(2) All documents may be filed with the board via facsimile machine or electronic mail transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile machine or electronic mail 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 or computer shall be ((prima facie)) evidence of the date and time of receipt of transmission.

(b) The original ((document)) notice of appeal must be filed with the board within ten business days from the date of transmission.

(c) All transmissions are sent at the risk of the sender.

AMENDATORY SECTION (Amending Order 95-02, filed 2/8/95, effective 3/11/95)

WAC 456-10-360 Conversion of hearing. (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130 (appeal from board of equalization) may, within twenty calendar days from the date of the board's mailing of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) If a direct appeal is requested pursuant to RCW 84.40.038(3), either party may state upon the direct appeal form that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(3) In appeals under RCW 82.03.190 and 82.03.130(5), the department of revenue may, within thirty calendar days from the date of ((receipt)) the board's mailing of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

((3)) (4) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-410 Service of papers. (1) Copies of all documents, exhibits, and papers filed with the board shall be served upon all counsel or representatives of record and upon parties not represented; Provided, That this shall not apply to the notice of appeal.

(2) Such service upon the representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon both the party and their counsel or representative of record, if any.

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

WAC 456-10-430 Service of papers—When complete. ((1) Except as provided in subsection (2) of this sec-

~~tion, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed. Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:~~

~~(a) The original document must be filed with the board within ten days from the date of transmission.~~

~~(b) Facsimile confirmation of transmission.~~

~~(c) All transmissions are sent at the risk of the sender.~~

~~(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.)~~ Service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed. Service by facsimile machine or electronic mail shall be deemed complete only when the original document is filed with the board within ten business days from the date of transmission. All facsimile machine or electronic mail transmissions are sent at the risk of the sender. This section shall not extend any applicable time for appeal to the board.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-570 Motions—Application—Requirements. (1) Any application for an order or ruling is a motion. Every motion, unless made during hearing, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

(2) All motions shall be properly captioned and signed by the party or their attorney.

(3) The board will deny or dismiss any motion unless the moving party, before motion, has made a good faith effort to confer with the other parties concerning the issues in dispute. The moving party shall include in the motion a statement of compliance with this subsection.

(4) A response to the motion shall be filed within ten days after the date of service.

(5) In the motion and response, the parties shall specify the amount of time required for argument, whether appearance by telecommunication is requested, the names and telephone numbers of all parties served with the motion or response, and whether court reporting services are requested.

(6) Notwithstanding above, the clerk may grant an oral motion of the appellant to dismiss the appeal made prior to the hearing date. An exception to the order of dismissal may be filed within twenty calendar days after mailing of such order. The exception shall be filed with the board and a copy served upon all other parties.

WSR 98-22-062
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed November 2, 1998, 2:00 p.m.]

Date of Adoption: October 31, 1998.

Purpose: Tuition and fees and description of state board organization.

Citation of Existing Rules Affected by this Order: New section WAC 131-28-005; repealing WAC 131-28-080, 131-28-085, and 131-28-090; and amending WAC 131-28-015, 131-28-025, 131-28-02501, 131-28-026, 131-28-027, 131-28-045, and 131-276-030.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Adopted under notice filed as WSR 98-18-064 on August 31, 1998.

Changes Other than Editing from Proposed to Adopted Version: Minor revisions approved by the state board in June 1998 in compliance with Governor's Executive Order 97-02, regarding regulatory reform.

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 7, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 7, Repealed 3.

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 7, Repealed 3.

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

October 31, 1998

Claire C. Krueger

Executive Assistant

NEW SECTION

WAC 131-28-005 Tuition and fees for community colleges established. Tuition and fees for community colleges are established in chapter 28B.15 RCW. Technical colleges are required to administer tuition and tuition waivers under policies and procedures of their respective boards of trustees. This chapter applies only to community colleges unless technical colleges are specified.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement

to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in courses unless a waiver is allowed.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-025 Method of assessing tuition and fee charges. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, ~~((provided: That))~~ respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

(3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall ~~((not waive))~~ waive the building fee ~~((or)),~~ services and activities fees ~~((at a percentage rate greater than the percentage rate of waiver for)),~~ and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending WSR 96-03-049, filed 1/12/96, effective 1/12/96)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Sixty percent))~~ Two-thirds reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour ~~((:—Provided, That until June 1, 1997, the waiver shall be two-thirds)).~~ Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 101, Resolution No. 84-58, filed 10/23/84)

WAC 131-28-027 Community and technical college costs and special fees for contracted educational services.

(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW 28B.50.140(16), to private or governmental entities shall establish a special fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and shall limit participation therein to employees, agents, or members of the particular entity.

(3) ~~((Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the college district.~~

(4)) Any enrollments generated through contracts for educational courses or services developed ~~((pursuant to this regulation))~~ shall be excluded from the official state funded enrollment level of the college so that there will not be any state funding for such courses or services.

~~((5))~~ (4) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

~~((6))~~ (5) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs ~~((such as those for salaries and related benefits; supplies, public information; business services for budgeting, auditing, financial reporting, purchasing, payroll, and cashing; mail service, postage, telephone; admissions; registration; data processing; and maintenance of any public facilities used)).~~

~~((7))~~ (6) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740.

(1) ~~((Tuition and fee waivers for needy students in any fiscal year shall not exceed three percent of any community college district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.~~

(2) ~~The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four quarter annual average enrollment.~~

(3) ~~Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.~~

(4) ~~Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of the state board, or designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.~~

(5) ~~At least three-fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.)~~ Community colleges may waive the tuition and service and activities fees for needy resident students under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.

(2) In addition, colleges may waive up to three-quarters of one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the portion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

PERMANENT

- WAC 131-28-080 Tuition and fee waivers for senior citizens.
- WAC 131-28-085 Tuition and fee waivers for full-time community college employees.
- WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-030 Description of organization of the state board for community and technical colleges ((education)). The state board for community and technical colleges ((education)) is a state agency organized under RCW 28B.50.050. The administrative office of the board and its staff are located at the WEA Building, 319 East 7th Avenue, Olympia, Washington.

WSR 98-22-063
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 2, 1998, 3:34 p.m.]

Date of Adoption: November 2, 1998.

Purpose: Current rule reads "Fee is thirty-nine percent of the electrical work fee as determined by WAC 296-46-495" To comply with 601 requirements, the department is reducing the 39% rate to 35%.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46-910 (5)(1)(i).

Statutory Authority for Adoption: RCW 34.05.356 (1)(f).

Adopted under notice filed as WSR 98-18-101 on September 2, 1998.

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 0, Repealed 0.

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

November 2, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-46-910 Inspection fees. To calculate the inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The inspection fees shall be calculated from sections (1) through (5) below. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

- (1) RESIDENTIAL
 - (a) Single and two family residential (new construction)
 - (i) First 1300 sq. ft. or less \$ 64.50
 - Each additional 500 sq. ft. or portion of \$ 20.75
- Note: Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- "Inspected with the service" or "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (ii) Each outbuilding or detached garage inspected with the service \$ 27.00
 - (iii) Each outbuilding or detached garage inspected separately \$ 42.50
 - (iv) Each swimming pool - inspected with the service \$ 42.50
 - (v) Each swimming pool - inspected separately \$ 64.50
 - (vi) Each hot tub, spa, or sauna - inspected with the service \$ 27.00
 - (vii) Each hot tub, spa, or sauna - inspected separately \$ 42.50
 - (viii) Each septic pumping system - inspected with the service \$ 27.00
 - (ix) Each septic pumping system - inspected separately \$ 42.50
 - (b) Multifamily residential and miscellaneous multifamily residential structures, services and feeders (new construction)

Each service and/or feeder

Service Ampacity	Service	Feeder
0 to 200	\$ 69.50	\$ 20.75
201 to 400	86.25	42.50
401 to 600	118.50	59.25
601 to 800	151.75	81.00
801 and over	216.25	162.25

- (c) Single family or multifamily altered services including circuits
 - (i) Each altered service and/or altered feeder

Service Ampacity	Service or Feeder
0 to 200	\$ 59.25
201 to 600	86.25
over 600	130.00
- (ii) Maintenance or repair of meter or mast (no alterations to service or feeder) \$ 32.25
- (d) Single or multi-family residential circuits only (no service inspection)
 - (i) 1 to 4 circuits (see note) \$ 42.50

PERMANENT

Except: Water heater load control devices installed in residences as part of an energy conservation program 26.00
 The \$ 26.00 permit fee for water heater load control devices will expire on December 31, 2001.

(ii) Each additional circuit (see Note) 5

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c)(i) (table) above.

(e) Mobile homes, modular homes, mobile home parks, and RV parks

(i) Mobile home or modular home service or feeder only \$ 42.50

(ii) Mobile home service and feeder 69.50

(iii) Mobile home park sites and RV park sites

(A) First site service or site feeder 42.50

(B) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder 27.00

Note: For master service installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

(a) New service or feeder and additional new feeders inspected at the same time (includes circuits)

(i) Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 69.50	\$ 42.50
101 to 200	86.25	54.00
201 to 400	162.25	64.50
401 to 600	189.25	75.75
601 to 800	244.50	103.00
801 to 1000	298.50	124.75
Over 1000	325.50	173.75

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects shall be calculated from (2) (a) (i) (table) above. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

(ii) Over 600 volts surcharge \$ 54.00

(b) Altered services or feeders (no circuits)

(i) Service Ampacity	Service/ Feeder
0 to 200	\$ 69.50
201 to 600	162.25
601 to 1000	244.50
Over 1000	271.50

(ii) Over 600 volts surcharge \$ 54.00

(iii) Maintenance or repair of meter or mast (no alteration to the service or feeder) 59.25

(c) Circuits only

(i) First five circuits per branch circuit panel \$ 54.00

(ii) Each additional circuit per branch circuit panel 5

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i) (table) above.

(3) TEMPORARY SERVICES

Note: Temporary electrical power and lighting installations are intended to be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

(a) Residential \$ 37.25

(b) Commercial/industrial

Ampacity	Service or Feeder	Additional Feeder
0 to 100	\$ 42.50	20.75
101 to 200	54.00	27.00
201 to 400	64.50	32.25
401 to 600	86.25	42.50
Over 600	97.75	48.75

(c) Temporary stage or concert productions

Ampacity	Service or Feeder	Additional Feeder
0 to 100	\$ 42.50	\$ 20.75
101 to 200	54.00	27.00
201 to 400	64.50	32.25
401 to 600	86.25	42.50
Over 600	97.75	48.75

Note: Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal to portal hourly fees in subsection (5) MISCELLANEOUS (m). The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (c) (table) or the portal to portal fee.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

Irrigation machines

(a) Each tower when inspected at the same time as a service and feeder (per subsection (2) COMMERCIAL/INDUSTRIAL above) \$ 5

(b) Towers - when not inspected at the same time as a service and feeders - one to six towers 64.50

Each additional tower 5

(5) MISCELLANEOUS - commercial/industrial and residential

(a) Thermostats

(i) First thermostat \$ 32.25

(ii) Each additional thermostat inspected at the same time as the first 10.25

Note: Thermostat is defined as:

(A) A device that interrupts electrical current while performing its function of controlling building, zonal, or room environmental air temperature; or

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- (B) In the case of environmental air temperature control by the use of sensors which do not interrupt current but rather transmit data to a zonal or central processing unit, "Thermostat" shall be considered to be the circuit extending from the central processing unit to the local controller. At times this local unit could control several zones or rooms individually or in concert.
 - (b) Low voltage fire alarm and burglar alarm. Includes nurse call, intercom, security systems, and similar low energy circuits and equipment
 - (i) First 2500 sq. ft. or less \$ 37.25
 - (ii) Each additional 2500 sq. ft. or portion thereof 10.25
 - Exception:* Low voltage fire alarm and burglar alarm for commercial and industrial
 - Each control panel and up to four circuits or zones \$ 29
 - Each additional circuit or zone 7
 - (c) Signs and outline lighting
 - (i) First sign (no service included) \$ 32.25
 - (ii) Each additional sign inspected at the same time on the same bldg. or structure 15.50
 - (d) Berth at a marina or dock \$ 42.50
 - Each additional berth inspected at the same time 27.00
 - (e) Yard pole, pedestal, or other meter loops only \$ 42.50
- Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations 10.25
- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$ 81.00
 - (g) Generators, refer to appropriate residential or commercial new service or feeder section
 - (h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	\$1,553.25	12
4 to 6 plant electricians	3,107.75	24
7 to 12 plant electricians	4,661.25	36
13 to 25 plant electricians	6,215.75	52
more than 25 plant electricians	7,770.25	52

- (i) Carnival inspections
 - (i) First field inspection each year
 - (A) Each ride and generator truck \$ 15.50
 - (B) Each remote distribution equipment, concession or gaming show 5
 - (C) If the calculated fee for first field inspection of (A) and (B) above is less, the minimum inspection fee shall be: ... 81.00
 - (ii) Subsequent inspections
 - (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show \$ 81.00
 - (B) Each additional ride, concession, generator, remote distribution equipment or gaming show 5
 - (iii) Single concession, not part of a carnival \$ 42.50
 - (j) Trip fees

- (i) Requests by property owners to inspect existing installations \$ 64.50
- (ii) Submitter notifies the department that work is ready for inspection when it is not ready 32.25
- (iii) Additional inspection required because submitter has provided the wrong address 32.25
- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work 32.25
- (v) Each trip necessary to remove a noncompliance notice 32.25
- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted 32.25
- (vii) Installations that are covered or concealed before inspection 32.25
- (k) Progress inspections

On partial or progress inspections, each one-half hour \$ 32.25

Note: The fees calculated in main sections (1) through (5) shall apply to all electrical work. This section is intended to be applied to a permit where the permit holder has requested additional inspections beyond the normal number for the type of installation. Additional progress inspections shall be charged at the rate in (k) above.

- (l) Plan review fee
 - (i) Fee is ((~~thirty-nine~~) thirty-five) percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan review submission fee of \$ 54.00
 - (ii) Supplemental submissions of plans per hour or fraction of an hour \$ 64.50
 - (iii) Plan review shipping and handling fee \$ 15.50
 - (m) Other inspections
 - Inspections not covered by above inspection fees shall be charged portal to portal per hour \$ 64.50
 - (n) Refund processing fee
 - All requests for permit fee refunds will be assessed a processing fee \$ 10.50
 - (o) Variance request processing fee
 - This fee is nonrefundable once the transaction has been made \$ 64.50

WSR 98-22-072
PERMANENT RULES
EXECUTIVE ETHICS BOARD
 [Filed November 3, 1998, 10:19 a.m.]

Date of Adoption: October 13, 1998.

Purpose: The purpose of this chapter is to provide rules implementing RCW 34.95.220 [34.05.220] and 42.17.250 through 42.17.320 for the Executive Ethics Board.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b).

Adopted under notice filed as WSR 98-16-006 on July 23, 1998.

Changes Other than Editing from Proposed to Adopted Version: The only change was WAC 292-13-100, subsection (3) being changed to (d). The Executive Ethics Board received no written comments relating to the adoption of

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chapter 292-130 WAC at the time of its public hearing held on October 13, 1998. The board members voted to adopt the following amendment to the proposed rule: WAC 292-130-100, subsection (3) would be changed to (d). There were no public comments at the public hearing.

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: Thirty-one days after filing.

November 3, 1998

Margaret A. Grimaldi
Executive Secretary

Chapter 292-130 WAC

AGENCY ORGANIZATION—PUBLIC RECORDS

NEW SECTION

WAC 292-130-010 Purpose. The purpose of this chapter is to provide rules implementing RCW 34.05.220 and 42.17.250 through 42.17.320 for the executive ethics board.

NEW SECTION

WAC 292-130-020 Function—Organization—Office. The executive ethics board was created by chapter 42.52 RCW to enforce the state's ethics law and rules adopted under it with respect to state-wide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

The executive ethics board consists of five members, appointed by the governor as follows: One member shall be a classified service employee; one member shall be a state officer or state employee in an exempt position; one member shall be a citizen selected from a list of three names submitted by the attorney general; one member shall be a citizen selected from a list of three names submitted by the state auditor; and, one member shall be a citizen at large selected by the governor.

The board's administrative office is located at 1125 Washington Street SE, 6th Floor, P.O. Box 40100, Olympia, Washington, 98504-0100. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays and during regularly scheduled board meetings.

NEW SECTION

WAC 292-130-030 Operations and procedures. Board members meet the second Friday of each month, except for the months of August and December, at such times and places as are deemed necessary for the conduct of agency business. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). Three members of the board constitute a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

The board issues advisory opinions; develops education and training materials; investigates, hears, and determines complaints; reviews and approves agency ethics policies; and, reviews, approves, or denies contracts between state officers and employees and state agencies.

Written communications intended for board consideration or action shall be filed with the administrative office.

NEW SECTION

WAC 292-130-040 Executive secretary. The executive secretary shall perform the following duties under the general authority and supervision of the board:

- (1) Act as records officer and administrative arm of the board.
- (2) Coordinate the policies of the board and the activities of board staff.
- (3) Act as a liaison between the board and other public agencies.
- (4) Conduct ethics training and information outreach.

NEW SECTION

WAC 292-130-050 Public records—Availability. Public records are available for inspection and copying except as otherwise provided by RCW 42.17.310 and chapter 292-100 WAC.

NEW SECTION

WAC 292-130-060 Index. The board has indexed by subject matter the advisory opinions of the board. The index is maintained in the administrative office and is accessible at the board's web site located at www.wa.gov/ethics.

The volume of correspondence managed by the office is such that it would be unduly burdensome to formulate and maintain an index of all correspondence. In lieu of an index, the following filing system is utilized at the board's administrative office:

- (1) Complaints received by the board are indexed by year, number, name of the respondent and agency.
- (2) Whistleblower referrals from the state auditor are indexed by whistleblower case number.
- (3) Contract approvals are filed by year and name of the state employee.
- (4) Agency ethics policies are filed by agency name.

NEW SECTION

WAC 292-130-070 Public records—Officer. The public records officer for the administrative office shall be the executive secretary to the board.

NEW SECTION

WAC 292-130-080 Hours for seeking public records. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays and during regularly scheduled board meetings.

NEW SECTION

WAC 292-130-090 Requests for public records. Chapter 42.17 RCW requires that agencies protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency; therefore, public records may be inspected or copied or copies of such records obtained, upon compliance with the following procedure:

(1) A request shall be made in writing either via electronic mail or in writing upon a form prescribed by the administrative office. The form shall be presented to the public records officer, or to a member of the staff designated by him or her if the public records officer is not available, during office hours. The request shall include:

- (a) The name of the person requesting the record;
- (b) The calendar date on which the request was made;
- (c) A description of the record or records requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made to assist in appropriately identifying the public record or public records requested.

NEW SECTION

WAC 292-130-100 Response to public records requests. (1) The administrative office shall respond promptly to requests for disclosure. Within five business days of receiving a public records request, the office will respond by:

- (a) Providing the record;
- (b) Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or
- (c) Denying the public records request.

(2) Additional time for the office to respond to a request may be based upon the need to:

- (a) Clarify the scope of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons who may be named in a record;

or

(d) Determine whether any or all of the information requested is exempt and that a denial should be made as to all or part of the request.

NEW SECTION

WAC 292-130-110 Copying fees. No fees shall be charged for the inspection of public records. The office will charge one dollar for the first ten pages and ten cents per copy for additional pages for requests made under this chapter. The public records officer may waive the fees for copies when the expense of processing the payment exceeds the cost of providing the copies. These charges are necessary to reimburse the office for the costs of providing copies of public records and use of the copying equipment. The office may require that all charges be paid in advance of release of the copies.

NEW SECTION

WAC 292-130-120 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the office.

(2) Original copies or portions thereof of public records of the office shall not be removed from the premises.

(3) Care and safekeeping of public records of the office, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same sequence or organization as when furnished.

NEW SECTION

WAC 292-130-130 Exemptions. (1) The administrative office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 292-130-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) Any denial of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 292-130-140 Review of denials of public records request. (1) Any person who objects to a denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chair of the board. The chair shall imme-

diately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial.

WSR 98-22-091
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed November 4, 1998, 8:31 a.m.]

Date of Adoption: November 4, 1998.

Purpose: The rule change will give the board of the Washington Raspberry Commission authority to adopt rules establishing grades and standards, including standards in packaging, processing and labeling. The rule will also provide for inspection and enforcement to ensure compliance.

Citation of Existing Rules Affected by this Order: Chapter 16-561 WAC, amending WAC 16-561-030.

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 98-16-080 on August 5, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

November 4, 1998

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 1809, filed 12/1/83)

WAC 16-561-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of raspberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Such programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or

unwarranted claims in behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide by rules and regulations for:

(a) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for red raspberries or any products thereof;

(b) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of red raspberries and/or in offering, advertising and/or delivering it therefor;

(c) Providing for inspection and enforcement to ascertain and effectuate compliance;

(d) Establishing rules and regulations respecting the foregoing;

(e) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: *Provided, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.*

(4) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of raspberries.

WSR 98-22-109

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-13—Filed November 4, 1998, 11:41 a.m.]

Date of Adoption: November 4, 1998.

Purpose: To update and clarify the sections of the chapter in accordance with the commissioner's regulatory improvement process.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-20-070; and amending WAC 284-20-006, 284-20-020, 284-20-030, 284-20-040, 284-20-050, 284-20-100, and 284-20-200.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Other Authority: RCW 48.01.030, 48.05.280, 48.15.100, and 48.15.170.

Adopted under notice filed as WSR 98-13-093 on June 16, 1998.

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 7, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, 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: Thirty-one days after filing.

November 4, 1998

Robert A. Harkins

for Greg Scully

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 81-9, filed 12/30/81)

WAC 284-20-006 Washington Insurance Examining Bureau, Inc.—Audits to test adherence to rate filings. (1) In performing the duty of ~~((ascertaining))~~ determining that lawful premiums are being charged, the commissioner finds that it is not reasonable or necessary, with regard to any kind of insurance, to mandate that data relating to all policies issued be submitted for examination. ~~((He does))~~ The commissioner finds, however, ~~((that))~~ as to all kinds of insurance falling within the scope of chapter 48.19 RCW, that occasions may arise where ~~((, in order to ascertain that lawful rates are being charged,))~~ documents with respect to certain policies should be submitted for examination ~~((, and that such))~~ in order to determine that lawful rates are being charged. The required submission should ~~((, in some instances,))~~ be on a random audit basis ~~((, and in some instances,))~~ or by designation of certain specific policies.

(2) Based on the ~~((foregoing))~~ preceding subsection and ~~((pursuant to))~~ under RCW 48.19.410 ~~((, with respect to policies having an effective date on and after February 1, 1982,))~~ every insurer authorized to write property or casualty insurance in the state of Washington:

(a) May submit to the Washington Insurance Examining Bureau, Inc., for examination, ~~((any policies and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof, which))~~ the following information that relates to property insurance as defined in RCW 48.11.040 ~~((;))~~:

(i) Any policies and the related daily reports;

(ii) Binders;

(iii) Renewal certificates;

(iv) Endorsements; and

(v) Other evidences of insurance or the cancellation of insurance.

(b) Shall make available to the ~~((Washington Insurance Examining))~~ bureau, ~~((Inc. a specifically identified policy and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof, when directed to do so by the commissioner; and~~

~~((e) Shall make available to the Washington Insurance Examining Bureau, Inc. such policies and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof,))~~ the information listed in (a)(i) through (v) of this subsection:

(i) When directed to do so by the commissioner regarding a specifically identified policy; and

(ii) As may be required by the commissioner for purposes of random audits designed to test the companies' adherence to rate filings.

AMENDATORY SECTION (Amending Order R 77-2, filed 4/28/77)

WAC 284-20-020 Time of inception and expiration. ~~((Until January 1, 1978, any contract of insurance containing a basic contract of fire insurance shall provide that its time of inception and expiration are either noon or 12:01 a.m. standard time.))~~ Every ~~((such))~~ basic contract ~~((issued on or after January 1, 1978,))~~ of fire insurance shall provide only 12:01 a.m. standard time as the time of inception and expiration. ~~((Such))~~ The contract, by endorsement or otherwise, shall also contain language in substance as follows: "To the extent that coverage contained in this policy replaces coverage in another policy terminating at a different hour on the effective date of this policy, this policy shall be effective at the same hour as the termination hour of the other policy."

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-030 Purpose. (1) The purpose of this regulation, WAC 284-20-030 through 284-20-050, is to describe the kinds of risks and coverages ~~((which))~~ that may be classified under the insurance code as marine, inland marine or transportation insurance ~~((, but)).~~ This regulation does not include all of the kinds of risks and coverages ~~((which))~~ that may be written, classified or identified under marine, inland marine or transportation insuring powers, nor shall it ~~((be construed to))~~ mean that the kinds of risks and coverages are solely marine, inland marine or transportation insurance in all instances.

(2) This regulation ~~((shall))~~ does not ~~((be construed to))~~ restrict or limit in any way the exercise of any insuring powers granted under charters and license ~~((whether used separately, in combination or otherwise)).~~

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-040 Classification of risks and coverages. Marine and/or transportation policies may cover under the following conditions:

(1) Imports.

(a) Imports may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

(b) An import, as a proper subject of marine or transportation insurance, ~~((shall be))~~ is deemed to maintain its character as such, so long as the property remains segregated in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and ~~((shall be))~~ is deemed to have been completed when ~~((such))~~ the property has been:

(i) Sold and delivered by the importer, factor or consignee; or

(ii) Removed from place of storage and placed on sale as part of importer's stock in trade at a point of sale-distribution; or

(iii) Delivered for manufacture, processing or change in form to premises of the importer or of another used for any such purposes.

(2) Exports.

(a) Exports may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

(b) An export, as a proper subject of marine or transportation insurance, ~~((shall be))~~ is deemed to acquire its character as such when designated or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this ruling respecting domestic shipments shall apply, provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e.g., cotton.

(3) Domestic shipments.

(a) Domestic shipments on consignment, for sale, distribution, exhibit, trial, approval or auction, while in transit, while in the custody of others, and while being returned, provided that in no event shall the policy afford coverage on premises owned, leased or operated by the consignor.

(b) Domestic shipments not on consignment, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that ~~((such))~~ the shipments shall not be covered at manufacturing premises nor after arrival at premises owned, leased or operated by insured or purchaser.

(4) **Bridges, tunnels and other** instrumentalities of transportation and communication (excluding buildings, their improvements and betterments, furniture and furnishings, fixed contents and supplies held in storage). The foregoing includes:

(a) Bridges, tunnels, other similar instrumentalities, including auxiliary facilities and equipment attendant thereto.

(b) Piers, wharves, docks, slips, dry docks and marine railways.

(c) Pipelines, including on-line propulsion, regulating and other equipment appurtenant to such pipelines, but

excluding all property at manufacturing, producing, refining, converting, treating or conditioning plants.

(d) Power transmission and telephone and telegraph lines, excluding all property at generating, converting or transforming stations, substations and exchanges.

(e) Radio and television communication equipment in use as such including towers and antennae with auxiliary equipment, and appurtenant electrical operating and control apparatus.

(f) Outdoor cranes, loading bridges and similar equipment used to load, unload and transport.

(5) Personal property floater risks covering individuals and/or generally:

(a) Personal effects floater policies.

(b) The personal property floater.

(c) Government service floaters.

(d) Personal fur floaters.

(e) Personal jewelry floaters.

(f) Wedding present floaters for not exceeding ninety days after the day of the wedding.

(g) Silverware floaters.

(h) Fine arts floaters covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit.

(i) Stamp and coin floaters.

(j) Musical instrument floaters. Radios, televisions, record players and combinations thereof are not deemed musical instruments.

(k) Mobile articles, machinery and equipment floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use) covering identified property of a mobile or floating nature pertaining to or usual to a household. ~~((Such))~~ The policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(l) Installment sales and leased property policies covering property pertaining to a household and sold under conditional contract of sale, partial payment contract or installment sales contract or leased, but excluding motor vehicles designed for highway use. ~~((Such))~~ The policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

(m) Live animal floaters.

(6) Commercial property floater risks covering property pertaining to a business, profession or occupation, as follows:

(a) Radium floaters.

(b) Physicians' and surgeons' instrument floaters. ~~((Such))~~ The policies may include coverage of ~~((such))~~ the furniture, fixtures and tenant insured's interest in ~~((such))~~ the improvements and betterments of buildings as are located in that portion of the premises occupied by the insured in the practice of his or her profession.

(c) Pattern and die floaters.

(d) Theatrical floaters, excluding buildings and their improvements and betterments, and furniture and fixtures that do not travel about with theatrical troupes.

(e) Film floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.

(f) Salesmen's samples floaters.

(g) Exhibition policies on property while on exhibition and in transit to or from ~~((such))~~ the exhibitions.

(h) Live animal floaters.

(i) Builders risks and/or installation risks covering interest of owner, seller or contractor, against loss or damage to machinery, equipment, building materials or supplies, being used with and during the course of installation, testing, building, renovating or repairing. ~~((Such))~~ The policies may cover at points or places where work is being performed, while in transit and during temporary storage or deposit, of property designated for and awaiting specific installation, building, renovating or repairing.

(i) ~~((Such))~~ The coverage ~~((shall be))~~ is limited to builders risks or installation risks where perils in addition to fire and extended coverage are to be insured.

(ii) If written for account of owner, the coverage shall cease upon completion and acceptance thereof; or if written for account of a seller or contractor the coverages shall terminate when the interest of the seller or contractor ceases.

(j) Mobile articles, machinery and equipment floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use and snow plows constructed exclusively for highway use), covering identified property of a mobile or floating nature, not on sale or consignment, or in course of manufacture, which has come into custody or control of parties who intend to use such property for the purpose for which it was manufactured or created. ~~((Such))~~ The policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(k) Property in transit to or from and in the custody of bailees (not owned, controlled or operated by the bailor.) ~~((Such))~~ The policies shall not cover bailee's property at his premises.

(l) Installment sales and leased property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased but excluding motor vehicles designed for highway use. ~~((Such))~~ The policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest. This section is not intended to include machinery and equipment under certain "lease-back" contracts.

(m) Garment contractors floaters.

(n) Furriers or fur storer's customer's policies (i.e., policies under which certificates or receipts are issued by furriers or fur storers) covering specified articles the property of customers.

(o) Accounts receivable policies, valuable papers and records policies.

(p) Floor plan policies, covering property for sale while in possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided:

(i) ~~((Such))~~ The merchandise is specifically identifiable as encumbered to the bank or lending institution.

(ii) The dealer's right to sell or otherwise dispose of ~~((such))~~ the merchandise is conditioned upon its being released from encumbrance by the bank or lending institution.

(iii) ~~((Such))~~ The policies cover in transit and do not extend beyond the termination of the dealer's interest.

~~((Such))~~ The policies shall not cover automobiles or motor vehicles, nor merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchandise specifically identifiable as encumbered to the lending institution.

(q) Sign and street clock policies, including neon signs, automatic or mechanical signs, street clocks, while in use as such.

(r) Fine arts policies covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit, for account of museums, galleries, universities, businesses, municipalities and other similar interests.

(s) Policies covering personal property which, when sold to the ultimate purchaser, may be covered specifically, by the owner, under inland marine policies including:

(i) Musical instrument dealers policies, covering property consisting principally of musical instruments and their accessories. Radios, televisions, record players and combinations thereof are not deemed musical instruments.

(ii) Camera dealers policies, covering property consisting principally of cameras and their accessories.

(iii) Furrier's dealers policies, covering property consisting principally of furs and fur garments.

(iv) Equipment dealers policies, covering mobile equipment consisting of binders, reapers, tractors, harvesters, harrows, tedders and other similar agricultural equipment and accessories therefor; construction equipment consisting of bulldozers, road scrapers, tractors, compressors, pneumatic tools and similar equipment and accessories therefor; but excluding motor vehicles designed for highway use.

(v) Stamp and coin dealers covering property of philatelic and numismatic nature.

(vi) Jewelers' block policies.

(vii) Fine arts dealers policies.

~~((Such))~~ The policies may include coverage of money in locked safes or vaults on the insured's premises. ~~((Such))~~ The policies also may include coverage of furniture, fixtures, tools, machinery, patterns, molds, dies and tenant insured's interest in improvements of buildings.

(t) Wool growers floaters.

(u) Domestic bulk liquids policies, covering tanks and domestic bulk liquids stored therein.

(v) Difference in conditions coverage excluding fire and extended coverage perils.

(w) Electronic data processing policies.

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-050 Excluded coverages. Unless otherwise permitted, ~~((nothing in))~~ WAC 284-20-030 ~~((or))~~ and 284-20-040 ~~((shall be construed to))~~ do not permit marine or transportation policies to cover:

(1) Storage of insured's merchandise, except as (~~herein before~~) provided in this chapter.

(2) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(3) Furniture and fixtures and improvements and betterments to buildings.

(4) Monies and/or securities in safes, vaults, safety deposit vaults, bank or insured's premises, except while in course of transportation.

AMENDATORY SECTION (Amending Order R 86-7, filed 11/26/86)

WAC 284-20-100 Modification of form filing requirements. (~~Pursuant to~~) Under RCW 48.18.100(6), the commissioner rules and (~~hereby~~) orders that all insurance documents and forms pertaining to surplus line coverages placed in this state (~~(pursuant to)~~) under chapter 48.15 RCW are exempt from the requirements of RCW 48.18.100(~~; hereby confirming the long-standing practice in this state~~).

AMENDATORY SECTION (Amending Order R 94-30, filed 4/10/95, effective 5/11/95)

WAC 284-20-200 Retention of policy forms. Beginning July 1, 1996, every insurer shall adopt a record retention procedure and shall maintain records sufficient to reconstruct a copy of every general liability insurance policy issued for delivery in this state to a Washington resident on or after July 1, 1996.

(1) Records may be kept in any reasonable and customary format, including any photographic or electronic format.

(2) Records shall be kept for at least twenty years following the expiration date of the policy.

(3) The insurer shall maintain the capacity to retrieve records sufficient to reconstruct any policy by name of the named insured(s) as shown on the policy declarations page and by policy number.

(4)(a) The insurer shall keep either a copy of each form of general liability insurance policy issued to a resident of this state so that it can be matched to an insured's record upon request, or a copy of the insured's policy as issued. For manuscript policies, the insurer shall retain a copy of the insured's policy as issued.

(b) For each insured, the insurer shall maintain at least the following information as the insured's record:

(i) The name of all named insureds as shown on the policy declarations page;

(ii) The address of the named insured as shown on the policy declarations page;

(iii) The name of any additional named insured(s);

(iv) The policy number;

(v) The form number(s) or a copy of the insured's policy as issued;

(vi) The limits of liability;

(vii) The annual premium;

(viii) The form number(s) or a copy of any endorsement(s); and

(ix) The policy period.

(5) Records of general liability insurance policies issued to Washington residents and that are in the possession of the insurer on the effective date of this section shall not be destroyed for twenty years after the effective date of this section (~~(; Provided however, That such)~~). The records do not need ((not)) to be catalogued or indexed to meet the standards of this section.

(6) Records of general liability insurance policies issued by unauthorized insurers shall be kept in this state; however, (~~such~~) the records may be maintained on behalf of an unauthorized insurer by the surplus line broker of record on the policy, or the broker's successor.

(7) For purposes of this section, "general liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution liability insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-20-070

Catastrope coverage.



**WSR 98-22-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-220—Filed October 21, 1998, 3:20 p.m.]

Date of Adoption: October 20, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-40-02700S; and amending WAC 220-40-027.

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: An inseason assessment indicates harvestable numbers of chum salmon exist based on a larger than predicted return of chum salmon. There is insufficient time to promulgate permanent rules.

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.

October 20, 1998

Evan Jacoby
for Larry Peck
Acting Director

NEW SECTION

WAC 220-40-02700S Salmon—Willapa Bay fall fishery. Notwithstanding the provisions of WAC 220-40-027 and WAC 220-40-015, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Willapa Bay except as provided for in this section.

Open fishing period

(1) Open 6:00 p.m. October 21 to 6:00 p.m. October 22, 1998 in that portion of Salmon Management and Catch Reporting Area 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12.

(2) Gill net gear shall be used as provided in WAC 220-40-015, except that the maximum mesh size from October 21 through October 22, 1998 is 6 1/2 inches.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 22, 1998:

WAC 220-40-02700S Salmon—Willapa Bay fall fishery.

**WSR 98-22-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-221—Filed October 22, 1998, 2:37 p.m.]

Date of Adoption: October 22, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000D and 220-33-01000E; and amending WAC 220-33-010.

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 closes the last week of commercial sturgeon season and reduces hours for the remaining week. Modification of the season was necessary because the catches to date are nearing the annual commercial sturgeon allocation guideline. This regulation is consistent with actions of the Columbia River Compact hearing of October 21, 1998. There is insufficient time to promulgate permanent rules.

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 2.

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.

October 22, 1998

Mike Kuttel
for Larry Peck
Acting Director

EMERGENCY

NEW SECTION

WAC 220-33-01000E Columbia River seasons below Bonneville Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

OPEN: 8:00 p.m. Thursday October 22 to 8:00 a.m. Friday October 23, 1998.

GEAR: 9 inch minimum mesh and 9 3/4 inch maximum mesh

ALLOWABLE SALE: Salmon and sturgeon

SANCTUARIES: Grays Bay, Elokomin, Cowlitz, Kalama, Washougal, Big Creek, Sandy, and the Lewis-B sanctuary.

AREA: TONGUE POINT SELECT AREA

Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the south-west end of Lois Island due westerly to a marker on the opposite bank. All open waters are under concurrent jurisdiction.

FISHING PERIODS

6 P.M. Wednesdays to 8 A.M. Thursdays

6 P.M. Thursdays to 8 A.M. Fridays

Immediately through October 23, 1998

GEAR

Nets restricted to a maximum length of 250 fathoms and weight restriction on leadline not to exceed 2 pounds per fathom. However, fishers participating in the Tongue Point Select Area fishery may have gill nets stored on board their boats with leadline in excess of 2 pounds per fathom. 8 inch maximum mesh size.

OTHER

Unlawful to transport or possess fish outside of the fishing area when the mainstem is closed unless by licensed buyer. An exception to this rule would allow transportation out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000D Columbia River salmon seasons below Bonneville. (98-214)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 23, 1998:

WAC 220-33-01000E Columbia River salmon seasons below Bonneville.

WSR 98-22-006

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 98-222—Filed October 22, 1998, 2:40 p.m., effective October 24, 1998, 8:00 a.m.]

Date of Adoption: October 22, 1998.

Purpose: Commercial and recreational fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600G and 220-56-33000K.

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: Test results indicate that the crab population in these areas have attained shell hardness so that wastage from softshell crabs is no longer a concern.

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 2.

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: October 24, 1998, 8:00 a.m.

October 22, 1998

Evan Jacoby

for Larry Peck

Acting Director

REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. October 24, 1998:

WAC 220-52-04600G Crab fishery—Seasons and areas. (98-207)

WAC 220-56-33000K Crab—Areas and seasons. (98-207)

EMERGENCY

WSR 98-22-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-219—Filed October 22, 1998, 2:41 p.m.]

Date of Adoption: October 22, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-073 and 220-69-240.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable amounts of green urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. Daily reports of sea urchin landings are required to schedule closures and avoid overharvest. A record of the sea urchin district from which red sea urchins were taken and the location where received is required to avoid overharvest of a district and to ensure accurate reporting for purposes of meeting conservation and allocation objectives. There is insufficient time to promulgate permanent rules.

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.

October 22, 1998

Evan Jacoby
 for Larry Peck
 Acting Director

NEW SECTION

WAC 220-52-07300D 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) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4 and Marine Fish/Shellfish Management and Catch Reporting

Areas 24A, 24B, 24C, 24D are open only on October 26, 27, November 2, 3, 9, and 10, 1998. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(2) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on October 24, 25, 31, November 1, 7, and 8, 1998.

(3) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) 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.

NEW SECTION

WAC 220-69-24000J Duties of commercial purchasers and receivers Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for any wholesale dealer purchasing sea urchins from non-treaty sea urchin fishers to fail to report to the Department each day's purchase by 10:00 a.m. the following day. For red sea urchins, the report must specify the number of pounds taken by Sea Urchin District. For green sea urchins, the report must specify the number of pounds taken by Marine Fish-Shellfish Management and Catch Reporting Area. Either of the following two methods of reporting is acceptable:

(a) By facsimile (FAX) transmission to (360) 796-4997, or

(b) By telephone call to (360) 796-4601, extension 500.

(2) It is unlawful for the original receiver of red sea urchins to fail to enter on the fish receiving ticket the Sea Urchin District where the sea urchins were taken.

(3) It is unlawful for the original receiver of sea urchins to fail to enter on the fish receiving ticket the name of the port of landing where the sea urchins were landed onto the shore.

(4) All other fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.

WSR 98-22-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-224—Filed October 28, 1998, 5:02 p.m.]

Date of Adoption: October 28, 1998.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-22-101 [220-33-010], 220-33-020, and 220-57-175.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of sturgeon are available in the Columbia River. Provides eighteen hour mainstem season to harvest portion of commercial sturgeon allocation. Sets one more week of fishing in Tongue Point and Blind Slough select areas to harvest surplus coho. Opens jack coho fishery on Cowlitz River due to unexpected high abundance. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 28, 1998

Larry Peck

Acting Director

NEW SECTION

WAC 220-57-17500K Cowlitz River. Effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Cowlitz River except as provided for in this section. Special daily limit of six coho salmon, minimum size 12 inches, release all

coho salmon 20 inches and greater in length. Release wild coho.

NEW SECTION

WAC 220-33-01000K Columbia River season below Bonneville Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

SEASON: Noon Thursday, October 29, 1998 to 6 a.m. Friday, October 30, 1998

GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh

ALLOWABLE SALE: Salmon and sturgeon

SANCTUARIES: Grays Bay, Elokommin, Cowlitz, Kalama, Washougal, Big Creek, Sandy, and the Lewis-B sanctuary.

AREA: BLIND SLOUGH SELECT AREA

Open waters extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent Oregon and Washington waters extend downstream of the railroad bridge. Oregon waters extend upstream of the railroad bridge.

FISHING PERIODS:

6 p.m. Wednesday, October 28, 1998 to 8 a.m. Thursday, October 29, 1998

6 p.m. Thursday, October 29, 1998 to 8 a.m. Friday, October 30, 1998

GEAR: Nets restricted to 50 fathoms in length with no weight restriction on leadline. 8 inch maximum mesh size.

OTHER: Unlawful to transport or possess fish outside of the fishing area when the mainstem is closed unless by licensed buyer. An exception to this rule would allow transportation out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

AREA: TONGUE POINT SELECT AREA

Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the south-west end of Lois Island due westerly to a marker on the opposite bank. All open waters are under concurrent jurisdiction.

FISHING PERIODS: 6 p.m. Wednesday, October 28 1998 to 8 a.m. Thursday, October 29, 1998

GEAR: Nets restricted to a maximum length of 250 fathoms and weight restriction on leadline not to exceed 2 pounds per fathom. However, fishers participating in the Tongue Point Select Area fishery may have gill nets stored on board their boats with leadline in excess of 2 pounds per fathom. 8 inch maximum mesh size.

OTHER: Unlawful to transport or possess fish outside of the fishing area when the mainstem is closed unless by licensed buyer. An exception to this rule would allow trans-

portation out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 30, 1998:

WAC 220-33-01000K Columbia River season
below Bonneville (98-224)

WSR 98-22-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-223—Filed October 30, 1998, 12:11 p.m., effective November 1, 1998, 12:01 a.m.]

Date of Adoption: October 30, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-907.

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: Consistent with 1998 United States/Canada agreements to reduce impacts to Thompson River-origin coho, scheduled purse seine and gillnet chum-directed openings in Areas 7 and 7A were postponed until the week of November 1, 1998, and this schedule provides opportunity to harvest the nontreaty allocation of chum according to the United States/Canada Chum Annex. Coho nonretention for purse seine and reef net gear in Areas 7/7A is consistent with United States/Canada 1998 agreement. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Nooksack-Samish region, per the preseason schedule. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Skagit region, per the preseason schedule. Openings in Area 8A provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish region of origin, per the preseason schedule. Openings in Area 8D provide opportunity to harvest the nontreaty allocation of coho destined for the Tulalip hatchery per the preseason schedule. Openings in Areas 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon in the south Puget Sound region of origin, per the preseason schedule relative to the in-season update of 525,000 chum - 9% above preseason forecast. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Hood Canal region of origin, reduction from preseason schedule relative to current catch and allocation at the preseason chum forecast. These openings and the purse seine

and reef net chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

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: November 1, 1998, 12:01 a.m.

October 30, 1998

Evan Jacoby

for Larry Peck

Acting Director

NEW SECTION

WAC 220-47-908 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 1, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily through Saturday November 14, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Monday November 2, 1998, Tuesday November 3, 1998, Wednesday November 4, 1998 and Thursday November 5, 1998. Purse seines may fish from 7:00 a.m. to 5:00 p.m. daily, Monday November 2, 1998, Tuesday November 3, 1998, Wednesday November 4, 1998 and Thursday November 5, 1998.
- * **AREA 7B** - Gillnets using 6 1/4-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 2, 1998 until 4:00 p.m. Friday November 6, 1998.
- * **AREA 8** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. Monday November 2, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Tuesday November 3, 1998.

- * **AREA 8A** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Monday November 2, 1998 and Tuesday November 3, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Wednesday November 4, 1998, and Thursday November 5, 1998.
- * **AREA 8D** - Gillnets using 5-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. daily, Monday November 2, 1998 and Tuesday November 3, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily, Wednesday November 4, 1998, and Thursday November 5, 1998.
- * **AREAS 10 AND 11** - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, beginning Monday November 2, 1998 and Tuesday November 3, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. daily Tuesday November 3, 1998 and Wednesday November 4, 1998.
- * **AREAS 12 AND 12B** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. Monday November 2, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Tuesday November 3, 1998.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Purse seines may not retain chinook salmon. Purse seines may not retain coho salmon taken in Areas 7 or 7A.
- * Reef nets may not retain chinook or coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday November 1, 1998:

WAC 220-47-907 Puget Sound all-citizen commercial salmon fishery. (98-217)

WSR 98-22-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-226—Filed October 30, 1998, 2:22 p.m.]

Date of Adoption: October 30, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57A-14500A, 220-57A-14500B, and 220-57A-17500E; and amending WAC 220-57A-145 and 220-57A-175.

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: During the pre-season North of Falcon planning processes, it was expected that more than 5,000 Lake Washington hatchery coho would escape fisheries and be available as hatchery brood stock. The coho egg-take goal for the hatchery was identified as 3.3 million eggs, and the number of coho in the expected escapement should have produced more eggs than necessary to fulfill that egg-take goal.

Currently, the Issaquah Salmon Hatchery has received approximately five hundred adult fish back to their trap. Due to the relatively small size of the females captured in the trap, it is expected that the hatchery will need approximately two thousand females to meet its egg-take goal.

Counts of adult fish passing through facilities at the Chittenden Locks have been far below "normal" throughout the season, indicating that lack of fish at the hatchery is not merely due to fish holding in the lake system prior to entry into the hatchery. The Muckleshoot Tribe's technical staff, who have been doing the locks counts, projects the coho run size at approximately three thousand four hundred fish. Since this projection includes male and female coho of both natural and hatchery origins, it is evident that the hatchery will not attain the necessary two thousand females for its egg-take requirement. Therefore, the recreational fishery for coho in the Lake Washington/Sammamish Lake system is being closed.

An emergency exists in that we are into the period of coho spawning run timing, and there is insufficient time to enact permanent 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 2, Amended 0, Repealed 3.

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.

October 30, 1998

Evan Jacoby

for Larry Peck

Acting Director

NEW SECTION

WAC 220-57A-14500B Sammamish Lake. Notwithstanding the provisions of WAC 220-57A-145, effective

immediately through 11:59 p.m. November 30, 1998, it is unlawful to take, fish for, or possess salmon taken for personal use from waters of Sammamish Lake.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57A-14500A Sammamish Lake. (98-147)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 30, 1998:

WAC 220-57A-14500B. Sammamish Lake.

NEW SECTION

WAC 220-57A-17500E Lake Washington. Notwithstanding the provisions of WAC 220-57A-175, effective immediately through 11:59 p.m. November 30, 1998, it is unlawful to take, fish for, or possess salmon taken for personal use from waters of Lake Washington.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 30, 1998:

WAC 220-57A-17500E Lake Washington.

**WSR 98-22-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-225—Filed November 3, 1998, 11:09 a.m.]

Date of Adoption: November 3, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-72-07600C and 232-12-01700A; and amending WAC 220-72-076 and 232-12-017.

Statutory Authority for Adoption: RCW 75.08.080 and 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: Green crab have been documented in Willapa Bay, a closely adjacent area, which serves as a ready source of larval drift invasion to Grays Harbor. This regulation will provide protection to Puget Sound from introducing this species. These rules are necessary until permanent rules are adopted.

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 2.

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.

November 3, 1998

Evan Jacoby

for Larry Peck

Acting Director

NEW SECTION

WAC 232-12-01700B Deleterious exotic wildlife. Notwithstanding the provisions of WAC 232-12-017, effective immediately until further notice, the following animal is hereby designated as deleterious exotic wildlife.

(1) European green crab (*Carcinus maenas*)

(2) Chinese mitten crab (all members of the genus *Eriocheir*)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-01700A Deleterious exotic wildlife (98-129)

NEW SECTION

WAC 220-72-07600D Unlawful acts—Permit required. Notwithstanding the provisions of WAC 220-72-076, effective immediately until further notice, it shall be unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from the waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or oth-

EMERGENCY

erwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-72-07600C Unlawful acts—Permit
required. (98-134)

EMERGENCY

WSR 98-22-009**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—October 22, 1998]

You are hereby notified that the board of trustees of Whatcom Community College, District Number Twenty-One, will hold an executive session (personnel) on Wednesday, October 21, 1998, at 2:00 a.m. [p.m.] at Whatcom Community College. The agenda will include an executive session for personnel, and establishing a new date for the November board meeting. The college is located at 237 West Kellogg Road, Bellingham, WA 98226.

WSR 98-22-010**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—October 22, 1998]

You are hereby notified that the board of trustees of Whatcom Community College, District Number Twenty-One, will hold an executive session (personnel) on Friday, October 23, 1998, at 8:00 a.m. at Whatcom Community College. The college is located at 237 West Kellogg Road, Bellingham, WA 98226.

WSR 98-22-011**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
(Advisory Board of Plumbers)**

[Memorandum—October 29, 1998]

There will be a special meeting held, November 4, 1998, from 9:30 a.m. - 2 p.m., for the Governor's Advisory Board of Plumbers and legal counsel to discuss interpretation of chapter 18.106 RCW, Journeyman plumbers certification law and Washington state building code, chapters 51-46 and 51-47 WAC.

The Advisory Board of Plumbers will meet in executive session, with its counsel, from 9 a.m. - 9:30 a.m. to identify its legal options regarding how to interpret the extent of chapter 18.106 RCW with respect to medical gas piping systems and installation.

The meetings will be held at the Department of Labor and Industries, Rehabilitation Resource Center, Training Room, 12806 Gateway Drive, Seattle, WA (Tukwila).

WSR 98-22-018**DEPARTMENT OF ECOLOGY**

[Filed October 23, 1998, 4:31 p.m.]

**Notice of interim policy on materials
containing used oil that can be managed as used oil**

Background on interim policy: Ecology is issuing this interim policy to describe the materials containing or contaminated with used oil that can be managed as used oil in Washington. Additionally, this notice describes other changes that will be coming with adoption of the federal used oil management standards (UOMS). The UOMS will be proposed in 1999 and adopted in 1999 or 2000.

Washington presently has standards for used oil burners and marketers in chapter 173-303 WAC. In addition to standards for burners and marketers, the UOMS will establish comprehensive management standards for transporters, generators, collection centers, and processors/refiners of used oil.

Materials containing used oil that can be managed as used oil: An integral part of the UOMS are the applicability statements of 40 CFR Part 279.10. These statements address what materials containing or contaminated with used oil can be managed as used oil. At present, chapter 173-303 WAC, which houses Washington's used oil regulations for burners and marketers does not have applicability statements similar to the applicability statements of 40 CFR Part 279.10. Consequently, it is difficult to determine what materials containing or contaminated with used oil can and cannot be managed as used oil in Washington. This interim policy clarifies what materials can and cannot be managed as used oil in Washington with a list of examples of materials. It is ecology's expectation that this policy will be consistent with the application of the UOMS when they are proposed in 1999.

With the UOMS proposal, ecology will continue to communicate the message to generators that wastes and products should not be mixed with used oil. Wastes streams should be segregated and managed separately. Ecology acknowledges, however, that materials do become contaminated with used oil through normal use of the oil.

Most materials that are not dangerous waste and that contain or are otherwise contaminated with used oil in recoverable quantities can be managed as used oil. The following list gives examples of materials contaminated with used oil that can be managed as used oil under this interim policy and following adoption, under the UOMS.

- Oil filters with oil
- Cellulose or nonhalogenated organic polymer sorbents contaminated with oil from spill cleanups
- Used oil mixed with soil when the oil is recoverable
- Recovered oil/water/solid mixtures from oil water separators
- Tank rinse-water and wash-water with recoverable used oil
- Bilge-water with used oil
- Solvent contaminated with used oil *when the solvent before and after use is not dangerous waste (Ecology strongly encourages recycling of these solvent waste streams on-site or through a solvent recycler)*
- Sump clean-out water with recoverable used oil

Revisions to the UOMS that will be proposed in 1999:

Ecology will be proposing only a few revisions to the UOMS in 1999. The significant revisions are as follows:

Metal working fluids with chlorinated paraffins:

Ecology will clarify the regulatory status of metal working fluids with chlorinated paraffins. These fluids will be able to be managed as used oil under ecology's proposal when on a pathway for rerefining or reclaiming, however, they will not be able to be burned for energy recovery under the used oil management standards. Because of the high level of chloride in these fluids, ecology is concerned about the generation of chlorinated dibenzo-dioxins (CDDs) and chlorinated dibenzo-furans (CDFs) during burning. Ecology believes the burning standards of 40 CFR Part 266 Subpart H (The Boiler and Industrial Furnace Rule) and the incineration requirements of 40 CFR Part 264 provide an appropriate standard of care for the burning of metal working fluids with chlorinated paraffins.

Storage limit at used oil processors: Ecology will also propose a storage limit for used oil at used oil processors to ensure that used oil is not speculatively accumulated before processing. This is prompted by a concern that in many cases used oil has a hazard equivalent to a dangerous waste and used oil processors have fewer management controls than hazardous waste treatment, storage, and disposal facilities.

Mixing of hazardous waste: Ecology will clarify that conditionally exempt small quantity generator waste and characteristic and criteria dangerous waste should not be mixed with used oil.

Department of Ecology staff contact: Tom Loranger, (360) 407-6761.

WSR 98-22-020

NOTICE OF PUBLIC MEETINGS

UNIVERSITY OF WASHINGTON

[Memorandum—October 20, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

GPSS Executive Committee

Meeting Dates	Location	Time
October 19, 1998	304 F	4-6 p.m.
November 2, 1998	SCC 350	4-6 p.m.
November 16, 1998	304 D	4-6 p.m.
November 30, 1998	304 F	4-6 p.m.
December 7, 1998	SCC 350	4-6 p.m.
December 14, 1998	304 F	4-6 p.m.
January 4, 1998 [1999]	304 F	4-6 p.m.

WSR 98-22-021

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

[Memorandum—October 26, 1998]

**PSYCHOLOGY 1999 MEETING AND
EXAMINATION DATES**

January 8-9, 1999	Oral Examination
January	NO BUSINESS MEETING
February 12, 1999	
March 12, 1999	
April 9, 1999	
April 14, 1999	Written Examination
May 14, 1999	
June 11, 1999	
July 9-10, 1999	Oral Examination
July and August	NO BUSINESS MEETING
September 10, 1999	
October 8, 1999	
October 13, 1999	Written Examination
November 12, 1999	
December 10, 1999	

WSR 98-22-023

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY**

(Library Commission)

[Memorandum—October 26, 1998]

The Washington State Library Commission has revised the date that they have scheduled their commission workshop. Please note the following change.

DATE:	Thursday, November 5, 1998
TIME:	9:00 to noon
SUBJECT:	WSL Commission Workshop
LOCATION:	Washington State Library Joel M. Pritchard Building Olympia, Washington

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, fax (360) 586-7575 or internet cstussy@statelib.wa.gov.

WSR 98-22-025

**INTERPRETIVE AND POLICY STATEMENT
WASHINGTON STATE LOTTERY**

[Filed October 28, 1998, 9:39 a.m.]

The Washington State Lottery has recently adopted or revised the following policies:

MISC.

POL 110.552 - Wednesday and Saturday Quinto, Lotto, Daily Game and Daily Keno Drawings (revision)

First set of changes:

The headquarters drawing officials (HDOs) are now selected and scheduled by the information services manager. Added that an assigned trainer may witness the drawings with an official-in-training without obtaining specific approval from the director. The lottery drawing official (LDO) will limit access to the studio by ensuring the studio door is closed, unless the LDO or lottery security official (LSO) can keep it under his/her direct observation.

The LDO is no longer required to call the drawing coordinator when additional tests are required to verify the randomness of the drawings. The LDO is authorized to perform four additional tests, and must telephone the drawing coordinator if the same number(s)/symbol(s) appear one or more additional times.

Drawing times are now as follows:

Daily Keno	Taped at approximately 6:56 p.m. (LDO discretion)	7:00 p.m.*
Daily Game	7:00:00 to 7:00:30	Live
Quinto	7:01:00 to 7:01:30	Live
Lotto	7:01:30 to 7:02:00	Live

*The first half of the Daily Keno drawing airs at the bottom half of a split screen with Daily Game at 7:00:00 p.m. The second half airs as a full screen from 7:00:30 to 7:01:00 p.m.

Signed 6/30/98

Second set of changes: The lottery's announcer will now read the winning Daily Keno numbers from the audit log printed by the computer. The LDO no longer writes the Quinto numbers onto the control sheet until after the Lotto drawing is performed (on both the rehearsal and live drawings). The rehearsal drawings will be performed as a set, just as they will be performed for the live drawing (rather than doing all four Daily Game, then Quinto, etc.)

Signed 7/7/98

POL 130.007 - Lost/Stolen Instant Tickets

The lottery no longer charges retailers \$25 for tickets that are lost or stolen while in received status. Clarified that DSRs will work with retailers on safeguarding all tickets in their possession. Lottery security no longer notifies customer service of packs reported stolen.

Signed 7/20/98

POL 130.013 - Deadly Weapons Prohibition (revision)

Clarified that: a) Employees are allowed to carry pepper spray or mace for purposes of personal defense, unless prohibited by a local policy or ordinance, and b) employees who believe that an immediate threat of bodily harm exists should contact police authorities prior to contacting lottery security.

Signed 7/13/98

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olym-

pia, WA 98504-3000, phone (360) 586-1051, fax (360) 586-6586.

October 22, 1998

Merritt D. Long

Director

WSR 98-22-043**ATTORNEY GENERAL'S OFFICE**

[Filed October 30, 1998, 10:56 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by November 25, 1998. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by November 25, 1998, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**98-10-03 Request by Gregory R. Dallaire, Chair
Commission on Judicial Conduct**

Can the Commission divide its eleven members into separate investigatory and adjudicative panels to separate the functions under and within its current constitutional authority? If the answer is no, does the Commission have the authority to use a member's alternate to separate the investigatory and adjudicatory functions?

WSR 98-22-045

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—October 26, 1998]

The Eastern Washington University board of trustees meeting schedule for 1999 has been approved at the October 23, 1998, board of trustees meeting. The schedule is as follows:

- Friday, January 22, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, February 26, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, April 2, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, May 28, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, June 25, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, July 23, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, September 24, 9:00 a.m., Pence Union Building, Banquet Room 265
- Friday, October 22, 9:00 a.m., Spokane Center, Second Floor Mall
- Friday, December 3, 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.

If you have questions concerning this schedule, please contact Angie O'Neill in the President's Office, at extension (509) 359-6598.

WSR 98-22-049

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—October 30, 1998]

MEETING NOTICE FOR NOVEMBER 1998
TRANSPORTATION IMPROVEMENT BOARD
BELLEVUE, WASHINGTON

Sidewalk Committee, 1:00 p.m. - 2:30 p.m., Thursday, November 19, 1998, at the Best Western Bellevue Inn, 11211 Main Street, Bellevue.

Increase Committee, 2:30 p.m. - 5:00 p.m., Thursday, November 19, 1998, at the Best Western Bellevue Inn.

Work Session, 7:00 p.m., Thursday, November 19, 1998, at the Best Western Bellevue Inn.

Board Meeting, 9:00 a.m., Friday, November 20, 1998, at the Best Western Bellevue Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by November 12, 1998.

There is no TIB meeting scheduled for December. The next scheduled meeting is January 22, 1999, in Renton. A notice with further detail of the January meeting will be mailed December 31, 1998.

WSR 98-22-050

NOTICE OF PUBLIC MEETINGS

MARINE EMPLOYEES' COMMISSION

[Memorandum—October 30, 1998]

The following is a schedule of the 1999 monthly meetings of the Marine Employees' Commission adopted by the MEC on October 23, 1998:

<u>MONTH</u>	<u>DAY</u>	<u>LOCATION</u>
January	29	Seattle
February	26	Olympia
March	26	Olympia
April	30	Seattle
May	21	Seattle
June	25	Bremerton—WSF South Reg. Office
July	30	Seattle
August	27	Everett—WSF North Reg. Office
September	24	Seattle
October	29	Seattle
November	NO MEETING	
December	10	Seattle

The meetings scheduled in Seattle will be held at the Washington State Ferries' Terminal, Colman Dock, Pier 52 and will begin at 9:30 a.m.

Meetings in Olympia are held at the Evergreen Plaza Building, Second Floor Conference Room. For directions to the Bremerton and Everett WSF Regional Offices, please contact MEC staff at (360) 586-6354. The meetings scheduled for Olympia, Bremerton and Everett are scheduled to begin at 10:00 a.m.

SPECIAL NEEDS: For special accommodations or to request auxiliary aid, please contact the MEC staff at least ten days in advance of the event at (360) 586-6354 (voice) or (360) 586-0820 (fax).

WSR 98-22-053

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed November 2, 1998, 12:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 176.

Subject: Changes in employer requirements.

Effective Date: September 25, 1998.

Document Description: Explains to staff changes (per PRWORA) in what is required of employers.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 586-

MISC.

3293, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

October 21, 1998
Stephanie E. Schiller

WSR 98-22-054
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed November 2, 1998, 12:48 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 175.
Subject: New service options for withholding.
Effective Date: September 25, 1998.
Document Description: Explains new ways DCS staff can send OWDs and PDNs to employers. Service is not always required anymore.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 586-3293, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

October 21, 1998
Stephanie E. Schiller

WSR 98-22-055
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed November 2, 1998, 1:01 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 174.
Subject: Adding a child to an administrative order.
Effective Date: September 25, 1998.
Document Description: Establishes a uniform procedure to add children to existing administrative orders.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 586-3293, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

October 21, 1998
Stephanie E. Schiller

WSR 98-22-064
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—October 30, 1998]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES

NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

November 19, 1998, Edmonds Community College board of trustees regular board meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m. *Purpose: To address routine college business issues.*

WSR 98-22-067
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)
[Memorandum—November 2, 1998]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following change of date for its December meeting: The December 4, 1998, regular meeting of the Clemency and Pardons Board has been changed to December 11, 1998, in the John A. Cherberg Building, Hearing Room 4, Olympia, Washington, starting at 10:00 a.m.

WSR 98-22-068
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
[Memorandum—November 2, 1998]

The next Title and Registration Advisory Committee (TRAC) meeting is:

DATE: December 14, 1998
TIME: 10:00 a.m. to 12:00 p.m.
PLACE: North Park Community Center
13735 24th Avenue South
SeaTac, WA 98188

WSR 98-22-077
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Chemical Dependency Professional Advisory Committee)
[Memorandum—October 26, 1998]

The Chemical Dependency Professional Advisory Committee has set their open public meeting dates for the remainder of 1998 and all of 1999. They are:

November 16, 1998	Committee meeting and public workgroup meeting	Olympia
December 17, 1998	Public workgroup meeting	Spokane
December 18, 1998	Committee meeting	Spokane
January 22, 1999	Committee meeting	Olympia
February 18, 1999	Committee meeting and public workgroup meeting	Yakima
March 25, 1999	Public workgroup meeting	Everett
March 26, 1999	Committee meeting	Everett

MISC.

April 30, 1999	Committee meeting	Olympia
May 25, 1999	Committee meeting	Spokane
June 25, 1999	Committee meeting	Olympia
July 23, 1999	Committee meeting	Olympia
August 27, 1999	Committee meeting	Olympia
September 24, 1999	Committee meeting	Olympia
October 22, 1999	Committee meeting	Olympia
November 19, 1999	Committee meeting	Olympia
December 17, 1999	Committee meeting	Olympia

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = 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 of existing section
- 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
- XA = Expedited adoption
- XR = Expedited repeal

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 #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-XA	98-09-083	14-276-030	NEW-XA	98-18-045	16-102	PREP	98-04-075
1-21-010	AMD	98-14-048	14-276-040	NEW-XA	98-18-045	16-104	PREP	98-19-027
1-21-020	AMD-XA	98-09-083	14-276-050	NEW-XA	98-18-045	16-129-010	REP-XR	98-08-020
1-21-020	AMD	98-14-048	14-276-060	NEW-XA	98-18-045	16-129-010	REP	98-13-029
4-25	AMD-C	98-05-020	14-276-070	NEW-XA	98-18-045	16-129-020	REP-XR	98-08-020
4-25	AMD-C	98-07-025	14-276-080	NEW-XA	98-18-045	16-129-020	REP	98-13-029
4-25-410	AMD	98-12-020	14-276-090	NEW-XA	98-18-045	16-129-025	REP-XR	98-08-020
4-25-511	REP-XR	98-19-044	14-276-100	NEW-XA	98-18-045	16-129-025	REP	98-13-029
4-25-511	REP-P	98-22-065	14-276-110	NEW-XA	98-18-045	16-129-030	REP-XR	98-08-020
4-25-520	AMD	98-12-021	14-276-120	NEW-XA	98-18-045	16-129-030	REP	98-13-029
4-25-530	PREP	98-19-045	14-276-130	NEW-XA	98-18-045	16-154	PREP	98-16-016
4-25-530	AMD-P	98-22-066	14-276-140	NEW-XA	98-18-045	16-160	PREP	98-16-015
4-25-540	AMD	98-12-022	14-325-010	NEW-XA	98-18-045	16-167	PREP	98-21-012
4-25-550	AMD	98-12-023	16-08-151	AMD-XA	98-04-082	16-167-010	AMD-XA	98-04-076
4-25-551	AMD	98-12-047	16-08-151	AMD	98-09-085	16-167-010	AMD	98-09-048
4-25-620	AMD	98-12-048	16-20	PREP	98-15-067	16-167-020	AMD-XA	98-04-076
4-25-622	AMD	98-12-049	16-21	PREP	98-15-067	16-167-020	AMD	98-09-048
4-25-625	REP	98-12-056	16-22	PREP	98-15-067	16-167-030	AMD-XA	98-04-076
4-25-626	NEW	98-12-055	16-23	PREP	98-15-067	16-167-030	AMD	98-09-048
4-25-627	REP	98-12-056	16-32-009	PREP	98-05-104	16-167-040	AMD-XA	98-04-076
4-25-631	AMD	98-12-050	16-32-009	REP-P	98-09-104	16-167-040	AMD	98-09-048
4-25-810	AMD	98-12-051	16-32-009	REP	98-14-036	16-167-050	AMD-XA	98-04-076
4-25-920	REP-XR	98-19-044	16-32-011	AMD-P	98-09-104	16-167-050	AMD	98-09-048
4-25-920	REP-P	98-22-065	16-32-011	AMD	98-14-036	16-167-060	AMD-XA	98-04-076
14-104-010	NEW-XA	98-18-045	16-46-010	REP-XR	98-08-080	16-167-060	AMD	98-09-048
14-104-020	NEW-XA	98-18-045	16-46-010	REP	98-13-118	16-168-010	AMD	98-03-089
14-104-030	NEW-XA	98-18-045	16-86	PREP	98-08-022	16-168-020	AMD	98-03-089
14-108-010	NEW-XA	98-18-045	16-86	PREP	98-11-010	16-168-030	AMD	98-03-089
14-108-020	NEW-XA	98-18-045	16-89	PREP	98-08-023	16-168-040	AMD	98-03-089
14-108-030	NEW-XA	98-18-045	16-96	REP-C	98-18-043	16-168-050	AMD	98-03-089
14-108-040	NEW-XA	98-18-045	16-96-001	REP-P	98-15-157	16-168-060	AMD	98-03-089
14-108-050	NEW-XA	98-18-045	16-96-001	REP	98-19-037	16-168-070	AMD	98-03-089
14-108-060	NEW-XA	98-18-045	16-96-002	REP-P	98-15-157	16-168-075	NEW	98-03-089
14-108-070	NEW-XA	98-18-045	16-96-002	REP	98-19-037	16-168-080	AMD	98-03-089
14-108-080	NEW-XA	98-18-045	16-96-003	REP-P	98-15-157	16-168-090	AMD	98-03-089
14-122-010	NEW-XA	98-18-045	16-96-003	REP	98-19-037	16-168-100	AMD	98-03-089
14-122-020	NEW-XA	98-18-045	16-96-010	REP-P	98-15-157	16-200	PREP	98-12-039
14-122-030	NEW-XA	98-18-045	16-96-010	REP	98-19-037	16-200-695	AMD-E	98-12-018
14-133-020	NEW-XA	98-18-045	16-96-020	REP-P	98-15-157	16-200-695	AMD-E	98-13-013
14-134-010	NEW-XA	98-18-045	16-96-020	REP	98-19-037	16-200-695	AMD-P	98-19-128
14-276-010	NEW-XA	98-18-045	16-96-030	REP-P	98-15-157	16-200-695	AMD-E	98-20-057
14-276-020	NEW-XA	98-18-045	16-96-030	REP	98-19-037	16-200-705	AMD-E	98-12-018

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-200-705	AMD-E	98-13-013	16-333-225	REP	98-13-033	16-471-010	REP-W	98-13-127
16-200-705	AMD-P	98-19-128	16-333-230	REP-XR	98-07-108	16-471-010	REP-P	98-13-128
16-200-705	AMD-E	98-20-057	16-333-230	REP	98-13-033	16-471-010	REP	98-19-023
16-200-7061	NEW-E	98-12-018	16-333-235	REP-XR	98-07-108	16-471-015	REP-P	98-10-115
16-200-7061	NEW-E	98-13-013	16-333-235	REP	98-13-033	16-471-015	REP-W	98-13-127
16-200-7061	NEW-P	98-19-128	16-333-240	REP-XR	98-07-108	16-471-015	REP-P	98-13-128
16-200-7061	NEW-E	98-20-057	16-333-240	REP	98-13-033	16-471-015	REP	98-19-023
16-200-7062	NEW-E	98-12-018	16-333-245	REP-XR	98-07-108	16-471-020	REP-P	98-10-115
16-200-7062	NEW-E	98-13-013	16-333-245	REP	98-13-033	16-471-020	REP-W	98-13-127
16-200-7062	NEW-P	98-19-128	16-334-010	NEW-XA	98-07-109	16-471-020	REP-P	98-13-128
16-200-7062	NEW-E	98-20-057	16-334-010	NEW	98-11-048	16-471-020	REP	98-19-023
16-200-7063	NEW-E	98-12-018	16-334-020	NEW-XA	98-07-109	16-471-030	REP-P	98-10-115
16-200-7063	NEW-E	98-13-013	16-334-020	NEW	98-11-048	16-471-030	REP-W	98-13-127
16-200-7063	NEW-P	98-19-128	16-334-030	NEW-XA	98-07-109	16-471-030	REP-P	98-13-128
16-200-7063	NEW-E	98-20-057	16-334-030	NEW	98-11-048	16-471-030	REP	98-19-023
16-200-7064	NEW-E	98-12-018	16-334-040	NEW-XA	98-07-109	16-471-040	REP-P	98-10-115
16-200-7064	NEW-E	98-13-013	16-334-040	NEW	98-11-048	16-471-040	REP-W	98-13-127
16-200-7064	NEW-P	98-19-128	16-334-050	NEW-XA	98-07-109	16-471-040	REP-P	98-13-128
16-200-7064	NEW-E	98-20-057	16-334-050	NEW	98-11-048	16-471-040	REP	98-19-023
16-200-708	AMD-E	98-12-018	16-334-060	NEW-XA	98-07-109	16-471-050	REP-P	98-10-115
16-200-708	AMD-E	98-13-013	16-334-060	NEW	98-11-048	16-471-050	REP-W	98-13-127
16-200-708	AMD-P	98-19-128	16-334-070	NEW-XA	98-07-109	16-471-050	REP-P	98-13-128
16-200-708	AMD-E	98-20-057	16-334-070	NEW	98-11-048	16-471-050	REP	98-19-023
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16-212-030	AMD-P	98-07-106	16-334-080	NEW	98-11-048	16-471-060	REP-W	98-13-127
16-212-030	AMD	98-12-058	16-354-002	REP-P	98-06-082	16-471-060	REP-P	98-13-128
16-212-060	AMD-P	98-07-106	16-354-002	REP	98-09-049	16-471-060	REP	98-19-023
16-212-060	AMD	98-12-058	16-354-005	AMD-P	98-06-082	16-471-070	REP-P	98-10-115
16-212-070	AMD-P	98-07-106	16-354-005	AMD	98-09-049	16-471-070	REP-W	98-13-127
16-212-070	AMD	98-12-058	16-354-010	AMD-P	98-06-082	16-471-070	REP-P	98-13-128
16-212-080	AMD-P	98-07-106	16-354-010	AMD	98-09-049	16-471-070	REP	98-19-023
16-212-080	AMD	98-12-058	16-354-020	AMD-P	98-06-082	16-471-080	REP-P	98-10-115
16-212-082	AMD-P	98-07-106	16-354-020	AMD	98-09-049	16-471-080	REP-W	98-13-127
16-212-082	AMD	98-12-058	16-354-030	AMD-P	98-06-082	16-471-080	REP-P	98-13-128
16-228-155	PREP	98-07-003	16-354-030	AMD	98-09-049	16-471-080	REP	98-19-023
16-228-155	AMD-P	98-10-069	16-354-040	AMD-P	98-06-082	16-532-010	AMD-P	98-02-073
16-228-155	AMD	98-15-026	16-354-040	AMD	98-09-049	16-532-010	AMD	98-13-122
16-316-474	PREP	98-06-093	16-354-050	AMD-P	98-06-082	16-532-0402	REP-P	98-02-073
16-316-474	AMD-P	98-09-101	16-354-050	AMD	98-09-049	16-532-0402	REP	98-13-122
16-316-474	AMD	98-12-032	16-354-070	AMD-P	98-06-082	16-532-0404	REP-P	98-02-073
16-316-525	PREP	98-06-093	16-354-070	AMD	98-09-049	16-532-0404	REP	98-13-122
16-316-525	AMD-P	98-09-101	16-354-100	AMD-P	98-06-082	16-532-0406	REP-P	98-02-073
16-316-525	AMD	98-12-032	16-354-100	AMD	98-09-049	16-532-0406	REP	98-13-122
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16-319-041	AMD-P	98-09-100	16-400	AMD	98-10-083	16-532-0408	REP	98-13-122
16-319-041	AMD	98-12-031	16-400-007	AMD-P	98-07-032	16-532-0410	REP-P	98-02-073
16-325-005	NEW-XA	98-05-106	16-400-007	AMD	98-10-083	16-532-0410	REP	98-13-122
16-325-005	NEW	98-09-071	16-400-040	AMD-P	98-07-032	16-532-0412	REP-P	98-02-073
16-325-010	NEW-XA	98-05-106	16-400-040	AMD	98-10-083	16-532-0412	REP	98-13-122
16-325-010	NEW	98-09-071	16-400-100	AMD-P	98-07-032	16-532-0414	REP-P	98-02-073
16-325-015	NEW-XA	98-05-106	16-400-100	AMD	98-10-083	16-532-0414	REP	98-13-122
16-325-015	NEW	98-09-071	16-400-210	AMD-P	98-07-032	16-545-010	NEW-P	98-19-118
16-325-020	NEW-XA	98-05-106	16-400-210	AMD	98-10-083	16-545-015	NEW-P	98-19-118
16-325-020	NEW	98-09-071	16-402-005	NEW-P	98-13-129	16-545-020	NEW-P	98-19-118
16-325-025	NEW-XA	98-05-106	16-402-005	NEW	98-17-069	16-545-030	NEW-P	98-19-118
16-325-025	NEW	98-09-071	16-402-010	NEW-P	98-13-129	16-545-040	NEW-P	98-19-118
16-333-200	REP-XR	98-07-108	16-402-010	NEW	98-17-069	16-545-041	NEW-P	98-19-118
16-333-200	REP	98-13-033	16-402-015	NEW-P	98-13-129	16-545-050	NEW-P	98-19-118
16-333-205	REP-XR	98-07-108	16-402-015	NEW	98-17-069	16-545-080	NEW-P	98-19-118
16-333-205	REP	98-13-033	16-402-020	NEW-P	98-13-129	16-557	PREP	98-08-099
16-333-210	REP-XR	98-07-108	16-402-020	NEW	98-17-069	16-557-010	AMD-P	98-12-017
16-333-210	REP	98-13-033	16-470-100	AMD-P	98-08-108	16-557-010	AMD	98-16-081
16-333-215	REP-XR	98-07-108	16-470-100	AMD	98-12-091	16-557-025	NEW-P	98-12-017
16-333-215	REP	98-13-033	16-470-120	AMD-P	98-08-108	16-557-025	NEW	98-16-081
16-333-220	REP-XR	98-07-108	16-470-120	AMD-W	98-21-018	16-561	PREP	98-13-120
16-333-220	REP	98-13-033	16-471	PREP	98-07-107	16-561-030	AMD-P	98-16-080
16-333-225	REP-XR	98-07-108	16-471-010	REP-P	98-10-115	16-561-030	AMD	98-22-091

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-565	PREP	98-13-119	16-607-070	NEW	98-19-037	16-620-260	REP	98-19-037
16-573-010	NEW	98-04-093	16-607-075	NEW-P	98-15-157	16-620-275	REP-P	98-15-157
16-573-020	NEW	98-04-093	16-607-075	NEW	98-19-037	16-620-275	REP	98-19-037
16-573-030	NEW	98-04-093	16-607-080	NEW-P	98-15-157	16-620-280	REP-P	98-15-157
16-573-040	NEW	98-04-093	16-607-080	NEW	98-19-037	16-620-280	REP	98-19-037
16-573-041	NEW	98-04-093	16-607-085	NEW-P	98-15-157	16-620-290	REP-P	98-15-157
16-573-050	NEW	98-04-093	16-607-085	NEW	98-19-037	16-620-290	REP	98-19-037
16-573-060	NEW	98-04-093	16-607-090	NEW-P	98-15-157	16-620-340	REP-P	98-15-157
16-573-070	NEW	98-04-093	16-607-090	NEW	98-19-037	16-620-340	REP	98-19-037
16-573-080	NEW	98-04-093	16-607-095	NEW-P	98-15-157	16-620-350	REP-P	98-15-157
16-575	PREP	98-06-096	16-607-095	NEW	98-19-037	16-620-350	REP	98-19-037
16-600-020	REP-XR	98-08-019	16-607-100	NEW-P	98-15-157	16-620-380	REP-P	98-15-157
16-600-020	REP	98-13-030	16-607-100	NEW	98-19-037	16-620-380	REP	98-19-037
16-604	REP-C	98-18-043	16-607-105	NEW-P	98-15-157	16-620-390	REP-P	98-15-157
16-604-001	REP-P	98-15-157	16-607-105	NEW	98-19-037	16-620-390	REP	98-19-037
16-604-001	REP	98-19-037	16-607-110	NEW-P	98-15-157	16-620-400	REP-P	98-15-157
16-604-002	REP-P	98-15-157	16-607-110	NEW	98-19-037	16-620-400	REP	98-19-037
16-604-002	REP	98-19-037	16-607-115	NEW-P	98-15-157	16-620-410	REP-P	98-15-157
16-604-003	REP-P	98-15-157	16-607-115	NEW	98-19-037	16-620-410	REP	98-19-037
16-604-003	REP	98-19-037	16-607-120	NEW-P	98-15-157	16-657	PREP	98-07-068
16-604-008	REP-P	98-15-157	16-607-120	NEW-S	98-19-087	16-657-040	AMD-P	98-10-120
16-604-008	REP	98-19-037	16-607-120	NEW-C	98-22-042	16-657-040	AMD	98-13-074
16-604-010	REP-P	98-15-157	16-607-125	NEW-P	98-15-157	16-659	PREP	98-07-067
16-604-012	REP-P	98-15-157	16-607-125	NEW	98-19-037	16-659-001	REP-P	98-10-119
16-604-012	REP	98-19-037	16-607-130	NEW-P	98-15-157	16-659-001	REP	98-13-073
16-604-015	REP-P	98-15-157	16-607-130	NEW	98-19-037	16-659-002	NEW-P	98-10-119
16-604-015	REP	98-19-037	16-607-135	NEW-P	98-15-157	16-659-002	NEW	98-13-073
16-604-030	REP-P	98-15-157	16-607-135	NEW	98-19-037	16-659-010	AMD-P	98-10-119
16-604-030	REP	98-19-037	16-607-140	NEW-P	98-15-157	16-659-010	AMD	98-13-073
16-605A	REP-C	98-18-043	16-607-140	NEW	98-19-037	16-662	PREP	98-07-069
16-605A-001	REP-P	98-15-157	16-607-145	NEW-P	98-15-157	16-662-105	AMD-P	98-10-118
16-605A-001	REP	98-19-037	16-607-145	NEW	98-19-037	16-662-105	AMD	98-13-072
16-605A-005	REP-P	98-15-157	16-608	REP-C	98-18-043	16-662-115	AMD-P	98-10-118
16-605A-005	REP	98-19-037	16-608-001	REP-P	98-15-157	16-662-115	AMD	98-13-072
16-605A-010	REP-P	98-15-157	16-608-001	REP	98-19-037	16-675-030	AMD-P	98-09-099
16-605A-010	REP	98-19-037	16-608-010	REP-P	98-15-157	16-675-030	AMD	98-12-030
16-607	NEW-C	98-18-043	16-608-010	REP	98-19-037	16-675-040	AMD-P	98-09-099
16-607	NEW-C	98-19-018	16-608-020	REP-P	98-15-157	16-675-040	AMD	98-12-030
16-607-005	NEW-P	98-15-157	16-608-020	REP	98-19-037	16-750	PREP	98-12-069
16-607-005	NEW	98-19-037	16-620	REP-C	98-18-043	16-750-005	AMD-P	98-20-094
16-607-005	AMD-S	98-19-087	16-620-010	REP-P	98-15-157	16-750-011	AMD-P	98-20-094
16-607-005	AMD-C	98-22-042	16-620-010	REP	98-19-037	16-750-015	AMD-P	98-20-094
16-607-010	NEW-P	98-15-157	16-620-015	REP-P	98-15-157	16-750-110	AMD-P	98-20-094
16-607-010	NEW	98-19-037	16-620-015	REP	98-19-037	16-752	PREP	98-04-077
16-607-015	NEW-P	98-15-157	16-620-020	REP-P	98-15-157	16-752-610	AMD-P	98-08-109
16-607-015	NEW	98-19-037	16-620-020	REP	98-19-037	16-752-610	AMD	98-13-008
16-607-020	NEW-P	98-15-157	16-620-030	REP-P	98-15-157	24-12-010	AMD-P	98-13-121
16-607-020	NEW	98-19-037	16-620-030	REP	98-19-037	24-12-010	AMD	98-18-060
16-607-025	NEW-P	98-15-157	16-620-080	REP-P	98-15-157	24-12-010	AMD	98-21-048
16-607-025	NEW	98-19-037	16-620-080	REP	98-19-037	25-18-010	REP	98-05-027
16-607-035	NEW-P	98-15-157	16-620-100	REP-P	98-15-157	25-18-020	REP	98-05-027
16-607-035	NEW	98-19-037	16-620-100	REP	98-19-037	25-18-030	REP	98-05-027
16-607-040	NEW-P	98-15-157	16-620-105	REP-P	98-15-157	25-18-040	REP	98-05-027
16-607-045	NEW-P	98-15-157	16-620-105	REP	98-19-037	25-18-050	REP	98-05-027
16-607-045	NEW	98-19-037	16-620-150	REP-P	98-15-157	25-18-060	REP	98-05-027
16-607-050	NEW-P	98-15-157	16-620-150	REP	98-19-037	25-18-070	REP	98-05-027
16-607-050	NEW	98-19-037	16-620-205	REP-P	98-15-157	25-18-080	REP	98-05-027
16-607-055	NEW-P	98-15-157	16-620-205	REP	98-19-037	25-18-090	REP	98-05-027
16-607-055	NEW-S	98-19-087	16-620-210	REP-P	98-15-157	25-18-100	REP	98-05-027
16-607-055	NEW-C	98-22-042	16-620-210	REP	98-19-037	25-18-110	REP	98-05-027
16-607-060	NEW-P	98-15-157	16-620-230	REP-P	98-15-157	25-18-120	REP	98-05-027
16-607-060	NEW	98-19-037	16-620-230	REP	98-19-037	25-18-130	REP	98-05-027
16-607-060	AMD-S	98-19-087	16-620-240	REP-P	98-15-157	25-36-010	REP	98-05-027
16-607-060	AMD-C	98-22-042	16-620-240	REP	98-19-037	25-36-020	REP	98-05-027
16-607-065	NEW-P	98-15-157	16-620-250	REP-P	98-15-157	25-36-030	REP	98-05-027
16-607-065	NEW	98-19-037	16-620-250	REP	98-19-037	25-36-040	REP	98-05-027
16-607-070	NEW-P	98-15-157	16-620-260	REP-P	98-15-157	25-36-050	REP	98-05-027

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25- 36-070	REP	98-05-027	50- 52-180	REP	98-16-105	50- 52-520	REP-XR ^	98-13-096
25- 36-080	REP	98-05-027	50- 52-190	REP-XR	98-13-096	50- 52-520	REP	98-16-105
25- 36-090	REP	98-05-027	50- 52-190	REP	98-16-105	50- 52-530	REP-XR	98-13-096
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25- 36-120	REP	98-05-027	50- 52-210	REP-XR	98-13-096	50- 52-540	REP	98-16-105
25- 36-130	REP	98-05-027	50- 52-210	REP	98-16-105	50- 52-550	REP-XR	98-13-096
30- 04-020	PREP	98-09-082	50- 52-220	REP-XR	98-13-096	50- 52-550	REP	98-16-105
30- 04-020	AMD-P	98-20-087	50- 52-220	REP	98-16-105	50- 52-560	REP-XR	98-13-096
30- 08-070	PREP	98-09-082	50- 52-230	REP-XR	98-13-096	50- 52-560	REP	98-16-105
30- 08-070	AMD-P	98-20-087	50- 52-230	REP	98-16-105	50- 52-570	REP-XR	98-13-096
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30- 12-150	AMD-P	98-20-087	50- 52-240	REP	98-16-105	50- 52-580	REP-XR	98-13-096
30- 18-040	PREP	98-09-082	50- 52-250	REP-XR	98-13-096	50- 52-580	REP	98-16-105
30- 18-040	AMD-P	98-20-087	50- 52-250	REP	98-16-105	50- 52-590	REP-XR	98-13-096
30- 22-070	PREP	98-09-082	50- 52-260	REP-XR	98-13-096	50- 52-590	REP	98-16-105
30- 22-070	AMD-P	98-20-087	50- 52-260	REP	98-16-105	50- 52-600	REP-XR	98-13-096
30- 22-090	PREP	98-09-082	50- 52-270	REP-XR	98-13-096	50- 52-600	REP	98-16-105
30- 22-090	AMD-P	98-20-087	50- 52-270	REP	98-16-105	50- 52-610	REP-XR	98-13-096
44- 01-140	REP-XR	98-07-053	50- 52-280	REP-XR	98-13-096	50- 52-610	REP	98-16-105
44- 01-140	REP	98-13-046	50- 52-280	REP	98-16-105	50- 52-620	REP-XR	98-13-096
50- 36	PREP	98-15-148	50- 52-290	REP-XR	98-13-096	50- 52-620	REP	98-16-105
50- 36-010	AMD-P	98-22-076	50- 52-290	REP	98-16-105	50- 52-630	REP-XR	98-13-096
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50- 36-110	AMD-P	98-22-076	50- 52-330	REP	98-16-105	51- 04-060	AMD-P	98-15-150
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50- 52-010	REP-XR	98-13-096	50- 52-340	REP	98-16-105	51- 06-020	AMD	98-02-049
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50- 52-030	REP	98-16-105	50- 52-370	REP-XR	98-13-096	51- 11-0101	AMD-P	98-15-151
50- 52-040	REP-XR	98-13-096	50- 52-370	REP	98-16-105	51- 11-0104	AMD	98-03-003
50- 52-040	REP	98-16-105	50- 52-380	REP-XR	98-13-096	51- 11-0201	AMD	98-03-003
50- 52-050	REP-XR	98-13-096	50- 52-380	REP	98-16-105	51- 11-0402	AMD	98-03-003
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50- 52-060	REP-XR	98-13-096	50- 52-390	REP	98-16-105	51- 11-0503	AMD	98-03-003
50- 52-060	REP	98-16-105	50- 52-400	REP-XR	98-13-096	51- 11-0503	AMD-E	98-15-080
50- 52-070	REP-XR	98-13-096	50- 52-400	REP	98-16-105	51- 11-0503	AMD-P	98-16-066
50- 52-070	REP	98-16-105	50- 52-410	REP-XR	98-13-096	51- 11-0504	AMD	98-03-003
50- 52-080	REP-XR	98-13-096	50- 52-410	REP	98-16-105	51- 11-0505	AMD-W	98-05-064
50- 52-080	REP	98-16-105	50- 52-420	REP-XR	98-13-096	51- 11-0525	AMD	98-03-003
50- 52-090	REP-XR	98-13-096	50- 52-420	REP	98-16-105	51- 11-0527	AMD	98-03-003
50- 52-090	REP	98-16-105	50- 52-430	REP-XR	98-13-096	51- 11-0530	AMD	98-03-003
50- 52-100	REP-XR	98-13-096	50- 52-430	REP	98-16-105	51- 11-0541	AMD	98-03-003
50- 52-100	REP	98-16-105	50- 52-440	REP-XR	98-13-096	51- 11-0602	AMD	98-03-003
50- 52-110	REP-XR	98-13-096	50- 52-440	REP	98-16-105	51- 11-0606	REP	98-03-003
50- 52-110	REP	98-16-105	50- 52-450	REP-XR	98-13-096	51- 11-0607	REP	98-03-003
50- 52-120	REP-XR	98-13-096	50- 52-450	REP	98-16-105	51- 11-0608	REP	98-03-003
50- 52-120	REP	98-16-105	50- 52-460	REP-XR	98-13-096	51- 11-0625	AMD	98-03-003
50- 52-130	REP-XR	98-13-096	50- 52-460	REP	98-16-105	51- 11-0626	AMD	98-03-003
50- 52-130	REP	98-16-105	50- 52-470	REP-XR	98-13-096	51- 11-0627	AMD	98-03-003
50- 52-140	REP-XR	98-13-096	50- 52-470	REP	98-16-105	51- 11-0628	AMD	98-03-003
50- 52-140	REP	98-16-105	50- 52-480	REP-XR	98-13-096	51- 11-0629	AMD	98-03-003
50- 52-150	REP-XR	98-13-096	50- 52-480	REP	98-16-105	51- 11-0630	AMD	98-03-003
50- 52-150	REP	98-16-105	50- 52-490	REP-XR	98-13-096	51- 11-0701	AMD	98-03-003
50- 52-160	REP-XR	98-13-096	50- 52-490	REP	98-16-105	51- 11-0800	AMD	98-03-003
50- 52-160	REP	98-16-105	50- 52-500	REP-XR	98-13-096	51- 11-1002	AMD	98-03-003
50- 52-170	REP-XR	98-13-096	50- 52-500	REP	98-16-105	51- 11-1003	AMD	98-03-003
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51-11-1007	AMD	98-03-003	51-26-2301	REP	98-02-055	51-30-1122	REP	98-02-054
51-11-1008	AMD	98-03-003	51-27-001	REP	98-02-055	51-30-1123	REP	98-02-054
51-11-1009	AMD	98-03-003	51-27-002	REP	98-02-055	51-30-1124	REP	98-02-054
51-11-1010	REP	98-03-003	51-27-003	REP	98-02-055	51-30-1125	REP	98-02-054
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51-11-1132	AMD	98-03-003	51-30-001	REP	98-02-054	51-30-1600	REP	98-02-054
51-11-1133	AMD	98-03-003	51-30-002	REP	98-02-054	51-30-1614	REP	98-02-054
51-11-1210	AMD	98-03-003	51-30-003	REP	98-02-054	51-30-1700	REP	98-02-054
51-11-1310	AMD-W	98-05-064	51-30-004	REP	98-02-054	51-30-1702	REP	98-02-054
51-11-1312	AMD	98-03-003	51-30-005	REP	98-02-054	51-30-1900	REP	98-02-054
51-11-1322	AMD-W	98-05-064	51-30-007	REP	98-02-054	51-30-1909	REP	98-02-054
51-11-1323	AMD	98-03-003	51-30-008	REP	98-02-054	51-30-2200	REP	98-02-054
51-11-1331	AMD	98-03-003	51-30-009	REP	98-02-054	51-30-2211	REP	98-02-054
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51-11-23110	REP-P	98-16-065	51-30-0405	REP	98-02-054	51-30-31208	REP	98-02-054
51-11-99903	AMD	98-03-003	51-30-0500	REP	98-02-054	51-30-31209	REP	98-02-054
51-11-99904	AMD	98-03-003	51-30-0510	REP	98-02-054	51-30-31210	REP	98-02-054
51-13-106	AMD	98-02-047	51-30-0600	REP	98-02-054	51-30-3400	REP	98-02-054
51-13-402	AMD	98-02-047	51-30-0601	REP	98-02-054	51-30-3404	REP	98-02-054
51-13-502	AMD	98-02-047	51-30-0800	REP	98-02-054	51-30-93115	REP	98-02-054
51-26-001	REP	98-02-055	51-30-0804	REP	98-02-054	51-30-93116	REP	98-02-054
51-26-002	REP	98-02-055	51-30-0900	REP	98-02-054	51-30-93117	REP	98-02-054
51-26-003	REP	98-02-055	51-30-0902	REP	98-02-054	51-30-93118	REP	98-02-054
51-26-004	REP	98-02-055	51-30-0904	REP	98-02-054	51-30-93119	REP	98-02-054
51-26-008	REP	98-02-055	51-30-1000	REP	98-02-054	51-30-93120	REP	98-02-054
51-26-0300	REP	98-02-055	51-30-1001	REP	98-02-054	51-32-001	REP	98-02-056
51-26-0310	REP	98-02-055	51-30-1004	REP	98-02-054	51-32-002	REP	98-02-056
51-26-0315	REP	98-02-055	51-30-1005	REP	98-02-054	51-32-003	REP	98-02-056
51-26-0400	REP	98-02-055	51-30-1006	REP	98-02-054	51-32-004	REP	98-02-056
51-26-0401	REP	98-02-055	51-30-1007	REP	98-02-054	51-32-005	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1009	REP	98-02-054	51-32-007	REP	98-02-056
51-26-0503	REP	98-02-055	51-30-1014	REP	98-02-054	51-32-008	REP	98-02-056
51-26-0909	REP	98-02-055	51-30-1019	REP	98-02-054	51-32-0200	REP	98-02-056
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51-26-1004	REP	98-02-055	51-30-1100	REP	98-02-054	51-32-0300	REP	98-02-056
51-26-1007	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-0327	REP	98-02-056
51-26-1009	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-0500	REP	98-02-056
51-26-1020	REP	98-02-055	51-30-1103	REP	98-02-054	51-32-0504	REP	98-02-056
51-26-1301	REP	98-02-055	51-30-1104	REP	98-02-054	51-32-0600	REP	98-02-056
51-26-1800	REP	98-02-055	51-30-1105	REP	98-02-054	51-32-0601	REP	98-02-056
51-26-1801	REP	98-02-055	51-30-1106	REP	98-02-054	51-32-0605	REP	98-02-056
51-26-1802	REP	98-02-055	51-30-1107	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-1803	REP	98-02-055	51-30-1108	REP	98-02-054	51-32-1101	REP	98-02-056
51-26-1804	REP	98-02-055	51-30-1109	REP	98-02-054	51-32-1102	REP	98-02-056
51-26-1810	REP	98-02-055	51-30-1110	REP	98-02-054	51-32-1103	REP	98-02-056
51-26-1820	REP	98-02-055	51-30-1111	REP	98-02-054	51-32-1104	REP	98-02-056
51-26-1830	REP	98-02-055	51-30-1112	REP	98-02-054	51-32-1105	REP	98-02-056
51-26-1840	REP	98-02-055	51-30-1113	REP	98-02-054	51-32-1106	REP	98-02-056
51-26-1845	REP	98-02-055	51-30-1114	REP	98-02-054	51-32-1107	REP	98-02-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-32-1108	REP	98-02-056	51-34-9104	REP	98-02-053	51-40-1108	NEW	98-02-054
51-32-1300	REP	98-02-056	51-34-9105	REP	98-02-053	51-40-1109	NEW	98-02-054
51-32-1312	REP	98-02-056	51-34-9106	REP	98-02-053	51-40-1110	NEW	98-02-054
51-32-1313	REP	98-02-056	51-34-9107	REP	98-02-053	51-40-1111	NEW	98-02-054
51-34-001	REP	98-02-053	51-34-9108	REP	98-02-053	51-40-1112	NEW	98-02-054
51-34-002	REP	98-02-053	51-35-001	REP	98-02-053	51-40-1113	NEW	98-02-054
51-34-003	REP	98-02-053	51-35-002	REP	98-02-053	51-40-1114	NEW	98-02-054
51-34-007	REP	98-02-053	51-35-003	REP	98-02-053	51-40-1191	NEW	98-02-054
51-34-008	REP	98-02-053	51-35-007	REP	98-02-053	51-40-1192	NEW	98-02-054
51-34-0200	REP	98-02-053	51-35-008	REP	98-02-053	51-40-1193	NEW	98-02-054
51-34-0206	REP	98-02-053	51-35-52000	REP	98-02-053	51-40-1194	NEW	98-02-054
51-34-0216	REP	98-02-053	51-35-52400	REP	98-02-053	51-40-1195	NEW	98-02-054
51-34-0219	REP	98-02-053	51-35-52440	REP	98-02-053	51-40-1196	NEW	98-02-054
51-34-0223	REP	98-02-053	51-35-52441	REP	98-02-053	51-40-1203	NEW	98-02-054
51-34-0900	REP	98-02-053	51-35-52442	REP	98-02-053	51-40-1506	NEW-W	98-05-065
51-34-0901	REP	98-02-053	51-35-52500	REP	98-02-053	51-40-1616	NEW	98-02-054
51-34-0902	REP	98-02-053	51-35-52510	REP	98-02-053	51-40-1702	NEW	98-02-054
51-34-1000	REP	98-02-053	51-35-52520	REP	98-02-053	51-40-1909	NEW	98-02-054
51-34-1003	REP	98-02-053	51-35-52530	REP	98-02-053	51-40-23110	NEW	98-02-054
51-34-1007	REP	98-02-053	51-35-52540	REP	98-02-053	51-40-23110	REP-P	98-16-065
51-34-2500	REP	98-02-053	51-35-52550	REP	98-02-053	51-40-23110	REP-E	98-20-051
51-34-2501	REP	98-02-053	51-35-52560	REP	98-02-053	51-40-2406	NEW	98-02-054
51-34-5200	REP	98-02-053	51-35-52570	REP	98-02-053	51-40-2900	NEW	98-02-054
51-34-5201	REP	98-02-053	51-35-52580	REP	98-02-053	51-40-2929	NEW	98-02-054
51-34-5204	REP	98-02-053	51-35-52590	REP	98-02-053	51-40-3004	NEW	98-02-054
51-34-6100	REP	98-02-053	51-35-52600	REP	98-02-053	51-40-3102	NEW	98-02-054
51-34-6103	REP	98-02-053	51-40	PREP	98-14-125	51-40-31200	NEW	98-02-054
51-34-6104	REP	98-02-053	51-40-001	NEW	98-02-054	51-40-3404	NEW	98-02-054
51-34-6105	REP	98-02-053	51-40-002	NEW	98-02-054	51-40-93115	NEW	98-02-054
51-34-6106	REP	98-02-053	51-40-003	NEW	98-02-054	51-40-93116	NEW	98-02-054
51-34-6107	REP	98-02-053	51-40-004	NEW	98-02-054	51-40-93117	NEW	98-02-054
51-34-6301	REP	98-02-053	51-40-005	NEW	98-02-054	51-40-93118	NEW	98-02-054
51-34-6302	REP	98-02-053	51-40-007	NEW	98-02-054	51-40-93119	NEW	98-02-054
51-34-6303	REP	98-02-053	51-40-007	PREP	98-13-051	51-40-93120	NEW	98-02-054
51-34-6304	REP	98-02-053	51-40-007	AMD-P	98-15-151	51-42-001	NEW	98-02-056
51-34-6305	REP	98-02-053	51-40-008	NEW	98-02-054	51-42-002	NEW	98-02-056
51-34-6306	REP	98-02-053	51-40-009	NEW	98-02-054	51-42-003	NEW	98-02-056
51-34-6307	REP	98-02-053	51-40-0200	NEW	98-02-054	51-42-004	NEW	98-02-056
51-34-6308	REP	98-02-053	51-40-0302	NEW	98-02-054	51-42-005	NEW	98-02-056
51-34-6309	REP	98-02-053	51-40-0303	NEW	98-02-054	51-42-007	NEW	98-02-056
51-34-6310	REP	98-02-053	51-40-0304	NEW	98-02-054	51-42-007	PREP	98-13-051
51-34-6311	REP	98-02-053	51-40-0305	NEW	98-02-054	51-42-007	AMD-P	98-15-151
51-34-6312	REP	98-02-053	51-40-0307	NEW	98-02-054	51-42-008	NEW	98-02-056
51-34-6313	REP	98-02-053	51-40-0308	NEW	98-02-054	51-42-0200	NEW	98-02-056
51-34-6314	REP	98-02-053	51-40-0310	NEW	98-02-054	51-42-0223	NEW	98-02-056
51-34-6315	REP	98-02-053	51-40-0311	NEW	98-02-054	51-42-0303	NEW	98-02-056
51-34-6316	REP	98-02-053	51-40-0313	NEW	98-02-054	51-42-0504	NEW	98-02-056
51-34-6317	REP	98-02-053	51-40-0403	NEW	98-02-054	51-42-0600	NEW	98-02-056
51-34-6318	REP	98-02-053	51-40-0405	NEW	98-02-054	51-42-0601	NEW	98-02-056
51-34-6319	REP	98-02-053	51-40-0510	NEW	98-02-054	51-42-0605	NEW	98-02-056
51-34-6320	REP	98-02-053	51-40-0804	NEW	98-02-054	51-42-0901	NEW	98-02-056
51-34-6321	REP	98-02-053	51-40-0902	NEW	98-02-054	51-42-1000	NEW	98-02-056
51-34-6322	REP	98-02-053	51-40-0904	NEW	98-02-054	51-42-1002	NEW	98-02-056
51-34-6323	REP	98-02-053	51-40-1000	NEW	98-02-054	51-42-1004	NEW	98-02-056
51-34-6324	REP	98-02-053	51-40-1002	NEW	98-02-054	51-42-1005	NEW	98-02-056
51-34-7800	REP	98-02-053	51-40-1003	NEW	98-02-054	51-42-1100	NEW	98-02-056
51-34-7802	REP	98-02-053	51-40-1004	NEW	98-02-054	51-42-1101	NEW	98-02-056
51-34-7900	REP	98-02-053	51-40-1007	NEW	98-02-054	51-42-1102	NEW	98-02-056
51-34-7902	REP	98-02-053	51-40-1091	NEW	98-02-054	51-42-1103	NEW	98-02-056
51-34-7904	REP	98-02-053	51-40-1100	NEW	98-02-054	51-42-1104	NEW	98-02-056
51-34-8000	REP	98-02-053	51-40-1101	NEW	98-02-054	51-42-1105	NEW	98-02-056
51-34-8001	REP	98-02-053	51-40-1102	NEW	98-02-054	51-42-1106	NEW	98-02-056
51-34-8003	REP	98-02-053	51-40-1103	NEW	98-02-054	51-42-1107	NEW	98-02-056
51-34-9100	REP	98-02-053	51-40-1104	NEW	98-02-054	51-42-1108	NEW	98-02-056
51-34-9101	REP	98-02-053	51-40-1105	NEW	98-02-054	51-42-1311	NEW	98-02-056
51-34-9102	REP	98-02-053	51-40-1106	NEW	98-02-054	51-42-1312	NEW	98-02-056
51-34-9103	REP	98-02-053	51-40-1107	NEW	98-02-054	51-42-1401	NEW	98-02-056

Table

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-44-001	NEW	98-02-053	51-46-0518	NEW	98-02-055	82-24-030	REP	98-18-017
51-44-002	NEW	98-02-053	51-46-0519	NEW	98-02-055	82-24-040	REP-XR	98-14-066
51-44-003	NEW	98-02-053	51-46-0520	NEW	98-02-055	82-24-040	REP	98-18-017
51-44-007	NEW	98-02-053	51-46-0521	NEW	98-02-055	82-24-050	REP-XR	98-14-066
51-44-007	PREP	98-13-051	51-46-0522	NEW	98-02-055	82-24-050	REP	98-18-017
51-44-007	AMD-P	98-15-151	51-46-0523	NEW	98-02-055	82-24-060	REP-XR	98-14-066
51-44-008	NEW	98-02-053	51-46-0524	NEW	98-02-055	82-24-060	REP	98-18-017
51-44-0103	NEW	98-02-053	51-46-0525	NEW	98-02-055	82-24-070	REP-XR	98-14-066
51-44-0200	NEW	98-02-053	51-46-0600	NEW	98-02-055	82-24-070	REP	98-18-017
51-44-0900	NEW	98-02-053	51-46-0603	NEW	98-02-055	82-24-080	REP-XR	98-14-066
51-44-1003	NEW	98-02-053	51-46-0604	NEW	98-02-055	82-24-080	REP	98-18-017
51-44-1007	NEW	98-02-053	51-46-0608	NEW	98-02-055	82-24-090	REP-XR	98-14-066
51-44-10210	NEW	98-02-053	51-46-0609	NEW	98-02-055	82-24-090	REP	98-18-017
51-44-1109	NEW	98-02-053	51-46-0610	NEW	98-02-055	82-24-100	REP-XR	98-14-066
51-44-2500	NEW	98-02-053	51-46-0700	NEW	98-02-055	82-24-100	REP	98-18-017
51-44-5200	NEW	98-02-053	51-46-0701	NEW	98-02-055	82-24-110	REP-XR	98-14-066
51-44-6100	NEW	98-02-053	51-46-0704	NEW	98-02-055	82-24-110	REP	98-18-017
51-44-6300	NEW	98-02-053	51-46-0710	NEW	98-02-055	82-24-120	REP-XR	98-14-066
51-44-7404	NEW	98-02-053	51-46-0713	NEW	98-02-055	82-24-120	REP	98-18-017
51-44-7802	NEW	98-02-053	51-46-0793	NEW	98-02-055	82-24-130	REP-XR	98-14-066
51-44-7900	NEW	98-02-053	51-46-0800	NEW	98-02-055	82-24-130	REP	98-18-017
51-44-8000	NEW	98-02-053	51-46-0810	NEW	98-02-055	82-28-010	REP-XR	98-14-065
51-45-001	NEW	98-02-053	51-46-0814	NEW	98-02-055	82-28-010	REP	98-18-018
51-45-002	NEW	98-02-053	51-46-0815	NEW	98-02-055	82-28-020	REP-XR	98-14-065
51-45-003	NEW	98-02-053	51-46-0900	NEW	98-02-055	82-28-020	REP	98-18-018
51-45-007	NEW	98-02-053	51-46-0903	NEW	98-02-055	82-28-030	REP-XR	98-14-065
51-45-008	NEW	98-02-053	51-46-1000	NEW	98-02-055	82-28-030	REP	98-18-018
51-45-80400	NEW	98-02-053	51-46-1003	NEW	98-02-055	82-28-040	REP-XR	98-14-065
51-46-001	NEW	98-02-055	51-46-1012	NEW	98-02-055	82-28-040	REP	98-18-018
51-46-002	NEW	98-02-055	51-46-1300	NEW	98-02-055	82-28-050	REP-XR	98-14-065
51-46-003	NEW	98-02-055	51-46-1301	NEW	98-02-055	82-28-050	REP	98-18-018
51-46-007	NEW	98-02-055	51-46-1302	NEW	98-02-055	82-28-060	REP-XR	98-14-065
51-46-007	PREP	98-13-051	51-46-1303	NEW	98-02-055	82-28-060	REP	98-18-018
51-46-007	AMD-P	98-15-151	51-46-1304	NEW	98-02-055	82-28-06001	REP-XR	98-14-065
51-46-008	NEW	98-02-055	51-46-1305	NEW	98-02-055	82-28-06001	REP	98-18-018
51-46-0100	NEW	98-02-055	51-46-1400	NEW	98-02-055	82-28-070	REP-XR	98-14-065
51-46-0101	NEW	98-02-055	51-46-1401	NEW	98-02-055	82-28-070	REP	98-18-018
51-46-0102	NEW	98-02-055	51-46-1491	NEW	98-02-055	82-28-080	REP-XR	98-14-065
51-46-0103	NEW	98-02-055	51-46-97120	NEW	98-02-055	82-28-080	REP	98-18-018
51-46-0200	NEW	98-02-055	51-46-97121	NEW	98-02-055	82-28-090	REP-XR	98-14-065
51-46-0205	NEW	98-02-055	51-46-97122	NEW	98-02-055	82-28-090	REP	98-18-018
51-46-0215	NEW	98-02-055	51-46-97123	NEW	98-02-055	82-28-100	REP-XR	98-14-065
51-46-0218	NEW	98-02-055	51-46-97124	NEW	98-02-055	82-28-100	REP	98-18-018
51-46-0300	NEW	98-02-055	51-46-97125	NEW	98-02-055	82-28-110	REP-XR	98-14-065
51-46-0301	NEW	98-02-055	51-46-97126	NEW	98-02-055	82-28-110	REP	98-18-018
51-46-0310	NEW	98-02-055	51-46-97127	NEW	98-02-055	82-28-120	REP-XR	98-14-065
51-46-0311	NEW	98-02-055	51-46-97128	NEW	98-02-055	82-28-120	REP	98-18-018
51-46-0313	NEW	98-02-055	51-46-97129	NEW	98-02-055	82-28-130	REP-XR	98-14-065
51-46-0314	NEW	98-02-055	51-47-001	NEW	98-02-055	82-28-130	REP	98-18-018
51-46-0316	NEW	98-02-055	51-47-002	NEW	98-02-055	82-28-135	REP-XR	98-14-065
51-46-0392	NEW	98-02-055	51-47-003	NEW	98-02-055	82-28-135	REP	98-18-018
51-46-0400	NEW	98-02-055	51-47-007	NEW	98-02-055	82-28-140	REP-XR	98-14-065
51-46-0402	NEW	98-02-055	51-47-008	NEW	98-02-055	82-28-140	REP	98-18-018
51-46-0412	NEW	98-02-055	67-25-005	AMD-P	98-19-016	82-28-150	REP-XR	98-14-065
51-46-0413	NEW	98-02-055	67-25-255	AMD-P	98-19-016	82-28-150	REP	98-18-018
51-46-0500	NEW	98-02-055	67-25-260	AMD-P	98-19-016	82-28-160	REP-XR	98-14-065
51-46-0501	NEW	98-02-055	67-25-270	AMD-P	98-19-016	82-28-160	REP	98-18-018
51-46-0502	NEW	98-02-055	67-25-288	AMD-P	98-19-016	82-28-170	REP-XR	98-14-065
51-46-0505	NEW	98-02-055	67-25-350	AMD-P	98-19-016	82-28-170	REP	98-18-018
51-46-0507	NEW	98-02-055	67-25-384	AMD-P	98-19-016	82-28-180	REP-XR	98-14-065
51-46-0509	NEW	98-02-055	67-25-540	AMD-P	98-19-016	82-28-180	REP	98-18-018
51-46-0512	NEW	98-02-055	67-25-550	AMD-P	98-19-016	82-28-190	REP-XR	98-14-065
51-46-0513	NEW	98-02-055	82-24-010	REP-XR	98-14-066	82-28-190	REP	98-18-018
51-46-0514	NEW	98-02-055	82-24-010	REP	98-18-017	82-28-200	REP-XR	98-14-065
51-46-0515	NEW	98-02-055	82-24-020	REP-XR	98-14-066	82-28-200	REP	98-18-018
51-46-0516	NEW	98-02-055	82-24-020	REP	98-18-017	82-28-210	REP-XR	98-14-065
51-46-0517	NEW	98-02-055	82-24-030	REP-XR	98-14-066	82-28-210	REP	98-18-018

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
82-28-220	REP-XR	98-14-065	82-50-021	AMD	98-14-079	131-12-040	AMD-P	98-06-069
82-28-220	REP	98-18-018	98-70-010	PREP	98-11-039	131-12-040	AMD	98-15-011
82-28-230	REP-XR	98-14-065	98-70-010	AMD-P	98-15-100	131-12-041	AMD-P	98-06-069
82-28-230	REP	98-18-018	98-70-010	AMD	98-19-053	131-12-041	AMD	98-15-011
82-36-010	REP-XR	98-14-016	106-116-040	REP-P	98-19-067	131-16	AMD-C	98-08-028
82-36-010	REP	98-18-014	106-116-042	AMD-P	98-19-067	131-16-010	AMD-P	98-06-075
82-36-020	REP-XR	98-14-016	106-116-102	AMD-P	98-19-067	131-16-010	AMD-E	98-09-044
82-36-020	REP	98-18-014	106-116-201	AMD-P	98-19-067	131-16-010	AMD	98-14-033
82-36-030	REP-XR	98-14-016	106-116-204	REP-P	98-19-067	131-16-011	AMD-P	98-06-075
82-36-030	REP	98-18-014	106-116-205	AMD-P	98-19-067	131-16-011	AMD-E	98-09-044
82-36-033	REP-XR	98-14-016	106-116-207	AMD-P	98-19-067	131-16-011	AMD	98-14-033
82-36-033	REP	98-18-014	106-116-210	AMD-P	98-19-067	131-16-015	REP-P	98-06-075
82-36-035	REP-XR	98-14-016	106-116-301	REP-P	98-19-067	131-16-021	AMD-P	98-06-075
82-36-035	REP	98-18-014	106-116-302	REP-P	98-19-067	131-16-021	AMD-E	98-09-044
82-36-040	REP-XR	98-14-016	106-116-303	AMD-P	98-19-067	131-16-021	AMD	98-14-033
82-36-040	REP	98-18-014	106-116-304	AMD-P	98-19-067	131-16-031	AMD-P	98-06-075
82-36-050	REP-XR	98-14-016	106-116-305	AMD-P	98-19-067	131-16-031	AMD-E	98-09-044
82-36-050	REP	98-18-014	106-116-306	REP-P	98-19-067	131-16-031	AMD	98-14-033
82-36-060	REP-XR	98-14-016	106-116-307	REP-P	98-19-067	131-16-040	REP-P	98-06-075
82-36-060	REP	98-18-014	106-116-308	AMD-P	98-19-067	131-16-045	AMD-P	98-06-075
82-36-070	REP-XR	98-14-016	106-116-311	AMD-P	98-19-067	131-16-045	AMD-E	98-09-044
82-36-070	REP	98-18-014	106-116-401	REP-P	98-19-067	131-16-045	AMD	98-14-033
82-36-080	REP-XR	98-14-016	106-116-402	REP-P	98-19-067	131-16-050	AMD-P	98-06-075
82-36-080	REP	98-18-014	106-116-403	REP-P	98-19-067	131-16-050	AMD-E	98-09-044
82-36-090	REP-XR	98-14-016	106-116-404	REP-P	98-19-067	131-16-050	AMD	98-14-033
82-36-090	REP	98-18-014	106-116-410	AMD-P	98-19-067	131-16-055	AMD-P	98-06-075
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132E- 16-170	REP	98-17-074	136- 04-060	AMD-P	98-17-051	136- 70-040	NEW-P	98-17-051
132E- 16-180	REP-P	98-14-109	136- 04-070	AMD-P	98-17-051	136- 70-050	NEW-P	98-17-051
132E- 16-180	REP	98-17-074	136- 04-080	AMD-P	98-17-051	136- 70-060	NEW-P	98-17-051
132E- 16-190	REP-P	98-14-109	136- 04-090	AMD-P	98-17-051	136- 70-070	NEW-P	98-17-051
132E- 16-190	REP	98-17-074	136- 04-100	AMD-P	98-17-051	136- 70-080	NEW-P	98-17-051
132E- 16-200	REP-P	98-14-109	136- 04-110	AMD-P	98-17-051	136- 70-090	NEW-P	98-17-051
132E- 16-200	REP	98-17-074	136- 10	AMD-P	98-17-051	136-100-010	AMD-P	98-17-051
132E- 16-210	REP-P	98-14-109	136- 10-010	AMD-P	98-17-051	136-100-020	AMD-P	98-17-051
132E- 16-210	REP	98-17-074	136- 10-020	AMD-P	98-17-051	136-100-030	AMD-P	98-17-051
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136-100-060	NEW-P	98-17-051	136-167-020	AMD-P	98-17-051	136-330-030	REP-P	98-19-068
136-110-010	REP-P	98-19-068	136-167-030	AMD-P	98-17-051	136-330-040	REP-P	98-19-068
136-110-020	REP-P	98-19-068	136-167-040	AMD-P	98-17-051	136-340-010	REP-P	98-19-068
136-110-030	REP-P	98-19-068	136-170-010	AMD-P	98-17-051	136-340-020	REP-P	98-19-068
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136-120-010	REP-P	98-19-068	136-170-040	AMD-P	98-17-051	136-340-050	REP-P	98-19-068
136-120-020	REP-P	98-19-068	136-180-010	AMD-P	98-17-051	136-350-010	REP-P	98-19-068
136-120-030	REP-P	98-19-068	136-180-020	AMD-P	98-17-051	136-350-020	REP-P	98-19-068
136-130-010	AMD-P	98-17-051	136-180-030	AMD-P	98-17-051	136-400-010	AMD-P	98-17-051
136-130-020	AMD-P	98-17-051	136-180-040	AMD-P	98-17-051	136-400-040	AMD-P	98-17-051
136-130-030	AMD-P	98-05-036	136-190-010	REP-P	98-19-068	136-400-050	AMD-P	98-17-051
136-130-030	AMD-W	98-06-044	136-190-020	REP-P	98-19-068	136-400-060	AMD-P	98-17-051
136-130-030	AMD-P	98-06-045	136-190-030	REP-P	98-19-068	136-400-070	AMD-P	98-17-051
136-130-030	AMD	98-09-070	136-190-040	REP-P	98-19-068	136-400-080	AMD-P	98-17-051
136-130-030	AMD-P	98-17-051	136-190-050	REP-P	98-19-068	136-400-090	AMD-P	98-17-051
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136-130-060	AMD-P	98-17-051	136-200-040	AMD	98-09-070	137-100-001	AMD-P	98-02-074
136-130-070	AMD-P	98-17-051	136-200-040	REP-P	98-19-068	137-100-001	REP	98-20-074
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136-150-010	AMD-P	98-17-051	136-210-030	AMD-P	98-05-036	137-100-010	AMD-P	98-02-074
136-150-020	AMD-P	98-17-051	136-210-030	AMD-W	98-06-044	137-100-010	REP	98-20-074
136-150-021	AMD-P	98-17-051	136-210-030	AMD-P	98-06-045	137-100-011	NEW	98-15-084
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136-150-030	AMD-P	98-17-051	136-220-020	AMD-W	98-06-044	137-100-030	AMD-P	98-02-074
136-150-040	AMD-P	98-17-051	136-220-020	AMD-P	98-06-045	137-100-030	REP	98-20-074
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136-161-020	AMD-P	98-17-051	136-220-020	REP-P	98-19-068	137-100-040	NEW-P	98-02-074
136-161-030	AMD-P	98-17-051	136-220-030	AMD-P	98-05-036	137-100-040	NEW-W	98-15-117
136-161-040	AMD-P	98-17-051	136-220-030	AMD-W	98-06-044	143-06	PREP	98-20-099
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136-161-060	AMD-P	98-17-051	136-220-030	AMD	98-09-070	162-22	PREP	98-18-005
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136-161-090	AMD-W	98-06-044	136-310-020	REP-P	98-19-068	162-26	PREP	98-18-005
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162- 36-020	AMD	98-08-035	173-160-071	NEW	98-08-032	173-160-405	REP	98-08-032
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162- 38-040	AMD	98-08-035	173-160-101	NEW	98-08-032	173-160-420	AMD	98-08-032
162- 38-050	AMD	98-08-035	173-160-105	REP	98-08-032	173-160-420	AMD-XA	98-14-075
162- 38-060	AMD	98-08-035	173-160-106	NEW	98-08-032	173-160-420	AMD	98-18-104
162- 38-100	AMD	98-08-035	173-160-111	NEW	98-08-032	173-160-425	REP	98-08-032
162- 38-120	AMD	98-08-035	173-160-111	AMD-XA	98-14-075	173-160-430	NEW	98-08-032
162- 38-130	NEW	98-08-035	173-160-111	AMD	98-18-104	173-160-435	REP	98-08-032
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173- 03-010	AMD	98-16-052	173-160-121	NEW	98-08-032	173-160-445	REP	98-08-032
173- 03-020	AMD-XA	98-11-099	173-160-125	REP	98-08-032	173-160-450	NEW	98-08-032
173- 03-020	AMD	98-16-052	173-160-131	NEW	98-08-032	173-160-455	REP	98-08-032
173- 03-030	AMD-XA	98-11-099	173-160-135	REP	98-08-032	173-160-460	NEW	98-08-032
173- 03-030	AMD	98-16-052	173-160-141	NEW	98-08-032	173-160-460	AMD-XA	98-14-075
173- 03-040	AMD-XA	98-11-099	173-160-151	NEW	98-08-032	173-160-460	AMD	98-18-104
173- 03-040	AMD	98-16-052	173-160-161	NEW	98-08-032	173-160-465	REP	98-08-032
173- 03-050	AMD-XA	98-11-099	173-160-171	NEW	98-08-032	173-160-475	REP	98-08-032
173- 03-050	AMD	98-16-052	173-160-181	NEW	98-08-032	173-160-500	REP	98-08-032
173- 03-060	AMD-XA	98-11-099	173-160-191	NEW	98-08-032	173-160-510	REP	98-08-032
173- 03-060	AMD	98-16-052	173-160-201	NEW	98-08-032	173-160-520	REP	98-08-032
173- 03-070	AMD-XA	98-11-099	173-160-201	NEW-E	98-10-033	173-160-530	REP	98-08-032
173- 03-070	AMD	98-16-052	173-160-201	AMD-XA	98-14-075	173-160-540	REP	98-08-032
173- 03-080	AMD-XA	98-11-099	173-160-201	AMD	98-18-104	173-160-550	REP	98-08-032
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173- 03-090	AMD-XA	98-11-099	173-160-211	NEW	98-08-032	173-160-990	NEW	98-08-032
173- 03-090	AMD	98-16-052	173-160-215	REP	98-08-032	173-160-990	AMD-XA	98-14-075
173- 03-100	AMD-XA	98-11-099	173-160-221	NEW	98-08-032	173-160-990	AMD	98-18-104
173- 03-100	AMD	98-16-052	173-160-225	REP	98-08-032	173-162	AMD-C	98-04-020
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173- 98-010	AMD-P	98-19-119	173-160-241	NEW	98-08-032	173-162-025	NEW	98-08-031
173- 98-020	AMD-P	98-19-119	173-160-245	REP	98-08-032	173-162-030	AMD	98-08-031
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173- 98-040	AMD-P	98-19-119	173-160-255	REP	98-08-032	173-162-050	AMD	98-08-031
173- 98-050	AMD-P	98-19-119	173-160-261	NEW	98-08-032	173-162-055	NEW	98-08-031
173- 98-060	AMD-P	98-19-119	173-160-265	REP	98-08-032	173-162-060	AMD	98-08-031
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173- 98-080	AMD-P	98-19-119	173-160-275	REP	98-08-032	173-162-075	NEW	98-08-031
173- 98-090	AMD-P	98-19-119	173-160-281	NEW	98-08-032	173-162-080	AMD	98-08-031
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173-152-020	NEW-E	98-04-018	173-160-305	REP	98-08-032	173-162-140	AMD	98-08-031
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173-303-280	AMD	98-03-018	173-308-900	NEW	98-05-101	180- 25-005	AMD-P	98-14-145
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173-303-380	AMD	98-03-018	173-400-060	AMD	98-15-129	180- 25-031	REP	98-19-139
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173-303-800	AMD	98-03-018	173-430-030	AMD	98-12-016	180- 26-005	AMD	98-19-140
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173-303-806	AMD	98-03-018	173-430-045	NEW	98-12-016	180- 26-020	AMD	98-19-140
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173-303-815	AMD	98-03-018	173-460-060	AMD	98-15-129	180- 26-040	AMD-P	98-14-146
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180-27-500	AMD	98-19-143	180-30-100	REP-P	98-14-148	180-30-430	REP	98-19-142
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180-30-490	REP	98-19-142	180-30-807	REP-P	98-14-148	180-58-020	REP	98-05-006
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180-30-515	REP	98-19-142	180-30-830	REP-P	98-14-148	180-59-010	REP	98-05-007
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180-30-625	REP	98-19-142	180-31-025	AMD	98-19-144	180-59-047	REP	98-05-007
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180-30-765	REP	98-19-142	180-36-007	NEW	98-05-021	180-78A-015	AMD-P	98-19-134
180-30-770	REP-P	98-14-148	180-39-025	AMD	98-05-004	180-78A-026	REP-P	98-19-134
180-30-770	REP	98-19-142	180-39-027	REP	98-05-004	180-78A-028	REP-P	98-19-134
180-30-775	REP-P	98-14-148	180-39-028	REP	98-05-004	180-78A-030	REP-P	98-19-134
180-30-775	REP	98-19-142	180-39-030	REP	98-05-004	180-78A-033	REP-P	98-19-134
180-30-780	REP-P	98-14-148	180-39-035	REP	98-05-004	180-78A-037	REP-P	98-19-134
180-30-780	REP	98-19-142	180-51	PREP	98-20-016	180-78A-047	REP-P	98-19-134

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180-78A-057	REP-P	98-19-134	180-78A-400	NEW-P	98-19-134	180-79A-270	NEW-P	98-19-134
180-78A-060	REP-P	98-19-134	180-78A-500	NEW-P	98-19-134	180-79A-299	NEW-P	98-19-134
180-78A-063	REP-P	98-19-134	180-78A-505	NEW-P	98-19-134	180-79A-304	AMD-P	98-19-134
180-78A-065	REP-P	98-19-134	180-78A-510	NEW-P	98-19-134	180-79A-340	AMD	98-05-023
180-78A-068	REP-P	98-19-134	180-78A-515	NEW-P	98-19-134	180-79A-403	REP-P	98-19-134
180-78A-073	REP-P	98-19-134	180-78A-520	NEW-P	98-19-134	180-79A-405	REP-P	98-19-134
180-78A-075	REP-P	98-19-134	180-78A-525	NEW-P	98-19-134	180-79A-415	REP-P	98-19-134
180-78A-080	REP-P	98-19-134	180-78A-530	NEW-P	98-19-134	180-79A-417	REP-P	98-19-134
180-78A-100	NEW-P	98-19-134	180-78A-535	NEW-P	98-19-134	180-79A-420	PREP	98-04-087
180-78A-105	NEW-P	98-19-134	180-78A-540	NEW-P	98-19-134	180-79A-420	AMD-P	98-10-102
180-78A-110	NEW-P	98-19-134	180-78A-545	NEW-P	98-19-134	180-79A-420	AMD	98-15-027
180-78A-115	NEW-P	98-19-134	180-78A-550	NEW-P	98-19-134	180-79A-420	REP-P	98-19-134
180-78A-120	NEW-P	98-19-134	180-78A-555	NEW-P	98-19-134	180-79A-422	PREP	98-04-087
180-78A-125	NEW-P	98-19-134	180-78A-560	NEW-P	98-19-134	180-79A-422	AMD-P	98-10-102
180-78A-130	NEW-P	98-19-134	180-78A-565	NEW-P	98-19-134	180-79A-422	AMD	98-15-027
180-78A-135	REP-P	98-19-134	180-79A	PREP	98-16-098	180-79A-422	REP-P	98-19-134
180-78A-136	NEW-P	98-19-134	180-79A-005	REP-P	98-19-134	180-79A-423	REP-P	98-19-134
180-78A-140	REP-P	98-19-134	180-79A-006	NEW-P	98-19-134	180-79A-424	REP-P	98-19-134
180-78A-142	REP-P	98-19-134	180-79A-007	NEW-P	98-19-134	180-79A-430	REP-P	98-19-134
180-78A-145	REP-P	98-19-134	180-79A-010	REP-P	98-19-134	180-79A-433	AMD-P	98-10-103
180-78A-150	REP-P	98-19-134	180-79A-011	NEW-P	98-19-134	180-79A-433	AMD	98-15-028
180-78A-151	NEW-P	98-19-134	180-79A-012	REP-P	98-19-134	180-79A-433	REP-P	98-19-134
180-78A-155	REP-P	98-19-134	180-79A-013	REP-P	98-19-134	180-79A-435	REP-P	98-19-134
180-78A-160	REP-P	98-19-134	180-79A-025	REP-P	98-19-134	180-79A-440	REP-P	98-19-134
180-78A-165	AMD	98-05-022	180-79A-030	NEW-P	98-19-134	180-79A-445	REP-P	98-19-134
180-78A-165	REP-P	98-19-134	180-79A-101	REP-P	98-19-134	180-79A-503	REP-P	98-19-134
180-78A-195	REP-P	98-19-134	180-79A-117	AMD	98-05-024	180-79A-510	REP-P	98-19-134
180-78A-197	REP-P	98-19-134	180-79A-117	AMD-P	98-19-134	180-79A-515	REP-P	98-19-134
180-78A-200	NEW-P	98-19-134	180-79A-122	REP-P	98-19-134	180-79A-517	REP-P	98-19-134
180-78A-201	REP-P	98-19-134	180-79A-123	NEW-P	98-19-134	180-79A-520	REP-P	98-19-134
180-78A-205	NEW-P	98-19-134	180-79A-124	NEW-P	98-19-134	180-82	PREP	98-16-098
180-78A-207	NEW-P	98-19-134	180-79A-125	REP-P	98-19-134	180-82-002	NEW-P	98-19-134
180-78A-209	NEW-P	98-19-134	180-79A-126	REP-P	98-19-134	180-82-004	NEW-P	98-19-134
180-78A-210	NEW-P	98-19-134	180-79A-127	NEW-P	98-19-134	180-82-105	NEW-P	98-19-134
180-78A-215	NEW-P	98-19-134	180-79A-128	NEW-P	98-19-134	180-82-110	NEW-P	98-19-134
180-78A-220	NEW-P	98-19-134	180-79A-140	AMD-P	98-19-134	180-82-115	NEW-P	98-19-134
180-78A-225	NEW-P	98-19-134	180-79A-145	NEW-P	98-19-134	180-82-120	NEW-P	98-19-134
180-78A-250	NEW-P	98-19-134	180-79A-150	AMD-P	98-19-134	180-82-125	NEW-P	98-19-134
180-78A-255	NEW-P	98-19-134	180-79A-155	NEW-P	98-19-134	180-82-130	NEW-P	98-19-134
180-78A-260	REP-P	98-19-134	180-79A-157	NEW-P	98-19-134	180-82-200	NEW-P	98-19-134
180-78A-261	NEW-P	98-19-134	180-79A-160	REP-P	98-19-134	180-82-201	NEW-P	98-19-134
180-78A-263	REP-P	98-19-134	180-79A-161	REP-P	98-19-134	180-82-202	NEW-P	98-19-134
180-78A-264	NEW-P	98-19-134	180-79A-165	REP-P	98-19-134	180-82-204	NEW-P	98-19-134
180-78A-265	REP-P	98-19-134	180-79A-170	REP-P	98-19-134	180-82-210	NEW-P	98-19-134
180-78A-266	REP-P	98-19-134	180-79A-200	REP-P	98-19-134	180-82-215	NEW-P	98-19-134
180-78A-270	NEW-P	98-19-134	180-79A-205	REP-P	98-19-134	180-82-300	NEW-P	98-19-134
180-78A-300	REP-P	98-19-134	180-79A-206	NEW-P	98-19-134	180-82-302	NEW-P	98-19-134
180-78A-301	REP-P	98-19-134	180-79A-210	REP-P	98-19-134	180-82-304	NEW-P	98-19-134
180-78A-302	REP-P	98-19-134	180-79A-211	NEW-P	98-19-134	180-82-306	NEW-P	98-19-134
180-78A-303	REP-P	98-19-134	180-79A-213	NEW-P	98-19-134	180-82-308	NEW-P	98-19-134
180-78A-304	REP-P	98-19-134	180-79A-215	REP-P	98-19-134	180-82-310	NEW-P	98-19-134
180-78A-305	REP-P	98-19-134	180-79A-220	AMD-P	98-04-089	180-82-312	NEW-P	98-19-134
180-78A-306	REP-P	98-19-134	180-79A-220	AMD	98-08-068	180-82-314	NEW-P	98-19-134
180-78A-307	NEW-P	98-19-134	180-79A-220	REP-P	98-19-134	180-82-316	NEW-P	98-19-134
180-78A-308	NEW-P	98-19-134	180-79A-221	NEW-P	98-19-134	180-82-318	NEW-P	98-19-134
180-78A-310	NEW-P	98-19-134	180-79A-223	NEW-P	98-19-134	180-82-320	NEW-P	98-19-134
180-78A-315	NEW-P	98-19-134	180-79A-225	REP-P	98-19-134	180-82-322	NEW-P	98-19-134
180-78A-317	NEW-P	98-19-134	180-79A-226	NEW-P	98-19-134	180-82-324	NEW-P	98-19-134
180-78A-320	REP-P	98-19-134	180-79A-230	REP-P	98-19-134	180-82-326	NEW-P	98-19-134
180-78A-325	NEW-P	98-19-134	180-79A-231	NEW-P	98-19-134	180-82-328	NEW-P	98-19-134
180-78A-330	NEW-P	98-19-134	180-79A-236	REP-P	98-19-134	180-82-330	NEW-P	98-19-134
180-78A-340	REP-P	98-19-134	180-79A-250	NEW-P	98-19-134	180-82-332	NEW-P	98-19-134
180-78A-345	REP-P	98-19-134	180-79A-253	NEW-P	98-19-134	180-82-334	NEW-P	98-19-134
180-78A-350	REP-P	98-19-134	180-79A-255	NEW-P	98-19-134	180-82-336	NEW-P	98-19-134
180-78A-355	REP-P	98-19-134	180-79A-257	NEW-P	98-19-134	180-82-338	NEW-P	98-19-134
180-78A-360	REP-P	98-19-134	180-79A-260	NEW-P	98-19-134	180-82-339	NEW-P	98-19-134
180-78A-365	REP-P	98-19-134	180-79A-265	NEW-P	98-19-134	180-82-340	NEW-P	98-19-134

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180- 82-343	NEW-P	98-19-134	192- 18-060	REP-XR	98-07-023	196- 04-040	REP	98-18-046
180- 82-344	NEW-P	98-19-134	192- 18-060	REP	98-14-031	196- 08-010	REP-P	98-08-078
180- 82-346	NEW-P	98-19-134	192- 18-070	REP-XR	98-07-023	196- 08-010	REP	98-12-045
180- 82-348	NEW-P	98-19-134	192- 18-070	REP	98-14-031	196- 08-040	REP-P	98-08-078
180- 82-350	NEW-P	98-19-134	192- 20-010	REP-XR	98-07-024	196- 08-040	REP	98-12-045
180- 82-352	NEW-P	98-19-134	192- 20-010	REP	98-14-032	196- 08-050	REP-P	98-08-078
180- 82-354	NEW-P	98-19-134	192- 23-018	AMD	98-06-097	196- 08-050	REP	98-12-045
180- 82-356	NEW-P	98-19-134	192- 32	AMD	98-05-042	196- 08-060	REP-P	98-08-078
180- 82-358	NEW-P	98-19-134	192- 32-001	REP	98-05-042	196- 08-060	REP	98-12-045
180- 82-360	NEW-P	98-19-134	192- 32-010	AMD	98-05-042	196- 08-070	REP-P	98-08-078
180- 82-362	NEW-P	98-19-134	192- 32-015	REP	98-05-042	196- 08-070	REP	98-12-045
180- 85	PREP	98-16-098	192- 32-025	REP	98-05-042	196- 08-080	REP-P	98-08-078
180- 85-020	AMD-P	98-19-134	192- 32-035	AMD	98-05-042	196- 08-080	REP	98-12-045
180- 85-075	AMD-P	98-19-134	192- 32-045	AMD	98-05-042	196- 08-090	REP-P	98-08-078
180- 85-100	AMD	98-05-024	192- 32-050	AMD	98-05-042	196- 08-090	REP	98-12-045
180- 87	PREP	98-08-038	192- 32-055	AMD	98-05-042	196- 08-100	REP-P	98-08-078
180- 90-125	PREP	98-10-024	192- 32-065	AMD	98-05-042	196- 08-100	REP	98-12-045
182- 04-070	AMD-XA	98-13-078	192- 32-075	AMD	98-05-042	196- 08-110	REP-P	98-08-078
182- 04-070	AMD	98-17-063	192- 32-085	AMD	98-05-042	196- 08-110	REP	98-12-045
182- 25-010	AMD	98-07-002	192- 32-095	AMD	98-05-042	196- 08-120	REP-P	98-08-078
182- 25-010	AMD-XA	98-10-086	192- 32-100	NEW	98-05-042	196- 08-120	REP	98-12-045
182- 25-010	AMD	98-15-018	192- 32-105	AMD	98-05-042	196- 08-130	REP-P	98-08-078
182- 25-020	AMD	98-07-002	192- 32-115	AMD	98-05-042	196- 08-130	REP	98-12-045
182- 25-030	AMD	98-07-002	192- 32-120	REP	98-05-042	196- 08-140	REP-P	98-08-078
182- 25-040	AMD	98-07-002	192- 32-125	REP	98-05-042	196- 08-140	REP	98-12-045
182- 25-070	AMD	98-07-002	192- 32-130	NEW	98-05-042	196- 08-150	REP-P	98-08-078
182- 25-080	AMD	98-07-002	192- 32-135	NEW	98-05-042	196- 08-150	REP	98-12-045
182- 25-090	AMD	98-07-002	192- 33-005	NEW	98-05-042	196- 08-160	REP-P	98-08-078
182- 25-100	AMD	98-07-002	192- 33-006	NEW	98-05-042	196- 08-160	REP	98-12-045
182- 25-100	PREP	98-17-062	192-130-050	NEW	98-14-068	196- 08-170	REP-P	98-08-078
182- 25-100	AMD-P	98-22-070	192-210-005	NEW-E	98-13-015	196- 08-170	REP	98-12-045
182- 25-105	AMD	98-07-002	192-210-005	NEW-E	98-20-081	196- 08-180	REP-P	98-08-078
182- 25-105	PREP	98-17-062	192-210-010	NEW-E	98-13-015	196- 08-180	REP	98-12-045
182- 25-105	AMD-P	98-22-070	192-210-010	NEW-E	98-20-081	196- 08-190	REP-P	98-08-078
182- 25-110	PREP	98-17-062	192-210-015	NEW-E	98-13-015	196- 08-190	REP	98-12-045
182- 25-110	AMD-P	98-22-070	192-210-015	NEW-E	98-20-081	196- 08-200	REP-P	98-08-078
192- 12-030	AMD-P	98-09-106	192-310-010	NEW	98-14-068	196- 08-200	REP	98-12-045
192- 12-030	REP	98-14-068	192-310-020	NEW	98-14-068	196- 08-210	REP-P	98-08-078
192- 12-040	AMD-P	98-09-105	192-310-025	NEW	98-14-068	196- 08-210	REP	98-12-045
192- 12-040	REP	98-14-068	192-310-030	NEW	98-14-068	196- 08-220	REP-P	98-08-078
192- 12-041	AMD-P	98-09-105	194- 10-010	REP	98-05-027	196- 08-220	REP	98-12-045
192- 12-041	REP	98-14-068	194- 10-020	REP	98-05-027	196- 08-230	REP-P	98-08-078
192- 12-042	AMD-P	98-09-105	194- 10-030	REP	98-05-027	196- 08-230	REP	98-12-045
192- 12-042	REP	98-14-068	194- 10-040	REP	98-05-027	196- 08-240	REP-P	98-08-078
192- 12-141	AMD	98-06-097	194- 10-040	REP	98-05-027	196- 08-240	REP	98-12-045
192- 16-024	REP-XR	98-15-146	194- 10-050	REP	98-05-027	196- 08-240	REP	98-12-045
192- 16-024	REP	98-19-120	194- 10-060	REP	98-05-027	196- 08-250	REP-P	98-08-078
192- 16-051	PREP	98-08-072	194- 10-070	REP	98-05-027	196- 08-250	REP	98-12-045
192- 16-051	REP-E	98-13-015	194- 10-080	REP	98-05-027	196- 08-260	REP-P	98-08-078
192- 16-051	REP-E	98-20-081	194- 10-090	REP	98-05-027	196- 08-260	REP	98-12-045
192- 16-052	PREP	98-08-072	194- 10-100	REP	98-05-027	196- 08-270	REP-P	98-08-078
192- 16-052	REP-E	98-13-015	194- 10-110	REP	98-05-027	196- 08-270	REP	98-12-045
192- 16-052	REP-E	98-20-081	194- 10-120	REP	98-05-027	196- 08-280	REP-P	98-08-078
192- 16-057	PREP	98-08-072	194- 10-130	REP	98-05-027	196- 08-280	REP	98-12-045
192- 16-057	REP-E	98-20-081	194- 10-140	REP	98-05-027	196- 08-290	REP-P	98-08-078
192- 18-010	REP-XR	98-07-023	194- 18-010	REP-XR	98-17-034	196- 08-290	REP	98-12-045
192- 18-010	REP	98-14-031	194- 18-020	REP-XR	98-17-034	196- 08-300	REP-P	98-08-078
192- 18-012	REP-XR	98-07-023	194- 18-030	REP-XR	98-17-034	196- 08-300	REP	98-12-045
192- 18-012	REP	98-14-031	196- 04	PREP	98-11-025	196- 08-310	REP-P	98-08-078
192- 18-020	REP-XR	98-07-023	196- 04-010	REP-P	98-15-019	196- 08-310	REP	98-12-045
192- 18-020	REP	98-14-031	196- 04-010	REP	98-18-046	196- 08-320	REP-P	98-08-078
192- 18-030	REP-XR	98-07-023	196- 04-020	REP-P	98-15-019	196- 08-320	REP	98-12-045
192- 18-030	REP	98-14-031	196- 04-020	REP	98-18-046	196- 08-330	REP-P	98-08-078
192- 18-040	REP-XR	98-07-023	196- 04-025	REP-P	98-15-019	196- 08-330	REP	98-12-045
192- 18-040	REP	98-14-031	196- 04-025	REP	98-18-046	196- 08-340	REP-P	98-08-078
192- 18-040	REP	98-14-031	196- 04-030	REP-P	98-15-019	196- 08-340	REP	98-12-045
192- 18-050	REP-XR	98-07-023	196- 04-030	REP	98-18-046	196- 08-350	REP-P	98-08-078

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196-08-350	REP	98-12-045	196-24-030	REP-P	98-08-105	208-418	PREP	98-13-084
196-08-360	REP-P	98-08-078	196-24-030	REP	98-12-052	208-436	PREP	98-13-084
196-08-360	REP	98-12-045	196-24-040	REP-P	98-08-105	208-440	PREP	98-13-084
196-08-370	REP-P	98-08-078	196-24-040	REP	98-12-052	208-444	PREP	98-13-084
196-08-370	REP	98-12-045	196-24-050	REP-P	98-08-105	208-444-010	AMD	98-10-072
196-08-380	REP-P	98-08-078	196-24-050	REP	98-12-052	208-444-020	AMD	98-10-072
196-08-380	REP	98-12-045	196-24-105	AMD-P	98-08-105	208-444-030	AMD	98-10-072
196-08-390	REP-P	98-08-078	196-24-105	AMD	98-12-052	208-444-040	AMD	98-10-072
196-08-390	REP	98-12-045	196-25-001	NEW-P	98-08-106	208-444-050	AMD	98-10-072
196-08-400	REP-P	98-08-078	196-25-001	NEW	98-12-053	208-464	PREP	98-13-084
196-08-400	REP	98-12-045	196-25-002	NEW-P	98-08-106	208-472	PREP	98-13-084
196-08-410	REP-P	98-08-078	196-25-002	NEW	98-12-053	208-480	PREP	98-13-084
196-08-410	REP	98-12-045	196-25-005	NEW-P	98-08-106	210-01-020	AMD-P	98-21-062
196-08-420	REP-P	98-08-078	196-25-005	NEW	98-12-053	210-01-080	AMD-P	98-21-062
196-08-420	REP	98-12-045	196-25-010	NEW-P	98-08-106	210-01-090	AMD-P	98-21-062
196-08-430	REP-P	98-08-078	196-25-010	NEW	98-12-053	212-17-185	AMD	98-04-007
196-08-430	REP	98-12-045	196-25-020	NEW-P	98-08-106	212-17-190	REP-XR	98-07-019
196-08-440	REP-P	98-08-078	196-25-020	NEW	98-12-053	212-17-190	REP	98-13-038
196-08-440	REP	98-12-045	196-25-030	NEW-P	98-08-106	212-17-190	REP-E	98-13-039
196-08-450	REP-P	98-08-078	196-25-030	NEW	98-12-053	212-17-195	REP-XR	98-07-019
196-08-450	REP	98-12-045	196-25-040	NEW-P	98-08-106	212-17-195	REP	98-13-038
196-08-460	REP-P	98-08-078	196-25-040	NEW	98-12-053	212-17-195	REP-E	98-13-039
196-08-460	REP	98-12-045	196-26-020	AMD-P	98-09-051	212-17-200	REP-XR	98-07-019
196-08-470	REP-P	98-08-078	196-26-020	AMD	98-12-046	212-17-200	REP	98-13-038
196-08-470	REP	98-12-045	196-26-030	AMD-P	98-09-051	212-17-200	REP-E	98-13-039
196-08-480	REP-P	98-08-078	196-26-030	AMD	98-12-046	212-17-205	REP-XR	98-07-019
196-08-480	REP	98-12-045	197-11-680	AMD	98-06-092	212-17-205	REP	98-13-038
196-08-490	REP-P	98-08-078	204-10-020	AMD	98-04-053	212-17-205	REP-E	98-13-039
196-08-490	REP	98-12-045	204-10-020	PREP	98-11-036	212-17-210	REP-XR	98-07-019
196-08-500	REP-P	98-08-078	204-10-020	AMD-P	98-15-083	212-17-210	REP	98-13-038
196-08-500	REP	98-12-045	204-10-020	AMD	98-19-040	212-17-210	REP-E	98-13-039
196-08-510	REP-P	98-08-078	204-10-070	AMD	98-04-053	212-17-215	REP-XR	98-07-019
196-08-510	REP	98-12-045	204-10-090	AMD	98-04-053	212-17-215	REP	98-13-038
196-08-520	REP-P	98-08-078	204-10-100	REP	98-04-053	212-17-215	REP-E	98-13-039
196-08-520	REP	98-12-045	204-10-110	REP	98-04-053	212-17-21503	NEW	98-04-007
196-08-530	REP-P	98-08-078	204-10-130	REP	98-04-053	212-17-21505	NEW	98-04-007
196-08-530	REP	98-12-045	204-10-140	REP	98-04-053	212-17-21507	NEW	98-04-007
196-08-540	REP-P	98-08-078	204-10-150	REP	98-04-053	212-17-21509	NEW	98-04-007
196-08-540	REP	98-12-045	204-24-050	PREP	98-11-035	212-17-21511	NEW	98-04-007
196-08-550	REP-P	98-08-078	204-24-050	AMD-P	98-15-056	212-17-21513	NEW	98-04-007
196-08-550	REP	98-12-045	204-24-050	AMD	98-19-042	212-17-21515	NEW	98-04-007
196-08-560	REP-P	98-08-078	204-46-010	PREP	98-14-049	212-17-21517	NEW	98-04-007
196-08-560	REP	98-12-045	204-46-010	NEW-P	98-18-073	212-17-21519	NEW	98-04-007
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196-08-570	REP	98-12-045	204-46-020	NEW-P	98-18-073	220-12-020	AMD	98-06-031
196-08-580	REP-P	98-08-078	204-46-030	PREP	98-14-049	220-16-002	NEW-P	98-11-086
196-08-580	REP	98-12-045	204-46-030	NEW-P	98-18-073	220-16-002	NEW	98-15-081
196-08-590	REP-P	98-08-078	204-50-010	PREP	98-19-076	220-16-005	NEW-P	98-11-086
196-08-590	REP	98-12-045	204-50-020	PREP	98-19-076	220-16-005	NEW	98-15-081
196-09-010	NEW-P	98-08-078	204-50-030	PREP	98-19-076	220-16-225	AMD-P	98-21-089
196-09-010	NEW	98-12-045	204-50-040	PREP	98-19-076	220-16-440	AMD	98-06-031
196-09-020	NEW-P	98-08-078	204-50-050	PREP	98-19-076	220-16-475	NEW	98-06-031
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196-12-010	AMD-P	98-08-105	204-50-070	PREP	98-19-076	220-16-480	NEW-W	98-11-049
196-12-010	AMD	98-12-052	204-50-080	PREP	98-19-076	220-16-480	NEW	98-15-031
196-12-020	AMD-P	98-08-105	204-50-090	PREP	98-19-076	220-16-490	NEW-P	98-09-089
196-12-020	AMD	98-12-052	204-50-110	PREP	98-19-076	220-16-490	NEW-W	98-11-049
196-12-030	AMD-P	98-08-105	204-50-120	PREP	98-19-076	220-16-490	NEW	98-15-031
196-12-030	AMD	98-12-052	204-50-130	PREP	98-19-076	220-16-500	NEW-W	98-11-049
196-12-045	NEW-P	98-08-105	204-72-030	AMD	98-04-054	220-16-510	NEW-W	98-11-049
196-12-045	NEW	98-12-052	204-72-040	AMD	98-04-054	220-16-520	NEW-W	98-11-049
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196-12-085	REP-P	98-08-105	204-90-120	AMD	98-04-052	220-16-550	AMD	98-15-081
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220-16-640	NEW-W	98-11-049	220-33-01000C	REP-E	98-18-029	220-47-427	AMD-P	98-11-086
220-16-650	NEW-W	98-11-049	220-33-01000C	NEW-E	98-18-029	220-47-427	AMD	98-15-081
220-16-660	NEW-W	98-11-049	220-33-01000C	REP-E	98-20-088	220-47-428	AMD-P	98-11-086
220-16-670	NEW-W	98-11-049	220-33-01000D	NEW-E	98-20-088	220-47-428	AMD	98-15-081
220-16-680	NEW-W	98-11-049	220-33-01000D	REP-E	98-20-088	220-47-901	NEW-E	98-18-013
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220-16-700	NEW	98-06-031	220-33-01000E	NEW-E	98-22-005	220-47-902	NEW-E	98-18-048
220-16-710	NEW	98-06-031	220-33-01000E	REP-E	98-22-005	220-47-902	REP-E	98-19-004
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220-20-010	AMD-P	98-09-089	220-33-01000Z	REP-E	98-08-046	220-47-904	NEW-E	98-19-048
220-20-010	AMD-P	98-11-086	220-33-01000Z	NEW-E	98-08-046	220-47-904	REP-E	98-19-072
220-20-010	AMD	98-15-031	220-33-01000Z	REP-E	98-12-061	220-47-905	NEW-E	98-19-072
220-20-010	AMD	98-15-081	220-33-03000L	REP-E	98-08-046	220-47-905	REP-E	98-20-018
220-20-01000A	NEW-E	98-05-014	220-33-03000L	NEW-E	98-08-046	220-47-906	NEW-E	98-20-018
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220-24-02000E	NEW-E	98-10-031	220-36-02300Y	NEW-E	98-20-037	220-48-015	AMD	98-05-043
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220-24-02000F	NEW-E	98-11-020	220-40-021	AMD	98-15-081	220-48-01500G	NEW-E	98-17-006
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220-24-02000G	NEW-E	98-11-085	220-40-027	AMD	98-15-081	220-48-032	AMD	98-05-043
220-24-02000H	NEW-E	98-12-076	220-40-02700S	REP-E	98-22-002	220-48-042	AMD	98-05-043
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220-32-05100D	REP-E	98-04-068	220-44-050	AMD	98-05-043	220-49-005	AMD	98-05-043
220-32-05100E	NEW-E	98-04-068	220-44-050	AMD-XA	98-09-080	220-49-011	AMD	98-05-043
220-32-05100E	REP-E	98-04-068	220-44-050	AMD	98-15-033	220-49-012	AMD	98-05-043
220-32-05100E	REP-E	98-07-057	220-44-050000	REP-E	98-10-059	220-49-013	AMD	98-05-043
220-32-05100F	REP-E	98-18-023	220-44-050000	NEW-E	98-10-059	220-49-014	AMD	98-05-043
220-32-05100F	NEW-E	98-18-023	220-44-050000	REP-E	98-14-094	220-49-017	AMD	98-05-043
220-32-05100G	REP-E	98-19-019	220-44-050000	NEW-E	98-14-094	220-49-020	AMD	98-05-043
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220-32-05100I	REP-E	98-19-077	220-44-05000Q	NEW-E	98-18-050	220-49-024	AMD	98-05-043
220-32-05100I	NEW-E	98-19-077	220-44-05000Q	REP-E	98-20-048	220-49-056	AMD	98-05-043
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220-32-05500N	REP-E	98-11-041	220-47-304	AMD	98-15-081	220-52-04000G	NEW-E	98-04-034
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220-32-05500P	REP-E	98-14-037	220-47-30700A	NEW-E	98-16-009	220-52-043	AMD	98-19-012
220-32-05500Q	NEW-E	98-14-037	220-47-30700B	NEW-E	98-17-057	220-52-046	AMD	98-05-043
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220-32-05500R	NEW-E	98-18-047	220-47-311	AMD	98-15-081	220-52-046	AMD	98-19-012
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220-52-04600D	REP-E	98-14-038	220-56-126	AMD	98-15-081	220-56-27200A	NEW-E	98-08-045
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246-290-676	AMD-P	98-20-108	246-312-080	NEW	98-14-056	246-320-185	NEW-P	98-21-083
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246-310-170	AMD	98-10-053	246-316-200	DECOD	98-20-021	246-320-705	NEW-P	98-21-083
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246-310-395	AMD-XA	98-12-067	246-316-250	DECOD	98-20-021	246-320-755	NEW-P	98-21-083
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246-359-520	NEW-P	98-21-085	246-808-106	REP	98-05-060	246-812-430	RE-AD	98-20-068
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246-828-150	REP-XR	98-22-081	246-840-100	REP	98-05-060	246-850-110	NEW-P	98-18-065
246-828-160	REP-XR	98-22-081	246-840-110	REP	98-05-060	246-850-110	NEW	98-21-086
246-828-170	REP-XR	98-22-081	246-840-111	NEW	98-05-060	246-850-120	NEW-P	98-18-065
246-828-180	REP-XR	98-22-081	246-840-113	REP-XR	98-18-069	246-850-120	NEW	98-21-086
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246-851-100	REP	98-05-060	246-919-420	REP	98-05-060	246-976-500	AMD	98-04-038
246-851-220	REP	98-05-060	246-919-430	AMD	98-05-060	246-976-510	AMD	98-04-038
246-851-240	REP	98-05-060	246-919-440	REP	98-05-060	246-976-520	AMD	98-04-038
246-851-270	REP-XR	98-20-065	246-919-460	AMD	98-05-060	246-976-550	AMD	98-04-038
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246-851-510	REP	98-05-060	246-919-990	AMD	98-05-060	246-976-570	AMD	98-04-038
246-851-990	AMD	98-05-060	246-922-070	AMD	98-05-060	246-976-600	AMD	98-04-038
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246-853-060	AMD	98-05-060	246-922-285	NEW	98-05-060	246-976-610	AMD	98-19-107
246-853-080	AMD	98-05-060	246-922-290	AMD	98-05-060	246-976-615	NEW	98-04-038
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246-907-030	AMD	98-05-060	246-930-020	AMD	98-05-060	246-976-840	AMD	98-04-038
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246-907-995	NEW	98-05-060	246-930-420	AMD	98-05-060	246-976-860	AMD-XA	98-14-121
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246-918-009	REP	98-09-118	246-933-470	REP	98-05-060	250-10-020	REP	98-08-006
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246-918-160	REP	98-09-119	246-935-990	AMD	98-05-060	250-10-030	REP	98-08-006
246-918-170	AMD	98-05-060	246-937-050	AMD	98-05-060	250-10-040	REP	98-08-006
246-918-180	AMD	98-05-060	246-937-080	AMD	98-05-060	250-10-050	REP	98-08-006
246-918-990	AMD	98-05-060	246-937-990	AMD	98-05-060	250-10-060	REP	98-08-006
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246-919-305	REP	98-05-060	246-976-475	REP	98-04-038	250-10-080	REP	98-08-006
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250-55-030	REP	98-08-009	250-73-045	AMD	98-22-026	251-08-051	AMD-P	98-15-036
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250-55-060	REP	98-08-009	251-01-030	AMD-P	98-15-036	251-08-090	AMD	98-19-035
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296- 04-045	REP-W	98-12-074	296- 04A-390	NEW-W	98-07-058	296- 14-940	AMD	98-19-001
296- 04-05001	REP-W	98-12-074	296- 04A-400	NEW-W	98-07-058	296- 15-001	NEW-P	98-19-148
296- 04-060	REP-W	98-12-074	296- 04A-410	NEW-W	98-07-058	296- 15-02606	REP-P	98-19-148
296- 04-090	REP-W	98-12-074	296- 04A-420	NEW-W	98-07-058	296- 15-070	REP-P	98-19-148
296- 04-105	REP-W	98-12-074	296- 04A-430	NEW-W	98-07-058	296- 15-072	REP-P	98-19-148
296- 04-115	REP-W	98-12-074	296- 04A-440	NEW-W	98-07-058	296- 15-100	REP-P	98-19-148
296- 04-125	REP-W	98-12-074	296- 04A-460	NEW-W	98-07-058	296- 15-160	REP-P	98-19-148
296- 04-160	REP-W	98-12-074	296- 04A-470	NEW-W	98-07-058	296- 15-180	REP-P	98-19-148
296- 04-165	REP-W	98-12-074	296- 04A-480	NEW-W	98-07-058	296- 15-190	REP-P	98-19-148
296- 04-260	REP-W	98-12-074	296- 08-001	REP-XR	98-08-102	296- 15-21002	REP-P	98-19-148
296- 04-270	REP-W	98-12-074	296- 08-020	REP-XR	98-08-102	296- 15-230	REP-P	98-19-148
296- 04-275	REP-W	98-12-074	296- 08-030	REP-XR	98-08-102	296- 15-240	REP-P	98-19-148
296- 04-280	REP-W	98-12-074	296- 08-040	REP-XR	98-08-102	296- 15-250	REP-P	98-19-148
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296- 04-300	REP-W	98-12-074	296- 08-060	REP-XR	98-08-102	296- 15-300	NEW-P	98-19-148
296- 04-310	REP-W	98-12-074	296- 08-070	REP-XR	98-08-102	296- 15-305	NEW-P	98-19-148
296- 04-330	REP-W	98-12-074	296- 08-080	REP-XR	98-08-102	296- 15-320	NEW-P	98-19-148
296- 04-340	REP-W	98-12-074	296- 08-090	REP-XR	98-08-102	296- 15-350	NEW-P	98-19-148
296- 04-350	REP-W	98-12-074	296- 08-100	REP-XR	98-08-102	296- 15-380	NEW-P	98-19-148
296- 04-351	REP-W	98-12-074	296- 08-110	REP-XR	98-08-102	296- 15-390	NEW-P	98-19-148
296- 04-360	REP-W	98-12-074	296- 08-120	REP-XR	98-08-102	296- 15-395	NEW-P	98-19-148
296- 04-370	REP-W	98-12-074	296- 08-130	REP-XR	98-08-102	296- 17	PREP	98-11-101
296- 04-380	REP-W	98-12-074	296- 08-140	REP-XR	98-08-102	296- 17	AMD-P	98-12-079
296- 04-390	REP-W	98-12-074	296- 08-150	REP-XR	98-08-102	296- 17	PREP	98-14-140
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296- 04-410	REP-W	98-12-074	296- 08-170	REP-XR	98-08-102	296- 17-310	REP-P	98-12-079
296- 04-420	REP-W	98-12-074	296- 08-180	REP-XR	98-08-102	296- 17-310	REP	98-18-042
296- 04-430	REP-W	98-12-074	296- 08-190	REP-XR	98-08-102	296- 17-31001	NEW-P	98-12-079
296- 04-440	REP-W	98-12-074	296- 08-200	REP-XR	98-08-102	296- 17-31001	NEW	98-18-042
296- 04-460	REP-W	98-12-074	296- 08-210	REP-XR	98-08-102	296- 17-31002	NEW-P	98-12-079
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296- 04A-040	NEW-W	98-07-058	296- 08-490	REP-XR	98-08-102	296- 17-31009	NEW-P	98-12-079
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296- 04A-046	NEW-W	98-07-058	296- 08-510	REP-XR	98-08-102	296- 17-31010	NEW-P	98-12-079
296- 04A-049	NEW-W	98-07-058	296- 08-520	REP-XR	98-08-102	296- 17-31010	NEW	98-18-042
296- 04A-052	NEW-W	98-07-058	296- 08-530	REP-XR	98-08-102	296- 17-31011	NEW-P	98-12-079
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296- 04A-150	NEW-W	98-07-058	296- 14-010	REP-P	98-12-079	296- 17-31014	NEW	98-18-042
296- 04A-200	NEW-W	98-07-058	296- 14-010	REP	98-18-042	296- 17-31015	NEW-P	98-12-079
296- 04A-210	NEW-W	98-07-058	296- 14-015	REP-P	98-12-079	296- 17-31015	NEW	98-18-042
296- 04A-230	NEW-W	98-07-058	296- 14-015	REP	98-18-042	296- 17-31016	NEW-P	98-12-079

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296-17-31017	NEW-P	98-12-079	296-17-45002	REP	98-18-042	296-17-52101	AMD-P	98-12-079
296-17-31017	NEW	98-18-042	296-17-45003	REP-P	98-12-079	296-17-52101	AMD	98-18-042
296-17-31018	NEW-P	98-12-079	296-17-45003	REP	98-18-042	296-17-52102	AMD-P	98-12-079
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296-17-31019	NEW	98-18-042	296-17-45005	REP-P	98-12-079	296-17-52103	AMD	98-18-042
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296-17-31021	NEW	98-18-042	296-17-455	REP-P	98-12-079	296-17-52105	AMD	98-18-042
296-17-31022	NEW-P	98-12-079	296-17-455	REP	98-18-042	296-17-52106	AMD-P	98-12-079
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296-17-31025	NEW-P	98-12-079	296-17-501	AMD	98-18-042	296-17-52110	AMD-P	98-12-079
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296-17-31026	NEW-P	98-12-079	296-17-503	AMD	98-18-042	296-17-52111	AMD-P	98-12-079
296-17-31026	NEW	98-18-042	296-17-504	AMD-P	98-12-079	296-17-52111	AMD	98-18-042
296-17-31027	NEW-P	98-12-079	296-17-504	AMD	98-18-042	296-17-52113	AMD-P	98-12-079
296-17-31027	NEW	98-18-042	296-17-505	AMD-P	98-12-079	296-17-52113	AMD	98-18-042
296-17-31028	NEW-P	98-12-079	296-17-505	AMD	98-18-042	296-17-52116	AMD-P	98-12-079
296-17-31028	NEW	98-18-042	296-17-50601	AMD-P	98-12-079	296-17-52116	AMD	98-18-042
296-17-31029	NEW-P	98-12-079	296-17-50601	AMD	98-18-042	296-17-52118	AMD-P	98-12-079
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296-17-350	REP	98-18-042	296-17-509	AMD-P	98-12-079	296-17-52121	AMD	98-18-042
296-17-35202	NEW-P	98-12-079	296-17-509	AMD	98-18-042	296-17-52122	AMD-P	98-12-079
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296-17-370	REP	98-18-042	296-17-50917	AMD-P	98-12-079	296-17-52126	AMD	98-18-042
296-17-380	REP-P	98-12-079	296-17-50917	AMD	98-18-042	296-17-522	AMD-P	98-12-079
296-17-380	REP	98-18-042	296-17-510	AMD-P	98-12-079	296-17-522	AMD	98-18-042
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296-17-420	REP	98-18-042	296-17-51301	AMD-P	98-12-079	296-17-527	AMD	98-18-042
296-17-430	REP-P	98-12-079	296-17-51301	AMD	98-18-042	296-17-52701	AMD-P	98-12-079
296-17-430	REP	98-18-042	296-17-516	AMD-P	98-12-079	296-17-52701	AMD	98-18-042
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296-17-44001	REP	98-18-042	296-17-519	AMD-P	98-12-079	296-17-529	AMD	98-18-042
296-17-441	REP-P	98-12-079	296-17-519	AMD	98-18-042	296-17-532	AMD-P	98-12-079
296-17-441	REP	98-18-042	296-17-52001	AMD-P	98-12-079	296-17-532	AMD	98-18-042
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296-17-45001	REP-P	98-12-079	296-17-52002	AMD	98-18-042	296-17-535	AMD-P	98-12-079
296-17-45001	REP	98-18-042	296-17-521	AMD-P	98-12-079	296-17-535	AMD	98-18-042

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296-17-53502	AMD	98-18-042	296-17-56402	AMD-P	98-12-079	296-17-58506	AMD	98-18-042
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296-24-067	REP	98-06-061	296-44-010	REP	98-07-009	296-44-13405	REP	98-07-009
296-24-070	REP	98-06-061	296-44-011	REP	98-07-009	296-44-13415	REP	98-07-009
296-24-12501	AMD-P	98-16-100	296-44-013	REP	98-07-009	296-44-13421	REP	98-07-009
296-24-12503	AMD-P	98-16-100	296-44-015	REP	98-07-009	296-44-13431	REP	98-07-009
296-24-12504	NEW-P	98-16-100	296-44-016	REP	98-07-009	296-44-170	REP	98-07-009
296-24-12505	AMD-P	98-16-100	296-44-017	REP	98-07-009	296-44-17005	REP	98-07-009
296-24-12507	AMD-P	98-16-100	296-44-023	REP	98-07-009	296-44-17017	REP	98-07-009
296-24-12509	AMD-P	98-16-100	296-44-02301	REP	98-07-009	296-44-17029	REP	98-07-009
296-24-12511	AMD-P	98-16-100	296-44-02305	REP	98-07-009	296-44-182	REP	98-07-009
296-24-12513	AMD-P	98-16-100	296-44-02309	REP	98-07-009	296-44-18205	REP	98-07-009
296-24-12515	AMD-P	98-16-100	296-44-02315	REP	98-07-009	296-44-18225	REP	98-07-009
296-24-12517	AMD-P	98-16-100	296-44-02319	REP	98-07-009	296-44-18239	REP	98-07-009
296-24-12519	AMD-P	98-16-100	296-44-02323	REP	98-07-009	296-44-18250	REP	98-07-009
296-24-12521	AMD-P	98-16-100	296-44-02329	REP	98-07-009	296-44-18261	REP	98-07-009
296-24-12523	AMD-P	98-16-100	296-44-02335	REP	98-07-009	296-44-18273	REP	98-07-009
296-24-205	AMD	98-10-073	296-44-02349	REP	98-07-009	296-44-194	REP	98-07-009
296-24-20501	AMD	98-10-073	296-44-025	REP	98-07-009	296-44-19405	REP	98-07-009
296-24-20503	AMD	98-10-073	296-44-035	REP	98-07-009	296-44-19421	REP	98-07-009
296-24-20505	AMD	98-10-073	296-44-03505	REP	98-07-009	296-44-19433	REP	98-07-009
296-24-20507	AMD	98-10-073	296-44-03509	REP	98-07-009	296-44-212	REP	98-07-009
296-24-20509	AMD	98-10-073	296-44-041	REP	98-07-009	296-44-21209	REP	98-07-009
296-24-20511	AMD	98-10-073	296-44-04105	REP	98-07-009	296-44-21221	REP	98-07-009
296-24-20513	AMD	98-10-073	296-44-04109	REP	98-07-009	296-44-21230	REP	98-07-009
296-24-20515	AMD	98-10-073	296-44-04125	REP	98-07-009	296-44-21241	REP	98-07-009
296-24-20517	AMD	98-10-073	296-44-04129	REP	98-07-009	296-44-21253	REP	98-07-009
296-24-20519	AMD	98-10-073	296-44-04135	REP	98-07-009	296-44-21265	REP	98-07-009
296-24-20521	AMD	98-10-073	296-44-051	REP	98-07-009	296-44-21273	REP	98-07-009
296-24-20523	AMD	98-10-073	296-44-05105	REP	98-07-009	296-44-21279	REP	98-07-009
296-24-20525	AMD	98-10-073	296-44-05109	REP	98-07-009	296-44-21287	REP	98-07-009
296-24-20527	AMD	98-10-073	296-44-05115	REP	98-07-009	296-44-21295	REP	98-07-009
296-24-20529	AMD	98-10-073	296-44-05119	REP	98-07-009	296-44-242	REP	98-07-009
296-24-20531	AMD	98-10-073	296-44-05125	REP	98-07-009	296-44-24205	REP	98-07-009
296-24-20533	AMD	98-10-073	296-44-05129	REP	98-07-009	296-44-24213	REP	98-07-009
296-24-58503	AMD-P	98-17-078	296-44-05131	REP	98-07-009	296-44-24221	REP	98-07-009
296-24-58505	AMD-P	98-17-078	296-44-05135	REP	98-07-009	296-44-24233	REP	98-07-009
296-27	PREP	98-12-081	296-44-05141	REP	98-07-009	296-44-263	REP	98-07-009
296-27-210	NEW-P	98-18-080	296-44-065	REP	98-07-009	296-44-26309	REP	98-07-009
296-27-21001	NEW-P	98-18-080	296-44-06505	REP	98-07-009	296-44-26321	REP	98-07-009
296-27-21005	NEW-P	98-18-080	296-44-06511	REP	98-07-009	296-44-26333	REP	98-07-009
296-27-21010	NEW-P	98-18-080	296-44-06517	REP	98-07-009	296-44-278	REP	98-07-009
296-27-21015	NEW-P	98-18-080	296-44-074	REP	98-07-009	296-44-27809	REP	98-07-009
296-27-21020	NEW-P	98-18-080	296-44-07405	REP	98-07-009	296-44-27821	REP	98-07-009
296-27-21025	NEW-P	98-18-080	296-44-07411	REP	98-07-009	296-44-27833	REP	98-07-009
296-27-21030	NEW-P	98-18-080	296-44-07417	REP	98-07-009	296-44-27847	REP	98-07-009
296-27-21035	NEW-P	98-18-080	296-44-07423	REP	98-07-009	296-44-29501	REP	98-07-009
296-27-21040	NEW-P	98-18-080	296-44-07427	REP	98-07-009	296-44-29509	REP	98-07-009
296-27-21045	NEW-P	98-18-080	296-44-07433	REP	98-07-009	296-44-29515	REP	98-07-009
296-27-21050	NEW-P	98-18-080	296-44-07439	REP	98-07-009	296-44-29523	REP	98-07-009
296-30-020	PREP	98-22-106	296-44-086	REP	98-07-009	296-44-29529	REP	98-07-009
296-30-025	PREP	98-22-106	296-44-08605	REP	98-07-009	296-44-29539	REP	98-07-009
296-30-050	REP-XR	98-08-100	296-44-08611	REP	98-07-009	296-44-29541	REP	98-07-009
296-30-050	REP	98-14-076	296-44-08619	REP	98-07-009	296-44-29551	REP	98-07-009
296-30-060	PREP	98-22-106	296-44-098	REP	98-07-009	296-44-29563	REP	98-07-009
296-30-081	PREP	98-22-106	296-44-09805	REP	98-07-009	296-44-29572	REP	98-07-009
296-30-900	PREP	98-22-106	296-44-09811	REP	98-07-009	296-44-317	REP	98-07-009
296-31-040	PREP	98-22-106	296-44-09819	REP	98-07-009	296-44-31709	REP	98-07-009
296-31-060	PREP	98-22-106	296-44-09826	REP	98-07-009	296-44-31719	REP	98-07-009
296-31-069	PREP	98-14-141	296-44-110	REP	98-07-009	296-44-31729	REP	98-07-009
296-31-069	AMD-P	98-19-149	296-44-11005	REP	98-07-009	296-44-31738	REP	98-07-009
296-31-071	PREP	98-22-106	296-44-11021	REP	98-07-009	296-44-31749	REP	98-07-009
296-31-072	PREP	98-22-106	296-44-11029	REP	98-07-009	296-44-31757	REP	98-07-009
296-31-073	PREP	98-22-106	296-44-11035	REP	98-07-009	296-44-31765	REP	98-07-009
296-31-075	PREP	98-22-106	296-44-11041	REP	98-07-009	296-44-31772	REP	98-07-009
296-31-080	PREP	98-22-106	296-44-125	REP	98-07-009	296-44-31783	REP	98-07-009
296-31-085	PREP	98-22-106	296-44-12505	REP	98-07-009	296-44-31792	REP	98-07-009

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296-44-350	REP	98-07-009	296-44-88007	REP	98-07-009	296-45-48525	NEW	98-07-009
296-44-35009	REP	98-07-009	296-44-88008	REP	98-07-009	296-45-48530	NEW	98-07-009
296-44-35021	REP	98-07-009	296-44-88009	REP	98-07-009	296-45-48535	NEW	98-07-009
296-44-365	REP	98-07-009	296-44-88010	REP	98-07-009	296-45-48540	NEW	98-07-009
296-44-36518	REP	98-07-009	296-44-88011	REP	98-07-009	296-45-48545	NEW	98-07-009
296-44-36527	REP	98-07-009	296-45	AMD	98-07-009	296-45-48550	NEW	98-07-009
296-44-36539	REP	98-07-009	296-45-005	NEW	98-07-009	296-45-48555	NEW	98-07-009
296-44-36551	REP	98-07-009	296-45-015	NEW	98-07-009	296-45-48560	NEW	98-07-009
296-44-36563	REP	98-07-009	296-45-025	NEW	98-07-009	296-45-525	NEW	98-07-009
296-44-36575	REP	98-07-009	296-45-035	NEW	98-07-009	296-45-52505	NEW	98-07-009
296-44-370	REP	98-07-009	296-45-045	NEW	98-07-009	296-45-52510	NEW	98-07-009
296-44-386	REP	98-07-009	296-45-055	NEW	98-07-009	296-45-52515	NEW	98-07-009
296-44-38609	REP	98-07-009	296-45-065	NEW	98-07-009	296-45-52520	NEW	98-07-009
296-44-38628	REP	98-07-009	296-45-075	NEW	98-07-009	296-45-52525	NEW	98-07-009
296-44-38641	REP	98-07-009	296-45-085	NEW	98-07-009	296-45-52530	NEW	98-07-009
296-44-38653	REP	98-07-009	296-45-095	NEW	98-07-009	296-45-52535	NEW	98-07-009
296-44-398	REP	98-07-009	296-45-105	NEW	98-07-009	296-45-52540	NEW	98-07-009
296-44-39809	REP	98-07-009	296-45-115	NEW	98-07-009	296-45-52545	NEW	98-07-009
296-44-39823	REP	98-07-009	296-45-125	NEW	98-07-009	296-45-52550	NEW	98-07-009
296-44-39842	REP	98-07-009	296-45-135	NEW	98-07-009	296-45-545	NEW	98-07-009
296-44-39855	REP	98-07-009	296-45-175	NEW	98-07-009	296-45-60013	REP	98-07-009
296-44-413	REP	98-07-009	296-45-17505	NEW	98-07-009	296-45-650	REP	98-07-009
296-44-41309	REP	98-07-009	296-45-17510	NEW	98-07-009	296-45-65003	REP	98-07-009
296-44-41321	REP	98-07-009	296-45-17515	NEW	98-07-009	296-45-65005	REP	98-07-009
296-44-41333	REP	98-07-009	296-45-17520	NEW	98-07-009	296-45-65009	REP	98-07-009
296-44-41341	REP	98-07-009	296-45-17525	NEW	98-07-009	296-45-65011	REP	98-07-009
296-44-41359	REP	98-07-009	296-45-17530	NEW	98-07-009	296-45-65013	REP	98-07-009
296-44-425	REP	98-07-009	296-45-17535	NEW	98-07-009	296-45-65015	REP	98-07-009
296-44-42509	REP	98-07-009	296-45-17540	NEW	98-07-009	296-45-65017	REP	98-07-009
296-44-42521	REP	98-07-009	296-45-17545	NEW	98-07-009	296-45-65019	REP	98-07-009
296-44-42533	REP	98-07-009	296-45-17550	NEW	98-07-009	296-45-65021	REP	98-07-009
296-44-42541	REP	98-07-009	296-45-17555	NEW	98-07-009	296-45-65023	REP	98-07-009
296-44-42559	REP	98-07-009	296-45-17560	NEW	98-07-009	296-45-65026	REP	98-07-009
296-44-440	REP	98-07-009	296-45-17565	NEW	98-07-009	296-45-65027	REP	98-07-009
296-44-44009	REP	98-07-009	296-45-195	NEW	98-07-009	296-45-65029	REP	98-07-009
296-44-44021	REP	98-07-009	296-45-205	NEW	98-07-009	296-45-65031	REP	98-07-009
296-44-44033	REP	98-07-009	296-45-215	NEW	98-07-009	296-45-65033	REP	98-07-009
296-44-44047	REP	98-07-009	296-45-225	NEW	98-07-009	296-45-65035	REP	98-07-009
296-44-452	REP	98-07-009	296-45-255	NEW	98-07-009	296-45-65037	REP	98-07-009
296-44-45209	REP	98-07-009	296-45-25505	NEW	98-07-009	296-45-65038	REP	98-07-009
296-44-45219	REP	98-07-009	296-45-25510	NEW	98-07-009	296-45-65039	REP	98-07-009
296-44-45231	REP	98-07-009	296-45-275	NEW	98-07-009	296-45-65041	REP	98-07-009
296-44-45243	REP	98-07-009	296-45-285	NEW	98-07-009	296-45-65043	REP	98-07-009
296-44-45257	REP	98-07-009	296-45-295	NEW	98-07-009	296-45-65045	REP	98-07-009
296-44-467	REP	98-07-009	296-45-305	NEW	98-07-009	296-45-65047	REP	98-07-009
296-44-46709	REP	98-07-009	296-45-315	NEW	98-07-009	296-45-660	REP	98-07-009
296-44-46733	REP	98-07-009	296-45-325	NEW	98-07-009	296-45-66001	REP	98-07-009
296-44-46739	REP	98-07-009	296-45-335	NEW	98-07-009	296-45-66003	REP	98-07-009
296-44-46747	REP	98-07-009	296-45-345	NEW	98-07-009	296-45-66005	REP	98-07-009
296-44-46755	REP	98-07-009	296-45-355	NEW	98-07-009	296-45-66007	REP	98-07-009
296-44-46761	REP	98-07-009	296-45-365	NEW	98-07-009	296-45-66009	REP	98-07-009
296-44-491	REP	98-07-009	296-45-375	NEW	98-07-009	296-45-66011	REP	98-07-009
296-44-49109	REP	98-07-009	296-45-385	NEW	98-07-009	296-45-67543	AMD-W	98-07-008
296-44-49121	REP	98-07-009	296-45-455	NEW	98-07-009	296-45-680	REP	98-07-009
296-44-850	REP	98-07-009	296-45-45505	NEW	98-07-009	296-45-690	REP	98-07-009
296-44-855	REP	98-07-009	296-45-45510	NEW	98-07-009	296-45-695	REP	98-07-009
296-44-860	REP	98-07-009	296-45-45515	NEW	98-07-009	296-45-700	REP	98-07-009
296-44-865	REP	98-07-009	296-45-45520	NEW	98-07-009	296-45-900	NEW	98-07-009
296-44-870	REP	98-07-009	296-45-45525	NEW	98-07-009	296-45-901	NEW	98-07-009
296-44-875	REP	98-07-009	296-45-45530	NEW	98-07-009	296-45-903	NEW	98-07-009
296-44-880	REP	98-07-009	296-45-465	NEW	98-07-009	296-45-905	NEW	98-07-009
296-44-88001	REP	98-07-009	296-45-475	NEW	98-07-009	296-46	PREP	98-13-123
296-44-88002	REP	98-07-009	296-45-485	NEW	98-07-009	296-46-090	AMD-P	98-22-107
296-44-88003	REP	98-07-009	296-45-48505	NEW	98-07-009	296-46-100	NEW-P	98-07-097
296-44-88004	REP	98-07-009	296-45-48510	NEW	98-07-009	296-46-100	NEW	98-12-042
296-44-88005	REP	98-07-009	296-45-48515	NEW	98-07-009	296-46-140	AMD-P	98-07-097
296-44-88006	REP	98-07-009	296-45-48520	NEW	98-07-009	296-46-140	AMD	98-12-042

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296-46-155	NEW	98-12-042	296-56-60211	AMD-P	98-17-079	296-86-075	REP	98-12-043
296-46-21052	AMD-P	98-07-097	296-56-60217	AMD-P	98-17-079	296-86-080	REP-P	98-07-094
296-46-21052	AMD	98-12-042	296-61-010	REP-XR	98-19-057	296-86-080	REP	98-12-043
296-46-225	AMD-P	98-07-097	296-61-020	REP-XR	98-19-057	296-86-090	REP-P	98-07-094
296-46-225	AMD	98-12-042	296-61-030	REP-XR	98-19-057	296-86-090	REP	98-12-043
296-46-23028	AMD-P	98-07-097	296-61-040	REP-XR	98-19-057	296-86A	PREP	98-13-124
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296-46-23040	AMD-P	98-22-107	296-61-060	REP-XR	98-19-057	296-86A-010	NEW-P	98-07-094
296-46-30001	AMD-P	98-07-097	296-61-070	REP-XR	98-19-057	296-86A-010	NEW	98-12-043
296-46-30001	AMD	98-12-042	296-61-080	REP-XR	98-19-057	296-86A-020	NEW-P	98-07-094
296-46-348	AMD-P	98-07-097	296-61-090	REP-XR	98-19-057	296-86A-020	NEW	98-12-043
296-46-348	AMD	98-12-042	296-61-100	REP-XR	98-19-057	296-86A-025	NEW-P	98-07-094
296-46-370	AMD-P	98-22-107	296-61-110	REP-XR	98-19-057	296-86A-025	NEW	98-12-043
296-46-495	AMD-P	98-07-097	296-61-120	REP-XR	98-19-057	296-86A-028	NEW-P	98-07-094
296-46-495	AMD	98-12-042	296-61-130	REP-XR	98-19-057	296-86A-028	NEW	98-12-043
296-46-495	AMD-P	98-22-107	296-61-140	REP-XR	98-19-057	296-86A-030	NEW-P	98-07-094
296-46-50002	NEW-P	98-07-097	296-61-150	REP-XR	98-19-057	296-86A-030	NEW	98-12-043
296-46-50002	NEW	98-12-042	296-61-160	REP-XR	98-19-057	296-86A-040	NEW-P	98-07-094
296-46-50002	AMD-P	98-22-107	296-61-170	REP-XR	98-19-057	296-86A-040	NEW	98-12-043
296-46-770	AMD-P	98-07-097	296-61-180	REP-XR	98-19-057	296-86A-060	NEW-P	98-07-094
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296-46-910	AMD-XA	98-18-101	296-61-220	REP-XR	98-19-057	296-86A-070	NEW-P	98-07-094
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296-46-910	PREP	98-22-105	296-61-240	REP-XR	98-19-057	296-86A-073	NEW-P	98-07-094
296-46-915	AMD-P	98-07-097	296-61-250	REP-XR	98-19-057	296-86A-073	NEW	98-12-043
296-46-915	AMD	98-12-042	296-61-260	REP-XR	98-19-057	296-86A-074	NEW-P	98-07-094
296-46-915	PREP	98-22-105	296-61-270	REP-XR	98-19-057	296-86A-074	NEW	98-12-043
296-46-920	AMD-P	98-07-097	296-61-280	REP-XR	98-19-057	296-86A-075	NEW-P	98-07-094
296-46-920	AMD	98-12-042	296-61-290	REP-XR	98-19-057	296-86A-075	NEW	98-12-043
296-46-930	AMD-P	98-07-097	296-61-300	REP-XR	98-19-057	296-86A-080	NEW-P	98-07-094
296-46-930	AMD	98-12-042	296-61-310	REP-XR	98-19-057	296-86A-080	NEW	98-12-043
296-46-930	AMD-P	98-22-107	296-61-320	REP-XR	98-19-057	296-87	PREP	98-13-124
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296-56-60062	REP-P	98-17-079	296-84	PREP	98-13-124	296-104-180	NEW	98-22-024
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296-125-0600	NEW-P	98-20-093	296-150C-1740	AMD-P	98-07-095	296-150M-0710	REP	98-14-078
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296-307-38006	AMD-P	98-16-100	296-307-50013	AMD-P	98-16-100	296-401-120	REP-P	98-07-097
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296-307-40013	AMD-P	98-16-100	296-307-52005	AMD-P	98-16-100	296-401-163	REP	98-12-042
296-307-40015	AMD-P	98-16-100	296-307-52009	AMD-P	98-16-100	296-401-165	REP-P	98-07-097
296-307-40021	AMD-P	98-16-100	296-307-52011	AMD-P	98-16-100	296-401-165	REP	98-12-042
296-307-40023	AMD-P	98-16-100	296-307-52013	AMD-P	98-16-100	296-401-168	REP-P	98-07-097
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296-307-41039	AMD-P	98-16-100	296-400A-021	NEW-P	98-09-124	296-401A-100	NEW-P	98-07-097
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296-307-42501	AMD-P	98-16-100	296-400A-031	AMD	98-13-126	296-401A-140	NEW-P	98-07-097
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296-307-43515	AMD-P	98-16-100	296-400A-110	AMD	98-13-126	296-401A-210	NEW	98-12-042
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296-307-45017	AMD-P	98-16-100	296-400A-300	AMD	98-13-126	296-401A-300	NEW	98-12-042
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296-307-45023	AMD-P	98-16-100	296-401-020	REP	98-12-042	296-401A-310	NEW	98-12-042
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296-307-48023	AMD-P	98-16-100	296-401-030	REP	98-12-042	296-401A-320	NEW	98-12-042
296-307-48027	AMD-P	98-16-100	296-401-060	REP-P	98-07-097	296-401A-400	NEW-P	98-07-097
296-307-48029	AMD-P	98-16-100	296-401-060	REP	98-12-042	296-401A-400	NEW	98-12-042
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296-307-48033	AMD-P	98-16-100	296-401-075	REP	98-12-042	296-401A-410	NEW	98-12-042
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296-307-49501	AMD-P	98-16-100	296-401-090	REP	98-12-042	296-401A-510	NEW	98-12-042
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308-72-560	AMD-P	98-18-059	308-93-073	AMD	98-16-030	308-93-280	PREP	98-18-083
308-72-570	AMD-P	98-18-059	308-93-074	PREP	98-03-026	308-93-280	AMD-P	98-22-094
308-72-600	REP-P	98-18-059	308-93-074	REP-P	98-13-044	308-93-285	PREP	98-03-026
308-72-610	AMD-P	98-18-059	308-93-074	REP	98-16-030	308-93-285	AMD-P	98-13-044
308-72-615	NEW-P	98-18-059	308-93-075	PREP	98-03-026	308-93-285	AMD	98-16-030
308-72-620	AMD-P	98-18-059	308-93-075	REP-P	98-13-044	308-93-290	PREP	98-03-027
308-72-630	AMD-P	98-18-059	308-93-075	REP	98-16-030	308-93-290	REP-P	98-16-075
308-72-640	AMD-P	98-18-059	308-93-078	PREP	98-03-026	308-93-290	REP	98-21-001
308-72-650	AMD-P	98-18-059	308-93-078	AMD-P	98-13-044	308-93-295	PREP	98-03-027
308-72-660	AMD-P	98-18-059	308-93-078	AMD	98-16-030	308-93-295	AMD-P	98-16-075
308-72-670	AMD-P	98-18-059	308-93-079	PREP	98-03-026	308-93-295	AMD	98-21-001
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308-77-010	AMD-P	98-18-059	308-93-080	REP-P	98-13-044	308-93-300	REP-P	98-13-044
308-77-020	AMD-P	98-18-059	308-93-080	REP	98-16-030	308-93-300	REP	98-16-030
308-77-032	REP-P	98-18-059	308-93-085	PREP	98-03-026	308-93-330	PREP	98-03-026
308-77-034	REP-P	98-18-059	308-93-085	REP-P	98-13-044	308-93-330	REP-P	98-13-044
308-77-040	AMD-P	98-18-059	308-93-085	REP	98-16-030	308-93-330	REP	98-16-030
308-77-042	REP-P	98-18-059	308-93-087	PREP	98-14-082	308-93-350	PREP	98-03-026
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308-77-070	REP-P	98-18-059	308-93-110	PREP	98-03-027	308-93-360	AMD-P	98-13-044
308-77-091	NEW-P	98-18-059	308-93-110	REP-P	98-16-075	308-93-360	AMD	98-16-030
308-77-095	AMD-P	98-18-059	308-93-110	REP	98-21-001	308-93-370	PREP	98-22-031
308-77-100	REP-P	98-18-059	308-93-120	PREP	98-03-027	308-93-380	PREP	98-22-031
308-77-105	NEW-P	98-18-059	308-93-120	REP-P	98-16-075	308-93-390	PREP	98-22-031
308-77-110	AMD-P	98-18-059	308-93-120	REP	98-21-001	308-93-400	PREP	98-22-031
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308-77-120	REP-P	98-18-059	308-93-180	REP-P	98-16-075	308-93-410	REP-P	98-22-094
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308-77-130	REP-P	98-18-059	308-93-190	PREP	98-03-027	308-93-420	REP-P	98-13-044
308-77-150	AMD-P	98-18-059	308-93-190	REP-P	98-16-075	308-93-420	REP	98-16-030
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308-77-165	AMD-P	98-18-059	308-93-200	PREP	98-03-027	308-93-430	REP	98-09-023
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308-93-620	AMD	98-16-030	308-96A-074	AMD	98-09-024	308-96A-311	NEW	98-22-032
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308-93-630	REP	98-16-030	308-96A-085	PREP	98-03-022	308-96A-312	NEW-E	98-15-013
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308-93-660	AMD-P	98-21-060	308-96A-090	AMD	98-16-002	308-96A-314	NEW	98-22-032
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308-96A-035	REP	98-19-075	308-96A-208	PREP	98-16-010	308-97-090	PREP	98-14-081
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356-14-045	AMD-P	98-15-035	356-37-160	AMD	98-19-034	365-18-040	NEW-P	98-19-127
356-14-045	AMD	98-19-034	356-39-020	AMD-P	98-15-035	365-18-050	NEW-P	98-19-127
356-14-070	AMD-P	98-15-035	356-39-020	AMD	98-19-034	365-18-060	NEW-P	98-19-127
356-14-070	AMD	98-19-034	356-39-060	AMD-P	98-15-035	365-18-070	NEW-P	98-19-127
356-15-020	AMD-P	98-15-035	356-39-060	AMD	98-19-034	365-18-080	NEW-P	98-19-127
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356-18-075	NEW	98-13-057	356-42-083	AMD-P	98-15-035	381-10-120	AMD-XA	98-11-072
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388-49-366	REP-P	98-11-084	388-49-580	REP-E	98-04-040	388-76-59090	NEW	98-12-054
388-49-366	REP	98-16-044	388-49-580	AMD	98-10-025	388-76-59100	NEW	98-12-054
388-49-368	REP-P	98-11-084	388-49-580	REP-P	98-11-084	388-76-59110	NEW	98-12-054
388-49-368	REP	98-16-044	388-49-580	REP	98-16-044	388-76-59120	NEW	98-12-054
388-49-369	REP-P	98-11-084	388-49-590	REP-P	98-11-084	388-76-595	AMD-S	98-02-077
388-49-369	REP	98-16-044	388-49-590	REP	98-16-044	388-76-595	AMD	98-11-095
388-49-370	REP-P	98-11-084	388-49-600	REP-P	98-11-084	388-76-600	AMD-S	98-04-032
388-49-370	REP	98-16-044	388-49-600	REP	98-16-044	388-76-600	AMD	98-12-054
388-49-380	AMD-W	98-06-076	388-49-610	REP-P	98-11-084	388-76-60000	NEW	98-12-054
388-49-380	REP-P	98-11-084	388-49-610	REP	98-16-044	388-76-60010	NEW	98-12-054
388-49-380	REP	98-16-044	388-49-620	REP-P	98-11-084	388-76-60020	NEW	98-12-054
388-49-385	AMD-W	98-06-076	388-49-620	REP	98-16-044	388-76-60030	NEW	98-12-054

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388-76-60050	NEW	98-12-054	388-78A-120	RECOD	98-20-021	388-96-020	AMD	98-20-023
388-76-60060	NEW	98-12-054	388-78A-130	RECOD	98-20-021	388-96-023	REP-P	98-15-141
388-76-60070	NEW	98-12-054	388-78A-140	RECOD	98-20-021	388-96-023	REP	98-20-023
388-76-605	AMD-S	98-02-077	388-78A-150	RECOD	98-20-021	388-96-026	AMD-P	98-15-141
388-76-605	AMD	98-11-095	388-78A-160	RECOD	98-20-021	388-96-026	AMD	98-20-023
388-76-610	AMD-S	98-04-032	388-78A-170	RECOD	98-20-021	388-96-029	REP-P	98-15-141
388-76-610	AMD-W	98-08-091	388-78A-180	RECOD	98-20-021	388-96-029	REP	98-20-023
388-76-610	AMD	98-12-054	388-78A-190	RECOD	98-20-021	388-96-032	REP-P	98-15-141
388-76-61000	NEW	98-12-054	388-78A-200	RECOD	98-20-021	388-96-032	REP	98-20-023
388-76-61010	NEW	98-12-054	388-78A-210	RECOD	98-20-021	388-96-101	REP-P	98-15-141
388-76-61020	NEW	98-12-054	388-78A-220	RECOD	98-20-021	388-96-101	REP	98-20-023
388-76-61030	NEW	98-12-054	388-78A-230	RECOD	98-20-021	388-96-104	REP-P	98-15-141
388-76-61040	NEW	98-12-054	388-78A-240	RECOD	98-20-021	388-96-104	REP	98-20-023
388-76-61050	NEW	98-12-054	388-78A-250	RECOD	98-20-021	388-96-108	AMD-P	98-15-141
388-76-61060	NEW	98-12-054	388-78A-260	RECOD	98-20-021	388-96-108	AMD	98-20-023
388-76-61070	NEW	98-12-054	388-78A-265	RECOD	98-20-021	388-96-110	REP-P	98-15-141
388-76-61080	NEW	98-12-054	388-78A-268	RECOD	98-20-021	388-96-110	REP	98-20-023
388-76-615	AMD-S	98-04-032	388-78A-280	RECOD	98-20-021	388-96-113	REP-P	98-15-141
388-76-615	AMD	98-12-054	388-78A-290	RECOD	98-20-021	388-96-113	REP	98-20-023
388-76-61500	NEW	98-12-054	388-78A-300	RECOD	98-20-021	388-96-119	AMD-P	98-15-141
388-76-61510	NEW	98-12-054	388-78A-310	RECOD	98-20-021	388-96-119	AMD	98-20-023
388-76-61520	NEW	98-12-054	388-78A-320	RECOD	98-20-021	388-96-122	AMD-P	98-15-141
388-76-61530	NEW	98-12-054	388-78A-330	RECOD	98-20-021	388-96-122	AMD	98-20-023
388-76-61540	NEW	98-12-054	388-78A-335	RECOD	98-20-021	388-96-128	REP-P	98-15-141
388-76-61550	NEW	98-12-054	388-78A-340	RECOD	98-20-021	388-96-128	REP	98-20-023
388-76-61560	NEW	98-12-054	388-78A-990	RECOD	98-20-021	388-96-131	REP-P	98-15-141
388-76-61570	NEW	98-12-054	388-78A-990	AMD-P	98-20-097	388-96-131	REP	98-20-023
388-76-620	AMD-S	98-02-077	388-79	NEW-C	98-05-053	388-96-134	REP-P	98-15-141
388-76-620	AMD	98-11-095	388-79-010	NEW-P	98-03-085	388-96-134	REP	98-20-023
388-76-635	AMD-S	98-02-077	388-79-010	NEW	98-10-055	388-96-202	NEW-P	98-15-141
388-76-635	AMD	98-11-095	388-79-020	NEW-P	98-03-085	388-96-202	NEW	98-20-023
388-76-640	AMD-W	98-08-091	388-79-020	NEW	98-10-055	388-96-204	REP-P	98-15-141
388-76-655	AMD-S	98-02-077	388-79-030	NEW-P	98-03-085	388-96-204	REP	98-20-023
388-76-655	AMD	98-11-095	388-79-030	NEW	98-10-055	388-96-207	REP-P	98-15-141
388-76-660	AMD-S	98-02-077	388-79-040	NEW-P	98-03-085	388-96-207	REP	98-20-023
388-76-660	AMD	98-11-095	388-79-040	NEW	98-10-055	388-96-210	REP-P	98-15-141
388-76-665	AMD-S	98-02-077	388-86	PREP	98-10-106	388-96-210	REP	98-20-023
388-76-665	AMD	98-11-095	388-86-005	AMD-P	98-15-140	388-96-213	REP-P	98-15-141
388-76-670	AMD-S	98-02-077	388-86-005	AMD	98-18-079	388-96-213	REP	98-20-023
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388-76-675	AMD-S	98-02-077	388-86-015	REP	98-16-050	388-96-218	NEW	98-20-023
388-76-675	AMD	98-11-095	388-86-024	PREP	98-15-112	388-96-220	REP-P	98-15-141
388-76-680	AMD-S	98-02-077	388-86-027	AMD-P	98-11-084	388-96-220	REP	98-20-023
388-76-680	AMD	98-11-095	388-86-027	AMD	98-16-044	388-96-221	REP-P	98-15-141
388-76-685	AMD-S	98-02-077	388-86-045	PREP	98-13-086	388-96-221	REP	98-20-023
388-76-685	AMD	98-11-095	388-86-080	REP-P	98-13-082	388-96-224	REP-P	98-15-141
388-76-690	AMD-S	98-02-077	388-86-080	REP	98-16-050	388-96-224	REP	98-20-023
388-76-690	AMD	98-11-095	388-86-085	PREP	98-22-058	388-96-226	REP-P	98-15-141
388-76-695	AMD-S	98-02-077	388-86-086	PREP	98-22-058	388-96-226	REP	98-20-023
388-76-695	AMD	98-11-095	388-86-095	REP-P	98-13-082	388-96-228	REP-P	98-15-141
388-76-705	AMD-S	98-02-077	388-86-095	REP-W	98-15-101	388-96-228	REP	98-20-023
388-76-705	AMD	98-11-095	388-86-100	AMD-P	98-19-014	388-96-229	REP-P	98-15-141
388-76-765	AMD-W	98-08-091	388-86-110	REP-P	98-19-014	388-96-229	REP	98-20-023
388-78A-010	RECOD	98-20-021	388-86-110	REP-W	98-21-004	388-96-501	REP-P	98-15-141
388-78A-010	AMD-P	98-20-097	388-86-200	AMD-P	98-19-014	388-96-501	REP	98-20-023
388-78A-020	RECOD	98-20-021	388-87	PREP	98-10-106	388-96-502	AMD-P	98-15-141
388-78A-030	RECOD	98-20-021	388-87	PREP	98-13-086	388-96-502	AMD	98-20-023
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388-78A-055	RECOD	98-20-021	388-96	PREP	98-03-077	388-96-505	AMD	98-20-023
388-78A-060	RECOD	98-20-021	388-96	PREP	98-06-066	388-96-507	REP-P	98-15-141
388-78A-070	RECOD	98-20-021	388-96	AMD-P	98-15-141	388-96-507	REP	98-20-023
388-78A-080	RECOD	98-20-021	388-96	AMD	98-20-023	388-96-508	REP-P	98-15-141
388-78A-090	RECOD	98-20-021	388-96-010	AMD-P	98-15-141	388-96-508	REP	98-20-023
388-78A-100	RECOD	98-20-021	388-96-010	AMD	98-20-023	388-96-509	REP-P	98-15-141

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388-96-513	REP-P	98-15-141	388-96-723	NEW	98-20-023	388-96-810	REP-P	98-15-141
388-96-513	REP	98-20-023	388-96-724	NEW-P	98-15-141	388-96-810	REP	98-20-023
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388-96-521	REP	98-20-023	388-96-725	NEW-P	98-15-141	388-96-813	REP	98-20-023
388-96-523	REP-P	98-15-141	388-96-725	NEW	98-20-023	388-96-816	REP-P	98-15-141
388-96-523	REP	98-20-023	388-96-726	NEW-P	98-15-141	388-96-816	REP	98-20-023
388-96-525	AMD-P	98-15-141	388-96-726	NEW	98-20-023	388-96-901	AMD-P	98-15-141
388-96-525	AMD	98-20-023	388-96-727	REP-P	98-15-141	388-96-901	AMD	98-20-023
388-96-529	REP-P	98-15-141	388-96-727	REP	98-20-023	388-96-904	AMD-P	98-15-141
388-96-529	REP	98-20-023	388-96-728	NEW-P	98-15-141	388-96-904	AMD	98-20-023
388-96-530	NEW-P	98-15-141	388-96-728	NEW	98-20-023	388-96-905	NEW-P	98-15-141
388-96-530	NEW	98-20-023	388-96-729	NEW-P	98-15-141	388-96-905	NEW	98-20-023
388-96-531	REP-P	98-15-141	388-96-729	NEW	98-20-023	388-97	PREP	98-06-089
388-96-531	REP	98-20-023	388-96-735	REP-P	98-15-141	388-97-235	AMD-W	98-13-077
388-96-532	NEW-P	98-15-141	388-96-735	REP	98-20-023	388-150-010	AMD-P	98-20-098
388-96-532	NEW	98-20-023	388-96-737	REP-P	98-15-141	388-150-180	PREP	98-02-057
388-96-533	REP-P	98-15-141	388-96-737	REP	98-20-023	388-150-180	AMD-P	98-20-098
388-96-533	REP	98-20-023	388-96-738	NEW-P	98-15-141	388-150-190	PREP	98-02-057
388-96-535	AMD-P	98-15-141	388-96-738	NEW	98-20-023	388-150-200	PREP	98-02-057
388-96-535	AMD	98-20-023	388-96-739	NEW-P	98-15-141	388-150-200	AMD-P	98-20-098
388-96-536	NEW-P	98-15-141	388-96-739	NEW	98-20-023	388-150-470	PREP	98-02-057
388-96-536	NEW	98-20-023	388-96-740	NEW-P	98-15-141	388-150-470	AMD-P	98-20-098
388-96-540	NEW-P	98-15-141	388-96-740	NEW	98-20-023	388-151	PREP	98-10-104
388-96-540	NEW	98-20-023	388-96-741	NEW-P	98-15-141	388-151-010	AMD-P	98-20-098
388-96-542	NEW-P	98-15-141	388-96-741	NEW	98-20-023	388-151-180	PREP	98-02-057
388-96-542	NEW	98-20-023	388-96-742	NEW-P	98-15-141	388-151-180	AMD-P	98-20-098
388-96-543	REP-P	98-15-141	388-96-742	NEW	98-20-023	388-151-190	PREP	98-02-057
388-96-543	REP	98-20-023	388-96-744	NEW-P	98-15-141	388-151-190	AMD-P	98-20-098
388-96-555	REP-P	98-15-141	388-96-744	NEW	98-20-023	388-151-200	PREP	98-02-057
388-96-555	REP	98-20-023	388-96-745	REP-P	98-15-141	388-151-200	AMD-P	98-20-098
388-96-557	REP-P	98-15-141	388-96-745	REP	98-20-023	388-151-470	PREP	98-02-057
388-96-557	REP	98-20-023	388-96-746	NEW-P	98-15-141	388-151-470	AMD-P	98-20-098
388-96-567	REP-P	98-15-141	388-96-746	NEW	98-20-023	388-155-010	AMD-P	98-20-098
388-96-567	REP	98-20-023	388-96-747	NEW-P	98-15-141	388-155-180	PREP	98-02-057
388-96-569	REP-P	98-15-141	388-96-747	NEW	98-20-023	388-155-180	AMD-P	98-20-098
388-96-569	REP	98-20-023	388-96-752	REP-P	98-15-141	388-155-190	PREP	98-02-057
388-96-571	REP-P	98-15-141	388-96-752	REP	98-20-023	388-155-200	PREP	98-02-057
388-96-571	REP	98-20-023	388-96-754	REP-P	98-15-141	388-155-200	AMD-P	98-20-098
388-96-573	REP-P	98-15-141	388-96-754	REP	98-20-023	388-155-470	PREP	98-02-057
388-96-573	REP	98-20-023	388-96-757	AMD-P	98-15-141	388-155-470	AMD-P	98-20-098
388-96-580	AMD-P	98-15-141	388-96-757	AMD	98-20-023	388-160	PREP	98-08-084
388-96-580	AMD	98-20-023	388-96-760	AMD-P	98-15-141	388-200-1100	REP-P	98-11-084
388-96-585	AMD-P	98-15-141	388-96-760	AMD	98-20-023	388-200-1100	REP	98-16-044
388-96-585	AMD	98-20-023	388-96-761	REP-P	98-15-141	388-200-1150	REP-P	98-11-084
388-96-704	AMD-P	98-15-141	388-96-761	REP	98-20-023	388-200-1150	REP	98-16-044
388-96-704	AMD	98-20-023	388-96-763	REP-P	98-15-141	388-210-1000	REP-P	98-11-084
388-96-708	AMD-P	98-15-141	388-96-763	REP	98-20-023	388-210-1000	REP	98-16-044
388-96-708	AMD	98-20-023	388-96-764	REP-P	98-15-141	388-210-1010	REP-P	98-11-084
388-96-709	AMD-P	98-15-141	388-96-764	REP	98-20-023	388-210-1010	REP	98-16-044
388-96-709	AMD	98-20-023	388-96-765	REP-P	98-15-141	388-210-1020	REP-P	98-11-084
388-96-710	AMD-P	98-15-141	388-96-765	REP	98-20-023	388-210-1020	REP	98-16-044
388-96-710	AMD	98-20-023	388-96-768	REP-P	98-15-141	388-210-1050	REP-P	98-11-084
388-96-713	AMD-P	98-15-141	388-96-768	REP	98-20-023	388-210-1050	REP	98-16-044
388-96-713	AMD	98-20-023	388-96-769	REP-P	98-15-141	388-210-1100	REP-P	98-11-084
388-96-716	REP-P	98-15-141	388-96-769	REP	98-20-023	388-210-1100	REP	98-16-044
388-96-716	REP	98-20-023	388-96-774	REP-P	98-15-141	388-210-1200	REP-P	98-11-084
388-96-717	REP-P	98-15-141	388-96-774	REP	98-20-023	388-210-1200	REP	98-16-044
388-96-717	REP	98-20-023	388-96-776	AMD-P	98-15-141	388-210-1220	REP-P	98-11-084
388-96-718	NEW-E	98-11-094	388-96-776	AMD	98-20-023	388-210-1220	REP	98-16-044
388-96-718	NEW-P	98-15-103	388-96-778	REP-P	98-15-141	388-210-1230	REP-P	98-11-084
388-96-718	NEW-E	98-19-061	388-96-778	REP	98-20-023	388-210-1230	REP	98-16-044
388-96-718	NEW	98-19-062	388-96-801	REP-P	98-15-141	388-210-1250	REP-P	98-11-084
388-96-719	REP-P	98-15-141	388-96-801	REP	98-20-023	388-210-1250	REP	98-16-044
388-96-719	REP	98-20-023	388-96-804	REP-P	98-15-141	388-210-1300	REP-P	98-11-084
388-96-722	REP-P	98-15-141	388-96-804	REP	98-20-023	388-210-1300	REP	98-16-044
388-96-722	REP	98-20-023	388-96-807	REP-P	98-15-141	388-210-1310	REP-P	98-11-084

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388-217-3250	REP	98-16-044	388-218-1605	REP-P	98-11-084	388-219-2500	REP	98-16-044
388-217-3300	REP-P	98-11-084	388-218-1605	REP	98-16-044	388-219-2600	REP-P	98-11-084
388-217-3300	REP	98-16-044	388-218-1610	REP-P	98-11-084	388-219-2600	REP	98-16-044
388-217-3350	REP-P	98-11-084	388-218-1610	REP	98-16-044	388-219-3000	REP-P	98-11-084
388-217-3350	REP	98-16-044	388-218-1620	REP-P	98-11-084	388-219-3000	REP	98-16-044
388-218-1010	REP-P	98-11-084	388-218-1620	REP	98-16-044	388-219-3500	REP-P	98-11-084
388-218-1010	REP	98-16-044	388-218-1630	REP-P	98-11-084	388-219-3500	REP	98-16-044
388-218-1050	REP-P	98-11-084	388-218-1630	REP	98-16-044	388-220-0001	REP-P	98-11-084
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388-218-1120	REP	98-16-044	388-218-1670	REP-P	98-11-084	388-225-0010	REP-P	98-11-084
388-218-1130	REP-P	98-11-084	388-218-1670	REP	98-16-044	388-225-0010	REP	98-16-044
388-218-1130	REP	98-16-044	388-218-1680	REP-P	98-11-084	388-225-0020	REP-P	98-11-084
388-218-1140	REP-P	98-11-084	388-218-1680	REP	98-16-044	388-225-0020	REP	98-16-044
388-218-1140	REP	98-16-044	388-218-1690	REP-P	98-11-084	388-225-0050	REP-P	98-11-084
388-218-1200	REP-P	98-11-084	388-218-1690	REP	98-16-044	388-225-0050	REP	98-16-044
388-218-1200	REP	98-16-044	388-218-1695	REP-P	98-11-084	388-225-0060	REP-P	98-11-084
388-218-1210	REP-P	98-11-084	388-218-1695	REP	98-16-044	388-225-0060	REP	98-16-044
388-218-1210	REP	98-16-044	388-218-1700	REP-P	98-03-084	388-225-0070	REP-P	98-11-084
388-218-1220	REP-P	98-11-084	388-218-1700	REP	98-06-056	388-225-0070	REP	98-16-044
388-218-1220	REP	98-16-044	388-218-1710	REP-P	98-11-084	388-225-0080	REP-P	98-11-084
388-218-1230	REP-P	98-11-084	388-218-1710	REP	98-16-044	388-225-0080	REP	98-16-044
388-218-1230	REP	98-16-044	388-218-1720	REP-P	98-11-084	388-225-0090	REP-P	98-11-084
388-218-1300	REP-P	98-11-084	388-218-1720	REP	98-16-044	388-225-0090	REP	98-16-044
388-218-1300	REP	98-16-044	388-218-1735	REP-P	98-11-084	388-225-0100	REP-P	98-11-084
388-218-1310	REP-P	98-11-084	388-218-1735	REP	98-16-044	388-225-0100	REP	98-16-044
388-218-1310	REP	98-16-044	388-218-1740	REP-P	98-11-084	388-225-0120	REP-P	98-11-084
388-218-1320	REP-P	98-11-084	388-218-1740	REP	98-16-044	388-225-0120	REP	98-16-044
388-218-1320	REP	98-16-044	388-218-1800	REP-P	98-03-084	388-225-0150	REP-P	98-11-084
388-218-1330	REP-P	98-11-084	388-218-1800	REP	98-06-056	388-225-0150	REP	98-16-044
388-218-1330	REP	98-16-044	388-218-1810	REP-P	98-11-084	388-225-0160	REP-P	98-11-084
388-218-1340	REP-P	98-11-084	388-218-1810	REP	98-16-044	388-225-0160	REP	98-16-044
388-218-1340	REP	98-16-044	388-218-1820	REP-P	98-11-084	388-225-0170	REP-P	98-11-084
388-218-1350	REP-P	98-11-084	388-218-1820	REP	98-16-044	388-225-0170	REP	98-16-044
388-218-1350	REP	98-16-044	388-218-1830	REP-P	98-11-084	388-225-0180	REP-P	98-11-084
388-218-1360	REP-P	98-11-084	388-218-1830	REP	98-16-044	388-225-0180	REP	98-16-044
388-218-1360	REP	98-16-044	388-218-1900	REP-P	98-11-084	388-225-0190	REP-P	98-11-084
388-218-1390	NEW-P	98-07-100	388-218-1900	REP	98-16-044	388-225-0190	REP	98-16-044
388-218-1390	NEW	98-10-041	388-218-1910	REP-P	98-11-084	388-230-0010	REP-P	98-11-084
388-218-1390	REP-P	98-11-084	388-218-1910	REP	98-16-044	388-230-0010	REP	98-16-044
388-218-1390	REP	98-16-044	388-218-1920	REP-P	98-11-084	388-230-0030	REP-P	98-11-084
388-218-1400	REP-P	98-11-084	388-218-1920	REP	98-16-044	388-230-0030	REP	98-16-044
388-218-1400	REP	98-16-044	388-218-1930	REP-P	98-11-084	388-230-0050	REP-P	98-11-084
388-218-1410	REP-P	98-11-084	388-218-1930	REP	98-16-044	388-230-0050	REP	98-16-044
388-218-1410	REP	98-16-044	388-218-1940	REP-P	98-03-084	388-230-0060	REP-P	98-11-084
388-218-1430	REP-P	98-11-084	388-218-1940	REP	98-06-056	388-230-0060	AMD-E	98-14-086
388-218-1430	REP	98-16-044	388-219-0100	REP-P	98-11-084	388-230-0060	REP	98-16-044
388-218-1440	REP-P	98-11-084	388-219-0100	REP	98-16-044	388-230-0080	REP-P	98-11-084
388-218-1440	REP	98-16-044	388-219-0200	REP-P	98-11-084	388-230-0080	REP	98-16-044
388-218-1470	REP-P	98-11-084	388-219-0200	REP	98-16-044	388-230-0090	REP-P	98-11-084
388-218-1470	REP	98-16-044	388-219-1000	REP-P	98-11-084	388-230-0090	REP	98-16-044
388-218-1500	REP-P	98-11-084	388-219-1000	REP	98-16-044	388-230-0110	REP-P	98-11-084
388-218-1500	REP	98-16-044	388-219-1100	REP-P	98-11-084	388-230-0110	REP	98-16-044
388-218-1510	REP-P	98-11-084	388-219-1100	REP	98-16-044	388-230-0120	REP-P	98-11-084
388-218-1510	REP	98-16-044	388-219-1500	REP-P	98-11-084	388-230-0120	REP	98-16-044
388-218-1520	REP-P	98-11-084	388-219-1500	REP	98-16-044	388-230-0140	REP-P	98-11-084
388-218-1520	REP	98-16-044	388-219-1600	REP-P	98-11-084	388-230-0140	REP	98-16-044
388-218-1530	REP-P	98-11-084	388-219-1600	REP	98-16-044	388-233-0010	REP-P	98-11-084
388-218-1530	REP	98-16-044	388-219-1700	REP-P	98-11-084	388-233-0010	REP	98-16-044
388-218-1540	REP-P	98-11-084	388-219-1700	REP	98-16-044	388-233-0020	REP-P	98-11-084
388-218-1540	REP	98-16-044	388-219-2000	REP-P	98-11-084	388-233-0020	REP	98-16-044
388-218-1600	REP-P	98-11-084	388-219-2000	REP	98-16-044	388-233-0030	REP-P	98-11-084

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WAC#	ACTION	WSR#	WAC#	ACTION	WSR#	WAC#	ACTION	WSR#
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388-233-0035	NEW-E	98-14-086	388-245-1400	REP	98-16-044	388-250-1650	REP-P	98-11-084
388-233-0040	REP-P	98-11-084	388-245-1410	REP-P	98-11-084	388-250-1650	REP	98-16-044
388-233-0040	REP	98-16-044	388-245-1410	REP	98-16-044	388-250-1700	AMD	98-06-057
388-233-0050	REP-P	98-11-084	388-245-1500	REP-P	98-11-084	388-250-1700	REP-P	98-11-084
388-233-0050	REP	98-16-044	388-245-1500	REP	98-16-044	388-250-1700	REP	98-16-044
388-233-0060	REP-P	98-11-084	388-245-1510	AMD	98-04-016	388-250-1750	REP-P	98-11-084
388-233-0060	REP	98-16-044	388-245-1510	REP-P	98-11-084	388-250-1750	REP	98-16-044
388-233-0070	REP-P	98-11-084	388-245-1510	REP	98-16-044	388-255-1350	REP-P	98-11-084
388-233-0070	REP	98-16-044	388-245-1520	REP-P	98-11-084	388-255-1350	REP	98-16-044
388-233-0080	REP-P	98-11-084	388-245-1520	REP	98-16-044	388-255-1400	REP-P	98-11-084
388-233-0080	REP	98-16-044	388-245-1600	REP-P	98-11-084	388-255-1400	REP	98-16-044
388-233-0090	REP-P	98-11-084	388-245-1600	REP	98-16-044	388-265	PREP	98-07-099
388-233-0090	REP	98-16-044	388-245-1610	REP-P	98-11-084	388-265-1010	REP-P	98-11-084
388-233-0100	REP-P	98-11-084	388-245-1610	REP	98-16-044	388-265-1010	REP	98-16-044
388-233-0100	REP	98-16-044	388-245-1700	REP-P	98-11-084	388-265-1050	REP-P	98-11-084
388-235	PREP	98-07-038	388-245-1700	REP	98-16-044	388-265-1050	REP	98-16-044
388-235-0010	REP-P	98-11-084	388-245-1710	REP-P	98-11-084	388-265-1100	REP-P	98-11-084
388-235-0010	REP	98-16-044	388-245-1710	REP	98-16-044	388-265-1100	REP	98-16-044
388-235-0020	REP-P	98-11-084	388-245-1715	REP-P	98-11-084	388-265-1150	AMD-P	98-11-074
388-235-0020	REP	98-16-044	388-245-1715	REP	98-16-044	388-265-1155	NEW-P	98-11-074
388-235-0030	REP-P	98-11-084	388-245-1720	REP-P	98-11-084	388-265-1200	AMD-P	98-11-074
388-235-0030	AMD-E	98-14-086	388-245-1720	REP	98-16-044	388-265-1250	AMD-P	98-11-074
388-235-0030	REP	98-16-044	388-245-1730	REP-P	98-11-084	388-265-1275	AMD-P	98-11-074
388-235-0040	REP-P	98-11-084	388-245-1730	REP	98-16-044	388-265-1300	AMD-P	98-11-074
388-235-0040	REP	98-16-044	388-245-1740	REP-P	98-11-084	388-265-1375	NEW-P	98-11-074
388-235-0050	REP-P	98-11-084	388-245-1740	REP	98-16-044	388-265-1400	REP-P	98-11-074
388-235-0050	REP	98-16-044	388-245-2010	REP-P	98-11-084	388-265-1450	AMD-P	98-11-074
388-235-0060	REP-P	98-11-084	388-245-2010	REP	98-16-044	388-265-1500	AMD-P	98-11-074
388-235-0060	REP	98-16-044	388-245-2020	REP-P	98-11-084	388-265-1500	AMD-W	98-16-038
388-235-0070	REP-P	98-11-084	388-245-2020	REP	98-16-044	388-265-1550	REP-P	98-11-074
388-235-0070	REP	98-16-044	388-245-2030	REP-P	98-11-084	388-265-1550	REP-P	98-11-084
388-235-0080	REP-P	98-11-084	388-245-2030	REP	98-16-044	388-265-1550	REP-W	98-16-038
388-235-0080	REP	98-16-044	388-245-2040	REP-P	98-11-084	388-265-1550	REP	98-16-044
388-235-0090	REP-P	98-11-084	388-245-2040	REP	98-16-044	388-265-1600	AMD-P	98-11-074
388-235-0090	REP	98-16-044	388-245-2050	REP-P	98-11-084	388-265-1700	REP-P	98-11-074
388-235-0100	REP-P	98-11-084	388-245-2050	REP	98-16-044	388-265-1700	REP-P	98-11-084
388-235-0100	REP	98-16-044	388-250-1010	REP-P	98-11-084	388-265-1700	REP	98-16-044
388-235-0110	REP-P	98-11-084	388-250-1010	REP	98-16-044	388-265-1800	REP-P	98-11-084
388-235-0110	REP	98-16-044	388-250-1050	REP-P	98-11-084	388-265-1800	REP	98-16-044
388-235-2000	REP-P	98-11-084	388-250-1050	REP	98-16-044	388-265-1850	REP-P	98-11-084
388-235-2000	REP	98-16-044	388-250-1100	REP-P	98-11-084	388-265-1850	REP	98-16-044
388-235-3000	REP-P	98-11-084	388-250-1100	REP	98-16-044	388-265-1900	REP-P	98-11-084
388-235-3000	REP	98-16-044	388-250-1150	REP-P	98-11-084	388-265-1900	REP	98-16-044
388-235-4000	REP-P	98-11-084	388-250-1150	REP	98-16-044	388-265-1950	REP-P	98-11-084
388-235-4000	REP	98-16-044	388-250-1200	REP-P	98-11-084	388-265-1950	REP	98-16-044
388-245-1000	REP-P	98-11-084	388-250-1200	REP	98-16-044	388-265-2000	REP-P	98-11-084
388-245-1000	REP	98-16-044	388-250-1225	REP-P	98-11-084	388-265-2000	REP	98-16-044
388-245-1150	AMD	98-04-015	388-250-1225	REP	98-16-044	388-270-1005	REP-P	98-11-084
388-245-1150	REP-P	98-11-084	388-250-1250	AMD	98-08-037	388-270-1005	REP	98-16-044
388-245-1150	REP	98-16-044	388-250-1250	REP-P	98-11-084	388-270-1010	REP-P	98-11-084
388-245-1160	REP-P	98-11-084	388-250-1250	REP	98-16-044	388-270-1010	REP	98-16-044
388-245-1160	REP	98-16-044	388-250-1300	REP-P	98-11-084	388-270-1025	REP-P	98-11-084
388-245-1170	REP-P	98-11-084	388-250-1300	REP	98-16-044	388-270-1025	REP	98-16-044
388-245-1170	REP	98-16-044	388-250-1310	REP-P	98-11-084	388-270-1075	REP-P	98-11-084
388-245-1210	REP-P	98-11-084	388-250-1310	REP	98-16-044	388-270-1075	REP	98-16-044
388-245-1210	REP	98-16-044	388-250-1350	REP-P	98-11-084	388-270-1100	REP-P	98-11-084
388-245-1300	REP-P	98-11-084	388-250-1350	REP	98-16-044	388-270-1100	REP	98-16-044
388-245-1300	REP	98-16-044	388-250-1400	REP-P	98-11-084	388-270-1110	REP-P	98-11-084
388-245-1310	REP-P	98-11-084	388-250-1400	REP	98-16-044	388-270-1110	REP	98-16-044
388-245-1310	REP	98-16-044	388-250-1450	REP-P	98-11-084	388-270-1125	REP-P	98-11-084
388-245-1315	REP-P	98-11-084	388-250-1450	REP	98-16-044	388-270-1125	REP	98-16-044
388-245-1315	REP	98-16-044	388-250-1500	REP-P	98-11-084	388-270-1150	REP-P	98-11-084
388-245-1320	REP-P	98-11-084	388-250-1500	REP	98-16-044	388-270-1150	REP	98-16-044
388-245-1320	REP	98-16-044	388-250-1550	REP-P	98-11-084	388-270-1200	REP-P	98-11-084
388-245-1350	REP-P	98-11-084	388-250-1550	REP	98-16-044	388-270-1200	REP	98-16-044
388-245-1350	REP	98-16-044	388-250-1600	REP-P	98-11-084	388-270-1250	REP-P	98-11-084

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-270-1250	REP	98-16-044	388-400-0020	NEW-P	98-11-084	388-410-0001	NEW	98-16-044
388-270-1300	REP-P	98-11-084	388-400-0020	NEW	98-16-044	388-410-0005	NEW-P	98-11-084
388-270-1300	REP	98-16-044	388-400-0025	NEW-P	98-11-084	388-410-0005	NEW	98-16-044
388-270-1400	REP-P	98-11-084	388-400-0025	NEW	98-16-044	388-410-0010	NEW-P	98-11-084
388-270-1400	REP	98-16-044	388-400-0030	NEW-P	98-11-084	388-410-0010	NEW	98-16-044
388-270-1500	REP-P	98-11-084	388-400-0030	NEW	98-16-044	388-410-0015	NEW-P	98-11-084
388-270-1500	REP	98-16-044	388-400-0035	NEW-P	98-11-084	388-410-0015	NEW	98-16-044
388-270-1550	REP-P	98-11-084	388-400-0035	NEW	98-16-044	388-410-0020	NEW-P	98-11-084
388-270-1550	REP	98-16-044	388-400-0040	NEW-P	98-11-084	388-410-0020	NEW	98-16-044
388-270-1600	REP-P	98-11-084	388-400-0040	NEW	98-16-044	388-410-0025	NEW-P	98-11-084
388-270-1600	REP	98-16-044	388-400-0045	NEW-P	98-13-080	388-410-0025	NEW	98-16-044
388-275	PREP	98-07-036	388-400-0045	NEW	98-16-044	388-410-0030	NEW-P	98-11-084
388-275-0020	REP-P	98-11-084	388-404-0005	NEW-P	98-11-084	388-410-0030	NEW	98-16-044
388-275-0020	REP	98-16-044	388-404-0005	NEW	98-16-044	388-410-0035	NEW-P	98-11-084
388-275-0030	REP-P	98-11-084	388-404-0010	NEW-P	98-11-084	388-410-0035	NEW	98-16-044
388-275-0030	REP	98-16-044	388-404-0010	NEW	98-16-044	388-410-0040	NEW-P	98-11-084
388-275-0050	REP-P	98-11-084	388-404-0015	NEW-P	98-11-084	388-410-0040	NEW	98-16-044
388-275-0050	REP	98-16-044	388-404-0015	NEW	98-16-044	388-412	PREP	98-16-089
388-275-0060	REP-P	98-11-084	388-406-0005	NEW-P	98-11-084	388-412	PREP	98-22-096
388-275-0060	REP	98-16-044	388-406-0005	NEW	98-16-044	388-412-0005	NEW-P	98-11-084
388-275-0070	REP-P	98-11-084	388-406-0010	NEW-P	98-11-084	388-412-0005	NEW	98-16-044
388-275-0070	REP	98-16-044	388-406-0010	NEW	98-16-044	388-412-0010	NEW-P	98-11-084
388-275-0090	REP-P	98-11-084	388-406-0015	NEW-P	98-11-084	388-412-0010	NEW	98-16-044
388-275-0090	REP	98-16-044	388-406-0015	NEW	98-16-044	388-412-0015	NEW-P	98-11-084
388-280	PREP	98-07-037	388-406-0020	NEW-P	98-11-084	388-412-0015	NEW	98-16-044
388-290	PREP	98-08-075	388-406-0020	NEW	98-16-044	388-412-0020	NEW-P	98-11-084
388-290	PREP	98-20-096	388-406-0025	NEW-P	98-11-084	388-412-0020	NEW	98-16-044
388-290-010	AMD-P	98-03-083	388-406-0025	NEW	98-16-044	388-412-0025	NEW-P	98-11-084
388-290-010	AMD	98-08-021	388-406-0030	NEW-P	98-11-084	388-412-0025	NEW	98-16-044
388-290-010	AMD-P	98-17-080	388-406-0030	NEW	98-16-044	388-412-0030	NEW-P	98-11-084
388-290-010	AMD-E	98-18-078	388-406-0035	NEW-P	98-11-084	388-412-0030	NEW	98-16-044
388-290-010	AMD	98-21-005	388-406-0035	NEW	98-16-044	388-412-0035	NEW-P	98-11-084
388-290-020	AMD-P	98-03-083	388-406-0040	NEW-P	98-11-084	388-412-0035	NEW	98-16-044
388-290-020	AMD	98-08-021	388-406-0040	NEW	98-16-044	388-412-0040	NEW-P	98-11-084
388-290-025	AMD-P	98-03-083	388-406-0045	NEW-P	98-11-084	388-412-0040	NEW	98-16-044
388-290-025	AMD	98-08-021	388-406-0045	NEW	98-16-044	388-414-0001	NEW-P	98-11-084
388-290-035	AMD-P	98-03-083	388-406-0050	NEW-P	98-11-084	388-414-0001	NEW	98-16-044
388-290-035	AMD	98-08-021	388-406-0050	NEW	98-16-044	388-416-0005	NEW-P	98-11-084
388-290-050	AMD-P	98-03-083	388-406-0055	NEW-P	98-11-084	388-416-0005	NEW	98-16-044
388-290-050	AMD	98-08-021	388-406-0055	NEW	98-16-044	388-416-0010	NEW-P	98-11-084
388-290-055	PREP	98-08-075	388-406-0060	NEW-P	98-11-084	388-416-0010	NEW	98-16-044
388-290-055	AMD-E	98-16-026	388-406-0060	NEW	98-16-044	388-416-0015	NEW-P	98-11-084
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388-290-055	AMD-P	98-17-080	388-408-0005	NEW-P	98-11-084	388-416-0020	NEW	98-16-044
388-290-055	AMD	98-21-005	388-408-0005	NEW	98-16-044	388-416-0025	NEW-P	98-11-084
388-290-090	AMD-P	98-03-083	388-408-0010	NEW-P	98-11-084	388-416-0025	NEW	98-16-044
388-290-090	AMD	98-08-021	388-408-0010	NEW	98-16-044	388-416-0030	NEW-P	98-11-084
388-290-090	PREP	98-08-075	388-408-0015	NEW-P	98-11-084	388-416-0030	NEW	98-16-044
388-310	PREP	98-19-124	388-408-0015	NEW	98-16-044	388-416-0035	NEW-P	98-11-084
388-310-0400	AMD-P	98-15-139	388-408-0020	NEW-P	98-11-084	388-416-0035	NEW	98-16-044
388-310-0500	AMD-P	98-15-139	388-408-0020	NEW	98-16-044	388-418	PREP	98-22-096
388-310-1000	AMD-P	98-15-139	388-408-0025	NEW-P	98-11-084	388-418-0005	NEW-P	98-11-084
388-310-1050	NEW-P	98-15-139	388-408-0025	NEW	98-16-044	388-418-0005	NEW	98-16-044
388-310-1300	NEW-S	98-03-080	388-408-0030	NEW-P	98-11-084	388-418-0010	NEW-P	98-11-084
388-310-1300	NEW-S	98-07-042	388-408-0030	NEW	98-16-044	388-418-0010	NEW	98-16-044
388-310-1300	NEW	98-10-054	388-408-0035	NEW-P	98-11-084	388-418-0015	NEW-P	98-11-084
388-310-1600	AMD-P	98-15-139	388-408-0035	NEW	98-16-044	388-418-0015	NEW	98-16-044
388-320	PREP	98-22-059	388-408-0040	NEW-P	98-11-084	388-418-0020	NEW-P	98-11-084
388-320-340	REP-P	98-08-076	388-408-0040	NEW	98-16-044	388-418-0020	NEW	98-16-044
388-320-340	REP	98-11-034	388-408-0045	NEW-P	98-11-084	388-418-0025	NEW-P	98-11-084
388-400-0005	NEW-P	98-11-084	388-408-0045	NEW	98-16-044	388-418-0025	NEW	98-16-044
388-400-0005	NEW	98-16-044	388-408-0050	NEW-P	98-11-084	388-418-0025	PREP	98-22-098
388-400-0010	NEW-P	98-11-084	388-408-0050	NEW	98-16-044	388-418-0030	NEW-P	98-11-084
388-400-0010	NEW	98-16-044	388-408-0055	NEW-P	98-11-084	388-418-0030	NEW	98-16-044
388-400-0015	NEW-P	98-11-084	388-408-0055	NEW	98-16-044	388-420-010	NEW-P	98-11-084
388-400-0015	NEW	98-16-044	388-410-0001	NEW-P	98-11-084	388-420-010	NEW	98-16-044

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388-422-0005	NEW-P	98-11-084	388-436-0050	NEW	98-16-044	388-450-0015	NEW	98-16-044
388-422-0005	NEW	98-16-044	388-437-0001	NEW-P	98-11-084	388-450-0020	NEW-P	98-11-084
388-422-0010	NEW-P	98-11-084	388-437-0001	NEW	98-16-044	388-450-0020	NEW	98-16-044
388-422-0010	NEW	98-16-044	388-438-0100	NEW-P	98-11-084	388-450-0025	NEW-P	98-11-084
388-422-0020	NEW-P	98-11-084	388-438-0100	NEW	98-16-044	388-450-0025	NEW	98-16-044
388-422-0020	NEW	98-16-044	388-438-0110	NEW-P	98-11-084	388-450-0030	NEW-P	98-11-084
388-422-0030	NEW-P	98-11-084	388-438-0110	NEW	98-16-044	388-450-0030	NEW	98-16-044
388-422-0030	NEW	98-16-044	388-440-0001	NEW-P	98-11-084	388-450-0035	NEW-P	98-11-084
388-424-0005	NEW-P	98-11-084	388-440-0001	NEW	98-16-044	388-450-0035	NEW	98-16-044
388-424-0005	NEW	98-16-044	388-440-0005	NEW-P	98-11-084	388-450-0040	NEW-P	98-11-084
388-424-0005	PREP	98-22-095	388-440-0005	NEW	98-16-044	388-450-0040	NEW	98-16-044
388-424-0010	NEW-P	98-11-084	388-442-0010	NEW-P	98-11-084	388-450-0045	NEW-P	98-11-084
388-424-0010	NEW	98-16-044	388-442-0010	NEW	98-16-044	388-450-0045	NEW	98-16-044
388-424-0010	PREP	98-22-095	388-444-0005	NEW-P	98-11-084	388-450-0050	NEW-P	98-11-084
388-424-0015	NEW-P	98-11-084	388-444-0005	NEW	98-16-044	388-450-0050	NEW	98-16-044
388-424-0015	NEW	98-16-044	388-444-0005	PREP	98-21-073	388-450-0055	NEW-P	98-11-084
388-424-0020	NEW-P	98-11-084	388-444-0010	NEW-P	98-11-084	388-450-0055	NEW	98-16-044
388-424-0020	NEW	98-16-044	388-444-0010	NEW	98-16-044	388-450-0060	NEW-P	98-11-084
388-424-0020	AMD-P	98-21-075	388-444-0015	NEW-P	98-11-084	388-450-0060	NEW	98-16-044
388-424-0020	AMD-E	98-21-076	388-444-0015	NEW	98-16-044	388-450-0065	NEW-P	98-11-084
388-424-0025	NEW-P	98-11-084	388-444-0020	NEW-P	98-11-084	388-450-0065	NEW	98-16-044
388-424-0025	NEW	98-16-044	388-444-0020	NEW	98-16-044	388-450-0070	NEW-P	98-11-084
388-426-0005	NEW-P	98-11-084	388-444-0020	PREP	98-21-073	388-450-0070	NEW	98-16-044
388-426-0005	NEW	98-16-044	388-444-0025	NEW	98-16-044	388-450-0075	NEW-P	98-11-084
388-428-0005	NEW-P	98-11-084	388-444-0030	NEW-P	98-11-084	388-450-0075	NEW	98-16-044
388-428-0005	NEW-W	98-15-113	388-444-0030	NEW	98-16-044	388-450-0080	NEW-P	98-11-084
388-428-0010	NEW-P	98-11-084	388-444-0035	NEW-P	98-11-084	388-450-0080	NEW	98-16-044
388-428-0010	NEW	98-16-044	388-444-0035	NEW	98-16-044	388-450-0085	NEW-P	98-11-084
388-430-0001	NEW-P	98-11-084	388-444-0035	PREP	98-21-073	388-450-0085	NEW	98-16-044
388-430-0001	NEW	98-16-044	388-444-0040	NEW-P	98-11-084	388-450-0090	NEW-P	98-11-084
388-430-0005	NEW-P	98-11-084	388-444-0040	NEW	98-16-044	388-450-0090	NEW	98-16-044
388-430-0005	NEW	98-16-044	388-444-0040	PREP	98-21-073	388-450-0095	NEW-P	98-11-084
388-430-0010	NEW-P	98-11-084	388-444-0045	NEW-P	98-11-084	388-450-0095	NEW	98-16-044
388-430-0010	NEW	98-16-044	388-444-0045	NEW	98-16-044	388-450-0100	NEW-P	98-11-084
388-430-0015	NEW-P	98-11-084	388-444-0045	PREP	98-21-073	388-450-0100	NEW	98-16-044
388-430-0015	NEW	98-16-044	388-444-0050	NEW-P	98-11-084	388-450-0105	NEW-P	98-11-084
388-430-0020	NEW-P	98-11-084	388-444-0050	NEW	98-16-044	388-450-0105	NEW	98-16-044
388-430-0020	NEW	98-16-044	388-444-0055	NEW-P	98-11-084	388-450-0106	NEW-XA	98-19-126
388-430-0025	NEW-P	98-11-084	388-444-0055	NEW	98-16-044	388-450-0110	NEW-P	98-11-084
388-430-0025	NEW	98-16-044	388-444-0060	NEW-P	98-11-084	388-450-0110	NEW	98-16-044
388-434-0005	NEW-P	98-11-084	388-444-0060	NEW	98-16-044	388-450-0115	NEW-P	98-11-084
388-434-0010	NEW-P	98-11-084	388-444-0065	NEW-P	98-11-084	388-450-0115	NEW	98-16-044
388-434-0010	NEW	98-16-044	388-444-0065	NEW	98-16-044	388-450-0116	NEW-XA	98-19-126
388-436-0001	NEW-P	98-11-084	388-444-0070	NEW-P	98-11-084	388-450-0120	NEW-P	98-11-084
388-436-0001	NEW	98-16-044	388-444-0070	NEW	98-16-044	388-450-0120	NEW	98-16-044
388-436-0005	NEW-P	98-11-084	388-444-0075	NEW-P	98-11-084	388-450-0125	NEW-P	98-11-084
388-436-0005	NEW	98-16-044	388-444-0075	NEW	98-16-044	388-450-0125	NEW	98-16-044
388-436-0010	NEW-P	98-11-084	388-444-0080	NEW-P	98-11-084	388-450-0130	NEW-P	98-11-084
388-436-0010	NEW	98-16-044	388-446-0001	NEW-P	98-11-084	388-450-0130	NEW	98-16-044
388-436-0015	NEW-P	98-11-084	388-446-0001	NEW	98-16-044	388-450-0135	NEW-P	98-11-084
388-436-0015	NEW	98-16-044	388-446-0005	NEW-P	98-11-084	388-450-0135	NEW	98-16-044
388-436-0020	NEW-P	98-11-084	388-446-0005	NEW	98-16-044	388-450-0140	NEW-P	98-11-084
388-436-0020	NEW	98-16-044	388-446-0010	NEW-P	98-11-084	388-450-0140	NEW	98-16-044
388-436-0025	NEW-P	98-11-084	388-446-0015	NEW-P	98-11-084	388-450-0145	NEW-P	98-11-084
388-436-0025	NEW	98-16-044	388-446-0015	NEW	98-16-044	388-450-0145	NEW	98-16-044
388-436-0030	NEW-P	98-11-084	388-446-0020	NEW-P	98-11-084	388-450-0150	NEW-P	98-11-084
388-436-0030	NEW	98-16-044	388-446-0020	NEW	98-16-044	388-450-0150	NEW	98-16-044
388-436-0035	NEW-P	98-11-084	388-448-0001	NEW-P	98-11-084	388-450-0155	NEW-P	98-11-084
388-436-0035	NEW	98-16-044	388-448-0001	NEW	98-16-044	388-450-0155	NEW	98-16-044
388-436-0040	NEW-P	98-11-084	388-448-0005	NEW-P	98-11-084	388-450-0160	NEW-P	98-11-084
388-436-0040	NEW	98-16-044	388-448-0005	NEW	98-16-044	388-450-0160	NEW	98-16-044
388-436-0045	NEW-P	98-11-084	388-450-0005	NEW-P	98-11-084	388-450-0165	NEW-P	98-11-084
388-436-0045	NEW	98-16-044	388-450-0005	NEW	98-16-044	388-450-0165	NEW	98-16-044
388-436-0050	NEW-P	98-11-084	388-450-0010	NEW-P	98-11-084	388-450-0170	NEW-P	98-11-084
388-436-0050	NEW-W	98-13-054	388-450-0010	NEW	98-16-044	388-450-0170	NEW	98-16-044
388-436-0050	NEW-P	98-13-080	388-450-0015	NEW-P	98-11-084	388-450-0175	NEW-P	98-11-084
						388-450-0175	NEW	98-16-044

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-450-0180	NEW-P	98-11-084	388-460-0015	NEW-P	98-11-084	388-476-0005	NEW-P	98-11-084
388-450-0180	NEW	98-16-044	388-460-0015	NEW	98-16-044	388-476-0005	NEW	98-16-044
388-450-0185	NEW-P	98-11-084	388-462-0005	NEW-P	98-11-084	388-478-0005	NEW-P	98-11-084
388-450-0185	NEW	98-16-044	388-462-0005	NEW	98-16-044	388-478-0005	NEW	98-16-044
388-450-0190	NEW-P	98-11-084	388-462-0010	NEW-P	98-11-084	388-478-0010	NEW-P	98-11-084
388-450-0190	NEW	98-16-044	388-462-0010	NEW	98-16-044	388-478-0010	NEW	98-16-044
388-450-0195	NEW-P	98-11-084	388-462-0015	NEW-P	98-11-084	388-478-0015	NEW-P	98-11-084
388-450-0195	NEW	98-16-044	388-462-0015	NEW	98-16-044	388-478-0015	NEW	98-16-044
388-450-0195	AMD-P	98-21-025	388-464-0001	NEW-P	98-11-084	388-478-0015	PREP	98-17-081
388-450-0195	AMD-E	98-21-026	388-464-0001	NEW	98-16-044	388-478-0020	NEW-P	98-11-084
388-450-0200	NEW-P	98-11-084	388-466-0005	NEW-P	98-11-084	388-478-0020	NEW	98-16-044
388-450-0200	NEW	98-16-044	388-466-0005	NEW	98-16-044	388-478-0025	NEW-P	98-11-084
388-450-0205	NEW-P	98-11-084	388-466-0010	NEW-P	98-11-084	388-478-0025	NEW	98-16-044
388-450-0205	NEW	98-16-044	388-466-0010	NEW	98-16-044	388-478-0030	NEW-P	98-11-084
388-450-0210	NEW-P	98-11-084	388-466-0015	NEW-P	98-11-084	388-478-0030	NEW	98-16-044
388-450-0210	NEW	98-16-044	388-466-0015	NEW	98-16-044	388-478-0035	NEW-P	98-11-084
388-450-0215	NEW-P	98-11-084	388-466-0020	NEW-P	98-11-084	388-478-0035	NEW	98-16-044
388-450-0215	NEW	98-16-044	388-466-0020	NEW	98-16-044	388-478-0040	NEW-P	98-11-084
388-450-0220	NEW-P	98-11-084	388-466-0025	NEW-P	98-11-084	388-478-0040	NEW	98-16-044
388-450-0220	NEW	98-16-044	388-466-0025	NEW	98-16-044	388-478-0045	NEW-P	98-11-084
388-450-0225	NEW-P	98-11-084	388-468-0005	NEW	98-16-044	388-478-0045	NEW	98-16-044
388-450-0225	NEW	98-16-044	388-468-0005	NEW	98-16-044	388-478-0050	NEW-P	98-11-084
388-450-0230	NEW-P	98-11-084	388-468-0010	NEW-P	98-11-084	388-478-0050	NEW	98-16-044
388-450-0230	NEW	98-16-044	388-470	PREP	98-22-096	388-478-0050	NEW	98-16-044
388-450-0235	NEW-P	98-11-084	388-470-0005	NEW-P	98-11-084	388-478-0055	NEW-P	98-11-084
388-450-0235	NEW	98-16-044	388-470-0005	NEW	98-16-044	388-478-0055	NEW	98-16-044
388-450-0240	NEW-P	98-11-084	388-470-0010	NEW-P	98-11-084	388-478-0055	PREP	98-21-024
388-450-0240	NEW	98-16-044	388-470-0010	NEW	98-16-044	388-478-0060	NEW-P	98-11-084
388-450-0245	NEW-P	98-11-084	388-470-0015	NEW-P	98-11-084	388-478-0060	NEW	98-16-044
388-450-0245	NEW	98-16-044	388-470-0015	NEW	98-16-044	388-478-0060	AMD-E	98-20-043
388-450-0250	NEW-P	98-11-084	388-470-0020	NEW-P	98-11-084	388-478-0065	NEW-P	98-11-084
388-450-0250	NEW	98-16-044	388-470-0020	NEW	98-16-044	388-478-0065	NEW	98-16-044
388-452-0005	NEW-P	98-11-084	388-470-0025	NEW-P	98-11-084	388-478-0070	NEW-P	98-11-084
388-452-0005	NEW	98-16-044	388-470-0025	NEW	98-16-044	388-478-0070	NEW	98-16-044
388-452-0005	PREP	98-22-097	388-470-0030	NEW-P	98-11-084	388-478-0075	NEW-P	98-11-084
388-452-0010	NEW-P	98-11-084	388-470-0030	NEW	98-16-044	388-478-0075	NEW	98-16-044
388-452-0010	NEW	98-16-044	388-470-0035	NEW-P	98-11-084	388-478-0080	NEW-P	98-11-084
388-454-0005	NEW-P	98-11-084	388-470-0035	NEW	98-16-044	388-478-0080	NEW	98-16-044
388-454-0005	NEW	98-16-044	388-470-0040	NEW-P	98-11-084	388-478-0085	NEW-P	98-11-084
388-454-0010	NEW-P	98-11-084	388-470-0040	NEW	98-16-044	388-478-0085	NEW	98-16-044
388-454-0010	NEW	98-16-044	388-470-0045	NEW-P	98-11-084	388-480-0001	NEW-P	98-11-084
388-454-0015	NEW-P	98-11-084	388-470-0045	NEW	98-16-044	388-480-0001	NEW	98-16-044
388-454-0015	NEW	98-16-044	388-470-0050	NEW-P	98-11-084	388-482-0005	NEW-P	98-11-084
388-454-0020	NEW-P	98-11-084	388-470-0050	NEW	98-16-044	388-482-0005	NEW	98-16-044
388-454-0020	NEW	98-16-044	388-470-0055	NEW-P	98-11-084	388-484-0005	NEW-P	98-11-084
388-454-0025	NEW-P	98-11-084	388-470-0055	NEW	98-16-044	388-484-0005	NEW	98-16-044
388-454-0025	NEW	98-16-044	388-470-0060	NEW-P	98-11-084	388-486-0005	NEW-P	98-11-084
388-456-0001	NEW-P	98-11-084	388-470-0060	NEW	98-16-044	388-486-0005	NEW	98-16-044
388-456-0001	NEW	98-16-044	388-470-0065	NEW-P	98-11-084	388-486-0010	NEW-P	98-11-084
388-456-0005	NEW-P	98-11-084	388-470-0065	NEW	98-16-044	388-486-0010	NEW	98-16-044
388-456-0005	NEW	98-16-044	388-470-0070	NEW-P	98-11-084	388-488-0005	NEW-P	98-11-084
388-456-0010	NEW-P	98-11-084	388-470-0070	NEW	98-16-044	388-488-0005	NEW	98-16-044
388-456-0010	NEW	98-16-044	388-470-0075	NEW-P	98-11-084	388-488-0010	NEW-P	98-11-084
388-456-0015	NEW-P	98-11-084	388-470-0075	NEW	98-16-044	388-488-0010	NEW	98-16-044
388-456-0015	NEW	98-16-044	388-470-0080	NEW-P	98-11-084	388-490-0005	NEW-P	98-11-084
388-458-0005	NEW-P	98-11-084	388-470-0080	NEW	98-16-044	388-490-0005	NEW	98-16-044
388-458-0005	NEW	98-16-044	388-472-0005	NEW-P	98-11-084	388-500	PREP	98-10-106
388-458-0010	NEW-P	98-11-084	388-472-0005	NEW	98-16-044	388-500-0005	AMD-P	98-08-081
388-458-0010	NEW	98-16-044	388-474-0001	NEW-P	98-11-084	388-500-0005	AMD-E	98-08-088
388-458-0015	NEW-P	98-11-084	388-474-0001	NEW	98-16-044	388-500-0005	AMD	98-15-066
388-458-0015	NEW	98-16-044	388-474-0005	NEW-P	98-11-084	388-501	PREP	98-10-106
388-460-0001	NEW-P	98-11-084	388-474-0005	NEW	98-16-044	388-501-0105	REP-P	98-13-082
388-460-0001	NEW	98-16-044	388-474-0010	NEW-P	98-11-084	388-501-0105	REP	98-16-050
388-460-0005	NEW-P	98-11-084	388-474-0010	NEW	98-16-044	388-501-0110	REP-P	98-13-082
388-460-0005	NEW	98-16-044	388-474-0015	NEW-P	98-11-084	388-501-0110	REP	98-16-050
388-460-0010	NEW-P	98-11-084	388-474-0015	NEW	98-16-044	388-501-0135	AMD-P	98-11-084
388-460-0010	NEW	98-16-044	388-474-0020	NEW-P	98-11-084	388-501-0135	AMD	98-16-044
			388-474-0020	NEW	98-16-044	388-501-0140	REP-P	98-13-082

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388-501-0140	REP	98-16-050	388-505-0530	REP	98-16-050	388-509-0960	REP-P	98-13-082
388-501-0150	REP-P	98-13-082	388-505-0540	AMD-P	98-11-084	388-509-0960	AMD-P	98-15-053
388-501-0170	REP-P	98-13-082	388-505-0540	AMD	98-16-044	388-509-0960	AMD-E	98-16-036
388-501-0170	REP	98-16-050	388-505-0560	REP-P	98-13-082	388-509-0960	REP	98-16-050
388-501-0190	REP-P	98-13-082	388-505-0560	REP	98-16-050	388-509-0960	AMD-W	98-17-064
388-501-0190	REP	98-16-050	388-505-0570	REP-P	98-13-082	388-509-0970	REP-P	98-13-082
388-503	PREP	98-10-106	388-505-0570	REP	98-16-050	388-509-0970	REP	98-16-050
388-503-0305	REP-P	98-13-082	388-505-0580	REP-P	98-13-082	388-510	PREP	98-10-106
388-503-0305	REP	98-16-050	388-505-0580	REP	98-16-050	388-510-1005	NEW-P	98-08-081
388-503-0310	AMD-P	98-08-081	388-505-0590	REP-P	98-13-082	388-510-1005	NEW-E	98-08-088
388-503-0310	AMD-E	98-08-088	388-505-0590	REP	98-16-050	388-510-1005	NEW	98-15-066
388-503-0310	AMD	98-15-066	388-506	PREP	98-10-106	388-510-1020	AMD-P	98-08-081
388-503-0320	REP-P	98-13-082	388-506-0610	REP-P	98-13-082	388-510-1020	AMD-E	98-08-088
388-503-0320	REP	98-16-050	388-506-0610	REP	98-16-050	388-510-1020	REP-P	98-13-082
388-503-0350	REP-P	98-13-082	388-506-0620	AMD-P	98-15-140	388-510-1020	AMD	98-15-066
388-503-0350	REP	98-16-050	388-506-0620	AMD	98-18-079	388-510-1020	REP	98-16-050
388-503-0370	REP-P	98-13-082	388-506-0630	REP-P	98-13-082	388-510-1030	REP-P	98-13-082
388-503-0370	REP	98-16-050	388-506-0630	REP	98-16-050	388-510-1030	REP	98-16-050
388-503-0505	NEW-P	98-11-084	388-507	PREP	98-10-106	388-511	PREP	98-10-106
388-503-0505	NEW	98-16-044	388-507-0710	AMD-P	98-08-082	388-511-1105	AMD-P	98-15-140
388-503-0510	NEW-P	98-11-084	388-507-0710	AMD-E	98-08-087	388-511-1105	AMD	98-18-079
388-503-0510	NEW	98-16-044	388-507-0710	AMD	98-11-033	388-511-1110	REP-P	98-13-082
388-503-0515	NEW-P	98-11-084	388-507-0710	REP-P	98-13-082	388-511-1110	REP	98-16-050
388-503-0515	NEW	98-16-044	388-507-0710	REP	98-16-050	388-511-1115	REP-P	98-13-082
388-503-0520	NEW-P	98-11-084	388-507-0720	REP-P	98-13-082	388-511-1115	REP	98-16-050
388-503-0520	NEW-W	98-16-037	388-507-0720	REP	98-16-050	388-511-1140	REP-P	98-13-082
388-504	PREP	98-10-106	388-507-0730	REP-P	98-13-082	388-511-1140	REP	98-16-050
388-504-0405	REP-P	98-13-082	388-507-0730	REP	98-16-050	388-511-1150	REP-P	98-13-082
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388-504-0410	REP-P	98-13-082	388-507-0740	AMD-E	98-08-088	388-511-1160	AMD	98-04-031
388-504-0410	REP	98-16-050	388-507-0740	REP-P	98-13-082	388-511-1160	REP-P	98-13-082
388-504-0420	REP-P	98-13-082	388-507-0740	AMD	98-15-066	388-511-1160	REP	98-16-050
388-504-0420	REP	98-16-050	388-507-0740	REP	98-16-050	388-511-1170	REP-P	98-13-082
388-504-0430	REP-P	98-13-082	388-508	PREP	98-10-106	388-511-1170	REP	98-16-050
388-504-0430	REP	98-16-050	388-508-0805	PREP	98-07-039	388-512	PREP	98-10-106
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388-504-0450	REP	98-16-050	388-508-0805	AMD-E	98-16-036	388-513-1315	AMD	98-04-003
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388-504-0460	REP	98-16-050	388-508-0805	AMD-W	98-17-064	388-513-1345	PREP	98-05-052
388-504-0470	REP-P	98-13-082	388-508-0810	REP-P	98-13-082	388-513-1350	AMD-P	98-08-082
388-504-0470	REP	98-16-050	388-508-0810	REP	98-16-050	388-513-1350	AMD-E	98-08-087
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388-518-1820	REP	98-16-050	388-524-2420	REP-P	98-13-082	388-550-5550	PREP-W	98-18-098
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388-519-1905	REP	98-16-050	388-529-0200	NEW-P	98-11-084	388-555-1150	NEW-E	98-07-052
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388-519-1930	REP	98-16-050	388-529-2920	REP-P	98-13-082	388-555-1200	NEW-E	98-07-052
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388-521-2120	REP	98-16-050	388-538-060	AMD-P	98-11-084	388-555-1350	NEW-P	98-07-050
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391-08-810	AMD	98-14-112	391-45-310	AMD	98-14-112	392-121-556	NEW	98-21-066
391-25	PREP	98-04-049	391-45-330	AMD-P	98-10-101	392-121-558	NEW-P	98-16-106
391-25-050	AMD-P	98-10-101	391-45-330	AMD	98-14-112	392-121-558	NEW	98-21-066
391-25-050	AMD	98-14-112	391-45-350	AMD-P	98-10-101	392-121-560	NEW-P	98-16-106
391-25-090	AMD-P	98-10-101	391-45-350	AMD	98-14-112	392-121-560	NEW	98-21-066
391-25-090	AMD	98-14-112	391-45-370	REP-P	98-10-101	392-121-562	NEW-P	98-16-106
391-25-110	AMD-P	98-10-101	391-45-370	REP	98-14-112	392-121-562	NEW	98-21-066
391-25-110	AMD	98-14-112	391-45-390	AMD-P	98-10-101	392-121-564	NEW-P	98-16-106
391-25-190	AMD-P	98-10-101	391-45-390	AMD	98-14-112	392-121-564	NEW	98-21-066
391-25-190	AMD	98-14-112	391-45-430	AMD-P	98-10-101	392-121-566	NEW-P	98-16-106
391-25-210	AMD-P	98-10-101	391-45-430	AMD	98-14-112	392-121-566	NEW	98-21-066
391-25-210	AMD	98-14-112	391-55	PREP	98-04-049	392-121-568	NEW-P	98-16-106
391-25-220	AMD-P	98-10-101	391-55-245	AMD-P	98-10-101	392-121-568	NEW	98-21-066
391-25-220	AMD	98-14-112	391-55-245	AMD	98-14-112	392-122-205	AMD-P	98-18-093
391-25-230	AMD-P	98-10-101	391-55-345	AMD-P	98-10-101	392-122-205	AMD	98-21-065
391-25-230	AMD	98-14-112	391-55-345	AMD	98-14-112	392-122-206	AMD-P	98-18-093
391-25-250	AMD-P	98-10-101	391-95	PREP	98-04-049	392-122-206	AMD	98-21-065
391-25-250	AMD	98-14-112	391-95-070	AMD-P	98-10-101	392-122-207	AMD-P	98-18-093
391-25-270	AMD-P	98-10-101	391-95-070	AMD	98-14-112	392-122-207	AMD	98-21-065
391-25-270	AMD	98-14-112	391-95-090	AMD-P	98-10-101	392-122-208	NEW-P	98-18-093
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392-122-213	AMD-P	98-18-093	392-139-164	REP	98-08-096	392-140-616	AMD-P	98-04-036
392-122-213	AMD	98-21-065	392-139-168	REP-P	98-05-040	392-140-616	AMD	98-08-013
392-122-220	AMD-P	98-18-093	392-139-168	REP	98-08-096	392-140-625	AMD-P	98-04-036
392-122-220	AMD	98-21-065	392-139-170	REP-P	98-05-040	392-140-625	AMD	98-08-013
392-122-221	AMD-P	98-18-093	392-139-170	REP	98-08-096	392-140-630	NEW-P	98-04-036
392-122-221	AMD	98-21-065	392-139-172	REP-P	98-05-040	392-140-630	NEW	98-08-013
392-122-225	AMD-P	98-18-093	392-139-172	REP	98-08-096	392-140-640	AMD-P	98-04-036
392-122-225	AMD	98-21-065	392-139-174	REP-P	98-05-040	392-140-640	AMD	98-08-013
392-122-235	AMD-P	98-18-093	392-139-174	REP	98-08-096	392-140-656	AMD-P	98-04-036
392-122-235	AMD	98-21-065	392-139-176	REP-P	98-05-040	392-140-656	AMD	98-08-013
392-122-255	AMD-P	98-18-093	392-139-176	REP	98-08-096	392-140-660	AMD-P	98-04-036
392-122-255	AMD	98-21-065	392-139-178	REP-P	98-05-040	392-140-660	AMD	98-08-013
392-122-270	AMD-P	98-18-093	392-139-178	REP	98-08-096	392-140-665	AMD-P	98-04-036
392-122-270	AMD	98-21-065	392-139-180	REP-P	98-05-040	392-140-665	AMD	98-08-013
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392-122-275	AMD	98-21-065	392-139-182	REP-P	98-05-040	392-140-675	AMD	98-08-013
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392-126-010	REP-P	98-16-055	392-139-186	REP	98-08-096	392-140-700	NEW-P	98-03-067
392-126-022	NEW-P	98-16-055	392-139-215	AMD-P	98-05-040	392-140-700	NEW	98-07-061
392-126-040	AMD-P	98-16-055	392-139-215	AMD	98-08-096	392-140-701	NEW-P	98-03-067
392-126-053	NEW-P	98-16-055	392-139-310	AMD-P	98-05-040	392-140-701	NEW	98-07-061
392-126-075	AMD-P	98-16-055	392-139-310	AMD	98-08-096	392-140-702	NEW-P	98-03-067
392-126-080	AMD-P	98-16-055	392-139-320	AMD-P	98-05-040	392-140-702	NEW	98-07-061
392-126-085	AMD-P	98-16-055	392-139-320	AMD	98-08-096	392-140-710	NEW-P	98-03-067
392-126-087	NEW-P	98-16-055	392-139-611	REP-P	98-05-040	392-140-710	NEW	98-07-061
392-126-090	AMD-P	98-16-055	392-139-611	REP	98-08-096	392-140-711	NEW-P	98-03-067
392-126-092	NEW-P	98-16-055	392-139-616	REP-P	98-05-040	392-140-711	NEW	98-07-061
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392-134-010	AMD-W	98-04-070	392-139-620	AMD-P	98-05-040	392-140-712	NEW	98-07-061
392-134-020	AMD-W	98-04-070	392-139-620	AMD	98-08-096	392-140-713	NEW-P	98-03-067
392-134-025	AMD-W	98-04-070	392-139-621	REP-P	98-05-040	392-140-713	NEW	98-07-061
392-139-007	AMD-P	98-05-040	392-139-621	REP	98-08-096	392-140-714	NEW-P	98-03-067
392-139-007	AMD	98-08-096	392-139-622	NEW-P	98-05-040	392-140-714	NEW	98-07-061
392-139-120	REP-P	98-05-040	392-139-622	NEW	98-08-096	392-140-715	NEW-P	98-03-067
392-139-120	REP	98-08-096	392-139-623	NEW-P	98-05-040	392-140-715	NEW	98-07-061
392-139-122	REP-P	98-05-040	392-139-623	NEW	98-08-096	392-140-716	NEW-P	98-03-067
392-139-122	REP	98-08-096	392-139-625	AMD-P	98-05-040	392-140-716	NEW	98-07-061
392-139-126	REP-P	98-05-040	392-139-625	AMD	98-08-096	392-140-720	NEW-P	98-03-067
392-139-126	REP	98-08-096	392-139-626	REP-P	98-05-040	392-140-720	NEW	98-07-061
392-139-128	REP-P	98-05-040	392-139-626	REP	98-08-096	392-140-721	NEW-P	98-03-067
392-139-128	REP	98-08-096	392-139-660	AMD-P	98-05-040	392-140-721	NEW	98-07-061
392-139-129	REP-P	98-05-040	392-139-660	AMD	98-08-096	392-140-722	NEW-P	98-03-067
392-139-129	REP	98-08-096	392-139-661	NEW-P	98-05-040	392-140-722	NEW	98-07-061
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392-139-130	REP	98-08-096	392-139-670	AMD-P	98-05-040	392-140-723	NEW	98-07-061
392-139-132	REP-P	98-05-040	392-139-670	AMD	98-08-096	392-140-724	NEW-P	98-03-067
392-139-132	REP	98-08-096	392-139-676	AMD-P	98-05-040	392-140-724	NEW	98-07-061
392-139-134	REP-P	98-05-040	392-139-676	AMD	98-08-096	392-140-725	NEW-P	98-03-067
392-139-134	REP	98-08-096	392-139-680	REP-P	98-05-040	392-140-725	NEW	98-07-061
392-139-150	REP-P	98-05-040	392-139-680	REP	98-08-096	392-140-726	NEW-P	98-03-067
392-139-150	REP	98-08-096	392-139-681	REP-P	98-05-040	392-140-726	NEW	98-07-061
392-139-152	REP-P	98-05-040	392-139-681	REP	98-08-096	392-140-727	NEW-P	98-03-067
392-139-152	REP	98-08-096	392-139-685	REP-P	98-05-040	392-140-727	NEW	98-07-061
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392-139-154	REP	98-08-096	392-139-690	REP-P	98-05-040	392-140-728	NEW	98-07-061
392-139-156	REP-P	98-05-040	392-139-690	REP	98-08-096	392-140-730	NEW-P	98-03-067
392-139-156	REP	98-08-096	392-139-691	REP-P	98-05-040	392-140-730	NEW	98-07-061
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392-139-158	REP	98-08-096	392-140-601	AMD-P	98-04-036	392-140-731	NEW	98-07-061
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392-139-160	REP	98-08-096	392-140-602	AMD-P	98-04-036	392-140-732	NEW	98-07-061
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392-140-736	NEW	98-07-061	399-20-040	AMD-S	98-18-019	415-114-550	REP-P	98-21-064
392-140-740	NEW-P	98-03-067	399-20-060	AMD-P	98-07-033	415-114-600	REP-P	98-21-064
392-140-740	NEW	98-07-061	399-20-060	AMD-S	98-18-019	415-114-700	AMD-P	98-21-064
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392-140-741	NEW	98-07-061	399-20-070	AMD-S	98-18-019	415-512-015	AMD	98-20-047
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392-140-742	NEW	98-07-061	399-20-090	AMD-S	98-18-019	415-512-020	AMD	98-20-047
392-140-743	NEW-P	98-03-067	399-20-100	AMD-P	98-07-033	415-512-030	AMD-P	98-15-098
392-140-743	NEW	98-07-061	399-20-100	AMD-S	98-18-019	415-512-030	AMD	98-20-047
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392-140-744	NEW	98-07-061	399-20-120	AMD-P	98-07-033	415-512-050	AMD	98-20-047
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392-140-745	NEW	98-07-061	399-30-010	AMD-S	98-18-019	415-512-070	AMD	98-20-047
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392-140-746	NEW	98-07-061	399-30-020	AMD-S	98-18-019	415-512-075	AMD	98-20-047
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392-140-802	NEW	98-04-080	399-30-042	AMD-S	98-18-019	415-512-090	AMD	98-20-047
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392-140-806	NEW	98-04-080	399-30-045	AMD-S	98-18-019	415-512-095	NEW	98-20-047
392-140-808	NEW	98-04-080	399-30-050	AMD-S	98-18-019	415-512-110	AMD-P	98-15-098
392-140-810	NEW	98-04-080	399-30-060	AMD-P	98-07-033	415-512-110	AMD	98-20-047
392-140-812	NEW	98-04-080	399-30-060	AMD-S	98-18-019	415-524-010	AMD-P	98-15-098
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392-140-818	NEW	98-04-080	415-108-010	AMD	98-09-059	415-544-010	AMD	98-20-047
392-140-820	NEW	98-04-080	415-108-0110	NEW	98-09-059	415-548-010	AMD-P	98-15-098
392-140-822	NEW	98-04-080	415-108-0111	NEW	98-09-059	415-548-010	AMD	98-20-047
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392-140-830	NEW	98-04-080	415-108-450	REP	98-09-059	434-08-020	DECOD	98-08-010
392-140-832	NEW	98-04-080	415-108-451	NEW	98-09-059	434-08-030	DECOD	98-08-010
392-140-834	NEW	98-04-080	415-108-453	NEW	98-09-059	434-08-040	DECOD	98-08-010
392-140-836	NEW	98-04-080	415-108-455	NEW	98-09-059	434-08-050	DECOD	98-08-010
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392-141-150	AMD-P	98-14-011	415-108-463	NEW	98-09-059	434-26-005	DECOD	98-08-010
392-141-150	AMD	98-17-007	415-108-464	NEW	98-09-059	434-26-010	DECOD	98-08-010
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392-141-152	NEW	98-17-007	415-108-466	NEW	98-09-059	434-26-020	DECOD	98-08-010
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392-141-160	AMD	98-17-007	415-108-468	NEW	98-09-059	434-26-030	DECOD	98-08-010
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434-57-090	DECOD	98-08-010	434-91-010	DECOD	98-08-010	434-236-090	AMD	98-03-033
434-57-100	DECOD	98-08-010	434-91-020	DECOD	98-08-010	434-236-170	AMD	98-03-033
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434-57-150	DECOD	98-08-010	434-91-050	DECOD	98-08-010	434-240-230	AMD	98-03-033
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458- 16-165	PREP	98-07-016	460- 16A-020	AMD-P	98-14-074	460- 44A-050	AMD	98-18-032
458- 16-165	AMD-P	98-14-084	460- 16A-020	AMD	98-17-013	460- 44A-100	NEW-P	98-14-073
458- 16-165	AMD	98-18-006	460- 16A-035	REP-P	98-14-074	460- 44A-100	NEW	98-17-012
458- 16-300	PREP	98-07-016	460- 16A-035	REP	98-17-013	460- 44A-110	NEW-P	98-14-073
458- 16-300	AMD-P	98-14-084	460- 16A-075	REP-P	98-14-074	460- 44A-110	NEW	98-17-012
458- 16-300	AMD	98-18-006	460- 16A-075	REP	98-17-013	460- 44A-500	AMD-P	98-08-055
458- 16-310	PREP	98-07-016	460- 16A-090	REP-P	98-14-074	460- 44A-500	AMD	98-11-014
458- 16-310	AMD-P	98-14-084	460- 16A-090	REP	98-17-013	460- 44A-501	AMD-P	98-08-055
458- 16-310	AMD	98-18-006	460- 16A-095	REP-P	98-14-074	460- 44A-501	AMD	98-11-014
458- 16A-010	PREP	98-20-086	460- 16A-095	REP	98-17-013	460- 44A-502	AMD-P	98-08-055
458- 18-220	AMD-XA	98-20-082	460- 16A-110	REP-P	98-14-074	460- 44A-502	AMD	98-11-014
458- 20-104	AMD-E	98-02-046	460- 16A-110	REP	98-17-013	460- 44A-503	AMD-P	98-08-055
458- 20-104	AMD-XA	98-10-123	460- 16A-111	REP-P	98-14-074	460- 44A-503	AMD	98-11-014
458- 20-104	AMD-E	98-11-006	460- 16A-111	REP	98-17-013	460- 44A-504	AMD-P	98-08-055
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458- 20-131	PREP	98-20-103	460- 16A-115	AMD	98-17-013	460- 44A-504	AMD	98-11-014
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460-44A-508	AMD	98-11-014	468-38-071	AMD	98-21-019	468-84-130	REP	98-11-045
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460-52A-010	REP	98-17-059	468-38-110	AMD-P	98-10-038	468-84-135	REP	98-11-045
460-52A-030	REP-XR	98-14-071	468-38-110	AMD-S	98-13-101	468-84-200	REP-P	98-07-005
460-52A-030	REP	98-17-059	468-38-110	AMD	98-16-048	468-84-200	REP	98-11-045
460-52A-040	REP-XR	98-14-071	468-38-120	AMD-E	98-08-057	468-84-210	REP-P	98-07-005
460-52A-040	REP	98-17-059	468-38-120	PREP	98-08-089	468-84-210	REP	98-11-045
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460-52A-050	REP	98-17-059	468-38-120	AMD	98-16-087	468-84-220	REP	98-11-045
460-52A-060	REP-XR	98-14-071	468-38-160	AMD-E	98-09-090	468-84-230	REP-P	98-07-005
460-52A-060	REP	98-17-059	468-38-160	PREP	98-10-037	468-84-230	REP	98-11-045
460-60A	PREP	98-14-070	468-38-160	AMD-P	98-14-044	468-84-240	REP-P	98-07-005
460-60A-025	AMD-P	98-17-060	468-38-160	AMD	98-16-088	468-84-240	REP	98-11-045
460-60A-025	AMD	98-20-028	468-38-230	PREP	98-19-007	468-84-250	REP-P	98-07-005
460-60A-040	REP-P	98-17-060	468-38-230	AMD-P	98-20-100	468-84-250	REP	98-11-045
460-60A-040	REP	98-20-028	468-38-260	PREP	98-04-043	468-84-260	REP-P	98-07-005
460-60A-045	REP-P	98-17-060	468-38-260	AMD-E	98-04-045	468-84-260	REP	98-11-045
460-60A-045	REP	98-20-028	468-38-260	AMD-P	98-08-090	468-84-300	REP-P	98-07-005
460-60A-050	REP-P	98-17-060	468-38-260	AMD	98-12-063	468-84-300	REP	98-11-045
460-60A-050	REP	98-20-028	468-51	PREP	98-07-049	468-84-310	REP-P	98-07-005
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460-60A-055	REP	98-20-028	468-51-020	AMD-P	98-22-061	468-84-320	REP-P	98-07-005
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460-70-005	REP	98-17-058	468-51-040	AMD-P	98-22-061	468-85	PREP	98-03-031
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460-70-010	REP	98-17-058	468-51-070	AMD-P	98-22-061	468-85-010	AMD	98-11-046
460-70-015	REP-XR	98-14-072	468-51-080	AMD-P	98-22-061	468-85-015	AMD-P	98-07-006
460-70-015	REP	98-17-058	468-51-090	AMD-P	98-22-061	468-85-015	AMD	98-11-046
460-70-020	REP-XR	98-14-072	468-51-100	AMD-P	98-22-061	468-85-110	AMD-P	98-07-006
460-70-020	REP	98-17-058	468-51-105	NEW-P	98-22-061	468-85-110	AMD	98-11-046
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460-70-035	REP	98-17-058	468-52	PREP	98-07-048	468-85-210	AMD	98-11-046
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460-70-040	REP	98-17-058	468-52-030	AMD-P	98-22-060	468-85-220	AMD	98-11-046
460-70-045	REP-XR	98-14-072	468-52-040	AMD-P	98-22-060	468-85-230	AMD-P	98-07-006
460-70-045	REP	98-17-058	468-52-050	AMD-P	98-22-060	468-85-230	AMD	98-11-046
460-70-050	REP-XR	98-14-072	468-52-060	AMD-P	98-22-060	468-85-240	AMD-P	98-07-006
460-70-050	REP	98-17-058	468-52-070	AMD-P	98-22-060	468-85-240	AMD	98-11-046
460-70-060	REP-XR	98-14-072	468-54	PREP	98-05-037	468-85-250	AMD-P	98-07-006
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468-18	AMD-P	98-21-031	468-82	PREP	98-03-032	468-85-270	REP-P	98-07-006
468-18-040	AMD-P	98-21-031	468-82-010	REP-P	98-07-004	468-85-270	REP	98-11-046
468-18-050	AMD-P	98-21-031	468-82-010	REP	98-11-044	468-85-280	REP-P	98-07-006
468-18-060	REP-P	98-21-031	468-82-015	REP-P	98-07-004	468-85-280	REP	98-11-046
468-18-080	REP-P	98-21-031	468-82-015	REP	98-11-044	468-85-290	AMD-P	98-07-006
468-30-030	REP-XR	98-13-060	468-82-110	REP-P	98-07-004	468-85-290	AMD	98-11-046
468-30-030	REP	98-18-003	468-82-110	REP	98-11-044	468-85-310	AMD-P	98-07-006
468-34-010	AMD-P	98-19-129	468-82-120	REP-P	98-07-004	468-85-310	AMD	98-11-046
468-34-020	AMD-P	98-19-129	468-82-120	REP	98-11-044	468-300-010	AMD-P	98-03-050
468-34-100	AMD-P	98-19-129	468-82-200	REP-P	98-07-004	468-300-010	AMD	98-08-051
468-34-120	AMD-P	98-19-129	468-82-200	REP	98-11-044	468-300-020	AMD-P	98-03-050
468-34-150	AMD-P	98-19-129	468-84	PREP	98-03-030	468-300-020	AMD	98-08-051
468-34-330	AMD-P	98-19-129	468-84-010	REP-P	98-07-005	468-300-040	AMD-P	98-03-050
468-38-070	AMD-P	98-06-016	468-84-010	REP	98-11-045	468-300-040	AMD	98-08-051
468-38-070	AMD	98-09-029	468-84-015	REP-P	98-07-005	468-300-220	AMD-P	98-03-050
468-38-070	AMD-E	98-12-097	468-84-015	REP	98-11-045	468-300-220	AMD	98-08-051
468-38-070	PREP	98-14-045	468-84-110	REP-P	98-07-005	468-300-700	PREP	98-17-076
468-38-070	AMD-P	98-18-026	468-84-110	REP	98-11-045	468-300-700	AMD-P	98-20-092
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468-400-010	NEW	98-06-029	478-160-280	AMD	98-10-048	480-12-022	REP-P	98-19-060
468-400-020	NEW-E	98-03-009	478-160-295	AMD-P	98-05-066	480-12-025	REP-P	98-19-060
468-400-020	NEW-P	98-03-059	478-160-295	AMD	98-10-048	480-12-030	REP-P	98-19-060
468-400-020	NEW	98-06-029	480-09	PREP	98-05-056	480-12-031	REP-P	98-19-060
468-400-030	NEW-E	98-03-009	480-09-005	NEW-P	98-19-146	480-12-033	REP-P	98-19-060
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468-400-030	NEW	98-06-029	480-09-012	AMD-P	98-19-146	480-12-050	REP-P	98-19-060
468-400-040	NEW-E	98-03-009	480-09-100	AMD-P	98-19-146	480-12-065	REP-P	98-19-060
468-400-040	NEW-P	98-03-059	480-09-101	NEW-P	98-19-146	480-12-070	REP-P	98-19-060
468-400-040	NEW	98-06-029	480-09-115	AMD-P	98-19-146	480-12-080	REP-P	98-19-060
468-510	PREP	98-04-044	480-09-120	AMD-P	98-19-146	480-12-081	REP-P	98-19-060
468-510-010	NEW-P	98-08-030	480-09-125	AMD-P	98-19-146	480-12-083	REP-P	98-19-060
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468-510-020	NEW-P	98-08-030	480-09-135	AMD-P	98-19-146	480-12-100	REP-P	98-19-060
468-510-020	NEW	98-12-062	480-09-140	AMD-P	98-19-146	480-12-115	REP-P	98-19-060
468-550-010	NEW-E	98-15-037	480-09-150	AMD-P	98-19-146	480-12-120	REP-P	98-19-060
468-550-010	NEW-P	98-16-049	480-09-200	AMD-P	98-19-146	480-12-121	REP-P	98-19-060
468-550-010	NEW	98-19-052	480-09-210	AMD-P	98-19-146	480-12-125	REP-P	98-19-060
468-550-020	NEW-E	98-15-037	480-09-220	AMD-P	98-19-146	480-12-126	REP-P	98-19-060
468-550-020	NEW-P	98-16-049	480-09-230	AMD-P	98-19-146	480-12-127	REP-P	98-19-060
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468-550-040	NEW-P	98-16-049	480-09-425	AMD-P	98-19-146	480-12-180	REP-P	98-19-060
468-550-040	NEW	98-19-052	480-09-426	AMD-P	98-19-146	480-12-185	REP-P	98-19-060
468-550-050	NEW-E	98-15-037	480-09-430	AMD-P	98-19-146	480-12-190	REP-P	98-19-060
468-550-050	NEW-P	98-16-049	480-09-440	AMD-P	98-19-146	480-12-200	REP-P	98-19-060
468-550-050	NEW	98-19-052	480-09-460	AMD-P	98-19-146	480-12-210	REP-P	98-19-060
468-550-060	NEW-E	98-15-037	480-09-465	AMD-P	98-19-146	480-12-215	REP-P	98-19-060
468-550-060	NEW-P	98-16-049	480-09-466	AMD-P	98-19-146	480-12-220	REP-P	98-19-060
468-550-060	NEW	98-19-052	480-09-467	AMD-P	98-19-146	480-12-235	REP-P	98-19-060
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468-550-070	NEW-P	98-16-049	480-09-475	AMD-P	98-19-146	480-12-255	REP-P	98-19-060
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474-10-030	NEW-P	98-14-139	480-09-530	NEW	98-21-042	480-12-280	REP-P	98-19-060
474-10-040	NEW-P	98-14-139	480-09-600	AMD-P	98-19-146	480-12-285	REP-P	98-19-060
474-10-050	NEW-P	98-14-139	480-09-610	AMD-P	98-19-146	480-12-290	REP-P	98-19-060
474-10-060	NEW-P	98-14-139	480-09-620	AMD-P	98-19-146	480-12-295	REP-P	98-19-060
474-10-070	NEW-P	98-14-139	480-09-700	AMD-P	98-19-146	480-12-300	REP-P	98-19-060
474-10-080	NEW-P	98-14-139	480-09-705	AMD-P	98-19-146	480-12-320	REP-P	98-19-060
474-10-090	NEW-P	98-14-139	480-09-710	AMD-P	98-19-146	480-12-325	REP-P	98-19-060
474-10-100	NEW-P	98-14-139	480-09-720	AMD-P	98-19-146	480-12-330	REP-P	98-19-060
478-160-015	AMD-P	98-05-066	480-09-730	AMD-P	98-19-146	480-12-335	REP-P	98-19-060
478-160-015	AMD	98-10-048	480-09-735	AMD-P	98-19-146	480-12-340	REP-P	98-19-060
478-160-095	AMD-P	98-05-066	480-09-736	AMD-P	98-19-146	480-12-345	REP-P	98-19-060
478-160-095	AMD	98-10-048	480-09-740	AMD-P	98-19-146	480-12-350	REP-P	98-19-060
478-160-110	AMD-P	98-05-066	480-09-745	AMD-P	98-19-146	480-12-355	REP-P	98-19-060
478-160-110	AMD	98-10-048	480-09-750	AMD-P	98-19-146	480-12-360	REP-P	98-19-060
478-160-120	REP-P	98-05-066	480-09-751	AMD-P	98-19-146	480-12-365	REP-P	98-19-060
478-160-120	REP	98-10-048	480-09-760	AMD-P	98-19-146	480-12-370	REP-P	98-19-060
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478-160-143	NEW-P	98-05-066	480-09-800	AMD-P	98-19-146	480-12-395	REP-P	98-19-060
478-160-143	NEW	98-10-048	480-09-810	AMD-P	98-19-146	480-12-400	REP-P	98-19-060
478-160-150	AMD-P	98-05-066	480-09-815	AMD-P	98-19-146	480-12-405	REP-P	98-19-060
478-160-150	AMD	98-10-048	480-09-820	AMD-P	98-19-146	480-12-410	REP-P	98-19-060
478-160-246	AMD-P	98-05-066	480-09-830	REP-P	98-19-146	480-12-415	REP-P	98-19-060
478-160-246	AMD	98-10-048	480-12-001	REP-P	98-19-060	480-12-420	REP-P	98-19-060
478-160-270	AMD-P	98-05-066	480-12-003	REP-P	98-19-060	480-12-425	REP-P	98-19-060
478-160-270	AMD	98-10-048	480-12-005	REP-P	98-19-060	480-12-430	REP-P	98-19-060
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480-12-450	REP-P	98-19-060	480-15-600	NEW-P	98-19-060	480-92-090	AMD-P	98-22-110
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480-12-465	REP-P	98-19-060	480-15-630	NEW-P	98-19-060	480-93-010	PREP	98-16-011
480-12-600	REP-P	98-19-060	480-15-640	NEW-P	98-19-060	480-93-010	AMD-P	98-22-111
480-12-990	REP-P	98-19-060	480-15-650	NEW-P	98-19-060	480-95-010	REP-XR	98-14-136
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480-15-040	NEW-P	98-19-060	480-15-690	NEW-P	98-19-060	480-95-030	REP-XR	98-14-136
480-15-050	NEW-P	98-19-060	480-15-700	NEW-P	98-19-060	480-95-030	REP	98-21-041
480-15-060	NEW-P	98-19-060	480-15-710	NEW-P	98-19-060	480-95-040	REP-XR	98-14-136
480-15-070	NEW-P	98-19-060	480-15-720	NEW-P	98-19-060	480-95-040	REP	98-21-041
480-15-080	NEW-P	98-19-060	480-15-730	NEW-P	98-19-060	480-95-050	REP-XR	98-14-136
480-15-090	NEW-P	98-19-060	480-15-740	NEW-P	98-19-060	480-95-050	REP	98-21-041
480-15-100	NEW-P	98-19-060	480-15-750	NEW-P	98-19-060	480-95-060	REP-XR	98-14-136
480-15-110	NEW-P	98-19-060	480-15-760	NEW-P	98-19-060	480-95-060	REP	98-21-041
480-15-120	NEW-P	98-19-060	480-15-770	NEW-P	98-19-060	480-95-070	REP-XR	98-14-136
480-15-130	NEW-P	98-19-060	480-15-780	NEW-P	98-19-060	480-95-070	REP	98-21-041
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480-15-230	NEW-P	98-19-060	480-15-880	NEW-P	98-19-060	480-95-125	REP-XR	98-14-136
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480-15-260	NEW-P	98-19-060	480-15-910	NEW-P	98-19-060	480-120-021	AMD-P	98-17-068
480-15-270	NEW-P	98-19-060	480-15-920	NEW-P	98-19-060	480-120-027	AMD	98-04-028
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480-15-290	NEW-P	98-19-060	480-60	PREP	98-20-105	480-120-045	NEW-P	98-20-104
480-15-300	NEW-P	98-19-060	480-63-010	REP-XR	98-14-135	480-120-137	REP-P	98-17-068
480-15-310	NEW-P	98-19-060	480-63-010	REP	98-21-040	480-120-138	AMD-P	98-17-068
480-15-320	NEW-P	98-19-060	480-63-020	REP-XR	98-14-135	480-120-141	AMD-P	98-17-068
480-15-330	NEW-P	98-19-060	480-63-020	REP	98-21-040	480-120-142	REP-P	98-17-068
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480-15-370	NEW-P	98-19-060	480-63-040	REP	98-21-040	480-120-152	NEW-P	98-18-107
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480-15-390	NEW-P	98-19-060	480-63-050	REP	98-21-040	480-120-154	NEW-P	98-18-107
480-15-400	NEW-P	98-19-060	480-63-060	REP-XR	98-14-135	480-120-400	REP-S	98-12-071
480-15-410	NEW-P	98-19-060	480-63-060	REP	98-21-040	480-120-400	REP-P	98-20-104
480-15-420	NEW-P	98-19-060	480-63-070	REP-XR	98-14-135	480-120-405	REP-S	98-12-071
480-15-430	NEW-P	98-19-060	480-63-070	REP	98-21-040	480-120-405	REP-P	98-20-104
480-15-440	NEW-P	98-19-060	480-63-080	REP-XR	98-14-135	480-120-410	REP-S	98-12-071
480-15-450	NEW-P	98-19-060	480-63-080	REP	98-21-040	480-120-410	REP-P	98-20-104
480-15-460	NEW-P	98-19-060	480-63-090	REP-XR	98-14-135	480-120-415	REP-S	98-12-071
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490-100-040	REP-P	98-17-052	490-105-080	NEW	98-22-033	516- 56-080	REP	98-14-051
490-100-040	REP	98-22-033	490-105-090	NEW-P	98-17-052	516- 56-090	REP-P	98-05-048
490-100-050	REP-P	98-17-052	490-105-090	NEW	98-22-033	516- 56-090	REP	98-14-051
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490-100-060	REP-P	98-17-052	490-105-100	NEW	98-22-033			
490-100-060	REP	98-22-033	490-105-110	NEW-P	98-17-052			
490-100-070	REP-P	98-17-052	490-105-110	NEW	98-22-033			
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490-100-100	REP-P	98-17-052	490-105-140	NEW	98-22-033			
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490-100-105	REP-P	98-17-052	490-105-150	NEW	98-22-033			
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490-100-120	REP-P	98-17-052	490-105-170	NEW	98-22-033			
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490-100-130	REP	98-22-033	490-105-190	NEW-P	98-17-052			
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490-100-150	REP-P	98-17-052	490-105-210	NEW	98-22-033			
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490-100-210	REP	98-22-033	516- 56-010	REP	98-14-051			
490-100-220	REP-P	98-17-052	516- 56-011	REP-P	98-05-048			
490-100-220	REP	98-22-033	516- 56-011	REP	98-14-051			
490-100-230	REP-P	98-17-052	516- 56-012	REP-P	98-05-048			
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	PERM	98-17-018			

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Probationary period	EMER	98-13-055	PUBLIC EMPLOYEES BENEFITS BOARD		
	PROP	98-22-034	(See HEALTH CARE AUTHORITY)		
Return to work initiative project	PERM	98-13-058	PUBLIC EMPLOYMENT RELATIONS COMMISSION		
Rules coordinator	MISC	98-04-058	Filing and service of papers	PREP	98-04-049
Salaries	PERM	98-03-052		PROP	98-10-101
Seniority	PROP	98-01-139		PERM	98-14-112
	PERM	98-06-012	Regulatory review progress report	MISC	98-21-043
Shift premium provisions and compensation	PROP	98-06-062	Rules agenda	MISC	98-02-081
	PERM	98-09-066		MISC	98-14-111
Training	PROP	98-16-053	PUBLIC INSTRUCTION, SUPERINTENDENT OF		
Transfers, lateral movements, and voluntary demotions	PROP	98-01-140	Alternative learning experience requirements	PREP	98-21-020
	PERM	98-08-026	Correctional facilities		
	PROP	98-06-015	educational services for juveniles in adult facilities	PREP	98-14-040
Washington management service housekeeping changes and rules clarification	PROP	98-15-035		PROP	98-18-093
	PROP	98-20-034		PERM	98-21-065
	PROP	98-20-062	Funding		
PIERCE COLLEGE			audit resolution process	PERM	98-05-008
Meetings	MISC	98-02-008	basic education	PROP	98-03-066
	MISC	98-08-044		PROP	98-04-070
	MISC	98-14-001	levy authority and local effort assistance	PERM	98-07-060
	MISC	98-15-063		PROP	98-05-040
PILOTAGE COMMISSIONERS, BOARD OF			local enhancement funds	PERM	98-08-096
New pilots, limitations	PREP	98-10-092	special education	PERM	98-04-080
	PROP	98-21-053		PERM	98-04-036
Pilotage tariff rates	PROP	98-10-093	vocational programs	PERM	98-08-013
Grays Harbor district	EMER	98-16-028		PREP	98-09-043
	PERM	98-19-036		PROP	98-16-106
	PROP	98-08-071	Immunization records, verification	PERM	98-21-066
Puget Sound district	PERM	98-12-008	K-3 staff enhancement	PERM	98-04-025
				PROP	98-03-067
POLLUTION LIABILITY INSURANCE AGENCY				PERM	98-07-061
Eligibility assessment reimbursement	PERM	98-01-053	Rules coordinator	MISC	98-20-060
			Shared leave programs	PREP	98-05-038
PUBLIC DISCLOSURE COMMISSION				PROP	98-16-055
Contributions			Special education programs	PREP	98-05-039
encouraging expenditures to avoid contributions	PREP	98-06-052	Special service program		
	PROP	98-09-020	highly capable students	PERM	98-12-002
	PERM	98-12-036	Transitional bilingual instruction program	PROP	98-01-054
in-kind contributions and expenditures	PREP	98-06-053	Transportation services		
	PROP	98-09-019	basic students transported on special needs route	PREP	98-09-091
	PERM	98-12-034		PROP	98-14-011
legislative session freeze period	PREP	98-16-054		PERM	98-17-007
	PROP	98-19-111	PUBLIC WORKS BOARD		
limits increase or decrease	PREP	98-01-187	(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)		
	PROP	98-05-107	PUGET SOUND AIR POLLUTION CONTROL AGENCY		
	PERM	98-08-069	Appeals	PROP	98-18-087
payroll withholding authorization solicitation or acceptance during legislative session freeze period	MISC	98-19-110		PROP	98-21-036
	EMER	98-01-055	Asbestos control standards, clarification	PERM	98-21-038
	PREP	98-03-072		PROP	98-02-072
County election officials			Burn bans	PERM	98-06-009
campaign disclosure reports, duties	PREP	98-06-051		PROP	98-18-087
	PROP	98-09-021	Definitions	PERM	98-21-038
	PERM	98-12-038		PROP	98-18-089
Lobbyist employer reports	PERM	98-01-062	Enforcement	PERM	98-21-037
Meetings	MISC	98-11-017		PROP	98-18-087
	MISC	98-21-002	Fees	PERM	98-21-038
Registered voters, calculation of number	PREP	98-06-054		PROP	98-16-086
	PROP	98-09-018	Meetings	PERM	98-20-025
	PERM	98-12-035		PROP	98-16-085
Rules agenda	MISC	98-02-060	Penalties	PERM	98-20-026
Volunteer services	PREP	98-06-055		PROP	98-16-085
	PROP	98-09-017	Sources	PERM	98-20-026
	PERM	98-12-037	acceptable source impact levels	PROP	98-18-088
				PERM	98-21-039

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emission monitoring	PROP	98-06-087	intangible personal property, exemption	PREP	98-07-015
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	PROP	98-16-085		PERM	98-14-027
spray coatings	PERM	98-20-026	leases or rentals of tangible personal property	PREP	98-15-126
	PROP	98-18-087	nonprofit homes for the aging nonprofit organizations, exemptions	PREP	98-20-086
	PERM	98-21-038		PREP	98-07-016
PUGET SOUND WATER QUALITY ACTION TEAM				PROP	98-14-084
Meetings	MISC	98-15-152		PERM	98-18-006
RENTON TECHNICAL COLLEGE			refunds	PERM	98-01-176
Meetings	PERM	98-02-037	procedures and interest	PERM	98-01-177
	MISC	98-02-038		PREP	98-15-127
RETIREMENT SYSTEMS, DEPARTMENT OF			returns, extensions, and interest senior citizen and disabled person exemption	EXAD	98-20-082
Board members, recusal	PERM	98-01-109		PREP	98-15-127
Deferred compensation program	PREP	98-12-007		EXAD	98-20-082
	PROP	98-15-098		PREP	98-15-127
	PERM	98-20-047	Rules agenda	EXRE	98-08-018
Employee retirement benefits board meetings	MISC	98-01-132		PERM	98-14-028
Employer obligations			Rules coordinator	MISC	98-02-078
interest on past due amounts	PREP	98-13-085	Sales tax	MISC	98-15-029
	PROP	98-21-064	agricultural employee housing	MISC	98-04-012
Public employees' retirement system (PERS) earnable compensation	PROP	98-01-069	amusement and recreation	PROP	98-16-025
	PERM	98-09-059	activities and businesses	PREP	98-05-031
Regulatory reform			games of chance	PREP	98-20-103
contact person	MISC	98-11-097	Timber excise tax		
Teachers' retirement system (TRS) earnable compensation	PROP	98-01-069	forest land values	PERM	98-02-014
	PERM	98-09-059	stumpage values	PERM	98-02-015
				PREP	98-05-074
				PROP	98-10-124
				PERM	98-14-083
				PREP	98-19-046
				PROP	98-22-038
REVENUE, DEPARTMENT OF			RULES COORDINATORS		
Business and occupation tax			(See Issue 98-01 for a complete list of rules coordinators designated as of 12/24/97)		
games of chance	PREP	98-20-103	Administrative hearings, office of	MISC	98-01-045
small business step-ranged tax credit table	EMER	98-02-046	Bellingham Technical College	MISC	98-01-002
	EMER	98-11-006	Community, trade and economic development, department of	MISC	98-01-143
	EXAD	98-10-123		MISC	98-16-003
	PERM	98-16-019	County road administration board	MISC	98-01-010
small timber harvesters	EXAD	98-12-004	Employment security department	MISC	98-02-005
	PERM	98-16-107	Executive ethics board	MISC	98-09-072
successor to person quitting business veterinarians	PREP	98-11-083	Financial management, office of	MISC	98-07-014
Carbonated beverage and syrup tax	PREP	98-14-127	Gambling commission	MISC	98-13-011
Estate taxes	PREP	98-14-127	Information services, department of	MISC	98-20-058
waiver or cancellation of penalty	EXAD	98-22-037	Insurance commissioner's office	MISC	98-02-026
Excise taxes			Labor and industries, department of	MISC	98-11-028
articles manufactured and installed	PERM	98-01-111	Liquor control board	MISC	98-21-021
educational institutions	EXAD	98-22-047	Outdoor recreation, interagency committee for	MISC	98-10-056
excise tax advisories	MISC	98-15-034	Parks and recreation commission	MISC	98-03-043
internal distribution tax	EXAD	98-22-046	Personnel, department of	MISC	98-01-180
leasehold excise tax	PREP	98-13-053	Public instruction, superintendent of	MISC	98-04-058
mobile homes and mobile home park fee	PERM	98-01-111	Revenue, department of	MISC	98-20-060
real estate excise tax	PREP	98-18-092	Skagit Valley College	MISC	98-04-012
ride sharing exemptions and credits	PREP	98-19-079		MISC	98-20-007
Indian reservations	PREP	98-07-066	SALARIES FOR ELECTED OFFICIALS,		
excise tax liability	PREP	98-09-036	CITIZENS COMMISSION ON		
Interpretive statements	MISC	98-02-024	Meetings	MISC	98-21-032
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	MISC	98-14-130	TASK FORCE ON		
	MISC	98-14-131	Meetings	MISC	98-12-003
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	MISC	98-15-145	SEATTLE COMMUNITY COLLEGES		
Property tax			Meetings	MISC	98-10-076
agricultural land valuation	PERM	98-01-178		MISC	98-11-008
	EXAD	98-20-083			
forest land valuation	PROP	98-22-036			
inflation rate	PERM	98-01-179			
	EXAD	98-20-084			

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	MISC	98-11-013	nursing facilities, payment rate methodology	PROP	98-15-103
	MISC	98-11-052		PERM	98-19-062
	MISC	98-12-006		PREP	98-06-089
	MISC	98-16-057	nursing homes rules review		
	MISC	98-18-022	Alcohol and substance abuse, division of	PREP	98-09-093
	MISC	98-21-061	drug-free workplace program	PROP	98-17-066
				PERM	98-20-045
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Address confidentiality program	PREP	98-11-009	Aliens		
	PROP	98-13-111	eligibility of assistance unit	EXAD	98-19-126
	PROP	98-14-006	Boarding homes		
	PROP	98-14-009	license fees	PREP	98-14-085
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	PROP	98-13-098	rules transfer from department of health to department of social and health services	PROP	98-20-097
	PERM	98-18-034			
Elections administration	PERM	98-03-033	Child care	MISC	98-20-021
	EMER	98-18-041	day care homes, licensing	PREP	98-02-057
inactive voters, cancellation notice logic and accuracy tests	EMER	98-21-044		PROP	98-20-098
	PREP	98-17-028	subsidized payment rates	PREP	98-13-079
	EMER	98-17-029		EMER	98-16-026
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	MISC	98-15-104		EMER	98-18-077
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	EXAD	98-22-112	Child support, division of	PREP	98-20-096
	EXAD	98-22-113	address disclosure	PREP	98-12-106
Fax transmission of documents	EMER	98-13-042	administrative orders	MISC	98-22-055
	EXAD	98-13-099	assessing support	PREP	98-03-078
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Recodification of WAC sections	MISC	98-08-010		EMER	98-20-036
			employer reporting	PREP	98-16-090
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			financial institution data matches fines	MISC	98-12-104
SKAGIT VALLEY COLLEGE				PREP	98-15-102
Meetings	MISC	98-01-043	grievance and dispute resolution method	PROP	98-05-078
	MISC	98-03-061		PERM	98-17-033
	MISC	98-20-054	hearing and conference board	PROP	98-05-079
Rules coordinator	MISC	98-20-007		PERM	98-17-032
			license suspension program	PROP	98-13-081
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	PROP	98-04-032	policy and procedure handbook	MISC	98-17-065
	PERM	98-11-095	support establishment notices	PREP	98-19-122
	PERM	98-12-054	temporary orders	PREP	98-19-123
	PROP	98-17-072	withholding options	MISC	98-22-054
	PROP	98-08-091	Children's administration		
licensing, minimum requirements			case transfers	MISC	98-02-076
Aging and adult services	EXRE	98-08-073	child care facilities		
chore personal care services	EMER	98-09-042	licenses	PREP	98-08-084
	PREP	98-11-031		PREP	98-10-104
	PREP	98-11-032	child care programs	PROP	98-20-042
	PERM	98-14-052		PREP	98-01-128
	PROP	98-15-138	hearings or court proceedings	PROP	98-14-034
	EMER	98-17-030	opposing testimony	EMER	98-14-035
day health services	PERM	98-19-055	interstate compact on placement of children	PERM	98-22-008
disabled adults, social services eligibility standards	PROP	98-22-101	Children's services		
	PREP	98-16-022	applicant rights	PROP	98-03-082
	PERM	98-04-026		PERM	98-07-041
	PROP	98-13-077	Developmental disabilities, division of		
home and community services			community alternatives program	PREP	98-09-094
nurse oversight	PREP	98-07-051	delivery of services	PERM	98-02-058
	PROP	98-16-092	eligibility	PREP	98-09-094
	PERM	98-20-022	family support opportunity		
in-home care providers, contract qualifications	PROP	98-14-062	pilot program	PREP	98-10-040
	PERM	98-18-037	information and outreach	EMER	98-13-041
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	PROP 98-16-091	PROP 98-15-053
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Economic services administration		PROP 98-15-140
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	PROP 98-11-074	
	PROP 98-16-038	income eligibility
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standards of assistance	PROP 98-01-126	institutional care
	PERM 98-06-057	
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legal immigrants	PROP 98-13-080	kidney centers, eligibility
Food stamp program		
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programs requirements	PROP 98-06-076	prosthetics, and orthotics
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fugitive felons and probation violators	EMER 98-14-086	cost share
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in licensed facilities	MISC 98-18-058	
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	PROP 98-14-061	
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ambulance services	PREP 98-22-058	
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community options program		scope of care
entry system (COPES)	PREP 98-05-051	transportation services
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Temporary assistance to needy families (TANF)	PREP	98-06-088	Court records,		
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	PERM	98-08-021	Courts of limited jurisdiction		
community jobs wage subsidy program	PROP	98-03-080	civil rules	MISC	98-13-021
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WorkFirst			Meetings	MISC	98-01-042
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			Breath test program	PREP	98-17-095
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