

Washington State Register

JULY 15, 1992

OLYMPIA, WASHINGTON

ISSUE 92-14



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This issue contains documents officially
filed not later than July 1, 1992

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.

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of July 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$161.85 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined-out and bracketed between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
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92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
92-07	Feb 19	Mar 4	Mar 18	Apr 1	Apr 21
92-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
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92-10	Apr 8	Apr 22	May 6	May 20	Jun 9
92-11	Apr 22	May 6	May 20	Jun 3	Jun 23
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92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

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

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

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

WSR 92-13-015
RULES OF COURT
STATE SUPREME COURT
[June 4, 1992]

IN THE MATTER OF THE ADOPTION
OF THE NEW SET OF INFRACTION
RULES FOR COURTS OF LIMITED
JURISDICTION WITH AMENDMENT
TO IRLJ 3.2(B) AND THE RE-
SCISSION OF JUSTICE COURT
TRAFFIC INFRACTION RULES

ORDER
NO. 25700-A-499

The Court having considered the rescission of the
Justice Court Traffic Infraction Rules and the adoption
of the New Set of Infraction Rules for Courts of Limit-
ed Jurisdiction, with the amendment to IRLJ 3.2(b)
(published for comment as JTIR 3.2(b)), and the Court
having determined that the rescission of the Justice
Court Traffic Infraction Rules and the adoption of the
New Set of Infraction Rules for Courts of Limited Ju-
risdiction will aid in the prompt and orderly administra-
tion of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the New Set of Infraction Rules for Courts
of Limited Jurisdiction, with the amendment to IRLJ
3.2(b) is adopted and the Justice Court Traffic Infraction
Rules are rescinded.

(b) That the Rule will be published in the special
rules edition of the Washington Reports in July, 1992,
and will become effective September 1, 1992.

DATED at Olympia, Washington this 4th day of
June, 1992.

Fred H. Dore

Robert F. Utter

Robert F. Brachtenbach

Durham, J.

Charles Z. Smith

James M. Dolliver

Richard P. Guy

James A. Anderson

Johnson, J.

JUSTICE COURT TRAFFIC INFRACTION RULES
(JTHR) FOR COURTS OF LIMITED
JURISDICTION (IRLJ)

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TITLE 1
GENERAL PROVISIONS

RULE 1.1
SCOPE AND PURPOSE OF RULES

(a) Scope of Rules. These rules govern the procedure
in courts of limited jurisdiction for all cases involving
"traffic infractions." Traffic infractions Infractions are
noncriminal violations of the traffic laws law defined by
RCW 46.63 statute.

(b) Purpose. These rules shall be construed to secure
the just, speedy, and inexpensive determination of every
traffic infraction case.

(c) Effect of Other Law. These rules supersede all
conflicting rules and statutes covering procedure for
traffic infractions unless a rule indicates a statute or rule
controls. Provisions of statute or rule not inconsistent
with these rules shall remain in effect.

RULE 1.2
DEFINITIONS

For the purposes of these rules:

(a) Traffic Infraction Case. "Traffic Infraction case"
means a proceeding initiated in a court of limited juris-
diction pursuant to RCW 46.63 a statute that authorizes
offenses to be punished as infractions.

(b) Notice of Traffic Infraction. "Notice of traffic infraction" means a document initiating a traffic infraction case when issued and filed pursuant to RCW 46.63 statute and these rules.

(c) Defendant. "Defendant" means a person named in a notice of traffic infraction.

(d) Court. "Court" means a court of limited jurisdiction organized pursuant to RCW Title 3, RCW Title 35, or RCW Title 35A.

(e) Judgment. "Judgment" means any final decision in a traffic infraction case, including, but not limited to, a finding entered after a hearing governed by these rules or after payment of a monetary penalty in lieu of a hearing.

(f) Plaintiff. "Plaintiff" means the governmental unit issuing the notice of traffic infraction, including, but not limited to, the state, a county, or a municipality.

(g) Department. "Department" means the Washington State Department of Licensing.

(h) Lawyer. "Lawyer" means any person authorized by Supreme Court rule to practice law.

(i) Statute. "Statute" means any state statute, local or county ordinance, resolution, or regulation, or agency regulation.

(j) Citing Officer. "Citing officer" means a law enforcement officer or other official authorized by law to issue a notice of infraction.

(k) Prosecuting Authority. "Prosecuting authority" includes prosecuting attorneys, city attorneys, corporation counsel, and their deputies and assistants, or such other persons as may be designated by statute.

(l) Judge. "Judge" means any judge of any court of limited jurisdiction and shall include every judicial officer authorized to preside over infraction cases.

RULE 1.3 LOCAL COURT RULES

(a) Adoption. Each court may adopt special traffic infraction rules not inconsistent with these general rules.

(b) Format. The numbering system and format of local rules shall conform to these rules.

(c) Filing. Local rules become effective only after they are filed with the Administrator for the Courts in accordance with GR 7.

TITLE 2 PRELIMINARY PROCEEDINGS

RULE 2.1 NOTICE OF TRAFFIC INFRACTION

(a) Traffic Infraction Form Prescribed by Administrator for the Courts. Traffic infraction cases shall be filed on a form entitled "Notice of Traffic Infraction" prescribed by the Administrator for the Courts; except that the form used to file cases alleging the commission of a parking, standing or stopping infraction shall be approved by the Administrator for the Courts.

(b) Contents. The notice of traffic infraction shall contain the following information on the copy given to the defendant, except the information required by subsections (2) and (6) is not required on a notice of infraction alleging the commission of a parking, standing, or stopping infraction:

(1) The name, address, and phone number of the court where the notice of infraction is to be filed;

(2) The name, address, date of birth, sex, physical characteristics, and, for a notice of traffic infraction, the operator's license number of the defendant;

(3) ~~The~~ For a notice of traffic infraction, the vehicle make, year, model, style, license number, and state in which licensed;

(4) The infraction which the defendant is alleged to have committed and the accompanying statutory citation or ordinance number, the date, time, and place the traffic infraction occurred, the date the notice of traffic infraction was issued, and the name and, if applicable, the number of the citing officer;

(5) A statement that the defendant must respond to the notice of traffic infraction within 14 days of issuance;

(6) A space for the defendant to sign a promise to respond to the notice of infraction within the time required;

(7) A space for entry of the monetary penalty which respondent may pay in lieu of appearing in court;

(8) A statement that a mailed response must be mailed not later than midnight on the day the response is due;

(9) The statements required by RCW 46.63.060 or other applicable statute; and

(10) Any additional information determined necessary by the Administrator for the Courts.

RULE 2.2 INITIATION OF TRAFFIC INFRACTION CASES

(a) Generally. A traffic infraction case is initiated by the issuance, service, and filing of a notice of traffic infraction in accordance with this rule.

(b) Who May Issue. A notice of infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to law:

(1) By an enforcement officer. The infraction need not have been committed in the officer's presence, except as provided by statute;

(2) By the prosecuting authority.

(c) Service of Notice. A notice of traffic infraction may be served either by:

(1) The law enforcement citing officer serving the notice of traffic infraction on the person named in the notice of traffic infraction at the time of issuance;

(2) The law enforcement citing officer affixing to a vehicle in a conspicuous place the notice of a traffic infraction if it alleges the violation of a parking, standing, or stopping statute; or

(3) The law enforcement citing officer or the prosecuting authority filing the notice of traffic infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of traffic infraction at his or her address. If a notice of traffic infraction served by mail is returned to the court as undeliverable, the court shall issue a summons.

(d) Filing of Notice. When a notice of traffic infraction has been issued, the notice shall be filed with a court having jurisdiction over the traffic infraction or

with a violations bureau subject to such court's supervision. The notice must be filed within 48 hours after issuance of the notice, excluding Saturdays, Sundays, and holidays. A notice of traffic infraction not filed within the time limits of this section may be dismissed without prejudice.

**RULE 2.3
VENUE**

Except as otherwise specifically provided by statute, a traffic an infraction case shall be brought in the justice district court district or the municipality where the traffic infraction occurred. If a notice of infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party.

**RULE 2.4
RESPONSE TO NOTICE**

(a) Generally. A person who has been served with a notice of traffic infraction must respond to the notice within 14 days of the date the notice is personally served or, if the notice is served by mail, within 10 days of the date the notice is mailed.

(b) ~~Three~~ Alternatives. A person may respond to a notice of traffic infraction by:

(1) Paying the amount of the monetary penalty in accordance with ~~RCW 46.63.070(2)~~ applicable law, in which case the court shall enter a judgment that the defendant has committed the traffic infraction;

(2) Contesting the determination that a traffic an infraction occurred by requesting a hearing in accordance with ~~RCW 46.63.070(3)~~ applicable law; or

(3) Requesting a hearing to explain mitigating circumstances surrounding the commission of the offense infraction in accordance with ~~RCW 46.63.070(4)~~ applicable law; or

(4) Submitting a written statement either contesting the infraction or explaining mitigating circumstances, if this alternative is authorized by local court rule. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

I certify [or declare] under penalty of perjury under the laws of the State of Washington that the foregoing is true:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court.

[Date and Place]

[Signature]

(c) Method of Response. A person may respond to a notice of traffic infraction either personally or by mail. If the response is mailed, it must be mailed not later than midnight of the day the response is due.

**RULE 2.5
FAILURE TO RESPOND**

If the defendant fails to respond to a notice of traffic infraction, the court shall enter an order finding that the defendant has committed the infraction, shall assess any monetary penalties provided for by law, and, in the case of a traffic infraction, shall notify the Department of the defendant's failure to respond in accordance with RCW 46.20.270.

**RULE 2.6
SCHEDULING OF HEARINGS**

(a) Contested Hearings.

(1) Upon receipt of a response submitted pursuant to rule 2.4 (b)(2), the court shall schedule a hearing to determine whether the defendant committed the infraction. The hearing shall be scheduled for not less than 14 days nor more than 90 days from the date of written notice of the hearing date, unless otherwise agreed by the defendant in writing.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the receipt of the request for a hearing. The notice of the hearing shall also include statements advising the defendant of his the defendant's rights at the hearing, how the defendant may request that witnesses be subpoenaed, and that failure to appear is a crime for which the defendant may be arrested.

(3) The court may schedule the hearing on a contested traffic infraction for the same time as the hearing on another traffic infraction alleged to have been committed by the defendant. The court may schedule the hearing on a contested traffic infraction for the same time as the trial on a misdemeanor arising out of the same occurrence as the traffic infraction.

(b) Mitigation Hearings.

(1) Upon receipt of a response submitted pursuant to rule 2.4 (b)(3) the court shall schedule a hearing to determine whether there were mitigating circumstances surrounding the commission of the infraction. The hearing shall be scheduled for not less than 14 days nor more than 90 days from the date of written notice of the hearing date, unless otherwise agreed by the defendant in writing.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the request for a hearing. The notice shall also include statements advising the defendant of his the defendant's rights at the hearing and stating that failure to appear is a crime for which the defendant may be arrested.

(3) The court may schedule the mitigation hearing for the same time as the mitigation hearing on another traffic infraction alleged to have been committed by the defendant.

(c) Decisions on Written Statements. If the court has adopted a local rule authorizing decisions on written statements, it shall, upon receipt of a statement pursuant to rule 2.4 (b)(4), consider the case in accordance with rule 3.5. The court is not required to notify the parties of a date for the examination of the statements.

TITLE 3
PROCEDURE AT HEARINGS
RULE 3.1
CONTESTED HEARINGS—PRELIMINARY
PROCEEDINGS

(a) Subpoena. The defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The subpoena may be issued by a judge, court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. A subpoena may be directed to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c). If the subpoena is for a witness outside the county, the judge must approve of the subpoena.

(b) Witness List. The plaintiff's lawyer, upon request of the defendant 14 days prior to a contested hearing, shall at least 7 days prior to the hearing provide the defendant or defendant's lawyer with a list of the witnesses the plaintiff intends to call at the hearing.

(c) Amendment of Notice. The court may permit a notice of traffic infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

(d) Sufficiency. No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

RULE 3.2
FAILURE TO APPEAR

(a) Entry of Judgment. If the defendant fails to appear at a requested hearing the court shall enter judgment against the defendant finding that the defendant has committed the traffic infraction and assessing against the defendant any monetary penalties provided by law. A judgment upon a failure to appear shall not be entered if it appears to the court from the papers on file that the traffic infraction case was brought in an improper court.

(b) Setting Aside Judgment Upon Failure To Appear. For good cause shown and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear in accordance with CRLJ 60(b). ~~A motion to set aside the judgment must be made within 90 days after entry of the judgment.~~

RULE 3.3
PROCEDURE AT CONTESTED HEARING

(a) Generally. The court shall conduct the hearing for contesting the notice of traffic infraction on the record in accordance with ~~RCW 46.63.090~~ applicable law.

(b) ~~Plaintiff Represented Representation~~ by Lawyer. At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting attorney or ~~of the city attorney authority~~ when prescribed by local court rule. The defendant may be represented by a lawyer.

(c) Rules of Evidence. The Rules of Evidence shall apply to contested hearings.

(d) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the defendant committed the traffic infraction. If the court finds the infraction was committed, it shall enter an appropriate order on its records. If the court finds the infraction was not committed, it shall enter an order dismissing the case.

(e) Disposition. If the court determines that the traffic infraction has been committed, it may assess a monetary penalty against the defendant. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction ~~in rule 6.2 or provided for by local court rule by law~~. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided ~~in RCW 46.63.120~~ by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

RULE 3.4
HEARING ON MITIGATING CIRCUMSTANCES

(a) Generally. The court shall conduct the hearing concerning mitigating circumstances in accordance with ~~RCW 46.63.100~~ applicable law.

(b) Procedure at Hearing. The court shall hold an informal hearing which shall not be governed by the Rules of Evidence. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the judge, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. The plaintiff and the defendant may each be represented by a lawyer. The defendant may present witnesses, but they may not be compelled to attend.

(c) Disposition. The court shall determine whether the defendant's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the defendant committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction ~~in rule 6.2 or provided for by local court rule by law~~. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided ~~in RCW 46.63.120~~ by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

RULE 3.5
DECISION ON WRITTEN STATEMENTS
[Local Option]

(a) Generally. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 90 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(b) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(c) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(d) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

TITLE 4
DISPOSITION PROCEDURES

RULE 4.1
NOTIFICATION TO DEPARTMENT OF
LICENSING OF TRAFFIC INFRACTION

(a) Generally. Within 30 days of entry of judgment that ~~the~~ a traffic infraction was committed the court shall forward to the Department of Licensing a copy of the notice of traffic infraction and an abstract of the court's order. Courts may forward case disposition information to the Department of Licensing via electronic means according to procedures established by the Department and the Administrator for the Courts.

(b) Parking, Standing, Stopping, or Pedestrian Infractions. The court shall not notify the Department of a parking, standing, stopping, or pedestrian infraction, except as allowed by RCW 46.20.270(3).

(c) Notice to Department When Failure To Appear Set Aside. If a judgment for a failure to appear in a traffic infraction case has been set aside, the Department shall be notified that it has been set aside and of the final disposition of the infraction within 30 days after judgment has been rendered.

RULE 4.2
FAILURE TO PAY OR COMPLETE COMMUNITY
SERVICE OR TRAFFIC INFRACTION

(a) Failure To Pay or Complete Community Service. Unless the traffic infraction is a parking, standing, stopping, or pedestrian infraction, the court shall notify the Department within 10 days:

(1) If the defendant fails to pay the monetary penalty assessed after a hearing to contest the traffic infraction or after a hearing to explain mitigating circumstances, or after a decision on written statements, if authorized by local court rule, or

(2) If the defendant fails to meet a time payment authorized by the court or fails to complete community service approved by the court.

(b) Notice to Department. The notice to the Department shall be in the form prescribed by the Department.

(c) Removal of the Failure To Pay or Complete Community Service. When the defendant has paid all monetary penalties owing, including completion of community service, the court shall notify the Department within 10 days of payment or of completion of community service on a form prescribed by the Department.

TITLE 5
APPEALS

RULE 5.1
WHAT ORDERS MAY BE APPEALED

A defendant may appeal a judgment entered after a contested hearing finding that the defendant has committed the infraction. The plaintiff may appeal a decision which in effect abates, discontinues, or determines the case other than by a judgment that the defendant has not committed ~~a traffic~~ an infraction. No other orders or judgments are appealable by either party.

RULE 5.2
PROCEDURE TO APPEAL

The ~~Justice Court~~ Civil Rules for Courts of Limited Jurisdiction govern the procedure to appeal ~~a traffic an~~ an infraction case. The time for appeal under CRLJ 73 begins to run from the date the court makes its disposition under rule 3.3(e).

TITLE 6
MISCELLANEOUS PROVISIONS

RULE 6.1
TIME

Time shall be computed or enlarged as provided in CRLJ 6, except that the time in which to respond to the notice of traffic infraction under rule 2.4 and the time in which to file an appeal under CRLJ 73 may not be enlarged.

RULE 6.2
MONETARY PENALTY SCHEDULE FOR
TRAFFIC INFRACTIONS

(a) Effect of Schedule. The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a lesser amount which produces the next lowest even dollar total.

(b) Unscheduled Infractions. The penalty for any infraction not listed in this rule shall be \$25, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

(c) Infractions Not Covered. This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

(d) Penalty Schedule. The following infractions shall have the penalty listed, not including statutory assessments.

Serious Infractions	Penalty
1. Wrong way on freeway (RCW 46.61.150)	\$165
2. Wrong way on freeway access (RCW 46.61.155)	\$70
3. Backing on limited access highway (RCW 46.61.605)	\$70
4. Spilling or failure to secure load (RCW 46.61.655)	\$70
5. Throwing or depositing debris on highway (RCW 46.61.645)	\$70
6. Disobeying school patrol (RCW 46.61.385)	\$70
7. Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	\$70
8. Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	\$165
9. Switching license plates, loan of license or use of another's (RCW 46.16.240)	\$70
10. Altering or using altered license plates (RCW 46.16.240)	\$70
Operator's Licenses (RCW 46.20)	
All RCW 46.20 infractions	\$25
Vehicle Licenses (RCW 46.16)	
Expired Vehicle License (RCW 46.16.010)	
Two months or less	\$25
Over 2 months	\$70
Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
1-5 m.p.h. over limit	\$10
6-10 m.p.h. over limit	\$20
11-15 m.p.h. over limit	\$35
16-20 m.p.h. over limit	\$50
21-25 m.p.h. over limit	\$65
26-30 m.p.h. over limit	\$85
31-35 m.p.h. over limit	\$110
36-40 m.p.h. over limit	\$135
Over 40 m.p.h. over limit	\$165
Speeding if speed limit is 40 m.p.h. or less	
1-5 m.p.h. over limit	\$20
6-10 m.p.h. over limit	\$25
11-15 m.p.h. over limit	\$40
16-20 m.p.h. over limit	\$60
21-25 m.p.h. over limit	\$85
26-30 m.p.h. over limit	\$110
31-35 m.p.h. over limit	\$135
Over 35 m.p.h. over limit	\$165
Speed Too Fast for Conditions (RCW 46.61.400(1))	\$25

Serious Infractions	Penalty
Rules of the Road	
1. Failure to stop (RCW 46.61.050, .210)	\$25
2. Failure to yield the right of way (RCW 46.61.180, .190, .205, .210, .235, .300, .365)	\$25
3. Following too close (RCW 46.61.145, .635)	\$25
4. Failure to signal (RCW 46.61.310)	\$25
5. Improper lane usage or travel (RCW 46.61.140)	\$25
6. Impeding traffic (RCW 46.61.425)	\$25
7. Improper passing (RCW 46.61.110, .115, .120, .125, .130)	\$25
8. Prohibited and improper turn (RCW 46.61.290, .295, .305)	\$25
9. Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	\$25
10. Operating with obstructed vision (RCW 46.61.615)	\$25
11. Wrong way on one-way street (RCW 46.61.135)	\$25
12. Failure to comply with restrictive signs (RCW 46.61.050)	\$25
Accident	
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	\$50
Equipment (RCW 46.37)	
1. Illegal use of emergency equipment (RCW 46.37.190)	\$70
2. Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390 (1) and (3))	\$30
First offense (the penalty may be waived upon proof to the court of compliance)	
Second offense within 1 year of first offense	\$50
Third and subsequent offenses within 1 year of first offense	\$70
3. Any other equipment infraction (RCW 46.37.010)	\$25
Motorcycles	
Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	\$25
Parking	
1. Illegal parking on roadway (RCW 46.61.560)	\$20
2. Any other parking infraction (not defined by city or county ordinance)	\$10

Serious Infractions	Penalty
Pedestrians	
Any infraction regarding pedestrians (not defined by city or county ordinance)	\$10
Bicycles	
Any infraction regarding bicycles	\$15
Load Violations (all under RCW 46.44, except over license capacity) (see RCW 46.16)	
1. Over legal—tires, wheelbase (RCW 46.44.105(1))	
(First offense)	\$55
(Second offense)	\$85
(Third offense)	\$100
In addition to the above (RCW 46.44.105(2))	
3¢ per excess pound	
2. Over license capacity (RCW 46.16.145)	
(First offense)	\$55
(Second offense)	\$85
(Third offense)	\$100
3. Violation of special permit	\$50
4. Failure to obtain special permit	\$50
5. Failure to submit to being weighed	\$50
6. Illegal vehicle combination (RCW 46.44.036)	\$50
7. Illegally transporting mobile home	\$55
Any other infraction defined in RCW 46.44	\$35
Private Carrier (RCW 46.73)	
1. Failure to display valid medical exam	\$52
2. Violation of daily log book	
Driver not out of service	\$52
Driver out of service	\$78
Off-Road Vehicles (ATV's) (RCW 46.09)	
Any RCW 46.09 infraction	\$30
Snowmobiles (RCW 46.10)	
Any RCW 46.10 infraction	\$30
Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25
Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250

RULE 6.3

TITLE AND CITATION OF RULES

These rules may be known and cited as ~~Justice Court~~ Traffic Infraction Rules for Courts of Limited Jurisdiction. ~~JCHR~~ IRLJ is the official abbreviation.

RULE 6.4
EFFECTIVE DATE

These rules shall apply to all traffic infraction cases in which the traffic infraction occurred on or after ~~January 1, 1981~~ September 1, 1992.

RULE 6.5
RULES SUPERSEDED

The ~~Traffic Rules for Courts of Limited Jurisdiction Justice Court Traffic Infraction Rules~~ originally effective ~~July 1, 1963~~ January 1, 1981, are superseded by these rules, except that the ~~Traffic Rules for Courts of Limited Jurisdiction Justice Court Traffic Infraction Rules~~ shall be applicable to any traffic offense occurring before ~~January 1, 1981~~ September 1, 1992.

RULE 6.6
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

(a) In General. This rule applies only to contested hearings in traffic infraction cases.

(b) Certificate; Form. In the absence of a request to produce an electronic speed measuring device (SMD) expert made at least 7 days prior to trial or such lesser time as the court deems proper, a certificate in substantially the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES

I, _____, do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for _____ years and hold the rank of _____. Part of my duties include supervising the purchase, maintenance, and repair of all electronic speed measuring devices (SMD's) used by my agency.

This agency currently uses the following SMD's:

[List all SMD's used and their manufacturers.]

I have the following qualifications with respect to the above stated SMD's:

[List all degrees held and any special schooling regarding the SMD's listed above.]

Our agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. All initial testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. Our agency maintains a testing and certification program. This program requires:

[State the program in detail.]

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these pieces of equipment is so designed and constructed as to accurately employ the

Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

[Signature]

Dated: _____

(c) Continuance. The court at the time of the formal hearing shall hear testimony concerning the infraction and, if necessary, may continue the proceedings for the purpose of obtaining evidence concerning an electronic speed measuring device and the certification thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the readings of such device shall be granted.

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

WSR 92-13-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3403—Filed June 9, 1992, 11:49 a.m.]

Date of Adoption: June 9, 1992.

Purpose: WAC 388-11-032 and 388-11-048 are created to provide regulation for notice and finding of parental responsibility (NFPR) process authorized by RCW 74.20A.056; WAC 388-11-040, 388-11-060, and 388-11-065 amendments conform to sections regulating the NFPR process; WAC 388-11-155 amendment is necessary as part of settlement negotiations in lawsuit *Kandris vs. Thompson*. There is no final order in this suit yet, but Office of Support Enforcement is filing revision to comply as quickly as possible with anticipated outcome of the suit; WAC 388-14-020 amendment updates section, corrects bad citations to other sections, and incorporates payment services only program authorized under 1991 amendments to RCW 26.23.035; new WAC 388-14-273 implements payment services only; WAC 388-14-200, 388-14-203, 388-14-205, 388-14-300, and 388-14-310 amendments comply with requirements for continuation of support enforcement services, and services to Medicaid only recipients, found in 45 CFR 302.31 and 302.33; WAC 388-14-270 amendment updates section and clarifies the collection of support paid in errors to services recipients under RCW 26.23.035 and 74.20A.270; WAC 388-14-415 amendment required as final settlement measure in lawsuit *Ecoff vs. Thompson*; WAC 388-14-425 amendment complies with 1991 RCW 26.23.060 amendments regarding duration of payroll deduction notice; new WAC 388-14-460 and 388-14-480 implements the medical support enforcement program authorized by RCW 26.18.170 and 26.18.180; and new WAC 388-14-490 exempts certain classes of employers from the employer reporting program. The program and exemptions are established by RCW 26.23.040.

Citation of Existing Rules Affected by this Order: Amending chapters 388-11 and 388-14 WAC.

Statutory Authority for Adoption: WAC 388-11-032, 388-11-040, 388-11-048, 388-11-060, and 388-11-065 is RCW 74.20A.056; WAC 388-11-155, 388-14-200, 388-14-203, 388-14-205, 388-14-275, 388-14-300, 388-14-310, and 388-14-415 is RCW 74.08.090; WAC 388-14-020, 388-14-270, and 388-14-273 is RCW 26.23.035; WAC 388-14-425 is RCW 26.23.060; WAC 388-14-460 and 388-14-480 is RCW 26.18.170 and 26.18.180; and WAC 388-14-490 is RCW 26.23.040.

Pursuant to notice filed as WSR 92-08-001 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-11-015, 388-11-043 and 388-14-470 have been withdrawn from the rulemaking; WAC 388-11-015 concerned credits against a support debt. Our proposed amendments in that section were designed to bring the section into conformity with the statute authorizing credits for payment of SSI or L&I dependent disability benefits. However, since publishing the proposed rule, we have become aware of several concerns with the way we proposed to address the issue. We decided to withdraw the section rather than attempt last minute corrections; WAC 388-11-043 concerned motions for temporary support in support determination cases. WAC 388-14-470 addressed the notice of intent to purchase health insurance process established by RCW 26.18.170(5). In the case of both sections, we felt that there were too many unresolved problems with the sections and the procedures to go ahead with rulemaking at this time; WAC 388-14-020(2), in comments, Evergreen Legal Services expressed the concern that title IV-A daycare benefits should not be subject to a public assistance assignment of rights. It is not our intention to make all daycare benefits subject to the public assistance assignment. This section does not, by itself, control what benefits generate an assignment of rights. However, we have stricken the term "title IV-A" from the daycare clause within the definition of public assistance. The more general term now used better suits our intended purpose and does not make title IV-A daycare subject to a public assistance assignment; WAC 388-14-200(1), this provision was intended to require OSE to continue to provide services after termination of AFDC payments. If the former AFDC recipient was in good cause status at the time of AFDC termination, OSE would continue to honor the good cause status. As drafted, the clause read that OSE would continue to provide services "at the same level at which services are provided at the time assistance terminates," caused a great deal of confusion. Commenters felt the provision would allow OSE to provide inadequate services for arbitrary reasons. We have redrafted this provision to require OSE to continue to provide services "under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates." This formulation reflects the agencies intent. Similar clauses are also in WAC 388-14-203 and 388-14-310. We have made similar changes for the same reasons in each of those sections; WAC 388-14-300 (1) and (2)

have been revised to clearly indicate that only cases involving a Washington superior court or administrative support order are entitled to payment services only treatment. Subsection (3) has been revised to more accurately state the department's obligation to provide services to a recipient of Medicaid, and to more accurately describe the services provided; and WAC 388-14-310 (3) and (5) have been revised to clarify the requirements for an application for services from a non-Washington resident.

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

June 9, 1992

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-11-032 NOTICE AND FINDING OF PARENTAL RESPONSIBILITY. (1) The office of support enforcement (OSE) may issue a notice and finding of parental responsibility when:

(a) There is an affidavit acknowledging paternity filed with the state center for health statistics or with the vital records agency of a state which by statute allows the establishment of a support obligation based on an affidavit acknowledging paternity;

(b) The mother and person who signed the acknowledgement are eighteen years of age or older; and

(c) If the mother is married and the person signing the affidavit or acknowledgment is not the husband, the mother's husband has signed a denial of paternity or release to allow the person to acknowledge paternity of the child.

(2) The amounts in the notice and finding of parental responsibility shall become final and be subject to collection action unless the responsible parent, within twenty days after service of the notice:

(a) Contacts OSE and executes an agreed settlement;

(b) Files a written application for an adjudicative proceeding, under WAC 388-11-060, to contest the amounts stated in the notice; or

(c) Requests, and cooperates to obtain, paternity blood tests to determine whether or not he is the natural father of the dependent child named in the notice.

(3) OSE shall attach a copy of the acknowledgement of paternity to the notice and finding of parental responsibility served on the responsible parent.

(4) The notice and finding of parental responsibility shall contain:

(a) A statement that OSE is providing support enforcement services on behalf of the responsible parent's dependent child;

(b) An initial finding of the amount the responsible parent should pay for current support and as an accrued support debt;

(c) A statement that OSE computed the support obligation based on either:

(i) The responsible parent's actual income;

(ii) Income imputed to the responsible parent, when the actual income is unknown; or

(iii) The Approximate Median Net Income Chart, when there is no income information available.

(d) A statement explaining how the responsible parent may respond to or contest the notice, including the right to request an adjudicative proceeding, blood tests, or both;

(e) A notice that if the responsible parent does not request blood tests or an adjudicative proceeding within twenty days, OSE will not refund money collected under this notice if the responsible parent is later:

(i) Excluded from being the father by paternity blood tests; or

(ii) Found not to be the father by a court of competent jurisdiction.

(f) A statement that any adjudicative proceeding to contest this notice shall be convened for the limited purpose of resolving issues related to the amount of current support, the amount of accrued support debt, or reimbursement for any blood test costs advanced by the department;

(g) A notice that the responsible parent has the burden of proving any defenses to liability;

(h) A notice that OSE will take income withholding action under chapters 26.18, 26.23, or 74.20A RCW, at any time, without further notice unless the responsible parent requests relief under subsection (2) of this section within twenty days of the date of service of the notice;

(i) A notice of the responsible parent's obligation to provide health insurance coverage for the dependent child if such coverage is available according to WAC 388-11-215;

(j) A statement that OSE will seek direct enforcement of the requirement to provide health insurance coverage without further notice if:

(i) Health insurance coverage is required under WAC 388-11-215; and

(ii) The responsible parent fails to provide health insurance coverage.

(k) A statement that until further notice the responsible parent:

(i) Must make all support payments to the Washington state support registry; and

(ii) Will not receive credit for any support payments that are made to any other person or agency.

(l) A statement that the responsible parent must reimburse the department for the cost of paternity blood tests if the tests do not exclude the responsible parent; and

(m) A statement that the responsible parent may be liable for birth costs under WAC 388-11-220.

(5) If birth costs are charged under WAC 388-11-220, and the actual birth costs are unknown when OSE serves the notice and finding of parental responsibility, the notice shall state that:

(a) OSE will mail proof of the actual birth costs, in the form of an affidavit, to the responsible parent's last known address, when such costs are known;

(b) OSE may take action under chapters 26.23 and 74.20A RCW to collect reimbursement for the birth costs twenty days after the date of service of the affidavit of birth costs; and

(c) The amounts stated on the notice of birth costs will become final and subject to collection action twenty days after the date of the notice unless the responsible

parent requests an adjudicative proceeding under WAC 388-11-220(4) within twenty days of the date of the notice.

(6) The department may not assess an accrued support debt for a period greater than five years before the service of a notice and finding of parental responsibility.

(7) The limitation in subsection (6) of this section shall be tolled if the responsible parent has concealed himself or left the state of Washington for the purpose of avoiding service.

(8) If paternity blood tests requested by the responsible parent do not exclude the responsible parent as the father of the dependent child, the responsible parent shall have twenty days from the date of service of the blood test results to request:

(a) An adjudicative proceeding under subsection (2)(b) of this section; or

(b) That OSE initiate a parentage action in superior court under chapter 26.26 RCW.

(9) The department shall mail notice of any adjudicative proceeding scheduled under this section to the custodial parent at the custodial parent's last known address. The department's notice shall advise the custodial parent of the right to participate in the proceeding by giving testimony and being present for, and listening to, all other testimony.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-040 SERVICE OF NOTICE AND FINDING OF FINANCIAL OR PARENTAL RESPONSIBILITY. (1) The office of support enforcement shall serve a notice and finding of financial responsibility, or a notice and finding of parental responsibility on a responsible parent:

(a) In a manner prescribed for the service of a summons in a civil action; or

(b) By certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(2) ~~((Reservice of))~~ This regulation does not require OSE to reserve the notice ((shall not be required)) when there has been a break in the payment of public assistance or in the provision of family independence program services.

NEW SECTION

WAC 388-11-048 REQUEST FOR BLOOD TESTS—LIABILITY FOR COSTS. (1) At any time after the service of a notice and finding of parental responsibility, the responsible parent may request paternity blood tests. The responsible parent shall make the request in writing and serve the request on the office of support enforcement (OSE) by registered or certified mail or like a summons in a civil action.

(2) Upon receipt of a request for blood tests, OSE shall:

(a) Arrange and pay for the blood test, except as provided in subsection (6) of this section, with a laboratory under contract with the department to perform paternity blood testing; and

(b) Notify the responsible and custodial parents of the time and place to appear to give blood samples.

(3) After OSE receives the blood test results, OSE shall:

(a) Mail a notice of the blood test results to the:

(i) Responsible parent's last known address by certified mail, return receipt requested; and

(ii) Custodial parent's last known address by first class mail.

(b) Notify the responsible parent:

(i) Of the costs of the blood tests;

(ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the blood tests; and

(iii) That OSE may take collection action to collect the blood test costs twenty days after the date the responsible parent receives notice of the blood test results if the responsible parent fails to:

(A) Request either an adjudicative proceeding or the initiation of a parentage action in superior court; or

(B) Negotiate an agreed settlement.

(4) When the blood tests do not exclude the responsible parent from being the natural parent, the responsible parent shall reimburse the department for the costs of the blood tests.

(5) When the blood tests exclude the responsible parent from being the natural parent, OSE shall:

(a) File a copy of the results with the state center for health statistics;

(b) Withdraw the notice and finding of parental responsibility; and

(c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.

(6) RCW 74.20A.056 does not require OSE to arrange for or pay for paternity blood testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-060 REQUEST FOR HEARING.

(1) Any responsible parent who objects to all or any part of the notice and finding of parental or financial responsibility may, within twenty days from the date of service of the notice and finding of parental or financial responsibility, make a written request for a hearing.

(2) The responsible parent shall serve a request ((shall be served)) for an adjudicative proceeding upon the office of support enforcement by registered or certified mail or like a summons in a civil action.

(3) The department shall only stay collection action under the notice ((shall be stayed only)) until the administrative order becomes final ((hearing decision)).

(4) If the responsible parent fails to object, within twenty days, to the notice and finding of parental or financial responsibility, the findings stated in the notice shall become final, subject to the provisions of WAC 388-11-055. Any support debt stated and/or any future periodic support obligation shall be subject to collection action initiated by the department.

AMENDATORY SECTION (Amending Order 2689, filed 8/30/88)

WAC 388-11-065 DEFENSES TO LIABILITY.

(1) A responsible parent who objects to ~~((the))~~ a notice and finding of parental or financial responsibility shall have the burden of establishing defenses to liability. Defenses include, but are not limited to:

- (a) Payment;
- (b) Superior court order;
- (c) He or she is not a responsible parent;
- (d) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205; or
- (e) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a residential parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) A responsible parent may be excused from providing support for a dependent child receiving public assistance if the responsible parent is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The responsible parent may only be excused for any period during which ~~((he or she))~~ such parent was wrongfully deprived of custody. The responsible parent ~~((must))~~ shall establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the responsible parent;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the responsible parent's physical custody and ~~((he or she))~~ such parent has not subsequently assented to deprivation. Proof of enticement shall require more ~~((that))~~ than a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and

(d) Within a reasonable time after deprivation, the responsible parent exerted and continues to exert reasonable efforts to regain physical custody of the child.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

WAC 388-11-155 DURATION OF OBLIGATION. (1) A responsible parent's obligation to pay support under an administrative order shall continue in effect until:

- (a) Superseded by a superior court order;
 - (b) Modified under WAC 388-11-140;
 - (c) The child reaches eighteen years of age;
 - (d) The child is emancipated;
 - (e) The child is married;
 - (f) The child becomes a member of the United States armed forces;
 - (g) The child or the responsible parent die;
 - (h) A responsible stepparent's marriage is dissolved;
- or

(i) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a responsible parent's obligation to pay support under an administrative order shall continue and/or may be established for a dependent child who is:

- (a) Under nineteen years of age; and
- (b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the student becomes nineteen years of age.

(3) A responsible parent's obligation to pay support under an administrative order shall be temporarily suspended when the:

(a) ~~((The))~~ Responsible parent resides with the child for whom support is sought for purposes other than visitation; ~~((or))~~

(b) ~~((The))~~ Responsible parent reconciles with the child and the residential parent; or

(c) Child returns to the residence of the responsible parent from a foster care placement, for purposes other than visitation.

(4) When the responsible parent's obligation to pay current support on a case is suspended under subsection (3) of this section, OSE shall inform the responsible parent that the obligation is suspended, in writing, sent by regular mail to the last known address of the responsible parent.

(5) If circumstances causing a responsible parent's support obligation to be temporarily suspended change, the support obligation shall resume. OSE shall ~~((serve))~~ send the responsible parent ~~((with))~~ a notice informing the parent ~~((to resume payments if OSE has previously notified the parent in writing to stop making payments))~~ that the obligation to make current support payments has resumed.

AMENDATORY SECTION (Amending Order 2606, filed 3/4/88)

WAC 388-14-020 DEFINITIONS. The definitions contained in WAC 388-11-011 are incorporated into and made a part of this chapter.

(1) ~~((The term))~~ "Absent parent" means that person who:

- (a) Is not the physical custodian of the child; and
- (b) Is a natural parent, ~~((or))~~ an adoptive parent, or a stepparent owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance, or for whom the office is providing nonassistance support enforcement services.

(2) "Aid" or "public assistance" means aid to families with dependent children (AFDC) or AFDC foster care, state-funded foster care, and includes family independence program services, day care benefits, and medical benefits to families as an alternative or supplement to AFDC.

(3) ~~((The term))~~ "Applicant/custodian" means the person who is the physical custodian of any dependent child or children on whose behalf nonassistance support enforcement services are being provided by the office of support enforcement under RCW 74.20.040, chapter 26.23 RCW, and 42~~((:))~~ U~~((:))~~S~~((:))~~C~~((:))~~ Sec. 654(6) or ((42 U.S.C.)) 657(C).

(4) ~~((The terms))~~ "Applicant/recipient," "applicant," ~~((or))~~ and "recipient" include the caretaker relative, the children, and any other person whose needs are considered in determining the amount of public assistance. See also WAC 388-22-030.

(5) ~~((The term))~~ "Disposable earnings" means that part of earnings of ~~((an individual))~~ a person remaining after the deduction of amounts required by law to be withheld.

(6) ~~((The term))~~ "Earnings" means compensation paid or payable for personal services.

(a) Earnings include:

(i) Wages or salary;

(ii) Commissions and bonuses;

(iii) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(iv) Disability payments under Title 51 RCW;

(v) Unemployment compensation as provided for ~~((in))~~ under RCW 50.40.020 and 50.40.050, and Title 74 RCW;

(vi) Gains from capital, labor, or from both combined; and

(vii) The fair value of nonmonetary compensation received in exchange for personal services.

(b) Earnings do not include profit gained through the sale or conversion of capital assets.

(7) ~~((The term))~~ "Employee" means a person in employment to whom an employer is paying, owes, or anticipates paying earnings as the result of services performed.

(8) ~~((The term))~~ "Employer" means any person or organization having any person in employment. It includes:

(a) Partnerships and associations;

(b) Trusts and estates;

(c) Joint stock companies and insurance companies;

(d) Domestic and foreign corporations;

(e) The receiver or trustee in bankruptcy;

(f) The trustee or the legal representative of a deceased person.

(9) ~~((The term))~~ "Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. The contract may be written or oral, express or implied.

(10) "Family" means the person or persons on behalf of whom support is sought, which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(11) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

(12) ~~((The term))~~ "Income" includes:

(a) All appreciable gains in real or personal property;

(b) Net proceeds from the sale or exchange of real and personal property; and

(c) Earnings.

(13) ~~((The term))~~ "Income withholding action" includes all withholding action the office is authorized to take. The term includes, but is not limited to actions to:

(a) Assert liens under RCW 74.20A.060;

(b) Issue orders to withhold and deliver under RCW 74.20A.080, and notices of payroll deduction under chapter 26.23 RCW;

(c) Obtain wage assignment orders under RCW 26.18.080.

(14) ~~((The term))~~ "Office" means the office of support enforcement.

(15) ~~((The term))~~ "Physical custodian" means the natural or adoptive parent, or other person, with whom a dependent child resides a majority of the time. The physical custodian may be either an applicant/recipient or applicant/custodian.

(16) "Payment services only" or "PSO" means a case on which the department's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not an IV-D case.

(17) "Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200 (2)(c).

~~((17))~~ (18) The "required support obligation for the current month" means the amount of a superior court order for support or the periodic future support amount that is or will be owing for the current month determined under chapter 388-11 WAC.

~~((18))~~ (19) "Resident" means a person(s) physically present in the state of Washington who intends to make their home in this state. Temporary absence from the state does not destroy ~~((residence))~~ residency once established.

~~((19))~~ (20) "Residential care" means foster care as defined ~~((in))~~ under WAC 388-70-012.

~~((20))~~ (21) "Support enforcement services" ~~((includes))~~ for the purposes of chapters 388-11 and 388-14 WAC, means all action the office is required to perform under Title IV-D and state law. This includes, but is not limited to, action to establish, enforce, and collect child, spousal, and medical support obligations, and distribution support moneys.

~~((21))~~ (22) "Secretary" means the secretary of the department of social and health services, ~~((his or her))~~ the secretary's designee, or authorized representative. For all purposes in chapter 74.20A RCW, secretary shall mean the designee of the secretary, the director(;) of the revenue division, or ~~((his or her))~~ the director's designee, except as is provided for ~~((in))~~ under WAC ~~((388-11-011(5)))~~ 388-11-011(2) or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.

~~((22))~~ (23) "Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in 42 ~~((U.S.C.))~~ USC Sec. 602(1).

~~((23))~~ "Title IV-D plan" means the plan established under the conditions of Title IV-D approved by the secretary, Department of Health and Human Services.}}

(24) "Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 2942, filed 2/13/90, effective 3/16/90)

WAC 388-14-200 ELIGIBILITY—AFDC AND FIP—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements (~~(which affect)~~) of eligibility for aid to families with dependent children (~~(. These requirements also affect eligibility)~~) and for family independence program services.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates, until services are terminated under this chapter.

(2) When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:

(a) Identifying and locating absent parents by providing:

(i) (~~(Providing)~~) Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:

- (A) Name and known aliases;
- (B) Address;
- (C) Telephone number or numbers;
- (D) Social Security Number;
- (E) Employment history; and
- (F) Physical description.

(ii) (~~(Providing)~~) Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;

(iii) (~~(Providing)~~) Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.

(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;

(c) Establishing the paternity of a child the applicant shall:

(i) (~~(The applicant shall)~~) Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:

- (A) Administrative hearings; (~~(or)~~)
- (B) Actions to establish paternity; or
- (C) Investigations preparatory (~~(to)~~) or supplementary to such hearings or actions.

(ii) (~~(The applicant shall)~~) Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.

(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney(~~(s)~~), the attorney general, the private attorney(~~(s)~~) compensated under RCW 74.20.350, courts or other agencies in:

- (i) Administrative hearings; or
- (ii) Actions to establish or collect support obligations;

or

(iii) Investigations preparatory (~~(to)~~) or supplementary to such hearings or actions.

(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;

(f) Executing a repayment agreement and repaying retained support moneys under the agreement.

(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:

(a) (~~(The applicant/recipient)~~) Submits to an interview:

(i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and

(ii) Answers questions intended to obtain relevant information.

(b) (~~(The applicant/recipient)~~) Does not know (~~(of)~~), or possess, or cannot reasonably obtain the department's requested information.

(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:

(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;

(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or

(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.

(5) The department may not (~~(refuse to)~~):

(a) Refuse to allow the applicant/recipient to sign an attestation; or

(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

However, the applicant/recipient, ~~((however;))~~ must cooperate with any necessary retesting.

(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:

(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;

(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;

(c) Informing the applicant/recipient that the:

(i) Same evidence is furnished to the community services office;

(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and

(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate ~~((after a review of all of the evidence))~~.

(7) The department shall include in the notice of planned action either a:

(a) Copy of the evidence of noncooperation; or

(b) Statement of the evidence of noncooperation.

(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.

(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.

(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC ~~((388-14-200(2)(c)(ii)))~~ 388-14-200(2)(e) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:

(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;

(b) Issue a notice of debt as provided ~~((m))~~ under WAC 388-13-020 to the applicant/recipient to recover the payments, ~~((which))~~ and the department shall include in such notice ((includes)) the following information:

(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;

(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence ~~((t))~~, such as copies of checks, front and back~~((s))~~, the office possesses;

(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;

(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;

(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:

(A) Clarify the recipient's responsibilities for cooperation; and

(B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.

(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:

(A) ~~((Contest the))~~ Department's claim of ownership of the support money identified in the notice; and~~((or))~~

(B) ~~((The))~~ Reasonableness of the proposed repayment agreement.

(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an ~~((administrative hearing))~~ adjudicative proceeding.

(11) The department shall base the repayment agreement on the:

(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and

(b) Total amount of retained support money.

(12) The monthly amount of the repayment shall not exceed ten percent of the:

(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or

(b) Cash benefits paid under the family independence program.

(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC ~~((388-14-200(4)))~~ 388-14-200(10).

(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:

(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office

in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;

(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when ~~((the))~~ a recipient who has:

(a) ~~((Fails))~~ Failed to enter into a repayment agreement ~~((and then))~~,₂ consents to do so and signs a repayment agreement; or

(b) ~~((Defaults))~~ Defaulted on an agreement or an administrative decision ~~((and then))~~,₂ makes a regularly scheduled payment according to the agreement or decision.

(16) Nothing in WAC 388-14-200 allows the department to make((s)) an otherwise eligible child ineligible for public assistance because of the applicant/recipient's failure to cooperate as defined in this section.

NEW SECTION

WAC 388-14-203 MEDICAL ASSISTANCE ONLY-ASSIGNMENT OF SUPPORT RIGHTS-COOPERATION. (1) As a condition of eligibility for medical assistance only, an applicant shall make an assignment to the department of all rights to medical insurance benefits or medical support the applicant may have, including the rights of any other family member for whom the applicant has authority to make an assignment. Through this assignment, the applicant shall authorize the office of support enforcement (OSE) to:

(a) Provide paternity establishment, medical support establishment, and medical support enforcement services; and

(b) Continue such services after medical assistance terminates, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time medical assistance terminates, until services are terminated under this chapter.

(2) The assignment made by recipients of medical assistance under this section also authorizes the department to establish and collect child support for distribution to the family as provided under WAC 388-14-270. At the time of application for, or at any time after the commencement of medical assistance only, the applicant may decline those support enforcement services not related to medical support establishment or enforcement, or paternity establishment.

(3) The applicant shall also cooperate with the office of support enforcement according to the terms of subsection (4) of this section, unless the:

(a) Applicant is pregnant or within sixty days of the end of her pregnancy; or

(b) Department has established that the applicant has good cause not to cooperate under WAC 388-24-111.

(4) When an applicant is required to cooperate by the terms of subsection (3) of this section, the applicant shall assist the department according to the terms of

WAC 388-14-200 to the extent that cooperation is necessary to:

(a) Establish the paternity of any child in the applicant's household; and

(b) Enforce a medical support order.

(5) The applicant's obligation to cooperate shall include:

(a) Remitting medical support payments the applicant receives from any person or agency to OSE within eight days of receipt of those payments; and

(b) Executing a repayment agreement and repaying retained medical support moneys under the agreement.

(6) The department shall use the procedures in WAC 388-14-200 and 388-14-205 to enforce the applicant's obligation to cooperate with OSE.

AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT. (1) The office shall provide services, until such services are terminated under this chapter, when:

(a) The department pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services under WAC ~~((388-14-302(a) or (b)))~~ 388-14-300 (2)(d);

(c) An applicant/custodian requests nonassistance support enforcement services under RCW 74.20.040 and WAC ~~((388-14-302))~~ 388-14-300.

(d) A support order or wage assignment order under chapter 26.18 RCW directs that the responsible parent make support payments ~~((are to be made))~~ through the Washington state support registry;

(e) A support order under which there is a current support obligation for the dependent children, is submitted to the Washington state support registry;

(f) A former custodial parent requests services to collect a support debt that has been reduced to a sum certain judgment by the court or agency of competent jurisdiction; ~~((and))~~ or

(g) A child support enforcement agency in another state or foreign country under reciprocal agreement requests support enforcement services.

(2) Whenever possible and/or appropriate under the circumstances, the office shall take action under chapters 26.23 and 74.20A RCW to establish, enforce, and collect the child support obligation. The office may refer appropriate cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(3) Except to the extent allowed by WAC 388-24-111, in any case for which OSE has received notice that the CSO has made a finding of good cause under WAC 388-24-111, the office shall not act to:

(a) Establish paternity on its own initiative or at the request of a putative father applying for services under WAC 388-14-300 (1)(h); or

(b) Secure child support ((in any case for which it has received notice that the CSO has determined that there has been a finding of good cause under WAC 388-24-111)).

~~((a))~~ (4) The office shall ~~((request that))~~ suspend all activities under Title IV-D to establish paternity or secure child support ~~((be suspended))~~, to the extent required by WAC 388-24-111, until the CSO notifies the office of its final determination regarding an applicant or recipient who has claimed good cause. Any agency acting under a cooperative agreement who fails or refuses to comply with ~~((the))~~ a request from OSE to suspend activities shall not be entitled to financial participation under the Title IV-D cooperative agreement as to said case or cases upon which the request is made.

~~((b))~~ (5) A child support obligation shall:

(a) Continue~~((s))~~ while enforcement and/or collection action is suspended pending a final determination of good cause; and ~~((with))~~

(b) Be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

~~((c))~~ (6) The office shall:

(a) Review and comment on the findings and basis for the proposed determination by the CSO~~((d))~~ ~~The office shall~~; and

(b) Be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.

~~((4))~~ (7) The office shall:

(a) Establish, maintain, retain, and dispose of case records in accordance with the department's records management and retention policies and procedures adopted ~~((pursuant to))~~ under chapter 40.14 RCW.

(b) Establish, maintain, and monitor support payment records; and

(c) Receive, account for, and distribute child support payments required under superior court and administrative orders for support.

~~((5))~~ (8) When the office determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, the office shall mail a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and the responsible parent. The notice shall contain the following provisions:

(a) A statement of the facts the office relied on in making the determination; and

(b) A statement that payee has twenty days to object and request a conference board under WAC 388-14-385, or initiate an action to obtain a judgment from the court that entered the order.

~~((6))~~ (9) If the conference board or the court determines the support obligation or a support debt still exists, the office shall withdraw the notice and shall make reasonable efforts to enforce and collect the remaining support debt. ~~((if not))~~ When the conference board or court determines that a debt does not exist, the office shall file a satisfaction of judgment with the clerk of superior court in which the order was entered.

~~((7))~~ (10) A support obligation is satisfied or no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The support debt owed under the order has been paid in full;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations; or

(c) The office determines the responsible parent has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, the office determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

(11) The level of services provided by the department under subsections (1)(b) through (g) of this section shall be governed by WAC 388-14-300 and 310.

AMENDATORY SECTION (Amending Order 2979, filed 8/2/90, effective 9/2/90)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS. (1) The office of support enforcement (OSE) shall distribute support money OSE collects or OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program for the support of the family unit, household, or a member of the family unit or household;

(b) Payee under the order, or to the physical custodian of the child;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money to a physical custodian who is not the payee under the support order, OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact the physical custodian:

(i) Has physical custody of and is caring for the child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of OSE's intent to distribute support money to the physical custodian.

(i) The notice of intent to distribute a support payment shall contain the following information:

(A) A statement that OSE will distribute support money collected under the support order to the physical custodian;

(B) The name of the physical custodian;

(C) A statement that the payee has twenty days from the date of the notice to contest distribution of money to the physical custodian by filing an application for an adjudicative proceeding as specified under subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with a court; and

(D) A statement that the payee must give OSE and the physical custodian notice of any judicial proceeding contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice.

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court where the support order was entered.

(4) The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person is unknown, OSE shall exercise reasonable efforts to locate the family or person. When OSE does not locate the family or person, OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

(6) OSE shall apply the following rules when distributing support money:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date OSE receives the money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) OSE does not have sufficient information to identify the accounts against which or to which OSE should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine:

(A) Whether or not support money is owed; or

(B) How OSE should distribute the money.

(iv) OSE receives prepaid support money which OSE is holding for distribution in future months under subsection (7) of this section;

(v) OSE mails a notice of intent to distribute the support money to the physical custodian under subsection (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of OSE.

(c) Distribute support money based on the date of collection, except as provided under subsection (6)(j) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:

(i) The date OSE or a political subdivision actually making the collection receives the money ((~~which ever is earlier. For interstate collections;~~));

(ii) The ((~~date collection is the~~)) date the support enforcement agency or other legal entity of ((~~a~~)) another state or political subdivision, actually making the collection, receives the money((~~, whichever is earliest~~)); or

(iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.

(d) Apply support money:

(i) First, to satisfy the current support obligation for the month OSE, or the support enforcement agency or other legal entity of another state or political subdivision, collected the money;

(ii) Second, to the responsible parent's support debts; and

(iii) Third, to prepaid support as provided for under subsection (7) of this section.

(e) Distribute current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

(f) Distribute amounts collected during a month to the responsible parent's support debts owed for each family unit or household based on the proportionate size of the debts, except as provided ((~~m~~)) under subsection (6)(g) and (h) of this section, when:

(i) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support obligations for that month; and

(ii) The responsible parent owes a support debt for two or more families or households.

(g) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution when:

(i) Proportionate distribution is administratively inefficient; or

(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the applicant/recipient or applicant/custodian a judgment lien for child support.

(h) When a portion of the responsible parent's support debt for a family unit is owed to both the family and the department, distribute amounts applied to the support debt for the family unit:

(i) First, to the family to satisfy the portion of the debt owed to the family; and

(ii) Second, to the department to satisfy the portion of the debt assigned to the department to reimburse public assistance payments.

(i) Report amounts distributed to a family, receiving public assistance, to the community service office. This requirement shall not relieve the recipient of the duty to report receipt of support money; and

(j) Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

(7) When OSE receives or collects support money representing payment on the required support obligation for future months, OSE shall:

(a) Apply the support money to future months when the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:

(i) OSE received prepaid support money;

(ii) OSE will distribute the prepaid money as support payments become due in the future; and

(iii) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

(8) OSE may recover support money distributed to a person or to the family when OSE:

(a) Distributed the money in error;

(b) Distributed the money based on a check which is later dishonored; or

(c) Is required to refund or return the money to the person or entity making the payment.

(9) OSE may retain amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases.

(a) OSE shall send a notice to the last known address of the person or family before taking action to recover the support money. The notice shall:

(i) Explain the reason why OSE is authorized to recover the support money;

(ii) Identify the money OSE will recover;

(iii) Inform the person or family of amounts OSE will deduct from future collections; ~~(and)~~

(iv) Inform the person or family that if they receive support enforcement services, they have twenty days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice; and

(v) Inform the person or family that when a debt established under this section remains unpaid after the person or family stops receiving support enforcement services, the department may take collection action under chapter 74.20A RCW without further notice.

(b) At the hearing, the person may contest OSE's findings regarding the existence and amount of the debt OSE is seeking to recover as provided under subsection (8) of this section.

(c) When the person or family is no longer receiving support enforcement services, OSE may take action to recover the support money due under subsection (8) of this section, under ((RCW 74.20A.270 to recover the money)) chapter 74.20A RCW.

(10) When the family is receiving public assistance and the applicant/recipient fails to remit support money to OSE as required, OSE shall recover the support payments using the process set forth in WAC 388-14-200.

(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (11)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

(i) The current support amount and the amount of the support debt owed under the order;

(ii) The amount of support money OSE received and the date of collection;

(iii) A description of how OSE allocated the support money between current support and the support debt;

(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and

(v) A statement of the right to request an adjudicative proceeding.

(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application for an adjudicative proceeding:

(i) A specific statement of the objections to the notice; and

(ii) A copy of the notice the person is contesting.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. Untimely requests for adjudicative proceedings are governed by WAC 388-11-055. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section shall govern.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 388-14-273 PAYMENT DISTRIBUTION PAYMENT SERVICES ONLY CASES. (1) The department shall apply any payment received by the Washington state support registry (WSSR) to the responsible parent's IV-D case or cases under WAC 388-14-270 unless the:

(a) Payment is specifically identified with the account number of an open payment services only (PSO) case; or

(b) Responsible parent has an open PSO case, but does not have an open IV-D case; or

(c) Responsible parent has both an open IV-D case or cases and an open PSO case and:

(i) The payment is received within thirty days of the conversion of a IV-D case to a PSO case; and

(ii) The date of collection under WAC 388-14-270 is before the date of the conversion of the case to PSO.

(2) When the payment is identified with the account number of an open PSO case, or if the responsible parent does not have an open IV-D case, the department shall distribute the entire payment to the identified PSO case.

(3) When a single payment is identified by the responsible parent with the account numbers of both an

open PSO case and an open IV-D case, the department shall distribute that portion of the payment identified to the PSO case to that case. The department shall distribute any remaining funds to the responsible parent's IV-D case or cases as required under WAC 388-14-270(6).

(4) When a responsible parent has both open IV-D and PSO cases, and the payment meets the conditions in subsection (1)(c) of this section, the department shall treat the open PSO case, that converted to PSO from IV-D thirty days or less before receipt of the payment, as a IV-D case for the purpose of distributing that payment and distribute the payment as required under WAC 388-14-270(6).

(5) When the responsible parent has multiple PSO cases, but does not have an open IV-D case, the department shall distribute a payment:

(a) Identified with the account number of a particular PSO case to that case; and

(b) With no identifiable account number among the open PSO cases as required under WAC 388-14-270(6)(e), (f), and (g).

(6) Within each PSO case, the department shall apply funds:

(a) First, to the child support obligation owed for the month in which the payment was made; and

(b) Second, to the earliest accrued support debt.

AMENDATORY SECTION (Amending Order 3162, filed 4/23/91, effective 5/24/91)

WAC 388-14-275 FIFTY DOLLARS DISREGARD PAYMENT. (1) In accordance with federal law, the department shall pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment made by the responsible parent in the month when due. The department shall not pay the family ~~((no))~~ more than fifty dollars for each month in which a support payment is made. For purposes of this section, the department shall treat a payment ((is)) as made by the responsible parent on the earliest of the following dates:

(a) The date a payment is received by the office of support enforcement;

(b) The date a payment is withheld from the responsible parent's earnings, income, wages, employment security benefits, or labor and industries benefits; or

(c) The date received by the IV-D agency in another state or other legal entity making the collection.

(2) The department shall make a payment to the family under subsection (1) of this section based on the best information provided to the office of support enforcement with the support payment. The best information includes the earliest of the following dates:

(a) The date wages were withheld;

(b) The date an employer issues a check containing wages withheld from the responsible parent;

(c) The date received by the IV-D agency in another state or other legal entity making the collection;

(d) The date the IV-D agency in another state or other legal entity issues a check containing a child support payment from the responsible parent;

(e) The date a check is negotiable if the office of support enforcement receives a postdated check;

(f) The date process is served attaching accounts and earnings of a responsible parent, other than wages, or the date the responsible parent is entitled to receive such earnings, whichever is later; or

(g) The date the proceeds are paid from the sale of attached personal or real property.

(3) If the department subsequently receives information establishing an earlier payment date, the department shall take prompt action to make a payment required under this section or recover an erroneous payment.

(4) When the date of withholding is unclear on the payment instrument, the office of support enforcement shall reconstruct the date earnings were withheld by:

(a) Inquiring of the responsible parent's employer, the department of labor and industries, or employment security, for the date of withholding; or

(b) Comparing the payment schedule set forth in the support order with the payments actually received.

(5) The office of support enforcement shall mail a notice, not less than once a quarter, to a family receiving cash assistance for whom child support was received during the reporting period. The notice shall contain the following information:

(a) The amount of the child support order;

(b) The amount of child support received;

(c) A description of how the office allocated the child support between the family and the state;

(d) The amount the department claims as reimbursement for public assistance paid; and

(e) A statement of the right to an adjudicative proceeding under chapter 34.05 RCW to contest the allocation of child support.

~~((5))~~ (6) The provisions of this section do not apply to child support:

(a) ~~((Child support))~~ Received by the office of support enforcement by means of an income tax refund intercept authorized under 42 USC Sec. 666 (a)(1) or Sec. 666 (a)(3)(B); or

(b) ~~((Child support))~~ Payments received by the office of support enforcement after the family terminates from assistance that are paid to the family under chapter 26.23 RCW and WAC 388-14-270 as current support for the month or on the support debt owed to the family.

~~((6))~~ (7) The section applies to payments made by the responsible parent on or after January 1, 1989.

AMENDATORY SECTION (Amending Order [3043, filed] 7/24/90, effective 8/24/90)

WAC 388-14-300 NONASSISTANCE SUPPORT ENFORCEMENT SERVICES—PERSONS ELIGIBLE FOR SERVICES. (1) As authorized by RCW 26.23.045 and 74.20.040, the department's office of support enforcement (OSE) shall provide ~~((s support enforcement))~~ payment processing and records maintenance services to ((residents of the state of Washington)) parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, ~~((an))~~ administrative order, or ~~((a))~~ wage assignment order under

chapter 26.18 RCW directs payments through OSE or the Washington state support registry (WSSR);

~~(b) The ((clerk of court submits a support order under RCW 26.23.050;~~

~~(c)) physical custodian of a dependent child or a responsible parent requests payment services only, provided that:~~

~~(i) A responsible parent's request for payment services only shall not cause a reduction of service from the level of service provided under subsection (2) of this section, or WAC 388-14-200, 203, or 205; and~~

~~(ii) The support obligation is set by a Washington superior court, administrative, or wage assignment order, directing payment to OSE or WSSR.~~

~~(2) OSE shall provide full IV-D support enforcement services to physical custodians or responsible parents who are not receiving a public assistance grant when:~~

~~(a) The physical custodian of a dependent child requests support enforcement services;~~

~~((d)) (b) A former custodial parent requests services to collect a support debt reduced to a sum certain judgment by the court;~~

~~((e)) (c) A responsible parent submits a support order for inclusion in or support payment to the Washington state support registry, together with an application for support enforcement services;~~

~~((f)) (d) A public assistance recipient stops receiving a cash grant under the aid to families with dependent children or ((financial)) family independence programs;~~

~~((g)) (e) The department provides Medicaid-only benefits to the physical custodian on behalf of a dependent child, unless the recipient of Medicaid-only benefits declines support enforcement services not related to paternity establishment, medical support establishment or medical support enforcement; or~~

~~((h)) (f) A man requests paternity establishment services alleging he is the dependent child's father.~~

~~(3) OSE shall provide payment processing, records maintenance, paternity establishment, medical support establishment, and medical support enforcement services when a recipient of Medicaid-only benefits declines support enforcement services.~~

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

AMENDATORY SECTION (Amending Order 3043, filed 7/24/90, effective 8/24/90)

WAC 388-14-310 NONASSISTANCE SUPPORT ENFORCEMENT APPLICATION. (1) To qualify for services, a person desiring nonassistance services shall:

(a) Submit a written application for support enforcement services except as provided ~~((m))~~ under subsection (2) of this section; and

(b) Have physical custody of the dependent child for whom support is sought except as provided ~~((m))~~ under WAC 388-14-300 ~~((d), (e) and (h))~~ (b), (c), and (f).

(2) The office of support enforcement (OSE) shall:

(a) Provide only records maintenance and payment processing services if the payee under a support order

fails to submit an application for support enforcement services and the:

(i) Order directs support payments to OSE or the Washington state support registry; or

(ii) Clerk submitted the order under RCW 26.23.050.

(b) Continue to provide ~~((support enforcement))~~ services, after a:

(i) Public assistance recipient stops receiving a cash grant, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time public assistance terminates, without requiring an application~~((:));~~

(ii) Recipient of Medicaid-only benefits becomes ineligible for Medicaid-only benefits, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time the recipient became ineligible, without an application, unless the recipient;

(A) Declines support enforcement services while receiving or after termination of medicaid only benefits; or

(B) Requests additional services.

(3) The applicant shall:

(a) Give consent to OSE to take an assignment of earnings from the person owing support;

(b) Agree to remit support money received directly from the person owing support to OSE within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to remit support money directly to OSE;

(d) Agree not to hire an attorney or collection agency, or apply to any other states' IV-D agency, to collect the support obligation or support debt without notifying OSE;

(e) Complete, sign, date, and submit to OSE the application form and other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders, and modifications thereof, and any allied or related documents reflecting the marital and support status;

(g) Provide a statement of the amount of the support debt owed by the responsible parent; and

(h) Include or attach a list, by date, of the support payments received from the responsible parent during the period the support debt accrued.

(4) If a person other than the applicant has legal custody of the dependent child by order of a court, the applicant shall affirm the legal custodian:

(a) Was not wrongfully deprived of custody by the applicant; and

(b) Is not excused from making support payments under WAC 388-11-065(10).

(5) If the applicant is ~~((temporarily absent from the))~~ not a resident of this state~~((; the applicant shall submit a written statement affirming the applicant is a resident of this))~~:

(a) OSE may decline the application if:

(i) OSE has an open case for the applicant, opened at the request of another state; or

(ii) Neither the applicant nor the responsible parent have any contacts with the state of Washington;

(b) The applicant shall state, under oath, that they do not have an open IV-D case in another state.

(6) OSE may deny an application which is incomplete, contains unclear or inconsistent statements, or not supported by necessary documents.

(7) Upon denying an application, OSE shall send the applicant a written notice of denial by regular mail and shall include a statement:

(a) Of the reasons for the denial; and

(b) The applicant may request an adjudicative proceeding to contest the denial.

AMENDATORY SECTION (Amending Order 3133, filed 4/9/91, effective 5/10/91)

WAC 388-14-415 NOTICE OF SUPPORT OWED. (1) A notice of support owed issued under RCW 26.23.110 shall state that:

(a) The office of support enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children;

(b) Twenty-one days after service of the notice on the responsible parent, OSE may take action to collect the responsible parent's support obligation without further notice when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice as provided under this section. Collection action includes issuing orders to withhold and deliver and notices of payroll deduction, or taking other income withholding action;

(c) After service of the notice the responsible parent ~~((must))~~ shall make all support payments through the Washington state support registry;

(d) The responsible parent ~~((with))~~ shall not receive credit for payments made to a person or agency other than the support registry under RCW ~~((26.23.050(7)))~~ 26.23.050(9) and 74.20.101;

(e) The current monthly amount for support including medical and day care costs, due under a court or administrative order and an initial finding of the current support amount due if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;

(f) The amount of any support debt, including medical support and day care costs, owed by the responsible parent;

(g) The responsible parent ~~((has))~~ shall have twenty days after service of the notice to contest the current support or support debt claimed by filing:

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) An action in superior court.

(h) ~~((+))~~ The payee under the order ~~((has))~~ shall have twenty days from the date notice was given to contest:

~~((A))~~ (i) The support debt or current support amount stated in the notice of support owed; or

~~((B))~~ (ii) A proposed agreement between OSE and the responsible parent regarding the amount of the support debt or current support.

~~((+))~~ (i) The payee may contest the support debt, current support, or proposed agreement by filing:

~~((A))~~ (i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

~~((B))~~ (ii) A action in superior court.

~~((+))~~ (J) If either party files an application for an adjudicative proceeding both parties shall be notified and allowed to participate in the proceeding as independent parties.

(2) The notice of support owed shall be served on the responsible parent like a summons in a civil action or by any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support owed to the payee under the order by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support owed as provided under WAC 388-14-440.

(4) OSE may make the initial finding based upon:

(a) The factors stated in the order; and

(b) Any other information not contained in the order that is needed to determine the amount of the accrued debt or the current support obligation.

(5) ~~((H))~~ When either the responsible parent or the payee under the order files an application for an adjudicative proceeding under this section, the department shall issue a notice of hearing.

The notice shall direct both parties to appear and show why the current support amount and ~~((for))~~ the support debt amount is incorrect.

(6) ~~((H))~~ When the responsible parent requests the hearing, the parent shall:

(a) List defenses to liability and/or state the reasons why support should not be set as stated in the notice of support owed in the request for a hearing; and

(b) Attach an office-approved financial affidavit;

(7) A payee's application for an adjudicative proceeding ~~((is))~~ shall be governed by WAC 388-14-440.

(8)(a) If any party appears for the adjudicative proceeding and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented. The presiding officer shall include a party's failure to appear in the initial decision and order. The appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the adjudicative proceeding.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support owed subject to collection action.

(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer ~~((must))~~ shall attempt to contact that party, on the record, ~~((prior))~~ before beginning the proceeding or ruling on a motion.

(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) If either parent files a timely application for an adjudicative proceeding, OSE shall stay collection action pending the final adjudicative order, except as provided ~~((in))~~ under subsection (10) of this section.

(10) OSE may take action to collect:

(a) Any part of the support debt that ~~((both parties fail to))~~ neither party alleges is incorrect;

(b) A fixed or minimum dollar amount for current support stated in the court order; and

(c) Any part of a support debt that has been reduced to a sum certain judgment by a proper court or agency.

(11) OSE shall collect the amounts stated in the notice without further notice to either party if neither the responsible parent nor the payee under the order:

(a) Files an application for an adjudicative proceeding under chapter 34.05 RCW; or

(b) Starts an action in superior court.

(12)(a) The following sections are incorporated by reference and made applicable to a proceeding provided for in this section: WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, 388-11-100, 388-11-115, 388-11-135, 388-11-145, and 388-11-180.

(b) Hearings held under this section shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), and chapters 10-08, 388-08, and 388-14 WAC. If any provision in this chapter or in a rule incorporated by reference by (12)(a) of this section conflicts with or is inconsistent with chapters 10-08 or 388-08 WAC, the provision in this chapter or a rule incorporated by reference shall govern.

(c) For the purposes of this section, ((if)) when a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(13) After the parties have presented evidence ~~((has been presented))~~ at a hearing, the presiding officer shall within twenty days:

(a) Find the amount of current support payable under the order;

(b) Find the amount of the support debt, including medical support and day care costs, accrued ~~((prior))~~ before to the date of service of the notice; and

(c) Issue findings of fact, conclusions of law, and an initial decision and order.

(14) The ~~((responsible parent or payee))~~ party contesting the amounts stated in the notice shall prove that the amounts stated in the notice of support owed are incorrect.

(15) The presiding officer in the initial decision, and the secretary or designee in review of the proposed decision, shall be limited to:

(a) Interpretation of the court order for support only. The presiding officer shall not have ~~((no))~~ the authority to change or defer the support amount owed except to find:

(i) ~~((Find))~~ The amount of monthly support as a fixed dollar amount; and

(ii) ~~((Find))~~ Any arrears accrued ~~((prior))~~ before to service of the notice of support owed.

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapter ~~((26-21))~~ 26.18 or ~~((26-20))~~ 26.23 RCW shall not be construed as modifications.

(16) In adjudicative orders entered under this section the presiding officer shall inform the parties of the right to request a yearly review of the order.

(17) The presiding officer shall file the original initial decision and order with the secretary or the secretary's designee.

(18) The presiding officer shall mail copies of the decision and order to:

(a) The office of support enforcement;

(b) The last known address of the responsible parent by certified mail; and

(c) The last known address of the person to whom support is payable under the support order.

(19) Any party may appeal the initial decision or review decision as provided under WAC 388-08-440 or 388-08-464.

(20) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement or a consent order. The presiding officer shall approve any consent order unless:

(a) It is contrary to law; or

(b) The payee under the order filed a timely objection to the:

(i) Notice of support owed; or

(ii) Notice of proposed settlement.

~~((20))~~ (21) A support order issued under this section shall contain the notice and information listed ~~((in))~~ under RCW 26.23.050(5).

~~((21))~~ (22) The provisions of this section regarding the payee's right to an adjudicative proceeding shall not apply if the department is providing public assistance to the payee or the child for whom support is being sought.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-425 PAYROLL DEDUCTION—NOTICE AND ORDER—ISSUANCE AND TERMINATION. (1) Under RCW 26.23.050 and 26.23.060, the office may issue and serve a notice of payroll deduction upon the employer of a responsible parent, or the employment security department for the state in possession of or owing benefits from unemployment compensation to the responsible parent. The office shall issue the notice of payroll deduction, without further notice to the responsible parent:

(a) If a support payment, owed under a superior court or administrative order for support, is ~~((more than fifteen days))~~ past due ~~((in an amount equal to or greater than the support payable for one month))~~ according to the terms of the support order;

~~((b))~~ (i) If the statutory notice requirements are met; and

~~((c))~~ (ii) When the office identifies the responsible parent's earnings or unemployment compensation benefits.

(b) At any time if the courts or administrative order establishing the support obligation contains provisions substantially similar to those stated under RCW 26.23.050 (1)(a) and (b) or RCW 26.23.050(3):

(i) If the statutory notice requirements are met; and
(ii) When the office identifies the responsible parent's earnings, or unemployment compensation benefits.

(2) The notice of payroll deduction shall remain in effect until:

(a) The payroll deduction is quashed, modified, or terminated by the superior court pursuant to a motion filed by the support debtor; ~~((or))~~

(b) The office determines, as a result of a conference board convened under WAC 388-14-385, to release the payroll deduction after the support debtor proves by competent evidence that:

(i) The support obligation was not ~~((delinquent))~~ due at the time the notice of payroll deduction was issued; or

(ii) The payroll deduction causes extreme hardship or substantial injustice; or

(c) One year has passed since the:

(i) Employer has employed the responsible parent or been in possession of earnings owed to the responsible parent; or

(ii) Employment security department has been in possession of or owing unemployment compensation benefits to the responsible parent.

NEW SECTION

WAC 388-14-460 NOTICE OF INTENT TO ENFORCE—HEALTH INSURANCE COVERAGE.

(1) The office of support enforcement (OSE) may issue a notice of intent to enforce a responsible parent's obligation to provide health insurance coverage under a court or administrative order if the order:

(a) Requires the responsible parent to provide health insurance coverage; and

(b) Does not inform the parent that failure to provide coverage may result in direct enforcement of the order.

(2) OSE shall serve the notice on the responsible parent by certified mail, return receipt requested or by personal service.

(3) The department shall state on the notice of intent to enforce that the responsible parent must submit proof of coverage or proof that the parent has applied for coverage to OSE within twenty days of the date:

(a) Of service of the notice; or

(b) Health insurance coverage becomes available through the parent's employer or union.

NEW SECTION

WAC 388-14-480 NOTICE OF ENROLLMENT—HEALTH INSURANCE COVERAGE—ISUANCE AND TERMINATION. (1) Under chapter 26.18 RCW, the office of support enforcement (OSE) may issue a notice of enrollment to enforce a responsible parent's obligation to provide health insurance coverage. OSE shall serve the notice on the responsible parent's

employer or union like a summons in a civil action or by certified mail, return receipt requested. OSE shall issue the notice, without further notice to the responsible parent, when:

(a) A court or administrative order requires the responsible parent to provide insurance coverage for a dependent child;

(b) The responsible parent fails to provide health insurance coverage, lets the coverage lapse, or fails to provide proof of such coverage as provided for under WAC 388-11-215;

(c) The statutory notice requirements under RCW 26.23.050 are met; and

(d) OSE has reason to believe that such coverage is available through the responsible parent's employer or union.

(2) OSE shall state in the notice of enrollment that:

(a) The responsible parent is required to provide health insurance coverage for the dependent children named in the notice;

(b) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if accessible coverage is available, except as provided under subsection (4) of this section;

(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to OSE within thirty-five days;

(d) The employer's or union's answer must confirm that the employer or union:

(i) Has enrolled the children in a health insurance plan which provides accessible coverage;

(ii) Will enroll the children in a health insurance plan which provides accessible coverage during the next open enrollment period; or

(iii) Cannot enroll the children in a health insurance plan which provides accessible coverage, and must state the specific reasons that coverage cannot be provided.

(e) The employer's or union's answer must include information requested by OSE about the health insurance plan and policy;

(f) The employer or union must enclose with the answer any necessary claim form or enrollment membership cards, or must provide such forms or cards when they are available;

(g) The employer or union shall withhold the premiums from the responsible parent's net earnings if the responsible parent is required to pay some or all of the premiums for coverage under the health insurance plan;

(h) OSE may take action under RCW 74.20A.270 and chapter 388-13 WAC to impose a fine of up to one thousand dollars if the employer or union fails to:

(i) Enroll the children upon receipt of the notice of enrollment or when accessible coverage becomes available; or

(ii) Answer the notice of enrollment by providing all the information requested by OSE.

(3) OSE may take action under RCW 74.210A.270 and chapter 388-13 WAC to impose fines if the employer or union fails to comply with the terms of a notice of enrollment.

(a) For each failure to comply with a notice of enrollment, OSE may assess a fine of:

(i) Two hundred dollars for the first month in which the employer fails to comply;

(ii) Three hundred dollars for the second month in which the employer fails to comply; and

(iii) Five hundred dollars for the third month in which the employer fails to comply.

(b) Under no circumstance shall OSE impose fines exceeding one thousand dollars based on an employer's failure to comply with a single notice of enrollment.

(c) OSE shall not impose a fine for failing to enroll a child in a health insurance program for any month in which the employer is precluded from enrolling the child by the terms of the employer's contract with the insurance provider. This provision does not exempt employers from liability for failure to answer a notice of enrollment.

(4) The employer or union shall enroll the children named in the notice in a health insurance plan which the employer or union offers to the responsible parent and which provides accessible coverage to the children, except as provided under subsection (4) of this section:

(a) Upon receipt of the notice of enrollment;

(b) During the next open enrollment period when the plan contains an enrollment limitation which prevents immediate enrollment; or

(c) When accessible coverage becomes available in the future if the employer does not offer such coverage when the notice of enrollment is received.

(4) The employer or union shall not enroll the children in a health insurance plan when the responsible parent's current support obligation:

(a) Equals or exceeds fifty percent of the parent's net earnings; or

(b) Plus the amount of the insurance premium the parent is required to pay to cover the children named in the notice exceeds fifty percent of the parent's net earnings.

(5) When the employer or union offers more than one health insurance plan under which coverage is available to the children named in the notice, the employer or union shall enroll the children in the:

(a) Responsible parent's plan unless accessible coverage is not available to the children under such plan; or

(b) Least expensive plan which provides accessible coverage for the children.

(6) The employer or union shall answer the notice of enrollment and shall include the requested information as specified under subsection (2)(d), (e), and (f) of this section within thirty-five days of receipt of the notice of enrollment when:

(a) The employer or union is unable to enroll the children when the initial answer is submitted; or

(b) Accessible coverage later becomes available.

(7) The notice of enrollment shall remain in effect until:

(a) The notice is withdrawn or released by OSE; or

(b) Health insurance coverage is no longer available through the employer or union.

(8) The employer or union shall advise OSE when health insurance coverage for the children is terminated by mailing a notice of termination within thirty days of the date of termination.

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

NEW SECTION

WAC 388-14-490 EMPLOYER REPORTING PROGRAM—EXEMPTIONS. (1) In addition to the exemptions established under RCW 26.23.040, the employers assigned the following standard industrial classification (SIC) codes are exempt from the requirements of the employer reporting program as authorized under chapter 26.23 RCW:

(a) SIC code 7363, temporary services;

(b) SIC code 8011, offices and clinics of medical doctors;

(c) SIC code 8021, offices and clinics of dentists;

(d) SIC code 8031, offices of osteopath physicians;

(e) SIC code 8041, offices and clinics of chiropractors;

(f) SIC code 8042, offices and clinics of optometrists;

(g) SIC code 8043, offices and clinics of podiatrists;

(h) SIC code 8049, offices of health practitioners;

(i) SIC code 8071, medical laboratories;

(j) SIC code 8072, dental laboratories; and

(k) SIC code 8092, kidney dialysis centers.

**WSR 92-13-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 10, 1992, 4:27 p.m.]

Original Notice.

Title of Rule: WAC 388-96-026 Projected budget for new contractors, 388-96-032 Termination of contract, 388-96-101 Reports, 388-96-110 Improperly completed or late reports, 388-96-113 Completing reports and maintaining records, 388-96-505 Offset of miscellaneous revenues, 388-96-710 Prospective reimbursement rate for new contractors, 388-96-716 Cost areas, 388-96-722 Nursing services cost area rate, 388-96-763 Rates for recipients requiring exceptionally heavy care, and 388-96-745 Property cost area reimbursement rate.

Purpose: It is important to have the changes and clarifications described below in place prior to July 1, 1992, when the new state fiscal year begins and new prospective rates are calculated. Consequently, the amendments are sought on an emergency as well as on a permanent basis. WAC 388-96-026 Projected budget for new contractors, the purpose is to eliminate from "new contractor" status those nursing Medicaid facilities which expand or renovate the physical plant after obtaining certificate of need approval. The cost of capital improvements may be currently funded under existing regulatory authority without the use of new contractor rate setting procedures. Also the rate will not be frozen until six months' of cost report data is received, which is required by statute for "new contractor" rates, and the provider will be able to rebase on July 1 along with other providers; WAC 388-96-032 Termination of contract, the changes are made under the department's general rule-

making authority to carry out one of the policies and purposes of chapter 74.46 RCW, namely, that contractors adequately secure and refund Medicaid overpayments. Recently certain Medicaid nursing care providers have terminated their contracts and left substantial unsecured overpayment obligations, making recovery difficult if not impossible. The department's authority to obtain adequate security for recovery of Medicaid settlement overpayments (determined by comparison of rates paid to costs incurred in a calendar year) is enhanced. Under the changes proposed: Parties related by ownership or control to the contractor are made (with the contractor) jointly and severally liable to the department for unsecured overpayments; the department can reach by lien in the absence of adequate security those assets legally belonging to parties related by ownership or control to the Medicaid contractor; and the department will be able to demand security, and withhold contract payments and file liens in the absence of security, if overpayments reach or exceed \$50,000 in the course of a provider's contractual performance, regardless of whether the contractor intends to terminate Medicaid care. Authority exists now to withhold current Medicaid contract payments, in the absence of security, for the final 60 days of operation prior to contract termination. Factors which render the current authority inadequate in some instances are: Related-party incorporations and transactions which strip assets from the contracting entity; failure to give adequate notice of contract termination; and sometimes the magnitude of overpayment owed the department is simply too large to get adequate security within sixty days prior to contract termination. RCW 74.46.800 obligates the department to "adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and purposes of this chapter." An obvious policy or purpose of chapter 74.46 RCW is to recover Medicaid provider overpayments. (RCW 74.46.180) Another is to obtain adequate security to insure overpayment recovery. (RCW 74.46.690) Consequently, the department is authorized to enhance its authority to recover these overpayments. Overpayments is achieved in as many cases as possible; WAC 388-96-101 Reports, the purpose is to clarify that cost reports must not only be timely submitted but must be fully completed as submitted; WAC 388-96-110 Improperly completed or late reports, the purpose is to clarify that all informational schedules submitted in connection with a cost report must be fully completed. Also, the department is granted express authority to withhold a provider's new rate if that provider's resident debility information (which is needed to help calculate Medicaid rates) is not transmitted to the department in accordance with the established uniform format and procedures; WAC 388-96-113 Completing reports and maintaining records, the purpose is to clarify that each schedule within a cost report must be legible and reproducible; WAC 388-96-505 Offset of miscellaneous revenues, provides that financial benefits such as purchase discounts and rebates shall be offset against allowable costs during the year they are actually received by the contractor; WAC 388-

96-710 Prospective reimbursement rate for new contractors, the purposes are to clarify and modify procedures for new contractor rate setting as follows: It is clarified the specific rate setting provisions in 710 control rate-setting for new contractors; it is clarified new facilities going into operation for the first time are not simply those with a new building—they must be new operations also, that is, have a new resident population and new staff; obsolete reference to skilled and intermediate care licenses is removed; references to contractors constructing expansions or renovations is removed since they will no longer be considered new contractors; WAC 388-96-716 Cost areas, obsolete reference to the enhancement cost center is removed; WAC 388-96-722 Nursing services cost area rate, reference to "Batelle" debility score is eliminated to clarify the department has flexibility to calculate debility, on a consistent basis, using a Batelle or other methodology. It is clarified the regression used to determine providers' average resident debilities shall be calculated every two years. It is provided that initial patient assessments shall no longer be completed by the department, ordinarily, but will be transmitted to the department in accordance with minimum data set format and instruction, subject to department audit or further investigation; WAC 388-96-745 Property cost area reimbursement rate, specific limits on new construction for purposes of reimbursement are updated and procedures for calculating those limits are clarified; and WAC 388-96-763 Rates for recipients requiring exceptionally heavy care, procedures for establishing and maintaining individual exceptional care rates are clarified. An upward limit or ceiling on exceptional care rates is established at 160 percent of the nursing facility's post hospitalization skilled nursing facility Medicare rate. This limit is necessary because the high facility specific rates of a few providers (which drive calculations of exceptional care rates) can result in exceptional care rates that approach the cost of hospitalization. In order to avoid loss of substantial public funds in rate payments in excess of the actual and reasonable cost of nursing care a cap is needed.

Statutory Authority for Adoption: RCW 74.46.800.

Statute Being Implemented: RCW 74.46.800.

Summary: Help comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Reasons Supporting Proposal: To comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Gray, Aging and Adult Services Administration, 438-2587.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 21, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 21, 1992.

Date of Intended Adoption: July 23, 1992.

June 10, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)

WAC 388-96-026 PROJECTED BUDGET FOR NEW CONTRACTORS. (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract becomes effective. For purposes of this section, the department shall consider a "new contractor" as one which:

- (a) Operates a new facility going into operation for the first time;
- (b) Acquires or assumes responsibility for operating an existing facility; or
- (c) Enters the cost-related reimbursement system after providing service at the nursing home in the past, but either not under the program or receiving flat- or class-rate reimbursement ~~((or~~
- ~~(d) Obtains a certificate of need approval due to an addition to or renovation of a facility)).~~

(2) The projected budget shall:

- (a) Cover the twelve months immediately following the date the contractor enters the program;
- (b) Be certified by the new contractor;
- (c) Be prepared on forms and in accordance with instructions provided by the department; and
- (d) Include all earnest money, purchase, and lease agreements involved in the transaction.

(3) A new contractor shall submit, at least sixty days before the effective date of the contract, a statement disclosing the identity of individuals or organizations who:

- (a) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or
- (b) Have a beneficial ownership interest in the purchasing or leasing entity.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-032 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The department shall base the reasonable estimate ((shall be based upon)) on prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

- (a) Withheld payments for one or more months of service due the contractor; or
- (b) A surety bond issued by a bonding company acceptable to the department; or
- (c) An assignment of funds to the department; or
- (d) Collateral acceptable to the department; or
- (e) A purchaser's assumption of liability for the prior contractor's overpayment; or
- (f) A promissory note secured by a deed of trust; or
- (g) Any combination of (a), (b), (c), (d) ((or)), (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute.

(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state, jointly and severally, on the part of the contractor and/or any organization entity or person(s) related to the contractor by ownership or control as defined in this chapter and shall become a lien against the real and personal property of the contractor and/or against the real and personal property of any organization, entity or person(s) related to the contractor by ownership or control as defined in this chapter from the time of filing by the department with the county auditor of the county where the contractor or related organization, entity or person(s) resides, does business, or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 388-96-224, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(11) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and security shall not be required.

(12) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

(13) Regardless of whether a contractor intends to terminate its Medicaid contract, if a facility's Medicaid overpayment liability for one or more settlement periods reaches or exceeds fifty thousand dollars as determined by preliminary and/or final settlement (whether subject to good faith dispute or not), the department shall demand and obtain security equivalent to such overpayment and any subsequent increase in liability. Such security shall meet the criteria in subsections (3) and (4), except that the department shall not accept an assumption of liability. The department is further authorized to withhold all or portions of the contractor's current contract payments and/or impose liens as authorized by subsection (6) if acceptable security is not forthcoming. The department shall release a contractor's withheld

payments and/or liens if the contractor subsequently provides security acceptable to 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 2270, filed 9/19/85 [8/19/85])

WAC 388-96-101 REPORTS. Each contractor shall submit to the department an annual cost report fully completed for the period from January 1st through December 31st of the preceding year. The department, when it deems necessary to assure the accuracy of cost reports, may require a contractor to submit to the department and may review any underlying financial statements or other records, including income tax returns, which relate to the cost report directly or indirectly.

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

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, a contractor shall complete an annual report, including all informational schedules and the proposed settlement computed by cost center pursuant to regulation, ((must be completed)) in accordance with applicable statutes, departmental regulations, and instructions. An annual cost report deficient in any of these respects ((may)) will be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) If a cost report is not properly completed or is not received by the department on or before the due date of the report, including any approved extensions, the department may hold all or a part of any payments due under the contract ((may be held by the department)) until the improperly completed or delinquent report is properly completed and received by the department.

(3) If current resident debility information is not transmitted to the department under proper minimum data set (MDS) format and procedures, a contractor's July 1 rate shall be withheld until the department receives such information.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All report((s)) schedules shall be legible and reproducible. All entries must be typed, completed in black or dark blue ink, or provided in an acceptable, indelible copy.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written

schedule specifying the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-505 OFFSET OF MISCELLANEOUS REVENUES. (1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the property and administration and operations cost areas only. In the property cost area, the amount of reduction will be determined by dividing allowable property costs by total patient days and multiplying the result by total hold-room days. In the administration and operations cost area, the amount of reduction will be determined by dividing allowable administration and operations costs minus dietary, laundry, and nursing supply costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in SNF or ICF services (e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in SNF or ICF services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-710 PROSPECTIVE REIMBURSEMENT RATE FOR NEW CONTRACTORS. (1) The department shall establish a prospective reimbursement rate for a new contractor within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract.

(2) The department shall base this prospective reimbursement rate, as specified below, on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances. This rate shall comply with all the provisions of rate setting contained in this chapter and shall comply with all lids and maximums set forth in this chapter. Subject to such provisions, lids, and maximums, the department shall follow the procedures set forth in this section((-):

(a) The department shall select from department records a sample comprised of all the current contractors in the same county in similar circumstances:

(i) For facilities not operated by a Medicaid contractor for the period of operation immediately prior to the effective date of the new contract((-): and

(ii) For new facilities going into operation for the first time. New facilities going into operation for the first time shall be those with a new building, new resident population and new staff. Similar circumstances shall consist of the same bed capacity, plus or minus twenty-five beds((- and whether licensed or not to provide skilled nursing care or intermediate care)). The department shall exclude from the sample those facilities against which the department has assessed a civil penalty for health or safety violations or proposed licensed revocation, stop

placement or decertification for health or safety violations within six months preceding the effective date of the new contract. If the county-wide sample does not include at least six facilities, the department shall include in the sample all facilities in similar circumstances in the adjoining county or counties. Based upon the most recent information in its files relating to the topics set forth below, the department shall determine:

- (A) The average sample debility score;
- (B) The average sample nursing services wages and hours; and
- (C) The average sample costs for nursing services, food, and administration and operations cost centers inflated in accordance with the provisions of this chapter.

(I) Nursing services. The department shall follow the projected budget for rate setting to the extent it does not exceed the sample average wages, hours, and inflated costs plus ten percent of such wages, hours, and inflated costs. The department shall allow a budget above the sample averages plus ten percent only to the extent anticipated debility of the patient population to be served exceeds or is likely to exceed the sample average debility as demonstrated and documented by the contractor. In such cases, rate funding shall not exceed predicted staffing for the anticipated debility. The department shall determine actual debility when sufficient data is available and shall recover any overpayment under rules relating to errors and omissions.

(II) Food. The food rate shall be the rate per patient day of other Medicaid contractors established in accordance with this chapter.

(III) Administration and operations. The department shall follow the projected budget for rate setting to the extent it does not exceed:

(aa) The sample average inflated costs as determined under subsection (2)(a) of this section for administration and operations, plus

(bb) Ten percent of such costs. The department shall allow a budget above the sample average inflated costs plus ten percent only to the extent costs are likely to exceed the inflated sample average plus ten percent as demonstrated by the contractor. However, the department shall allow budgeted salaries of administrators and assistant administrators if not in excess of maximums set forth in this chapter.

(IV) Property. The property rate shall be set in accordance with the provisions of this chapter.

(V) Return on investment. The department shall set the return on investment rate in accordance with the provisions of this chapter. The department shall use budgeted food cost in computing the financing allowance to the extent it does not exceed the inflated sample average food cost. The department shall allow a budget above the inflated sample average only to the extent food cost is likely to exceed the inflated sample average as demonstrated and documented by the contractor.

(b) The department shall follow the procedures set forth in subsection (2)(a) of this section for facilities operated by a Medicaid contractor, if any, for the period of operation immediately prior to the effective date of the new contract. However, the department shall use data used to set the preceding contractor's rate rather than data from a sample average plus ten percent. The department shall not use data used to set the preceding contractor's rate if the department has assessed a civil penalty against such contractor for health or safety violations or has proposed licensed revocation, stop placement, or decertification for health or safety violations within six months preceding the effective date of the new contract. In such cases, the department shall use sample average data.

~~((c) The department shall follow the procedures set forth in subsection (2)(a) of this section for existing facilities constructing additions or making renovations after obtaining certificate of need approval if:~~

~~(i) The operating entity for the period prior to the effective date of the new contract was not a Medicaid contractor, or~~

~~(ii) The department assessed a civil penalty against the facility for health or safety violations or proposed license revocation, stop placement, or decertification for health or safety violations within six months prior to the effective date of the new contract. Otherwise, the department shall follow the procedures indicated in subsection (2)(b) of this section. However, data used to set the preceding contractor's rate shall be adjusted to reflect increased bed capacity, if any.)~~

(3) If the department has not received a properly completed projected budget at least sixty days prior to the effective date of the contract, the department shall establish a rate based on the other factors specified in subsection (2) of this section. This initial prospective rate shall remain in effect until a prospective rate can be set according to WAC 388-96-713.

(4) If a change of ownership is not an arm's-length transaction as defined in WAC 388-96-010, the department shall set the new contractor's prospective rates in the administration and operation and property cost areas no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-716 COST AREAS. A contractor's overall reimbursement rate for medical care recipients shall consist of the total of ~~((six))~~ five component rates, each covering one cost area. The ~~((six))~~ five cost areas are:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations;
- (4) Property; and
- (5) Return on investment ~~((; and~~
- ~~((6) Enhancement)).~~

AMENDATORY SECTION (Amending Order 3270, filed 10/29/91, filed [effective] 11/29/91)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The department shall pay the nursing services cost area reimbursement rate for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care shall include care provided by qualified therapists and their employees only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) The department shall subject nursing service costs to two reasonableness tests:

- (a) A test for nursing staff hours; and
- (b) A test for cost increases between the current and preceding report period.

(3) The test for nursing staff hours referenced in subsection (2)(a) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

- (a) Purchased and allocated nursing and assistant staff time; and
- (b) The average ~~((Battelle))~~ patient debility score for the corresponding facilities as computed by the department. The department shall compute the regression every two years and shall take data for the regression from:

- (i) Correctly completed cost reports; and
- (ii) Patient assessments completed by ~~((the department))~~ nursing facilities and transmitted to the department in accordance with the minimum data set (MDS) format and instructions, as may be corrected after departmental audit or other investigation, for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

- (A) The hours exceeding the limit;
- (B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) The test for cost increases referenced in subsection (2)(b) of this section shall compare:

(a) The percentage change in allowable nursing services cost for the facility between the most recent cost report period and the next prior cost report period, excluding actual cost incurred relating to, but not to exceed an amount equal to, any prospective rate revision granted under WAC 388-96-774 in each cost report year;

(b) Against the percentage change in the medical care component of the consumer price index for all urban consumers between July of the most recent cost report period and July of the next prior cost report period. The department shall limit facilities reporting increases greater than the medical care component of the consumer price index to a rate

determined by their adjusted patient care costs for the period immediately preceding the most recent cost report period, inflated by the medical care component of the consumer price index.

(5) In calculating and applying the test for cost increases, the department shall measure the allowable nursing services cost increase between the most recent and the next prior cost report periods on a total cost basis and on a per-patient-day cost basis only. The department shall utilize for each contractor the basis showing the lesser increase.

(6) For all rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement (commonly referred to as "nursing pool" services), in excess of the amount of compensation which would have been paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(7) Staff of like classification shall mean only the nursing classifications of registered nurse, licensed practical nurse or nurse assistant. The department shall not recognize particular individuals, positions or subclassifications within each classification for whom pool staff may be substituting or augmenting. The department shall derive the facility average hourly wage for each classification by dividing the total allowable regular and overtime salaries and wages, including related taxes and benefits, paid to facility staff in each classification divided by the total allowable hours worked for each classification. All data used to calculate the average hourly wage for each classification shall be taken from the cost report on file with the department's rates management office for the most recent cost report period.

(8) The department shall suspend application of the cost increase limitation, authorized by subsections (2)(b) and (4) of this section, for the July 1, 1991, through June 30, 1992, rate period only. The limitations shall remain in effect for all other rate periods and the suspension shall not affect application of the nursing hours lid, authorized by subsections (2)(a) and (3) of this section, which shall remain in effect for all rate periods.

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

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE. (1) A contractor certified to provide ~~(skilled)~~ nursing services, a discharging hospital, a recipient of Medicaid benefits or her/his authorized representative may apply for an individual prospective reimbursement rate for a Medicaid recipient whose special nursing and direct care-related service needs are such that the hours of nursing services needed are at least twice ~~(or more the contractor's current reimbursed)~~ the per patient day average of nursing services hours provided in the nursing facility to which the recipient is admitted as determined by the facility's most recent reviewed cost report.

(2) When application for an exceptional care rate is made before determining where the recipient will be placed, pre-admission qualification may be granted when the recipient's special nursing and direct care needs require hours of nursing services at least twice ~~(or more)~~ the ~~(current)~~ statewide per patient day average determined by the most recent reviewed cost reports. For reviews ~~(;)~~ to determine continued qualification only for such recipients, conducted during the first year after placement, the department will continue to utilize the ~~(most current)~~ statewide average available to the department, assuming the care plan is unchanged. For subsequent reviews to determine continued qualification, the contractor's average, set forth under subsection (1) of this section, shall be substituted for the statewide average.

(3) The contractor or other applicant shall apply for exceptional care rate qualification for an exceptionally heavy care recipient in accordance with department instructions ~~(furnished by the department)~~. The facility shall bill the department at the authorized exceptional care rate within ~~(one hundred twenty)~~ three hundred sixty-five days from the exceptional care rate's effective date. Bills for services submitted after ~~(one hundred twenty)~~ three hundred sixty-five days shall be denied as untimely.

(4) When the department grants an individual rate for an exceptionally heavy care recipient, it shall be for a specified period of time, which the department shall determine(s), subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. If within thirty days after a resident's admission to a nursing facility the application for such resident for an exceptional care rate is submitted to the department and includes the facility plan of care documenting the need for and delivery of the resident's nursing and direct care hours, the rate, if approved, shall be effective as of the date of admission. Applications submitted more than thirty days after admission to the facility, if approved, shall be effective as of the date of application.

(5) Extensions of exceptional care rates will not be approved without an updated care plan and resident medical status information submitted in accordance with departmental instruction prior to the scheduled date of the rate's termination. Failure to comply will result in automatic termination as of the scheduled date and reinstatement of an exceptional care rate, if desired, will require re-application and approval. Discharge or transfer of the recipient, permanently or temporarily, shall terminate an exceptional care rate which shall be non-transferable to a different facility. Qualification upon re-admission shall require re-application. A contractor may not transfer or discharge a Medical recipient based upon the status of an exceptional care rate or application for such a rate.

(6) Regardless of whether statewide average nursing hours or facility average nursing hours reported for the prior period are used for qualification, the exceptional care rate for a recipient shall be calculated by:

(a) Deriving a ratio equivalent to actual or projected nursing hours per patient day needed by the recipient in excess of the facility-specific reimbursed average nursing hours per patient day divided by the facility-specific ~~(reimbursed)~~ prior period reported average nursing hours per patient day;

(b) Multiplying the ratio by the facility-specific nursing services rate; and

(c) Adding the result of subsection ~~((+)(b))~~ (6)(b) of this section to the total facility-specific reimbursement rate, **PROVIDED THAT: in no circumstance shall an exceptional care rate exceed one hundred sixty percent of the facility's Medicare reimbursement rate in place at the time the exceptional care rate takes effect.**

~~((5))~~ (7) Factors used in the calculation process set forth under subsection ~~((+))~~ (6) of this section shall be the most current reviewed and available factors from department records at the time the department performs the calculation ~~((is performed))~~.

~~((6))~~ (8) A pre-admission exceptional care ~~((qualification))~~ rate shall be effective for ~~((only))~~ thirty days. The contractor shall notify the department, in writing, as soon as the recipient is admitted to the contractor's facility. ~~((When))~~ If resident placement ~~((with a long term care contractor))~~ in a Medicaid nursing facility has not occurred within thirty days after the ~~((qualification effective date))~~ exceptional care application is received by the department, an updated plan of care ~~((shall))~~ must be submitted in order to reinstate exceptional care qualification.

~~((7))~~ (9) Unless the department establishes ~~((a different time table for review))~~ otherwise, extensions require an updated plan of care ~~((shall))~~ to be completed and submitted every ninety days for each exceptional care recipient, including documentation supporting the need for services identified in the plan of care. A decision to continue, revise, or terminate an exceptional care rate shall be based on review of the updated plan of care and supporting documentation, a current care need assessment and other information available to the department. ~~((8))~~ In order to extend an exceptional care rate, the review must verify continued need for and delivery of nursing, direct and ancillary care services funded by the rate.

(10) An exceptional care rate shall not be revised during the period the exceptional care rate is in effect because the facility-specific nursing services or total rate is revised or re-set; however, when an exceptional care rate is continued or revised as authorized in this section, the facility rate in place at the time of continuation or revision shall be used in the calculation process. An exceptional care rate shall be revised during the period the rate is in effect only when:

(a) An updated plan of care indicates a significant change in care needs; or

(b) Funded services are not fully delivered.

~~((9))~~ (11) No retroactive revision shall be made to an exceptional care rate, provided that:

(a) When application is made within thirty days after the recipient is admitted to the contractor's facility, an approved rate shall be effective the date of admission; ~~((and))~~

(b) When an exceptional care rate is revised due to a significant change, the revised rate will be effective on the date the department receives the updated plan of care and supporting documentation; ~~and~~

(c) When care services funded by an exceptional care rate are not fully delivered, the exceptional care rate shall be reduced retroactively as of its effective date to the regular facility Medicaid rate and payment at the exceptional care rate shall cease immediately.

(12) Hours of nursing and direct care used to qualify a recipient and to calculate an exceptional rate must be verified by the department's clinical assessor.

~~((10))~~ (13) The department shall notify the contractor, in writing, of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application and supporting documentation.

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

WAC 388-96-745 PROPERTY COST AREA REIMBURSEMENT RATE. (1) The department shall determine the property cost area rate for each facility by dividing:

(a) The prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(b) The retained savings from the property cost center as provided in WAC 388-96-228, by

(c) Total patient days for the facility in the prior period. Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(2) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the property cost center rate to anticipated patient day level.

(3) When a ~~((new))~~ facility is constructed, remodeled, or expanded after obtaining a certificate of need, the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4), (5), and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(4) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.); ~~((and))~~

(h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;

(i) Other items included by the Marshall and Swift Valuation Service when deriving the calculator method costs.

(5) The department shall allow such construction costs, at the lower of actual costs or the maximums ~~((shown in the following tables;))~~ derived from one of the three tables which follow. The department shall ~~derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be the sum of the basic construction cost limit plus the common use area limit which corresponds to the type and class of the new construction, remodel or expansion. The~~

limits calculated using the tables shall be adjusted forward from ~~((May 1, 1987;))~~ September 1990 to the average date of construction ~~((for any)), to reflect the change(s) in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be the midpoint date between award of the construction contract and completion of construction.~~

(BASE COSTS PER BED FOR ALL BEDS IN THE FACILITY BY FACILITY CLASS, QUALITY, AND SIZE:

Class and Quality	0 to 60 Beds	61 to 120 Beds	Over 120 Beds
A-good	\$50,139	42,079	39,006
A-average	40,967	34,381	31,870
B-good	48,104	40,371	37,422
B-average	39,786	33,389	30,951
C-good	35,939	30,161	27,959
C-average	27,924	23,435	21,723
E-low	22,019	18,479	17,130
D-good	32,622	27,377	25,378
D-average	25,221	21,167	19,621
D-low	19,796	16,613	15,400

ADDITIONS TO BASE COSTS BY FACILITY CLASS, QUALITY, AND SIZE:

Class and Quality	Add to Base Cost for All Facilities	Add for Each Bed from 61 to 120 Beds	Add for Each Bed Over 120 Beds
A-good	\$239,773	2,810	1,990
A-average	195,908	2,296	1,626
B-good	230,041	2,696	1,910
B-average	190,261	2,230	1,579
C-good	171,866	2,014	1,427
C-average	133,537	1,565	1,108
E-low	105,299	1,234	874
D-good	156,003	1,828	1,295
D-average	120,612	1,413	1,001
D-low	94,667	1,109	786

BASE CONSTRUCTION COST LIMITS **COMMON-USE AREA COST LIMITS**

74 BEDS & UNDER

Building Class	Base per Bed Limit	Base Limit
A-Good	\$50,433	\$278,847
A-Avg	\$41,141	\$227,469
B-Good	\$48,421	\$267,718
B-Avg	\$40,042	\$221,392
C-Good	\$35,887	\$198,421
C-Avg	\$27,698	\$153,143
C-Low	\$21,750	\$120,258
D-Good	\$33,237	\$183,765
D-Avg	\$25,716	\$142,182
D-Low	\$20,298	\$112,227

BASE CONSTRUCTION COST LIMITS **COMMON-USE AREA COST LIMITS**

75 TO 120 BEDS

Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A-Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A-Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B-Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B-Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C-Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C-Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C-Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D-Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D-Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D-Low	\$1,502,048	\$19,403	\$112,227	\$1,130

Building Class	BASE CONSTRUCTION COST LIMITS		COMMON-USE AREA COST LIMITS	
	Base Limit	121 BEDS AND OVER	Base Limit	Add per Bed
		Over 120		
A-Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A-Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B-Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B-Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C-Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C-Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C-Low	\$2,565,943	\$27,916	\$175,971	\$908
D-Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D-Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D-Low	\$2,394,592	\$19,403	\$164,220	\$848

(6) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance shown in the attached tables for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limit in the table. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes from the Marshall and Swift Publication.

(7) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, including allocations; or

(b) The average per square foot land value of the ten nearest urban or rural nursing ((homes)) facilities at the time of purchase of the land in question. The average land value sample shall ((depend on)) reflect either all urban or all rural facilities depending upon the classification of urban or rural for the ((home)) facility in question((- assessed for purposes of taxation)). The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments.

((7)) (8) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

WSR 92-13-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3406—Filed June 10, 1992, 4:29 p.m., effective June 11, 1992, 12:01 a.m.]

Date of Adoption: June 10, 1992.

Purpose: It is important to have the changes and clarifications described below in place prior to July 1, 1992, when the new state fiscal year begins and new prospective rates are calculated. Consequently, the amendments are sought on an emergency as well as on a permanent

basis. WAC 388-96-026 Projected budget for new contractors, the purpose is to eliminate from "new contractor" status those nursing Medicaid facilities which expand or renovate the physical plant after obtaining certificate of need approval. The cost of capital improvements may be currently funded under existing regulatory authority without the use of new contractor rate setting procedures. Also the rate will not be frozen until six months' of cost report data is received, which is required by statute for "new contractor" rates, and the provider will be able to rebase on July 1 along with other providers; WAC 388-96-032 Termination of contract, the changes are made under the department's general rule-making authority to carry out one of the policies and purposes of chapter 74.46 RCW, namely, that contractors adequately secure and refund Medicaid overpayments. Recently certain Medicaid nursing care providers have terminated their contracts and left substantial unsecured overpayment obligations, making recovery difficult if not impossible. The department's authority to obtain adequate security for recovery of Medicaid settlement overpayments (determined by comparison of rates paid to costs incurred in a calendar year) is enhanced. Under the changes proposed: Parties related by ownership or control to the contractor are made (with the contractor) jointly and severally liable to the department for unsecured overpayments; the department can reach by lien in the absence of adequate security those assets legally belonging to parties related by ownership or control to the Medicaid contractor; and the department will be able to demand security, and withhold contract payments and file liens in the absence of security, if overpayments reach or exceed \$50,000 in the course of a provider's contractual performance, regardless of whether the contractor intends to terminate Medicaid care. Authority exists now to withhold current Medicaid contract payments, in the absence of security, for the final 60 days of operation prior to contract termination. Factors which render the current authority inadequate in some instances are: Related-party incorporations and transactions which strip assets from the contracting entity; failure to give adequate notice of contract termination; and sometimes the magnitude of overpayment owed the department is simply too large to get adequate security within sixty days prior to contract termination. RCW 74.46.800 obligates the department to "adopt, promulgate, amend, and rescind such administrative rules as are necessary to carry out the policies and purposes of this chapter." An obvious policy or purpose of chapter 74.46 RCW is to recover Medicaid provider overpayments. (RCW 74.46.180) Another is to obtain adequate security to insure overpayment recovery. (RCW 74.46.690) Consequently, the department is authorized to enhance its authority to recover these overpayments. Overpayments is achieved in as many cases as possible; WAC 388-96-101 Reports, the purpose is to clarify that cost reports must not only be timely submitted but must be fully completed as submitted; WAC 388-96-110 Improperly completed or late reports, the purpose is to clarify that all informational schedules submitted in connection with a cost report must be fully completed. Also, the department is granted

express authority to withhold a provider's new rate if that provider's resident debility information (which is needed to help calculate Medicaid rates) is not transmitted to the department in accordance with the established uniform format and procedures; WAC 388-96-113 Completing reports and maintaining records, the purpose is to clarify that each schedule within a cost report must be legible and reproducible; WAC 388-96-505 Offset of miscellaneous revenues, provides that financial benefits such as purchase discounts and rebates shall be offset against allowable costs during the year they are actually received by the contractor; WAC 388-96-710 Prospective reimbursement rate for new contractors, the purposes are to clarify and modify procedures for new contractor rate setting as follows: It is clarified the specific rate setting provisions in 710 control rate-setting for new contractors; it is clarified new facilities going into operation for the first time are not simply those with a new building—they must be new operations also, that is, have a new resident population and new staff; obsolete reference to skilled and intermediate care licenses is removed; references to contractors constructing expansions or renovations is removed since they will no longer be considered new contractors; WAC 388-96-716 Cost areas, obsolete reference to the enhancement cost center is removed; WAC 388-96-722 Nursing services cost area rate, reference to "Batelle" debility score is eliminated to clarify the department has flexibility to calculate debility, on a consistent basis, using a Batelle or other methodology. It is clarified the regression used to determine providers' average resident debilities shall be calculated every two years. It is provided that initial patient assessments shall no longer be completed by the department, ordinarily, but will be transmitted to the department in accordance with minimum data set format and instruction, subject to department audit or further investigation; WAC 388-96-745 Property cost area reimbursement rate, specific limits on new construction for purposes of reimbursement are updated and procedures for calculating those limits are clarified; and WAC 388-96-763 Rates for recipients requiring exceptionally heavy care, procedures for establishing and maintaining individual exceptional care rates are clarified. An upward limit or ceiling on exceptional care rates is established at 160 percent of the nursing facility's post hospitalization skilled nursing facility Medicare rate. This limit is necessary because the high facility specific rates of a few providers (which drive calculations of exceptional care rates) can result in exceptional care rates that approach the cost of hospitalization. In order to avoid loss of substantial public funds in rate payments in excess of the actual and reasonable cost of nursing care a cap is needed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-026 Projected budgeted for new contractors, 388-96-032 Termination of contract, 388-96-101 Reports, 388-96-110 Improperly completed or late reports, 388-96-113 Completing reports and maintaining records, 388-96-505 Offset of miscellaneous revenues, 388-96-710 Prospective reimbursement rate for new contractors, 388-96-716 Cost areas, 388-96-722 Nursing services cost area rate, 388-96-763

Rates for recipients requiring exceptionally heavy care, and 388-96-745 Property cost area reimbursement rate.

Statutory Authority for Adoption: RCW 74.46.800.

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

Reasons for this Finding: To comply with legal requirements for Medicaid nursing facility payment system and improve administration of program.

Effective Date of Rule: June 11, 1992, 12:01 a.m.

June 10, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)

WAC 388-96-026 **PROJECTED BUDGET FOR NEW CONTRACTORS.** (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract becomes effective. For purposes of this section, the department shall consider a "new contractor" as one which:

(a) Operates a new facility going into operation for the first time;

(b) Acquires or assumes responsibility for operating an existing facility; or

(c) Enters the cost-related reimbursement system after providing service at the nursing home in the past, but either not under the program or receiving flat- or class-rate reimbursement(~~(;~~or

~~(d) Obtains a certificate of need approval due to an addition to or renovation of a facility)).~~

(2) The projected budget shall:

(a) Cover the twelve months immediately following the date the contractor enters the program;

(b) Be certified by the new contractor,

(c) Be prepared on forms and in accordance with instructions provided by the department; and

(d) Include all earnest money, purchase, and lease agreements involved in the transaction.

(3) A new contractor shall submit, at least sixty days before the effective date of the contract, a statement disclosing the identity of individuals or organizations who:

(a) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or

(b) Have a beneficial ownership interest in the purchasing or leasing entity.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-032 **TERMINATION OF CONTRACT.** (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The department shall base the reasonable estimate (~~(shall be based upon)~~) on prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

(a) Withheld payments for one or more months of service due the contractor; or

(b) A surety bond issued by a bonding company acceptable to the department; or

(c) An assignment of funds to the department; or

(d) Collateral acceptable to the department; or

(e) A purchaser's assumption of liability for the prior contractor's overpayment; or

(f) A promissory note secured by a deed of trust; or

(g) Any combination of (a), (b), (c), (d) ~~((or))~~, (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute.

(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor, and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state, jointly and severally, on the part of the contractor and/or any organization entity or person(s) related to the contractor by ownership or control as defined in this chapter and shall become a lien against the real and personal property of the contractor and/or against the real and personal property of any organization, entity or person(s) related to the contractor by ownership or control as defined in this chapter from the time of filing by the department with the county auditor of the county where the contractor or related organization, entity or person(s) resides, does business, or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 388-96-224, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(11) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and security shall not be required.

(12) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

(13) Regardless of whether a contractor intends to terminate its Medicaid contract, if a facility's Medicaid overpayment liability for one or more settlement periods reaches or exceeds fifty thousand dollars as determined by preliminary and/or final settlement (whether subject to good faith dispute or not), the department shall demand and obtain security equivalent to such overpayment and any subsequent increase in liability. Such security shall meet the criteria in subsections (3) and (4),

except that the department shall not accept an assumption of liability. The department is further authorized to withhold all or portions of the contractor's current contract payments and/or impose liens as authorized by subsection (6) if acceptable security is not forthcoming. The department shall release a contractor's withheld payments and/or liens if the contractor subsequently provides security acceptable to 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 2270, filed 9/19/85 [8/19/85])

WAC 388-96-101 REPORTS. Each contractor shall submit to the department an annual cost report fully completed for the period from January 1st through December 31st of the preceding year. The department, when it deems necessary to assure the accuracy of cost reports, may require a contractor to submit to the department and may review any underlying financial statements or other records, including income tax returns, which relate to the cost report directly or indirectly.

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

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, a contractor shall complete an annual report, including all informational schedules and the proposed settlement computed by cost center pursuant to regulation, ((must be completed)) in accordance with applicable statutes, departmental regulations, and instructions. An annual cost report deficient in any of these respects ((may)) will be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) If a cost report is not properly completed or is not received by the department on or before the due date of the report, including any approved extensions, the department may hold all or a part of any payments due under the contract ((may be held by the department)) until the improperly completed or delinquent report is properly completed and received by the department.

(3) If current resident debility information is not transmitted to the department under proper minimum data set (MDS) format and procedures, a contractor's July 1 rate shall be withheld until the department receives such information.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All report~~(s)~~ schedules shall be legible and reproducible. All entries

must be typed, completed in black or dark blue ink, or provided in an acceptable, indelible copy.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule specifying the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-505 OFFSET OF MISCELLANEOUS REVENUES. (1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for care services;

except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the property and administration and operations cost areas only. In the property cost area, the amount of reduction will be determined by dividing allowable property costs by total patient days and multiplying the result by total hold-room days. In the administration and operations cost area, the amount of reduction will be determined by dividing allowable administration and operations costs minus dietary, laundry, and nursing supply costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in SNF or ICF services (e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in SNF or ICF services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-710 PROSPECTIVE REIMBURSEMENT RATE FOR NEW CONTRACTORS.

(1) The department shall establish a prospective reimbursement rate for a new contractor within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract.

(2) The department shall base this prospective reimbursement rate, as specified below, on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances. This rate shall comply with all the provisions of rate setting contained in this chapter and shall comply with all lids and maximums set forth in this chapter. Subject to such provisions, lids, and maximums, the department shall follow the procedures set forth in this section((-):

(a) The department shall select from department records a sample comprised of all the current contractors in the same county in similar circumstances:

(i) For facilities not operated by a Medicaid contractor for the period of operation immediately prior to the effective date of the new contract((-):; and

(ii) For new facilities going into operation for the first time. New facilities going into operation for the first time shall be those with a new building, new resident population and new staff. Similar circumstances shall

consist of the same bed capacity, plus or minus twenty-five beds(~~(, and whether licensed or not to provide skilled nursing care or intermediate care)~~). The department shall exclude from the sample those facilities against which the department has assessed a civil penalty for health or safety violations or proposed licensed revocation, stop placement or decertification for health or safety violations within six months preceding the effective date of the new contract. If the county-wide sample does not include at least six facilities, the department shall include in the sample all facilities in similar circumstances in the adjoining county or counties. Based upon the most recent information in its files relating to the topics set forth below, the department shall determine:

(A) The average sample debility score;

(B) The average sample nursing services wages and hours; and

(C) The average sample costs for nursing services, food, and administration and operations cost centers inflated in accordance with the provisions of this chapter.

(I) Nursing services. The department shall follow the projected budget for rate setting to the extent it does not exceed the sample average wages, hours, and inflated costs plus ten percent of such wages, hours, and inflated costs. The department shall allow a budget above the sample averages plus ten percent only to the extent anticipated debility of the patient population to be served exceeds or is likely to exceed the sample average debility as demonstrated and documented by the contractor. In such cases, rate funding shall not exceed predicted staffing for the anticipated debility. The department shall determine actual debility when sufficient data is available and shall recover any overpayment under rules relating to errors and omissions.

(II) Food. The food rate shall be the rate per patient day of other Medicaid contractors established in accordance with this chapter.

(III) Administration and operations. The department shall follow the projected budget for rate setting to the extent it does not exceed:

(aa) The sample average inflated costs as determined under subsection (2)(a) of this section for administration and operations, plus

(bb) Ten percent of such costs. The department shall allow a budget above the sample average inflated costs plus ten percent only to the extent costs are likely to exceed the inflated sample average plus ten percent as demonstrated by the contractor. However, the department shall allow budgeted salaries of administrators and assistant administrators if not in excess of maximums set forth in this chapter.

(IV) Property. The property rate shall be set in accordance with the provisions of this chapter.

(V) Return on investment. The department shall set the return on investment rate in accordance with the provisions of this chapter. The department shall use budgeted food cost in computing the financing allowance to the extent it does not exceed the inflated sample average food cost. The department shall allow a budget above the inflated sample average only to the extent food cost is likely to exceed the inflated sample average as demonstrated and documented by the contractor.

(b) The department shall follow the procedures set forth in subsection (2)(a) of this section for facilities operated by a Medicaid contractor, if any, for the period of operation immediately prior to the effective date of the new contract. However, the department shall use data used to set the preceding contractor's rate rather than data from a sample average plus ten percent. The department shall not use data used to set the preceding contractor's rate if the department has assessed a civil penalty against such contractor for health or safety violations or has proposed licensed revocation, stop placement, or decertification for health or safety violations within six months preceding the effective date of the new contract. In such cases, the department shall use sample average data.

~~((c) The department shall follow the procedures set forth in subsection (2)(a) of this section for existing facilities constructing additions or making renovations after obtaining certificate of need approval if:~~

~~(i) The operating entity for the period prior to the effective date of the new contract was not a Medicaid contractor, or~~

~~(ii) The department assessed a civil penalty against the facility for health or safety violations or proposed license revocation, stop placement, or decertification for health or safety violations within six months prior to the effective date of the new contract. Otherwise, the department shall follow the procedures indicated in subsection (2)(b) of this section. However, data used to set the preceding contractor's rate shall be adjusted to reflect increased bed capacity, if any.)~~

(3) If the department has not received a properly completed projected budget at least sixty days prior to the effective date of the contract, the department shall establish a rate based on the other factors specified in subsection (2) of this section. This initial prospective rate shall remain in effect until a prospective rate can be set according to WAC 388-96-713.

(4) If a change of ownership is not an arm's-length transaction as defined in WAC 388-96-010, the department shall set the new contractor's prospective rates in the administration and operation and property cost areas no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-716 COST AREAS. A contractor's overall reimbursement rate for medical care recipients shall consist of the total of ~~((six))~~ five component rates, each covering one cost area. The ~~((six))~~ five cost areas are:

- (1) Nursing services;
- (2) Food;
- (3) Administration and operations;
- (4) Property; and
- (5) Return on investment~~((; and~~
- ~~(6) Enhancement)).~~

AMENDATORY SECTION (Amending Order 3270, filed 10/29/91, filed [effective] 11/29/91)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The department shall pay the nursing services cost area reimbursement rate for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care shall include care provided by qualified therapists and their employees only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) The department shall subject nursing service costs to two reasonableness tests:

(a) A test for nursing staff hours; and

(b) A test for cost increases between the current and preceding report period.

(3) The test for nursing staff hours referenced in subsection (2)(a) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

(a) Purchased and allocated nursing and assistant staff time; and

(b) The average ~~((Battelle))~~ patient debility score for the corresponding facilities as computed by the department. The department shall compute the regression every two years and shall take data for the regression from:

(i) Correctly completed cost reports; and

(ii) Patient assessments completed by ~~((the department))~~ nursing facilities and transmitted to the department in accordance with the minimum data set (MDS) format and instructions, as may be corrected after departmental audit or other investigation, for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

(A) The hours exceeding the limit;

(B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) The test for cost increases referenced in subsection (2)(b) of this section shall compare:

(a) The percentage change in allowable nursing services cost for the facility between the most recent cost report period and the next prior cost report period, excluding actual cost incurred relating to, but not to exceed an amount equal to, any prospective rate revision

granted under WAC 388-96-774 in each cost report year,

(b) Against the percentage change in the medical care component of the consumer price index for all urban consumers between July of the most recent cost report period and July of the next prior cost report period. The department shall limit facilities reporting increases greater than the medical care component of the consumer price index to a rate determined by their adjusted patient care costs for the period immediately preceding the most recent cost report period, inflated by the medical care component of the consumer price index.

(5) In calculating and applying the test for cost increases, the department shall measure the allowable nursing services cost increase between the most recent and the next prior cost report periods on a total cost basis and on a per-patient-day cost basis only. The department shall utilize for each contractor the basis showing the lesser increase.

(6) For all rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement (commonly referred to as "nursing pool" services), in excess of the amount of compensation which would have been paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(7) Staff of like classification shall mean only the nursing classifications of registered nurse, licensed practical nurse or nurse assistant. The department shall not recognize particular individuals, positions or subclassifications within each classification for whom pool staff may be substituting or augmenting. The department shall derive the facility average hourly wage for each classification by dividing the total allowable regular and overtime salaries and wages, including related taxes and benefits, paid to facility staff in each classification divided by the total allowable hours worked for each classification. All data used to calculate the average hourly wage for each classification shall be taken from the cost report on file with the department's rates management office for the most recent cost report period.

(8) The department shall suspend application of the cost increase limitation, authorized by subsections (2)(b) and (4) of this section, for the July 1, 1991, through June 30, 1992, rate period only. The limitations shall remain in effect for all other rate periods and the suspension shall not affect application of the nursing hours lid, authorized by subsections (2)(a) and (3) of this section, which shall remain in effect for all rate periods.

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

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE.

(1) A contractor certified to provide (~~skilled~~) nursing services, a discharging hospital, a recipient of Medicaid benefits or her/his authorized representative may apply for an individual prospective reimbursement rate for a Medicaid recipient whose special nursing and direct care-related service needs are such that the hours of nursing services needed are at least twice (~~or more the contractor's current reimbursed~~) the per patient day average of nursing services hours provided in the nursing facility to which the recipient is admitted as determined by the facility's most recent reviewed cost report.

(2) When application for an exceptional care rate is made before determining where the recipient will be placed, pre-admission qualification may be granted when the recipient's special nursing and direct care needs require hours of nursing services at least twice (~~or more~~) the (~~current~~) statewide per patient day average determined by the most recent reviewed cost reports. For reviews(;) to determine continued qualification only for such recipients, conducted during the first year after placement, the department will continue to utilize the (~~most current~~) statewide average available to the department, assuming the care plan is unchanged. For subsequent reviews to determine continued qualification, the contractor's average, set forth under subsection (1) of this section, shall be substituted for the statewide average.

(3) The contractor or other applicant shall apply for exceptional care rate qualification for an exceptionally heavy care recipient in accordance with department instructions (~~furnished by the department~~). The facility shall bill the department at the authorized exceptional care rate within (~~one hundred twenty~~) three hundred sixty-five days from the exceptional care rate's effective date. Bills for services submitted after (~~one hundred twenty~~) three hundred sixty-five days shall be denied as untimely.

(4) When the department grants an individual rate for an exceptionally heavy care recipient, it shall be for a specified period of time, which the department shall determine(~~s~~), subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. If within thirty days after a resident's admission to a nursing facility the application for such resident for an exceptional care rate is submitted to the department and includes the facility plan of care documenting the need for and delivery of the resident's nursing and direct care hours, the rate, if approved, shall be effective as of the date of admission. Applications submitted more than thirty days after admission to the facility, if approved, shall be effective as of the date of application.

(5) Extensions of exceptional care rates will not be approved without an updated care plan and resident medical status information submitted in accordance with departmental instruction prior to the scheduled date of the rate's termination. Failure to comply will result in

automatic termination as of the scheduled date and reinstatement of an exceptional care rate, if desired, will require re-application and approval. Discharge or transfer of the recipient, permanently or temporarily, shall terminate an exceptional care rate which shall be non-transferable to a different facility. Qualification upon re-admission shall require re-application. A contractor may not transfer or discharge a Medical recipient based upon the status of an exceptional care rate or application for such a rate.

(6) Regardless of whether statewide average nursing hours or facility average nursing hours reported for the prior period are used for qualification, the exceptional care rate for a recipient shall be calculated by:

(a) Deriving a ratio equivalent to actual or projected nursing hours per patient day needed by the recipient in excess of the facility-specific reimbursed average nursing hours per patient day divided by the facility-specific (~~reimbursed~~) prior period reported average nursing hours per patient day;

(b) Multiplying the ratio by the facility-specific nursing services rate; and

(c) Adding the result of subsection ~~((4)(b))~~ (6)(b) of this section to the total facility-specific reimbursement rate, PROVIDED THAT: in no circumstance shall an exceptional care rate exceed one hundred sixty percent of the facility's Medicare reimbursement rate in place at the time the exceptional care rate takes effect.

~~((5))~~ (7) Factors used in the calculation process set forth under subsection ~~((4))~~ (6) of this section shall be the most current reviewed and available factors from department records at the time the department performs the calculation (~~is performed~~).

~~((6))~~ (8) A pre-admission exceptional care (~~qualification~~) rate shall be effective for ~~((only))~~ thirty days. The contractor shall notify the department, in writing, as soon as the recipient is admitted to the contractor's facility. ~~((When))~~ If resident placement ~~((with a long term care contractor))~~ in a Medicaid nursing facility has not occurred within thirty days after the ~~((qualification effective date))~~ exceptional care application is received by the department, an updated plan of care ~~((shall))~~ must be submitted in order to reinstate exceptional care qualification.

~~((7))~~ (9) Unless the department establishes ~~((a different time table for review))~~ otherwise, extensions require an updated plan of care ~~((shall))~~ to be completed and submitted every ninety days for each exceptional care recipient, including documentation supporting the need for services identified in the plan of care. A decision to continue, revise, or terminate an exceptional care rate shall be based on review of the updated plan of care and supporting documentation, a current care need assessment and other information available to the department. ~~((8))~~ In order to extend an exceptional care rate, the review must verify continued need for and delivery of nursing, direct and ancillary care services funded by the rate.

(10) An exceptional care rate shall not be revised during the period the exceptional care rate is in effect because the facility-specific nursing services or total rate is revised or re-set; however, when an exceptional care

rate is continued or revised as authorized in this section, the facility rate in place at the time of continuation or revision shall be used in the calculation process. An exceptional care rate shall be revised during the period the rate is in effect only when:

(a) An updated plan of care indicates a significant change in care needs; or

(b) Funded services are not fully delivered.

~~((9))~~ (11) No retroactive revision shall be made to an exceptional care rate, provided that:

(a) When application is made within thirty days after the recipient is admitted to the contractor's facility, an approved rate shall be effective the date of admission; ~~((and))~~

(b) When an exceptional care rate is revised due to a significant change, the revised rate will be effective on the date the department receives the updated plan of care and supporting documentation; and

(c) When care services funded by an exceptional care rate are not fully delivered, the exceptional care rate shall be reduced retroactively as of its effective date to the regular facility Medicaid rate and payment at the exceptional care rate shall cease immediately.

(12) Hours of nursing and direct care used to qualify a recipient and to calculate an exceptional rate must be verified by the department's clinical assessor.

~~((10))~~ (13) The department shall notify the contractor, in writing, of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application and supporting documentation.

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

WAC 388-96-745 PROPERTY COST AREA REIMBURSEMENT RATE. (1) The department shall determine the property cost area rate for each facility by dividing:

(a) The prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(b) The retained savings from the property cost center as provided in WAC 388-96-228, by

(c) Total patient days for the facility in the prior period. Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(2) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the property cost center rate to anticipated patient day level.

(3) When a ~~((new))~~ facility is constructed, remodeled, or expanded after obtaining a certificate of need, the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the

provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4), (5), and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(4) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.); ~~(and)~~
- (h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;
- (i) Other items included by the Marshall and Swift Valuation Service when deriving the calculator method costs.

(5) The department shall allow such construction costs, at the lower of actual costs or the maximums ~~((shown in the following tables,))~~ derived from one of the three tables which follow. The department shall derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be the sum of the basic construction cost limit plus the common use area limit which corresponds to the type and class of the new construction, remodel or expansion. The limits calculated using the tables shall be adjusted forward from ~~((May 1, 1987,))~~ September 1990 to the average date of construction ~~((for any)),~~ to reflect the change(s) in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be the midpoint date between award of the construction contract and completion of construction.

((BASE COSTS PER BED FOR ALL BEDS IN THE FACILITY BY FACILITY CLASS, QUALITY, AND SIZE:

Class and Quality	0 to 60 Beds	61 to 120 Beds	Over 120 Beds
A-good	\$50,139	42,079	39,006
A-average	40,967	34,381	31,870
B-good	48,104	40,371	37,422
B-average	39,786	33,389	30,951
C-good	35,939	30,161	27,959
C-average	27,924	23,435	21,723
C-low	22,019	18,479	17,130
D-good	32,622	27,377	25,378
D-average	25,221	21,167	19,621
D-low	19,796	16,613	15,400

ADDITIONS TO BASE COSTS BY FACILITY CLASS, QUALITY, AND SIZE:

Class and Quality	Add to Base Cost for All Facilities	Add for Each Bed from 61 to 120 Beds	Add for Each Bed Over 120 Beds
A-good	\$239,773	2,810	1,990
A-average	195,908	2,296	1,626
B-good	230,041	2,696	1,910
B-average	190,261	2,230	1,579
C-good	171,866	2,014	1,427
C-average	133,537	1,565	1,108
C-low	105,299	1,234	874
D-good	156,003	1,828	1,295
D-average	120,612	1,413	1,001
D-low	94,667	1,109	786

BASE CONSTRUCTION COST LIMITS **COMMON-USE AREA COST LIMITS**

74 BEDS & UNDER

Building Class	Base per Bed Limit	Base Limit
A-Good	\$50,433	\$278,847
A-Avg	\$41,141	\$227,469
B-Good	\$48,421	\$267,718
B-Avg	\$40,042	\$221,392
C-Good	\$35,887	\$198,421
C-Avg	\$27,698	\$153,143
C-Low	\$21,750	\$120,258
D-Good	\$33,237	\$183,765
D-Avg	\$25,716	\$142,182
D-Low	\$20,298	\$112,227

BASE CONSTRUCTION COST LIMITS **COMMON-USE AREA COST LIMITS**

75 TO 120 BEDS

Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A-Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A-Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B-Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B-Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C-Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C-Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C-Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D-Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D-Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D-Low	\$1,502,048	\$19,403	\$112,227	\$1,130

Building Class	BASE CONSTRUCTION COST LIMITS		COMMON-USE AREA COST LIMITS	
	Base Limit	121 BEDS AND OVER		Add per Bed Over 120
		Base	Add per Bed Over 120	
A-Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A-Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B-Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B-Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C-Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C-Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C-Low	\$2,565,943	\$27,916	\$175,971	\$908
D-Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D-Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D-Low	\$2,394,592	\$19,403	\$164,220	\$848

(6) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance shown in the attached tables for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limit in the table. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes from the Marshall and Swift Publication.

(7) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, including allocations; or

(b) The average per square foot land value of the ten nearest urban or rural nursing ((homes)) facilities at the time of purchase of the land in question. The average land value sample shall ((depend on)) reflect either all urban or all rural facilities depending upon the classification of urban or rural for the ((home)) facility in question(, assessed for purposes of taxation). The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments.

((7)) (8) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

WSR 92-14-001

EMERGENCY RULES

GROWTH PLANNING HEARINGS BOARDS

[Filed June 17, 1992, 3:18 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To establish rules for practice and procedure requirements before the Growth Planning Hearings Boards and rules for compliance with the public record provisions of the Public Disclosure Act.

Statutory Authority for Adoption: RCW 36.70A.270(6).

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

Reasons for this Finding: Chapter 36.70A RCW establishes specific time frames from which petitions for review shall be filed. These rules must be adopted on an emergency basis since the review procedure envisioned by law cannot begin until formal rules have been adopted. Emergency adoption of rules will allow for the prompt processing of appeals.

Effective Date of Rule: Immediately.

June 17, 1992
M. Peter Phillely
Member, Central
Puget Sound Board

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-14-002

EMERGENCY RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed June 17, 1992, 4:40 p.m., effective July 1, 1992]

Date of Adoption: May 9, 1992.

Purpose: To remove code language in WAC 51-13-502.2.1 that conflicts with chapter 132, Laws of 1992, regarding radon monitoring devices.

Citation of Existing Rules Affected by this Order: Amending WAC 51-13-502.2.1.

Statutory Authority for Adoption: Chapter 19.27 RCW.

Other Authority: Chapter 132, Laws of 1992.

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

Reasons for this Finding: As of July 1, 1992, existing code language would be in conflict with statutes that go into effect on that date. Local building officials need to

refer to chapter 132, Laws of 1992, in order to comply. This change would refer them to that citation.

Effective Date of Rule: July 1, 1992.

May 9, 1992
Gene Colin
Chairman

AMENDATORY SECTION (Amending WSR 91-12-045, filed 6/5/91, effective 7/1/91)

WAC 51-13-502 STATE-WIDE RADON REQUIREMENTS.

502.1: Crawlspace

502.1.1 General: All crawlspaces shall comply with the requirements of this section.

502.1.2 Ventilation: All crawlspaces shall be ventilated as specified in section 2516(c) of the Washington State Uniform Building Code (chapter 51-16 WAC).

If the installed ventilation in a crawlspace is less than one square foot for each three hundred square feet of crawlspace area, or if the crawlspace vents are equipped with operable louvers, a radon vent shall be installed from a point between the ground cover and soil. The radon vent shall be installed in accordance with sections 503.2.6 and 503.2.7.

502.1.3 Crawlspace plenum systems: In crawlspace plenum systems used for providing supply or return air for an HVAC system, aggregate, a soil gas retarder membrane and a radon vent pipe shall be installed in accordance with section 503.2.

In addition, a radon vent fan shall be installed and activated. The fan shall be located as specified in section 503.2.7. The fan shall be capable of providing at least one hundred cfm at one inch water column static pressure.

502.2 Radon monitoring

~~502.2.1 ((Three month etched track radon monitoring: A three month etched track radon monitor, installation instructions, and radon information sheets shall be provided by the builder at the final inspection to all single family residences and to all first floor dwelling units in multi-unit structures. It is not the responsibility of the builder to administer the radon test.)) Refer to chapter 132, Laws of 1992.~~

WSR 92-14-003

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 18, 1992, 2:48 p.m.]

Original Notice.

Title of Rule: Chapter 468-300 WAC, State ferries and toll bridges.

Purpose: The adoption of a revised schedule of tolls for the Washington state ferry system; amending WAC 468-300-010, 468-300-020 and 468-300-040; and repealing WAC 468-300-070, 468-300-410, and 468-300-510.

Statutory Authority for Adoption: RCW 47.56.030 and 47.66.326 [47.60.326].

Statute Being Implemented: RCW 47.60.326.

Summary: To change the effective date for all Washington state ferry fares to September 20, 1992.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Thomas F. Heinan, Seattle Ferry Terminal, (206) 464-7816.

Name of Proponent: [No information supplied by agency], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of a revised schedule of tolls for the Washington state ferry system; amending WAC 468-300-010 and 468-300-040; and repealing WAC 468-300-070, 468-300-410, and 468-300-510.

Proposal does not change existing rules.

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

Hearing Location: Transportation Building, Board Room 1D2, Olympia, WA 98504, on August 20, 1992, at 10:00 a.m.

Submit Written Comments to: Ben Klein, Department of Transportation Marine Division, Olympia, Washington 98504, FAX (206) 586-3593, by August 18, 1992.

Date of Intended Adoption: August 20, 1992.

June 18, 1992
James Henning
Chairman

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-010 FERRY PASSENGER TOLLS.

((Effective 03:00 a.m. July 1, 1991

ROUTES	Full Fare	Half Fare**	COM- MU- TATION	Bicycle Surcharge *****
			20 Rides *** ****	
Via Passenger-Only Ferry				
Seattle-Vashon	3.30	1.65	19.80	N/C
Seattle-Southworth				
Seattle-Bremerton				
Via Auto Ferry				
Fauntleroy-Southworth	3.30	1.65	19.80	.50
Seattle-Bremerton				
Seattle-Winslow				
Edmonds-Kingston				
Pt. Townsend-Keystone	1.65	.85	19.80	.25
Fauntleroy-Vashon	2.15	1.10	12.90	.50
Southworth-Vashon				
Pt. Defiance-Tablequah				
Mukilteo-Clinton				
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	4.65	2.35	27.90	1.00
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	2.50
Between Lopez, Shaw, Orcas***** and Friday Harbor	N/C	N/C	N/C	2.25
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney))	2.25	1.25	N/A	1.00

Effective 03:00 a.m. September 21, 1992

Routes	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides	Bicycle ² Surcharge
Via Passenger-Only Ferry				
*Seattle-Vashon	3.30	1.65	19.80	N/C
*Seattle-Southworth				
*Seattle-Bremerton				
Via Auto Ferry				
*Fauntleroy-Southworth	3.30	1.65	19.80	0.50
*Seattle-Bremerton				
*Seattle-Winslow				
*Edmonds-Kingston				
Port Townsend-Keystone	1.65	0.85	19.80	0.25
*Fauntleroy-Vashon	2.15	1.10	12.90	0.50
*Southworth-Vashon				
*Pt. Defiance-Tablequah				
*Mukilteo-Clinton				
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.65	2.35	27.90	2.50
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	4.00
Between Lopez, Shaw, Orcas and Friday Harbor ³	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor to Sidney @	2.25	1.25	N/A	1.50

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

((**Half Fare))

FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

((CHILDREN)) HALF FARE - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

SENIOR CITIZENS - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half fare does not include vehicle.

((HANDICAPPED)) DISABLED - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF ((Handicapped)) Disabled Travel Permit ((or)), Regional Reduced Fare Permit, or other identification which establishes disability at time of travel. In addition, those ((handicapped)) disabled persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF ((Handicapped)) Disabled Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

BUS PASSENGERS - Passengers traveling ((in vehicles licensed as stages and buses, unless traveling under an annual permit,)) on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare tolls on any route upon presentation of a WSF ((Handicapped)) Disabled Travel Permit or a Regional Reduced Fare Permit at time of travel.

NOTE: Half-fare privilege does not include vehicle.

((***Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

(****A joint)) FERRY/TRANSIT PASS - A combination ferry-transit monthly pass may be available ((in conjunction with a public transit operating authority for travel on a particular route. The pass enables the pass-holder to ride aboard WSF ferry vessels and transit vehicles for an unlimited number of trips during the validated month for the pass. The pass-holder may board as a bus passenger, a walk-on, or a passenger of a vehicle at any time of the day, seven days a week. The pass can be shared with friends and family, however, it can only be used once on any one sailing or bus trip. The WSF portion of the monthly pass shall be priced at the commutation rate for 40 rides for the particular route. The cost of the bus portion of the pass shall be established by the public transit operating authority. The pass will be accepted for travel on any route of equal or lesser fare)) for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel at a 50% discount.

((*****Inter-island passenger fares included in Anacortes tolls.

(*****Bicycle surcharge is in addition to the appropriate passenger fare.))

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Private vehicles require letter of authorization. Vehicles and drivers will be charged at fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

NOTE: The school group rate is not available on the Anacortes-Sidney B.C. route during the peak season.

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-020 AUTO, MOTORCYCLE, AND STOWAGE FERRY TOLLS.

((Effective 03:00 a.m. July 1, 1991

	AUTO**		MOTORCYCLE	
	INCL. DRIVER	*****	INCL. DRIVER	*****
	One Way	Commutation Rides ***	One Way	Commutation Rides ***
Fauntleroy-Southworth				
Seattle-Bremerton				
Seattle-Winstow	5.55	88.80	3.05	40.65
Pt. Townsend-Keystone				
Edmonds-Kingston				
Fauntleroy-Vashon				
Southworth-Vashon	7.50	60.00	4.10	27.35
Pt. Defiance-Tahlequah				
Mukilteo-Clinton	3.75	60.00	2.05	27.35
		10 Rides		
Anacortes to Lopez,	11.60	46.40	7.15	47.65
Shaw, Orcas	13.85	55.40	8.20	54.65
or Friday Harbor	15.85	63.40	9.50	63.35
Anacortes to Sidney and Sidney to all destinations	26.05	N/A	13.15	N/A
Between Lopez, Shaw, Orcas and Friday Harbor @	6.50	26.00	2.25	N/A

((Effective 03:00 a.m. July 1, 1991

AUTO**		MOTORCYCLE	
INCL. DRIVER		INCL. DRIVER	

One Way	Commutation	One Way	Commutation
	20 Rides		20 Rides
	***		***

From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney 13.25 N/A 6.00 N/A))

Effective 03:00 a.m. September 21, 1992

Routes	Auto w/Sr.			Motorcycle/Stowage Incl. Driver		
	Auto ¹ Incl. Driver	Citizen or Disabled Driver	Frequent User Ticket book 20 Rides ²	Auto Height Surcharge ¹	Frequent User One Way	Frequent User Ticket book 20 Rides ²
	One Way	Driver				
Fauntleroy-Southworth						
Seattle-Bremerton						
Seattle-Winslow	5.55	4.75	88.80	1.40	2.45	39.20
Port Townsend-Keystone						
Edmonds-Kingston						
*Fauntleroy-Vashon						
*Southworth-Vashon	7.50	6.45	60.00	1.90	3.20	25.60
*Pt. Defiance-Tahlequah						
Mukilteo-Clinton	3.75	3.20	60.00	0.95	1.60	25.60
			10 Rides			
*Anacortes to Lopez	11.60	9.30	46.40	2.90	6.05	48.40
*Shaw, Orcas	13.85	11.55	55.40	3.45	6.50	52.00
*Friday Harbor	15.85	13.55	63.40	3.95	6.90	55.20
Anacortes to Sidney and Sidney to all destinations	26.05	23.05	N/A	6.50	10.05	N/A
Between Lopez, Shaw, Orcas and Friday Harbor @	6.50	6.50	26.00	1.75	1.75	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.25	12.25	N/A	3.25	4.50	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

HEIGHT SURCHARGE - All vehicles up to 20' in length and under 7'6" in height shall pay the auto toll. Vehicles up to 20' in length but over 7'6" in height surcharge of 25% of the full fare auto and driver. Upon presentation of a WSF Disabled Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height surcharge will be waived.

FREQUENT USER TICKETS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage.

INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

((**)) **VANPOOLS** - A commuter vanpool which carries seven or more persons on a regular ((and)) expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for ((a three-month period)) one year valid only during the hours shown on the permit. ((The permit for commuter pool agency vanpools shall be valid for one year. By July 1, 1990, all vanpools will be required to have tax exempt or vanpool specialized licenses. The fee for private vanpool permits will be reduced from ten dollars per quarter to ten dollars per year to coincide with the fee charged to public vanpools, effective July 1, 1990.)) These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. ((The permit so purchased shall allow passage of the vehicle only during the valid periods.)) All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than ((the amount equal to)) four times the applicable passenger fare.

((***) Commutation tickets shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage: Washington state ferries shall enter into agreements with banks to sell commutation tickets:

****Tolls collected westbound only:

*****)) **Stowage** carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

((SUMMER)) **PEAK SEASON SURCHARGE** - A 20% surcharge shall be applied ((to coincide with the summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles)) effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a (((\$50.00)) \$100.00 penalty charge.

((Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.)

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicle load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.))

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-040 ((TRUCKS AND TRUCKS WITH TRAILER)) OVERSIZE VEHICLE FERRY TOLLS.

((Effective 03:00 a.m. July 1, 1991

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.				
	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII					
	Under 18'	to 18'	Under 28'	to 28'	Under 38'	to 38'	Under 48'	to 48'		Under 58'	to 58'	Under 68'	to 68'
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.55	9.40	18.65	27.85	37.10	46.35	55.50	55.50	.80				
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.50	13.20	26.20	39.00	51.90	64.90	77.90	77.90	1.10				
Mukilteo-Clinton	3.75	6.60	13.10	19.50	25.95	32.45	38.95	38.95	.55				
**Anacortes to Lopez, Shaw, Orcas or Friday Harbor	13.85	22.45	44.65	66.80	88.95	111.20	133.35	133.35	1.85				
**Anacortes to Sidney and Sidney to all destinations	26.05	34.20	57.70	81.20	104.75	128.40	151.95	151.95	2.10				
Between Lopez, Shaw, Orcas **@ and Friday Harbor	6.50	11.00	11.00	11.00	44.00	44.00	44.00	44.00	N/A				
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.25	20.00	34.00	48.00	61.50	75.50	89.25	89.25	1.00				

Effective 03:00 a.m. September 21, 1992

Routes	Oversize Vehicle Ferry Tolls ¹ Overall Unit Length - Including Driver							Cost Per Ft. Over
	20' To	30' To	40' To	50' To	60' To	70' To and	80'	
	Under 30'	Under 40'	Under 50'	Under 60'	Under 70'	Include 80'		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	10.40	13.90	19.40	23.30	38.85	44.40	0.55	
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	14.05	18.75	26.50	31.50	52.50	60.00	0.75	
Mukilteo-Clinton	7.00	9.40	13.25	15.75	26.25	30.00	0.40	
*Anacortes to Lopez ² *Shaw, Orcas *Friday Harbor	25.90	34.65	48.50	58.15	96.95	110.80	1.40	
Anacortes to Sidney and Sidney to all destinations	42.00	49.70	64.25	73.75	113.65	129.90	1.75	

Routes	Oversize Vehicle Ferry Tolls ¹						
	Overall Unit Length - Including Driver						
	20' To Under	30' To Under	40' To Under	50' To Under	60' To Under	70' To and Include	80' To Over
Between Lopez, Shaw, Orcas and Friday Harbor ³ @	11.00	11.00	11.00	44.00	44.00	44.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney @	24.50	28.75	37.25	42.75	66.00	75.25	1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

(~~**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.~~

~~***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.~~

~~Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, vehicles licensed as fixed load, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.~~

~~****Toll collected westbound only.)~~

¹OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, autos pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles which are 10 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses shall travel free upon display of an annual permit which may be purchased for \$10.

PEAK SEASON SURCHARGE - Beginning May 9, 1993, an annual peak season surcharge of 20% applies to all oversize vehicle ferry tolls from the second Sunday in May of each year through the second Sunday in October except for vehicles using frequent user tickets. The senior citizen discount applies to the driver of an oversize vehicle.

²STOPOVERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for interisland travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a ((~~\$50.00~~)) \$100.00 penalty charge.

DISCOUNT ((PERCENTAGES)) FROM REGULAR TOLL

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a ((~~25%~~)) 20% discount from the regular ferry tolls.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

BULK NEWSPAPERS - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.) Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS - A flat handling charge of \$25.00 per parcel is charged

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.) Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES - A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-300-070 NONCOMMERCIAL VEHICLE WITH TRAILER, OVERSIZE VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENTS AND MEDICAL SUPPLIES FERRY TOLLS.

WAC 468-300-410 HOOD CANAL BRIDGE TOLL SCHEDULE.

WAC 468-300-510 SPOKANE RIVER TOLL BRIDGE.

WSR 92-14-004

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 18, 1992, 2:53 p.m., effective September 20, 1992]

Date of Adoption: June 18, 1992.

Purpose: To revise the Washington state ferry fares and eliminate provisions to collect tolls on the Hood Canal and Spokane River bridges. Revised ferry fares to be effective September 20, 1992.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-300-410 and 468-300-510; and

amending WAC 468-300-010, 468-300-020, and 468-300-040.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

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

Reasons for this Finding: RCW 47.60.326. To provide sufficient lead time for mechanical intervention in point of sales machines to allow the new tariff rates to be in place prior to the effective date.

Effective Date of Rule: September 20, 1992.

June 18, 1992
James Henning
Chairman

Transportation Commission

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-010 FERRY PASSENGER TOLLS.

((Effective 03:00 a.m. July 1, 1991

ROUTES	Full	Half	COM- MU- TATION	Bicycle
	Fare	Fare**	20 Rides *** ****	Surcharge *****
<u>Via Passenger-Only Ferry</u>				
Seattle-Vashon	3.30	1.65	19.80	N/C
Seattle-Southworth				
Seattle-Bremerton				
<u>Via Auto Ferry</u>				
Fauntleroy-Southworth	3.30	1.65	19.80	.50
Seattle-Bremerton				
Seattle-Winslow				
Edmonds-Kingston				
Pt. Townsend-Keystone	1.65	.85	19.80	.25
Fauntleroy-Vashon	2.15	1.10	12.90	.50
Southworth-Vashon				
Pt. Defiance-Fahlequah				
Mukilteo-Clinton				
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	4.65	2.35	27.90	1.00
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	2.50
Between Lopez, Shaw, Orcas**** and Friday Harbor	N/C	N/C	N/C	2.25
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney))	2.25	1.25	N/A	1.00

Effective 03:00 a.m. September 21, 1992

Routes	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Bicycle Surcharge ²
<u>Via Passenger-Only Ferry</u>				
*Seattle-Vashon	3.30	1.65	19.80	N/C
*Seattle-Southworth				
*Seattle-Bremerton				

Routes	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Bicycle Surcharge ²
<u>Via Auto Ferry</u>				
<u>*Fauntleroy-Southworth</u>				
<u>*Seattle-Bremerton</u>				
<u>*Seattle-Winslow</u>	3.30	1.65	19.80	0.50
<u>*Edmonds-Kingston</u>				
<u>Port Townsend-Keystone</u>				
<u>*Fauntleroy-Vashon</u>				
<u>*Southworth-Vashon</u>	2.15	1.10	12.90	0.50
<u>*Pt. Defiance-Tahlequah</u>				
<u>*Mukilteo-Clinton</u>				
<u>*Anacortes to Lopez</u>				
<u>Shaw, Orcas or Friday Harbor</u>	4.65	2.35	27.90	2.50
<u>Anacortes to Sidney</u>				
<u>and Sidney to all destinations</u>	6.05	3.05	N/A	4.00
<u>Between Lopez,</u>				
<u>Shaw, Orcas and Friday Harbor³</u>	N/C	N/C	N/C	N/C
<u>From Lopez, Shaw, Orcas and</u>				
<u>Friday Harbor to Sidney @</u>	2.25	1.25	N/A	1.50

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

((~~**Half-Fare~~))

FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

((~~CHILDREN~~)) HALF FARE - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

SENIOR CITIZENS - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half fare does not include vehicle.

((~~HANDICAPPED~~)) DISABLED - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF ((~~Handicapped~~)) Disabled Travel Permit ((~~or~~)), Regional Reduced Fare Permit, or other identification which establishes disability at time of travel. In addition, those ((~~handicapped~~)) disabled persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF ((~~Handicapped~~)) Disabled Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

BUS PASSENGERS - Passengers traveling ((in vehicles licensed as stages and buses, unless traveling under an annual permit,)) on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare tolls on any route upon presentation of a WSF ((~~Handicapped~~)) Disabled Travel Permit or a Regional Reduced Fare Permit at time of travel.

NOTE: Half-fare privilege does not include vehicle.

((~~***Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.~~))

****A joint)) FERRY/TRANSIT PASS - A combination ferry-transit monthly pass may be available ((in conjunction with a public transit operating authority for travel on a particular route. The pass enables the pass-holder to ride aboard WSF ferry vessels and transit vehicles for an unlimited number of trips during the validated month for the pass. The pass-holder may board as a bus passenger, a walk-on, or a passenger of a vehicle at any time of the day, seven days a week. The pass can be shared with friends and family, however, it can only be used once on any one sailing or bus trip. The WSF portion of the monthly pass shall be priced at the commutation rate for 40 rides for the particular route. The cost of the bus portion of the pass shall be established by the public transit operating authority. The pass will be accepted for travel on any route of equal or lesser fare)) for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel at a 50% discount.

((~~*****Inter-island passenger fares included in Anacortes tolls:~~))

*****Bicycle surcharge is in addition to the appropriate passenger fare.))

PROMOTIONAL TOLLS – A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

SCHOOL GROUPS – Passengers traveling in authorized school groups for institution sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Private vehicles require letter of authorization. Vehicles and drivers will be charged at fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

NOTE: The school group rate is not available on the Anacortes-Sidney B.C. route during the peak season.

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-020 AUTO, MOTORCYCLE, AND STOWAGE FERRY TOLLS.

((Effective 03:00 a.m. July 1, 1991

	AUTO**		MOTORCYCLE	
	INCL. DRIVER		INCL. DRIVER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.55	88.80	3.05	40.65
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.50	60.00	4.10	27.35
Mukilteo-Clinton	3.75	60.00	2.05	27.35
		+10 Rides		
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	11.60 13.85 15.85	46.40 55.40 63.40	7.15 8.20 9.50	47.65 54.65 63.35
Anacortes to Sidney and Sidney to all destinations	26.05	N/A	13.15	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.50	26.00	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	13.25	N/A	6.00	N/A))

Effective 03:00 a.m. September 21, 1992

Routes	Auto w/Sr.			Motorcycle/Stowage Incl. Driver		
	Auto ¹ Incl. Driver	Citizen or Disabled Driver	Frequent User Ticket book	Auto Height Surcharge ¹	Frequent User Ticket book	
	One Way		20 Rides ²		20 Rides ²	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	5.55	4.75	88.80	1.40	2.45	39.20
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	7.50	6.45	60.00	1.90	3.20	25.60
Mukilteo-Clinton	3.75	3.20	60.00	0.95	1.60	25.60
			+10 Rides			
*Anacortes to Lopez *Shaw, Orcas *Friday Harbor	11.60 13.85 15.85	9.30 11.55 13.55	46.40 55.40 63.40	2.90 3.45 3.95	6.05 6.50 6.90	48.40 52.00 55.20

Routes	Auto w/Sr.			Motorcycle/Stowage		
	Auto ¹	Citizen or	Frequent User	Incl. Driver	Frequent User	
	Incl. Driver	Disabled	Ticket book	Auto Height	Ticket book	
	One Way	Driver	20 Rides ²	Surcharge ¹	One Way	20 Rides ²
<u>Anacortes to Sidney and Sidney to all destinations</u>	26.05	23.05	N/A	6.50	10.05	N/A
<u>Between Lopez, Shaw, Orcas and Friday Harbor³ @</u>	6.50	6.50	26.00	1.75	1.75	N/A
<u>From Lopez, Shaw, Orcas and Friday Harbor to Sidney@</u>	13.25	12.25	N/A	3.25	4.50	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

HEIGHT SURCHARGE – All vehicles up to 20' in length and under 7'6" in height shall pay the auto toll. Vehicles up to 20' in length but over 7'6" in height surcharge of 25% of the full fare auto and driver. Upon presentation of a WSF Disabled Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height surcharge will be waived.

FREQUENT USER TICKETS – Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage.

INTER-ISLAND FARES – Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS – Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

~~((**)) VANPOOLS~~ – A commuter vanpool which carries seven or more persons on a regular ~~((and))~~ expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for ~~((a three-month period))~~ one year valid only during the hours shown on the permit. ~~((The permit for commuter pool agency vanpools shall be valid for one year. By July 1, 1990, all vanpools will be required to have tax exempt or vanpool specialized licenses. The fee for private vanpool permits will be reduced from ten dollars per quarter to ten dollars per year to coincide with the fee charged to public vanpools, effective July 1, 1990.))~~ These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. ~~((The permit so purchased shall allow passage of the vehicle only during the valid periods.))~~ All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than ~~((the amount equal to))~~ four times the applicable passenger fare.

~~((***) Commutation tickets shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.~~

~~****Tolls collected westbound only.~~

~~*****)) Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.~~

~~((SUMMER)) PEAK SEASON SURCHARGE~~ – A 20% surcharge shall be applied ~~((to coincide with the summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles))~~ effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

PENALTY CHARGES – Owner of vehicle without driver will be assessed a ~~(((\$50.00))~~ \$100.00 penalty charge.

~~((Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.~~

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicle load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.)

PROMOTIONAL TOLLS – A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

**WAC 468-300-040 ((TRUCKS AND TRUCKS WITH TRAILER)) OVERSIZE VEHICLE FERRY TOLLS.
((Effective 03:00 a.m. July 1, 1991**

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	to 28'	to 38'	to 48'	to 58'	to 68'	to 78'	Over 78'	

Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.55	9.40	18.65	27.85	37.10	46.35	55.50	55.50	.80
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.50	13.20	26.20	39.00	51.90	64.90	77.90	77.90	1.10
Mukilteo-Clinton	3.75	6.60	13.10	19.50	25.95	32.45	38.95	38.95	.55
**Anacortes to Lopez, Shaw, Orcas or Friday Harbor	11.60 13.85 15.85	22.45	44.65	66.80	88.95	111.20	133.35	133.35	1.85
Anacortes to Sidney **and Sidney to all destinations	26.05	34.20	57.70	81.20	104.75	128.40	151.95	151.95	2.10
Between Lopez, Shaw, Orcas **@ and Friday Harbor	6.50	11.00	11.00	11.00	44.00	44.00	44.00	44.00	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.25	20.00	34.00	48.00	61.50	75.50	89.25	89.25	1.00

Effective 03:00 a.m. September 21, 1992

Routes	Oversize Vehicle Ferry Tolls ¹ Overall Unit Length - Including Driver							Cost Per Ft. Over
	20' To Under	30' To Under	40' To Under	50' To Under	60' To Under	70' To and Include	80' To and Over	
	30'	40'	50'	60'	70'	80'		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	10.40	13.90	19.40	23.30	38.85	44.40	0.55	
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	14.05	18.75	26.50	31.50	52.50	60.00	0.75	
Mukilteo-Clinton	7.00	9.40	13.25	15.75	26.25	30.00	0.40	
*Anacortes to Lopez ² *Shaw, Orcas *Friday Harbor	25.90	34.65	48.50	58.15	96.95	110.80	1.40	
Anacortes to Sidney and Sidney to all destinations	42.00	49.70	64.25	73.75	113.65	129.90	1.75	
Between Lopez, Shaw, Orcas and Friday Harbor ³ @	11.00	11.00	11.00	44.00	44.00	44.00	N/A	
From Lopez, Shaw, Orcas and Friday Harbor to Sidney @	24.50	28.75	37.25	42.75	66.00	75.25	1.00	

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

(~~**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.~~)

~~***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.~~

~~Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, vehicles licensed as fixed load, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.~~

~~****Toll collected westbound only.)~~

¹OVERSIZE VEHICLES – Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, autos pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles which are 10 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses shall travel free upon display of an annual permit which may be purchased for \$10.

PEAK SEASON SURCHARGE – Beginning May 9, 1993, an annual peak season surcharge of 20% applies to all oversize vehicle ferry tolls from the second Sunday in May of each year through the second Sunday in October except for vehicles using frequent user tickets. The senior citizen discount applies to the driver of an oversize vehicle.

²STOPOVERS – Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

³INTER-ISLAND – Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for interisland travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS – Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES – Owner of vehicle without driver will be assessed a (~~(\$50.00)~~) \$100.00 penalty charge.

DISCOUNT ((PERCENTAGES)) FROM REGULAR TOLL

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a (~~(25%)~~) 20% discount from the regular ferry tolls.

EMERGENCY TRIPS DURING NONSERVICE HOURS – While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

BULK NEWSPAPERS – Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS – A flat handling charge of \$25.00 per parcel is charged

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES – A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER – Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time, nor does it warrant the availability of space on board a vessel on a given sailing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-300-070 NONCOMMERCIAL VEHICLE WITH TRAILER, OVERSIZE VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENTS AND MEDICAL SUPPLIES FERRY TOLLS.

WAC 468-300-410 HOOD CANAL BRIDGE TOLL SCHEDULE.

WAC 468-300-510 SPOKANE RIVER TOLL BRIDGE.

WSR 92-14-005
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—June 1, 1992]

A regular meeting of the faculty of the School of Drama shall be held on Monday, September 21, 1992, 1:00 p.m. in Hutchinson 154.

WSR 92-14-006

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**
[Memorandum—June 15, 1992]

The board of trustees of the Seattle Community College District will have a luncheon with representatives of the Community Colleges for International Development at noon on Friday, June 19, 1992, at the Edgewater Inn, the Terrace Area, Pier 67, Seattle, Washington. This will be a luncheon only, there will be no action items.

WSR 92-14-007

**PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS**
[Filed June 19, 1992, 10:33 a.m.]

Date of Adoption: May 14, 1992.
Purpose: To amend the Puget Sound pilotage tariff.
Citation of Existing Rules Affected by this Order:
Amending WAC 296-116-300.
Statutory Authority for Adoption: RCW 88.16.035.
Pursuant to notice filed as WSR 92-07-076 on March 16, 1992.

Changes Other than Editing from Proposed to Adopted Version: The adopted version represents a decrease of approximately 4.5% from the proposed version. The "transportation to vessels" was only increased \$1 across-the-board instead of the proposed 13.66%.

Effective Date of Rule: Thirty-one days after filing.
June 18, 1992
C. A. Richmond, Jr.
Chairman

AMENDATORY SECTION (Amending WSR 91-11-074, filed 5/20/91, effective 6/20/91)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	((\$-28.00)) <u>\$ 31.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow	Double LOA Zone
Any tow exceeding seven hours, two pilots are man- datory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchor- age, or from anchorage to anchorage in the same port after all other applicable tariff charges for pi- lotage services have been recognized as payable.	

CLASSIFICATION	RATE
Waterway and bridge charges: Ships up to 90' beam: A charge of \$((+53.00)) <u>167.00</u> shall be in addition to bridge fees for any vessel movements both in- bound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$((73.00)) <u>80.00</u> per bridge.	
Ships 90' beam and/or over: A charge of \$((206.00)) <u>225.00</u> shall be in addition to bridge fees for any vessel movements both in- bound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Elev- enth Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((144.00)) <u>157.00</u> per bridge. (The above charges shall not apply to transit of ves- sels from Shilshole Bay to the limits of Lake Washington.)	
Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the sec- ond and/or third pilot charge shall include the bridge and waterway charge in addition to the har- bor shift rate.	
Compass adjustment	((\$205.00)) <u>\$224.00</u>
Radio direction finder calibration	((\$205.00)) <u>\$224.00</u>
Launching vessels	((\$309.00)) <u>\$337.00</u>
Trial trips, 6 hours or less (Minimum \$((582.00)) <u>635.00</u>)	((\$-97.00)) <u>\$106.00</u> per hr.
Trial trips, over 6 hours (two pilots)	((\$194.00)) <u>\$212.00</u> per hr.
Shilshole Bay — Salmon Bay	((\$120.00)) <u>\$131.00</u>
Salmon Bay — Lake Union	((\$-94.00)) <u>\$103.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((\$120.00)) <u>\$131.00</u>
Cancellation charge	LOA Zone I
Cancellation charge — Port Angeles (when a pilot is or- dered and vessel proceeds to a port outside the <u>Puget Sound pilotage district</u> without stopping for pilot or when a pilot order is cancelled less than <u>twelve hours prior to the original ETA.</u>)	LOA Zone ((†)) <u>II</u>
Docking delay after anchoring:	((\$-97.00)) <u>\$106.00</u> per hr.
Applicable harbor shift rate to apply, plus \$((97.00)) <u>106.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((97.00)) <u>106.00</u> for every hour or fraction thereof.	
Sailing delay:	((\$-97.00)) <u>\$106.00</u> per hour
No charge if delay is 60 minutes or less. If the de- lay is more than 60 minutes, charge is \$((97.00)) <u>106.00</u> for every hour or fraction thereof.	

CLASSIFICATION	RATE
	(\$-97.00)
	<u>\$106.00</u>
	per hour

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~\$(97.00)~~ 106.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Super ships:

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of ~~\$(0.0512)~~ 0.0559 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be ~~\$(0.0613)~~ 0.0669 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles:	(\$-97.00)
	<u>\$106.00</u>
	per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~\$(97.00)~~ 106.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ ((+13.00))
	<u>114.00</u>
Bangor	((66.00))
	<u>67.00</u>
Bellingham	((+25.00))
	<u>126.00</u>
Bremerton	((35.00))
	<u>36.00</u>
Cherry Point	((+47.00))
	<u>148.00</u>
Dupont	((66.00))
	<u>67.00</u>
Edmonds	((24.00))
	<u>25.00</u>
Everett	((43.00))
	<u>44.00</u>
Ferndale	((+35.00))
	<u>136.00</u>
Manchester	((52.00))
	<u>53.00</u>
Mukilteo	((42.00))
	<u>43.00</u>
Olympia	((85.00))
	<u>86.00</u>
Point Wells	((24.00))
	<u>25.00</u>
Port Gamble	((61.00))
	<u>62.00</u>

CLASSIFICATION	RATE
Port Townsend (Indian Island)	((86.00))
	<u>87.00</u>
Seattle	((+1.00))
	<u>12.00</u>
Semiahmoo (Blaine)	((+54.00))
	<u>155.00</u>
Tacoma	((44.00))
	<u>45.00</u>
Tacoma Smelter	((50.00))
	<u>51.00</u>
Winslow	((35.00))
	<u>36.00</u>

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - ~~\$(+1.00)~~ 12.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.60 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE					
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
(Up to 449	144	226	392	587	792	1030
450 - 459	148	231	395	595	804	1034
460 - 469	152	234	399	605	816	1038
470 - 479	157	240	405	618	819	1041
480 - 489	161	245	407	629	824	1044
490 - 499	164	247	411	640	833	1050
500 - 509	171	252	419	650	839	1057
510 - 519	174	257	423	657	848	1061
520 - 529	176	267	430	661	856	1071
530 - 539	182	270	435	668	869	1081
540 - 549	185	274	444	676	884	1091
550 - 559	189	283	447	685	890	1102
560 - 569	196	294	456	692	900	1113
570 - 579	200	298	460	694	908	1120
580 - 589	208	303	469	700	914	1132
590 - 599	218	309	472	704	927	1144
600 - 609	226	318	478	706	937	1151
610 - 619	239	321	487	710	948	1161
620 - 629	248	325	493	716	958	1174
630 - 639	261	333	498	718	966	1185
640 - 649	272	339	503	721	977	1194

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
650 - 659	290	346	512	727	988	1205
660 - 669	298	349	517	730	998	1215
670 - 679	307	358	523	743	1010	1222
680 - 689	312	366	529	751	1018	1234
690 - 699	321	371	536	765	1030	1259
700 - 719	336	383	547	772	1048	1274
720 - 739	356	395	560	783	1071	1295
740 - 759	371	411	572	792	1091	1318
760 - 779	386	428	585	804	1113	1337
780 - 799	405	445	595	816	1132	1360
800 - 819	421	460	607	821	1151	1380
820 - 839	435	475	620	833	1174	1397
840 - 859	454	495	633	842	1194	1421
860 - 879	470	512	646	866	1215	1440
880 - 899	487	528	657	885	1234	1462
900 - 919	501	543	669	906	1259	1483
920 - 939	518	560	685	927	1274	1502
940 - 959	536	575	695	948	1295	1522
960 - 979	550	592	708	966	1318	1543
980 - 999	569	607	719	988	1337	1563
1000 & over	585	628	732	1010	1360	1585))
Up to 449	157	247	428	641	864	1124
450 - 459	162	252	431	649	878	1129
460 - 469	166	255	436	660	891	1133
470 - 479	171	262	442	675	894	1136
480 - 489	176	267	444	687	899	1140
490 - 499	179	270	449	699	909	1146
500 - 509	187	275	457	709	916	1154
510 - 519	190	281	462	717	926	1158
520 - 529	192	291	469	721	934	1169
530 - 539	199	295	475	729	949	1180
540 - 549	202	299	485	738	965	1191
550 - 559	206	309	488	748	971	1203
560 - 569	214	321	498	755	982	1215
570 - 579	218	325	502	758	991	1222
580 - 589	227	331	512	764	998	1236
590 - 599	238	337	515	768	1012	1249
600 - 609	247	347	522	771	1023	1256
610 - 619	261	350	532	775	1035	1267
620 - 629	271	355	538	782	1046	1281
630 - 639	285	363	544	784	1054	1293
640 - 649	297	370	549	787	1066	1303
650 - 659	317	378	559	794	1078	1315
660 - 669	325	381	564	797	1089	1326
670 - 679	335	391	571	811	1102	1334
680 - 689	341	399	577	820	1111	1347
690 - 699	350	405	585	835	1124	1374
700 - 719	367	418	597	843	1144	1391
720 - 739	389	431	611	855	1169	1414
740 - 759	405	449	624	864	1191	1439
760 - 779	421	467	639	878	1215	1459
780 - 799	442	486	649	891	1236	1484
800 - 819	460	502	663	896	1256	1506
820 - 839	475	518	677	909	1281	1525
840 - 859	496	540	691	919	1303	1551
860 - 879	513	559	705	945	1326	1572
880 - 899	532	576	717	966	1347	1596
900 - 919	547	593	730	989	1374	1619
920 - 939	565	611	748	1012	1391	1639
940 - 959	585	628	759	1035	1414	1661
960 - 979	600	646	773	1054	1439	1684
980 - 999	621	663	785	1078	1459	1706
1000 & over	639	685	799	1102	1484	1730

WSR 92-14-008
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS
 [Filed June 19, 1992, 10:36 a.m.]

Date of Adoption: May 14, 1992.

Purpose: To amend the Puget Sound pilotage tariff.

Citation of Existing Rules Affected by this Order:
 Amending WAC 296-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

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

Reasons for this Finding: The Puget Sound pilots income for 1991 fell well below the target net income established by the board. With nearly six months of 1992 already past, fairness and equity requires immediate implementation of the new 1992 tariff rates to preclude continued erosion of their income.

Effective Date of Rule: Immediately.

June 18, 1992
 C. A. Richmond, Jr.
 Chairman

AMENDATORY SECTION (Amending WSR 91-11-074, filed 5/20/91, effective 6/20/91)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT.

CLASSIFICATION RATE

Ship length overall (LOA)
 Charges: per LOA rate schedule in this section

Boarding fee: ((~~\$ 28.00~~))
 \$ 31.00

Per each boarding/deboarding at the Port Angeles pilot station.

Harbor shift - Live ship (Seattle Port) LOA Zone I
 Harbor shift - Live ship (other than Seattle Port) LOA Zone I

Harbor shift - Dead ship Double LOA Zone I

Dead ship towing charge: Double LOA Zone

LOA of tug + LOA of tow + beam of tow
 Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:
 A charge of ~~\$(+53.00))~~ 167.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall

CLASSIFICATION	RATE	CLASSIFICATION	RATE
have an additional charge of \$(73.00) <u>80.00</u> per bridge.		hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.	
Ships 90' beam and/or over: A charge of \$(206.00) <u>225.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$(144.00) <u>157.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)		Super ships: 20,000 to 50,000 gross tons: Additional charge to LOA zone mileage of \$(0.0512) <u>0.0559</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. 50,000 gross tons and up: In excess of 50,000 gross tons, the charge shall be \$(0.0613) <u>0.0669</u> per gross ton.	
Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.		For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.	
Compass adjustment	\$(205.00) <u>\$224.00</u>	Delayed arrival-Port Angeles:	\$(5-97.00) <u>\$106.00</u> per hour
Radio direction finder calibration	\$(205.00) <u>\$224.00</u>	When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$(97.00) <u>106.00</u> for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.	
Launching vessels	\$(309.00) <u>\$337.00</u>	When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.	
Trial trips, 6 hours or less (Minimum \$(582.00) <u>635.00</u>)	\$(5-97.00) <u>\$106.00</u> per hr.	Transportation to vessels on Puget Sound:	
Trial trips, over 6 hours (two pilots)	\$(194.00) <u>\$212.00</u> per hr.	March Point or Anacortes	\$ ((113.00)) <u>114.00</u>
Shilshole Bay — Salmon Bay	\$(120.00) <u>\$131.00</u>	Bangor	((66.00)) <u>67.00</u>
Salmon Bay — Lake Union	\$(94.00) <u>\$103.00</u>	Bellingham	((125.00)) <u>126.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	\$(120.00) <u>\$131.00</u>	Bremerton	((35.00)) <u>36.00</u>
Cancellation charge	LOA Zone I	Cherry Point	((147.00)) <u>148.00</u>
Cancellation charge — Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone ((+)) <u>11</u>	Dupont	((66.00)) <u>67.00</u>
Docking delay after anchoring:	\$(5-97.00) <u>\$106.00</u> per hr.	Edmonds	((24.00)) <u>25.00</u>
Applicable harbor shift rate to apply, plus \$(97.00) <u>106.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(97.00) <u>106.00</u> for every hour or fraction thereof.		Everett	((43.00)) <u>44.00</u>
Sailing delay:	\$(5-97.00) <u>\$106.00</u> per hour	Ferndale	((135.00)) <u>136.00</u>
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(97.00) <u>106.00</u> for every hour or fraction thereof.	\$(5-97.00) <u>\$106.00</u> per hour	Manchester	((52.00)) <u>53.00</u>
Slowdown: When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$(97.00) <u>106.00</u> per		Mukilteo	((42.00)) <u>43.00</u>
		Olympia	((85.00)) <u>86.00</u>
		Point Wells	((24.00)) <u>25.00</u>
		Port Gamble	((61.00)) <u>62.00</u>
		Port Townsend (Indian Island)	((86.00)) <u>87.00</u>
		Seattle	((11.00)) <u>12.00</u>
		Semiahmoo (Blaine)	((154.00)) <u>155.00</u>
		Tacoma	((44.00)) <u>45.00</u>
		Tacoma Smelter	((50.00)) <u>51.00</u>
		Winslow	((35.00)) <u>36.00</u>

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - $\$((+1.00))$ 12.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.60 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

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450-459	148	231	395	595	804	1034
460-469	152	234	399	605	816	1038
470-479	157	240	405	618	819	1041
480-489	161	245	407	629	824	1044
490-499	164	247	411	640	833	1050
500-509	171	252	419	650	839	1057
510-519	174	257	423	657	848	1061
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530-539	182	270	435	668	869	1081
540-549	185	274	444	676	884	1091
550-559	189	283	447	685	890	1102
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600-609	226	318	478	706	937	1151
610-619	239	321	487	710	948	1161
620-629	248	325	493	716	958	1174
630-639	261	333	498	718	966	1185
640-649	272	339	503	721	977	1194
650-659	290	346	512	727	988	1205
660-669	298	349	517	730	998	1215
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720-739	356	395	560	783	1071	1295
740-759	371	411	572	792	1091	1318
760-779	386	428	585	804	1113	1337
780-799	405	445	595	816	1132	1360
800-819	421	460	607	821	1151	1380
820-839	435	475	620	833	1174	1397
840-859	454	495	633	842	1194	1421
860-879	470	512	646	866	1215	1440

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
880-899	487	528	657	885	1234	1462
900-919	501	543	669	906	1259	1483
920-939	518	560	685	927	1274	1502
940-959	536	575	695	948	1295	1522
960-979	550	592	708	966	1318	1543
980-999	569	607	719	988	1337	1563
1000 & over	585	628	732	1010	1360	1585))
Up to 449	157	247	428	641	864	1124
450-459	162	252	431	649	878	1129
460-469	166	255	436	660	891	1133
470-479	171	262	442	675	894	1136
480-489	176	267	444	687	899	1140
490-499	179	270	449	699	909	1146
500-509	187	275	457	709	916	1154
510-519	190	281	462	717	926	1158
520-529	192	291	469	721	934	1169
530-539	199	295	475	729	949	1180
540-549	202	299	485	738	965	1191
550-559	206	309	488	748	971	1203
560-569	214	321	498	755	982	1215
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600-609	247	347	522	771	1023	1256
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620-629	271	355	538	782	1046	1281
630-639	285	363	544	784	1054	1293
640-649	297	370	549	787	1066	1303
650-659	317	378	559	794	1078	1315
660-669	325	381	564	797	1089	1326
670-679	335	391	571	811	1102	1334
680-689	341	399	577	820	1111	1347
690-699	350	405	585	835	1124	1374
700-719	367	418	597	843	1144	1391
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760-779	421	467	639	878	1215	1459
780-799	442	486	649	891	1236	1484
800-819	460	502	663	896	1256	1506
820-839	475	518	677	909	1281	1525
840-859	496	540	691	919	1303	1551
860-879	513	559	705	945	1326	1572
880-899	532	576	717	966	1347	1596
900-919	547	593	730	989	1374	1619
920-939	565	611	748	1012	1391	1639
940-959	585	628	759	1035	1414	1661
960-979	600	646	773	1054	1439	1684
980-999	621	663	785	1078	1459	1706
1000 & over	639	685	799	1102	1484	1730

WSR 92-14-009

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-21—Filed June 19, 1992, 2:40 p.m.]

Original Notice.

Title of Rule: Establishes chapter 173-564 WAC, Water resources management program for the main stem of the Snake River in Washington.

Purpose: This rule establishes a new chapter to withdraw from further appropriation the unappropriated waters of the Snake River main stem, with certain specified exceptions.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW, and chapter 173-500 WAC.

Statute Being Implemented: Chapter 90.54 RCW.

Summary: This rule establishes a new chapter to withdraw from further appropriation the unappropriated waters of the Snake River main stem, with certain specified exceptions.

Reasons Supporting Proposal: Recent action by the United States and the Northwest Power Planning Council (NPPC) have called into question whether water is available for, and whether the public is served by, further appropriations from the main stem of the Snake River. These actions include listing several salmon stocks as endangered or threatened and amendments to the NPPC Fish and Wildlife Program.

Name of Agency Personnel Responsible for Drafting: Thom Lufkin, Lacey, (206) 493-9560; Implementation: Ken Slattery, Lacey, (206) 459-6114; and Enforcement: Doug Clausing/Ted Olson, Yakima/Spokane, (509) 457-7140/456-5057.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes a new chapter to withdraw from further appropriation the unappropriated waters of the Snake River main stem, with certain specified exceptions. Recent actions by the United States and the Northwest Power Planning Council (NPPC) have called into question whether water is available for, and whether the public is served by, further appropriations from the main stem of the Snake River. These actions include listing several salmon stocks as endangered or threatened and amendments to the NPPC fish and wildlife program.

Proposal does not change existing rules.

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

Regulatory Fairness Act Compliance Document Chapter 173-564 WAC

Water Resources Management Program for the Main Stem of the Snake River in Washington

Introduction: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that proposed rules affecting more than 20 percent of all industries or more than 10 percent of any one industry be evaluated for disproportionate impacts on small versus large businesses, and that mitigation be provided if legally feasible. The analysis summarized here indicates that less than 10 percent of any industry is likely to be affected by the proposed action, and, therefore, the Regulatory Fairness Act does not apply. The basis for this finding is described below.

Summary of Analysis: The proposed rule withdraws from appropriation those surface waters of the main stem of the Snake River and ground waters that are part of or tributary to the Snake River for which applications were not accepted for filing prior to December 20, 1991. The purpose of this action is to protect instream flows while further data and information is gathered and assessed in light of designation of certain salmon stocks of

the Columbia and Snake Rivers as endangered species. The proposed regulatory action includes an expiration date of June 30, 1994, or when the rule is amended, whichever occurs first. Since it is impossible to predict or forecast with any confidence the number and kinds of applications for appropriation of these waters that would have occurred in this actions absence, it was decided to use the actual experience of the two years prior to December 20, 1991, as a guide to and a "proxy" for what might occur in the near-term future. A database of applications for water rights was obtained. Records for applications for withdrawal of surface waters from the Snake River by private individuals and companies from December 20, 1989, through December 20, 1991, were extracted and analyzed. Applicants were assigned to industrial sectors based on the primary purpose stated in the applications. The resulting distribution of applicants by business or industry is shown in the following table.

Business or Industry (SIC)	# of Applicants	# in State*
Sanitary Services (495)	0	259
Irrigated Agriculture/ Aquaculture (011 - 029)	4	8,942
Residential Development (153/655)	0	1,121

*Information obtained from Departments of Revenue (business and occupation taxpayers) and Employment Security (covered employers) records for 1990.

It should be noted that the information sources for the numbers of businesses in various industries do not offer good coverage for agricultural sectors. By way of perspective, both the 1987 Census of Agriculture and the 1990-1991 edition of Washington Agricultural Statistics report in excess of 15,000 irrigated farms in Washington. Information regarding applications for withdrawals from wells in hydraulic continuity with the main stem of the Snake River were not readily extracted from the available information. However, assuming that the next two years' applications would have been similar in number and type to those of the period examined, there is substantial margin for these applications within a limit of 10 percent of the examined industries.

Mitigation: Although mitigation is not required in this case under the Regulatory Fairness Act, the proposed rule does provide assistance for potential users of waters of the Snake River in that the following uses of water are exempted from the rule: (a) Applications filed by the United States for uses of water withdrawn under chapter 90.40 RCW; (b) Water withdrawn for nonrecurring temporary projects of no more than four months' duration; (c) Water withdrawn for nonconsumptive use; and (d) Withdrawals from ground water that is part of or tributary to the main stem of the Snake River if the withdrawal of the ground water does not require a permit under RCW 90.44.050.

Hearing Location: Wenatchee Public Library, 310 Douglas, Wenatchee, on September 8, 1992, at 6:30 - 8:30 p.m.; and public hearings will also be held in the following counties: Asotin, Columbia, Franklin, Garfield, Grant, Kittitas, Klickitat, Okanogan, Stevens, Walla Walla, and Yakima. The specific hearing locations, dates and times will be published in a future Washington State Register.

Submit Written Comments to: Thom Lufkin, Department of Ecology, Water Resources, P.O. Box 47600, Olympia, WA 98504-7600, by October 16, 1992.

Date of Intended Adoption: November 3, 1992.

June 19, 1992

Fred Olson
Deputy Director

Chapter 173-564 WAC

WATER RESOURCES MANAGEMENT PROGRAM FOR THE
MAIN STEM OF THE SNAKE RIVER IN WASHINGTON
STATE

NEW SECTION

WAC 173-564-010 BACKGROUND AND PURPOSE. The Snake River is an interstate river with waters subject to laws of five states and the federal government. The flows and levels of the river in Washington State are heavily influenced by the operation of federally owned and federally licensed dams located upstream from Washington and within Washington, as well as by water diversions in the various states. The waters of the river support extensive irrigation, navigation, municipal, industrial and power generation uses as well as nationally significant anadromous fish runs. These fish runs require for their survival clean, flowing water assured by minimum flows and special actions by all agencies sharing in the management of the river.

The department of ecology of the state of Washington recognizes that, under our federal constitutional system, regulatory power over the Snake River is shared between the United States and the states and that by various federal actions the state's powers may in some cases be superseded through the mandates of the Supremacy Clause of the United States Constitution.

This chapter is adopted to promote the proper utilization of the water resources of the Snake River and to protect and insure the viability of the instream resource values associated with the main stem of the river in the future.

NEW SECTION

WAC 173-564-020 AUTHORITY These rules are adopted under the authority of chapters 34.05, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW, and in relation to chapter 173-500 WAC.

NEW SECTION

WAC 173-564-030 APPLICABILITY. (1) This chapter applies to public surface waters of the main stem of the Snake River in Washington and to any ground water where the ground water is determined by the department of ecology to be part of or tributary to the surface waters of the main stem of the Snake River. For purposes of this chapter, the main stem of the Snake River extends from the Idaho, Oregon and Washington border, in the extreme southeastern corner of the state of Washington, at river mile 175, to the confluence with the Columbia River near Pasco, Washington at river mile 0.

(2) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing water right permits and certificates.

NEW SECTION

WAC 173-564-040 WITHDRAWAL OF UNAPPROPRIATED WATERS (1) New information and changing conditions place into question whether sufficient information and data is available for making sound decisions on water availability and the public interest for additional appropriations from the main stem of the Snake River. These changing conditions include the listing on December 20, 1991 of Snake River Sockeye Salmon as endangered and the May 17, 1992 listing of Snake River Spring/Summer and Fall Chinook Salmon as threatened under the federal Endangered Species Act and related federal, regional and state activities to assure the protection of Columbia basic salmon runs.

(2) Pursuant to subsection (1) of this section, the waters of the main stem of the Snake River that are unappropriated by water rights for which applications were accepted for filing by the department prior to December 20, 1991 are withdrawn from further appropriation, except that the department may issue a permit to withdraw water for:

(a) Nonrecurring temporary projects of no more than four months duration; and

(b) Nonconsumptive uses which, for the purposes of this section, are defined as uses where:

(i) There is no diversion from the water source; or

(ii) The water is diverted and returned immediately to the source at the point of diversion following its use, in the same quantity as diverted and meeting water quality standards for the source.

(3) All water right applications which the department accepted for filing prior to December 20, 1991 for diversion or pumping of surface water from the main stem of the Snake River, or for withdrawal of ground water which is part of or tributary to the main stem of the Snake River, shall be processed in accordance with existing policies and procedures and are not subject to this withdrawal of waters.

(4) With the exceptions specified in subsection (2) of this section, all water right applications which the department accepted for filing on or after December 20, 1991 for diversion or pumping of surface water from the main stem of the Snake River, or for withdrawal of ground water which is part of or tributary to the main stem of the Snake River where such withdrawal requires a permit under RCW 90.44.050, are subject to this withdrawal of waters and will be acted upon, without loss of priority date, after the expiration of the withdrawal of waters.

(5) The department shall inform applicants of the status of their applications under this section.

(6) This section will expire on June 30, 1994 or upon further amendment of the chapter, whichever occurs first.

WSR 92-14-010

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-20—Filed June 19, 1992, 2:43 p.m.]

Original Notice.

Title of Rule: Chapter 173-563 WAC, Instream resources protection program for the main stem of the Columbia River.

Purpose: This rule amends chapter 173-563 WAC to withdraw from further appropriation the unappropriated waters of the Columbia River main stem, with certain specified exceptions.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW, and chapter 173-500 WAC.

Statute Being Implemented: Chapter 90.54 RCW.

Summary: This rule establishes a new section to withdraw from further appropriation the unappropriated waters of the Columbia River main stem, with certain specified exceptions.

Reasons Supporting Proposal: Recent actions by the United States and the Northwest Power Planning Council (NPPC) have called into question whether water is available for, and whether the public is served by, further appropriations from the main stem of the Columbia River. These actions include listing several salmon stocks as endangered or threatened and amendments to the NPPC Fish and Wildlife Program.

Name of Agency Personnel Responsible for Drafting: Thom Lufkin, Lacey, (206) 493-9560; Implementation: Ken Slattery, Lacey, (206) 459-6114; and Enforcement: Doug Clausing/Ted Olson, Yakima/Spokane, (509) 457-7140/456-5057.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes a new section to withdraw from further appropriation the unappropriated waters of the Columbia River main stem, with certain specified exceptions. Recent actions by the United States and the Northwest Power Planning Council (NPPC) have called into question whether water is available for, and whether the public is served by, further appropriations from the main stem of the Columbia River. These actions include listing several salmon stocks as endangered or threatened and amendments to the NPPC fish and wildlife program.

Proposal Changes the Following Existing Rules: Chapter 173-563 WAC, Instream resources protection program for the main stem of the Columbia River, is amended by this proposal. The effect of the change is to withdraw from further appropriation the unappropriated waters of the Columbia River main stem, with certain specified exceptions. This withdrawal does not affect any existing water rights or applications which were accepted for filing by the department prior to December 20, 1991.

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

Regulatory Fairness Act Compliance Document
 Chapter 173-563 WAC Amended
 Instream Resources Protection Program for the Main Stem of the Columbia River

Introduction: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that proposed rules affecting more than 20 percent of all industries or more than 10 percent of any one industry be evaluated for disproportionate impacts on small versus large businesses, and that mitigation be provided if legally feasible. The analysis summarized here indicates that less than 10 percent of any industry is likely to be affected by the proposed action, and, therefore, the Regulatory Fairness Act does not apply. The basis for this finding is described below.

Summary of Analysis: The proposed rule withdraws from appropriation those surface waters of the main stem of the Columbia River and ground waters that are part of or tributary to the Columbia River for which applications were not accepted for filing prior to December 20, 1991. The purpose of this action is to protect instream flows while further data and information is gathered and assessed in light of designation of certain salmon stocks of the Columbia and Snake Rivers as endangered species. The proposed regulatory action includes an expiration date of June 30, 1994, or when the rule is amended, whichever occurs first. Since it is impossible to predict or forecast with any confidence the number and kinds of applications for appropriation of these waters that would have occurred in this actions absence, it was decided to use the actual experience of the two years prior to December 20, 1991, as a guide to and a "proxy" for what might occur in the near-term future. A database of applications for water rights was obtained. Records for applications for withdrawal of surface waters from the Columbia River by private individuals and companies from December 20, 1989, through December 20, 1991, were extracted and analyzed. Applicants were assigned to industrial sectors based on the primary purpose stated in the applications.

The resulting distribution of applicants by business or industry is shown in the following table.

Business or Industry (SIC)	# of Applicants	# in State*
Sanitary Services (495)	1	259
Irrigated Agriculture/ Aquaculture (011 - 029)	27	8,942
Residential Development (153/655)	5	1,121

*Information obtained from Departments of Revenue (business and occupation taxpayers) and Employment Security (covered employers) records for 1990.

It should be noted that the information sources for the numbers of businesses in various industries do not offer good coverage for agricultural sectors. By way of perspective, both the 1987 Census of Agriculture and the 1990-1991 edition of Washington Agricultural Statistics report in excess of 15,000 irrigated farms in Washington. Information regarding applications for withdrawals from wells in hydraulic continuity with the main stem of the Columbia River were not readily extracted from the available information. However, assuming that the next two years' applications would have been similar in number and type to those of the period examined, there is substantial margin for these applications within a limit of 10 percent of the examined industries.

Mitigation: Although mitigation is not required in this case under the Regulatory Fairness Act, the proposed rule does provide assistance for potential users of waters of the Columbia River in that the following uses of water are exempted from the rule: (a) Applications filed by the United States for uses of water withdrawn under chapter 90.40 RCW; (b) Water withdrawn for nonrecurring temporary projects of no more than four months' duration; (c) Water withdrawn for nonconsumptive use; and (d) Withdrawals from ground water that is part of or tributary to the main stem of the Columbia River if the withdrawal of the ground water does not require a permit under RCW 90.44.050.

Hearing Location: Wenatchee Public Library, 310 Douglas, Wenatchee, on September 8, 1992, at 6:30 - 8:30 p.m.; and public hearings will also be held in the following counties: Asotin, Columbia, Franklin, Garfield, Grant, Kittitas, Klickitat, Okanogan, Stevens, Walla Walla, and Yakima. The specific hearing locations, dates and times will be published in a future Washington State Register.

Submit Written Comments to: Thom Lufkin, Department of Ecology, Water Resources, P.O. Box 47600, Olympia, WA 98504-7600, by October 16, 1992.

Date of Intended Adoption: November 3, 1992.

June 19, 1992
 Fred Olson
 Deputy Director

NEW SECTION

WAC 173-563-015 WITHDRAWAL OF UNAPPROPRIATED WATERS (1) New information and changing conditions place into question whether sufficient information and data is available for making sound decisions on water availability and the public interest for additional appropriations from the main stem of the Columbia River. These changing conditions include the listing on December 20, 1991 of Snake River Sockeye Salmon as endangered and the May 17, 1992 listing of Snake River Spring/Summer and Fall Chinook Salmon as

threatened under the federal Endangered Species Act and related federal, regional and state activities to assure the protection of Columbia basin salmon runs.

(2) Pursuant to subsection (1) of this section, the waters of the main stem of the Columbia River that are unappropriated by water rights for which applications were accepted for filing by the department prior to December 20, 1991 are withdrawn from further appropriation, except that the department may issue a permit to withdraw water for:

(a) Applications filed by the United States for uses of water withdrawn under Chapter 90.40 RCW;

(b) Nonrecurring temporary projects of no more than four months duration; and

(c) Nonconsumptive uses which, for the purposes of this section, are defined as uses where:

(i) There is no diversion from the water source; or

(ii) The water is diverted and returned immediately to the source at the point of diversion following its use, in the same quantity as diverted and meeting water quality standards for the source.

(3) All water right applications which the department accepted for filing prior to December 20, 1991 for diversion or pumping of surface water from the main stem of the Columbia River, or for withdrawal of ground water which is part of or tributary to the main stem of the Columbia River, shall be processed in accordance with existing policies and procedures and are not subject to this withdrawal of waters.

(4) With the exceptions specified in subsection (2) of this section, all water right applications which the department accepted for filing on or after December 20, 1991 for diversion or pumping of surface water from the main stem of the Columbia River, or for withdrawal of ground water which is part of or tributary to the main stem of the Columbia River where such withdrawal requires a permit under RCW 90.44.050, are subject to this withdrawal of waters and will be acted upon, without loss of priority date, after the expiration of the withdrawal of waters.

(5) The department shall inform applicants of the status of their applications under this section.

(6) This section will expire on June 30, 1994 or upon further amendment of the chapter, whichever occurs first.

WSR 92-14-011
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
(Water Resources Program)

[Order 92-19—Filed June 19, 1992, 2:47 p.m.]

Date of Adoption: June 19, 1992.

Purpose: This emergency rule establishes a new chapter to withdrawn from appropriation the unappropriated waters of the Snake River main stem, with certain specified exceptions, and to direct the disposition of pending and future water right applications.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, 90.03, 90.44, and 90.54 RCW.

Other Authority: Chapter 173-500 WAC.

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

Reasons for this Finding: The department has determined that it is lacking sufficient information to determine whether water is available for further appropriation and whether the public interest will be impaired by such appropriation. The proposed rule is needed immediately to provide notice to the public that water right

applications will not be acted upon until sufficient information is available to make water right decisions. Additionally, the United States has listed Snake River sockeye salmon as an endangered species, resulting in the need for immediate action by the state.

Effective Date of Rule: Immediately.

June 19, 1992

Fred Olson

Deputy Director

Chapter 173-564 WAC
WATER RESOURCES MANAGEMENT
PROGRAM FOR THE MAIN STEM OF THE
SNAKE RIVER IN WASHINGTON STATE

NEW SECTION

WAC 173-564-010 BACKGROUND AND PURPOSE. *The Snake River is an interstate river with waters subject to laws of five states and the federal government. The flows and levels of the river in Washington State are heavily influenced by the operation of federally owned and federally licensed dams located upstream from Washington and within Washington, as well as by water diversions in the various states. The waters of the river support extensive irrigation, navigation, municipal, industrial and power generation uses as well as nationally significant anadromous fish runs. These fish runs require for their survival clean, flowing water assured by minimum flows and special actions by all agencies sharing in the management of the river.*

The department of ecology of the state of Washington recognizes that, under our federal constitutional system, regulatory power over the Snake River is shared between the United States and the states and that by various federal actions the state's powers may in some cases be superseded through the mandates of the Supremacy Clause of the United States Constitution.

This chapter is adopted to promote the proper utilization of the water resources of the Snake River and to protect and insure the viability of the instream resource values associated with the main stem of the river in the future.

NEW SECTION

WAC 173-564-020 AUTHORITY *These rules are adopted under the authority of chapters 34.05, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW, and in relation to chapter 173-500 WAC.*

NEW SECTION

WAC 173-564-030 APPLICABILITY. *(1) This chapter applies to public surface waters of the main stem of the Snake River in Washington and to any ground water where the ground water is determined by the department of ecology to be part of or tributary to the surface waters of the main stem of the Snake River. For purposes of this chapter, the main stem of the Snake River extends from the Idaho, Oregon and Washington border, in the extreme southeastern corner of the state of Washington, at river mile 175, to the confluence with the Columbia River near Pasco, Washington at river mile 0.*

(2) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing water right permits and certificates.

NEW SECTION

WAC 173-564-040 WITHDRAWAL OF UNAPPROPRIATED WATERS (1) New information and changing conditions place into question whether sufficient information and data is available for making sound decisions on water availability and the public interest for additional appropriations from the main stem of the Snake River. These changing conditions include the listing on December 20, 1991 of Snake River Sockeye Salmon as endangered and the May 17, 1992 listing of Snake River Spring/Summer and Fall Chinook Salmon as threatened under the federal Endangered Species Act and related federal, regional and state activities to assure the protection of Columbia basin salmon runs.

(2) Pursuant to subsection (1) of this section, the waters of the main stem of the Snake River that are unappropriated by water rights for which applications were accepted for filing by the department prior to December 20, 1991 are withdrawn from further appropriation, except that the department may issue a permit to withdraw water for:

(a) Nonrecurring temporary projects of no more than four months duration; and

(b) Nonconsumptive uses which, for the purposes of this section, are defined as uses where:

(i) There is no diversion from the water source; or

(ii) The water is diverted and returned immediately to the source at the point of diversion following its use, in the same quantity as diverted and meeting water quality standards for the source.

(3) All water right applications which the department accepted for filing prior to December 20, 1991 for diversion or pumping of surface water from the main stem of the Snake River, or for withdrawal of ground water which is part of or tributary to the main stem of the Snake River, shall be processed in accordance with existing policies and procedures and are not subject to this withdrawal of waters.

(4) With the exceptions specified in subsection (2) of this section, all water right applications which the department accepted for filing on or after December 20, 1991 for diversion or pumping of surface water from the main stem of the Snake River, or for withdrawal of ground water which is part of or tributary to the main stem of the Snake River where such withdrawal requires a permit under RCW 90.44.050, are subject to this withdrawal of waters and will be acted upon, without loss of priority date, after the expiration of the withdrawal of waters.

(5) The department shall inform applicants of the status of their applications under this section.

(6) This section will expire on June 30, 1994 or upon further amendment of the chapter, whichever occurs first.

WSR 92-14-012

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

(Water Resources Program)

[Order 92-18—Filed June 19, 1992, 2:49 p.m.]

Date of Adoption: June 19, 1992.

Purpose: This emergency rule amends chapter 173-563 WAC adding a section to withdraw from appropriation the unappropriated waters of the Columbia River main stem, with certain specified exceptions, and to direct the disposition of pending and future water right applications.

Citation of Existing Rules Affected by this Order: Amending chapter 173-563 WAC.

Statutory Authority for Adoption: Chapters 34.05, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW.

Other Authority: Chapter 173-500 WAC and WAC 173-563-075.

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

Reasons for this Finding: The department has determined that it is lacking sufficient information to determine whether water is available for further appropriation and whether the public interest will be impaired by such appropriation. The proposed rule is needed immediately to provide notice to the public that water right applications will not be acted upon until sufficient information is available to make water right decisions. Additionally, the United States has listed Snake River sockeye salmon as an endangered species, resulting in the need for immediate action by the state.

Effective Date of Rule: Immediately.

June 19, 1992
Fred Olson
Deputy Director

NEW SECTION

WAC 173-563-015 WITHDRAWAL OF UNAPPROPRIATED WATERS (1) New information and changing conditions place into question whether sufficient information and data is available for making sound decisions on water availability and the public interest for additional appropriations from the main stem of the Columbia River. These changing conditions include the listing on December 20, 1991 of Snake River Sockeye Salmon as endangered and the May 17, 1992 listing of Snake River Spring/Summer and Fall Chinook Salmon as threatened under the federal Endangered Species Act and related federal, regional and state activities to assure the protection of Columbia basin salmon runs.

(2) Pursuant to subsection (1) of this section, the waters of the main stem of the Columbia River that are unappropriated by water rights for which applications were accepted for filing by the department prior to

December 20, 1991 are withdrawn from further appropriation, except that the department may issue a permit to withdraw water for:

(a) Applications filed by the United States for uses of water withdrawn under Chapter 90.40 RCW;

(b) Nonrecurring temporary projects of no more than four months duration; and

(c) Nonconsumptive uses which, for the purposes of this section, are defined as uses where:

(i) There is no diversion from the water source; or

(ii) The water is diverted and returned immediately to the source at the point of diversion following its use, in the same quantity as diverted and meeting water quality standards for the source.

(3) All water right applications which the department accepted for filing prior to December 20, 1991 for diversion or pumping of surface water from the main stem of the Columbia River, or for withdrawal of ground water which is part of or tributary to the main stem of the Columbia River, shall be processed in accordance with existing policies and procedures and are not subject to this withdrawal of waters.

(4) With the exceptions specified in subsection (2) of this section, all water right applications which the department accepted for filing on or after December 20, 1991 for diversion or pumping of surface water from the main stem of the Columbia River, or for withdrawal of ground water which is part of or tributary to the main stem of the Columbia River where such withdrawal requires a permit under RCW 90.44.050, are subject to this withdrawal of waters and will be acted upon, without loss of priority date, after the expiration of the withdrawal of waters.

(5) The department shall inform applicants of the status of their applications under this section.

(6) This section will expire on June 30, 1994 or upon further amendment of the chapter, whichever occurs first.

WSR 92-14-013
EMERGENCY RULES
WILDLIFE COMMISSION

[Order 557—Filed June 19, 1992, 4:50 p.m.]

Date of Adoption: June 19, 1992.

Purpose: Emergency change, effective immediately and continuing for 120 days, to close fishing for game fish on the Tucannon River in the area from the hatchery bridge upstream to a point 400 feet above the hatchery intake dam.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: The issue involves low river flows, high water temperatures, and high mortality of

adult Tucannon spring chinook. Current low flows in the Tucannon River are expected to continue to decline and river temperatures are expected to increase as the summer continues. The Snake River evaluation crew has documented a 7% mortality in adult spring chinook (a threatened stock); which is unprecedented for this time of year in the Tucannon. Most prespawning mortality does not occur until August. Many badly fungused fish have been observed and will likely not survive the one to three month holding period before spawning. Low flows also increase vulnerability to poaching and harassment. Radio tracking studies indicate a large portion of the population holds in the area from the hatchery bridge upstream to a point 400 feet above the hatchery intake dam before spawning. These fish are particularly vulnerable in this reach due to holding behavior in several clear pools. This reach is also very easy to access from the road making it a popular fishing/recreation area. The Tucannon spring chinook program goal is the rehabilitation of a stock of salmon listed as a threatened species by the National Marine Fisheries Service. The fish need protection and closing this area to game fishing would help achieve that goal. Enforcement would be more straightforward due to a complete fishing closure and public awareness of this important stock of spring chinook should increase.

Effective Date of Rule: Immediately.

June 19, 1992
 Curt Smitch
 Director
 for Dean A. Lydig
 Chair

NEW SECTION

WAC 232-28-61915 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—TUCANNON RIVER. Notwithstanding the provisions of WAC 232-28-619, the following regulations apply to the Tucannon River, effective immediately and continuing for 120 days.

Tucannon River: From the hatchery bridge upstream to a point 400 feet above the hatchery intake dam: CLOSED WATERS.

All other provisions of WAC 232-28-619 for the Tucannon River remain in effect and unchanged.

WSR 92-14-014
EMERGENCY RULES
WILDLIFE COMMISSION

[Order 558—Filed June 19, 1992, 4:51 p.m.]

Date of Adoption: June 19, 1992.

Purpose: To identify and designate certain wildlife species and restrict their importation, possession, propagation, sale, transfer and/or release.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-021 and 232-12-064.

Statutory Authority for Adoption: RCW 77.12.030.

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

Reasons for this Finding: The director and commission have found that the importation, possess, sale, release and/or transfer within the state of the listed species, pose a serious threat to the health of native wildlife.

Effective Date of Rule: Immediately.

June 19, 1992
 Curt Smith
 Director
 for Dean A. Lydig
 Chair

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-021 ((IMPORT)) IMPORTATION AND RETENTION OF DEAD NONRESIDENT WILDLIFE. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless ((the)) such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being ((held)) stored and general information describing where and how the wildlife was obtained.

AMENDATORY SECTION (Amending Order 243, filed 4/5/85)

WAC 232-12-064 LIVE WILDLIFE. Taking from the wild, importation, possession, transfer, holding in captivity.

(1) It is unlawful to take live wild animals, wild birds, or game fish from the wild without a permit provided for by rule of the commission.

(2) Notwithstanding the provisions of WAC 232-12-027(1) and WAC 232-12-067, it is unlawful to import in to the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of wildlife listed in this subsection, their gametes and/or embryo, except as provided under subsections (9) or (10) below:

In the family Cervidae, all of the following species:

<u>Roosevelt and Rocky Mountain elk</u>	<u>Cervus elaphus</u>
<u>Mule deer and Black-tailed deer</u>	<u>Odocoileus hemionus</u>
<u>White-tailed deer</u>	<u>Odocoileus virginianus</u>
<u>Moose</u>	<u>Alces alces</u>

((f2)) (3) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to federal or state law, local ordinance or commission rule. Live wild animals, wild birds or game fish shall not be brought into the state without

first presenting veterinarian or fish pathologist certification to the department that the wildlife is disease free and that the area from which acquired has no history of wildlife disease which may pose a risk to wildlife in this state. Proof of lawful importation must be produced for inspection on request of a department employee.

((f3)) (4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired and possessed. Proof of lawful acquisition and possession must be produced for inspection on request of a department employee. Such proof shall contain: (1) Species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

((f4)) (5) Wildlife held in captivity which becomes diseased must immediately be placed under the professional care of a licensed veterinarian or certified fish pathologist, and such incident reported immediately to the department by the owner. If diseased wildlife present a threat to the wildlife of the state, the director may order such actions as necessary, including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities and disposal of the wildlife in a manner satisfactory to the department.

((f5)) (6) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or otherwise commercialized on except as provided by rule of the commission.

((f6)) (7) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

((f7)) (8) All live wildlife possessed or held in captivity, and the area where held, must be open to inspection by department personnel at reasonable times.

(9) Scientific Research or Display: The director may authorize a person to import into the state, hold, or possess live specimens of wild animals listed in subsection (2) for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

- (a) The specimens are confined to a secure facility,
- (b) The specimens will not be transferred to any other location, except to and by other AAZPA accredited facilities with written approval of the director,
- (c) The specimens will not be sold or otherwise disposed of without written approval of the director, and
- (d) The person will keep such records on the specimens and make such reports as the director may require.

(10) Retention or Disposal of Existing Specimens in Captivity: A person holding live specimens of those wild animals listed in section (2) may retain such specimens he/she lawfully possessed prior to June 20, 1992 provided:

(a) The person reports to the director in writing by July 31, 1992, and thereafter annually or as otherwise

required by the director, the species, number and location of the specimens.

(b) The specimens are confined to a secure facility at the location reported.

(c) Live specimens are not propagated, sold, transferred, or released, except:

(i) Live specimens in lawful possession prior to June 20, 1992 may be permanently removed from the state of Washington pursuant to sale or gratuitous transfer or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA facilities with written approval of the director,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied and the total number of locations where animals are held is not increased, and

(d) Live specimens shall be permanently marked for identification in a manner determined by the director,

(e) Live specimens shall be neutered, physically separated by sex and/or rendered infertile by means of contraception.

(11) Persons legally possessing wildlife must notify the director within ten days of any change of address or location of the holding facility, and any transfer or sale of live specimens in possession allowed hereunder.

(12) Escaped Animals: Escaped wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor may be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(13) Secure Facility: For the purposes of this rule a "secure facility" is an enclosure so constructed as to prevent any danger to the environment or wildlife of the state, including escape of the animals contained therein or ingress of or contact with resident wildlife. The adequacy of the facility shall be determined by the director or agents of the director, in their sole discretion.

WSR 92-14-015

EMERGENCY RULES

WILDLIFE COMMISSION

[Order 559—Filed June 19, 1992, 4:54 p.m.]

Date of Adoption: June 19, 1992.

Purpose: To identify deleterious exotic wildlife and restrict their importation, possession, propagation, sale, transfer and/or release.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-017.

Statutory Authority for Adoption: RCW 77.12.020 and 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The director of the Department of Wildlife has found the additional species of animals to be dangerous to the environment and/or the wildlife of the state. An immediate restriction on further importation, possession, transfer, is necessary to prevent harm to the environment and/or wildlife of the state.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: A determination by the director of the Department of Wildlife that the listed species are dangerous to the environment or wildlife of the state pursuant to RCW 77.12.020.

Effective Date of Rule: Immediately.

June 19, 1992

Curt Smitch

Director

for Dean A. Lydig

Chair

AMENDATORY SECTION (Amending Order 482, filed 1/17/91)

WAC 232-12-017 **DELETERIOUS EXOTIC WILDLIFE.** (~~Deleterious exotic wildlife includes:~~)

(1) (~~Fish~~) The following animals are hereby designated as deleterious exotic wildlife:

(a) Fish

~~((a))~~ (i) In the family Claridae, (walking catfish) all members of the family.

~~((b))~~ (ii) In the family Chprinidae, (Diploid Grass carp,) Ctenopharyngodon idella

~~((c))~~ (iii) In the family Amiidae, (bowfin, mudfish or grinnel) Amia calva

~~((d))~~ (iv) In the family Characidae, the piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa), all species of the genera Serrasalmus, Rooseveltiella and Pygocentrus

~~((e))~~ (v) In the family Cyprinidae, the rudd (Scadinus erythroptalmus) and Ide (silver orfe or golden orfe (leuciscus idus))

~~((f))~~ (vi) In the family Lepiosteidae, the gar-pikes

~~((g))~~ (vii) In the family Channidae, the snakeheads (China fish) and all forms of the genus Channa (Ophicephalus)

~~((h))~~ (b) Amphibians

~~((a))~~ (i) In the family Pipidae, the African clawed frog (Xenopus laevis)

~~((j))~~ (c) Birds

~~((a))~~ (i) In the family Anatidae, the mute swan (Cygnus olor)

~~((k))~~ (d) Mammals

~~((a))~~ (i) In the family Viverridae, the mongoose (all members of the genus Herpestes)

~~((b))~~ (ii) In the family Suidae, the wild boar, (Sus scrofa and all wild hybrids)

~~((c))~~ (iii) In the family Tayassuidae, the collared peccary (javelina) (Tayassu tajacu)

~~((d))~~ (iv) In the family Bovidae, all members and hybrids of the following genera - Rupicapra (Chamois);

Hemitragus (Tahr); Capra (goats, ibexes except domestic goat Capra hircus); Ammotragus (Barbary sheep or Aoudad); and Ovis ((only)) mouflon species – Ovis musimon) except domestic sheep, Ovis aries, Reedbucks (all members of the Genus Redunca), Oryx and Gemsbok (all members of the Genus Oryx), Addax (Addax nasomaculatus), Sassabies (all members of the Genus Damaliscus), Hartebeest (Alcelaphus buselaphus), Wildebeests (all members of the Genus Connochaetes), Blackbuck antelope (Antilope cervicapra), Markhor (Capra falconeri), and Marcopolo sheep (Ovis ammon)

~~((f))~~ (v) In the family Cervidae, the european red deer (Cervus elaphus elaphus), all nonnative subspecies of Cervus elaphus, and all hybrids with North American elk, Fallow deer (Dama dama), Axis deer (Axis axis), Rusa deer or Sambar deer (Cervus unicolor, Cervus timorensis, Cervus mariannus and Cervus alfredi), and Sika deer (Cervus Nippon).

~~((f))~~ (2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under

~~((f))~~ (3) or ((f)) (4) ((below)).
~~((f))~~ (3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, or possess live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) the specimens will not be transferred to any other location, except to and by other AAZPA accredited facilities with written director approval,

(c) the specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval, and

(d) the person will keep such records on the specimens and make such reports as the director may require.

~~((f))~~ (4) Retention or disposal of existing specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity which ((are)) were classified by the Wildlife Commission as deleterious exotic wildlife on or before January 18, 1991 may retain the specimens of such deleterious exotic wildlife he/she lawfully ((possesses)) possessed prior to January 18, 1991 provided:

(a) The person ~~((reports))~~ reported to the director in writing ~~((by March 18, 1991))~~ the species, number and location of the specimens as required by the existing regulations,

(b) the specimens are confined to a secure facility at the location reported, ~~((and))~~

(c) live specimens are not propagated ~~((, sold, transferred, or released, except for transfer or sale to locations outside the state of Washington, except federally listed endangered or threatened species may be transferred to AAZPA facilities with written director approval));~~ and are either neutered, physically separated

by sex, and/or rendered infertile by means of contraception,

(d) Live specimens are not released,

(e) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession prior to January 18, 1991, may be permanently removed from the state of Washington pursuant to sale or gratuitous transfer, or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA facilities with written approval of the director,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied and the total number of locations where animals are held is not increased, and

(f) Escapes of deleterious exotic wildlife are reported immediately to the department.

(5) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person holding exotic wildlife specimens in captivity which are classified by the Wildlife Commission as deleterious exotic wildlife by operation of this emergency rule (in the family Bovidae, Reedbucks (all members of the Genus Redunca), Oryx and Gemsbok (all members of the Genus Oryx), Addax (Addax nasomaculatus), Sassabies (all members of the Genus Damaliscus), Hartebeest (Alcelaphus buselaphus), Wildebeests (all members of the Genus Connochaetes), Blackbuck antelope (Antilope cervicapra), Markhor (Capra falconeri), and Marcopolo sheep (Ovis ammon); in the family Cervidae, Fallow deer (Dama dama), Axis deer (Axis axis), rusa deer or Sambar deer (Cervus unicolor, Cervus timorensis, Cervus mariannus and Cervus alfredi), and Sika deer (Cervus Nippon)) may retain the specimens of such deleterious exotic wildlife he/she lawfully possessed prior to June 20, 1992 and the progeny of such animals which were conceived prior to June 20, 1992, provided:

(a) The person reports to the director in writing by July 31, 1992, and annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The specimens are confined to a secure facility at the location reported,

(c) Live specimens are not propagated, and are either neutered, physically separated by sex, and/or rendered infertile by means of contraception,

(d) Live specimens are not released,

(e) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession prior to June 20, 1992, may be permanently removed from the state of Washington pursuant to sale or gratuitous transfer, or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA facilities with written approval of the director,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied

and the total number of locations where animals are held is not increased, and

(f) Escapes of deleterious exotic wildlife are reported immediately to the department.

(6) Escaped Animals: Escaped deleterious exotic wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor may be responsible for cost incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(7) Secure Facility: For the purposes of this rule a "secure facility" is an enclosure so constructed as to prevent any danger to the environment or wildlife of the state, including escape of the animals contained therein or ingress of or contact with resident wildlife. The adequacy of the facility shall be determined by the director or agents of the director, in their sole discretion.

(8) Persons legally possessing deleterious exotic wildlife must notify the director within ten days of any change of address or location of the holding facility, and any transfer or sale of live specimens in possession allowed hereunder.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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 92-14-016

NOTICE OF PUBLIC MEETINGS TRANSPORTATION COMMISSION

[Memorandum—June 19, 1992]

The July 1992 Washington State Transportation Commission meeting will be held on Thursday, July 16, 1992, at 9:00 a.m. in the Scandia Room of the Nordic Inn, 1700 South Boone, Aberdeen, WA. There will be subcommittee meetings on Wednesday, July 15, in the Board and Conference Rooms of the Polynesian Hotel in Ocean Shores.

The August 1992 Washington State Transportation Commission meeting will be held on Wednesday, August 19, 1992, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings during the afternoon of August 19.

WSR 92-14-017

NOTICE OF PUBLIC MEETINGS SOUTH PUGET SOUND COMMUNITY COLLEGE

[Memorandum—June 19, 1992]

Due to scheduling conflicts, the board of trustees changed the July 23 meeting date to July 22, 1992.

If you have any questions, please contact Patty Pynch, Administrative Assistant to the President.

WSR 92-14-018

PROPOSED RULES GAMBLING COMMISSION

[Filed June 22, 1992, 2:02 p.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: WAC 230-08-010 Monthly records, to remove crane games from rule; 230-08-025 Accounting records to be maintained by distributors and manufacturers, to remove crane games from rule; 230-08-180 Annual activity reports by commercial amusement game operators, clarify reporting requirements; 230-08-240 Annual activity reports by commercial, repeal rule; 230-50-010 Adjudicated proceedings—Hearings, clarify hearing requirements; 230-50-012 Summary suspensions, revise requirements to suspend a license; 230-50-015 Stay of summary suspension, new rule; 230-50-018 Review of orders on stay, new rule; 230-50-150 Adjudicated proceedings—Notice of hearing—Requirements; allows hearing to be conducted telephonically; 230-50-235 Brief adjudicative proceedings—Discovery limitations, new rule; and 230-50-580 Adjudicated proceedings—Hearings—Forms, new form for summary suspensions.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: RCW 9.46.0331.

Reasons Supporting Proposal: To update WAC rules to support current policies of the commission.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: Washington State Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: [No information supplied by the agency.]

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

Small Business Economic Impact Statement: [No information supplied by the agency.]

Hearing Location: SeaTac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98188, on September 11, 1992, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by September 9, 1992.

Date of Intended Adoption: September 11, 1992.

June 22, 1992
Frank L. Miller
Director

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-14-019
EMERGENCY RULES
GAMBLING COMMISSION
 [Filed June 22, 1992, 2:10 p.m.]

Date of Adoption: June 12, 1992.

Purpose: To redefine the reporting requirements for summary suspensions.

Citation of Existing Rules Affected by this Order: Amending WAC 230-50-010, 230-50-012, and 230-50-150.

Statutory Authority for Adoption: RCW 9.46.070.

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

Reasons for this Finding: To redefine requirements for summary suspensions.

Effective Date of Rule: Immediately.

June 22, 1992
 Frank L. Miller
 Director

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-010 ADJUDICATED PROCEEDINGS—HEARINGS. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) ~~((The commission will afford a person applying to the commission to exceed the limit on gross receipts in bingo games under WAC 230-20-251 an opportunity for an adjudicated proceeding prior to denying that application.~~

~~((4))~~ The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

~~((5))~~ (4) No hearing will be conducted with respect to any adjudicated proceeding unless ~~((a-[an]))~~ an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application

for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

~~((6))~~ (5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; or

(d) Where the parties have stipulated to the use of brief adjudicative proceedings.

AMENDATORY SECTION (Amending Order 207, filed 3/13/90, effective 4/13/90)

WAC 230-50-012 SUMMARY SUSPENSIONS. (1) Pursuant to RCW 34.05.422(4), the director may ~~((summarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:~~

~~((a) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or~~

~~((b) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or~~

~~((c) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or~~

~~((d) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.~~

(2)) exercise the commission's authority to summarily suspend any license or permit issued to such licensee or permittee upon a determination that one or more of the actions identified in subsection (2) of this section

have occurred and that immediate cessation of the licensed or permitted activities is necessary for the protection or preservation of the safety and welfare of the public. Suspension of a license under this provision shall take effect immediately upon service of the summary suspension order unless otherwise provided in the order.

(2) The commission deems the following actions of a licensee or permittee to constitute an immediate danger to the public safety and welfare which may require the immediate cessation of licensed or permitted activities:

(a) Failure or refusal to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto;

(b) Knowingly causing, aiding, abetting, or conspiring with another to cause any person to violate any of the laws of this state or the rules of the commission;

(c) Obtaining a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(d) Conviction of, or forfeiture of a bond upon a charge of, or having pled guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(e) Allowing any person who has been convicted of, or forfeited bond upon, any of the offenses included under (d) of this subsection, to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director;

(f) Licensee is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under (d) of this subsection;

(g) Denying the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or failure to promptly produce for inspection or audit any book, record, document, or item required by law or commission rule;

(h) Making a misrepresentation of, or failure to disclose, a material fact to the commission;

(i) Licensee has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management, or execution of an activity for financial gain; and

(j) Licensee is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates

probable cause to believe that the association is of such a nature as to be inimical to the policy of chapter 9.46 RCW or to the proper operation of the authorized gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

(3) When a license or permit has been summarily suspended by the director, an adjudicated proceeding shall be commenced and the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, upon the question of the suspension or revocation of the license or permit, or upon the renewal of the license or permit should it expire during the period of summary suspension. If an application for an adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, then a hearing shall be held within 90 days of the effective date of the summary suspension ordered by the director.

NEW SECTION

WAC 230-50-015 STAY OF SUMMARY SUSPENSION. (1) Upon summary suspension of a license or permit by the director pursuant to WAC 230-50-012, an affected licensee or permittee may petition the commission for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). Such petition must be received by the commission within fifteen days of service of the summary suspension order.

(2) Within seven days of receipt of a petition for stay, a hearing shall be held before an administrative law judge appointed by the commission pursuant to WAC 230-50-020, or if an administrative law judge is not available during this period, before a commissioner designated by the chairperson. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses or permits.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be conducted under RCW 34.05.485, brief adjudicated proceedings. The agency record for the hearing shall consist of the information upon which the summary suspension was based and may be supplemented by any information obtained by the commission subsequent to the date of the suspension order. The licensee or permittee shall have the burden of demonstrating by clear and convincing evidence that:

(a) The licensee or permittee is likely to prevail upon the merits at hearing;

(b) Without relief, the licensee or permittee will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order on stay shall be effective immediately upon service unless another date is specified in the order.

NEW SECTION

WAC 230-50-018 REVIEW OF ORDERS ON STAY. (1) The licensee, permittee, or agency may petition the commission for review of an initial order on stay. Petition for review must be in writing and received by the commission within twenty-one days of service of the initial order. If neither party has requested review within twenty-one days of service, the initial order shall be deemed the final order of the commission for purposes of RCW 34.05.467.

(2) If the commission receives a timely petition for review, the commission shall consider the petition at the next regularly scheduled meeting of the commission. Consideration on review shall be limited to the record of the hearing on stay. A commissioner acting as hearing officer pursuant to WAC 230-50-015(2) shall not be disqualified from considering the petition for review of an initial order on stay unless a party demonstrates grounds for disqualification in accordance with RCW 34.05.425.

(3) The order of the commission on the petition for review shall be effective upon service unless another date is specified in the order and is final pursuant to RCW 34.05.467. Final disposition of the petition for stay shall not affect subsequent administrative proceedings for suspension or revocation of a license or permit.

AMENDATORY SECTION (Amending Order 200, filed 11/27/89, effective 12/28/89)

WAC 230-50-150 ADJUDICATED PROCEEDINGS—NOTICE OF HEARING—REQUIREMENTS. All parties that have filed a timely application for adjudicated proceeding shall be served with a notice of hearing at least seven days before the date set for the hearing unless all parties consent to a shorter period. The notice shall state the time, ~~((place and issues involved, as required by RCW 34.04.090(1)))~~ and place of the hearing and all other requirements of RCW 34.05.434(2); **PROVIDED, That brief adjudicative proceedings, conducted pursuant to WAC 230-50-010(7) and RCW 34.05.485, shall normally be conducted telephonically and the place of the hearing will not be set in the notice of hearing. Either or both parties may request to appear in person and, in such cases, a place will be set and all parties notified.**

NEW SECTION

WAC 230-50-235 BRIEF ADJUDICATIVE PROCEEDINGS—DISCOVERY LIMITATIONS. In

all brief adjudicative proceedings, discovery requests to the agency shall be limited to requests for production of written reports and supporting documents relevant to the charges. Interrogatories and depositions shall not be allowed.

WSR 92-14-020
EMERGENCY RULES
GAMBLING COMMISSION
[Filed June 22, 1992, 2:15 p.m.]

Date of Adoption: June 12, 1992.

Purpose: To adopt a form for summary suspension actions.

Citation of Existing Rules Affected by this Order: Amending WAC 230-50-580.

Statutory Authority for Adoption: RCW 9.46.0355, 9.46.070(14) and chapter 34.05 RCW.

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

Reasons for this Finding: In compliance with APA requirements, chapter 34.05 RCW, this rule provides for completion of summary suspension actions. Due to substantive changes in the new subsection (7), this refiled supersedes emergency filing of February 27, 1992, WSR 92-06-033.

Effective Date of Rule: Immediately.

June 22, 1992
Frank L. Miller
Director

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-14-021
RULES COORDINATOR
PROFESSIONAL ATHLETIC COMMISSION
[Filed June 22, 1992, 2:18 p.m.]

The agency rules coordinator for the Professional Athletic Commission will be Patti Hurn, Executive Assistant, 2626 12th Court S.W., #2, P.O. Box 40941, Olympia, WA 98504-0941, (206) 753-3713, FAX (206) 753-3747.

If you have any questions, please feel free to contact the Commission Office.,

Patti Hurn
Executive Assistant

WSR 92-14-022
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed June 22, 1992, 2:37 p.m.]

Please be advised the Washington State Liquor Control Board has decided to withdraw proposed language modifying WAC 314-16-190 as filed on March 31, 1992 as WSR 92-08-086.

The board will revise the existing language, incorporate suggestions obtained in earlier hearings and resubmit the amendatory section to the WAC at a later date.

Paula O'Connor
 Chairman

WSR 92-14-023
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed June 22, 1992, 2:40 p.m.]

Date of Adoption: June 17, 1992.

Purpose: Repealed the requirement for managers to be approved by the board.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 314-12-090.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 92-08-084 on March 31, 1992.

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

June 18, 1992
 Paula O'Connor
 Chairman

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 314-12-090 Managers required—Exceptions.

WSR 92-14-024
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed June 22, 1992, 2:42 p.m.]

Date of Adoption: June 17, 1992.

Purpose: To create new section WAC 314-12-015 setting forth a procedure for testing new applicants on liquor law knowledge prior to issuance or transfer of liquor license.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 92-08-085 on March 31, 1992.

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

June 18, 1992
 Paula O'Connor
 Chairman

NEW SECTION

WAC 314-12-015 APPLICANT CERTIFICATION FOR A LICENSE. (1) Upon making application for a liquor license as authorized by title 66.24 RCW, and prior to the Board considering such license application, every applicant shall take a test on forms prescribed by the board. The test shall be of the applicants' knowledge of liquor laws. The passing of such test is a certification that the applicant has a basic knowledge of liquor law requirements and is able to operate their liquor business in such a fashion as to protect the public health, welfare and safety.

(a) If the applicant is a sole proprietor, the sole proprietor must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

(b) If the applicant is a partnership, all general partners must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

(c) If the applicant is a corporation, the corporate President or designee must take and pass a "Liquor Law Knowledge" test prior to being issued a license by the Board.

WSR 92-14-025
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed June 22, 1992, 2:44 p.m.]

Date of Adoption: June 17, 1992.

Purpose: Sets forth specific requirements for floor space for Class H licensed premises.

Citation of Existing Rules Affected by this Order:
 Amending WAC 314-16-196.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 92-08-088 on March 31, 1992.

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

June 18, 1992
 Paula O'Connor
 Chairman

AMENDATORY SECTION (Amending Order 208, Resolution No. 217, filed 12/30/86)

WAC 314-16-196 CLASS H LICENSE ISSUED TO PREMISES WITHOUT A COCKTAIL LOUNGE. (1) Before the board shall issue a Class H license to a bona fide restaurant, the applicant shall present, and receive the approval of the board for, a one-quarter inch equals one foot scale drawing of the proposed premises indicating that the ~~((premises will have a cocktail lounge comprising not more than thirty-five percent of the total public floor space of the premises, as compared to dining space which as a minimum must be sixty-five percent of the public floor space of the premises or that the premises will have))~~ area designated as the primary dining room(s) comprises at least the simple majority of area when combined with the lounge area. Banquet rooms are not considered primary dining area or neutral space. Neutral area will not exceed the total of the primary dining and lounge area combined. A

service bar(s) may be approved in lieu of the cocktail lounge: PROVIDED, HOWEVER, That the board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate that the proposed layout would best suit the available floor space.

Neutral area is defined as all patron areas within the licensed premises that are dedicated to activities other than the service of food or alcoholic beverages (i.e., hallways, waiting rooms, rest rooms, game rooms, card rooms, and bandstand/dance areas) located outside the cocktail lounge.

(2) Those premises not having cocktail lounges shall have the location of their service bar(s) approved by the board. Service of liquor from such service bar(s) will be by the licensee, or licensee's employees or customers may order and pick up their drinks at the service bar(s). Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

(3) A Class H licensed restaurant having a service bar(s) in lieu of a cocktail lounge shall be eligible for the added activity of live music with board approval.

(4) If the board issues a Class H license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge in place of the previously approved service bar operation, the board will process such a change in the same manner as an application for a new Class H license (i.e. notice will be given by posting at the premises, local officials, churches and schools will be notified, etc.).

WSR 92-14-026
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed June 22, 1992, 2:46 p.m.]

Date of Adoption: June 17, 1992.

Purpose: Sets forth the criteria and conditions a premises currently licensed as a tavern must meet in order to be licensed as a restaurant.

Citation of Existing Rules Affected by this Order: Amending WAC 314-16-197.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 92-08-089 on March 31, 1992.

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

June 18, 1992

Paula O'Connor
Chairman

AMENDATORY SECTION (Amending Order 160, Resolution No. 169, filed 7/3/85)

WAC 314-16-197 MINIMUM QUALIFICATIONS FOR APPLICANTS WHO APPLY FOR CLASS A ~~((AND/OR D))~~ LICENSES IN LIEU OF PRESENTLY HELD CLASS B LICENSE. (1) A

Class A license provides, in part, for the sale of beer at retail for consumption on the premises of a restaurant. Licensees ~~((who))~~ presently ~~((hold))~~ holding a Class B ~~((liquor))~~ tavern license ~~((and))~~ who apply for a Class A ~~((and/or D))~~ restaurant license in lieu thereof, ~~((in order to))~~ must demonstrate to the satisfaction of the board that the business ~~((such applicant has been operating is))~~ to be licensed will primarily be that of a restaurant, ~~((must submit and establish the following data and information:~~

~~(a) Applicant shall submit sales figures for ninety days preceding the in lieu application showing total sales, segregated as to the following categories:~~

~~(i) Food sales for on-premises consumption;~~

~~(ii) Food sales for off-premises consumption;~~

~~(iii) Beer and/or wine sales for on-premises consumption;~~

~~(iv) Beer and/or wine sales for off-premises consumption;~~

~~(v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.~~

~~(b) That for a period of at least ninety days prior to the date of filing the Class A and/or D license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty-one percent or more of total food-liquor sales for on-premises consumption)) maintained in a substantial manner as a place for preparing, cooking, and serving of meals. Additionally, prior to approval of the Class A license, the business must be designed and constructed in such a manner as to facilitate the service of food.~~

~~(2) While the requirements of subsections (1)~~((a))~~, (2) and ~~((b))~~ (3) of this section must be established before the board will give consideration to the issuance of an in lieu Class A ~~((and/or D))~~ license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.~~

WSR 92-14-027
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed June 22, 1992, 2:48 p.m.]

Date of Adoption: June 17, 1992.

Purpose: To modify the times and dates the board may meet to more closely coordinate and oversee the day-to-day operations of the agency.

Citation of Existing Rules Affected by this Order: Amending WAC 314-60-040.

Statutory Authority for Adoption: RCW 66.08.030, 66.08.050, and 42.30.070.

Pursuant to notice filed as WSR 92-09-142 on April 22, 1992.

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

June 18, 1992

Paula O'Connor
Chairman

AMENDATORY SECTION (Amending WSR 90-02-109, filed 1/3/90, effective 2/3/90)

WAC 314-60-040 OPERATIONS AND PROCEDURE. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of (~~proposed order of summary license suspension~~) board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, (~~are made and conducted at its regular and/or special meetings~~) will be made and conducted in meetings open to the public. Regular meetings of the board are held on Tuesday (~~and~~), Wednesday, and Thursday of each week, except on holidays, beginning at ~~(9:30)~~ 8:00 a.m. or as soon thereafter as a quorum is assembled at its offices on the Fifth Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington. (~~For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its Wednesday meetings.~~) For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its Wednesday meetings.

WSR 92-14-028
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed June 22, 1992, 2:51 p.m.]

Date of Adoption: June 17, 1992.

Purpose: Removes the requirement that return of beer for cash refund have written consent of the board.

Citation of Existing Rules Affected by this Order: Amending WAC 314-20-070.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 92-09-143 on April 22, 1992.

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

June 18, 1992

Paula O'Connor
 Chairman

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-20-070 BAD ORDER CLAIMS—REPLACEMENT OF OVERAGED BEER—PROCEDURES. Bad order claims shall be made, adjusted and record thereof preserved as follows:

(1) No bad order claim shall be allowed except by a brewer or beer importer;

(2) No bad order claim shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) No bad order claim shall be accepted unless the same is made by the retailer in quadruplicate upon forms furnished by the board;

(4) After the claim has been made out in quadruplicate, one copy (blue) shall be torn from the book and retained by the retailer; one copy (yellow) shall be torn from the book and retained by the wholesaler in those cases where the wholesaler acts as agent of the brewer in accepting the claim; the original and one copy (pink) shall be torn from the book and forwarded to, or retained by, the brewer or beer importer for action upon the claim;

(5) At the time of making the final adjustment of the claim, the brewer or beer importer shall mail to the board the pink copy, endorsing thereon the action taken by the brewer or beer importer, together with a certification that in his opinion the claim was valid to the amount allowed;

(6) All adjustments of bad order claims shall be made by check issued by the brewer or beer importer and payable to the retailer, bearing the bad order claim number or numbers for which adjustment is made;

(7) All documentary evidence relating to the claim shall be preserved by the retailer and brewer or beer importer for two years after the date of submission of the claim;

(8) No brewer or beer importer shall allow, or shall any retailer make claim for, a bad order claim unless the container or the beer is in fact defective;

(9) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with an identical quantity, type and brand of beer: **PROVIDED FURTHER**, That if the brand of beer is not presently in the beer wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained;

(10) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer wholesaler and either replaced with that beer which was ordered or a cash refund may be made upon the approval of the board first being obtained: **PROVIDED**, That the error in delivery shall be discovered

and corrected within eight days of the date the delivery was made;

(11) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection (9) of this section, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board;

(12) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that ((written)) consent of the board is first had and obtained;

(13) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer.

WSR 92-14-029
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
[Memorandum—June 15, 1992]

The date previously published for the September 1992 Boiler Board meeting in Kennewick was September 22nd. An error was made and the date should be September 15, 1992, with the study session on the 14th.

WSR 92-14-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3409—Filed June 23, 1992, 12:54 p.m.]

Date of Adoption: June 23, 1992.

Purpose: This amendment allows food stamp program participation for any alien who is not aged, blind, or disabled admitted under Section 245A of the Immigration and Nationality Act when: Permanent status has been gained; and a five-year period has expired.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-310 Citizenship and alien status.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 92-10-028 on April 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: In terms of impact on clients, one change is for clarification and should have no impact. The other change expands eligibility to additional aliens, those granted family unity status by immigration and naturalization service (INS) under Section 301 of the Immigration Act of 1990. This latter change is client beneficial.

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

June 23, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3177, filed 5/7/91, effective 6/1/91)

WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants failing to meet the requirements of subsection (1) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

- (a) A United States citizen; or
- (b) An alien lawfully admitted for permanent residence; or
- (c) An alien who:
 - (i) Entered the United States before January 1, 1972, or some later date as required by law; and
 - (ii) Has continuously maintained residency in the United States since then; and
 - (iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act.

(d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or

(e) An alien qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or

(f) An alien granted asylum through an exercise of discretion by the attorney general under section 208 of the Immigration and Nationality Act; or

(g) An alien lawfully present in the United States as a result of:

(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or

(ii) A grant of parole by the attorney general.

(h) An alien living within the United States for whom the attorney general withheld deportation, under section 243 of the Immigration and Nationality Act, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or

(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or

(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or

(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:

(i) (~~Temporary or~~) Permanent status has been gained; and

(ii) A five-year period has expired from date lawfully admitted.

(l) An alien who is:

(i) Granted family unity status by the immigration and naturalization service; and

(ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program.

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; and

(d) Students with temporary status.

WSR 92-14-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3408—Filed June 23, 1992, 12:55 p.m.]

Date of Adoption: June 23, 1992.

Purpose: Clarifies that the qualifying parent in AFDC-E assistance unit shall participate, as required, in the JOBS program; or, if exempt due to remoteness and not participating in JOBS, shall be registered with a public employment agency in the state. This is in compliance with federal [law] 45 CFR 233.100 (a)(5)(i) and 45 CFR 224.20 (b)(6).

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-074 Aid to families with dependent children-employable-Deprivation due to unemployment of a parent.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 92-10-034 on April 30, 1992.

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

June 23, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending WSR 92-08-041, filed 3/24/92, effective 4/24/92)

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. (1) The department shall consider a child deprived of parental care and support due to the unemployment of a parent when the child lives with two parents, one of which meets all the requirements in this section.

(2) The department shall designate the qualifying parent as that parent earning the greater amount of income in the twenty-four-calendar-month period immediately preceding the month the application for assistance is filed. The department shall:

(a) Designate the qualifying parent using the best evidence available;

(b) Consider the earnings of both parents regardless of when the relationship began;

(c) Continue the designation for each consecutive month the family remains on assistance based on the current application; and

(d) Designate the qualifying parent if both parents earned an identical amount of income.

(3) The department shall consider the qualifying parent unemployed when the qualifying parent:

(a) Is employed less than one hundred hours a month;

(b) Exceeds this standard for a particular month if the excess is of a temporary nature evidenced by being under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month; or

(c) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours.

(4) The qualifying parent shall be unemployed as defined in subsection (3) of this section for thirty days or more before the date AFDC-E is authorized except when:

(a) AFDC-E is terminated due to employment of the qualifying parent;

(b) The full-time employment ends within thirty days of termination; and

(c) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

(5) During the same thirty-day period, or (~~subsequently~~) subsequent period, the qualifying parent shall not have:

(a) Refused a bona fide offer of employment;

(b) Refused training for employment;

(c) Voluntarily left a job without good cause; or
(d) If eligible, refused to apply for or accept unemployment compensation.

(6) The qualifying parent shall participate, as required in the JOBS program, or, if exempt due to remoteness, and not participating in JOBS, shall be registered with a public employment agency in the state.

(7) The qualifying parent shall have one of the following:

(a) Six or more quarters of work within any thirteen calendar quarter period ending within one year before the application for assistance.

(i) A "quarter of work" means a calendar quarter in which the parent earned or received earned income of fifty dollars or more, or participated in the OPPORTUNITIES program; FIP-related education, training ((or)), employment services; or JOBS program.

(ii) A "calendar quarter" means three consecutive months ending March 31st, June 30th, September 30th, or December 31st.

(b) Within one year before the application, received, or had such a work history to be eligible to receive, unemployment compensation.

**WSR 92-14-032
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)**

[Order 283B—Filed June 23, 1992, 1:23 p.m.]

Date of Adoption: March 19, 1992.

Purpose: Sets requirements for the transmission of facsimile prescription orders.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 92-03-095 on January 16, 1992.

Changes Other than Editing from Proposed to Adopted Version: Allowance made and requirements set for transmission of Schedule II drugs.

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

June 22, 1992

Donald Hobbs

Pharmacy Board Chairman

NEW SECTION

WAC 246-869-095 FACSIMILE TRANSMISSION OF PRESCRIPTION ORDERS. Prescription orders may be transmitted to pharmacies from prescriber's offices and health care facilities using facsimile transmission devices subject to the following requirements:

(1) The order contains the date, time, and telephone number and location of the transmitting device.

(2) Transmission of orders for Schedule II drugs are not allowed provided that, when an emergency exists, an order for Schedule II controlled substances may be dispensed and delivered to a patient pursuant to a facsimile transmission subject to the requirements of WAC 246-

887-020(7). And further provided that, in a nonemergent situation, an order for Schedule II controlled substances may be prepared for delivery to a patient pursuant to a facsimile transmission but may not be delivered to the patient except upon presentation of a written order.

(3) The transmitted order shall be filed in the same manner as any other prescription. However, the pharmacist is responsible for assuring that the quality of the order is sufficient to be legible for at least two years pursuant to the records retention requirements of WAC 246-869-100.

(4) Refill authorizations for prescriptions may be transmitted using a facsimile device.

(5) The pharmacist is responsible for assuring that each facsimile prescription is valid and shall verify authenticity with the prescriber whenever there is a question.

(6) No agreement between a prescriber and a pharmacy shall require that prescription orders be transmitted by facsimile machine from the prescriber to only that pharmacy.

**WSR 92-14-033
PERMANENT RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Order 139, Resolution No. 92-06-39—Filed June 23, 1992, 2:58 p.m.]

Date of Adoption: June 19, 1992.

Purpose: The rules establish fee levels and methods of charging fees for certain "ungraded" (reduced fee) courses and certain fee waiver programs. The amendments increase such fees to accommodate a reduction in the amount of fee revenue that can be waived which was mandated by the 1992 supplemental budget.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-025 and 131-28-026.

Statutory Authority for Adoption: RCW 28B.15.502.

Other Authority: Chapters 231, 232, and 238, Laws of 1992.

Pursuant to notice filed as WSR 92-10-042 on May 5, 1992.

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

June 23, 1992

Robert G. Wark

Rules Coordinator

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

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 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 fee for each credit in excess of eighteen at the rate of one-tenth of the tuition charged to full-time students consistent with chapter 28B.15 RCW(~~(, except that no such)~~). The additional ((charges shall be)) fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program ((as defined in WAC 131-28-021)) shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) 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 community service courses.

(4) 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 Order 133, Resolution No. 91-49, filed 10/4/91, effective 11/4/91)

WAC 131-28-026 TUITION CHARGES FOR CERTAIN UNGRADED COURSES. (1) ~~((When in the judgment of a district board of trustees certain courses should be designated as))~~ The state board shall designate ungraded courses ((and)) offered ((by)) at tuition rates that differ from the standard rates set by WAC 131-28-025(, the board of trustees may propose such designations and tuition levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition charges when essentially similar services are provided)).

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's 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) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:

COURSE	TUITION		
	BUILDING FEE	OPERATING FEE	(SERVICES AND ACTIVITIES FEE)
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	(\$1.40 per credit)	\$3.60 per credit)	No charge
	<u>Thirty percent; provided the director shall convert the credit hour change to a rounded amount per clock hour and districts shall charge accordingly</u>		
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	(Standard rate)	Standard rate	No charge)
	<u>One hundred percent</u>		

COURSE	TUITION		
	BUILDING FEE	OPERATING FEE	(SERVICES AND ACTIVITIES FEE)
(c) Parent education involving cooperative preschool program	((The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee))	_____	No charge
(d) Farm management and small business management	(((\$1.85 per credit))	(\$9.15 per credit))	No charge
(e) Adult basic education, English as a second language, (and GED preparation)) courses ((supported by federal funds))	No charge	((No charge	No charge))
(f) Emergency medical technician and paramedic continuing education	(((\$1.40 per credit))	(\$3.60 per credit))	No charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	((20% of the standard building fee rounded to the nearest dollar	20% of the standard operating fee rounded to the nearest dollar))	No charge
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	((Standard rate	Standard rate	No charge)
(i) GED preparation	Fifteen percent		

(5) Students taking from eleven to eighteen credits shall not be charged for those credits.

(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.

~~((6) Tuition and services and activities fees)) (7) Ungraded course tuition received pursuant to this section shall be accounted for and deposited in ((conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively)) the community college~~

operating fee account established in RCW 28B.15. (section 36, chapter 231, Laws of 1992).

~~((7)) (8) The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.~~

(9) Tuition may be paid by the sponsoring entity rather than an individual student.

NEW SECTION

WAC 131-28-028 TUTION CHARGES FOR CERTAIN WAIVER CATEGORIES. (1) Community college districts should charge tuition to students in the following waiver categories in accordance with this schedule. Tuition charges shall be rounded to the nearest dollar.

Waiver Category	Percent of standard tuition to be charged
(a) High school completion as authorized by RCW 28B.15.520	Fifteen percent
(b) Vocational credits in excess of eighteen as authorized by RCW 28B.15.100	Fifteen percent

Revenues generated under this subsection shall be divided proportionately between the building fee and the operating fee and deposited in accordance with the provisions of chapter 28B.15 RCW.

(2) Community college districts should charge students in the following waiver categories a twenty-five percent surcharge of the resident operating fee rate. Tuition charges shall be rounded to the nearest dollar:

(a) Active duty military personnel, their spouses and children as authorized by RCW 28B.15.014.

(b) Refugees, their spouses, and children as authorized by RCW 28B.15.014.

(c) Students enrolled under reciprocity programs with British Columbia, Idaho, and Oregon under RCW 28B.15.100, 28B.15.730, 28B.15.750, or 28B.15.756.

Revenues generated under this subsection are operating fees.

WSR 92-14-034
RULES COORDINATOR
WASHINGTON STATE LIBRARY
 [Filed June 23, 1992, 4:39 p.m.]

I would like to inform you that I am the designated rules coordinator for the Washington State Library.

Linda Matson, Rules Coordinator, Washington State Library, Mailstop 2464, Olympia, Washington 98504-2464.

If you have questions, please feel free to call me at (206) 753-2914.

Linda Matson
 Rules Coordinator

WSR 92-14-035
PERMANENT RULES
DAIRY PRODUCTS COMMISSION

[Filed June 24, 1992, 12:45 p.m.]

Date of Adoption: June 19, 1992.

Purpose: Regulating promotional hosting by the Dairy Products Commission.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 142-40-010 [- 142-40-030].

Statutory Authority for Adoption: RCW 15.04.200.

Pursuant to notice filed as WSR 92-10-032 on April 30, 1992.

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

June 22, 1992
 Stephen Matzen
 Secretary-Treasurer
 General Manager

Chapter 142-40 WAC
PROMOTIONAL HOSTING

NEW SECTION

WAC 142-40-010 PURPOSE. Section 1, chapter 26, Laws of 1985 (RCW 15.04.200) enacted under the authority of Article VIII of the Washington state Constitution as amended, authorized the expenditure of agricultural commodity commission assessments for agricultural development or trade promotion and promotional hosting and provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners.

The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington dairy products commission.

NEW SECTION

WAC 142-40-020 DEFINITIONS. "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of milk and other dairy products.

"Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment and normal incidental expenses at meetings or gatherings.

NEW SECTION

WAC 142-40-030 IMPLEMENTATION. The implementation of the rules governing promotional hosting expenditures for the Washington dairy products commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget

items as approved by the commission at regular meetings held to review such matters.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Administrators;
- (c) Executive management staff.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairperson of the commission and/or the manager are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of milk and other dairy products, provided that such hosting shall not violate federal or state conflict of interest laws:

- (a) Individuals from private business;
- (b) Foreign government officials;
- (c) Federal and state officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;
- (d) The general public, at meetings and gatherings open to the general public;
- (e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate trade relations and promote sales of milk and other dairy products.

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse will serve to cultivate trade relations or promote the sale of milk or other dairy products.

WSR 92-14-036
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 1:48 p.m.]

Date of Adoption: June 16, 1992.

Purpose: to establish rules governing on-campus traffic and parking.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-20-020, 132Q-20-040, 132Q-20-060, 132Q-20-090, 132Q-20-110, 132Q-20-130, 132Q-20-160, 132Q-20-170, 132Q-20-200, 132Q-20-210, 132Q-20-220, 132Q-20-240, 132Q-20-250, and 132Q-20-260.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-051 on May 5, 1992.

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

June 14, 1992

Terrance R. Brown
 Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-020 DEFINITIONS. As used in this chapter the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Washington State Community College District 17.

(2) "Campus" shall mean any or all real property owned, operated or maintained by Washington State Community College District 17.

(3) "~~((Dean of student personnel))~~ Vice-president of student services" shall mean the ~~((dean of student personnel))~~ vice-president of student services of Spokane Community College or Spokane Falls Community College.

(4) "College" shall mean any community college or separate instructional unit which may be created by the board of trustees of Washington State Community College District 17.

(5) "Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.

(6) "Campus patrol" shall mean an employee of the college, or a law enforcement student, who is responsible to the ~~((dean of student personnel))~~ vice-president of student services for campus security.

(7) "Student" shall mean any person who is enrolled in any community college operated by Washington State Community College District 17.

(8) "Vehicle" shall mean an automobile, truck, motor-driven cycle, scooter, or any vehicle empowered by a motor.

(9) "Visitors" shall mean any person or persons, excluding students as previously defined, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with

the colleges' role as institutions of higher learning in the state of Washington.

(10) "Permanent permits" shall mean permits which are valid for a school term.

(11) "Temporary permits" shall mean permits which are valid for a specific period designated on the permit.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-040 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Students, faculty, administration, college personnel, guests and visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132Q-20-050, except guests and visitors who will be given a reasonable time to secure a temporary permit from the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee. All students who plan to park on campus and are attending educational programs on campus that meet ten or more times per quarter are required to purchase a valid quarterly permit. Failure to obtain a permit shall be grounds for disciplinary action. The fee for the parking permit shall be established from time to time by the board of trustees of Washington State Community College District 17 and shall be published. Students attending education programs on campus that meet less than ten times are to obtain temporary guest permits.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-060 VALID PERMIT. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed; or

(2) A short-term parking permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(3) A special parking permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(4) A guest's permit authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and properly displayed; or

(5) A shop permit authorized by a vocational - technical instructor and properly displayed.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-090 PERMIT REVOCATION. Parking permits are the property of the college and may be recalled by the ~~((dean of student personnel))~~ vice-president of student services for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

- (2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or
- (3) Falsification on a parking permit application; or
- (4) Continued violations of parking regulations; or
- (5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending WSR 90-21-021, filed 10/8/90, effective 11/8/90)

WAC 132Q-20-110 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT. When a parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, may be appealed pursuant to WAC 132Q-108-050; provided, however, that faculty, administrators, and college personnel of Washington State Community College District 17 shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations by the ~~((dean of student personnel))~~ vice-president of student services to the respective college presidents whose decision on the matter shall be final. Refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action. In the case of students, failure to pay fines after the exhaustion of the appellate process shall be grounds for the college, in addition to disciplinary action, to deny admission for subsequent enrollment with Washington State Community College District 17. In the case of District 17 employees, failure to pay fines could result in the denial of issuing a permit, and/or impounding of vehicles.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-130 DESIGNATION OF PARKING SPACE. The parking space available on campus shall be designated and allocated by the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, in such a manner which will best effectuate the objectives of the rules and regulations in this chapter.

(1) Faculty ~~((and college personnel))~~ staff, student, and visitor spaces will be so designated for their use; and

(2) ~~((Student spaces will be so designated for their use; provided, physically handicapped students and others designated by the dean of student personnel services; or the dean's designee, may be granted special permits to park in close proximity to the classrooms used by such students))~~ Parking spaces for the exclusive use by persons with disability will be designated. The office of student services may issue special permits to students and others to park in these designated spaces; and

~~((3) Parking spaces will be designated for use of visitors on campus.))~~

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-160 OVERNIGHT PARKING. Overnight parking is prohibited except when approval is granted by the ~~((dean of student personnel))~~ vice-president of student services or the ((dean's)) vice-president's designee.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-170 REGULATORY SIGNS AND DIRECTIONS. The ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be so made and placed as in the opinion of the ~~((dean of student personnel))~~ vice-president of student services, or ((dean's)) vice-president's designee, which will best effectuate the objectives stated in WAC 132Q-20-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrol in the control and regulation of traffic.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-200 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional and/or heavy traffic and during emergencies, the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132Q-20-010.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-210 TWO-WHEELED MOTOR BIKES OR BICYCLES. (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for motorcycles only.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-220 REPORT OF ACCIDENTS. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total of claimed damage to either or both vehicles exceeding \$300.00 shall immediately report such accident

to the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-240 ENFORCEMENT. (1) Enforcement of the parking rules and regulations will begin the first day of classes of the fall quarter and will continue through subsequent quarters until the start of the following fall quarter.

(2) The ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, shall be responsible for the enforcement of the rules and regulations contained in this chapter. The ~~((dean of student personnel))~~ vice-president of student services is hereby authorized to delegate this responsibility to the campus patrol or other subordinates.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-250 ISSUANCE OF TRAFFIC TICKETS. Upon the violations of any of the rules and regulations contained in this chapter, the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee or subordinates, may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license information, infraction, officer, and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator or owner.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-20-260 FINES AND PENALTIES FOR STUDENTS. The ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2) of this section, fines will be levied for all violations of the regulations contained in this chapter. A current schedule of fines is available from the parking office.

(2) Community Colleges of Spokane and its recognized instructional units are authorized to:

- (a) Place an "administrative hold" in the records;
- (b) Deny registration for subsequent quarters; and
- (c) Deny graduation from the college to any student that fails to promptly pay any financial obligation due the college including the payment for parking citations.

(3) Vehicles which are parked on any campus within Washington State Community College District 17 and which are in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the ~~((dean of student personnel))~~ vice-president of student services. If

a vehicle is impounded, it may be taken to such place for storage as the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him or her prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(4) At the discretion of the ~~((dean of student personnel))~~ vice-president of student services, an accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean of student personnel))~~ vice-president of student services shall initiate disciplinary proceedings against such student pursuant to WAC 132Q-04-180.

(5) The duly elected associated student government officers of Spokane Falls Community College and Spokane Community College may, in a joint meeting with the District 17 executive committee, recommend a proposed schedule of fines prior to adoption of a new fine schedule.

WSR 92-14-037
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 1:51 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth rules for the orderly administration of the colleges.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-05-050, 132Q-05-060, 132Q-05-070, 132Q-05-080, 132Q-05-090, 132Q-05-100, and 132Q-05-120.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-052 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-050 NOTICE OF SUMMARY PROCEEDINGS. (1) If the president desires to exercise the authority conferred by WAC 132Q-05-040 against any student, he or she shall direct the ~~((dean of student personnel))~~ vice-president of student services to cause notice thereof to be served upon said student.

(2) The notice shall be entitled "notice of summary suspension proceeding" and shall state:

(a) The charges against the student, including reference to the law and/or rules of student conduct involved and

(b) That the student charged must appear before the ~~((dean of student personnel))~~ vice-president of student services, or the ((dean's)) vice-president's designee, at a

time to be set by the ~~((dean)) vice-president~~, but not later than twenty-four hours from the date and time of receipt of the "notice of summary suspension proceeding."

AMENDATORY SECTION (Amending WSR 90-21-017, filed 10/8/90, effective 11/8/90)

WAC 132Q-05-060 PROCEDURES OF SUMMARY SUSPENSION PROCEEDING. (1) At the summary suspension proceeding, the college, through the office of the ~~((dean of student personnel)) vice-president of student services~~, or the ~~((dean's)) vice-president's~~ designee, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur.

(2) The student may offer oral testimony of himself or herself or of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit and cross-examine any witness who may appear against him, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The ~~((dean of student personnel)) vice-president of student services~~ shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of student conduct has occurred, pursuant to WAC 132Q-05-040 (1) or (2). In the course of making such a decision, said ~~((dean)) vice-president~~ may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of student conduct and oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-070 DECISION BY ~~((DEAN OF STUDENT PERSONNEL)) VICE-PRESIDENT OF STUDENT SERVICES~~. If the ~~((dean of student personnel)) vice-president of student services~~, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of the rules of student conduct are alleged has committed one or more such violations upon any college facility; and

(2) That summary suspension of said student is necessary to attain peace and order on the campus; and

(3) Such violation or violations of the law or of the rules of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132Q-04-260,

Then the ~~((dean of student personnel)) vice-president of student services~~ may, with the written approval of the president, suspend such student from college for a maximum of ten days.

AMENDATORY SECTION (Amending WSR 90-21-017, filed 10/8/90, effective 11/8/90)

WAC 132Q-05-080 NOTICE OF SUSPENSION. (1) If a student is suspended pursuant to the above rules,

said student will be provided with a written copy of the ~~((dean of student personnel)) vice-president of student services'~~ findings of fact and conclusions, as expressly concurred in by the president, as to whether said ~~((dean)) vice-president~~ had probable cause to believe that the conditions for summary suspension outlined in WAC 132Q-05-040 exists and whether immediate suspension of said student should be issued.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective for a ten day period dating from the day the notice of suspension is mailed or personal service accomplished.

(3) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the ~~((dean of student personnel)) vice-president of student services~~ or to attend the summary suspension proceeding. However, the ~~((dean of student personnel)) vice-president of student services~~ may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-090 SUSPENSION FOR FAILURE TO APPEAR. If the student, against whom specific violations of the rules of student conduct or law have been alleged has been served pursuant to the notice required in WAC 132Q-05-050, fails to appear at the time designated for the summary suspension proceeding, the ~~((dean of student personnel)) vice-president of student services~~ may, with the written concurrence of the president, suspend the student from college for a maximum amount of ten days.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-100 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the findings of the ~~((dean of student personnel)) vice-president of student services~~ and the president, is tendered at the office of the president within seventy-two hours following the date notice of summary suspension was served or mailed to the student.

(2) The board shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the ~~((dean)) vice-president and president~~, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board of trustees may, at its discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the rules of student conduct.

(3) The board shall notify, by registered or certified mail, the appealing student within forty-eight hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the rules of student conduct.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-05-120 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all summary suspension proceedings shall be kept in the office of student ((~~personnel~~)) services. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in summary suspension proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of the exonerated, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student ((~~personnel~~)) services shall keep accurate records of all summary suspension proceedings taken by that office. All summary suspensions will be entered on the student's record and may be removed at the time of graduation or earlier at the discretion of the office of student ((~~personnel~~)) services.

(3) In any case in which a student, summarily suspended pursuant to these rules is subsequently exonerated in the course of disciplinary proceedings provided for in the rules of student conduct, all records related to the summary suspension of the student shall be removed from the student's record.

(4) Any failure by the college to remove records of the summary suspension proceeding when such is to be done pursuant to this section, may be secured by a student petitioning the office of student ((~~personnel~~)) services for removal of such a notation.

**WSR 92-14-038
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE**

[Filed June 24, 1992, 1:55 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth rules pertaining to the conduct of students attending the Community Colleges of Spokane.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-04-020, 132Q-04-095, 132Q-04-096, 132Q-04-120, 132Q-04-130, 132Q-04-140, 132Q-04-170, 132Q-04-180, 132Q-04-190, 132Q-04-200, 132Q-04-210, 132Q-04-250, 132Q-04-260, and 132Q-04-280.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-053 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-020 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(2) "Board" shall mean the board of trustees of Washington State Community College District 17.

(3) "College" shall mean any community college which may be created by the board of trustees of Washington State Community College District 17.

(4) "College facilities" shall mean and include any or all real property owned, rented, leased, or operated by the board of trustees of Washington State Community College District 17, and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis except those who are faculty as defined in subsection (8) of this section, by any community college administered by the board of trustees for Washington State Community College District 17.

(6) "Disciplinary action" shall mean and include the expulsion, suspension or admonition of any student by the appropriate college president or college (~~dean of student personnel~~) vice-president of student services for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean Washington State Community College District 17.

(8) "Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.

(9) "President" unless otherwise designated shall mean the duly appointed president or chief executive officer of any campus of Washington State Community College District 17.

(10) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted in this chapter.

(11) A student is defined as any person who is or has been officially registered at any college or instructional unit with Washington State Community College District 17 and with respect to whom the college maintains education records or personally-identifiable information.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-095 **COMPUTER TRESPASS.** Any student who, without authorization, intentionally gains access to a computer system or electronic data owned or used by the Washington State Community College District 17 shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution pursuant to ~~((chapter 273, Laws of 1984))~~ RCW 9A.52.110 through 9A.52.130, and any or all other statutory laws or regulations pertaining thereto.

NEW SECTION

WAC 132Q-04-096 **MISREPRESENTATION OF IDENTITY.** Any student who intentionally misrepresents his/her true identity to gain access to services or receive a benefit from the college shall be subject to disciplinary action. Any student who aids or abets such misrepresentation shall also be subject to disciplinary action.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-120 **OUTSIDE SPEAKERS.** (1) Any recognized campus student organization with the written certification of its advisor, may invite speakers on that campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by the college, its students, its faculty, its college personnel, its administration or its board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student senate or the student activities council of the campus at which the speaker will appear.

(4) The appropriate student senate or student activities council will be notified at least seven days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the director of student ~~((activities))~~ funded programs/student center) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the director of student ~~((activities))~~ funded programs/student center. Exceptions to the seven-day ruling may be made by the director of student ~~((activities))~~ funded programs/student center with the approval of the ~~((dean of student personnel))~~ vice-president of student services.

(5) The appropriate student senate or student activities council may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president of the college or a designated representative, may assign faculty to preside over any meeting where a speaker has been invited.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-130 **TRESPASS.** (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through the ~~((dean of student personnel))~~ vice-president of student services or such other person designated by the president, shall have the power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) To give notice against trespass by any manner provided for by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the president, or the president's designee, pursuant to the requirements of subsection (1) of this section, shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-140 **DISTRIBUTION OF MATERIALS.** (1) Handbills, leaflets, newspapers, and similarly related matter distributed free of charge by any student or students or by members of recognized student organizations or by college personnel, may be distributed upon college facilities designated by the director of student ~~((activities))~~ funded programs/student center; provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) Newspapers, leaflets, and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager.

(3) All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) All students and nonstudents shall be required to register with the director of student ~~((activities))~~ funded programs/student center prior to the distribution or sale of any handbill, leaflet, newspaper or related matter, including, but not limited to, posting materials on college bulletin boards and distributing materials in college parking lots.

(5) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or related materials, shall be subject to disciplinary action.

(6) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of Washington State Community College District 17.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-170 INITIATION OF PROSECUTION. (1) Faculty, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and the president shall have concurrent authority to invoke sanctions for violations of the rules of student conduct and to require the commencement of the disciplinary proceedings provided for in WAC 132Q-04-180 through 132Q-04-270.

(2) Faculty shall have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the president of the college at any time before the end of the next succeeding quarter in which the student is enrolled.

(3) A request for the imposition of disciplinary action for a violation of the rules of student conduct shall be referred in writing to the ~~((dean of student personnel))~~ vice-president of student services within twenty days of the discovery of the facts giving rise to the request. Such a request may be made by any member of the administration, faculty, or college personnel or any student. All such requests must be in writing and signed by the individual making such request.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-180 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, who may also establish advisory panels to advise or act for the office of disciplinary proceedings.

(2) It is the responsibility of the appropriate administrator as designated by the ~~((dean of student personnel))~~ vice-president of student services to be involved in the gathering of information and documentation relative to disciplinary problems that occur in their areas of responsibilities and submit such in written form.

(3) Any student accused of violating any provisions of the rules of student conduct will be called for an initial conference with the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, and will be informed of what provision or provisions of the rules of student conduct the student is charged with violating, and what appears to be maximum penalties which might result from consideration of the disciplinary proceeding.

(4) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning, reprimand, disciplinary probation or fine) subject to the student's rights of appeal described below;

(d) Refer the matter to the college disciplinary committee for appropriate action. The student shall be notified in writing when such a referral is made;

(e) Issue an order of dismissal pursuant to the conditions of WAC 132Q-04-260(4).

(5) A student accused of violating any provision of the rules of student conduct shall be given written notification of any disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee. In case of an unmarried student under eighteen years of age, written notification of the disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, shall also be sent to the parents or guardian of the student.

(6) No disciplinary action recommended by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, is final unless the student fails to exercise his right of appeal as provided in WAC 132Q-04-190.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-190 APPEALS. Any disciplinary action taken by the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee, may be appealed to the college disciplinary committee; and disciplinary action taken by the college disciplinary committee may be appealed by the student to the president of the college. All appeals by a student must be made in writing to the disciplinary committee or the president and presented to the committee or president within seven days after the student has been notified of the action taken by the disciplinary committee or the president.

AMENDATORY SECTION (Amending WSR 90-21-016, filed 10/8/90, effective 11/8/90)

WAC 132Q-04-200 COMPOSITION OF COLLEGE DISCIPLINARY COMMITTEE. Each college created by the board of trustees of Washington State Community College District 17 shall have a college disciplinary committee composed of six members plus the presiding officer who shall be chosen no later than October 15 of each academic year. The membership shall be selected as follows:

(1) The recognized faculty organization shall appoint two members and an alternate who are teaching on the

appropriate campus or college; such members shall serve a two-year term.

(2) The college president shall appoint two members from the college administration who shall serve at the pleasure of the president.

(3) Student membership shall be appointed by the respective student governments on each college campus. Student membership must include a male and female student and two alternates who shall serve for no more than one year.

(4) The presiding officer of the college disciplinary committee shall be the ~~((dean of student personnel))~~ vice-president of student services, or the ~~((dean's))~~ vice-president's designee; provided, however, that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve as presiding officer, nor may said person cast a vote on the merits of the issue decided by the disciplinary committee pursuant to WAC 132Q-04-240.

AMENDATORY SECTION (Amending WSR 90-21-016, filed 10/8/90, effective 11/8/90)

WAC 132Q-04-210 BRIEF ADJUDICATIVE PROCEEDING. (1) The college disciplinary committee for each college, will hear, de novo, all disciplinary cases referred to it by the ~~((dean of student personnel))~~ vice-president of student services, the ~~((dean's))~~ vice-president's designee, or cases where the student appeals the dean's decision.

(2) The student has a right to a fair and impartial brief adjudicative proceeding before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The student shall be given written notice by registered or certified mail of the time and place of the proceeding before the college disciplinary committee, and be afforded not less than twenty days notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding;

(b) A statement of the charges including reference to the particular sections of the rules of student conduct involved;

(c) A list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the proceeding.

(4) The student shall be entitled to hear and examine the evidence brought forward and be informed of the identity of its source and shall be entitled to present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters. The student shall have all authority possessed by the college to obtain information provided requests for such information is specifically described, in writing, and tendered to the ~~((dean of student personnel))~~ vice-president of student services no later than three days

prior to the proceedings, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceedings.

(5) The student may be represented by counsel of choice at the disciplinary proceeding. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days' notice excluding weekends and holidays thereof to the ~~((dean of student personnel))~~ vice-president of student services.

(6) In all disciplinary proceedings the college may be represented by a designee appointed by the ~~((dean of student personnel))~~ vice-president of student services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the ~~((dean of student personnel))~~ vice-president of student services may elect to have the college represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceedings will be taken. A copy thereof shall be available at the office of the ~~((dean of student personnel))~~ vice-president of student services.

(8) The presiding officer of the college disciplinary committee shall preside at the disciplinary proceeding and make rulings on all evidentiary procedural matters heard in the course of the disciplinary proceeding.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-250 FINAL DECISION REGARDING APPEAL OF DISCIPLINARY COMMITTEE ACTION. (1) The president of the college or any representative designated, except the ~~((dean of student personnel))~~ vice-president of student services, shall after reviewing the record of the case, include in the report of the college disciplinary committee any statement filed by the student, approval of the recommendations of the college disciplinary committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed or altered after the review provided by subsection (1) of this section, the president or the president's designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary action shall also be sent to parents or guardian of the student.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-04-260 DISCIPLINARY ACTION. The following disciplinary actions are hereby established any of which shall be the sanctions imposed upon violators of the rules of student conduct:

(1) Disciplinary warning: Notice to a student, either verbally or in writing, that the student has been in violation of the rules of student conduct or has otherwise

failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(2) Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of student ((~~personnel~~)) services. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(3) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of rules of student conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(4) Dismissal: Termination of student status for violation of the rules of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter must be refunded.

(5) Fines: The office of student ((~~personnel~~)) services may assess monetary fines against individual students for violation of the rules of student conduct. Failure to pay such fines promptly will result in the cancellation of the student's registration and will prevent the student from reregistering.

AMENDATORY SECTION (Amending Resolution No. 23, filed 9/14/84)

WAC 132Q-04-280 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. (1) Records of all disciplinary cases shall be kept by the office of student ((~~personnel~~)) services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student ((~~personnel~~)) services shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant

the removal. The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

WSR 92-14-039
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 2:08 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth rules regarding brief adjudicative procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-108-050.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-054 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown

Chief Executive Officer

AMENDATORY SECTION (Amending WSR 91-17-076, filed 8/21/91, effective 9/21/91)

WAC 132Q-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW ((~~34.95.482-494~~ [~~34.05.482-494~~])) 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

(2) Disputes concerning educational records;

(3) Student conduct proceedings. The procedural rules in chapter 132Q-04 WAC apply to these procedures;

(4) Parking violations. The procedural rules in chapter 132Q-20 WAC apply to these proceedings;

(5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132Q-03-005.

WSR 92-14-040
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 2:09 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth legislative liaisons for the Community Colleges of Spokane.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-113-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-055 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Order 73-3, filed 2/23/73)

WAC 132Q-113-010 DESIGNATION OF LEGISLATIVE LIAISONS. ~~((In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973))~~ As required by RCW 42.17.190, those persons holding the following positions within Community College District No. 17 are designated legislative liaisons for Community College District No. 17 and those community colleges contained within such community college district:

(1) Members of the board of trustees;

(2) ~~((District president;))~~ Chief executive officer;

(3) College presidents;

(4) District ~~((administrative assistant;))~~ vice-president; and

(5) All those persons designated in writing by the ~~((president))~~ chief executive officer of Community College District No. 17, which writing shall be made available among the records maintained by the office of the ~~((president))~~ chief executive officer of Community College District No. 17.

WSR 92-14-041
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 2:11 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth rules governing the employment and dismissal of classified employees.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-12-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-056 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending Order 70-4, filed 1/25/71)

WAC 132Q-12-010 DESIGNATION OF APPOINTING AUTHORITY. Pursuant to WAC 251-04-020(2), the position of "appointing authority" at Community College District No. 17 is designated to be:

(1) The ~~((president))~~ chief executive officer of Washington State Community College District No. 17, who is hereby delegated the authority to terminate, suspend or demote any classified employee employed by any

of the district colleges, without the prior approval of the district board of trustees.

(2) In addition, the appointing authority for the district colleges is authorized to make appointments of eligible persons to classified positions at the respective district colleges.

WSR 92-14-042
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 2:12 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To establish students rights regarding educational records.

Citation of Existing Rules Affected by this Order: Amending WAC 132Q-06-020, 132Q-06-025, 132Q-06-030, and 132Q-06-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-057 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
Chief Executive Officer

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-020 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his/her education records. A list of the types of education records maintained by the college and the record locations may be obtained by the student at the college's ~~((dean of student personnel))~~ vice-president of student services' office.

(a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student, including records regarding the employment of a student when such employment is a result of, and directly related to, student status.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

(ii) Records of the campus security department which are kept apart from those records described in (a) of this subsection and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an

employee and are not available for use for any other purpose.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically release his or her right to review where the information consists only of confidential recommendations respecting:

- (i) Admission to any educational institution; or
- (ii) An application for employment; or
- (iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to access confidential statements shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him or her; and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended; and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of trustees' action for certain specified services, such as transcripts and grade sheets).

(5) The ~~((dean of student personnel))~~ vice-president of student services is the official custodian of academic records; and, therefore, is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section and

WAC 132Q-06-025 be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-025 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the college individual(s) or office(s) having custody of the particular record. Any challenge to the contents of education records shall be disposed of by means of a brief adjudicative proceeding.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual(s) or office(s) which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual(s) or office(s) should contact the appropriate ~~((dean))~~ vice-president, associate dean, assistant dean, or director responsible for the individual(s) or office(s) for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate ~~((dean))~~ vice-president, assistant dean, associate dean, or director, the student may then request a proceeding by the college records committee. Following the proceeding the college's records committee shall render its decision within a reasonable period of time. In all cases the decision of the college's records committee shall be final.

(c) In no case shall any request for review by a student be considered by the college's records committee which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college's records committee shall not review any matter regarding the appropriateness of official academic grades.

AMENDATORY SECTION (Amending WSR 90-21-018, filed 10/8/90, effective 11/8/90)

WAC 132Q-06-030 RELEASE OF PERSONALLY-IDENTIFIABLE RECORDS. (1) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) College personnel, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally-supported or state-supported education program or in connection with the enforcement of

the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individual's requesting information in connection with a student's application for or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. The college president, the president's designee, or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone listing, date and place of birth, major field of studies, participation in officially-recognized activities, weight and height of members of athletic teams, dates of enrollment, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the college not release directory information except

through written notice to the (~~dean of student personnel~~) vice-president of student services.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

WAC 132Q-06-040 RECORDS COMMITTEE. The college's records committee shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The committee shall also be responsible for hearing appeals as defined in WAC 132Q-06-025. The committee shall consist of the (~~dean of student personnel~~) vice-president of student services, or the (~~dean's~~) vice-president's designee; (~~dean~~) vice-president of instruction, or (~~dean~~) vice-president of instruction's designee, one faculty, one student, and one faculty or administrator at large. Members shall be appointed by the president of the college.

WSR 92-14-043
PERMANENT RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 24, 1992, 2:15 p.m.]

Date of Adoption: June 16, 1992.

Purpose: To set forth rules administering employer-employee relations regarding election of representing organization.

Citation of Existing Rules Affected by this Order:
 Repealing chapter 132Q-16 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 92-10-058 on May 5, 1992.

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

June 16, 1992

Terrance R. Brown
 Chief Executive Officer

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 132Q-16 WAC Elections

WSR 92-14-044
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION

[Filed June 24, 1992, 2:46 p.m.]

Date of Adoption: June 24, 1992.

Purpose: To implement an access management program for state highways as directed by the legislature.

Statutory Authority for Adoption: RCW 47.01.101 and chapter 47.50 RCW.

Pursuant to notice filed as WSR 92-10-041 on May 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: Minor changes have been made to clarify the intent of the proposed rules, the requirement for payment of fees by certified check or money order has been deleted, and response time by WSDOT in the conceptual review process has been decreased.

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

June 24, 1992

Ed W. Ferguson
Deputy Secretary
of Transportation

Chapter 468-51 WAC
HIGHWAY ACCESS MANAGEMENT ACCESS
PERMITS—ADMINISTRATIVE PROCESS

NEW SECTION

WAC 468-51-010 PURPOSE. This chapter is adopted 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 under the jurisdiction of the Washington state department of transportation. 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.

NEW SECTION

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

(4) "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) "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) "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) "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.

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

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

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

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

(21) "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 to its original condition upon connection closure.

NEW SECTION

WAC 468-51-030 GENERAL PROVISIONS. (1) When connection permits required. Every owner of property which abuts a 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 local regulation, reasonable access to the state highway can be provided by way of another public road which abuts the property. All new connections including alterations and improvements to existing connections to state highways shall require a connection permit. Such permits, if issued, shall be issued only after issuance of development approval where such approval is required, unless other interagency coordination procedures are in effect. 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 a connection permit from the department. Use of a new connection at the location specified in the permit is not authorized until the permittee constructs or modifies the connection in accordance with the permit requirements. If a property owner or permittee holding 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 on department right of way. It is the

responsibility of the applicant or permittee 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.

(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. The cost of construction or modification of a connection shall be the responsibility of the permittee, 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.

(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. The cost of further enhancements or modification to the altered, relocated, or replaced connections desired by the permittee shall be the responsibility of the permittee.

(5) 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.

NEW SECTION

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 1 - 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 vehicular use of the connection, the future availability of alternate means of 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) "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.

NEW SECTION

WAC 468-51-050 CONCEPTUAL REVIEW. Prior to filing a connection permit application and prior to receipt of development approval, all permit applicants, but in particular those applying for Category II and

Category III connections, are strongly encouraged to request, in writing, a conceptual review of the site plan and proposed connection locations with the department and other local governmental agencies as appropriate. The purpose of the conceptual review is to expedite the overall review process by establishing the permit category, number, type, and general location of connections to the property early in the planning stages of a proposed development or a proposed significant change in property site use, or to determine that the connection as requested cannot be permitted. The conceptual review does not constitute final department approval of the location and design of the connection. If deemed appropriate, especially on the more complex proposals, the department shall establish the date for a conceptual review meeting to be held within two weeks of the receipt of the written request unless a later date is requested by the applicant. If a meeting is scheduled, representatives of the local governmental land use planning authority will be invited to attend. Within four weeks following the conceptual review meeting, or receipt of the request if no meeting is scheduled, the department will provide the applicant written notice of the department's conceptual review findings, provided all needed information to complete the review has been received from the applicant. These findings are nonbinding on the department and the developer. Additional detailed information received during the application process, changes in the proposed development, or changes in the existing or planned operational characteristics of the state highway system may necessitate modifications of the connections agreed to in the conceptual approval. The conceptual review findings can be used by the developer in the site plan review/approval process with the local government having jurisdiction over the development as indicating coordination of connection location, quantity, and design with the department and of preliminary department findings on the proposed connections.

NEW SECTION

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.

(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 applicant 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., shall be included as appropriate. If local or special trip generation rates are used, 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).

● 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 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 application, 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 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 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 expense upon closure of the temporary connection.

NEW SECTION

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
- (ii) Residential dwelling units (up to 10) utilizing a single connection point \$ 50

per dwelling unit

- (iii) Other, with 100 AWDVTE or less \$ 500
- (iv) Fee per additional connection point \$ 50

(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 to provide a surety bond as specified in WAC 468-34-020(3).

NEW SECTION

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.

(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 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 applicant must be in compliance with the surety bond requirements specified in the permit prior to construction, in accordance with WAC 468-51-070.

(d) Request for adjudicative proceedings. In the event of a denial of a connection as proposed in the application, the applicant may apply for an adjudicative proceeding pursuant to 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 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. The permit requirements shall be binding on the permittee, the permittee's successors, heirs and assigns, the permit application 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 WAC 468-51-150.

NEW SECTION

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. 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 or the permittee'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 shall conform to MUTCD and department design and construction standards. The permittee 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, 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.

NEW SECTION

WAC 468-51-100 NONCONFORMING CONNECTION PERMITS. The department may issue a permit for a connection not 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 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 nonconforming 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 468-51-110 CHANGES IN PROPERTY SITE USE. The connection permit is issued to the permittee 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, their 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 shall acquire 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.

(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 of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The permittee 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.

NEW SECTION

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 action to revoke any permit if significant changes have occurred in the use, design, or traffic flow of the property 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 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 chapter 34.05 RCW, to the permittee, permittee'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 noncompliance 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 chapter 34.05 RCW and WAC 468-51-150 is requested

by the permittee, permittee's successor or assigns, or the property owner.

(2) Costs. The permittee, assignee, or property owner shall be responsible for the costs of closure due to revocation of a connection permit pursuant to WAC 468-51-120.

(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 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.

NEW SECTION

WAC 468-51-130 CLOSURE OF UNPERMITTED CONNECTIONS. Closure criteria, permit requirements. Any unpermitted connections to the state highway system which were in existence 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. 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 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 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 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 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.

NEW SECTION

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.

(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 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 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.

NEW SECTION

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 WAC 468-51-080; a permit with conditions pursuant to WAC 468-51-080; a notice of permit modification, revocation, or closure of

permitted connection pursuant to WAC 468-51-120; or notice of closure of an unpermitted connection pursuant to WAC 468-51-130 may apply for an adjudicative proceeding on the matter pursuant to chapter 34.05 RCW and rules adopted thereunder within thirty days of the date the initial determination of the department is mailed to the recipient.

(2) Conduct. Thereafter, and within the times set forth by chapter 34.05 RCW, 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 chapter 34.05 RCW and rules adopted thereunder.

(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) Failure to participate. Failure to attend or otherwise participate in an adjudicative proceeding or brief adjudicative proceeding may result in a finding of default.

WSR 92-14-045
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed June 24, 1992, 2:55 p.m.]

Continuance of WSR 92-11-082.

Title of Rule: Hydraulic project rules.

Purpose: Amend rules for clarification and work subject to hydraulic project approval. This notice is to extend period to submit written comments.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: Chapter 75.20 RCW.

Summary: See WSR 92-11-082.

Reasons Supporting Proposal: See WSR 92-11-082.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, P.O. Box 43147, Olympia, WA, 586-2429; Implementation: Duane Phinney, P.O. Box 43155, Olympia, WA, 753-3621; and Enforcement: Dayna Matthews, P.O. Box 43147, Olympia, WA 753-6585.

Name of Proponent: These rules are jointly proposed by the Washington State Department of Fisheries and the Washington State Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 92-11-082.

Proposal Changes the Following Existing Rules: See WSR 92-11-082.

Small Business Economic Impact Statement: See WSR 92-11-082.

Hearing Location: See WSR 92-11-082.

Submit Written Comments to: Fisheries Hearings Officer, P.O. Box 43147, Olympia, WA 98504-3147, by June 29, 1992.

Date of Intended Adoption: July 31, 1992.

June 24, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

WSR 92-14-046
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-40—Filed June 24, 1992, 4:30 p.m., effective June 29, 1992, 12:01 a.m.]

Date of Adoption: June 24, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Quotas of coho and chinook are available for harvest in coastal waters. These regulations are adopted to concur with Pacific Fisheries Management Council recommendations.

Effective Date of Rule: 12:01 a.m., June 29, 1992.

June 24, 1992
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS – SALMON *Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Catch Record Card Areas 1, 2, 3, and 4, except as provided for in this section:*

(1) *Areas and times open to salmon angling are as follows:*

(a) *Catch Record Card Area 4 – July 6 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 4 coho sub-quota of 13,100 is reached; whichever of the three is earliest. Open waters are defined as follows: waters inside or shoreward of a line running from the mouth of the Sekiu River to a point 1/2 mile due north, then to a point 1/2 mile due north of Seal Rock, then to a point 1/2 mile due north of the northernmost point on Waadah Island, then to a point 1/2 mile due north of Chibahdehl Rocks, then to the northernmost point on Tatoosh Island, then from the western most point on Tatoosh Island to a point 1/2*

mile due west of Fuca Pillar, then to Strawberry Rock, then to Spike Rock, then to Bodelteh Islands, then to Cape Alava. Waters of Catch Record Area 4 outside or seaward of this described line are closed to salmon angling. Closed to salmon angling each Friday and Saturday.

(b) Catch Record Card Area 4 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line

- Open beginning:

i. August 15 if either the overall chinook quota of 33,000, or the coho sub-quota of 13,100 have been attained before August 15; or

ii. the day following attainment of either the overall chinook quota of 33,000, or the coho sub-quota of 13,100, if either occurs after August 15

- Close when 12,000 coho have been caught.

(c) Catch Record Card Area 3 - July 13 through October 1, or until overall chinook quota of 33,000, or until Catch Card Record Area 3 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Waters more than 6 miles offshore are closed. Closed to salmon angling each Friday and Saturday.

(d) Catch Record Card Area 2 - July 6 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 2 coho sub-quota of 54,400 is reached; whichever of the three is earliest. Waters more than 6 miles offshore are closed. Closed to salmon angling each Friday and Saturday.

(e) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - June 29 through September 13, or until overall chinook quota of 33,000 or Catch Record Card Area 1 coho sub-quota of 67,500 is reached; whichever of the three is earliest. Waters more than 3 miles offshore are closed. Closed to salmon angling each Friday and Saturday.

(f) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - September 14 through October 31, or until overall chinook quota of 33,000 or Catch Record Card Area 1 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(2) Bag Limits and weekly limits are as follows:

(a) 2 salmon per day, except in Catch Record Card Area 3 the daily limit is one salmon.

(b) No more than 4 salmon in any seven consecutive day period, except:

i. There is no weekly limit in Catch Record Card Area 1 beginning September 14.

ii. There is no weekly limit in the fishery described in subsection 1(b) of this section.

(3) Minimum size limits are:

(a) Chinook salmon 24 inches

(b) Coho salmon 16 inches, and

(c) No minimum size for other salmon

(4) Gear

(a) Single point barbless hooks only

(b) One rod per angler

(c) For the fishery described in subsection 1(b) of this section, surface flies only, it is unlawful to use or have attached to the fishing line any bait, spoons, plugs, jigs,

flashers, dodgers, weights of any kind, diving plane devices, or down riggers.

(5) Shore based angling from the north jetty of the Columbia River is allowed.

WSR 92-14-047

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 24, 1992, 4:45 p.m.]

Date of Adoption: June 24, 1992.

Purpose: To amend rules based upon the 1991 legislation.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-019 and 192-12-017; and amending WAC 192-12-072.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 92-07-104 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: The changes made to proposed WAC 192-12-405 are the result of testimony provided during the rules hearing on April 28, 1992, and written testimony prepared by interested parties and provided to the department. The changes add further detail to the proposed rules. The result of the changes are to provide benefit charge relief to employers in a manner consistent with unemployment insurance benefit decisions. The changes do not provide a substantive change to the original rules as published in WSR 92-07-104, dated March 18, 1992.

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

June 24, 1992

Ellen O'Brien Saunders
Deputy Commissioner

AMENDATORY SECTION (Amending 192-12-072, adopted 5/15/85)

WAC 192-12-072 PREDECESSOR-SUCCESSOR RELATIONSHIP DEFINED. For the purposes of Title 50 RCW, a predecessor employer is any individual or type of organization defined as an employer under RCW 50.04.080 that transfers, during any calendar year, either ((substantially)) all of its operating assets, or a portion of its ((the)) operating assets ((-of)) or a separate unit or branch of its trade or business, to another ((employer)) individual or type of organization, whether by sale, lease, gift, or any legal process unless specifically exempted below.

A successor ((employer)) is any individual or type of organization ((defined as an employer under RCW 50-04-080)) that acquires, during any calendar year, either ((substantially)) all of the operating assets of ((another)) an employer, or a portion of the operating assets, ((of)) or a separate unit or branch of ((another)) an employer's trade or business, whether by purchase, lease, gift, or any legal process unless specifically exempted below.

Operating assets, as used above, are defined as those properties of a business usually used in the normal course of business operations to generate the operating income of that business. They may include properties that are real or personal, tangible or intangible, such as land, buildings, machinery, equipment, stock of goods, wares, merchandise, fixtures or goodwill.

For purposes of RCW 50.24, a predecessor-successor relationship will not exist when the property is acquired through court proceedings to enforce a lien, security interest, judgment, or repossession under a security agreement unless otherwise specified by the court.

For the purposes of RCW 50.29, (~~in no case will~~) a predecessor-successor relationship will not exist where any four consecutive calendar quarters, one of which includes the acquisition date, pass without reportable employment by either the predecessor, successor, or a combination of both.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Repealer

WAC 192-12-017 and WAC 192-12-019 are repealed.

NEW SECTION

WAC 192-12-400 EMPLOYER REQUEST FOR BENEFIT CHARGE RELIEF. For purposes of RCW 50.29.020(2), a contribution-paying base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual. The following procedures are to be followed to request such relief:

(1) The employer request for benefit charge relief must be in writing.

(2)(a) The employer request for benefit charge relief must be received or postmarked within 30 days of mailing of the notification of the initial determination ("Notice to Base Year Employer", EMS 166).

(b) In the case of an employer added to a monetary determination as a result of a redetermination, the employer request for benefit charge relief must be received or postmarked within 30 days of mailing the notification of redetermination ("Notice to Base Year Employer", EMS 166).

(c) The commissioner may consider a request for benefit charge relief not received or postmarked within the 30 day period if the employer establishes good cause for not requesting relief in a timely manner.

(3) If, upon receipt of the employer's written request, the department requires additional information, the employer shall provide the requested information within 30 days from the date of mailing of the request by the department. Failure to response within 30 days will result in a denial of benefit charge relief for the employer unless the employer establishes good cause for the untimely response.

(4) It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to make a determination of noncharging relief or good cause for failure to respond in a timely manner.

(5) Any denial of a request for noncharging relief shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

NEW SECTION

WAC 192-12-405 CONDITIONS FOR RELIEF OF BENEFIT CHARGES. For purposes of RCW 50.29.020(2), a contribution-paying base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual. An employer who requests relief of benefit charges in accordance with WAC 192-12-400 may be granted relief if:

(1) The benefit charges result from payment to an individual who last left the employ of such employer voluntarily for reasons not attributable to the employer.

(a) Reasons not attributable to the employer for voluntarily leaving shall be personal reasons, not work connected. These reasons shall include reasons without good cause, and are not limited to:

- (i) Employee illness or disability;
- (ii) Illness or death of member(s) of the employee's immediate family;
- (iii) Employee's leaving to accept work with another employer;
- (iv) Incarceration of employee;
- (v) Marital or domestic responsibilities of the employee;
- (vi) Employee's pursuit of additional education;
- (vii) Personal dissatisfaction with wages, hours, or other work factors which were generally known at the time of hire; or
- (viii) Unreasonable hardship on health or morals.

(b) Reasons considered to be attributable to the employer are those work related factors of such a compelling nature as to cause a reasonably prudent person to leave employment after such work factors were reported to the employer and the employer failed to improve the factors within a reasonable period of time. Such work related factors may include, but are not limited to:

- (i) Change in work location (increased distance and/or difficulty of travel) only if the distance and/or difficulty of travel is clearly greater than is customary for workers in the individual's job classification and labor market;
- (ii) Deterioration of work site safety provided the employee has reported such safety deterioration to the employer and the employer has failed to correct the hazards within a reasonable period of time;
- (iii) Employee skills no longer required for the job; or
- (iv) Such other work related factors as the commissioner may deem pertinent.

(2) The benefit charges result from payment to an individual who was discharged for misconduct connected with the work (not to include inability to meet the minimum job requirements).

(3) A claimant is regularly scheduled and continuously employed on a permanent part-time basis. Relief of

benefit charges shall cease when the employment relationship with the claimant ends. Such relief shall not apply to shared work employers covered under RCW 50.60.

(4) The benefit charges were a direct result of a closure or severe curtailment of operations at the employer's plant, building, work site, or facility due to a fire, flood, or other natural disaster.

WSR 92-14-048
EMERGENCY RULES
GREEN RIVER
COMMUNITY COLLEGE

[Filed June 25, 1992, 9:45 a.m.]

Date of Adoption: Emergency adoption by the Green River Community College board of trustees on June 18, 1992.

Purpose: Green River Community College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

Citation of Existing Rules Affected by this Order: Repealing chapter 132J-120 WAC, Student body rights and responsibilities; and amending WAC 132J-108-020 and 132J-108-050.

Statutory Authority for Adoption: RCW 28B.50.140(13).

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

Reasons for this Finding: The Green River Community College student code of conduct has been revised to include changes in the laws of the state of Washington. The laws relate to adjudicative processes and the need to clarify and update provisions within the code.

Effective Date of Rule: Immediately.

June 22, 1992

Michael H. McIntyre
 Vice-President for Marketing
 and Student Development

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-14-049
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 [Memorandum—June 19, 1992]

The Department of Licensing, Title and Registration Advisory Committee (TRAC) meeting scheduled for July 21, 1992, at the SeaTac Office Building, 18000 Pacific Highway South, Room 500, Seattle, WA, will be rescheduled at a later date.

WSR 92-14-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 25, 1992, 11:35 a.m.]

Continuance of WSR 92-11-002.

Title of Rule: Repealing WAC 388-29-005 Fair hearing and 388-33-377 Grant continuation pending fair hearing; amending WAC 388-33-389 Grievance procedure—Applicants and recipients of public assistance, medical assistance, and social services administrated by Title 388 WAC; and new section WAC 388-33-379 Continuation of assistance—Fair hearing.

Purpose: Update terminology relating to titles used in the fair hearing process.

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

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

Proposal Changes the Following Existing Rules: See above.

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

Date of Intended Adoption: July 14, 1992.

June 25, 1992

Leslie F. James, Director
 Administrative Services

WSR 92-14-051
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3411—Filed June 25, 1992, 11:40 a.m.]

Date of Adoption: June 25, 1992.

Purpose: To ensure consistency between federal and state rules concerning the treatment of income and resources of spouses separated for any reason.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-025 Financial responsibility of relatives.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-11-053 on May 19, 1992.

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

June 25, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2907, filed 12/1/89, effective 1/1/90)

WAC 388-92-025 FINANCIAL RESPONSIBILITY OF RELATIVES. (1) In determining SSI-related eligibility, the department shall consider income and resources jointly for:

(a) Spouses who reside in the same household; and

(b) The blind or disabled child or children who reside with their parent or parents.

(2) When computing available income (~~for a family of three or more, the department shall apply the relative responsibility requirement of the appropriate cash assistance program.~~) the department shall limit relative responsibility to one spouse for the other spouse and the parent or parents for the minor child or children.

(3) The department shall consider the financial responsibility of spouses as follows:

(a) When ~~(the)~~ a spouse in the same household of an SSI-related applicant is ineligible or does not apply, the department shall apply the exclusions under WAC ~~((388-92-035))~~ 388-92-036 (1) and (3) to the spouse's income in determining the amount to be deemed to the applicant. ~~((f))~~ When the remaining income of the ineligible spouse exceeds the monthly ~~((state supplement benefit standard))~~ categorically needy income level (CNIL), the department shall deem the remaining income to the applicant; ~~((and))~~

(b) ~~((f))~~ When both spouses apply or are eligible as aged, blind, or disabled and cease to reside in the same household, the department shall consider the spouses' income and resources available to each other ~~((for the time periods specified. After the appropriate time period, the department shall consider available only the income and resources one spouse contributes to the other spouse. (i) f))~~ through the month in which they cease to reside in the same household;

(c) When spouses cease to reside in the same household because of the institutionalization of one spouse or for any other reason, the department shall consider:

~~((A))~~ (i) The institutionalized spouse's income and resources under chapter 388-95 WAC; and

~~((B))~~ (ii) The community spouse's ~~((: (H))~~ income and resources as available to each other through the month in which they cease to reside in the same household. The department shall consider the income and resources of each spouse as separate beginning the first of the month after the ~~((spouse is institutionalized;~~

~~(H) Resources as available to each other for the month the spouses cease to reside in the same household and for six months following that month.~~

(ii) If spouses cease to reside in the same household for any reason other than institutionalization of one spouse, the department shall consider the spouses' income and resources available to each other for the

month the spouses cease to reside in the same household and for six months following that month)) spouses separate.

(d) If the mutual consideration of both spouses' income and resources causes the spouses to lose eligibility as a couple, the department shall determine if either spouse is eligible in accordance with subsection (3)(c) of this section(:

~~((c) If the spouses cease to reside in the same household, and only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple;);~~

(e) The department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse beginning the month after the spouses separate;

~~((d))~~ (f) When both spouses are eligible and institutionalized, the department shall consider income and resources separately even if the spouses share the same room; and

~~((e))~~ (g) When only one spouse is eligible and both are institutionalized, the department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse, even if they share the same room.

~~((4))~~ The department shall consider the financial responsibility of the parent or parents as follows:

(a) For SSI-related individuals, eighteen to twenty-one years of age, the department shall not consider the parent or parents' income available unless contributed; and

(b) For SSI-related individuals seventeen years of age and under, the department shall consider the parent or parents' income available when the individual resides in the same household;

(5) The department shall determine income for FIP or AFDC-related assistance unit according to FIP or AFDC grant regulations, where more than one assistance unit exists, limiting relative responsibility to subsection (2) of this section.))

WSR 92-14-052
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3410—Filed June 25, 1992, 11:42 a.m.]

Date of Adoption: June 25, 1992.

Purpose: Clarification of existing language to ensure the department determines the cost standard correctly for CCF, adult family home, adult residential treatment facility and group home clients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-036 Monthly maintenance standard—Client not in own home.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-11-054 on May 19, 1992.

Effective Date of Rule: Thirty-one days after filing.
 June 25, 1992
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—CLIENT NOT IN OWN HOME. (1) The monthly standard for a SSI/SSP related client or ~~((GA=U))~~ general assistance recipient living in a CCF, adult family home, adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), or DDD group home shall be the department cost standard of the facility plus a specified CPI.

(2) See either WAC 388-15-555, 388-15-568, 38829-130, or 388-29-280 for the definitions of "department cost standard". This monthly standard shall not exceed three hundred percent of the current SSI federal benefit level.

~~((2) The AFDC or FIP recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA=U funds within the maximum which are paid to the facility for the cost of care.))~~

(3) See chapter 388-92 WAC for computation of available income and resources for ~~((the))~~ SSI~~((/SSP))~~ related person ~~((with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs)).~~

(4) See chapter 388-28 WAC for computation of available income and resources for the ~~((GA=U))~~ general assistance client ~~((is subject to GA=U income and resource standards.))~~

(4) If income available to the client is less than the CPI standard, the department shall authorize a state payment to the client to meet his or her personal needs.

(5) The department shall make payment to the facility for the difference between income available for payment on care and the cost standard of the facility)).

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 92-14-053
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 280—Filed June 25, 1992, 2:52 p.m.]

Date of Adoption: June 23, 1992.
 Purpose: To implement legislation relative to temporary practice permits and retired active status.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-922-990.

Statutory Authority for Adoption: RCW 43.70.250.
 Pursuant to notice filed as WSR 92-06-058 on March 2, 1992.

Effective Date of Rule: Thirty-one days after filing.
 June 23, 1992
 Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-922-990 PODIATRY FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	650.00
Inactive license renewal	135.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
<u>Retired active status</u>	<u>150.00</u>
<u>Temporary practice permit</u>	<u>50.00</u>

WSR 92-14-054
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 281—Filed June 25, 1992, 2:57 p.m.]

Date of Adoption: June 23, 1992.
 Purpose: Establishes fees for temporary practice permits and inactive license renewals for the osteopathic profession.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-853-990.

Statutory Authority for Adoption: RCW 43.70.250.
 Pursuant to notice filed as WSR 92-06-028 on February 26, 1992.

Effective Date of Rule: Thirty-one days after filing.
 June 23, 1992
 Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 200, filed 10/10/91, effective 11/10/91)

WAC 246-853-990 OSTEOPATHIC FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Osteopath:	
Renewal	\$410.00
Duplicate	15.00
Certification	25.00
Osteopathic physician:	
Endorsement application	500.00
License renewal	410.00
Inactive license renewal	270.00
Late renewal penalty	50.00
Flex exam/state exam application	600.00
Endorsement/state exam application	500.00
Retake flex I	300.00
Retake flex II	350.00
Reexam	100.00

Title of Fee	Fee
Duplicate license	15.00
Certification	25.00
Limited license application	250.00
Limited license renewal	205.00
Temporary permit application	((100.00)) <u>50.00</u>
Impaired program surcharge	<u>15.00</u>
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
Duplicate license	15.00

**WSR 92-14-055
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Order 282—Filed June 25, 1992, 3:01 p.m., effective June 30, 1992]

Date of Adoption: June 23, 1992.

Purpose: For eligibility determination and fund distribution for medical and dental services to community health clinics.

Citation of Existing Rules Affected by this Order: Amending WAC 246-510-400.

Statutory Authority for Adoption: RCW 43.70.040 and section 214, chapter 19, Laws of 1989 1st ex. sess.

Pursuant to notice filed as WSR 92-07-077 on March 17, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This amendment is necessary to preserve public health, safety and general welfare by allowing distribution of funds for medical and dental services to community health clinics.

Effective Date of Rule: June 30, 1992.

June 23, 1992
Kristine M. Gebbie
Secretary

NEW SECTION

WAC 246-510-400 LIMITATIONS ON AWARDS. Specific to the medical and dental base as referenced in WAC 246-510-200 (1)(b) and (2)(b):

(1) Any approved contractor shall initially receive no more than one hundred ten percent of that contractor's previous year's initial allotment.

(2) Any approved contractor shall initially receive no less than ninety percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide ninety percent, criteria shall be established to equitably allocate the available funds.

(3) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 246-510-200.

**WSR 92-14-056
PROPOSED RULES**

EASTERN WASHINGTON UNIVERSITY

[Filed June 25, 1992, 3:52 p.m.]

Original Notice.

Title of Rule: Library policies.

Purpose: To update section to be consistent with current practice and to accommodate change.

Statutory Authority for Adoption: RCW 28B.35.120.

Summary: Proposed changes remove smoking policy for library because of a university-wide smoking policy proposed under a new WAC chapter. Circulation periods have increased and fines have changed.

Name of Agency Personnel Responsible for Drafting: Theophil Otto, Assistant University Librarian, University Library 105, (509) 359-7895; Implementation and Enforcement: Louise Saylor, Dean of libraries, University Library 237, (509) 359-2264.

Name of Proponent: Eastern Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes is to update the rules with regard to current circulation and fines practices, to update outdated references, and to direct the public to postings of current fine schedules.

Proposal Changes the Following Existing Rules: There is no longer a limit on the amount of items one may borrow. With some exceptions, the standard loan period has increased from 28 to 30 days, with only one opportunity for renewal. Smoking restrictions will be covered under the university's new general conduct code.

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

Hearing Location: Eastern Washington University, Louise Anderson Hall, Cheney, Washington, on September 18, 1992, at 10:00 a.m.

Submit Written Comments to: Ann Carrasco, Rules Coordinator, Eastern Washington University, SHW 318, MS-114, Cheney, WA 99004, by September 17, 1992.

Date of Intended Adoption: September 18, 1992.

June 19, 1992
Ann Carrasco
Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-020 SELECTION OF SERVICES, PERSONNEL, RESOURCES. It is the policy of the Eastern Washington University library to select on the basis of what is best and most suitable whether the choice involves staff members, library materials, or equipment and services. The library expressly rejects any form of negative selection based on censorship of materials or prejudicial considerations based on ~~(upon)~~ on race, religion, sex, national origin, or political viewpoint.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-070 DISPLAYS. Displays utilizing library space and facilities shall be by invitation only. Solicitation of a display invitation must be submitted to the ~~(university librarian)~~ dean of libraries or ~~(his)~~ an authorized designee for review and evaluation concerning the display's relation to the library services. The library shall

have discretionary authority regarding the decision to extend display invitations.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-080 LIBRARY CARRELS. Locked library carrels are generally assigned to faculty members and graduate students (working on a thesis). The library may assign others to the carrels if space is available. Assignment is on a first-come, ~~((first-come))~~ first-served basis for ~~((an))~~ an academic quarter, and multiple assignments per carrel may be made. All closed carrels shall be subject to the following:

(1) All library materials kept in a carrel must be checked out, and are subject to the library's loan policies. University staff members may enter the carrels for checking and ~~((retrieval of))~~ retrieving library materials and for cleaning and maintenance.

(2) The library is not responsible for personal property left in the carrels.

(3) A carrel assignment may be withdrawn or denied if the rules governing its use are not observed.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-090 GIFTS. The library welcomes the donations of books, other library materials, and money ~~((Valuation of gifts for tax purposes will be based upon information available in the library and assessment of value incurs no liability of proof by the library))~~ through the EWU foundation. Gifts estimated to be less than five thousand dollars will be accepted with the donor's valuation without proof, provided it appears reasonable. Gifts estimated to be valued at five thousand dollars or more must be appraised by a nonuniversity party. Gifts become university property when accepted and received. The library reserves the right to reject, dispose, sell, or return to the donor any gift.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-100 LIBRARY BORROWERS. Use of the library as part of a state public institution is the right of any adult resident of the state; however, borrowing privileges and other services may be limited in order to serve first the primary clientele of students and faculty. Children under twelve years of age must be accompanied by an adult or obtain permission from the senior staff member on duty. Use of the library may be denied to anyone for continuing abuse of library services or resources. Library materials may be circulated to the following:

(1) Students either full time or part time, including those serving as student teachers~~((:));~~ graduate students~~((:));~~ faculty members, including special categories such as visiting professors, and emeriti faculty, administrative and civil service staff~~((:));~~ and trustees.

(2) Faculty members of public higher education institutions of Washington state.

(3) Spouses of faculty, staff members, and students.

(4) ~~((("Friends" of the library or "library associates."))~~ Members of "Associates of the EWU Library."

(5) Other libraries through interlibrary loans.

(6) ~~((Registrants, in good standing, of other SCOALIS (Spokane County Automated Library and Information System) libraries.~~

~~((7))~~ Children between ages twelve and sixteen years may register and be issued a borrower's card, provided the card is co-signed by their parent or guardian.

~~((8))~~ (7) Other individuals ~~((nonresidents))~~ if in the judgment of the university librarian, or his designee, the purpose is serious and the loan will not conflict with service to others as determined by the dean of libraries.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-110 LIBRARY CIRCULATION POLICY. Amounts of materials ~~((borrowed))~~ loaned at a given time may be limited by demand, ~~((materials available, and judgment of library personnel, but normally will not exceed forty items. All materials held past the due date are considered overdue. Those materials designated for the reference, periodicals, and certain special collections ordinarily~~

~~do not circulate. With these exceptions, library materials circulate for twenty-eight days and are renewable, except as follows:~~

~~((1))~~ Items that have had holds placed on them may not be renewed, and return may be requested before the due date to meet special needs, such as reserve for class use.

~~((2))~~ Unbound periodicals may be checked out for three days, and may be renewed.

~~((3))~~ Reserve materials may be checked out for two hours, one day, or three days, depending on the type of reserve requested.

~~((4))~~ Prints, framed pictures, browsing materials, and other small special collections may be established from time to time and be governed by varying circulation rules.

~~((5))~~ Uncatalogued library materials may be loaned at the discretion of the library staff for varying loan periods.

~~((6))~~ Faculty members may check out general collection materials for ninety days. They may request renewal, but are subject to the "holds" rule (1) above.

~~((7))~~ The library reserves the right to request immediate return of materials needed for classwork or other special assignment. Failure to do so may cause the library to impose a penalty not to exceed \$1.00/item/day.

~~((8))~~ New graduate students and certain other borrowers, at library staff discretion, may be issued general collection materials for sixty days with renewal, subject to hold rule (1) above) availability, or the discretion of the circulation manager or the librarians. All materials held past the due date, or past the revised due date resulting from a recall, are considered overdue.

(1) General materials, government documents, and music scores have a standard loan period of thirty days, beginning the day of check out, with one opportunity for renewal.

(2) Reference materials, bound periodicals, video recordings, or special collections materials do not circulate outside the library.

(3) Unbound periodicals circulate for three days.

(4) Reserve materials may be checked out for one hour, two hours, overnight, one day, two days, or three days, depending on the type of reserve requested.

(5) Sights and sounds materials circulate for seven days.

(6) Curriculum laboratory materials circulate for two weeks and are nonrenewable.

(7) Prints, framed pictures, uncataloged library materials, and any small collections which may be established from time to time are loaned at the discretion of the circulation manager or the librarians.

(8) Penalties. Violation of the loan periods in subsections (1) through (7) of this section by a library user may result in the assessment of fees or the imposition of restrictions on borrowing privileges.

(9) Holds. Items that have holds placed on them may not be renewed.

(10) Recall of materials. Except as noted above, borrowers are allowed two weeks of uninterrupted use before a recall may be requested. However, loaned materials may be recalled before that time for class use by a faculty member. Once a recall is issued, the borrower is given seven days to return the material; this date becomes the revised due date.

(11) Extended loan periods. Faculty members and graduate students may check out general materials anytime within the academic quarter with the item being due at the end of that quarter. However, items checked out within the last thirty days of any academic quarter are due at the end of the following quarter. Renewal may be requested one time by graduate students and three times by faculty members. Materials loaned to faculty members and graduate students are subject to subsections (2) through (10) of this section.

(12) Responsibility. Materials borrowed from the library remain the responsibility of the borrower until the materials have been discharged by the library.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-120 LIBRARY FINES AND CHARGES FOR LOST, DAMAGED, AND OVERDUE MATERIALS. Fine schedules are posted at the circulation counters at the university library and its branches.

(1) Persons to whom overdue materials are checked out are subject to ~~((the following schedule))~~ specific fines. Service charges are assessed for notices, and the replacement cost of each item overdue is assessed in the final notice. Reserve materials are subject to a separate fine schedule.

~~((One))~~ Two dollars for first overdue notice. Additional two dollars for ~~((second))~~ final notice. A one dollar (per item) service charge and the current replacement cost of each item will be included on the final notice.

- ~~(2) ((Reserve materials fine schedule:
Two hours — twenty cents per hour;
One day — fifty cents per day;
Three days — fifty cents per day.~~

~~Fines will be charged for reserve materials on weekends and holidays.~~

~~((3))~~ A block restricting borrowing privileges will be placed on a borrower's record at the time a final notice is sent (thirty days past due date). A block restricting borrowing privileges will be placed when accumulated library charges reach \$50.00. The balance must be reduced to \$25.00 or less to reinstate borrowing privileges.

(3) Ordinarily the library sends reminder notices and hold notices on overdue materials. However, it must be recognized that the return of library materials is solely the borrower's responsibility, and the library may, when necessary, curtail the practice of sending notices.

(4) Reimbursement shall be made to the library for lost or damaged materials, the charges to be established by the ~~((librarian))~~ dean of libraries or ~~((his))~~ authorized designee. ~~((Such))~~ The charges will be a fair estimate of replacement or repair cost plus a five dollar processing charge.

~~(5) ((The library may request of the registrar and the student accounting office that registration of any student charged with overdue materials or unpaid fines be withheld until such materials are returned and/or fines paid.~~

~~(6) The charge for replacement of a borrower's identification card will be one dollar.)~~ Final notice fees, service charges, and replacement amounts due will be handed over to the controller's office for collection when materials become sixty days overdue. (This may affect registration and financial aid.) The account may be turned over to a collection agency.

~~((7))~~ (6) All library patrons should be aware of ~~((the following section of the Revised Code of Washington))~~ RCW 27.12.340 which states:

~~((27.12.340 Penalty for wilfully retaining books. Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, shall be guilty of a misdemeanor.))~~ "27.12.340 Wilfully retaining books—Infraction. It is a class 4 civil infraction for any person to wilfully retain any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept."

~~((8) The library may refuse to loan materials to patrons who have a record of abuse of library privileges at other SCOALIS libraries.~~

~~((9))~~ (7) The library may resort to legal action to obtain compliance with these regulations.

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-130 LIBRARY SERVICE FEES. Fees may be levied for some special services in the library which are not funded and must be self-supporting. In all cases, the fees reflect the actual cost of the service. A current fee schedule will be maintained in the library as established by the university librarian, or ~~((his))~~ authorized designee. At present, fees are charged for a variety of photocopying, bibliographic and related services. Normally these charges will not exceed actual costs incurred, including labor and overhead.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 172-168-060 SMOKING.

WSR 92-14-057 WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

[Filed June 26, 1992, 8:28 a.m.]

The Washington State Gambling Commission wishes to withdraw two WAC rules from the original notice filed on June 22, 1992, WSR 92-14-018, WAC 230-08-180 ~~((Quarterly))~~ annual activity reports by commercial amusement game operators and 230-08-240 Annual activity reports by commercial amusement game operators Class A and B.

All other rule changes on WSR 92-14-018 are as proposed.

Sharon M. Tolton
Rules Coordinator

WSR 92-14-058 NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—June 26, 1992]

June 29, 1992, 6:00 p.m., Seattle Vocational Institute, 315 22nd Avenue South, Seattle, WA, the Workforce Training and Education Coordinating Board will meet for dinner on Monday, June 29, 1992, at the Seattle Vocational Institute. The dinner meeting which will begin at 6:00 p.m. and conclude by approximately 9:00 p.m., is for the purpose of discussing training and re-training in the urban areas. No action will be taken at this meeting.

June 30, 1992, 8:30 a.m., Seattle Vocational Institute, Room 628, 315 22nd Avenue South, Seattle, WA, the Workforce Coordinating Board will meet in a regular meeting on Tuesday, June 30, in Room 628 (Skyline Room), at the Seattle Vocational Institute, located at 315 22nd Avenue South, Seattle, WA. The meeting will begin at 8:30 a.m. and conclude by approximately 5:30 p.m.

Agenda items will include consideration of a job skills program grant application, consideration and adoption of a WTECB vision statement, a presentation on a European Study Tour, and adoption of the WTECB operating budget for 1992-93. In addition, there will be reports from the chairs of the WTECB subcommittees and a presentation on SCANS and Job Training 2000. The board will also take action on the postsecondary standards and measures, and consider grant applications for PY 92 JTPA 8% and FY 93 CBO/LEA Carl Perkins Funds. The board will review staff work on policy/administration options and impacts, and an executive session may be called for any permissible reason, as authorized by the Open Public Meetings Act.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or SCAN 234-5660.

WSR 92-14-059
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 25, 1992]

The WSCTC board of directors at its June 17, 1992, regular meeting, the July regular meeting of the board will be held on Saturday, July 11 (instead of Wednesday, July 15) in conjunction with a two-day board retreat. The public meeting notice will reflect this revised meeting date.

WSR 92-14-060
PERMANENT RULES
UNIVERSITY OF WASHINGTON
 [Filed June 26, 1992, 9:07 a.m.]

Date of Adoption: June 12, 1992.

Purpose: To repeal and amend existing sections and to adopt a new section to reflect current university practices.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-138-050; and amending WAC 478-138-010, 478-138-020, 478-138-030, and 478-138-040.

Statutory Authority for Adoption: RCW 28B.20.130.

Pursuant to notice filed as WSR 92-09-154 on April 22, 1992.

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

June 24, 1992

Melody Tereski

Administrative Procedures Officer

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-010 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—AUTHORITY. Pursuant to the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established ~~((the following))~~ these regulations to govern use of the stadium boat moorage facilities.

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-020 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—OBJECTIVES. The objectives of these regulations are to:

(1) Provide water access for persons attending ~~((those special events at the))~~ University of Washington~~((, such as))~~ home football games or other special events as determined by the university, for which use of the ~~((facility))~~ stadium boat moorage facilities is designated;

(2) Control the use of the stadium boat moorage ~~((facility))~~ facilities in order to provide reasonable safety for both persons and boats or other craft using the facility;

(3) Provide for the collection of stadium boat moorage fees in support of the cost of maintaining and operating the stadium boat moorage ~~((facility))~~ facilities;

(4) Provide access at all times for emergency equipment.

AMENDATORY SECTION (Amending Order 88-02, filed 9/14/88)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay ~~((, and such other areas as are designated by the manager of the parking division;))~~ which provide water access to the University of Washington shoreline on home football game days, or for other special events as determined by the university.

(b) ~~((The manager of the parking division shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions related to facility utilization for individuals who may be engaged in the transporting of passengers for the purpose of moorage or shuttling operations;))~~ The stadium boat moorage facilities shall also include such other specified areas along or adjacent to the university shoreline, as designated by the executive vice-president, that provide access to the university shoreline on home football game days, or for other special events as determined by the university. The activities for which these additional stadium boat moorage facilities may be used include, but are not limited to: Moorage of water related vessels; and loading, unloading, or transporting passengers to and from water related vessels. All other uses of the university shoreline shall be under the authority of the executive vice-president.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area, or otherwise not in compliance with this chapter will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (Criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the stadium boat moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

The executive vice-president shall have the authority to establish such conditions as are necessary or appropriate to protect the university from liability in connection with the use of the stadium boat moorage facilities.

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-040 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—OPERATION OF THE STADIUM BOAT MOORAGE FACILITIES—PERMITS REQUIRED. During ~~((special events))~~ home football games and other special events as determined by the university, operation of the stadium boat moorage is the responsibility of the ~~((manager of the parking division as a part of the university parking system))~~ director of intercollegiate athletics and use of the ~~((facility))~~ stadium boat moorage facilities shall be controlled by the sale of stadium boat moorage permits as follows:

(1) Limits of the numbers and types of crafts that can be moored with reasonable safety at the stadium boat moorage ((facility)) facilities shall be established by the university after consultation with and approval by the Seattle fire chief and the local representatives of the U.S. Coast Guard;

(2) Only those boats displaying a valid stadium boat moorage permit shall be admitted to the stadium boat moorage area and provided moorage space ~~((for the special event))~~;

(3) Stadium boat moorage permits shall be sold, issued, and collected by the ~~((parking division as a function of the parking system))~~ department of intercollegiate athletics for season and/or individual games or special events;

(4) Season football ticket holders shall be notified of and provided with the opportunity to purchase stadium boat moorage permits for football games in advance of the public offering of stadium boat moorage permits;

(5) Public sale of stadium boat moorage permits shall be on a first-come, first-served basis within the limits established under WAC 478-138-040(1).

NEW SECTION

WAC 478-138-060 SCHEDULE OF FEES. Fees for stadium boat moorage and the effective date thereof shall be established by the director of intercollegiate athletics with approval of the vice-president for university relations. The approved fee schedule shall be published in the University Operations Manual.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-138-050 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—MOORAGE FEE (FOR EACH EVENT).

WSR 92-14-061

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed June 26, 1992, 9:35 a.m.]

Original Notice.

Title of Rule: Chapter 132H-120 WAC, the Student Code of Community College District VIII rules covering policies and regulations for students attending Bellevue Community College.

Purpose: Repeal, amend and add to chapter 132H-120 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Name of Agency Personnel Responsible for Drafting: Phyllis C. Hudson, A201, (206) 641-2302; Implementation and Enforcement: Board of Trustees, A201, (206) 641-2302.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides current policies and regulations for students attending Bellevue Community College.

Proposal Changes the Following Existing Rules: Existing rules are in conflict with current operating practices.

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202A, Bellevue, WA 98007-6484, on September 1, 1992, at 8:00 a.m.

Submit Written Comments to: Phyllis C. Hudson, by August 27, 1992.

Date of Intended Adoption: September 8, 1992.

June 15, 1992

Phyllis C. Hudson

Secretary

Board of Trustees

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-010 TITLE. This chapter shall ~~((WAC 132H-120-010 through 132H-120-490 will))~~ be known as the Student Code ((student code)) of Community College District VIII.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-020 PREAMBLE. Bellevue Community College is maintained by the state of Washington for the purpose of providing its students with appropriate learning programs which will facilitate the orderly pursuit and achievement of their educational objectives. The college is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons through policies which encourage independence and maturity.

The student is in the unique position of being a member of the college community and the community at large. Admission to the college carries with it the expectation that: (1) Students will respect the laws of the community, state, and nation;

(2) Adhere to college rules and regulations which assure the orderly conduct of college affairs;

(3) Maintain high standards of integrity and honesty;

(4) Respect the rights, privileges, and property of other members of the college community; and

(5) Will not interfere with legitimate college affairs.

Bellevue Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's: (1) Primary educational responsibility of ensuring the opportunity of all members of the college community to attain their educational objectives; ~~((or))~~

(2) Subsidiary responsibilities of protecting property, keeping records, providing services, and sponsoring nonclassroom activities, such as lectures, concerts, athletic events and social functions; ~~((or (3) responsibility to protect the health and safety of persons on college property)).~~

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights, freedoms and responsibilities in this document are critical ingredients toward the free, creative and spirited educational environment to which the students, faculty, and staff of Bellevue Community College are committed.

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 16, filed 3/15/73)

WAC 132H-120-030 DEFINITIONS. As used in this Student Code of Community College District VIII (~~code of student rights and responsibilities~~) the following words and phrases shall mean: (1) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or groups of persons.

(2) "Board" means the board of trustees of Community College District VIII, state of Washington.

(3) "College" means Bellevue Community College located within Community College District VIII, state of Washington.

(4) "College facilities" means and includes any and all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by Bellevue Community College.

(6) "Complaint" means any expression of dissatisfaction with the performance of a college employee or procedure.

(7) ~~((6))~~ "Disciplinary action" means and includes expulsion, suspension or any lesser sanction of any student by the dean of student services, ~~(dean for student services and development;)~~ the college discipline committee, the president or the board of trustees for the violation of any of the provisions of the student code ~~(code of student rights and responsibilities)~~ for which sanctions may be imposed.

(8) ~~((7))~~ "District" means Community College District VIII, state of Washington.

(9) ~~((8))~~ "Faculty members" means any employee of Bellevue Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(10) ~~((9))~~ "President" means the duly appointed chief executive officer of Bellevue Community College, state of Washington, or in his/her absence, the acting chief executive officer.

(11) ~~((10))~~ "Recognized student organization" shall mean and include any group or organization composed of students which is formally recognized by the associated students of Bellevue Community College.

(12) ~~((11))~~ A "sponsored event or activity" shall mean any activity that is scheduled by the college and supervised and controlled by the college's faculty members, librarians, counselors, or other college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member, librarian, counselor or other college personnel. When the sponsored event or activity is of prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the activity shall be deemed to a nonsponsored activity.

(13) ~~((12))~~ "Student," unless otherwise qualified, means ~~(and includes)~~ any person who is enrolled for classes or has been accepted for admission to the college.

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 16, filed 3/15/73)

WAC 132H-120-040 JURISDICTION. (1) All rules herein adopted concerning student conduct and discipline shall apply to every student attending a community college within the district whenever said student is present upon or in any college facility, or whenever said

student is engaged in or present at any college-related activity whether occurring on or off college facilities.

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to

(a) possible prosecution under the state criminal law;
(b) any other civil or criminal liability for which remedies are available to the public; or

(c) appropriate disciplinary action pursuant to the state of Washington Higher Education Personnel Board or the district's policies and regulations. ~~((the state criminal trespass law and/or other possible civil or criminal remedies available to the public and/or appropriate action pursuant to the state of Washington higher education personnel board, the district's tenure rules and regulations, or other applicable board policy.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-050 STUDENT RIGHTS AND FREEDOMS. The following enumerated rights and freedoms are guaranteed to each student within the ~~((confines of))~~ limitations of statutory law and college policies that ~~((set forth in this chapter which))~~ are deemed necessary to achieve ~~((effect))~~ the educational goals ~~((objectives))~~ of the college:

(1) Academic freedom ~~((of expression)).~~

(a) Students are guaranteed ~~((Fundamental to the democratic process are the))~~ rights of free inquiry, expression ~~((free speech))~~ and peaceful assembly upon and within college facilities that are generally open and available to the public. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students have the right of "assembly" as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: Provided, y That such assembly shall:

(i) ~~((1))~~ Be conducted in an orderly manner; and

(ii) ~~((2))~~ Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) ~~((3))~~ Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; and

(iv) ~~((4))~~ Not unreasonably interfere with college functions.

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 26B.50.090 (3)(b).

(d) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(e) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this student code is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas

in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

(5) Incidental sales. Students have the right to engage incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operations of the instructional program or where limited sale is specifically authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Student have the right to engage in fund raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

((c) Freedom of expression in the classroom must be encouraged and protected. It is the responsibility of the instructor to assure the realization of the spirit of free inquiry. The instructor has the responsibility to maintain order, but this authority must not be used to inhibit the expression of views contrary to his own. It is not inconsistent with freedom in the classroom for the instructor to require participation in classroom discussion and/or submission of written materials relevant to the class. Fair and professional academic evaluation is a legitimate classroom experience. It is the responsibility of the student to support the instructor's efforts to assure freedom of expression and to maintain order.))

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a principal actor ((or aide)), aider, ((or)) abettor or accomplice as defined in RCW 9A.08.020: (1) Materially and substantially interferes with the personal rights or privileges of others or the education process of the college(:) :

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic Beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college president or his/her ((his)) designee. (See WAC 132H-200-490)

(b) Controlled Substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in Chapter 69.50 ((RCW 69.50)) RCW 101 ((+)) as now law or hereafter amended, ((or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended.)) except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation "sale" shall include the statutory meaning defined in RCW 69.50.410 ((RCW 69.04.005)) as now law or hereafter amended.

(c) Illegal Entry. Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or Alteration of Records. Forgery, as defined in RCW 9A.60.010 - 9A.60.020 as now law or hereafter amended or ((RCW 91.44.010 of)) any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal Assembly. Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(f) Malicious Mischief. Intentional ((intentionally)) or negligent damage to or destruction of ((destroying or damaging)) any college facility or other public or private real or personal property.

(g) Failure to Follow Instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical Abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

((i) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.))

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services ((dean of student programs and personnel services.)) or any other person designated by the president.

(l) Lewd Conduct. Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False Alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

((m) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.))

(n) Cheating and Plagiarism. Engaging in cheating, stealing, plagiarizing, ((or)) knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of the program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or of another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized Use of Property. Converting college equipment, supplies or other property without proper authority.

(r) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with Chapter 70.160 RCW.

(t) False Complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-220 RESPONSIBILITY/COLLEGE DISCIPLINE COMMITTEE. The dean of student ~~((programs and personnel))~~ services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the College Discipline Committee. ~~((and he/she is responsible for assembling all facts on cases referred to his/her office, making provisions for suitable hearings, convening the college discipline committee, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases.))~~

The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

- (1) A faculty member appointed by the president of the college.
- (2) A member of the faculty, appointed by the President of the Bellevue Community College Association of Higher Education. ~~((professional association.))~~
- (3) Two representatives selected by the student services cabinet. ~~((council)).~~
- (4) Three students. The three students will be appointed by the President of the Associated Students of Bellevue Community College. ~~((student body association.))~~

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair ~~((chairman))~~ will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 132H-120-225 DISCIPLINARY TERMS. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties:

(1) **Disciplinary Warning:** Formal action censoring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the dean of student services. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) **DISCIPLINARY PROBATION:** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period.

(3) **Suspension:** Formal action dismissing a student temporarily from the college for unacceptable conduct of violation of college rules or regulations. Suspension may be for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(4) **Summary Suspension:** Exclusion from college property and/or classes and other privileges or activities in accordance with WAC-132H-120-404.

(5) **Expulsion:** Students may be expelled only on the approval of the president of the college and on the recommendation of the dean of student services or the college discipline committee. The notification

expelling a student will indicate, in writing, the term of the expulsion and any conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(6) **Registration Denied:** Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct, or failure to fulfill obligations to the college.

Students may be denied registration only on the approval of the president and on the recommendation of the dean of student services or college discipline committee. The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(7) **Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

NEW SECTION

WAC 132H-120-235 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the dean of student services or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132H-120-405.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the dean of student services or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) dismiss the case after whatever counseling and advice the dean deems appropriate;
- (c) impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter;
- (d) impose additional sanctions of reprimand, probation, suspension or dismissal, subject to the student's right of appeal as provided in the following provisions.

NEW SECTION

WAC 132H-120-245 APPEALS OF DISCIPLINARY ACTION - GENERALLY. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean of student services or his or her designee(s) may be appealed to the discipline committee, which may, at the request of the dean, hear the case de novo.

(b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

- (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and
- (b) the appeal must be filed with twenty-one (21) calendar days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-300 DISCIPLINE COMMITTEE PROCEDURE. ((PROCEDURAL GUIDELINES)) (1) The discipline committee shall conduct a hearing within twenty (20) calendar days after disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) waives the opportunity for a brief adjudicative proceeding, or (b) by his/her conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter. ((††) The college discipline committee will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean for student services and development or his designee.

(2) The student has a right to a fair and impartial hearing before the college discipline committee on any charge on violating specific provisions of the student code of Community College District VHH. The student's failure to cooperate with the hearing procedures herein after outlined, however, shall not preclude the college discipline committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the college discipline committee in recommending to the president the appropriate disciplinary action.)

(3) ((The student shall be given)) Written notice of the time and place of his hearing before the college discipline committee, shall ((and) be given to the student by personal service or certified mail ((afforded) not less than twenty (20) calendar days((†)) in advance of the hearing. The ((notice thereof. Said)) notice shall be issued by the Dean of Student Services and shall contain:

(a) A statement of the time, place and nature of the disciplinary proceedings; ((proceeding.))

(b) A statement of the charges ((against him)) including reference to the particular sections of the student code involved; and((-))

(c) To the extent known, a ((★)) list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to:

(a) hear and examine the evidence against him or her and be informed of the identity of its source; ((he shall be entitled to))

(b) present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college ((against him)) as to factual matters.

(c) take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean of ((for) student services ((and development)) no later than three 3 days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean of ((for) student services ((and development)) at least three 3 days prior to the scheduled hearing.

(7) ((††)) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his or her counsel, he or she must tender at least seven (7) calendar ((3)) days' notice thereof to the dean of ((for) student services ((and development)).

(8) ((††)) In all disciplinary proceedings the college may be represented by the dean of ((for) student services ((and development)) or his or her designee who shall present the college's case to the college discipline committee. ((In the event the student elects to be represented by a licensed attorney, the)) The dean of ((for) student services ((and development)) may elect to have the college represented by an assistant attorney general.

(9) ((††)) An adequate record ((summary)) of the hearing shall be maintained and shall include:

(a) all documents, motions, and intermediate rulings;

(b) evidence received and considered;

(c) a statement of matters noticed; and

(d) questions and offers of proof, objections and rulings thereon.

((all the evidence and facts presented to the college discipline committee during the course of the proceeding shall be taken. A copy thereof shall be available at the office of the dean for student services and development.))

(10) ((††)) The chair ((chairman)) of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer. ((and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.))

(11) The dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts and testimony presented to the college discipline committee during the course of the hearing.

(12) ((††)) Hearings conducted by the college disciplinary committee generally will be held in closed session, provided that the accused ((except when a)) student may request the hearing to be held in open session. ((requests that persons other than those directly involved be invited to attend.))

(13) If at any time during the conduct of a hearing visitors disrupt ((invited guests are disruptive)) the proceedings, the chair ((chairman)) of the committee may exclude such persons from the hearing room.

(14) ((††)) Any student attending the hearing ((as an invited guest)) who continues to disrupt the ((said)) proceedings after the chair ((chairman)) of the committee has asked him or her to cease or to leave the hearing room. ((and desist thereof.)) shall be subject to disciplinary action.

((††) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college discipline committee has sufficient cause to believe that the accused student is guilty of violating specific provisions of the student code that he is charged with having violated.

(†2) The chairman of the college discipline committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.))

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 132H-120-305 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the discipline committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Hearsay evidence is admissible in the hearing.

(2) The presiding officer of the discipline committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-310 DECISION BY THE COLLEGE DISCIPLINE COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the college discipline committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of student services or to recommend to the president any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students:

(b) That the college impose any of the disciplinary actions as provided in this chapter. ((WAC 132H-120-350 disciplinary terms.))

(2) Within seven calendar days, the ~~((The))~~ student will be provided with a copy of the college discipline committee's findings of fact and conclusions regarding what occurred, whether the student ~~((did violate))~~ violated any provision of the student code) and recommendation for the final disposition of the matter at issue. ~~((code:))~~ The committee shall also advise the student of his/her rights to present, within twenty-one (21) ~~((7))~~ calendar days, a written statement to the president of the college appealing the recommendation of the college discipline committee.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 132H-120-335 FINAL APPEAL. Any student who is aggrieved by the finding or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one (21) days following notification to the student of the action taken by the committee. The president may, at his or her discretion, suspend the disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision solely on the official written record of the case and on any reports or recommendations of the discipline committee and/or the dean who conducted the original hearing.

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

AMENDATORY SECTION (Amending Order 91 [16], filed 3/15/73)

WAC 132H-120-350 READMISSION AFTER EXPULSION. Any student expelled from the college may be readmitted only on written petition to the office which initiated the action resulting in his expulsion. Such petitions must indicate how specified conditions have been met and if the term of the expulsion has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before readmission is granted. The president shall render a decision in writing to the student.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-360 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. Records of all disciplinary cases shall be kept in the office of the dean of ~~((for))~~ student ~~((programs and personnel))~~ services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved for not more than five (5) years. No record of proceedings wherein the student is exonerated, other than the fact of exonerated, shall be maintained in the student's file or other college repository after the date of the student's graduation.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 132H-120-405 SUMMARY SUSPENSION PROCEEDINGS. (1) If a dean or his or her designee(s) has cause to believe that any student (a) has committed a felony; or (b) has violated any provision of this chapter; and (c) presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known

address, or shall be personally served. Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-410 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the summary suspension period. ~~((this 3-day period))~~ the suspended student shall not enter any campus of District No. VIII other than to meet with the dean of ~~((for))~~ student services ~~((and development))~~ or to attend the hearing. However, the dean of ~~((for))~~ student services ~~((and development))~~ or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

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 16, filed 3/15/73)

WAC 132H-120-420 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code of Bellevue Community College District VIII or the law ~~((code of student rights and responsibilities))~~ involved; and

(b) That the student charged must appear before the dean of ~~((for))~~ student services ~~((and development))~~ at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension ~~((for a further period not to exceed 10 days)).~~

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 16, filed 3/15/73)

WAC 132H-120-430 PROCEDURES OF SUMMARY HEARING. (1) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services presiding.

(2) ~~((+))~~ At the summary suspension hearing, the dean of student services ~~((dean for student services and development))~~ shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate. ~~((the student's presence on campus would endanger the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property. In the course of making such a decision, the dean for student services and development may consider the sworn affidavits or oral testimonies of persons who have alleged that the student or students charged has committed a violation of law or of provisions of the student code and the oral testimony and affidavits submitted by the student charged.))~~

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-440 DECISION BY THE DEAN OF ~~((FOR))~~ STUDENT SERVICES ~~((AND DEVELOPMENT))~~. If the dean of ~~((for))~~ student services ~~((and development))~~, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of this chapter ~~((the code of student rights and responsibilities))~~ are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the

campus, and ((under the provisions of WAC 132H-120-400 summary suspension rules, and))

(3) Such violation or violations of the law or of provisions of this chapter ((the code of student rights and responsibilities)) constitute grounds for disciplinary action, then the dean of ((for)) student services ((and development)) may, with the written approval of the president ((president)), continue to suspend such student from the college ((college)) and may impose any other disciplinary action appropriate.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-450 NOTICE OF SUSPENSION. (1) A ((H a)) student who is suspended or otherwise disciplined pursuant to the above rules((-he)) shall be provided with a written copy of the dean of ((for)) student service's ((and development's)) findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail((-Notice by mail shall be sent)) to said student's last known address(;) within three (3) working days following the conclusion of the summary suspension hearing. ((The suspension, following the hearing shall be effective for no more than 10 days:))

(3) The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

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 16, filed 3/15/73)

WAC 132H-120-460 SUSPENSION FOR FAILURE TO APPEAR. The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding. ((If the student against whom specific violations of provisions of the code of student rights and responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean for student services and development may, with the written concurrence of the president, suspend the student from college for no more than 10 days:))

NEW SECTION

WAC 132H-120-475 APPEALS FROM SUMMARY SUSPENSION HEARING. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless (a) the student has first appeared at the student hearing in accordance with WAC 132H-120-430; (1) the student has been officially notified of the outcome of the hearing;

(2) summary suspension or other disciplinary sanction has been upheld; and

(3) the appeal conforms to the standards set forth in WAC-132H-120-245(2).

The discipline committee shall, within five (5) working days, conduct a formal hearing in the manner described in WAC-132H-120-300.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-120-062	STUDENT GRIEVANCE PROCEDURES—PURPOSE AND SCOPE
WAC 132H-120-070	CONFIDENTIALITY OF STUDENT RECORDS
WAC 132H-120-072	DEFINITION OF A STUDENT
WAC 132H-120-073	EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT
WAC 132H-120-075	REQUESTS AND APPEAL PROCEDURES
WAC 132H-120-077	RELEASE OF PERSONALLY IDENTIFIABLE RECORDS.
WAC 132H-120-078	COLLEGE RECORDS
WAC 132H-120-079	RECORDS COMMITTEE
WAC 132H-120-080	FREEDOM OF ASSOCIATION AND ORGANIZATION
WAC 132H-120-090	STUDENT PARTICIPATION IN COLLEGE GOVERNANCE
WAC 132H-120-100	FREEDOM OF INDIVIDUAL PRIVACY
WAC 132H-120-110	COMMERCIAL AND PROMOTIONAL ACTIVITIES
WAC 132H-120-120	DISTRIBUTION AND POSTING OF CAMPUS LITERATURE
WAC 132H-120-130	CAMPUS SPEAKERS
WAC 132H-120-205	APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES
WAC 132H-120-240	INITIAL PROCEEDINGS
WAC 132H-120-240	APPEALS
WAC 132H-120-320	THE PRESIDENT'S REVIEW
WAC 132H-120-330	APPEALS
WAC 132H-120-340	DISCIPLINARY TERMS
WAC 132H-120-400	INITIATION OF SUMMARY SUSPENSION PROCEEDINGS
WAC 132H-120-470	APPEAL
WAC 132H-120-480	SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
WAC 132H-120-490	PROCEDURAL GUIDELINES FOR LIQUOR POLICY IMPLEMENTATION

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132H-120-240 Initial proceedings, is probably intended to be to WAC 132H-120-230 Initial proceedings.

**WSR 92-14-062
EMERGENCY RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)**

[Filed June 26, 1992, 1:08 p.m.]

Date of Adoption: June 26, 1992.

Purpose: To extend the transitional rule until July 1, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 50-30-110.

Statutory Authority for Adoption: RCW 31.45.200.

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

Reasons for this Finding: RCW 31.45.030 (5)(a) requires an applicant engaged in the business of selling

checks, drafts, money orders, or other commercial paper serving the same purpose to obtain and maintain adequate fidelity or blanket fidelity bond. Applicants are unable to comply since a fidelity bond is not the proper type of bond. This will allow sufficient time to either amend WAC 50-30-030 and/or RCW 31.45.030 (5)(a). This will allow the supervisor to extend this transitional rule for one year until permanent licenses can be issued.

Effective Date of Rule: Immediately.

June 26, 1992

John L. Bley

Supervisor of Banking

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-110 TRANSITIONAL RULE. *Businesses engaged in check cashing or check selling as of December 1, 1991, may file application with the supervisor and immediately obtain an interim license upon acceptance of the application for review. Such license shall be good for sixty days unless extended by the supervisor. This section shall become void after July 1, ((1992)) 1993.*

WSR 92-14-063

PERMANENT RULES

PERSONNEL BOARD

[Order 406—Filed June 26, 1992, 1:20 p.m., effective August 1, 1992]

Date of Adoption: June 11, 1992.

Purpose: This rule describes varied work schedules and determines which shifts are entitled to additional compensation and how the rates are established.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-060 Shift premium provisions and compensation.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-12-029 on May 28, 1992.

Effective Date of Rule: August 1, 1992.

June 16, 1992

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-060 SHIFT PREMIUM PROVISIONS AND COMPENSATION. (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061.

~~((+))~~ (2) For purposes of this section, ~~((night shift and))~~ evening shift ~~((are))~~ is defined as a work shift ~~((s))~~ of eight or more hours which ~~((start by 3 a.m. or))~~ ends at or after 10 p.m. ~~((respectively:))~~ Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

~~((2))~~ (3) Full time ~~((E))~~ employees ~~((are))~~ shall be entitled to basic shift premium ((in the amount specified

~~in WAC 356-15-061))~~ under the following circumstances ~~((only))~~:

(a) ~~((Scheduled standard work period employees:))~~ Employees whose assigned hours consist entirely of evening and/or night shifts are entitled to shift premium for all hours of their scheduled evening and/or night shifts and for all adjoining hours which are worked and compensated.

~~((+))~~ (b) Employees are entitled to shift premium ((F)) for ((their)) all scheduled hours ((which extend before 6 a.m. or)) after 6 p.m. or before 6 a.m.

~~((+))~~ (ii) For all hours on their scheduled evening and/or night shift:))

~~((+))~~ (iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts:))

~~((b))~~ Scheduled alternate, unlisted, nonscheduled, exceptions, and law enforcement work period employees:))

~~((+))~~ (i) For conditions mentioned in (a) of this subsection, shift premium is payable:))

~~((+))~~ (c) Employees ((who are scheduled)) assigned to work at least one, but not all, night and/or evening shifts ((each week)), are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

~~((c))~~ (4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

~~((+))~~ (a) For all assigned hours of work after 6 p.m. and before 6 a.m.

~~((+))~~ (b) For assigned full night or evening shifts, as defined in subsection ((+)) (2) of this section.

~~((d))~~ Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection:))

~~((3))~~ (5) Monthly shift premium rates: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection ((+)) (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

~~((+))~~ (6) Shift premium and overtime: When an employee is compensated for working overtime during hours for which shift premium is authorized in ((subsection (2)(a) through (c) of)) this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

~~((5))~~ (7) Payment during leave ((periods)) and for holidays not schedule to work: Employees eligible for shift premium for ((all or part of)) their ((regular)) scheduled shifts will receive the same proportion of shift premium for ((authorized)) respective periods of authorized paid leave((, i.e., vacation leave, sick leave, military leave, holiday leave, etc.)) and for holidays not worked which fall within their usual scheduled shift.

WSR 92-14-064
PERMANENT RULES
PERSONNEL BOARD

[Order 404—Filed June 26, 1992, 1:21 p.m., effective August 1, 1992]

Date of Adoption: June 11, 1992.

Purpose: This rule specifies the shift premium rates for registered nurses and under what conditions shift premium is authorized.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-063 Supplemental shift premium for registered nurses.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-12-031 on May 28, 1992.

Effective Date of Rule: August 1, 1992.

June 16, 1992
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 382, filed 9/23/91, effective 10/24/92)

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) Basic shift premium shall be paid in accordance with WAC 356-15-060 and WAC 356-15-061. For the classes of registered nurse 1, 2, 3, and 4 ~~((there shall be the following))~~ and related job classes requiring licensure as a registered nurse, supplemental shift premium ~~((rates payable only))~~ shall be paid in the amounts and under the conditions described in this section. Employees may qualify for one or both of these supplemental shift premiums.

(a) ~~\$1.00 an hour ((for registered nurses and related job classes requiring licensure as a registered nurse, payable alone or in any combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(b)))~~ during any hours ~~((worked))~~ assigned to work or while on paid leave from 11:00 p.m. until 7:00 a.m. ~~((and for no other hours:))~~

(b) ~~\$3.00 an hour((; payable alone or in combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(a)))~~ during any hours worked or while on paid leave from ~~((any Saturday morning))~~ Friday midnight to ~~((Monday morning))~~ Sunday midnight ~~((; and for no other hours)).~~

~~((Example: A registered nurse 2 is scheduled to work from 10:00 p.m. to 6:00 a.m. Friday through Tuesday. On Friday from 10:00 p.m. to 11:00 p.m. the shift premium would be \$1.50 an hour as provided in WAC 356-15-060 and 356-15-061. From 11:00 p.m. until 12:00 midnight the supplemental \$1.00 an hour would be added, raising the premium rate to \$2.50 an hour. At midnight, the supplemental \$3.00 an hour for work on Saturday would be added, raising the premium to \$5.50 an hour until the end of the shift at 6:00 a.m.))~~

~~((If the employee is directed to work overtime until noon, the basic \$2.50 an hour night shift premium continues to be payable to this night shift employee. And~~

~~the \$3.00 Saturday-Sunday premium continues. But the 11:00 p.m. to 7:00 a.m. \$1.50 stops at 7:00 a.m., reducing the premium to \$5.00 an hour until noon:))~~

(2) ~~((These))~~ ~~((s))~~ Supplemental shift premiums are payable regardless of ~~((whether the work was previously scheduled, and regardless of whether the employee is full time or part time))~~ employment status and/or whether the work was prescheduled.

(3) ~~((These))~~ ~~((s))~~ Supplemental shift premiums are not payable during hours other than those specified ~~((; even though additional continuous hours may be worked by the employee)).~~

WSR 92-14-065
PROPOSED RULES
PERSONNEL BOARD
 [Filed June 26, 1992, 1:22 p.m.]

Original Notice.

Title of Rule: WAC 356-30-240 Demotion—Subsequent elevation.

Purpose: This rule allows a permanent employee to elevate to a class if they have previously held permanent status in the class.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal intends to delete language which may have inadvertently limited employees eligibility in applying this rule.

Reasons Supporting Proposal: Salary level changes due to comparable worth adjustments have caused barriers in some instances, for employees/agencies to utilize this rule. This proposal will eliminate those barriers.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 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 is currently available to allow permanent state employees to elevate back to a class in which they have previously held permanent status. However, due to comparable worth adjustments some salary levels have changed and existing language has inadvertently limited employees eligibility to utilize this rule.

Proposal Changes the Following Existing Rules: This proposal will adjust the language and allow employees the ability to utilize this rule as originally intended.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor Board Room, Olympia, WA, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, P.O. Box 7500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.
June 17, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 82, filed 9/26/75, effective 10/27/75)

WAC 356-30-240 (~~(DEMOTION—SUBSEQUENT)~~) ELEVATION. Employees (~~(who take demotions)~~) may be elevated with permanent status to ~~((the class from which they descended))~~ a class in which they held permanent status; or to any intermediate class in the class series; ~~((provided they have held permanent status previously in the class from which they descended, and further))~~ provided that elevations may not be made to a position for which eligibles on either agency reduction in force or service-wide reduction in force registers are available. No further examination will be required. The elevation shall be approved by the director prior to the effective date of the action.

**WSR 92-14-066
PERMANENT RULES
PERSONNEL BOARD**

[Order 407—Filed June 26, 1992, 1:23 p.m., effective September 1, 1992]

Date of Adoption: June 11, 1992.

Purpose: These are two new sections proposed to establish and provide guidelines for a college recruitment program.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 356-22-035 and 356-22-036.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-10-066 on May 6, 1992.

Effective Date of Rule: September 1, 1992.

June 16, 1992
Dee W. Henderson
Secretary

NEW SECTION

WAC 356-22-035 COLLEGE RECRUITMENT PROGRAM PURPOSE. The purpose of the college recruitment program is to: recognize and support the present and future value of bachelor's and master's entry professional positions in state government; enhance state affirmative action and workforce diversity programs; enhance state recruitment and selection programs; and ensure the state maintains a competitive posture in the college recruitment employment market.

NEW SECTION

WAC 356-22-036 COLLEGE RECRUITMENT PROGRAM—GENERAL PROVISIONS. (1) Positions included within the college recruitment program must meet the classification and minimum qualifications criteria established by the board specifically for the college recruitment program job classes.

(2) State employees meeting the requirements of specifically established college recruitment program classifications shall be eligible for testing and placement on the

appropriate college recruitment program register under this program.

(3) All positions participating in this program shall be included under the combined register and referral program unless requested differently by a participating agency.

(4) Selective skill certifications for completion of specific internships, work study, or fellowship assignments or for specific bachelor's or master's degree fields are permitted as required by a participating position and authorized by the director of the department of personnel or designee.

(5) College recruitment program position advertisement may be targeted or limited by design and distribution to meet specific recruitment needs. Participating agencies may develop specific recruiting strategies and notices to support the filling of program positions.

(6) Eligible applicants may apply at any time and may be placed on the appropriate college recruitment program register without further testing if a previous passing score for the same college recruitment program classification and test was attained.

(7) College recruitment program registers shall be maintained by the director of the department of personnel and may be purged as required to ensure register viability.

(8) Emphasis shall be given to support agency training requests in accordance with WAC 356-30-135 in support of training, career tracks, affirmative action programs, and retention goals of the college recruitment program.

(9) Salary ranges for the college recruitment program job classifications shall be established by the board to ensure that salaries fairly represent positions embodied in the college recruitment program classifications.

(10) Specific college recruitment program merit system rules established herein shall take precedence in the administration of this program. All other merit system rules apply in the absence of specific rules established herein.

**WSR 92-14-067
PERMANENT RULES
PERSONNEL BOARD**

[Order 408—Filed June 26, 1992, 1:26 p.m., effective August 1, 1992]

Date of Adoption: June 11, 1992.

Purpose: These rules establish procedures for appointments within the career executive program and also how and why an incumbent or position may be removed from the program.

Citation of Existing Rules Affected by this Order: Amending WAC 356-47-045 and 356-47-060.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-10-065 on May 6, 1992.

Effective Date of Rule: August 1, 1992.

June 16, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 308, filed 9/7/88, effective 11/1/88)

WAC 356-47-045 CAREER EXECUTIVE PROGRAM—EMPLOYEE SELECTION. (1) The following general provisions apply to placing persons in the career executive program:

(a) Appointments shall be the responsibility of the agency director.

(b) Appointments shall be made in accordance with agency affirmative action plans.

(c) Appointments may be made without regard to established minimum qualifications.

(d) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall, with the employees' consent, automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons holding temporary, emergency, or intermittent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

(i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) ~~((The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency.))~~ The agency director may consider all ((eligible names transmitted, or)) qualified applicants. The department of personnel shall evaluate the managerial qualifications of the preferred candidate prior to the confirmation of all appointments.

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: PROVIDED, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

AMENDATORY SECTION (Amending Order 250, filed 5/30/86, effective 7/1/86)

WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT

REMOVAL. (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

(3) When a classified position is removed from the program, the incumbent shall remain in the position: PROVIDED, That the incumbent has permanent status.

(4) A career executive employee may voluntarily leave the program at any time.

(5) An employee's participation in the career executive program in the same job class and position shall not exceed four consecutive years unless an extension is approved by the director of personnel or designee.

(6) The agency director may limit the duration of an employee's involvement in the career executive program to periods of less than four years: PROVIDED, That the employee is informed of that limitation upon entry into the program.

(7) Employees showing little or no active involvement in career executive program-related activities shall ~~((be removed within twelve months of inclusion))~~ have their position removed from the program. Inactivity shall be determined by the director of personnel, or designee, in consultation with the agency.

(8) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within fifteen calendar days after the position is vacated.

WSR 92-14-068

**PERMANENT RULES
PERSONNEL BOARD**

[Order 405—Filed June 26, 1992, 1:28 p.m., effective August 1, 1992]

Date of Adoption: June 11, 1992.

Purpose: This rule determines the rights of employees who are moving between exempt and classified service.

Citation of Existing Rules Affected by this Order: Amending WAC 356-06-055 Exempt—Classified service—Movement between.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-12-030 on May 28, 1992.

Effective Date of Rule: August 1, 1992.

June 16, 1992
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 392, filed 10/18/91, effective 12/1/91)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any ~~((classified))~~ employee having ~~((civil service))~~ permanent status in a classified position who accepts an appointment in an exempt position shall have the right to return to classified service. Such employee shall have the

right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. The highest class of position does not necessarily mean return to the most recent agency. The return right will be to the most recent agency in which permanent status in the highest class was held. Such employee must apply to return to classified service within 30 calendar days of:

~~((i))~~ (a) ~~((Termination of))~~ Separation from employment in such exempt position, or

~~((ii))~~ (b) ~~((Termination of))~~ Separation from employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

~~((2))~~ When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section:

(b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary:))

~~((3))~~ (2) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes ((made)) that would have occurred in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from ((the)) classified service and with no break in service.

(3) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position, or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1).

(b) If the employee is not appointed to the exempted position, or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1).

(4) ~~((Present or past e))~~ Employees of the exempt service who have not previously left the classified service

specifically to take an exempt position shall, not be entitled to move back into the classified service under the provisions of this section ((or WAC 356-30-330)) nor through the reduction in force process.

(5) Employees may replace incumbents currently in the position((s)) to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, the replaced incumbent((s)) ((are)) is entitled to the rights and options of the reduction in force procedures of their agency.

(6) Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24), (25), or (28) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or ((certifications)) as candidates certified from the reduction in force register.

WSR 92-14-069

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed June 26, 1992, 1:30 p.m.]

Date of Adoption: June 11, 1992.

Purpose: To amend the pilotage tariff rate.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 92-08-048 on March 26, 1992.

Changes Other than Editing from Proposed to Adopted Version: The adopted version represents a decrease of 22.75% from the proposed version due to a reduction in board approved expenses. The time limit before a late payment fee can be assessed on an unpaid invoice was reduced from 45 days to 30 days to encourage prompt payment for services rendered.

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

June 26, 1992

C. A. Richmond, Jr.

Chairman

AMENDATORY SECTION (Amending WSR 91-08-008, filed 3/26/91, effective 4/26/91)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. ((The following rates shall become effective on March 28, 1991.))

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~\$(50.53)~~ 41.56 per meter (or ~~\$(15.38)~~ 12.65 per foot) and the tonnage charge shall be ~~\$(0.1612)~~ 0.1326 per net registered ton. The minimum net registered tonnage charge is ~~\$(563.81)~~ 463.73. The charge for an extra vessel (in case of tow) is ~~\$(322.19)~~ 265.00.

Boarding fee:

Per each boarding/deboarding from a boat ~~\$(243.08)~~ 199.93

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ~~\$(404.16)~~ 332.42

Delays per hour ~~\$(96.37)~~ 79.26

Cancellation charge (pilot only) ~~\$(161.09)~~ 132.49

Cancellation charge (pilot boat only) . ~~\$(483.27)~~ 397.48

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ~~\$(74.79)~~ 61.51

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~\$(537.50)~~ 463.74 for each day or fraction thereof, and the travel expense incurred ~~\$(563.82)~~ 463.74

Bridge transit:

Charge for each bridge transited ~~\$(176.92)~~ 145.52

Miscellaneous:

The balance of amounts due for pilotage rates not paid within ~~((45))~~ 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 92-14-070
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed June 26, 1992, 1:32 p.m.]

Date of Adoption: June 11, 1992.

Purpose: To increase training trips for applicants in Grays Harbor.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-080.

Statutory Authority for Adoption: RCW 88.16.035(2).

Pursuant to notice filed as WSR 92-08-049 on March 26, 1992.

Changes Other than Editing from Proposed to Adopted Version: In subsection (2) the second sentence was deleted as a matter of housekeeping.

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

June 26, 1992

C. A. Richmond, Jr.
Chairman

AMENDATORY SECTION (Amending WSR 90-23-080, filed 11/20/90, effective 12/21/90)

WAC 296-116-080 LICENSING OF PILOTS.

(1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. ~~((The board will conduct such examinations for both pilotage districts during the month of April in each odd-numbered year.))~~ Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination.

(This requirement may be waived upon the showing of good cause;)

(ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

(i) Rules of the road as set forth in United States government publications;

(ii) Aids to navigation;

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Channel and passage widths, depths and shoal areas;

(vi) Bridge signals - width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;

(viii) Vessel traffic system regulations where applicable;

(ix) Ranges for determining compass error and measured miles;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) Knowledge of tidal currents and ability to calculate currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. Upon written request by an applicant to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments.

(4) After passing the examination, applicants for the Grays Harbor pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Grays Harbor pilots with more than five years' experience. Upon written request by an applicant, to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and twenty-five assignments and a maximum period of six months and ((fifty)) one hundred assignments.

(5) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

WSR 92-14-071

DEPARTMENT OF ECOLOGY

[Filed June 26, 1992, 1:40 p.m.]

Update to WSR No. 92-13-070

New Storm Water Permit for Industries and Construction Update

An additional workshop will be held as follows: Tacoma, on Monday, July 27, 1992, at 7:00 p.m., Sheraton Inn, Tacoma Ballroom, 1320 Broadway Plaza.

Change public hearing date for Yakima: Yakima, on Monday, August 31, at 7:00 p.m., Yakima Valley Community College, Kendall Auditorium, South 16th Avenue and West Nob Hill.

If you have any questions, please call Linda Matlock at (206) 438-7614.

WSR 92-14-072
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order 92-26—Filed June 26, 1992, 1:40 p.m.]

Date of Adoption: June 25, 1992.

Purpose: To amend chapter 173-322 WAC to allow grants to local governments to provide potable water through public water systems to areas contaminated by hazardous waste sites.

Citation of Existing Rules Affected by this Order: Amending WAC 173-322-010, 173-322-020, 173-322-050, 173-322-060, 173-322-070, 173-322-080, 173-322-090 and 173-322-100; and [new section] 173-322-105.

Statutory Authority for Adoption: RCW 43.21A.080.

Other Authority: RCW 70.105D.070(7).

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

Reasons for this Finding: Ecology is providing bottled water to some areas of the state where drinking water wells are contaminated by hazardous waste sites. The existing remedial action grant rule does not allow ecology to provide prompt financial assistance to local governments to fund permanent remedies to this threat to human health. The emergency amendment will allow ecology to immediately begin negotiating grant agreements for public water systems in the affected area.

Effective Date of Rule: Immediately.

June 25, 1992

Fred Olson

Deputy Director

CHAPTER 173-322 WAC
REMEDIAL ACTION GRANTS

- 173-322-010 Purpose and authority.
- 173-322-020 Definitions.
- 173-322-050 Applicant eligibility.
- 173-322-060 Applicant screening and evaluation process.
- 173-322-070 Eligible costs.
- 173-322-080 State assistance share.
- 173-322-090 Grants to economically disadvantaged local governments.
- 173-322-100 Grants for site hazard assessments.
- 173-322-105 Grants for public water systems.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-010 PURPOSE AND AUTHORITY. This chapter recognizes that the state contains hundreds of hazardous waste sites which threaten the state's water resources, including those used for public drinking water; that many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and the environment; and that the costs of eliminating these threats in many cases are beyond the financial means of local governments and ratepayers.

The purpose of this chapter is to establish requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.070 (3)(a) and (7). The department shall provide grants to local governments for remedial actions including site hazard assessments, remedial investigations, feasibility studies, pilot studies, remedial designs, interim actions, and cleanup actions at hazardous waste sites.

The department shall also provide grants to local governments to provide potable water through public water systems to areas contaminated by hazardous waste sites.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-020 DEFINITIONS. ((+)) Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC 173-340-200.

((2)) "Act" means the "Model Toxics Control Act," chapter 70.105D RCW.

((3)) "Agreed order" means an order issued under WAC 173-340-530.

((4)) "Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

((5)) "Consent order" means an order issued under chapters 90.48 or 70.105B RCW.

"Coordinated water system plan" means a plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible.

((6)) "Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

((7)) "Department" means the department of ecology.

((8)) "Enforcement order" means an order issued under WAC 173-340-540.

((9)) "Grant agreement" means a binding agreement between the local government and the department that authorizes the transfer of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.

((10)) "Hazard ranking" means the ranking for hazardous waste sites to be used by the department pursuant to chapter 70.105D RCW.

((11)) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

((12)) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

((13)) "Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

((14)) "Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

((15)) "Minimum functional standards" means the requirements of Chapter 173-304 WAC, the minimum functional standards for solid waste handling.

((16)) "National Priority List (NPL)" means a list of hazardous waste sites at which the United States Environmental Protection Agency intends to proceed with enforcement or cleanup action.

((17)) "Oversight costs" are remedial action costs of the department or the United States Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at a hazardous waste site.

((18)) "Pilot study" means an experiment in remedial action method, with the purpose of testing the suitability of a particular cleanup technology or process for remedial action at a particular site.

((19)) "Potentially liable person (PLP)" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

"Public water system" means any system, excluding a system serving only one single-family residence, providing piped water for human consumption, including any (a) collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with such system, and (b) collection or pre-treatment storage facilities not under control of the purveyor primarily used in connection with such system.

"Purveyor" means an agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person, or other entity owning or operating a public water system, or the authorized agent of such entities.

((20)) "Remedial action" means any action or expenditure to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

((21)) "Remedial design (RD)" means an engineering study during which technical plans and specifications

are developed to guide subsequent cleanup action at a hazardous waste site.

((22)) "Remedial investigation/feasibility study (RI/FS)" means a study intended to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action.

((23)) "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

((24)) "Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

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 89-45, filed 5/1/90)

WAC 173-322-050 APPLICANT ELIGIBILITY.

(1) ~~((All applicants must be local governments as defined in this chapter.~~

(2) Any local government is eligible to apply for a remedial action grant, except that only a local health district may apply for a site hazard assessment grant.

((3)) (2) Eligibility for all remedial action grants except site hazard assessment grants and public water system grants is limited to applicants that meet the following standards.

(a) The applicant must be a local government which is a potentially liable person (PLP) at a hazardous waste site. The local government may be the sole PLP, or there may be other PLPs at the site.

(b) The local government must meet one of the following standards:

(i) The department must have required the local government to perform some phase of remedial action. That requirement may take any of the following forms, hereinafter referred to as "order or decree": a consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or an agreed order under the chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or a consent order under Chapter 90.48 RCW requiring remedial action at the site prior to March 1, 1989, or an amendment to such an order subsequent to March 1, 1989.

(ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of

this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.

(3) Eligibility for public water system grants is limited to local governments who are, or who are applying on behalf of, purveyors determined by the department of health to be in substantial compliance with applicable rules of the Washington state board of health or the department of health, as contained in chapter 246-290 WAC (public water supplies), chapter 246-292 WAC (water works operator certification), and chapter 246-293 WAC (water system coordination act), and any final rules promulgated under the authority of RCW 70.119A.100 through 70.119A.130 (operating permits).

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 89-45, filed 5/1/90)

WAC 173-322-060 **APPLICANT SCREENING AND EVALUATION PROCESS.** (1) Remedial action grant applications, except those for site hazard assessments and public water systems, will be evaluated by the department on a first-come, first-served basis. If pending grant applications exceed available funding, then the department may prioritize applications in accordance with subsection (4) of this section.

(2) Remedial action grant applications must:

(a) Include a commitment by the local government for local funds to match grant funds according to the requirements of WAC 173-322-080.

(b) Include a scope of work which accomplishes the requirements of an order or decree with the department except for the site hazard assessments, which must include a scope of work which conforms to the requirements of WAC 173-340-320(4).

(3) Routine cleanup actions must meet the criteria under WAC 173-340-130(7).

(4) When pending grant applications, except those for site hazard assessments and public water systems, exceed the amount of funds available, the department may prioritize applications based upon the following criteria:

(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priority List ranking. Higher ranking sites will receive a higher funding priority, except that routine cleanup actions may have lower ranking.

(b) Continuity of commitment. Higher priority will be given to projects which continue cleanup work at a hazardous waste site where the department has previously provided grant funding assistance.

(c) Evidence that the grant will expedite cleanup.

(d) Readiness of the applicant to proceed promptly to accomplish the scope of work.

(5) Until June 30, 1991, those local governments that applied for remedial action grants during the 1988 application period, and that meet the eligibility requirements of WAC 173-322-050(~~(3)~~)(2), will be given funding priority for all remedial action grants, except site hazard assessment grants.

(6) Site hazard assessment grants will be evaluated and prioritized for funding based upon the following criteria:

(a) Potential public health or environmental threat from the site.

(b) Ownership of the site. Publicly-owned sites will receive priority over privately-owned sites.

(c) Evidence that the assessment will expedite cleanup.

(7) Public water system grants will be evaluated and prioritized for funding based upon criteria that include, but are not limited to:

(a) An assessment by the department of health of the potential health threat in areas contaminated by hazardous substances; and

(b) Review by the department of health for consistency with coordinated water system plans for the area, if any, under chapter 246-293 WAC (water system coordination act) and other water system operational and planning requirements under chapter 246-290 WAC (public water supplies).

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-070 **ELIGIBLE COSTS.** (1) Costs for remedial action at landfills.

(a) Eligible costs include reasonable costs incurred in performing:

(i) Site hazard assessments.

(ii) Remedial investigations.

(iii) Feasibility studies.

(iv) Remedial designs.

(v) Pilot studies.

(vi) Interim actions.

(vii) Cleanup actions required by order or decree with the department, including costs of activities to close a landfill in excess of the requirements of chapter 173-304 WAC.

(viii) Capital costs of long-term monitoring systems.

(ix) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.

(x) At a landfill which has been closed according to the requirements of chapter 173-301 WAC, costs to upgrade the landfill closure that are required by the department as part of cleanup action at the site.

(xi) For economically disadvantaged local governments, costs to close a landfill that are required for cleanup by order or decree with the department, including costs of the closure requirements of chapter 173-304 WAC.

(b) Ineligible costs.

(i) Costs to close a landfill according to the requirements of chapter 173-304 WAC, except for landfills of economically disadvantaged local governments.

(ii) Retroactive costs except as limited by WAC 173-322-(110).

(iii) Legal fees and penalties.

(iv) Oversight costs.

(v) Operating and maintenance costs after the first year of accomplishing the remedial action.

(vi) Operating and maintenance costs of long-term monitoring.

(vii) Costs incurred in conducting independent remedial actions.

(2) Costs for remedial actions at sites other than landfills.

(a) Eligible costs will include, in addition to costs listed in subsection (1)(a) of this section, costs incurred to perform remedial action required by order or decree with the department.

(b) Ineligible costs will include, in addition to costs listed in subsection (b) of this section, costs incurred to meet departmental requirements for source control and prevention.

(3) Costs for site hazard assessments. Eligible costs include activities performed pursuant to WAC 173-340-320.

(4) Costs for the design and construction of public water systems.

(a) Eligible costs include reasonable costs incurred for:

(i) Source development or replacement, including pumping facilities and reasonable appurtenances;

(ii) Transmission lines between major system components, including interties with other water systems;

(iii) Storage;

(iv) Treatment equipment and facilities;

(v) Distribution lines from major system components to system customers or service connections;

(vi) Fire hydrants;

(vii) Service and source meters;

(viii) Sales tax;

(ix) Project inspection, engineering, and administration;

(x) Individual service connections;

(xi) Hook-up fees; and

(xii) Other costs identified by the department of health as necessary to provide a system that operates in compliance with federal and state standards.

(b) Ineligible costs:

(i) Legal fees and penalties;

(ii) Oversight costs;

(iii) Interim financing;

(iv) Operating and maintenance costs; and

(v) Retroactive costs except as limited by WAC 173-322-120.

(5) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-080 STATE ASSISTANCE SHARE. (1) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) will be considered for grant funding at up to fifty percent.

(2) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) and that are for routine cleanup actions will be considered for grant funding of up to one hundred percent for the first \$50,000 of eligible costs. No grant for routine cleanup action shall exceed \$50,000.

(3) Costs for site hazard assessments which are eligible under WAC 173-322-070(3) will be considered for grant funding of up to one hundred percent for the initial \$25,000 of costs, and up to fifty percent for the next \$50,000 of eligible costs. No grant for site hazard assessment shall exceed \$50,000.

(4) Costs for public water systems which are eligible under WAC 173-322-070(4) will be considered for grant funding of up to one hundred percent. The criteria for determining the grant funding level will include, but not be limited to,:

(a) The economic condition of the community and of the residences in the area of contamination;

(b) The potential of cost recovery from potentially liable persons;

(c) The potential of other financial assistance;

(d) The amount of funds available in the local toxic control account; and

(e) The amount of funds already spent by the local government to remedy the potential hazard to public health from water contaminated by hazardous waste sites.

(5) In addition to grant funding under this section, economically disadvantaged local governments may apply for up to twenty-five percent supplemental funding, not to exceed seventy-five percent of eligible costs. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.

((f5)) (6) If a decree or order requires a PLP other than a local government to conduct remedial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding.

((f6)) (7) For applicants eligible under WAC 173-322-050 ((f3))(2)(b)(iii), funding from either the local government or the PLP may be used to match remedial action grant funds.

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

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-090 GRANTS TO ECONOMICALLY DISADVANTAGED LOCAL GOVERNMENTS. (1) This section authorizes a program of grants to assist economically disadvantaged local governments to pay for remedial action required by the department at ~~((landfill))~~ hazardous waste sites.

(2) A local government is considered economically disadvantaged if it is a county, or a local government

within a county, which meets both of the following criteria:

(a) Per capita income, as measured by the latest official estimate of the Washington state office of financial management, is in the lower twenty counties in the state; and

(b) It is economically distressed as defined by chapter 43.165 RCW.

(3) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action to be published on a biennial basis.

(4) The department will consider applications from economically disadvantaged local governments which meet the applicant eligibility requirements of WAC 173-322-050((~~3~~))(2).

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90)

WAC 173-322-100 GRANTS FOR SITE HAZARD ASSESSMENTS. (1) This section authorizes a program of grants to local health districts to perform site hazard assessments at suspected hazardous waste sites. The purposes of this program are to supplement department efforts to rank hazardous waste sites, to encourage local government initiative in the cleanup of hazardous waste sites, and to expedite cleanup actions.

(2) The grant may assist hazard assessment at any site, but public sites will receive priority.

(3) The scope of work for a site hazard assessment will conform to WAC 173-340-320 and prescribed guidelines issued by the department.

(4) The department retains the authority to review and verify the results of a site hazard assessment.

(5) The assessment must be for a site not previously assessed by the department or the United States Environmental Protection Agency.

~~((6) No local health district may receive more than one site hazard assessment grant per biennium.))~~

NEW SECTION

WAC 173-322-105 GRANTS FOR PUBLIC WATER SYSTEMS. (1) This section authorizes a program of grants to local governments to provide new, expanded, or replacement water systems in areas contaminated by hazardous waste sites. Applicants need not be potentially liable parties to be eligible for these grants. The purpose of this program is to expedite the provision of new or replacement public water systems, or expansion of existing systems to areas not served by public water systems, in order to remedy the potential hazard to public health from water contaminated by hazardous waste sites.

(2) Projects funded under this program must meet criteria that include, but are not limited to:

(a) Review and approval by the department of health under all applicable statutory provisions and rules for public water system design, construction, planning, operation, maintenance, and financing, including those in chapter 246-290 WAC (public water supplies), chapter 246-292 WAC (water works operator certification),

chapter 246-293 WAC (water system coordination act), and rules promulgated by the department of health under RCW 70.119A.100 through 70.119A.130 (operating permits);

(b) Consistency with any coordinated water system plan for that region; and

(c) Consistency with any applicable comprehensive plan adopted by a local government under the growth management act.

(3) The department may cost-recover grant funds from any potentially liable person.

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 92-14-073
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT

[Filed June 26, 1992, 4:15 p.m.]

Original Notice.

Title of Rule: Chapter 212-80 WAC, Fire protection sprinkler system contractors.

Purpose: To incorporate requirements for licensing and certification of contractors who install the underground portion of fire protection sprinkler systems. To set surety bond requirements for fire protection sprinkler system contractors.

Statutory Authority for Adoption: Chapters 43.63A and 18.160 RCW.

Statute Being Implemented: Chapter 18.160 RCW.

Summary: Rules for licensing and certification of contractors who install the underground portions of fire protection sprinkler systems; and rules for surety bond requirements for fire protection sprinkler system contractors.

Reasons Supporting Proposal: To meet requirements of chapter 18.160 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lyall Smith, Olympia, (206) 493-2651.

Name of Proponent: Department of Community Development, Fire Protection Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Legislative action requires initiation of an additional level of licensure and certification specifically for contractors who install only the underground portions of fire protection sprinkler systems. This will also incorporate rules for surety bonds for fire protection sprinkler system contractors.

Proposal Changes the Following Existing Rules: Adds a fourth level of fire sprinkler system contractor.

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

Hearing Location: SeaTac Red Lion Hotel, Cascade Room, 18740 Pacific Highway South, Seattle, WA 98188, on August 7, 1992, at 9:00 a.m.

Submit Written Comments to: Lyall H. Smith, 4317 Sixth Avenue S.E., P.O. Box 48350, Olympia, WA 98504-8350, by August 7, 1992.

Date of Intended Adoption: August 14, 1992.

June 26, 1992

Barbara B. Gooding
Director

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-010 DEFINITIONS. The following definitions shall apply to this regulation:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for approving layout drawings, equipment, an installation or a procedure. Usually the AHJ is the building and/or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations and day care facilities, the AHJ is the city or county building and/or fire official and the director of fire protection.

(2) "Director of fire protection" means the state fire marshal or his/ her authorized representative.

(3) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. The fire protection sprinkler system should start at the point where the last nonfire water use is taken from the supply mains. This should be the point just down stream of the last tap for domestic or process water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing. The water source such as a fire pump and suction tank that is dedicated to supplying water for the fire protection sprinkler system shall be under the control of the fire protection sprinkler system contractor. This would also be the case where the water supply is entirely dedicated to the fire protection sprinkler system.

(4) "NFPA" means the National Fire Protection Association.

~~((4))~~ (5) "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

~~((5))~~ (6) "NICET" means the National Institute for Certification in Engineering Technologies.

~~((6))~~ (7) "State fire marshal" means the director of fire protection or his/her authorized representative.

~~((7))~~ (8) "State Level I certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

~~((8))~~ (9) "State Level II certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D and/or NFPA 13R fire protection sprinkler system or any part of such a system.

~~((9))~~ (10) "State Level III certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

(11) "State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-015 COMPLIANCE. All fire sprinkler system contractors, certificate of competency holders, and persons installing, inspecting, maintaining, or servicing fire protection sprinkler systems or any part of such a system shall comply with the provisions of this regulation.

EXCEPTIONS:

(1) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(2) A person or organization acting under court order.

(3) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

(4) A registered professional fire protection engineer acting solely in a professional capacity.

(5) An employee of a licensed fire protection sprinkler system contractor performing duties for the contractor.

(6) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership (~~for~~) which they plan to sell, lease, or rent.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-030 QUALIFICATIONS FOR PREPARATION OF LAYOUT DRAWINGS, INSTALLATIONS, INSPECTIONS, MAINTENANCE, OR SERVICING. (1) Only licensed fire protection sprinkler system contractors shall execute contracts for layout drawings, installation, inspection, maintenance, or servicing of fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service fire protection sprinkler systems or any part of such a system to the level which they are certified, provided such work is encompassed by a licensed fire protection sprinkler contractor's permit.

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(2) Only licensed fire protection sprinkler contractors who have achieved at least State Level I licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D fire protection sprinkler systems or any part of such a system provided their work is supervised by a level I certificate of competency holder and all approvals, seals, and contractor's material and test certificate certifications are signed and sealed by level I certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(3) Only licensed fire protection sprinkler contractors who have achieved at least State Level II licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D or NFPA 13R fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D or NFPA 13R fire protection sprinkler systems for any part of such a system provided their work is supervised by a level II certificate of competency holder and all approval, seals, and contractor's material and test certificate certifications are signed and sealed by level II certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(4) Only licensed fire protection sprinkler contractors who have achieved at least State Level III licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system provided their work is supervised by a level III certificate of competency holder and all approvals, seals, and contractor's material and test certificate certifications are signed and sealed by level III certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(5) Only those certificate of competency holders who have achieved State Level U certification shall supervise and/or certify the installation of underground supplies to fire protection sprinkler systems. To achieve State Level U certification, persons shall satisfactorily complete an examination administered by the director of fire protection.

(6) Only those certificate of competency holders who have achieved at least State Level I certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((or)) servicing, or the installation of underground supplies of NFPA 13D fire protection sprinkler systems or any part thereof. To achieve State Level I certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the director of fire protection.

~~((6))~~ (7) Only those certificate of competency holders who have achieved at least State Level II certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((or)) servicing, or the installation of underground supplies of NFPA 13D and NFPA 13R fire protection sprinkler systems or any part thereof. To achieve State Level II certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the director of fire protection.

~~((7))~~ (8) Only those certificate of competency holders who have achieved at least State Level III certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((or)) servicing, or the installation of underground supplies NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part thereof. To achieve State Level III certification, persons shall hold a current NICET Level 3 or 4 or satisfactorily complete an examination administered by the director of fire protection.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-035 SEALS FOR NFPA 13D, 13R, AND 13 SYSTEMS. (1) Sprinkler system plans, calculations, and contractors'

materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to subsection (3) of this section.

(2) At least one set of approved plans, containing information as specified in subsection (3) of this section, and calculations shall be maintained on the job site while the work is being performed.

(3) Seals shall contain the name and certificate number of the certificate of competency holder, a place for the signature of the certificate of competency holder and the date of the signature. On all plans the seal shall be easily recognizable and visible. The seal shall be of the design provided by the director of fire protection.

(4) An original stamp and signature should appear on each page of plans, on the cover sheet of hydraulic calculations and on all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(5) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a State Level U licensed fire protection sprinkler contractor shall be stamped (sealed) by either a licensed professional engineer registered in the state of Washington or the appropriate level certificate of competency holder and the State Level U certificate of competency holder employed by the submitting contractor.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-055 TEMPORARY CERTIFICATE OF COMPETENCY. (1) The director of fire protection may issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this regulation.

(2) The temporary certificate of competency shall remain in effect for a period of one year and may be renewed two times.

(3) In no case shall a person hold a temporary certificate of competency for more than three years.

(4) To convert from a temporary certificate of competency to a regular certificate of competency, a person shall:

(a) Within three years from the initial issuance of the temporary certificate of competency, apply for a regular certificate of competency; and

(b) Complete the requirements specified in this regulation and chapter 18.160 RCW.

(5) An individual having a temporary certificate of competency shall not be exempt from taking an examination to acquire a regular certificate of competency.

(6) Prior to the expiration of the temporary certificate of competency at the end of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. Upon expiration of the temporary certificate of competency at the end of the three-year period, if the holder has not met the requirements of subsection (4) of this section, the holder shall cease all activities associated with the holding of a ((temporary)) certificate of competency.

~~((7) The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder.)~~

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-065 SUSPENSION OR REVOCATION OF CERTIFICATES. (1) The director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a certificate of competency holder or an applicant to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a certificate of competency.

(e) Permitting his or her certificate to be used in connection with the preparation of any layout drawings which have not been prepared by him or her personally, or under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The director of fire protection shall revoke the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the certificate of competency is suspended.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-115 LICENSE RENEWALS. (1) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall secure from the director of fire protection prior to January 1 of each year a renewal license upon payment of the fee as prescribed by the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the director of fire protection, and the license holder shall furnish the information required by the director.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the expiration date shall constitute sufficient cause for the director of fire protection ((services)) to suspend the license.

(4) The director of fire protection may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the director of fire protection not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees; and
- (b) Nonreceipt of a late charge and/or application fee.

NEW SECTION

WAC 212-80-125 CONTRACTOR SURETY BONDS. (1) The director of fire protection shall not issue a license under this regulation unless:

(a) The fire protection sprinkler system contractor, to be licensed as a Level III fire protection sprinkler system contractor, files with the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation; or

(b) The fire protection sprinkler system contractor, to be licensed for Level I or Level II systems files with the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation.

(2) Bonds required by other state agencies are separate from the bonding requirements of chapter 18.160 RCW. Bonds filed with the department of labor and industries cannot be used to satisfy the bonding requirements for a fire protection sprinkler system contractor.

(3) Upon approval by the director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered for Level III systems. The value of property shall be determined by an appraiser selected by the director of fire protection. All appraisal fees shall be paid by the fire protection sprinkler system contractor.

WSR 92-14-074
EMERGENCY RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT

[Order 92-04—Filed June 26, 1992, 4:17 p.m.]

Date of Adoption: June 26, 1992.

Purpose: To incorporate requirements for contractors who install the underground portions of fire protection sprinkler systems, and to set surety bond requirements for fire protection sprinkler system contractors.

Citation of Existing Rules Affected by this Order:
Amending chapter 212-80 WAC.

Statutory Authority for Adoption: Chapters 43.63A and 18.160 RCW.

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

Reasons for this Finding: To meet requirements of chapter 18.160 RCW.

Effective Date of Rule: Immediately.

June 26, 1992
Barbara B. Gooding
Director

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-010 DEFINITIONS. The following definitions shall apply to this regulation:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for approving layout drawings, equipment, an installation or a procedure. Usually the AHJ is the building and/or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations and day care facilities, the AHJ is the city or county building and/or fire official and the director of fire protection.

(2) "Director of fire protection" means the state fire marshal or his/her authorized representative.

(3) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. The fire protection sprinkler system should start at the point where the last nonfire water use is taken from the supply mains. This should be the point just down stream of the last tap for domestic or process water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing. The water source such as a fire pump and suction tank that is dedicated to supplying water for the fire protection sprinkler system shall be under the control of the fire protection sprinkler system contractor. This would also be the case where the water supply is entirely dedicated to the fire protection sprinkler system.

(4) "NFPA" means the National Fire Protection Association.

~~((4))~~ (5) "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

~~((5))~~ (6) "NICET" means the National Institute for Certification in Engineering Technologies.

~~((6))~~ (7) "State fire marshal" means the director of fire protection or his/her authorized representative.

~~((7))~~ (8) "State Level I certification" means a certificate of competency holder who is qualified to prepare

layout drawings, install, inspect, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

~~((8))~~ (9) "State Level II certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D and/or NFPA 13R fire protection sprinkler system or any part of such a system.

~~((9))~~ (10) "State Level III certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

(11) "State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-015 **COMPLIANCE.** All fire sprinkler system contractors, certificate of competency holders, and persons installing, inspecting, maintaining, or servicing fire protection sprinkler systems or any part of such a system shall comply with the provisions of this regulation.

EXCEPTIONS:

(1) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

(2) A person or organization acting under court order.

(3) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

(4) A registered professional fire protection engineer acting solely in a professional capacity.

(5) An employee of a licensed fire protection sprinkler system contractor performing duties for the contractor.

(6) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership ~~((for))~~ which they plan to sell, lease, or rent.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-030 **QUALIFICATIONS FOR PREPARATION OF LAYOUT DRAWINGS, INSTALLATIONS, INSPECTIONS, MAINTENANCE, OR SERVICING.** (1) Only licensed fire protection sprinkler system contractors shall execute contracts for layout drawings, installation, inspection, maintenance, or servicing of fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service fire protection sprinkler systems or any part of such a system to the level

which they are certified, provided such work is encompassed by a licensed fire protection sprinkler contractor's permit.

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(2) Only licensed fire protection sprinkler contractors who have achieved at least State Level I licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D fire protection sprinkler systems or any part of such a system provided their work is supervised by a level I certificate of competency holder and all approvals, seals, and contractor's material and test certificate certifications are signed and sealed by level I certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(3) Only licensed fire protection sprinkler contractors who have achieved at least State Level II licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D or NFPA 13R fire protection sprinkler systems or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D or NFPA 13R fire protection sprinkler systems for any part of such a system provided their work is supervised by a

level II certificate of competency holder and all approval, seals, and contractor's material and test certificate certifications are signed and sealed by level II certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(4) Only licensed fire protection sprinkler contractors who have achieved at least State Level III licensure shall prepare layout drawings, install, inspect, maintain, or service NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system in the state of Washington.

EXCEPTIONS:

(a) Other persons may prepare layout drawings, install, inspect, maintain, or service NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part of such a system provided their work is supervised by a level III certificate of competency holder and all approvals, seals, and contractor's material and test certificate certifications are signed and sealed by level III certificate of competency holder(s).

(b) Those organizations and persons specifically exempted by chapter 18.160 RCW.

(c) Individuals or organizations may conduct subcontract work for licensed fire protection sprinkler system contractors, such as installations, preparation of layout drawings, underground or pump installations, provided sprinkler system plans, calculations, and contractor's materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(d) Licensed fire protection sprinkler contractors who have achieved State Level U licensure may perform the installation of the underground portions of fire protection sprinkler systems, provided that the plans and calculations submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to WAC 212-80-035.

(5) Only those certificate of competency holders who have achieved State Level U certification shall supervise and/or certify the installation of underground supplies to fire protection sprinkler systems. To achieve State Level U certification, persons shall satisfactorily complete an examination administered by the director of fire protection.

(6) Only those certificate of competency holders who have achieved at least State Level I certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((σ)) servicing, or the installation of underground supplies of NFPA 13D fire protection sprinkler systems or any part thereof. To achieve State Level I certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the director of fire protection.

((6)) (7) Only those certificate of competency holders who have achieved at least State Level II certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((σ)) servicing, or the installation of underground supplies of NFPA 13D and NFPA 13R fire protection sprinkler systems or any part thereof. To achieve State Level II certification, persons shall hold a current NICET Level 2 classification or satisfactorily complete an examination administered by the director of fire protection.

((7)) (8) Only those certificate of competency holders who have achieved at least State Level III certification shall supervise and/or certify the preparation of layout drawings, installation, inspection, maintenance, ((σ)) servicing, or the installation of underground supplies NFPA 13D, NFPA 13R, NFPA 13, and all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW or any part thereof. To achieve State Level III certification, persons shall hold a current NICET Level 3 or 4 or satisfactorily complete an examination administered by the director of fire protection.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-035 SEALS FOR NFPA 13D, 13R, AND 13 SYSTEMS. (1) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction shall be stamped (sealed) pursuant to subsection (3) of this section.

(2) At least one set of approved plans, containing information as specified in subsection (3) of this section, and calculations shall be maintained on the job site while the work is being performed.

(3) Seals shall contain the name and certificate number of the certificate of competency holder, a place for the signature of the certificate of competency holder and the date of the signature. On all plans the seal shall be easily recognizable and visible. The seal shall be of the design provided by the director of fire protection.

(4) An original stamp and signature should appear on each page of plans, on the cover sheet of hydraulic calculations and on all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

(5) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a State Level U licensed fire protection sprinkler contractor shall be

stamped (sealed) by either a licensed professional engineer registered in the state of Washington or the appropriate level certificate of competency holder and the State Level U certificate of competency holder employed by the submitting contractor.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-055 TEMPORARY CERTIFICATE OF COMPETENCY. (1) The director of fire protection may issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this regulation.

(2) The temporary certificate of competency shall remain in effect for a period of one year and may be renewed two times.

(3) In no case shall a person hold a temporary certificate of competency for more than three years.

(4) To convert from a temporary certificate of competency to a regular certificate of competency, a person shall:

(a) Within three years from the initial issuance of the temporary certificate of competency, apply for a regular certificate of competency, and

(b) Complete the requirements specified in this regulation and chapter 18.160 RCW.

(5) An individual having a temporary certificate of competency shall not be exempt from taking an examination to acquire a regular certificate of competency.

(6) Prior to the expiration of the temporary certificate of competency at the end of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. Upon expiration of the temporary certificate of competency at the end of the three-year period, if the holder has not met the requirements of subsection (4) of this section, the holder shall cease all activities associated with the holding of a ((temporary)) certificate of competency.

~~((7) The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder.))~~

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-065 SUSPENSION OR REVOCATION OF CERTIFICATES. (1) The director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a certificate of competency holder or an applicant to engage in the fire protection sprinkler system business or may establish penalties as prescribed by Washington state law for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of layout drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems.

(b) Conviction of a felony.

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business.

(d) Use of false evidence or misrepresentation in an application for a certificate of competency.

(e) Permitting his or her certificate to be used in connection with the preparation of any layout drawings which have not been prepared by him or her personally, or under his or her supervision, or in violation of this regulation.

(f) Knowingly violating any provisions of this regulation or chapter 18.160 RCW.

(2) The director of fire protection shall revoke the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the certificate of competency is suspended.

AMENDATORY SECTION (Amending Order 91-06, filed 7/1/91, effective 8/1/91)

WAC 212-80-115 LICENSE RENEWALS. (1) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall secure from the director of fire protection prior to January 1 of each year a renewal license upon payment of the fee as prescribed by the director of fire protection.

(2) Application for renewal shall be upon a form prescribed by the director of fire protection, and the license holder shall furnish the information required by the director.

(3) Failure of any license holder to secure his or her renewal license within sixty days after the expiration date shall constitute sufficient cause for the director of fire protection ((services)) to suspend the license.

(4) The director of fire protection may restore a license that has been suspended. In addition to other provisions of this regulation, any of the following will constitute cause for the director of fire protection not to restore a license that has been suspended:

(a) Nonreceipt of payment of all delinquent fees; and

(b) Nonreceipt of a late charge and/or application fee.

NEW SECTION

WAC 212-80-125 CONTRACTOR SURETY BONDS. (1) The director of fire protection shall not issue a license under this regulation unless:

(a) The fire protection sprinkler system contractor, to be licensed as a Level III fire protection sprinkler system contractor, files with the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation; or

(b) The fire protection sprinkler system contractor, to be licensed for Level I or Level II systems files with the director of fire protection a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars, conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer,

agent, or employee in conducting the business registered or licensed under this regulation.

(2) Bonds required by other state agencies are separate from the bonding requirements of chapter 18.160 RCW. Bonds filed with the department of labor and industries cannot be used to satisfy the bonding requirements for a fire protection sprinkler system contractor.

(3) Upon approval by the director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered for Level III systems. The value of property shall be determined by an appraiser selected by the director of fire protection. All appraisal fees shall be paid by the fire protection sprinkler system contractor.

WSR 92-14-075
EMERGENCY RULES
BELLEVUE COMMUNITY COLLEGE

[Filed June 26, 1992, 4:31 p.m.]

Date of Adoption: June 11, 1992.

Purpose: Amending chapter 132H-120 WAC, the Student Code of Community College District VIII.

Citation of Existing Rules Affected by this Order: Amending chapter 132H-120 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: RCW 28B.50.140.

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

Reasons for this Finding: It is necessary for the preservation of the general welfare because current practices are inconsistent with WAC as filed.

Effective Date of Rule: Immediately.

June 12, 1992
Phyllis C. Hudson
Secretary
Board of Trustees

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-010 **TITLE.** This chapter shall (~~WAC 132H-120-010 through 132H-120-490 will~~) be known as the Student Code (~~(student code)~~) of Community College District VIII.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-020 **PREAMBLE.** Bellevue Community College is maintained by the state of Washington for the purpose of providing its students with appropriate learning programs which will facilitate the orderly pursuit and achievement of their educational objectives. The college is dedicated not only to learning

and the advancement of knowledge but also to the development of ethically sensitive and responsible persons through policies which encourage independence and maturity.

The student is in the unique position of being a member of the college community and the community at large. Admission to the college carries with it the expectation that: (1) Students will respect the laws of the community, state, and nation;

(2) Adhere to college rules and regulations which assure the orderly conduct of college affairs;

(3) Maintain high standards of integrity and honesty;

(4) Respect the rights, privileges, and property of other members of the college community; and

(5) Will not interfere with legitimate college affairs.

Bellevue Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's: (1) Primary educational responsibility of ensuring the opportunity of all members of the college community to attain their educational objectives; ((or))

(2) Subsidiary responsibilities of protecting property, keeping records, providing services, and sponsoring non-classroom activities, such as lectures, concerts, athletic events and social functions(~~(; or (3) responsibility to protect the health and safety of persons on college property)~~).

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights, freedoms and responsibilities in this document are critical ingredients toward the free, creative and spirited educational environment to which the students, faculty, and staff of Bellevue Community College are committed.

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 16, filed 3/15/73)

WAC 132H-120-030 **DEFINITIONS.** As used in this Student Code of Community College District VIII (~~(code of student rights and responsibilities)~~) the following words and phrases shall mean: (1) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or groups of persons.

(2) "Board" means the board of trustees of Community College District VIII, state of Washington.

(3) "College" means Bellevue Community College located within Community College District VIII, state of Washington.

(4) "College facilities" means and includes any and all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by Bellevue Community College.

(6) "Complaint" means any expression of dissatisfaction with the performance of a college employee or procedure.

(7) ~~((6))~~ "Disciplinary action" means and includes expulsion, suspension or any lesser sanction of any student by the dean of student services, ~~((dean for student services and development,))~~ the college discipline committee, the president or the board of trustees for the violation of any of the provisions of the student code ~~((code of student rights and responsibilities))~~ for which sanctions may be imposed.

(8) ~~((7))~~ "District" means Community College District VIII, state of Washington.

(9) ~~((8))~~ "Faculty members" means any employee of Bellevue Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(10) ~~((9))~~ "President" means the duly appointed chief executive officer of Bellevue Community College, state of Washington, or in his/her absence, the acting chief executive officer.

(11) ~~((10))~~ "Recognized student organization" shall mean and include any group or organization composed of students which is formally recognized by the associated students of Bellevue Community College.

(12) ~~((11))~~ A "sponsored event or activity" shall mean any activity that is scheduled by the college and supervised and controlled by the college's faculty members, librarians, counselors, or other college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member, librarian, counselor or other college personnel. When the sponsored event or activity is of prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the activity shall be deemed to a non-sponsored activity.

(13) ~~((12))~~ "Student," unless otherwise qualified, means ~~((and includes))~~ any person who is enrolled for classes or has been accepted for admission to the college.

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 16, filed 3/15/73)

WAC 132H-120-040 JURISDICTION. (1) All rules herein adopted concerning student conduct and discipline shall apply to every student attending a community college within the district whenever said student is present upon or in any college facility, or whenever said student is engaged in or present at any college-related activity whether occurring on or off college facilities.

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another

in the breach of any provision of this chapter shall be subject to

(a) possible prosecution under the state criminal law;

(b) any other civil or criminal liability for which remedies are available to the public; or

(c) appropriate disciplinary action pursuant to the state of Washington Higher Education Personnel Board or the district's policies and regulations. ~~((the state criminal trespass law and/or other possible civil or criminal remedies available to the public and/or appropriate action pursuant to the state of Washington higher education personnel board, the district's tenure rules and regulations, or other applicable board policy.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-050 STUDENT RIGHTS AND FREEDOMS. The following enumerated rights and freedoms are guaranteed to each student within the ~~((confines of))~~ limitations of statutory law and college policies that ~~((set forth in this chapter which))~~ are deemed necessary to achieve ~~((effect))~~ the educational goals ~~((objectives))~~ of the college:

(1) Academic freedom ~~((of expression))~~.

(a) ~~Students are guaranteed~~ ~~((Fundamental to the democratic process are the))~~ rights of free inquiry, expression ~~((free speech))~~ and peaceful assembly upon and within college facilities that are generally open and available to the public. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students have the right of "assembly" as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: Provided, That such assembly shall:

(i) ~~((1))~~ Be conducted in an orderly manner, and

(ii) ~~((2))~~ Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) ~~((3))~~ Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; and

(iv) ~~((4))~~ Not unreasonably interfere with college functions.

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 26B.50.090 (3)(b).

(d) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(e) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this student code is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

(5) Incidental sales. Students have the right to engage incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operations of the instructional program or where limited sale is specifically authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Student have the right to engage in fund raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

~~((c) Freedom of expression in the classroom must be encouraged and protected. It is the responsibility of the~~

~~instructor to assure the realization of the spirit of free inquiry. The instructor has the responsibility to maintain order, but this authority must not be used to inhibit the expression of views contrary to his own. It is not inconsistent with freedom in the classroom for the instructor to require participation in classroom discussion and/or submission of written materials relevant to the class. Fair and professional academic evaluation is a legitimate classroom experience. It is the responsibility of the student to support the instructor's efforts to assure freedom of expression and to maintain order.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a principal actor (~~(or aide)~~), ~~aider~~, (~~(or)~~) abettor or accomplice as defined in RCW 9A.08.020: (1) Materially and substantially interferes with the personal rights or privileges of others or the education process of the college(;) :

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic Beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college president or his/her (~~(his)~~) designee. (See WAC 132H-200-490)

(b) Controlled Substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in Chapter 69.50 (~~(RCW 69.50)~~) RCW 101 (~~(+01)~~) as now law or hereafter amended, (~~(or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended)~~;) except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation "sale" shall include the statutory meaning defined in RCW 69.50.410 (~~(RCW 69.04.005)~~) as now law or hereafter amended.

(c) Illegal Entry. Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or Alteration of Records. Forgery, as defined in RCW 9A.60.010 - 9A.60.020 as now law or hereafter amended or (~~(RCW 91.44.010 of)~~) any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal Assembly. Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(f) Malicious Mischief. ~~Intentional ((Intentionally)) or negligent damage to or destruction of ((destroying or damaging))~~ any college facility or other public or private real or personal property.

(g) Failure to Follow Instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical Abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

~~((f)) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.))~~

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services ~~((dean of student programs and personnel services.))~~ or any other person designated by the president.

(l) Lewd Conduct. Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False Alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

~~((m)) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.))~~

(n) Cheating and Plagiarism. Engaging in cheating, stealing, plagiarizing, ~~((or))~~ knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of the program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or of another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized Use of Property. Converting college equipment, supplies or other property without proper authority.

(r) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with Chapter 70.160 RCW.

(t) False Complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-220 RESPONSIBILITY/ COLLEGE DISCIPLINE COMMITTEE. The dean of student ~~((programs and personnel))~~ services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the College Discipline Committee. ~~((and he/she is responsible for assembling all facts on cases referred to his/her office, making provisions for suitable hearings, convening the college discipline committee, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases.))~~

The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

(1) A faculty member appointed by the president of the college.

(2) A member of the faculty, appointed by the President of the Bellevue Community College Association of Higher Education. ~~((professional association.))~~

(3) Two representatives selected by the student services cabinet. ~~((council)).~~

(4) Three students. The three students will be appointed by the President of the Associated Students of Bellevue Community College. ~~((student body association.))~~

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in

this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair ((~~chairman~~)) will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 132H-120-225 DISCIPLINARY TERMS. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties:

(1) **Disciplinary Warning:** Formal action censoring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the dean of student services. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) **DISCIPLINARY PROBATION:** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period.

(3) **Suspension:** Formal action dismissing a student temporarily from the college for unacceptable conduct of violation of college rules or regulations. Suspension may be for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(4) **Summary Suspension:** Exclusion from college property and/or classes and other privileges or activities in accordance with WAC-132H-120-404.

(5) **Expulsion:** Students may be expelled only on the approval of the president of the college and on the recommendation of the dean of student services or the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(6) **Registration Denied:** Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct, or failure to fulfill obligations to the college.

Students may be denied registration only on the approval of the president and on the recommendation of

the dean of student services or college discipline committee. The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(7) **Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

NEW SECTION

WAC 132H-120-235 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the dean of student services or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132H-120-405.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the dean of student services or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) dismiss the case after whatever counseling and advice the dean deems appropriate;

(c) impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter;

(d) impose additional sanctions of reprimand, probation, suspension or dismissal, subject to the student's right of appeal as provided in the following provisions.

NEW SECTION

WAC 132H-120-245 APPEALS OF DISCIPLINARY ACTION - GENERALLY. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean of student services or his or her designee(s) may be appealed to the discipline committee, which may, at the request of the dean, hear the case de novo.

(b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) the appeal must be filed with twenty-one (21) calendar days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-300 DISCIPLINE COMMITTEE PROCEDURE. ~~((PROCEDURAL GUIDELINES))~~ (1) The discipline committee shall conduct a hearing within twenty (20) calendar days after disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) waives the opportunity for a brief adjudicative proceeding, or

(b) by his/her conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter. ~~((1) The college discipline committee will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean for student services and development or his designee.~~

~~(2) The student has a right to a fair and impartial hearing before the college discipline committee on any charge on violating specific provisions of the student code of Community College District VIII. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the college discipline committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the college discipline committee in recommending to the president the appropriate disciplinary action.~~

(3) ~~((The student shall be given))~~ Written notice of the time and place of his hearing before the college discipline committee, shall ~~((and))~~ be given to the student

by personal service or certified mail ~~((afforded))~~ not less than twenty (20) calendar days~~((t))~~ in advance of the hearing. ~~The ~~((notice thereof. Said))~~ notice shall be issued by the Dean of Student Services and shall contain:~~

(a) A statement of the time, place and nature of the disciplinary proceedings; ~~((proceeding.))~~

(b) A statement of the charges ~~((against him))~~ including reference to the particular sections of the student code involved; ~~and~~((:))~~~~

(c) ~~To the extent known, a ~~((A))~~ list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.~~

(4) The student shall be entitled to:

(a) hear and examine the evidence against him or her and be informed of the identity of its source; ~~((he shall be entitled to))~~

(b) present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college ~~((against him))~~ as to factual matters.

(c) take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean of ~~((for))~~ student services ~~((and development))~~ no later than three 3 days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean of ~~((for))~~ student services ~~((and development))~~ at least three 3 days prior to the scheduled hearing.

(7) ~~((5))~~ The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his or her counsel, he or she must tender at least seven (7) calendar ~~((3))~~ days' notice thereof to the dean of ~~((for))~~ student services ~~((and development))~~.

(8) ~~((6))~~ In all disciplinary proceedings the college may be represented by the dean of ~~((for))~~ student services ~~((and development))~~ or his or her designee who shall present the college's case to the college discipline committee. ~~((In the event the student elects to be represented by a licensed attorney, the))~~ The dean of ~~((for))~~ student services ~~((and development))~~ may elect to have the college represented by an assistant attorney general.

(9) ~~((7))~~ An adequate record ~~((summary))~~ of the hearing shall be maintained and shall include:

(a) all documents, motions, and intermediate rulings;

(b) evidence received and considered;

(c) a statement of matters noticed; and

(d) questions and offers of proof, objections and rulings thereon. ~~((all the evidence and facts presented to the college discipline committee during the course of the proceeding shall be taken. A copy thereof shall be available at the office of the dean for student services and development.))~~

~~(10) ((8)) The chair ((chairman)) of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer. ((and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.))~~

~~(11) The dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts and testimony presented to the college discipline committee during the course of the hearing.~~

~~(12) ((9)) Hearings conducted by the college disciplinary committee generally will be held in closed session, provided that the accused ((except when a)) student may request the hearing to be held in open session. ((requests that persons other than those directly involved be invited to attend.))~~

~~(13) If at any time during the conduct of a hearing visitors disrupt ((invited guests are disruptive)) the proceedings, the chair ((chairman)) of the committee may exclude such persons from the hearing room.~~

~~(14) ((10)) Any student attending the hearing ((as an invited guest)) who continues to disrupt the ((said)) proceedings after the chair ((chairman)) of the committee has asked him or her to cease or to leave the hearing room. ((and desist thereof.)) shall be subject to disciplinary action.~~

~~((11) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college discipline committee has sufficient cause to believe that the accused student is guilty of violating specific provisions of the student code that he is charged with having violated.~~

~~(12) The chairman of the college discipline committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 132H-120-305 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the discipline committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Heresay evidence is admissible in the hearing.

(2) The presiding officer of the discipline committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-310 DECISION BY THE COLLEGE DISCIPLINE COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the college discipline committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of student services or to recommend to the president any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students:

(b) That the college impose any of the disciplinary actions as provided in this chapter. ((WAC 132H-120-350 disciplinary terms.))

(2) Within seven calendar days, the ((The)) student will be provided with a copy of the college discipline committee's findings of fact and conclusions regarding what occurred, whether the student ((did violate)) violated any provision of the student code) and recommendation for the final disposition of the matter at issue. ((code.)) The committee shall also advise the student of his/her rights to present, within twenty-one (21) ((7)) calendar days, a written statement to the president of the college appealing the recommendation of the college discipline committee.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 132H-120-335 FINAL APPEAL. Any student who is aggrieved by the finding or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one (21) days following notification to the student of the action taken by the committee. The president may, at his or her discretion, suspend the disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision solely on the official written record of the case and on any reports or recommendations of the discipline committee and/or the dean who conducted the original hearing.

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

AMENDATORY SECTION (Amending Order 91 [16], filed 3/15/73)

WAC 132H-120-350 READMISSION AFTER EXPULSION. Any student expelled from the college may be readmitted only on written petition to the office which initiated the action resulting in his expulsion.

Such petitions must indicate how specified conditions have been met and if the term of the expulsion has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before readmission is granted. The president shall render a decision in writing to the student.

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

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-360 REPORTING, RECORDING AND MAINTENANCE OF RECORDS. Records of all disciplinary cases shall be kept in the office of the dean of ~~((for)) student ((programs and personnel))~~ services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved for not more than five (5) years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 132H-120-405 SUMMARY SUSPENSION PROCEEDINGS. (1) If a dean or his or her designee(s) has cause to believe that any student (a) has committed a felony, or (b) has violated any provision of this chapter, and (c) presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-410 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the summary suspension period. ~~((this 3 day period))~~ the suspended student shall not enter any campus of District No. VIII other than to meet with the dean of ((for)) student services ((and development)) or to attend the hearing. However, the dean of ((for)) student services ((and development)) or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

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 16, filed 3/15/73)

WAC 132H-120-420 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code of Bellevue Community College District VIII or the law ((code of student rights and responsibilities)) involved; and

(b) That the student charged must appear before the dean of ~~((for)) student services ((and development))~~ at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension ((for a further period not to exceed 10 days)).

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 16, filed 3/15/73)

WAC 132H-120-430 PROCEDURES OF SUMMARY HEARING. (1) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services presiding.

(2) ~~((+))~~ At the summary suspension hearing, the dean of student services ~~((dean for student services and development))~~ shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate. ((the student's presence on campus would endanger the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property. In the course of making such a decision, the dean for student services and development may consider the sworn affidavits or oral testimonies of persons who have alleged that the student or students charged has committed a violation of law or of provisions of the student code and the oral testimony and affidavits submitted by the student charged.))

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-440 DECISION BY THE DEAN OF ~~((FOR)) STUDENT SERVICES ((AND~~

~~DEVELOPMENT~~). If the dean of ~~(for)~~ student services ~~((and development))~~, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) ~~The student against whom specific violations of law or of provisions of this chapter ((the code of student rights and responsibilities)) are alleged has committed one or more of such violations upon any college facility; and~~

(2) ~~That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus, and ((under the provisions of WAC 132H-120-400 summary suspension rules, and))~~

(3) ~~Such violation or violations of the law or of provisions of this chapter ((the code of student rights and responsibilities)) constitute grounds for disciplinary action, then the dean of ((for)) student services ((and development)) may, with the written approval of the president ((president)), continue to suspend such student from the college ((college)) and may impose any other disciplinary action appropriate.~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-450 NOTICE OF SUSPENSION. (1) ~~A ((# a)) student who is suspended or otherwise disciplined pursuant to the above rules((,-he)) shall be provided with a written copy of the dean of ((for)) student service's ((and development's)) findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed.~~

(2) ~~The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail((,-Notice by mail shall be sent)) to said student's last known address((-)) within three (3) working days following the conclusion of the summary suspension hearing. ((The suspension, following the hearing shall be effective for no more than 10 days:))~~

(3) ~~The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.~~

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 16, filed 3/15/73)

WAC 132H-120-460 SUSPENSION FOR FAILURE TO APPEAR. The dean of student services is

authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding. ((If the student against whom specific violations of provisions of the code of student rights and responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean for student services and development may, with the written concurrence of the president, suspend the student from college for no more than 10 days:))

NEW SECTION

WAC 132H-120-475 APPEALS FROM SUMMARY SUSPENSION HEARING. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless (a) the student has first appeared at the student hearing in accordance with WAC 132H-120-430; (1) the student has been officially notified of the outcome of the hearing;

(2) summary suspension or other disciplinary sanction has been upheld; and

(3) the appeal conforms to the standards set forth in WAC-132H-120-245(2).

The discipline committee shall, within five (5) working days, conduct a formal hearing in the manner described in WAC-132H-120-300.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-120-062 STUDENT GRIEVANCE PROCEDURES—PURPOSE AND SCOPE

WAC 132H-120-070 CONFIDENTIALITY OF STUDENT RECORDS

WAC 132H-120-072 DEFINITION OF A STUDENT

WAC 132H-120-073 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT

WAC 132H-120-075 REQUESTS AND APPEAL PROCEDURES

WAC 132H-120-077 RELEASE OF PERSONALLY IDENTIFIABLE RECORDS.

WAC 132H-120-078 COLLEGE RECORDS

WAC 132H-120-079 RECORDS COMMITTEE

WAC 132H-120-080 FREEDOM OF ASSOCIATION AND ORGANIZATION

WAC 132H-120-090 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE

WAC 132H-120-100 FREEDOM OF INDIVIDUAL PRIVACY

WAC 132H-120-110 COMMERCIAL AND PROMOTIONAL ACTIVITIES

WAC 132H-120-120 DISTRIBUTION AND POSTING OF CAMPUS LITERATURE

WAC 132H-120-130 CAMPUS SPEAKERS

WAC 132H-120-205 APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES
 WAC 132H-120-240 INITIAL PROCEEDINGS
 WAC 132H-120-240 APPEALS
 WAC 132H-120-320 THE PRESIDENT'S REVIEW
 WAC 132H-120-330 APPEALS
 WAC 132H-120-340 DISCIPLINARY TERMS
 WAC 132H-120-400 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS
 WAC 132H-120-470 APPEAL
 WAC 132H-120-480 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
 WAC 132H-120-490 PROCEDURAL GUIDELINES FOR LIQUOR POLICY IMPLEMENTATION

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 132H-120-240 Initial proceedings, is probably intended to be to WAC 132H-120-230 Initial proceedings.

WSR 92-14-076

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2099—Filed June 29, 1992, 9:37 a.m., effective July 1, 1992]

Date of Adoption: June 29, 1992.

Purpose: To provide for the collection of an assessment on milk processors.

Statutory Authority for Adoption: Chapter 15.36 RCW.

Other Authority: SSB 6393.

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

Reasons for this Finding: The Washington state legislature enacted SSB 6393 wherein it levied an assessment on all milk processed in the state. The law takes effect July 1, 1992. An emergency rule is required to implement this law.

Effective Date of Rule: July 1, 1992.

June 29, 1992
 C. Alan Pettibone
 Director

Chapter 16-103 WAC MILK PROCESSING ASSESSMENTS AND COLLECTIONS

NEW SECTION

WAC 16-103-001 ASSESSMENTS. (1) The assessment on all milk processed in this state shall be one-half of one cent per hundredweight.

(2) All assessments shall be levied on the operator of the first milk plant receiving the milk for processing. This includes milk plants producing their own milk for

processing and milk plants that receive milk from other sources.

(3) All assessments shall be in addition to those collected under chapter 15.44 RCW and/or Title 142 WAC.

NEW SECTION

WAC 16-103-002 COLLECTIONS. Milk plant operators shall submit a report to the director on or before the twentieth day of each month with the preceding month's assessment. The report shall list the milk plant name and address, pounds of milk received at that plant including milk purchased or received from other sources, and the total amount of assessment on forms provided by the director. Provided, that entities having more than one milk plant may submit one assessment check for all milk plants and include separate reports for each milk plant.

NEW SECTION

WAC 16-103-003 PENALTIES. Any due and payable assessment not paid by the milk plant operator by the twentieth of the succeeding month shall be considered a lien on any property owned by him or her. All delinquent assessments shall be filed as liens quarterly by the director with the county auditor of any county in which property owned by the milk plant operator is located. All delinquent assessments shall be collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

WSR 92-14-077

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Filed June 29, 1992, 10:36 a.m.]

Original Notice.

Title of Rule: WAC 275-16-030 Schedule of charges.

Purpose: The purpose of this rule revision is to revise the schedule of charges for the state-operated mental health facilities. The charges are based on the cost of operations. Costs rise due to increases authorized by the legislature and due to inflation. Increased rates result in additional revenue to the state to cover the rise in costs of operations. The legislature has authorized increases in health insurance premiums, comparable worth salary adjustments, and employee salaries for the period of July 1, 1992, through June 30, 1993.

Statutory Authority for Adoption: RCW 43.20B.325.

Statute Being Implemented: RCW 43.20B.325.

Summary: The rate changes increase the daily cost of hospital stays for state-operated mental health facilities and reflect the cost of operations.

Reasons Supporting Proposal: RCW 43.20B.325 requires that charges for patient's hospitalization in state mental hospital be based on cost of operations. Current

operations costs increased due to legislatively authorized increases occurring July 1, 1992, through June 30, 1993.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Wells, Mental Health Division, 753-2743.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 4, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by August 4, 1992.

Date of Intended Adoption: August 6, 1992.

June 29, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3376, filed 4/21/92, effective 5/22/92)

WAC 275-16-030 SCHEDULE OF CHARGES. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$272.50	((320.00 - 265.75)) 341.00	280.00
Physician Costs	*	((15.56)) 14.50	*
*The department shall bill the client for physician costs on a fee-for-service basis.			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient Day ((Care) Treatment Per Day	—	((80.48)) 79.44	—
Per Hour	—	((11.50)) 13.24	—
(c) ANCILLARY SERVICES -			
Per relative value unit ^{1/}			
Radiology	((4.91)) 12.11	4.91 12.11	(7.70)) 12.55
Pathology	((.42)) 1.13	.42 1.13	(.31)) .46
Medical Clinics	((1.89)) 4.53	1.89 4.53	(8.66)) 9.00
Electroencephalogram	((.93)) 2.17	.93 2.17	(.93)) —
Electrocardiogram	((1.18)) .39	1.18 .39	(.52)) .81
Physical Therapy	((5.74))	5.74	(12.91))

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
Occupational Therapy	10.66	10.66	15.14 ((28.04)) 27.04
Speech Therapy	—	—	((23.51)) 25.36
Dental	((36.25)) 43.55	36.25 43.55	(42.98)) 44.83
Podiatry	((1.28))	1.28	(1.00)) 1.30

(d) RESIDENTIAL SERVICES -

	Pals	Portal
Costs Per Day	((133.22)) 148.12	(83.70)) 94.35

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 92-14-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 29, 1992, 10:38 a.m.]

Original Notice.

Title of Rule: WAC 388-86-110 X-ray services and 388-87-027 Services requiring prior approval.

Purpose: Updates the rules to provide consistency with current policy: Adds magnetic resonance imaging (MRI) to x-ray services; adds organ transplants, home health services, pain clinic evaluations, MRI, denture services, occupational therapy, certain sleep studies, respiratory therapy as services requiring prior MAA approval; and deletes services that no longer require MAA approval.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Adds and deletes services requiring prior approval; and adds magnetic resonance imaging as an x-ray service.

Reasons Supporting Proposal: Updates the services requiring prior MAA approval to be consistent with policy; and adds magnetic resonance imaging as an x-ray service.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 4, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by August 4, 1992.

Date of Intended Adoption: August 5, 1992.

June 29, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-86-110 X-RAY SERVICES. (1) The Medical Assistance Administration (MAA) shall cover medically necessary therapeutic x-rays (deep x-ray and related radiation treatment) ((will be provided)) when ((requested by the attending physician)) a practitioner practicing within the scope of their licensure orders the service.

(2) Magnetic Resonance Imaging (MRI) requires prior approval and the MAA shall consider the request when the physician or dental provider requesting the MRI:

(a) Is at the most definitive specialty level that treats the condition for which imaging is requested; or

(b) Consults with a physician or dentist as designated under subsection (2)(a) of this section; or

(c) Orders the MRI as part of a follow-up plan for monitoring a condition as prescribed by a physician or dentist as designated under subsection (2)(a) of this section.

(3) The MAA shall not require prior approval for diagnostic and follow-up x-rays ((do not require the approval of the medical consultant)), except MRI, but MAA shall require films ((shall)) be ((made)) available to the MAA medical consultant or other authorized staff on request.

AMENDATORY SECTION (Amending Order 2916, filed 12/15/89, effective 1/15/90)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL. ((+)) The following services require Medical Assistance Administration's (MAA) prior approval:

((+)) (1) Prosthetic devices, durable medical equipment, and non-reusable medical equipment as described under WAC 388-86-100;

(2) Nonemergent surgical procedures as described under WAC 388-86-095;

((b) Prosthetic devices and durable medical equipment and non-reusable medical equipment as described under WAC 388-86-100;

((+)) (3) Nonemergent hospital admissions as described under WAC 388-86-050 and 388-87-070;

(4) All organ transplants;

(5) All out-of-state air transportation;

((+)) (6) Allergy testing;

((+)) (7) Apnea monitoring equipment;

((+)) (8) Drugs not ((listed)) published in the ((departmental formulary)) department's list of drugs or a single prescription exceeding the maximum limits established as described under WAC 388-91-010 and 388-91-020;

((g) Home ventilator therapy;

((h) Medical)) (9) Eye care services as described under WAC 388-86-030 and 388-86-095;

((i) Nonemergent hospital admissions as described under WAC 388-86-050 and 388-87-070;

(j) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid recipient as described under WAC 388-86-050;

((+)) (10) Transportation (other than ambulance) as described under WAC 388-86-085;

((+)) (11) Orthodontic treatment as described under WAC 388-86-020;

((+)) (12) Out-of-state medical care not available within Washington state as described under WAC 388-86-115;

((+)) (13) Physical medicine, rehabilitation and treatment (PM&R) as described under WAC 388-86-112;

((+)) (14) Physical therapy services as described under WAC 388-86-090;

((+)) (15) Private duty nursing services as described under WAC 388-86-071;

((+)) (16) Speech therapy, both the initial evaluation and subsequent therapy as described under WAC 388-86-098;

((+)) (17) Total ((parenteral/)) enteral nutritional therapy ((: (2) The division of medical assistance may approve where there are)) for clients one year of age and under and supplemental enteral nutritional therapy for clients two years of age and older;

(18) Magnetic resonance image (MRI) as described under WAC 388-86-110;

(19) Pain clinic inpatient evaluation;

(20) Oxygen and respiratory equipment and respiratory therapy;

(21) sleep studies for clients one year of age and over;

(22) Only the antibiotic, pain, and hydration therapy part of infusion therapy;

(23) Home health services as described under WAC 388-86-045;

(24) Occupational therapy as described under WAC 388-86-073;

(25) Dentures as described under WAC 388-86-021; and

(26) Hearing aid services when significant handicapping factors ((: (a) The purchase of a hearing aid when the 50 decibel loss in the better ear is not met; or

(b) A second hearing aid or a replacement or both)) exist as described under WAC 388-86-040(1).

WSR 92-14-079

**PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed June 29, 1992, 10:39 a.m.]

Original Notice.

Title of Rule: WAC 388-86-09601 Podiatric services, 388-99-060 Scope of care for medically needy, and 388-100-035 Scope of care for medically indigent.

Purpose: Effective July 1, 1992, these amendments reinstate podiatric services as a covered medical services for adults and children under the medical care programs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Podiatric services are a covered service under the medical program.

Reasons Supporting Proposal: Effective July 1, 1992, podiatric services are again a covered medical service for adults as well as children.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 4, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by August 4, 1992.

Date of Intended Adoption: August 6, 1992.

June 29, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3320, filed 1/21/92, effective 2/21/92)

WAC 388-86-09601 PODIATRIC SERVICES. (1) The department shall ~~((pay for podiatric services for a recipient when the recipient is:~~

~~(a) Twenty years of age and under, and
(b) Referred by a screening provider under the early and periodic screening, diagnosis, and treatment program;~~

~~(2) The department shall provide medically necessary podiatric services to include:~~

~~(a) Evaluation, diagnosis, and treatment of skin disease, infections, inflammation, ulcers, and symptomatic conditions such as bursitis, osteoarthritis and tendonitis;~~

~~(b) Reductions of fractures and dislocations, and treatment of sprains and strains;~~

~~(c) Surgery for structural and pathological ailments such as bunions, exostosis, hammertoes, neuromas, and ingrown toenails;~~

~~(d) Initial diagnostic services in connection with conditions whose subsequent treatment would be excluded as routine palliative care; and
(e) One visit every six months may be permitted for debridement and cutting of mycotic toenails.~~

~~(3) Elective surgery requiring hospitalization shall require prior approval by the medical assistance administration. Where less expensive, more conservative treatment is available, surgery will not be approved.~~

~~(4) The department shall exclude the following services:~~

~~(a) Routine foot care that includes medically unnecessary removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care except as specified in subsection (4) of this section;~~

~~(b) Treatment of flat foot;~~

~~(c) Treatment undertaken to correct a subluxated structure of the foot as an isolated entity;~~

~~(d) Supportive devices for the feet, such as orthopedic shoes; and~~

~~(e) Procedures regarded as experimental.~~

~~(5) Where a recipient has a severe systemic condition that would result in circulatory embarrassment or desensitization in the legs or feet, the department may provide more frequent foot care when:~~

~~(a) The performance of such procedures by unskilled person might pose a hazard;~~

~~(b) The severity of the condition has been established by clinical or physical findings; and~~

~~(c) Such care has received prior approval of the medical director or designee)) provide medically necessary podiatric services provided by a podiatrist, when the services are:~~

~~(a) Within the scope of the podiatrist's practice;~~

~~(b) Included in the department's scope of covered podiatric services; and~~

~~(c) Not excluded under subsection (3) of this section.~~

~~(2) For the purposes of this section:~~

~~(a) A podiatric service means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot; and~~

~~(b) A podiatrist is a podiatric physician and surgeon of the foot licensed as required under chapter 18.22 RCW.~~

~~(3) The department shall exclude from the scope of covered services treatment of:~~

~~(a) Routine foot care that includes, but not limited to, medically unnecessary mycotic disease removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care; and~~

~~(b) Asymptomatic flat feet.~~

AMENDATORY SECTION (Amending Order 2580, filed 12/31/87)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program shall include:

(a) Blood administration and processing;

(b) Case management services;

(c) Dental services;

(d) Dentures;

(e) Early and periodic screening((:)), diagnosis and treatment (EPSDT) services;

(f) Enteral/parenteral nutrition;

(g) Eyeglasses;

(h) Family planning clinic services;

(i) Home health services;

(j) Inpatient hospital services;

(k) Intermediate care facility services for the mentally retarded;

(l) Laboratory and x-ray services;

(m) Nursing facility services;

(n) Outpatient hospital ((and rural health clinic services));

(o) Oxygen and respiratory therapy;

(p) Physical medicine and rehabilitation services;

(q) Physician, ARNP, and clinic services;

(r) Podiatric services;

(s) Prescribed drugs; ((dentures;))

(t) Prosthetic devices; ((eyeglasses, skilled nursing facility services, intermediate care facility services, intermediate care facility services for the mentally retarded, home health services, laboratory and x-ray services, and))

(u) Rural health services; and

(v) Medically necessary transportation.

(2) Conditions and limitations in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall require a review by the ~~((division of))~~ medical assistance administration.

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 3233, filed 8/20/91, effective 9/20/91)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The coverage under the limited casualty program-medically indigent shall be available to an eligible person for treatment of emergency medical conditions only. Services available are limited to the following:

(a) Rural health clinic services;

(b) Physical medicine and rehabilitation services;

(c) Physician and clinic services;

(d) Prescribed drugs;

(e) Dentures;

(f) Prosthetic devices;

(g) Eyeglasses;

(h) Nursing facilities, and intermediate care facilities for the mentally retarded;

(i) Home health services;

(j) Laboratory and x-ray services; ~~((and))~~

(k) Podiatric services; and

(l) Medically necessary transportation.

(2) The department shall not pay until the ~~((recipient))~~ client has medical expenses equal to the total of the emergency medical expense requirement of one thousand five hundred dollars and the spenddown, if any.

(3) The emergency medical expense requirement in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for ~~((recipients))~~ clients undergoing treatment under the ITA the emergency medical expense requirement shall apply to the services other than ITA.

(4) When an applicant indicates that an urgent undefined medical illness exists, the department shall:

(a) Regard the condition as an emergency medical condition;

(b) Allow one office visit for diagnosis, provided all financial eligibility criteria are met; and

(c) Allow treatment only when the condition meets the criteria for an emergency medical condition.

(5) For other conditions and limitations under which the department may provide these services refer to appropriate service in chapter 388-86 WAC.

(6) The department shall not provide a client out-of-state care except in the designated bordering cities.

**WSR 92-14-080
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

	Child Study and	
Western State Hospital	Treat- ment Center	Eastern State Hospital

[Order 3412—Filed June 29, 1992, 10:40 a.m., effective July 1, 1992, 12:01 a.m.]

Date of Adoption: June 29, 1992.

Purpose: Revises the state-operated mental health facilities' schedule of charges. Charges are based on cost of operations. Costs rise due to legislative authorized and inflation increases occurring July 1, 1992, through June 30, 1993. Revised rates create additional revenue in Medicare and third-party resources, and increased revenue in Medicaid funds.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030 Schedule of charges.

Statutory Authority for Adoption: RCW 43.20B.325.

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

Reasons for this Finding: Comply with RCW 43.20B.325 and the state Medicaid plan, which requires charges for hospitalization of patients in state-operated mental health facilities be based on the cost of operations.

Effective Date of Rule: July 1, 1992, 12:01 a.m.

June 29, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3376, filed 4/21/92, effective 5/22/92)

WAC 275-16-030 SCHEDULE OF CHARGES. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$272.50	((320.00 — 265.75)) 341.00	280.00
Physician Costs	*	((15.56)) 14.50	*

*The department shall bill the client for physician costs on a fee-for-service basis.

(b) OUTPATIENT SERVICES -
Per diem

Outpatient	—	—	—
Day ((Care)) Treatment Per Day	((80.48)) 79.44	—	—
Per Hour	—	((11.50)) 13.24	—

(c) ANCILLARY SERVICES -
Per relative value unit^{1/}

Radiology	((4.91 — 4.91 — 7.70)) 12.11	12.11	12.55
Pathology	((-.42 — .42 — .31)) 1.13	1.13	.46
Medical Clinics	((1.89 — 1.89 — 8.66)) 4.53	4.53	9.00
Electroencephalogram	((-.93 — .93 — .93)) 2.17	2.17	—
Electrocardiogram	((-.18 — .18 — .52)) .39	.39	.81
Physical Therapy	((5.74 — 5.74 — 12.91)) 10.66	10.66	15.14
Occupational Therapy	—	—	((28.01)) 27.04
Speech Therapy	—	—	((23.51)) 25.36
Dental	((36.25 — 36.25 — 42.98)) 43.55	43.55	44.83
Podiatry	((1.28 — 1.28 — 1.00)) —	—	1.30

(d) RESIDENTIAL SERVICES -

	Pals	Portal
Costs Per Day	((133.22 — 83.70)) 148.12	94.35

(2) The department shall purchase services required by the patient, not provided by hospital staff, from private sources and the patient shall be charged actual cost of services.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**WSR 92-14-081
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3413—Filed June 29, 1992, 10:42 a.m., effective July 1, 1992, 12:01 a.m.]

Date of Adoption: June 29, 1992.

Purpose: Effective July 1, 1992, the amendments reinstate podiatric services as a covered medical service for adults and children under the medical care programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-09601 Podiatric services, 388-99-060 Scope of care for medically needy, and 388-100-035 Scope of care for medically indigent.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: Effective July 1, 1992, podiatric services are again a covered medical service for adults as well as children.

Effective Date of Rule: July 1, 1992, 12:01 a.m.

June 29, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3320, filed 1/21/92, effective 2/21/92)

WAC 388-86-09601 PODIATRIC SERVICES.

(1) ~~The department shall ((pay for podiatric services for a recipient when the recipient is:~~

~~(a) Twenty years of age and under, and~~

~~(b) Referred by a screening provider under the early and periodic screening, diagnosis, and treatment program;~~

~~(2) The department shall provide medically necessary podiatric services to include:~~

~~(a) Evaluation, diagnosis, and treatment of skin disease, infections, inflammation, ulcers, and symptomatic conditions such as bursitis, osteoarthritis and tendonitis;~~

~~(b) Reductions of fractures and dislocations, and treatment of sprains and strains;~~

~~(c) Surgery for structural and pathological ailments such as bunions, exostosis, hammertoes, neuromas, and ingrown toenails;~~

~~(d) Initial diagnostic services in connection with conditions whose subsequent treatment would be excluded as routine palliative care; and~~

~~(e) One visit every six months may be permitted for debridement and cutting of mycotic toenails.~~

~~(3) Elective surgery requiring hospitalization shall require prior approval by the medical assistance administration. Where less expensive, more conservative treatment is available, surgery will not be approved.~~

~~(4) The department shall exclude the following services:~~

~~(a) Routine foot care that includes medically unnecessary removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care except as specified in subsection (4) of this section;~~

~~(b) Treatment of flat foot;~~

~~(c) Treatment undertaken to correct a subluxated structure of the foot as an isolated entity;~~

~~(d) Supportive devices for the feet, such as orthopedic shoes; and~~

~~(e) Procedures regarded as experimental.~~

~~(5) Where a recipient has a severe systemic condition that would result in circulatory embarrassment or desensitization in the legs or feet, the department may provide more frequent foot care when:~~

~~(a) The performance of such procedures by unskilled person might pose a hazard;~~

~~(b) The severity of the condition has been established by clinical or physical findings; and~~

~~(c) Such care has received prior approval of the medical director or designee)) provide medically necessary podiatric services provided by a podiatrist, when the services are:~~

(a) Within the scope of the podiatrist's practice;

(b) Included in the department's scope of covered podiatric services; and

(c) Not excluded under subsection (3) of this section.

(2) For the purposes of this section:

(a) A podiatric service means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot; and

(b) A podiatrist is a podiatric physician and surgeon of the foot licensed as required under chapter 18.22 RCW.

(3) The department shall exclude from the scope of covered services treatment of:

(a) Routine foot care that includes, but not limited to, medically unnecessary mycotic disease removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care; and

(b) Asymptomatic flat feet.

AMENDATORY SECTION (Amending Order 2580, filed 12/31/87)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program shall include:

(a) Blood administration and processing;

(b) Case management services;

(c) Dental services;

(d) Dentures;

(e) Early and periodic screening((:)), diagnosis and treatment (EPSDT) services;

(f) Enteral/parenteral nutrition;

(g) Eyeglasses;

(h) Family planning clinic services;

(i) Home health services;

(j) Inpatient hospital services;

(k) Intermediate care facility services for the mentally retarded;

(l) Laboratory and x-ray services;

(m) Nursing facility services;

(n) Outpatient hospital ((and rural health clinic services));

(o) Oxygen and respiratory therapy;

(p) Physical medicine and rehabilitation services;

(q) Physician, ARNP, and clinic services;

(r) Podiatric services;

(s) Prescribed drugs; ((dentures;))

(t) Prosthetic devices; ((eyeglasses; skilled nursing facility services, intermediate care facility services, intermediate care facility services for the mentally retarded; home health services, laboratory and x-ray services; and))

(u) Rural health services; and

(v) Medically necessary transportation.

(2) Conditions and limitations in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall require a review by the ~~((division of))~~ medical assistance administration.

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 3233, filed 8/20/91, effective 9/20/91)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The coverage under the limited casualty program—medically indigent shall be available to an eligible person for treatment of emergency medical conditions only. Services available are limited to the following:

- (a) Rural health clinic services;
- (b) Physical medicine and rehabilitation services;
- (c) Physician and clinic services;
- (d) Prescribed drugs;
- (e) Dentures;
- (f) Prosthetic devices;
- (g) Eyeglasses;
- (h) Nursing facilities, and intermediate care facilities for the mentally retarded;
- (i) Home health services;
- (j) Laboratory and x-ray services; ~~((and))~~
- (k) Podiatric services; and
- (l) Medically necessary transportation.

(2) The department shall not pay until the ~~((recipient))~~ client has medical expenses equal to the total of the emergency medical expense requirement of one thousand five hundred dollars and the spenddown, if any.

(3) The emergency medical expense requirement in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for ~~((recipients))~~ clients undergoing treatment under the ITA the emergency medical expense requirement shall apply to the services other than ITA.

(4) When an applicant indicates that an urgent undefined medical illness exists, the department shall:

- (a) Regard the condition as an emergency medical condition;
- (b) Allow one office visit for diagnosis, provided all financial eligibility criteria are met; and
- (c) Allow treatment only when the condition meets the criteria for an emergency medical condition.

(5) For other conditions and limitations under which the department may provide these services refer to appropriate service in chapter 388-86 WAC.

(6) The department shall not provide a client out-of-state care except in the designated bordering cities.

WSR 92-14-082
RULES OF COURT
STATE SUPREME COURT
[June 25, 1992]

IN THE MATTER OF THE ORDER
ADOPTION OF THE AMENDMENT NO. 25700-A-504
TO RLD 4.1(a)

The Board of Governors of the Washington State Bar Association having recommended the proposed amendment to RLD 4.1(a) and the Court having determined that the amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 25th day of June, 1992.

Dore, C/J

Utter, J.	James A. Anderson
Durham, J.	Smith, J.
Dolliver, J.	Guy, J.
Brachtenbach, J.	Johnson, J.

RULE 4.1
APPLICATION OF CIVIL RULES

(a) General Conformance with Civil Rules. Proceedings pursuant to these rules shall be conducted in general conformance with the civil rules applicable to actions in the superior courts of the State of Washington. Those rules shall apply directly when indicated, and all other cases shall serve as guidance. Proceedings for summary judgment, judgment on the pleadings, and motions to dismiss based upon the pleadings are not available in proceedings conducted under these rules.

WSR 92-14-083
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed June 29, 1992, 11:40 a.m., effective July 1, 1992]

Date of Adoption: June 29, 1992.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax for the period July 1, 1992, through December 31, 1992, as required by RCW 84.33.091.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-650, 458-40-660, 458-40-670, and 458-40-684.

Statutory Authority for Adoption: RCW 84.33.091.

Other Authority: RCW 84.32.300 [82.32.300] and 84.33.096.

Pursuant to notice filed as WSR 92-10-061 on May 5, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Under RCW 34.05.380(3), this rule is required by statute to become effective less than 31 days after filing. RCW 84.33.091(1) requires that the tables of stumpage values for use during the period July 1, 1991, through December 31, 1991, be adopted on or before June 30, 1992, and be effective on July 1, 1992. Under RCW 34.05.335(4), the Department of Revenue could not adopt this rule before June 29, 1992, the date established in the notice of proposed rule published in WSR 92-10-061 (filed May 5, 1992).

Effective Date of Rule: July 1, 1992.

June 29, 1992
 Gary O'Neil
 Assistant Director
 Timber Tax Division

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-650 TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number Log grade specifications ¹
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Logpole Pine	1	All log grades.
Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	5	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	5	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
 Stumpage Value Areas 6 and 7

Species	Quality Code	Number Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	5	All logs graded as utility.

TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code	Number Log grade specifications ¹
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	1	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	1	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

Species	Quality Code	Number Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

Species	Quality Code	Number Log grade specifications ¹
Hardwoods	1	Sawlogs only.
Utility	1	All logs graded as utility.

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-660 TIMBER EXCISE TAX—STUMPAGE VALUE TABLES. The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1992:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1992

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$437	\$430	\$423	\$416	\$409
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	432	425	418	411	404
		2	412	405	398	391	384
		3	361	354	347	340	333
		4	217	210	203	196	189
Western Hemlock ³	WH	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Other Conifer	OC	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Red Alder	RA	1	89	82	75	68	61
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
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, 1992**

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	\$454	\$447	\$440	\$433	\$426
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	430	423	416	409	402
		4	205	198	191	184	177
Western Hemlock ³	WH	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Other Conifer	OC	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	47	40	33	26	19
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
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

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska Cedar.
³Includes 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."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992**

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	\$469	\$462	\$455	\$448	\$441
		2	396	389	382	375	368
		3	381	374	367	360	353
		4	195	188	181	174	167
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	364	357	350	343	336
		4	268	261	254	247	240
Western Hemlock ⁴	WH	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195

TABLE 3—

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 Conifer	OC	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska Cedar.
⁴Includes 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."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992**

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	\$451	\$444	\$437	\$430	\$423
		2	374	367	360	353	346
		3	347	340	333	326	319
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	314	307	300	293	286
		4	205	198	191	184	177
Western Hemlock ⁴	WH	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Other Conifer	OC	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Red Alder	RA	1	95	88	81	74	67
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	32	25	18	11	4

TABLE 4

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
Conifer Utility	CU	1	47	40	33	26	19
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes 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."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992**

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	\$545	\$538	\$531	\$524	\$517
		2	380	373	366	359	352
		3	317	310	303	296	289
		4	195	188	181	174	167
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	369	362	355	348	341
		4	240	233	226	219	212
Western Hemlock ⁴	WH	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Other Conifer	OC	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	77	70	63	56	49
Other Hardwood	OH	1	77	70	63	56	49
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes 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."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992**

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	\$231	\$224	\$217	\$210	\$203
Engelmann Spruce	ES	1	153	146	139	132	125
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	162	155	148	141	134
Western White Pine	WP	1	382	375	368	361	354
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	46	39	32	25	18
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
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

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes 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."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992**

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	\$161	\$154	\$147	\$140	\$133
Engelmann Spruce	ES	1	121	114	107	100	93
Lodgepole Pine	LP	1	80	73	66	59	52
Ponderosa Pine	PP	1	322	315	308	301	294
		2	148	141	134	127	120
Western Redcedar ³	RC	1	259	252	245	238	231
True Firs ⁴	WH	1	111	104	97	90	83
Western White Pine	WP	1	322	315	308	301	294

TABLE 7==

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
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	21	14	7	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
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
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

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

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes 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."

⁵Stumpage value per 8 lineal feet or portion thereof.

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

⁷Stumpage value per lineal foot.

TABLE 8==Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992

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	\$437	\$430	\$423	\$416	\$409
		2	346	339	332	325	318
		3	319	312	305	298	291
		4	167	160	153	146	139
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	360	353	346	339	332
		2	186	179	172	165	158
Western Redcedar ³	RC	1	430	423	416	409	402
		2	416	409	402	395	388
		3	286	279	272	265	258
		4	177	170	163	156	149
Western Hemlock ⁴	WH	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181
Other Conifer	OC	1	382	375	368	361	354
		2	278	271	264	257	250
		3	226	219	212	205	198
		4	209	202	195	188	181
Red Alder	RA	1	81	74	67	60	53
Black Cottonwood	BC	1	74	67	60	53	46
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	18	11	4	1	1
Conifer Utility	CU	1	33	26	19	12	5
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81

TABLE 8==

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 & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

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

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes 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."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1992

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	\$506	\$499	\$492	\$485	\$478
		2	428	421	414	407	400
		3	330	323	316	309	302
		4	170	163	156	149	142
Western Redcedar ²	RC	1	664	657	650	643	636
		2	561	554	547	540	533
		3	525	518	511	504	497
		4	450	443	436	429	422
Western Hemlock ³	WH	1	292	285	278	271	264
		2	290	283	276	269	262
		3	241	234	227	220	213
		4	140	133	126	119	112
Other Conifer	OC	1	292	285	278	271	264
		2	290	283	276	269	262
		3	241	234	227	220	213
		4	140	133	126	119	112
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
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

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

²Includes Alaska-Cedar.

³Includes 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."

⁴Stumpage value per 8 lineal feet or portion thereof.

⁵Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1992**

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	\$484	\$477	\$470	\$463	\$456
		2	406	399	392	385	378
		3	334	327	320	313	306
		4	135	128	121	114	107
Western Redcedar ²	RC	1	664	657	650	643	636
		2	597	590	583	576	569
		3	513	506	499	492	485
		4	393	386	379	372	365
Western Hemlock ³	WH	1	309	302	295	288	281
		2	291	284	277	270	263
		3	267	260	253	246	239
		4	146	139	132	125	118
Other Conifer	OC	1	309	302	295	288	281
		2	291	284	277	270	263
		3	267	260	253	246	239
		4	146	139	132	125	118
Red Alder	RA	1	67	60	53	46	39
		2	67	60	53	46	39
		3	67	60	53	46	39
		4	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
		2	62	55	48	41	34
		3	62	55	48	41	34
		4	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
		2	63	56	49	42	35
		3	63	56	49	42	35
		4	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
		2	61	54	47	40	33
		3	61	54	47	40	33
		4	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
		2	30	23	16	9	2
		3	30	23	16	9	2
		4	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
		2	512	505	498	491	484
		3	512	505	498	491	484
		4	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
		2	109	102	95	88	81
		3	109	102	95	88	81
		4	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.45	0.45	0.45	0.45	0.45
		3	0.45	0.45	0.45	0.45	0.45
		4	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
		2	0.25	0.25	0.25	0.25	0.25
		3	0.25	0.25	0.25	0.25	0.25
		4	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
		2	0.50	0.50	0.50	0.50	0.50
		3	0.50	0.50	0.50	0.50	0.50
		4	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes 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."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1992**

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	\$495	\$488	\$481	\$474	\$467
		2	426	419	412	405	398
		3	419	412	405	398	391
		4	177	170	163	156	149
Western Redcedar ³	RC	1	664	657	650	643	636
		2	597	590	583	576	569
		3	539	532	525	518	511
		4	498	491	484	477	470
Western Hemlock ⁴	WH	1	298	291	284	277	270
		2	284	277	270	263	256
		3	258	251	244	237	230
		4	121	114	107	100	93

**TABLE 3—
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 Conifer	OC	1	298	291	284	277	270
		2	284	277	270	263	256
		3	258	251	244	237	230
		4	121	114	107	100	93
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes 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."
⁵Stumpage value per 8 lineal feet or portion thereof.
⁶Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1992**

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	\$483	\$476	\$469	\$462	\$455
		2	405	398	391	384	377
		3	334	327	320	313	306
		4	162	155	148	141	134
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	664	657	650	643	636
		2	567	560	553	546	539
		3	539	532	525	518	511
		4	460	453	446	439	432
Western Hemlock ⁴	WH	1	298	291	284	277	270
		2	285	278	271	264	257
		3	270	263	256	249	242
		4	192	185	178	171	164
Other Conifer	OC	1	298	291	284	277	270
		2	285	278	271	264	257
		3	270	263	256	249	242
		4	192	185	178	171	164
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33

**TABLE 4—
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
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	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 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1992**

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	\$538	\$531	\$524	\$517	\$510
		2	428	421	414	407	400
		3	355	348	341	334	327
		4	177	170	163	156	149
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	664	657	650	643	636
		2	613	606	599	592	585
		3	582	575	568	561	554
		4	426	419	412	405	398
Western Hemlock ⁴	WH	1	298	291	284	277	270
		2	285	278	271	264	257
		3	264	257	250	243	236
		4	150	143	136	129	122
Other Conifer	OC	1	298	291	284	277	270
		2	285	278	271	264	257
		3	264	257	250	243	236
		4	150	143	136	129	122
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	62	55	48	41	34
Other Hardwood	OH	1	63	56	49	42	35
Hardwood Utility	HU	1	61	54	47	40	33
Conifer Utility	CU	1	30	23	16	9	2
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	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 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1992**

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	\$358	\$351	\$344	\$337	\$330
Engelmann Spruce	ES	1	197	190	183	176	169
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	434	427	420	413	406
True Firs ⁴	WH	1	144	137	130	123	116
Western White Pine	WP	1	241	234	227	220	213
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	30	23	16	9	2
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
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 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1992**

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	\$195	\$188	\$181	\$174	\$167
Engelmann Spruce	ES	1	140	133	126	119	112
Lodgepole Pine	LP	1	131	124	117	110	103
Ponderosa Pine	PP	1	334	327	320	313	306
		2	213	206	199	192	185
Western Redcedar ³	RC	1	434	427	420	413	406
True Firs ⁴	WH	1	144	137	130	123	116
Western White Pine	WP	1	241	234	227	220	213

TABLE 7—

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
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	23	16	9	2	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ³	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
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
 July 1 through December 31, 1992

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	\$396	\$389	\$382	\$375	\$368
		2	326	319	312	305	298
		3	262	255	248	241	234
		4	107	100	93	86	79
Lodgepole Pine	LP	1	154	147	140	133	126
Ponderosa Pine	PP	1	418	411	404	397	390
		2	213	206	199	192	185
Western Redcedar ³	RC	1	622	615	608	601	594
		2	525	518	511	504	497
		3	497	490	483	476	469
		4	418	411	404	397	390
Western Hemlock ⁴	WH	1	245	238	231	224	217
		2	233	226	219	212	205
		3	219	212	205	198	191
		4	144	137	130	123	116
Other Conifer	OC	1	245	238	231	224	217
		2	233	226	219	212	205
		3	219	212	205	198	191
		4	144	137	130	123	116
Red Alder	RA	1	46	39	32	25	18
Black Cottonwood	BC	1	41	34	27	20	13
Other Hardwood	OH	1	42	35	28	21	14
Hardwood Utility	HU	1	40	33	26	19	12
Conifer Utility	CU	1	30	23	16	9	2

TABLE 8—

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 Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	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.

AMENDATORY SECTION (Amending WSR 92-02-067, filed 12/31/91, effective 1/1/92)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

- (1) No harvest adjustment shall be allowed against special forest products.
- (2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.
- (3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1992:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((January)) July 1 through ((June 30)) December 31,
1992

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	– \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	– \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	– \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	– \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	– \$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	– \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	– \$25.00
Class 2	Average log volume of less than 50 board feet.	– \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((January)) July 1 through ((June 30)) December 31,
1992

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	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	– \$18.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	– \$25.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00

Table 3—Domestic Market Adjustment

Public timber

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

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

State, and other nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. – 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington ((Administration)) 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	((– \$12.00 per MBF)) + \$0.00 per MBF
Class 2:	SVA 7	– \$0.00 per MBF

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

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-684 **TIMBER EXCISE TAX—VOLUME HARVESTED—CONVERSIONS TO SCRIBNER DECIMAL C SCALE FOR WESTERN WASHINGTON.** The following definitions, tables, and conversion factors shall be used in determining taxable volume for timber harvested that was not originally scaled by the Scribner Decimal C Log Rule. Conversion methods, other than those listed are not to be used for tax reporting purposes without prior written approval of the department.

(1) **WEIGHT MEASUREMENT.** If the original unit of measure was by weight, and the harvester has not applied for approval of sample scaling (WAC 458-40-682); the following table shall be used for converting to

Scribner Decimal C. Harvesters must keep records to substantiate the species and quality codes reported. For tax reporting purposes, a ton equals 2,000 pounds.

((Stumpage Value Areas 1, 2, 3, 4, & 5)

**BOARD FOOT WEIGHT SCALE FACTORS
(TONS/MBF)**

Quality	Species code					
	DF*	WH**	RC	RA	HU	CU
1	4.5	5.25	4.5	7.0		
2	5.0	6.0	5.0			
3	6.0	6.5	6.5			
4	6.5	7.5	7.0			
5	7.0	8.0			8.5	***
6	7.5	8.25				

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10)

**BOARD FOOT WEIGHT SCALE FACTORS
(TONS/MBF)**

Quality	Species code					
	DF*	WH**	RC	RA	HU	CU
1	5.0	6.0	4.5	7.0	8.5	***
2	6.0	6.5	5.0			
3	6.5	7.5	6.5			
4	7.5	8.25	7.0			

*Includes Douglas-fir, and Sitka Spruce.

**Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

***Contact the department for converting the weight of utility logs to Scribner volume.

(2) CORD MEASUREMENT. A cord is a measure of wood with dimensions of 4 feet by 4 feet by 8 feet (128 cubic feet).

(a) Logs with an average scaling diameter of 8 inches and larger shall be converted to Scribner volume using 400 board feet per cord. Logs having an average scaling diameter of less than 8 inches shall be converted to Scribner volume using 330 board feet per cord.

(b) A cord of Western Redcedar shake or shingle blocks shall be converted to Scribner volume using 600 board feet per cord.

(3) CANTS OR LUMBER FROM PORTABLE MILLS. To convert from lumber tally to Scribner volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet (MBF).

(4) EASTERN, WESTERN LOG SCALE CONVERSION. Timber harvested in stumpage value areas 1, 2, 3, 4, and 5 and which has been scaled by methods and procedures published in the "National Forest Log Scaling Handbook" (FSH 2409.11) shall have the volumes reported reduced by eighteen percent to reflect the difference between eastern and western scaling practices.

(5) TIMBER POLE VOLUME TABLE. Harvesters of poles in stumpage value areas 1, 2, 3, 4, and 5 shall use the

following table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	
20'	1	50	
	2	50	
	3	40	
	4	40	
	5	30	
	6	30	
	7	20	
	9	20	
	10	20	
	25'	1	60
2		60	
3		50	
4		50	
5		40	
6		40	
7		30	
9		30	
10		30	
30'		1	110
	2	70	
	3	60	
	4	60	
	5	50	
	6	50	
	7	40	
	9	40	
	35'	H2	160
		H1	160
1		130	
2		100	
3		80	
4		80	
5		60	
6		60	
7		50	
40'		H4	240(240)
	H3	200(200)	
	H2	180	
	H1	180	
	1	150	
	2	120	
	3	120	
	4	90	
	5	70	
	6	60	

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	
45'	H6	380(380)	70'	H6	650(650)	
	H5	340(340)		H5	560(560)	
	H4	340(340)		H4	560(560)	
	H3	280(270)		H3	480(480)	
	H2	230(130)		H2	400(240)	
	H1	230(130)		H1	400(240)	
	1	190(110)		1	350(210)	
	2	150		2	270(170)	
	3	120		3	230	
	4	120		4	230	
	5	90		75'	H6	700(700)
	6	90			H5	600(600)
H6	430(430)	H4	600(600)			
H5	370(370)	H3	520(520)			
H4	370(370)	H2	520(520)			
H3	300(300)	H1	520(330)			
H2	260(260)	1	440(270)			
H1	260(150)	2	290(180)			
1	210(120)	3	250			
2	160	80'	H6		820(820)	
3	140		H5		700(700)	
4	140		H4		700(700)	
5	100		H3	600(600)		
H6	470(470)		H2	600(600)		
H5	410(410)		H1	540(360)		
H4	410(410)		1	440(290)		
H3	330(330)		2	360(240)		
H2	280(160)		3	290(200)		
H1	280(160)		85'	H6	910(910)	
1	230(130)			H5	800(800)	
2	180			H4	800(800)	
3	150	H3		660(660)		
4	150	H2		660(660)		
H6	540(540)	H1		660(520)		
H5	470(470)	1		570(450)		
H4	470(470)	2		490(340)		
H3	410(410)	3		360(200)		
H2	340(210)	90'		H6	1080(1080)	
H1	340(210)			H5	930(930)	
1	290(180)			H4	930(930)	
2	220(150)		H3	820(820)		
3	190		H2	820(820)		
4	190		H1	690(560)		
H6	610(610)		1	590(480)		
H5	520(520)		2	490(420)		
H4	520(520)		3	400(210)		
H3	420(420)		95'	H6	1170(1170)	
H2	380(230)			H5	1000(1000)	
H1	380(230)			H4	1000(1000)	
1	320(190)	H3		870(870)		
2	260(160)	H2		870(870)		
3	210	H1		750(600)		
4	210	1		640(510)		
		2		540(440)		

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume by Pole Length by Pole Class ²																																																																						
100'	H6	1190(1190)	130'	H6	1920(1920)																																																																						
	H5	1030(1030)		H5	1680(1680)																																																																						
	H4	1030(1030)		H4	1680(1680)																																																																						
	H3	900(900)		H3	1490(1490)																																																																						
	H2	900(900)		H2	1490(1490)																																																																						
	H1	760(610)		H1	1310(1160)																																																																						
	1	660(530)		1	1120(990)																																																																						
2	550(450)	2	970(870)																																																																								
105'	H6	1310(1310)	¹ Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972. ² The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 Sawmill and better log grade, where applicable. (6) TIMBER PILING VOLUME TABLE. Harvesters of piling in stumpage value areas 1, 2, 3, 4, and 5 shall use the following table to determine the Scribner board foot volume for each piling length and class:																																																																								
	H5	1160(1160)																																																																									
	H4	1160(1160)																																																																									
	H3	1000(1000)																																																																									
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	1	740(600)																																																																									
2	610(510)																																																																										
110'	H6	1370(1370)				<table border="1"> <thead> <tr> <th>Piling Length</th> <th>Piling Class¹</th> <th>Total Scribner Board Foot Volume by Piling Length by Piling Class²</th> </tr> </thead> <tbody> <tr> <td rowspan="2">20'</td> <td>A</td> <td>80</td> </tr> <tr> <td>B</td> <td>70</td> </tr> <tr> <td rowspan="2">25'</td> <td>A</td> <td>100</td> </tr> <tr> <td>B</td> <td>90</td> </tr> <tr> <td rowspan="2">30'</td> <td>A</td> <td>130</td> </tr> <tr> <td>B</td> <td>110</td> </tr> <tr> <td rowspan="2">35'</td> <td>A</td> <td>130</td> </tr> <tr> <td>B</td> <td>110</td> </tr> <tr> <td rowspan="2">40'</td> <td>A</td> <td>150</td> </tr> <tr> <td>B</td> <td>120</td> </tr> <tr> <td rowspan="2">45'</td> <td>A</td> <td>150</td> </tr> <tr> <td>B</td> <td>120</td> </tr> <tr> <td rowspan="2">50'</td> <td>A</td> <td>160</td> </tr> <tr> <td>B</td> <td>140</td> </tr> <tr> <td rowspan="2">55'</td> <td>A</td> <td>180</td> </tr> <tr> <td>B</td> <td>150</td> </tr> <tr> <td rowspan="2">60'</td> <td>A</td> <td>190</td> </tr> <tr> <td>B</td> <td>160</td> </tr> <tr> <td rowspan="2">65'</td> <td>A</td> <td>210</td> </tr> <tr> <td>B</td> <td>180</td> </tr> <tr> <td rowspan="2">70'</td> <td>A</td> <td>230</td> </tr> <tr> <td>B</td> <td>190</td> </tr> <tr> <td rowspan="2">75'</td> <td>A</td> <td>230</td> </tr> <tr> <td>B</td> <td>200</td> </tr> <tr> <td rowspan="2">80'</td> <td>A</td> <td>250</td> </tr> <tr> <td>B</td> <td>210</td> </tr> </tbody> </table>		Piling Length	Piling Class ¹	Total Scribner Board Foot Volume by Piling Length by Piling Class ²	20'	A	80	B	70	25'	A	100	B	90	30'	A	130	B	110	35'	A	130	B	110	40'	A	150	B	120	45'	A	150	B	120	50'	A	160	B	140	55'	A	180	B	150	60'	A	190	B	160	65'	A	210	B	180	70'	A	230	B	190	75'	A	230	B	200	80'	A	250	B	210
	Piling Length	Piling Class ¹						Total Scribner Board Foot Volume by Piling Length by Piling Class ²																																																																			
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40'	A	150																																																																									
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45'	A	150																																																																									
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2	650(540)																																																																										
115'	H6	1440(1440)																																																																									
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	H1	960(780)																																																																									
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2	680(570)																																																																										
120'	H6	1660(1660)																																																																									
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	H1	1140(960)																																																																									
	1	970(820)																																																																									
2	820(700)																																																																										
125'	H6	1840(1840)																																																																									
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	1	1080(940)																																																																									
2	930(830)																																																																										

Piling Length	Piling Class ¹	Total Scribner Board Foot Volume by Piling Length by Piling Class ²
85'	A	260(140)
	B	210
90'	A	260(150)
	B	220
95'	A	290(150)
	B	240
100'	A	310(160)
	B	250
105'	A	330(170)
	B	270
110'	A	380(220)
	B	300(180)
115'	A	400(230)
	B	310(190)
120'	A	500(290)
	B	400(240)

¹ Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

² The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 Sawmill and better log grade, where applicable.

(7) Harvesters who wish to use a method of conversion other than those listed above must obtain written approval from the department before harvesting.

WSR 92-14-084
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed June 29, 1992, 4:35 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-125-010 (3), (19), (20) and (21), definitions; 308-125-020(2), application process to take examination; 308-125-030 (2) and (4), examination prerequisite general classification; 308-125-070(1), experience requirements; 308-125-080 (1) and (2), application for certification; 308-125-100 (1) and (2), course approval requirements; 308-125-120 (11) and (12), fees and charges; and 308-125-130 (1), (2) and (3), examination.

Purpose: To comply with federal appraisal subcommittee recommendations and regulations.

Statutory Authority for Adoption: RCW 18.140.030 (1)(14).

Statute Being Implemented: Chapter 18.140 RCW.

Summary: These proposed amendments are designed to clarify terms by further definitions and to address

changes suggested by the federal appraisal subcommittee.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, 2424 Bristol Court, Olympia, WA 98504, 753-1062.

Name of Proponent: Department of Licensing, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

Hearing Location: West Coast SeaTac Hotel, 18220 Pacific Highway South, SeaTac, WA 98188, on August 7, 1992, at 9:00 a.m.

Submit Written Comments to: Cleotis Borner or FAX (206) 586-0998, by August 6, 1992, 5:00 p.m.

Date of Intended Adoption: August 7, 1992.

June 25, 1992

Linda M. Moran
 Assistant Attorney General

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-010 DEFINITIONS. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal. Except all appraisal reports in federally related transactions are required to be written reports.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Department" means the department of licensing.

(7) "Director" means the director of the department of licensing.

(8) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(9) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(10) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(11) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(12) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(13) "College degree" means a baccalaureate degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education.

(14) "Classroom hour" means fifty minutes out of each sixty minute hour.

(15) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand five hundred hours in real estate appraisal.

(16) "Residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(17) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(18) "Associate college degree" means a degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education. The associate degree must be based upon a minimum two-year program.

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and
 (c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-020 APPLICATION PROCESS TO TAKE EXAMINATION. (1) Any person desiring to take an examination for certification as a state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) ~~((The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cut-off date for eligibility for any specific examination is available to the applicant upon request.))~~ An application and the application fee shall be valid for six months from receipt by the department. After six months, if the applicant has not met the prerequisite to sit for the certification examination, the applicant must submit a new application with the appropriate fee.

(3) Dishonored checks will be considered as an incomplete application.

(4) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-030 EXAMINATION PREREQUISITE GENERAL CLASSIFICATION. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses

in subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, ~~((no more than fifteen hundred hours may be credited in any twelve-month period))~~ a minimum of two years (twenty-four months) is required.

(3) To fulfill the experience requirement, a candidate must have at least fifteen hundred hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state certified general real estate appraiser ~~((should))~~ must include coverage of ((real estate appraisal related topics, such as)) all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-070 EXPERIENCE REQUIREMENTS. (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than fifteen hundred hours may be credited in any twelve-month period.

(2) The work product claimed for experience credit must be in conformity with the Uniform Standards of Professional Appraisal Practice or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.

(3) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(4) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/study, teacher of appraisal courses.

(5) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(6) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/81)

WAC 308-125-080 APPLICATION FOR CERTIFICATION. (1) Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, professional licensing services at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

(2) Each original and renewal certificate issued under RCW 18.140.130 shall expire on the applicant's second birthday following issuance of the certificate.

NEW SECTION

WAC 308-125-085 TEMPORARY PRACTICE. (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee and filing a notarized application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire ninety days from issuance. Licensing or certification shall not be renewed, nor shall an applicant receive more than two registrations within any twelve-month period.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-100 COURSE APPROVAL REQUIREMENTS. (1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: PROVIDED, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director; provided the courses meet the criteria of the appraiser qualifications board;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: PROVIDED, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director; provided the courses meet the criteria of the appraiser qualifications board;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: PROVIDED, That all courses offered by providers in this subdivision (b) after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-120 FEES AND CHARGES. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$175.00
(2) Examination	75.00
(3) Reexamination	75.00
(4) Original certification	100.00
* (5) Certification renewal	275.00
* (6) Late renewal penalty	35.00

Title of Fee	Fee
(7) Duplicate certificate	25.00
(8) Certification history record	25.00
(9) Application for reciprocity	175.00
(10) Original certification via reciprocity	100.00
* (11) Temporary practice	150.00
(12) Walk-in for examination	25.00

* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-130 REEXAMINATION. (1) An applicant who has ~~((failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted:~~

~~(2) An applicant who has failed the examination, or failed to appear for a scheduled examination, may walk into an examination upon payment of the reexamination and walk-in fees if there are adequate space and booklets and upon presentation of the failure notice or examination admission ticket. The failure notice or examination admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance:)) satisfied the prerequisite to sit for the certification examination must complete the examination within six months of approval date by the department.~~

~~(2) Any applicant who has passed the certification must become certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to certification.~~

~~(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid for reexamination for a period of no more than six months after date of issuance.~~

WSR 92-14-085

EMERGENCY RULES

OFFICE OF

INSURANCE COMMISSIONER

[Order R 92-6—Filed June 30, 1992, 8:54 a.m.]

Date of Adoption: June 30, 1992.

Purpose: This rule is intended to promote a strong and healthy maritime industry through the establishment of a plan ensuring the continued availability of USL&H coverage for those employers unable to purchase this essential coverage in the normal insurance market. This plan will replace a voluntary plan that expires on June 30, 1992.

Statutory Authority for Adoption: Chapter 209, Laws of 1992.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 209, Laws of 1992 requires the Insurance Commissioner adopt rules causing this plan to be formed before July 1, 1992.

Effective Date of Rule: Immediately.

June 29, 1992
 Dick Marquardt
 Insurance Commissioner
 by Allen Morrow
 Deputy Commissioner
 Rate and Form Regulation

Chapter 284-22 WAC
 USL&H ASSIGNED RISK PLAN

NEW SECTION

WAC 284-22-010 **TITLE.** These rules and regulations, adopted under the authority of chapter 209 Laws of 1992, shall be entitled the **WASHINGTON UNITED STATES LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT ASSIGNED RISK PLAN** (hereinafter referred to as "the assigned risk plan").

NEW SECTION

WAC 284-22-020 **PURPOSE.** The purposes of the assigned risk plan are:

(1) To promote a strong and healthy maritime industry, within Washington state, by ensuring the continued availability of workers' compensation coverage required by the United States Longshore and Harbor Workers' Act and maritime employers' liability coverage incidental to such workers' compensation coverage for employers who are unable to purchase it through the normal insurance market.

(2) To provide a mechanism through which the underwriting results of the assigned risk plan are shared by authorized insurers writing workers' compensation insurance within Washington state and the Washington state industrial insurance fund.

NEW SECTION

WAC 284-22-030 **EFFECTIVE DATE.** (1) The assigned risk plan shall become effective at 12:01 a.m. July 1, 1992.

(2) The assigned risk plan shall cease accepting new applicants at 12:01 a.m. July 1, 1993. However, it shall not terminate until all policies issued under the plan have expired and outstanding obligations incurred under such policies have been satisfied.

NEW SECTION

WAC 284-22-040 **TERRITORY.** The assigned risk plan shall provide coverage only for employers who are unable to purchase United States longshore and harbor workers' coverage and maritime employers' liability coverage incidental to such workers' compensation coverage for their operations within the state of Washington.

NEW SECTION

WAC 284-22-050 **DEFINITIONS.** (1) "Administrator" means any organization designated by the assigned risk plan and approved by the commissioner to

provide administrative support for the plan. Such support shall be defined by the governing committee in its operating plan. It may include, but is not limited to, acceptance, processing, and distribution of incoming applications to the servicing carrier(s), collection of and accounting for premium income, determination of assigned risk plan reserves, investment of assigned risk plan assets, collection of statistical data, actuarial assistance for rate making, development of policy contracts, and auditing the activities of servicing carrier(s) to ensure that the assigned risk plan's rules are being applied properly.

(2) "Applicant" means an employer, seeking coverage from the assigned risk plan, who has, in good faith, sought United States longshore and harbor workers' coverage from at least two of the authorized insurers writing such coverage in Washington and has been declined such coverage by all insurers from which it has sought coverage. "Applicant" does not include employers seeking coverage through the plan solely because of the lack of availability of maritime employers' liability coverage.

(3) "Authorized insurer" means any insurance company licensed to write workers' compensation insurance on a direct basis in this state.

(4) "Commissioner" means the commissioner of insurance of the state of Washington.

(5) "Governing committee" means the committee responsible for administering the assigned risk plan. It shall consist of thirteen members, who shall be appointed by the commissioner. The director of the department of labor and industries shall be one member. The remaining members shall be selected to insure equal representation of each of the following interest groups; authorized insurers writing primary or excess workers' compensation insurance, insurance producers, organized labor, and maritime employers.

(6) "Maritime employers' liability" means that liability imposed by 46 U.S.C. 688 (the Jones Act) and general maritime law for bodily injury including death of a master or member of the crew of any vessel.

(7) "Servicing carrier" means any authorized insurer designated by the assigned risk plan and approved by the commissioner and the United States Department of Labor to issue workers' compensation policies. It shall issue policies on behalf of the assigned risk plan, provide safety engineering, handle claims incurred by those covered by the assigned risk plan, provide premium audits, perform underwriting functions, and perform other duties as defined by the governing committee in its operating procedures.

(8) "State industrial insurance fund" means that entity defined in RCW 51.08.175 which provides primary workers' compensation insurance on a direct basis in this state.

(9) "Underwriting results" means the assigned risk plan's revenues less incurred claims plus net operating expenses, net of reinsurance, during its period of operation.

(10) "United States longshore and harbor workers' compensation coverage" means that workers' compensation coverage required of employers by the United States Longshore and Harbor Workers' Compensation Act, 33

U.S.C. Secs. 901 through 950. It is hereinafter referred to as USL&H coverage.

(11) "Written premium" means gross direct premiums (excluding premiums on risks written ceded to the assigned risk plan), within the state of Washington, charged during the first preceding calendar year with respect to workers' compensation insurance, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

NEW SECTION

WAC 284-22-060 PARTICIPATION. (1) Participation in the assigned risk plan is mandatory for all authorized insurers writing workers' compensation insurance in Washington state and the state industrial insurance fund. Underwriting results shall be shared by the participants in accordance with the following ratio: The state industrial insurance fund, fifty percent; authorized insurers writing USL&H coverage, forty-eight percent; and authorized insurers writing excess workers' compensation insurance, two percent.

(2) The amount of participation of each authorized insurer shall be based on the proportional share of its USL&H or excess workers' compensation premium written within Washington to all such premium written within the appropriate category during the first preceding calendar year. However, the governing committee, subject to the commissioner's approval, and subject to the requirement that the amount assumed by all insurers within each category must be as stated in subsection (1) of this section, has the authority to allocate assessments in such a fashion that no authorized insurer shall be required to participate in the plan if the amount of an assessment shall be less than fifty dollars.

(3) Each authorized insurer writing workers' compensation insurance shall by September 1, 1992, make a report to the governing committee identifying the amount of its 1991 written premium applying to USL&H coverage and the amount applying to excess workers' compensation coverage.

NEW SECTION

WAC 284-22-070 ADMINISTRATION. (1) The governing committee shall be responsible for the administration of the assigned risk plan.

(2) The committee shall meet at least once each calendar quarter. Seven members shall constitute a quorum, provided that the department of labor and industries and each of the defined interest groups must be represented.

(3) Members of the governing committee shall serve without compensation. However, each person serving on the governing committee or any subcommittee thereof shall be indemnified by the assigned risk plan for all costs and expenses actually and necessarily incurred in connection with the defense of any action, suit, or proceeding in which such person is a named party by reason of being a member of the governing committee. This indemnification shall not apply in those instances in which the person has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in

performance of his/her duties as a member of the committee.

(4) The committee shall:

(a) Select a presiding officer.

(b) Draft and submit to the commissioner for approval operating procedures for the assigned risk plan. Such procedures shall be drafted to carry out the purposes of chapter 209, Laws of 1992. These procedures shall include, but are not limited to, provisions:

(i) Defining the specific conditions under which employers become eligible for coverage.

(ii) Defining the role and functions of the administrator.

(iii) Defining the role and function of the servicing carrier(s). These roles shall include the requirement that the servicing(s) carrier file the assigned risk plan's policy forms and rates with the commissioner, on its behalf, prior to use.

(iv) Establishing specific procedures for the control of the assigned risk plan's funds. These procedures shall ensure that anyone handling funds do so responsibly.

(v) Defining standard policy forms similar to those used for USL&H and maritime employers' liability coverage in the voluntary market within Washington and requiring the use of such forms by the servicing carrier(s).

(vi) Defining how the rates to be used by the servicing carrier(s) shall be established. The procedures shall require that rates be developed in an actuarially sound manner. They must also require that the servicing carrier(s) use these rates when issuing assigned risk policies.

(vii) Establishing how an applicant's eligibility for maritime employers' liability will be determined. The procedure must provide an eligibility test to be applied at the time of acceptance of the applicant for such coverage and not upon receipt of notice of a claim.

(viii) Defining the limits of maritime employers' liability coverage to be offered by the assigned risk plan. The assigned risk plan must offer such coverage with limits up to one hundred thousand dollars per occurrence. It may provide higher limits if the governing committee deems such limits are necessary to promote its purpose.

(ix) Defining a procedure under which appeals received from applicants, persons insured, or participating insurers aggrieved by any action or decision of the assigned risk plan will be received, investigated, and resolved.

(c) Select an administrator.

(d) Select the servicing carrier(s).

(e) Retain such accounting, actuarial, clerical, professional, or other services as the committee deems necessary to operate the assigned risk plan in a sound and competent manner.

(f) Maintain separate statistics on business written by the assigned risk plan. These statistics shall be in sufficient detail to permit the committee and the commissioner to determine the financial condition of the plan when necessary. In any event, the committee shall make quarterly reports to the commissioner providing the following information:

(i) The number of applications received by the administrator.

(ii) The number of policies issued.

(iii) The amount of premiums written during the previous quarter and year-to-date.

(iv) The amount of losses incurred and paid, and allocated loss adjustment expense incurred and paid during the previous quarter and year-to-date.

(g) Initiate and carry out, with the approval of the commissioner, such interim and regular assessments of those participating in the assigned risk plan as may be necessary and reasonable for its operation in a sound and competent manner.

(h) Take such other actions as the committee considers necessary and appropriate to properly administer the activities of the assigned risk plan.

NEW SECTION

WAC 284-22-080 APPROVAL BY COMMISSIONER. (1) The commissioner shall approve the assigned risk plan's operating procedures if they provide for the fair, reasonable, and equitable administration of the assigned risk plan for all concerned.

(2) The commissioner shall approve rate and form filings made by the servicing carrier(s) on behalf of the plan using the same standards that would apply to an insurance program designed and filed with the commissioner by an authorized insurer.

(3) The commissioner shall approve the assigned risk plan's requests for interim and regular assessments upon receipt of evidence that such assessments are necessary to insure its continued operation in a sound and competent manner.

NEW SECTION

WAC 284-22-090 RIGHT OF APPEAL. Any applicant, person insured under the plan, or participating insurer, aggrieved by a ruling or decision of the plan shall have a right to appeal such decision to the commissioner. Appeals to the commissioner under this program shall in all other respects not set forth herein, be handled in accordance with chapters 48.04 and 34.05 RCW.

WSR 92-14-086

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 30, 1992, 10:24 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-18-220 Refunds—Rate of interest.

Purpose: To comply with the statute and provide current and past interest rates to be applied to refunds of property taxes.

Statutory Authority for Adoption: RCW 84.08.010 and 84.69.100.

Statute Being Implemented: RCW 84.69.100.

Summary: The rate of interest applicable to property tax refunds is specifically stated.

Reasons Supporting Proposal: Annually required by statute.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

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 is to set rates for interest on refunds of taxes. The rule imposes no burden on taxpayers.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): The proposed rule does not impose a performance burden on a taxpayer resulting in an economic impact.

Hearing Location: Evergreen Plaza Building, Revenue 3rd Floor Conference Room #304, 711 Capitol Way South, Olympia, WA, on August 4, 1992, at 9:30 a.m.

Submit Written Comments to: James Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, by August 4, 1992.

Date of Intended Adoption: August 11, 1992.

June 29, 1992

William N. Rice

Assistant Director

AMENDATORY SECTION (Amending WSR 91-15-024, filed 7/11/91, effective 8/11/91)

WAC 458-18-220 REFUNDS—RATE OF INTEREST. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid or the claim for refund is filed, whichever is later. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

(Effective dates	Rate	Percent
Prior to July 25, 1987		(5.0%)
July 25, 1987 through December 31, 1987	.0585	(5.85%)
January 1, 1988 through December 31, 1988	.0568	(5.68%)
January 1, 1989 through December 31, 1989	.0671	(6.71%)
January 1, 1990 through December 31, 1990	.0763	(7.63%)
January 1, 1991 through December 31, 1991	.0760	(7.60%)

Year tax paid (chapter 84.68 RCW); Year tax paid or claim filed (whichever is later) (chapter 84.69 RCW)	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%

WSR 92-14-087
EMERGENCY RULES
BASIC HEALTH PLAN
 [Filed June 30, 1992, 11:46 a.m.]

Date of Adoption: June 30, 1992.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order: Amending chapter 55-01 WAC.

Statutory Authority for Adoption: RCW 70.47.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: WAC 55-01-020 was changed to accommodate benefit revisions as stated in ESHB 2470, section 908, chapter 232, Laws of 1992. The changes have been made effective July 1, 1992, and therefore, WAC 55-01-020 has been filed as an emergency rule. The revisions as stated in ESHB 2470, section 908, chapter 232, are as follows: "...However, for the period ending June 30, 1993, with respect to coverage for groups of subsidized enrollees, the administrator shall not contract for prenatal or postnatal services that are provided under the medical assistance program under chapter 74.09 RCW except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992..."; and WAC 55-01-050 and 55-01-060 were changed to accommodate revisions as stated in RCW 70.47.110. The revisions are as follows: "...The administrator shall seek to determine which enrollees or prospective enrollees may be eligible for medical care under chapter 74.09 RCW and may require these individuals to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the plan...". "Effective date—1991 1st sp.s. c 4: See note following RCW 70-47-030.", which reads: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991."

Effective Date of Rule: Immediately.

June 30, 1992
 Gary L. Christenson
 Director

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-020 SCHEDULE OF BENEFITS.

(1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the plan and payment of required copayments. However, for the period beginning July 1, 1992, and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in the plan, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

(4) Subscribers will be given written notice by the plan of any planned revisions to the benefit package and the accompanying premiums, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.

AMENDATORY SECTION (Amending WSR 89-22-014, filed 10/24/89, effective 11/24/89)

WAC 55-01-050 ENROLLMENT IN THE PLAN. (1) Any individual applying for enrollment in the plan must complete and submit the plan's application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the

child's parent or legal guardian, who shall also be held responsible by the plan for payment of premiums due on behalf of the child.

(2) Each applicant shall complete and sign the application for enrollment, listing family members to be enrolled and supplying such other information as required by the plan. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a copy of their most recent federal income tax form. Income documentation shall be required for all income-earning family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address. (c) The plan may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the plan. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system. No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by the plan within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the plan in the order in which their completed applications, including all required documentation, have been received by the plan, provided that the applicant also remits full payment of the first premium bill to the plan by the due date specified by the plan.

(6) Not all family members are required to apply for enrollment in the plan; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member.

Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the plan within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the plan, will be enrolled on the first of a month following completion of the enrollment process by the plan, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the plan.

(7) Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (b) coverage by another health care benefits program may not reenroll in the plan for a period of twelve months from the effective date of disenrollment. An enrollee who disenrolls because of ineligibility due to an increase in gross family income may reenroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may reenroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be reenrolled in the plan, that person must complete a new application for enrollment and must be determined by the plan to be otherwise eligible for enrollment as of the date of application.

(8) The plan may require any enrollee or applicant for enrollment in the plan who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the plan.

(9) Once every six months, the plan will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. At recertification, enrollees will be required to report their gross family income for the most recent complete calendar month as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the plan within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility.

AMENDATORY SECTION (Amending Order 89-001, filed 2/16/89)

WAC 55-01-060 DISENROLLMENT FROM THE PLAN. (1) An enrollee may disenroll effective the first day of any month by giving the plan at least ten days prior written notice of the intention to disenroll. Reenrollment in the plan shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from the plan.

(2) The plan may disenroll any enrollee from the plan for good cause, which shall include: Failure to meet the eligibility requirements set forth in WAC 55-01-040; loss of eligibility; nonpayment of premium; repeated failure to pay copayments in full on a timely basis; failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; failure to apply when such application is required by the plan to the department of social and health services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; fraud or abuse (including but not limited to serious misconduct); intentional misconduct; and refusal to accept or follow procedures or treatment determined by a participating provider to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the plan that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. The plan shall provide the enrollee with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits a grievance to the plan contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the plan's grievance procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due, and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any applicant for enrollment in the plan who knowingly provides false information to the plan or to a participating managed health care system may be disenrolled by the plan and may be held financially responsible for any covered services obtained from the plan. The

administrator may apply other available remedies as well.

WSR 92-14-088
PERMANENT RULES
BASIC HEALTH PLAN
 [Filed June 30, 1992, 11:52 a.m.]

Date of Adoption: June 30, 1992.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order: Amending chapter 55-01 WAC.

Statutory Authority for Adoption: RCW 70.47.050.

Pursuant to notice filed as WSR 92-09-157 on April 22, 1992.

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

June 30, 1992

Gary L. Christenson
 Director

AMENDATORY SECTION (Amending Order 89-002, filed 5/17/89)

WAC 55-01-010 DEFINITIONS. The following definitions apply throughout these rules.

(1) "Administrator" means the Washington basic health plan administrator.

(2) "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.

(3) "Copayment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system or health care provider, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.

(4) "Covered services" means those services and benefits to which an enrollee is entitled, under the certificate of coverage issued by the plan to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

(5) "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty-three and (i) is a full-time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on-farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).

(6) "Effective date of enrollment" means the first date, as established by the plan, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the plan, and for whom applicable premium payments have been made.

(8) "Family" means an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependent children. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(9) "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(10) "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.

(11) "Gross family income" means the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan. (a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits. (b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means total cash receipts before taxes from all sources, with the exceptions noted below. (i) Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including aid to families with dependent children, supplemental security income, emergency assistance money payments, and non-federally-funded general assistance or general relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. (ii) Income does not include the following types of money received: Capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; tax refunds, gifts, loans,

lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation). Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance. (c) "Income" shall not include income earned by dependent children, nor shall it include income of a family member who resides in another household when such income is not available to those family members seeking enrollment in the plan. (d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.)

(12) "Managed health care system" (or "MHCS") means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(13) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(14) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their membership from one participating managed health care system to another. There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.

(15) "Participating," when referring to a managed health care system, means one that has entered into a contract with the plan to provide covered services to enrollees. When referring to a health care provider, "participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

(16) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber makes to the plan on behalf of the subscriber and family dependents in consideration for enrollment in the plan.

(17) "Provider" or "health care provider" means a health care professional or institution duly licensed and

accredited to provide covered services in the state of Washington.

(18) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that MHCS.

(19) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.

(20) "Service area" means the geographic area served by a participating managed health care system as defined in its contract with the plan.

(21) "Site" means a geographic area designated by the plan in which one or more participating managed health care systems are offered to enrollees for selection.

(22) "Subscriber" means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.

(23) "Subsidy" means the difference between the rate paid by the administrator (~~from funds appropriated from the basic health plan trust account;~~) to a managed health care system on behalf of an enrollee and the enrollee's premium responsibility.

(24) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.

AMENDATORY SECTION (Amending Order 89-001, filed 2/16/89)

WAC 55-01-030 PREMIUMS AND COPAYMENTS. (1) Each subscriber shall be responsible for paying a monthly premium to the plan, on behalf of the subscriber and all family dependents, according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan. The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. ~~((A description of the premium schedule and an estimate of amounts due will accompany the benefits description and application for enrollment provided to applicants.))~~ A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.

(2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to the plan, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to the plan. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.

(3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by the plan unless the premium bill is paid in full by the due date specified on the bill. Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.

(4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with the plan, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as nonpayment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.

(5) Enrollees shall be responsible for paying any required copayment directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service. Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).

WSR 92-14-089
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Filed June 30, 1992, 12:10 p.m.]

Original Notice.

Title of Rule: Mortgage paper securities.

Purpose: Amendments to provisions of chapter 460-33A WAC are proposed to enhance investor protection, clarify certain portions of the chapter, provide more logical organization of the chapter, and to make compliance with the chapter less burdensome.

Other Identifying Information: Chapter 460-33A WAC.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Reasons Supporting Proposal: See Purpose above and Explanation of Rules below.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, Securities Examiner, 405 Blake Lake Boulevard, 753-6928; Implementation: Jack L. Beyers, Securities Administrator, 405 Black Lake Boulevard, 753-6928; and Enforcement: Toby Washington, Assistant Director, 405 Black Lake Boulevard, 753-1749.

Name of Proponent: Department of Licensing, Securities Division, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 460-33A-015 Definitions, has been amended to delete the definition for "liquid assets" and to include definitions for "financial institutions" and "construction loans". The "liquid assets" definition was deleted because the liquid assets test has been removed from WAC 460-33A-040. The "financial institution" definition has been removed from WAC 460-33A-050 in order to locate all definitions in a single section. The "construction loan" definition has been added to help clarify the meaning of WAC 460-33A-035(1); WAC 460-33A-017 Registration not required, has been amended to state that securities exempt from registration pursuant to RCW 21.20.310 and transactions exempt from registration pursuant to RCW 21.20.320 need not be registered pursuant to chapter 460-33A WAC. This section formerly enumerated various exemptions from registration which were duplicative of provisions found in the exempt securities and exempt transactions sections of the Securities Act. Much of the language formerly found in WAC 460-33A-017(6), which discussed the availability of the RCW 21.20.320(5) exemption, has been moved to WAC 460-44A-075. Chapter 460-44A WAC is the chapter which discusses exempt transactions and it is believed that the placement of the 460-33A-017(6) language in this chapter will provide for a more logical organization; WAC 460-33A-020, Optional registration procedures for mortgage paper securities, has been amended to provide better organization. The financial statement requirements are now contained in one subparagraph instead of being split into two different subparagraphs.

The paragraphs concerning the contents and filing of the general and specific offering circulars have been deleted. WAC 460-33A-025 and 460-33A-030 which discusses the general and specific offering circulars respectively have been amended where necessary to include the deleted information; WAC 460-33A-025 Contents of the general offering circular, has been amended to state that a circular shall be in the format prescribed by the securities administrator and shall include all information required by the format; WAC 460-33A-030 Contents and filing of the specific offering circular, has been amended to indicate that the form and content of a specific offering circular and its accompanying exhibits shall be prescribed by the administrator. Registrants have previously been required to file each specific offering circular prior to distribution to potential investors. The amended provision requires the registrant to undertake to furnish the administrator with the specific offering circular and required exhibits upon request. It further states that if such a request is made prior to the distribution of a specific offering circular to prospective investors, the registrant must refrain from distribution pending review and approval by the administrator; WAC 460-33A-035 Limitations on the use of optional registration, has been amended in several ways. WAC 460-33A-035(1) has been amended to clarify the prohibition on construction loans. Offerings involving construction loans are not allowed unless the loan to value ratio, has determined utilizing the current value of the property, without considering future improvements, is within the loan to value limits established by WAC 460-33A-035(7). WAC 460-33A-035(4) has been amended to allow the participation of up to 25 investors on loans of at least \$100,000 where only first liens are involved. Previously, the registrant had to apply to the administrator each time it wished to sell participations to more than ten investors. WAC 460-33A-035(5) has been amended to allow the sale of loans secured by real property outside this state if the general offering circular discloses all material facts concerning the relevant laws of the state in which the real property is situated and contains a risk factor discussing the risks in investing in out-of-state real estate. WAC 460-33A-035 (7)(c) has been amended to provide an explanation of the term "unimproved property." WAC 460-33A-035(8) has been amended to delete the language discussing the right of participation holders. That discussion had been moved and expanded upon in subsections (9), (10), and (11). WAC 460-33A-035(9) is essentially a new section which discusses the rights of the investors to approve various actions taken on their behalf. In general, investors holding a majority percentage of the unpaid dollar amount of the note have the right to approve transactions which effect the collateral or essential terms of the loan. WAC 460-33A-035(10) limits the powers of the servicing agent under a power of attorney agreement to essentially ministerial actions concerning such things as escrow instructions, substitution of investors, and deed releases upon the receipt of appropriate payment. WAC 460-33A-035(11) is a new subsection which specifically states that the investors holding a majority percentage of the unpaid dollar amount of the loan may remove the servicing agent.

WAC 460-33A-035(12) now contains the language formerly found in subsection (9); WAC 460-33A-040 Net worth or bond requirement, has been amended to substitute a tangible net worth test for the net liquid asset test as one of the means by which a company can demonstrate the financial strength to be a mortgage broker-dealer. A net worth test is consistent with the requirements imposed on other broker-dealers. Issuers still have the option of obtaining a \$50,000 surety bond to satisfy this section; WAC 460-33A-055 Escrow account, has been amended to allow the use of escrow agents other than financial institutions or escrow companies registered pursuant to chapter 18.44 RCW if those agents are acceptable to the administrator and are independently audited or examined to the administrator's satisfaction on a regular basis. It is anticipated that this revision will allow issuers flexibility in complying with the escrow account requirements; WAC 460-33A-105 Appraisals, has been amended to indicate the location of the Certified Real Estate Appraiser Act in the Revised Code of Washington (chapter 18.140 RCW). This section has also been amended to delete the requirement of filing the consent of the appraiser with the administrator and provides for such consents to be kept on file by the mortgage broker/dealer; WAC 460-33A-115 Books and records, has been amended to correct an apparent typographical error in subsection (1); WAC 460-33A-125 Notice of changes by mortgage brokers/dealers, has been amended to clarify that the mortgage broker/dealer must promptly amend its registration materials upon the occurrence of any material change; and as noted above, WAC 460-33A-050 Banks and financial institutions, has been repealed in connection with the inclusion of a new definition of "financial institution" in WAC 460-33A-015.

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

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

Hearing Location: 405 Black Lake Boulevard, Olympia, WA 98502, on August 7, 1992, at 10:00.

Submit Written Comments to: Jack L. Beyers, Securities Administrator, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, by August 6, 1992.

Date of Intended Adoption: August 21, 1992.

June 30, 1992

Tobias Washington, Jr.

Assistant Director

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

WAC 460-33A-015 DEFINITIONS. As used in this chapter:

(1) ~~((1))~~ "Liquid assets" means cash and other nonpledged assets which are convertible into cash within a five-day period in the normal course of business:

(2) "Mortgage broker-dealer" means a person who is defined as a "broker-dealer" in RCW 21.20.005(3) and who effects transactions in mortgage paper securities registered under the provisions of this chapter.

(3) "General offering circular" means a disclosure document that gives a general description of what is involved in the purchase of mortgage paper securities and the business of offering the mortgage paper securities including a description of the mortgage broker-dealer.

~~((4))~~ (3) "Mortgage salesperson" means a person other than a mortgage broker-dealer who is defined as a "salesperson" in RCW 21.20.005(2) and who represents a mortgage broker-dealer in effecting offers or sales of mortgage paper securities registered under the provisions of this chapter.

(5) "Mortgage paper securities" means notes and bonds, or other debt securities secured by mortgages or trust deeds on real or personal property or by a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing, including any guarantee of or interest in the foregoing.

~~((6))~~ (5) "Specific offering circular" means a disclosure document describing the specific mortgage paper securities offering, which is meant to accompany the general offering circular.

(6) "Financial institution" means any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company, or other similarly regulated financial institution, or holding company for any of the foregoing.

(7) "Construction loan" means a loan in which twenty-five percent or more of the loan proceeds will be used to fund future improvements to real estate securing the loan.

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

WAC 460-33A-017 REGISTRATION NOT REQUIRED. ~~((Each of the following))~~ Securities exempt from registration pursuant to RCW 21.20.310 and transactions exempt from registration pursuant to RCW 21.20.320 need not be registered under the rules of this chapter:

Note: Persons intending to rely upon RCW 21.20.320(5) should consult WAC 460-44A-075.

~~((1))~~ Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer:

(2) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, any federal savings bank, or any bank, savings bank, or trust company organized or supervised under the laws of any state:

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, federal savings bank, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state:

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state:

(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state:

(6) Any transaction in a note or bond secured by real property that is exempted under RCW 21.20.320(5); PROVIDED, That a transaction shall not be deemed to be within the exemption granted by RCW 21.20.320(5) if any of the following services are offered or included by the mortgage broker-dealer or its affiliates:

(a) Guarantying the note or contract against loss at any time; or

(b) Guarantying that payments of principal or interest will be paid; or

(c) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance; or

(d) Guarantying a specific yield or return on the note or contract; or

(e) Paying any interest or premium by the mortgage broker-dealer for a period prior to actual purchase and delivery of the note or contract; or

(f) Paying any money other than that collected from the borrower after the note or contract falls into arrears; or

(g) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program; or

(h) Promising the investor a market for the resale of the mortgage paper securities;)

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-020 OPTIONAL REGISTRATION PROCEDURES FOR MORTGAGE PAPER SECURITIES. ((+)) An applicant for registration of a mortgage paper securities offering may elect to register the offering under the rules of this chapter in lieu of following the registration procedure for debt securities under the Securities Act of Washington. Registration under this chapter requires the filing of a registration application as prescribed by the director of the department of licensing accompanied by the following:

- ((+)) (1) The general offering circular;
- ((+)) (2) A sample specific offering circular;
- ((+)) (3) The mortgage paper escrow and trust agreement;
- ((+)) (4) The mortgage paper service agreement;
- ((+)) (5) The mortgage broker-dealer's articles of incorporation and bylaws or articles of organization;
- ((+)) (6) Sample documents to include any note, bond, mortgage, deed of trust, master deed of trust, real or personal property contract, indenture, guaranty, or other such instrument;
- ((+)) (7) The financial statements of the mortgage broker-dealer, including a balance sheet, profit and loss statement, and statement of ((changes in financial position)) cash flow as set forth in RCW 21.20.210(14). Pursuant to RCW 21.20.210 (14)(c), if the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of filing of the mortgage paper securities offering, exceed five hundred thousand dollars, said financial statements shall be audited. If such proceeds exceed seven hundred fifty thousand dollars, said financial statements for the previous two fiscal years shall be audited;
- ((+)) (8) The subscription and acknowledgement agreements;
- ((+)) (9) An opinion of counsel, if requested, on the legality and validity of the mortgage paper securities being issued;
- ((+)) (10) An opinion of counsel, if requested, regarding the application of the usury laws to the mortgage paper securities being offered;
- ((+)) (11) Such other information as the director may prescribe or request.

~~((2) The securities division will examine the mortgage paper securities general offering circular for disclosure of material facts involving the purchase of the mortgage paper securities, for disclosure of the general description of the business of the mortgage broker-dealer and for the compliance with the applicable rules of this chapter.~~

~~(3) The securities division will examine the sample and actual specific offering circular for disclosure of material facts concerning specific mortgage paper securities offerings. Copies of the specific offering circulars to be given to each offeror shall be filed with the securities division at least five business days before they are given to investors or as otherwise required by the securities administrator.~~

~~(4) If the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of the filing of the mortgage paper securities offering, exceed five hundred thousand dollars, the financial statements of the mortgage broker-dealer in subsection (1)(g) of this section shall be audited as required by RCW 21.20.210 (14)(c).)~~

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-025 CONTENTS OF THE GENERAL OFFERING CIRCULAR. (1) ~~((This registration shall provide for disclosure of all material facts which shall include the sections enumerated in the general offering circular form prescribed by the administrator of securities.))~~ The general offering circular shall be in a format prescribed by the administrator of securities and shall include all information required by the format.

(2) The general offering circular shall set forth the minimum suitability standards for investors as provided in WAC 460-33A-031.

(3) The general offering circular must state that purchases of mortgage paper securities may be made only by check payable to the mortgage broker-dealer's escrow account.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-030 CONTENTS AND FILING OF THE SPECIFIC OFFERING CIRCULAR. ~~((The specific offering circular shall provide for disclosure of all material facts and shall contain at least the applicable sections enumerated in the specific offering circular~~

~~form prescribed by the administrator of securities.))~~ The form and content of the specific offering circular and accompanying exhibits shall be prescribed by the administrator. In registering mortgage paper securities pursuant to this chapter, the registrant undertakes to furnish the specific offering circulars and required exhibits to the administrator for review upon request. If such a request is made prior to the distribution of a specific offering circular to prospective investors, the registrant must refrain from such distribution pending review and approval by the administrator.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-035 LIMITATIONS ON THE USE OF OPTIONAL REGISTRATION OF THIS CHAPTER. The following types of securities cannot be offered or sold under the rules of this chapter unless written permission is obtained from the administrator based upon a showing that the investors will be adequately protected:

(1) Offerings involving construction loans may not be sold using the rules of this chapter unless the loan to value ratio, as determined utilizing the current value of the property without considering future improvements, is within the limits established by subsection (7) of this section.

(2) Offerings involving the mortgage broker-dealer, its officers, agents, affiliates, and persons controlling the mortgage broker-dealer or affiliates may not be sold as part of the optional registration of the rules of this chapter unless the registration with the administrator includes a full description of these transactions. An offering "involves" the persons listed where the person is the owner, the borrower, or has an interest in the proceeds other than fees, commissions, or mark-ups.

(3) Offerings involving documents reserving the right to subordinate the position of any investor to any mortgage, trust deed or lien created at or after the sale.

(4) Offerings involving pooling or participations involving more than ten investors may not be sold under the optional registration of the rules of this chapter. However, where only first liens are involved and the note amount equals or exceeds one hundred thousand dollars, the registrant may ~~((apply for a modification to allow sales))~~ sell to up to twenty five investors. A husband and wife and their dependents may be counted as one investor.

(5) Offerings in which the real property or other collateral securing the notes, bonds or obligations is not within this state unless the general offering circular contains disclosure of all material facts concerning the relevant laws of the state in which the real property is situated and a risk factor discussing the risks of investing in out-of-state real estate.

(6) Offerings involving notes, bonds, or obligations secured by a single mortgage, deed of trust or real estate contract or a single group of mortgages, deeds of trust or real estate contracts that are not identical in their underlying terms, including the right to direct or require foreclosure, rights to and rate of interest, and other incidents of being a lender, and the sale to each purchaser or investor is not upon the same terms; provided however, an offering may be subject to adjustment for the face or principal amount or percentage interest purchased and for interest earned or accrued.

(7) Offerings in which the aggregate principal amount of the notes, bonds or obligations sold, together with the unpaid principal amount of any encumbrances upon the real property senior thereto, exceed the following percentages of the current market value (as determined by WAC 460-33A-105) of the real property:

- (a) Single-family residences - eighty percent.
- (b) Commercial and income-producing properties - seventy percent.
- (c) Unimproved property which has been zoned for commercial or residential development - fifty percent. For purposes of this section, "unimproved property" includes real property with structures that cannot be legally occupied, do not substantially conform with the appraisal of the property prepared pursuant to WAC 460-33A-105, or otherwise lack the functional attributes or basic amenities customarily found in the type of structures in question.
- (d) Other real property - forty percent.

(8) Offerings involving real estate paper in which a default in any note, bond or obligation will not be a default in all notes, bonds or obligations concerning a specific loan ~~((and in which the holders of fifty percent or more of the unpaid dollar amount of the notes, bonds or obligations cannot determine and direct the actions to be taken on behalf of all holders in the event of default or with respect to other matters requiring the direction or approval of the holders or designation of~~

a broker, servicing agent or other person to act on the holders' behalf).

(9) Offerings in which the following actions may be taken on behalf of the investors without the consent of investors holding a majority percentage of the unpaid dollar amount of notes, bonds, or obligations cannot:

(a) Consenting to the sale or transfer by the borrower of the collateral securing the loan;

(b) Approving any modification to the loan which decreases the rate of interest payable to the investors;

(c) Deferring or forgiving the payment of any principal or interest;

(d) Making any agreements concerning the release, substitution, or exchange of any collateral, or any portion of the collateral, for the loan;

(e) Entering into any agreement to reduce the principal amount of the loan (except for actual payments of principal);

(f) Making any concession with respect to compliance with any material obligations imposed by the instruments evidencing or securing the loan; or

(g) Extending or renewing the loan.

(10) Loans in which investors are required to designate the servicing agent as their attorney-in-fact with respect to documents and instruments, other than those described below, which would otherwise require signing or other action by the investors:

(a) Escrow instructions concerning the closing and collection of the loan;

(b) Instruments necessary to substitute investors; and

(c) Partial or full satisfaction or release of the deed of trust or other security instrument pursuant to the provisions of the deed of trust or security agreement upon receipt of the appropriate payment.

(11) Offerings in which the investors holding a majority percentage of the unpaid dollar amount of any loan may not remove the servicing agent.

(12) A registrant requesting a modification under this section must request it in writing and must provide satisfactory evidence that the interest of the public will be adequately protected.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-040 (~~NET LIQUID ASSETS OR~~) **NET WORTH OR BOND REQUIREMENT.** (1) All persons and entities meeting the definition of a mortgage broker-dealer must meet and maintain one of the following at all times:

(a) ((Minimum net liquid assets of twenty-five thousand dollars, to be maintained at all times:

(i) To calculate the twenty-five thousand dollars, total all liquid assets then subtract from that all current liabilities;

(ii) The mortgage broker-dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director)) A minimum tangible net worth, as determined by generally accepted accounting principles, of the greater of one hundred thousand dollars or ten percent of the amount of securities registered pursuant to this chapter up to a maximum of one million dollars; or

(b) ((A minimum net worth of \$1,000,000 or more as determined by generally accepted accounting principles; or

(c)) File a surety bond in the face amount of fifty thousand dollars satisfactory to the securities administrator; or

((d)) (c) In the event the mortgage broker-dealer and any affiliate does not handle the funds of lenders and borrowers, minimum tangible net ((liquid assets)) worth of five thousand dollars, as determined ((m (a) of this subsection, to be maintained at all times)) by generally accepted accounting principles.

(2) Mortgage broker-dealers failing to ((meet)) maintain the above mentioned minimum net ((liquid assets)) worth must inform the securities division of such failure within seventy-two hours at which time all sales of securities must be suspended.

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

WAC 460-33A-055 **ESCROW ACCOUNT.** (1) All funds received from lenders or investors to purchase mortgage paper securities shall be deposited within forty-eight hours of receipt in an escrow account acceptable to the administrator. The escrow account shall be maintained in a financial institution as set forth in WAC ((460-33A-050(2) or)) 460-33A-015(6), with an ((independent)) escrow agent

registered under chapter 18.44 RCW, or with some other independent escrow agent acceptable to the administrator. The entity acting as the escrow agent must be independently audited or examined, in a manner acceptable to the administrator, on a regular basis. All checks by which purchases or investments are made shall be made payable to the escrow account. All necessary disbursements shall be made from the escrow account. No person acting as a mortgage broker-dealer or his agent shall accept any purchase or investment funds for mortgage paper securities in advance of the time necessary to fund the loan transaction. No such fund shall be maintained in such account for longer than sixty days without disbursing the funds and the escrow agreement must provide that funds maintained in such account shall be returned to the investor on the sixty-first day from deposit in the account. No interest earned on escrow account funds shall be paid to the mortgage broker-dealer or its affiliates. The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

(2) The escrow agreements shall provide that the funds will not be subject to the mortgage broker-dealer's creditors.

(3) The account shall be subject to an audit at any reasonable time by the securities division.

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

WAC 460-33A-105 **APPRAISALS.** (1) An appraisal of each parcel of real property or other property which secures or relates to a transaction subject to the provisions of this chapter shall be made by an independent appraiser. The appraisal shall be kept on file by the mortgage broker-dealer for four years.

(2) The appraisal shall reflect the value of the property on an "as is" not an "as built" basis.

(3) The appraisal shall conform to the following requirements:

(a) The appraisal shall be prepared by a competent, independent appraiser acceptable to the administrator; and

(b) ((Effective July 1, 1990;)) The appraiser shall be appropriately licensed or certified in conformance with the Certified Real Estate Appraiser Act, chapter ((414, Laws of 1989)) 18.140 RCW.

(4) An appraisal made within the twelve-month period prior to the sale of the mortgage paper security is sufficient.

(5) The written consent of any appraiser who is named as having prepared an appraisal in connection with the mortgage paper securities offering shall be ((filed with the securities administrator)) kept on file by the mortgage broker-dealer.

(6) In lieu of the appraisal required by this section, the mortgage broker-dealer may elect to rely on the most recent tax assessment valuation of each parcel of real property.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-115 **BOOKS AND RECORDS.** Each mortgage broker-dealer shall make and keep current in this state the following books and records relating to his business:

(1) A file for each loan which the mortgage broker-dealer has funded through sales of mortgage paper, which ((a)) file shall contain the following:

(a) A copy of each appraisal or tax assessment valuation required by WAC 460-33A-105;

(b) Copies of all documents of title representing current interests in the real property securing the loan;

(c) Copies of title insurance policies and any other insurance policies on the real property securing the loan;

(d) The acknowledgement of receipt by each investor of the specific and general offering circulars;

(e) The subscription agreement for each investor;

(f) A copy of the investor suitability questionnaire for each investor;

(g) The specific offering circular for the offering;

(h) All correspondence with investors relating to the loan;

(i) The loan application of the borrower and all supporting documents such as the credit report on the borrower;

(j) Copies of all service agreements with investors relating to the loan;

(k) Copies of the escrow instructions relating to the loan.

(2) A file for each loan for which the mortgage broker-dealer is soliciting funds through the sale of mortgage paper, which file shall contain the same items required under subsection (1) of this section except

for those items which are not yet available because the mortgage paper has not yet been sold.

(3) A file containing copies of all service agreements required under WAC 460-33A-065.

(4) Ledgers (or other records) reflecting all assets, liabilities, income, expense, and capital accounts.

(5) Ledgers, accounts (or other records) itemizing separately each cash account of every customer including, but not limited to, all funds in the mortgage broker's escrow and trust account, all proceeds of sale, refinancing, foreclosure, or similar transaction involving the real or personal property securing a loan funded by sales of mortgage paper, and all moneys collected from the borrower on behalf of the investors.

(6) A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of net liquid assets as of the trial balance date pursuant to WAC 460-33A-040. Such trial balances and computations shall be prepared currently at least once a month.

(7) A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

(a) His name, address, social security number, and the starting date of his employment or other association with the broker-dealer.

(b) His date of birth.

(c) The educational institutions attended by him and whether or not he graduated therefrom.

(d) A complete, consecutive statement of all his business connections for at least the preceding ten years, including his reason for leaving each prior employment, and whether the employment was part time or full time.

(e) A record of any denial of a certificate, membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that he was a cause of any disciplinary action or had violated any law.

(f) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which he was associated in any capacity when such action was taken.

(g) A record of any permanent or temporary injunction entered against him or any broker-dealer with which he was associated in any capacity at the time such injunction was entered.

(h) A record of any arrests, indictments or convictions for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject.

(i) A record of any other name or names by which he has been known or which he has used.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-125 NOTICE OF CHANGES BY MORTGAGE BROKER-DEALERS. (1) Each mortgage broker-dealer shall, upon any material change in the information contained in its application for ~~((a certificate (other than financial information contained therein)))~~ registration promptly file an amendment to such application setting forth the changed information (and in any event within thirty days after the change occurs).

(2) Each mortgage broker-dealer shall notify the administrator of the employment of any new agent in Washington and of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed by submitting a completed NASD Form U-4 to the administrator or the administrator's designee within twenty-one days after the event occurs.

(3) Each mortgage broker-dealer shall notify the administrator of the termination of employment of any agent in Washington by submitting a completed NASD Form U-5 to the administrator or the administrator's designee, within thirty days after the event occurs.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-33A-050 BANKS AND FINANCIAL INSTITUTIONS.

WSR 92-14-090
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Filed June 30, 1992, 12:13 p.m.]

Original Notice.

Title of Rule: Definition of real estate mortgages when "offered and sold as a unit."

Purpose: In conjunction with proposed amendments to chapter 460-33A WAC, this section is amended to place all regulatory interpretations of RCW 21.20.320 (5)(c) in one section.

Other Identifying Information: WAC 460-44A-075.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Formerly, both WAC 460-33-017(6) and 460-44A-075 contained interpretations of RCW 21.20 (5)(c) [21.20.320 (5)(c)], a section concerning exempt transactions. WAC 460-33A-016(6) has been deleted and consolidated with WAC 460-44A-075.

Reasons Supporting Proposal: Chapter 460-44A WAC is the chapter that discusses exempt transactions. Practitioners seeking elaboration on RCW 21.20.320, exempt transactions naturally turn to chapter 460-44A WAC not chapter 460-33A WAC.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, Securities Examiner, 405 Black Lake Boulevard, 753-6928; **Implementation:** Jack L. Beyers, Securities Administrator, 405 Black Lake Boulevard, 753-6928; and **Enforcement:** Toby Washington, Assistant Director, 405 Black Lake Boulevard, 753-1749.

Name of Proponent: Department of Licensing, Securities Division, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The interpretation of RCW 21.20.320 (5)(c) formerly found in WAC 460-33A-017(6) has been moved to and consolidated with WAC 460-44A-075, which interprets the same statute. By consolidating the interpretation in chapter 460-44A WAC, the chapter that deals with exempt transactions, practitioners will be able to more easily locate the interpretation of RCW 21.20.320 (5)(c).

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: 405 Black Lake Boulevard, Olympia, WA 98502, on August 7, 1992, at 10:00.

Submit Written Comments to: Jack L. Beyers, Securities Administrator, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, by August 6, 1992.

Date of Intended Adoption: August 21, 1992.
 June 30, 1992
 Tobias Washington, Jr.
 Assistant Director

WSR 92-14-092
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Optometry)
 [Filed June 30, 1992, 2:42 p.m.]

AMENDATORY SECTION (Amending Order SDO-37-80, filed 3/19/80)

WAC 460-44A-075 DEFINITION OF REAL ESTATE MORTGAGES WHEN "OFFERED AND SOLD AS A UNIT." A bond or other evidence of indebtedness secured by a mortgage, deed of trust or agreement of sale, (~~is not "offered and sold as a unit" within the meaning of section RCW 21.20.320(5), if it is part of an offering including other bonds or evidences of indebtedness secured by interests in real or personal property owned or developed by the same person or by persons affiliated by reason of direct or indirect control, or if it is offered or sold with any right of recourse or substitution against or any guaranty by the offeror or any person other than the debtor.~~) involves an "investment contract other than the bond or other evidence of indebtedness" within the meaning of RCW 21.20.320 (5)(c) if any of the following services are offered or included by an issuer or its affiliates:

- (1) Guarantying the note or contract against loss at any time; or
- (2) Guarantying that payments of principal or interest will be paid;
- or
- (3) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance;
- or
- (4) Guarantying a specific yield or return on the note or contract; or
- (5) Paying any interest or premium for a period prior to actual purchase and delivery of the note or contract; or
- (6) Paying any money other than that collected from the borrower after the note or contract falls into arrears; or
- (7) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program; or
- (8) Promising the investor a market for the resale of the mortgage paper securities.

WSR 92-14-091
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Examining Board of Psychology)
 [Memorandum—June 30, 1992]

The following is a revision to the 1992 meeting dates for the Examining Board of Psychology:

September 11 and 12, 1992	Seattle Airport Hilton 17620 Pacific Highway South Seattle, WA 98188 Board Meeting
October 9 and 10, 1992	Private Residence 4931 Oyster Bay Road N.W. Olympia, WA 98504 Board Meeting
November 13 and 14, 1992	Wyndham Gardens 18118 Pacific Highway South Seattle, WA 98188 Board Meeting
December 11 and 12, 1992	Courtyard By Marriott 14615 N.E. 29th Place Bellevue, WA 98007 Board Meeting

Original Notice.

Title of Rule: WAC 246-851-270 Retention of minimum contact lens records; 246-851-360 Required identification on prescriptions; 246-851-520 Contact lens prescription defined; and 246-851-530 Authorization of dispensing optician to determine specifications of contact lenses.

Purpose: WAC 246-851-270, the proposed amendments update this rule to reflect current and proper terminology and practice; WAC 246-851-360, the proposed amendment includes an expiration date on optical prescriptions; WAC 246-851-520, this rule sets forth a definition of a contact lens prescription; and WAC 246-851-530, sets forth conditions under which an optician may be authorized to determine contact lens specifications.

Statutory Authority for Adoption: RCW 18.54.070.

Summary: Amends and updates retention of contact lens records; adds an expiration date on prescriptions; defines a contact lens prescription; and authorizes dispensing opticians to determine specifications of contact lenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince Street, Olympia, WA 98504-7868, (206) 753-4614.

Name of Proponent: Washington Association of Optometric Physicians, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-851-270, amendments update rule to reflect current and proper terminology and practice; WAC 246-851-360, amended to include an expiration date on optical prescriptions; WAC 246-851-520, new section defining a contact lens prescription; and WAC 246-851-530, new section authorizing dispensing opticians to determine specifications of contact lenses.

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

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

Hearing Location: Executive Inn, 5700 Pacific Highway East, Fife, WA 98424, Lido Room, on August 10, 1992, at 9:00 a.m.

Submit Written Comments to: Washington State Board of Optometry, 1300 S.E. Quince, Olympia, WA 98504-7868, by August 9, 1992.

Date of Intended Adoption: August 10, 1992.

June 26, 1992
 Judy Haenke
 Program Manager

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-270 RETENTION OF MINIMUM CONTACT LENS RECORDS. At a minimum, the following specifications for a

contact lens prescription must be retained in the records of the licensed optometrist who ~~((makes))~~ writes the prescription:

- (1) Dioptric power;
- (2) Base curve (inside radius of curvature);
- (3) Thickness when applicable;
- (4) Secondary/peripheral curve, ~~((for PMMA lenses))~~ when applicable;
- (5) ~~((Type of edge, for PMMA lenses))~~ Diameter;
- (6) Color, if used;
- (7) Type of material used;
- (8) Special features equivalent to variable curves, fenestration, or coating.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-360 **REQUIRED IDENTIFICATION ON PRESCRIPTIONS.** Written optical prescriptions related to the practice of optometry must include as a minimum:

- (1) Typed or commercially printed name, address of practice and telephone number of the prescribing doctor of optometry.
- (2) Date of prescription.
- (3) Patient's name and address.
- (4) Signature of prescribing doctor of optometry.
- (5) Expiration date of prescription (not more than two years).

NEW SECTION

WAC 246-851-520 **CONTACT LENS PRESCRIPTION DEFINED.** An optometric contact lens prescription is a written, signed order from an optometrist to another optometrist, physician, or optician describing optical and physical characteristics of the contact lenses to be dispensed. It shall be based upon a comprehensive vision and eye health examination, followed by a diagnostic or trial evaluation, and a final evaluation of the contact lens on the eye.

NEW SECTION

WAC 246-851-530 **AUTHORIZATION OF DISPENSING OPTICIAN TO DETERMINE SPECIFICATIONS OF CONTACT LENSES.** (1) At the patient's request and with the consent of the prescribing doctor of optometry, an optician who is not under the prescribing doctor's supervision may be authorized by the prescribing doctor to determine contact lens specifications under the following conditions:

- (a) The authorization must be in writing and signed by the prescribing doctor.
- (b) The authorization shall be based upon a comprehensive vision and eye health examination.
- (c) The authorization shall be limited to a determination by the dispensing optician of the physical characteristics of the contact lenses, a nonrefractive trial evaluation of the contact lenses and a recommendation for an appropriate solution system.
- (d) The authorization shall contain a directive to the dispensing optician to notify the patient to return to the prescribing doctor for follow-up care, a final evaluation of the lens on the eye and a contact lens prescription.

(2) Following the final evaluation of the contact lens on the eye of a patient whose contact lens specifications have been determined by an optician not under the prescribing doctor's supervision, the prescribing doctor shall write a contact lens prescription and release it to the patient.

WSR 92-14-093

PERMANENT RULES

DEPARTMENT OF HEALTH (Board of Health)

[Order 286B—Filed June 30, 1992, 2:44 p.m.]

Date of Adoption: June 10, 1992.

Purpose: The fee for application or renewal of a food worker permit changed from "five" to "eight" dollars.

Citation of Existing Rules Affected by this Order: Amending WAC 246-217-030.

Statutory Authority for Adoption: RCW 43.20.050 and chapter 69.03 RCW.

Pursuant to notice filed as WSR 92-09-144 on April 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: The board added an effective date of August 1, 1992, for clarification to local health agencies for their budgeting.

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

June 26, 1992

Sylvia I. Beck

Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-217-030 **FORM OF PERMITS—FEES.** (1) All permits required by this act shall be issued by the jurisdictional health department and signed by the local health officer or his authorized representative.

(2) All applicants for a permit or renewal of a permit shall pay to the jurisdictional health department a fee in the amount of ~~((five))~~ eight dollars, effective August 1, 1992. Such fee shall be used by the jurisdictional health department to defray the expenses arising out of the administration of this act.

(3) The permit shall conform to the following specifications:

(a) The permit shall be six inches by five inches in size and shall consist of two sections titled as follows:

- (i) Food and beverage service worker's permit, and
- (ii) Food and beverage service worker's health record.

(b) The permit is given to the worker and the health record is kept on file in the health department.

(4) The permit shall contain the following information:

- (a) Number of the permit;
- (b) Signature of the worker;
- (c) Occupation;
- (d) Home address;
- (e) The statement, "THIS CERTIFIES THAT

..... has satisfied the requirements of chapter 197, Laws of 1957, and the state board of health for issuance of permit";

(f) Manual chapters covered in test shall be noted;

(g) Permit expiration date; and

(h) Signature of health officer.

(5) On the reverse side of the permit there shall be noted the following:

"Please note: This card is valid only to the employee whose signature appears on the reverse side. It must be filed at place of employment and shown upon request to sanitarian, health officer, or deputy.

INSTRUCTIONS GOVERNING PERSONAL HYGIENE AND SANITATION

- 1. Do not work if you are ill with a "catching" sickness, such as sore throat, common cold, diarrhea, or other contagious disease.
2. Notify the health department if you, any person in your home, or your place of business has a contagious disease or a disease suspected of being contagious.
3. Keep your hands and fingernails clean. Wash your hands frequently, particularly every time after going to the toilet, blowing the nose, or handling soiled objects.
4. Use disposal tissue for blowing the nose or spitting. Spitting can be a dangerous habit.
5. Do not pick pimples, boils, or your nose. This is a dangerous source of infection. If you have sores of this kind, keep them covered with a dressing.
6. Handle foods with your fingers as little as possible. Use utensils whenever you can, as in picking up butter, etc.
7. Avoid handling rims of glasses, cups, soup bowls, and eating surfaces of silver.
8. Protect food by keeping it covered from flies, keeping perishable foods and cream-filled pastries properly refrigerated."

(6) The food and beverage service worker's health record shall contain the following information:

- (a) Date issued;
(b) Number;
(c) Name;
(d) Age;
(e) Sex;
(f) Home address;
(g) Occupation;
(h) Where employed;
(i) City;
(j) Typhoid fever No () Yes () Date
(k) Amoebic dysentery No () Yes () Date
(l) Laboratory examinations, x-rays, or skin tests:
(i) Test Result Date
(ii) Test Result Date
(iii) Test Result Date
(m) Manual chapters covered in test shall be noted.

(7) The reverse side of the health record shall contain: "Follow-up remarks."

WSR 92-14-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed June 30, 1992, 2:45 p.m.]

Original Notice.

Title of Rule: WAC 388-37-300 GAU CWEP—Purpose, 388-37-310 GAU CWEP—Definitions, 388-37-320 GAU CWEP—Participation requirement, 388-37-330 GAU CWEP—Exemptions, 388-37-340 GAU

CWEP—Placements, 388-37-350 GAU CWEP—Placement agencies, 388-37-360 GAU CWEP—Scope of services, 388-37-370 GAU CWEP—Good cause for refusal or failure to participate, and 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate.

Purpose: SHB 2983 requires the department to implement a community work experience program for GAU clients tending to be marginally employable and not likely to qualify for SSI. The program is on a pilot basis in King, Pierce, and Spokane counties and targets clients who received GAU for at least 12 months. Pilots provide opportunities for highly supervised noncompetitive employment, to develop ability to perform gainful employment, and to provide information for state legislature on characteristics of long-term GAU population.

Statutory Authority for Adoption: SHB 2983, 52nd legislature, 1992 regular session.

Statute Being Implemented: SHB 2983, 52nd legislature, 1992 regular session.

Summary: This issuance implements the GAU community work experience program on a pilot basis in King, Pierce, and Spokane counties.

Reasons Supporting Proposal: SHB 2983 requires the department to implement a community work experience program for GAU clients who tend to be marginally employable and not likely to qualify for SSI. The program targets clients who have received GAU for at least 12 months. The pilots are to provide opportunities for highly supervised noncompetitive employment, to develop the ability to perform gainful employment, and to provide information for the state legislature on characteristics of the long-term GAU population. The program is being implemented on a pilot basis in King, Pierce, and Spokane counties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Emry, Division of Income Assistance, 438-8333.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 4, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by August 4, 1992.

Date of Intended Adoption: August 6, 1992.

June 30, 1992
Leslie F. James, Director
Administrative Services

Chapter 388-37 WAC
COMMUNITY WORK EXPERIENCE PROGRAM FOR GENERAL ASSISTANCE UNEMPLOYABLE CLIENTS

NEW SECTION

WAC 388-37-300 GAU CWEP—PURPOSE. (1) The purpose of the General Assistance Unemployable Community Work Experience Program (GAU CWEP) is to provide:

(a) Opportunities for highly supervised noncompetitive employment and to develop the ability to perform gainful employment consistent with the vocational assessment; and may include methods for removing barriers to employment; and

(b) Information on the characteristics of the long term GAU population.

(2) The department shall operate GAU CWEP as a pilot project in King, Pierce, and Spokane counties for a period of twelve months. The pilot shall run from July 1, 1992 through June 30, 1993.

NEW SECTION

WAC 388-37-310 GAU CWEP—DEFINITIONS. (1) "Placement agency" means the public or nonprofit private hosting agency where the work experience is performed.

(2) "Referral agency" means the agency designated by the department that develops the work sites, facilitates referrals, and places the recipient in a work experience setting at the placement agency. The department may act as the referral agency or may contract with other agencies to act as the referral agency.

NEW SECTION

WAC 388-37-320 GAU CWEP—PARTICIPATION REQUIREMENT. (1) Effective with the implementation of this project, the department shall require general assistance unemployable recipients residing in King, Pierce or Spokane counties to participate in GAU CWEP unless the recipient:

(a) Has good cause for refusal or failure to participate; or
(b) Is exempt.

(2) Failure of a nonexempt recipient to participate in any CWEP activities without good cause shall subject the recipient to the sanction process in WAC 388-37-380.

(3) The department shall advise the recipient of GAU CWEP requirements and of the recipient's rights and responsibilities under the program.

NEW SECTION

WAC 388-37-330 GAU CWEP—EXEMPTIONS. (1) The department shall exempt the following GAU recipients from participation in GAU CWEP:

(a) Recipients expected to meet federal disability standards for the supplemental security income program;

(b) Persons not currently receiving GAU;

(c) Recipients who transfer out of the project CSO catchment areas.

(2) Following the client interview/assessment, the department shall exempt the following from further GAU CWEP participation:

(a) Recipients whom the department determine are not appropriate for CWEP participation;

(b) Recipients who are currently employed in sheltered or trial employment;

(c) Recipients who are actively participating in a Division of Vocational Rehabilitation (DVR) or other CSO approved rehabilitation plan;

(d) Recipients who are participating in a required treatment plan that precludes participation in CWEP;

(e) Recipients with a medical condition at a severity level 5; and

(f) Recipients whose incapacity is clearly expected to end prior to the completion of the work experience activity.

NEW SECTION

WAC 388-37-340 GAU CWEP—PLACEMENTS. (1) The department's first priority for placements shall be recipients who have received general assistance for twelve months or longer. The department may choose other GAU clients to participate:

(a) After the first priority group has been substantially served; and

(b) If the assessment of the client's ability indicates the client will likely benefit from CWEP.

(2) Before placing a client's, the referral agency shall:

(a) Conduct an assessment of the client abilities and determine any work-related limitation caused by the client's incapacity; and

(b) Develop an individualized employability plan with the recipient.

(3) The referral agencies shall refer recipients for placement only when the work experience is:

(a) Within the recipient's capabilities in light of their incapacity and not detrimental to their health or wellbeing;

(b) Performed under the auspices of a public or nonprofit private hosting agency deemed appropriate based on the recipient's assessment; and

(c) Provided in a highly supervised noncompetitive situation.

(4) The referral agency shall ensure that the maximum hours of client participation shall not exceed eighty hours per month and that total participation shall not be for more than six months.

(5) The referral agency shall advise the placement agency of any work-related limitation caused by the recipient's incapacity.

(6) Before placement in a work experience setting, recipients shall be enrolled in Labor and Industries coverage or the equivalent.

(7) The referral agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-37-350 GAU CWEP—PLACEMENT AGENCIES. (1) The placement agency shall be responsible for orienting, training, and supervising the recipient.

(2) If the placement agency determines that the general assistance recipient is incapable of performing the assigned community work experience, the placement agency shall so notify the referral agency. In such cases, the recipient shall be evaluated for their fitness to continue in the program before being re-assigned to another placement.

(3) The placement agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-37-360 GAU CWEP—SCOPE OF SERVICES. (1) Recipients determined appropriate for GAU CWEP shall qualify for:

(a) Extended incapacity review period when in a work experience activity, unless the incapacity is clearly expected to end prior to the completion of the work experience activity;

(b) Assistance from the referral agency in identifying and removing immediate barriers to work experience participation;

(c) Subject to departmental approval, support services to overcome immediate short-term employment-related barriers preventing successful participation in or completion of the work experience to a maximum of five hundred dollars per recipient;

(d) Reimbursements for travel expenses and meals, not to exceed ten dollars per full day of participation in work experience activities; and

(e) Ongoing case management and social services support from the referral agency, designed to maintain coordinated services delivery and satisfactory client participation in the project.

(2) The department shall treat payments made under this section as exempt when determining need or payment amounts for general assistance.

NEW SECTION

WAC 388-37-370 GAU CWEP—GOOD CAUSE FOR REFUSAL OR FAILURE TO PARTICIPATE. (1) The department shall be responsible for determining good cause for refusal or failure to participate in CWEP activities.

(2) In determining good cause, the department shall:

(a) Determine if the person should be exempt from GAU CWEP participation;

(b) Determine if the person intentionally refused or failed to participate in CWEP;

(c) Document efforts to resolve the issues before a fair hearing; and

(d) Review the case record to determine:

(i) Potential causes for refusal or failure to meet program requirements; and

(ii) Whether the person may have had good cause for nonparticipation.

(3) Good cause shall include, but not be limited to:

(a) Nonreceipt of participation requirements or a notice of appointment with program staff;

(b) The person's physical, mental, or emotional inability to perform the required activity;

(c) The nature of the required activity or placement is hazardous to the participant;

(d) A person's refusal to accept major medical treatment, for example major surgery, needed for employability as required under WAC 388-37-037(5);

(e) Work involves conditions in violation of applicable health or safety standards;

(f) A breakdown in transportation arrangements, with no readily accessible alternate transportation;

(g) Inclement weather preventing a person, and others similarly situated, from traveling to or participating in the prescribed activity or placement;

(h) The employer is discriminating in terms of age, sex, race, color, religion, national or ethnic origin, physical or mental handicap, political affiliation, or marital status;

(i) Work experience hours or nature of work experience interfere with the participant's religious observances, convictions, or beliefs as a member of a bona fide religious organization; or

(j) The person's court-ordered appearance or temporary incarceration.

(4) If good cause is established and/or if the problem causing the non-compliance has been resolved, the person shall be so notified in writing and when appropriate that the person can resume participation without further action.

NEW SECTION

WAC 388-37-380 GAU CWEP—SANCTIONS FOR REFUSAL OR FAILURE TO PARTICIPATE. (1) When a general assistance recipient required to participate in CWEP refuses or fails to participate without good cause, the department shall terminate assistance until the person agrees to participate subject to the maximum periods of ineligibility after reapplication:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

(2) Failure to participate may be a consistent pattern of noncooperation in CWEP and includes, but is not limited to:

(a) Failure to meet the requirements for orientation, assessment, and employability development planning;

(b) Not appearing for appointments with CWEP staff, the referral agency, or the placement agency;

(c) Not appearing for appointments with other than CWEP staff when referred for employment-related activity, including social services; or

(d) Not accepting or continuing any required CWEP activity or placement.

(3) During the sanction period, the department shall not take into account the person's needs in determining need for an incapacitated spouse and the amount of the assistance payment.

(4) If a sanction is applied to one incapacitated spouse, the department may continue to make payments to the other incapacitated spouse.

WSR 92-14-095
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3414—Filed June 30, 1992, 2:46 p.m., effective July 1, 1992, 12:01 a.m.]

Date of Adoption: June 30, 1992.

Purpose: SHB 2983 requires the department to implement a community work experience program for GAU clients who tend to be marginally employable and not likely to qualify for SSI. The program is being implemented on a pilot basis in King, Pierce, and Spokane counties and is to target clients who have received GAU for at least 12 months. The pilots are to provide opportunities for highly supervised noncompetitive employment, to develop the ability to perform gainful employment, and to provide information for the state legislature

on characteristics of the long-term GAU population. There are eight new WACs, namely: WAC 388-37-300 GAU CWEP—Purpose, 388-37-310 GAU CWEP—Definitions, 388-37-320 GAU CWEP—Participation requirement, 388-37-330 GAU CWEP—Exemptions, 388-37-340 GAU CWEP—Placements, 388-37-350 GAU CWEP—Placement agencies, 388-37-360 GAU CWEP—Scope of services, 388-37-370 GAU CWEP—Good cause for refusal or failure to participate, and 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate.

Statutory Authority for Adoption: SHB 2983, 52nd legislature, 1992 regular session.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: SHB 2983 requires the department to implement a community work experience program for GAU clients tending to be marginally employable and not likely to qualify for SSI. The program is implemented on a pilot basis in King, Pierce, and Spokane counties and is to target clients who received GAU for at least 12 months. The pilots are to provide opportunities for highly supervised noncompetitive employment, to develop the ability to perform gainful employment, and to provide information for the state legislature on characteristics of the long-term GAU population.

Effective Date of Rule: July 1, 1992, 12:01 a.m.

June 30, 1992

Leslie F. James, Director
Administrative Services

Chapter 388-37 WAC
COMMUNITY WORK EXPERIENCE PROGRAM
FOR GENERAL ASSISTANCE UNEMPLOYABLE
CLIENTS

NEW SECTION

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(a) *Opportunities for highly supervised noncompetitive employment and to develop the ability to perform gainful employment consistent with the vocational assessment; and may include methods for removing barriers to employment; and*

(b) *Information on the characteristics of the long term GAU population.*

(2) *The department shall operate GAU CWEP as a pilot project in King, Pierce, and Spokane counties for a period of twelve months. The pilot shall run from July 1, 1992 through June 30, 1993.*

NEW SECTION

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(c) Subject to departmental approval, support services to overcome immediate short-term employment-related

barriers preventing successful participation in or completion of the work experience to a maximum of five hundred dollars per recipient;

(d) Reimbursements for travel expenses and meals, not to exceed ten dollars per full day of participation in work experience activities; and

(e) Ongoing case management and social services support from the referral agency, designed to maintain coordinated services delivery and satisfactory client participation in the project.

(2) The department shall treat payments made under this section as exempt when determining need or payment amounts for general assistance.

NEW SECTION

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(1) The department shall be responsible for determining good cause for refusal or failure to participate in CWEP activities.

(2) In determining good cause, the department shall:

(a) Determine if the person should be exempt from GAU CWEP participation;

(b) Determine if the person intentionally refused or failed to participate in CWEP;

(c) Document efforts to resolve the issues before a fair hearing; and

(d) Review the case record to determine:

(i) Potential causes for refusal or failure to meet program requirements; and

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(3) Good cause shall include, but not be limited to:

(a) Nonreceipt of participation requirements or a notice of appointment with program staff;

(b) The person's physical, mental, or emotional inability to perform the required activity;

(c) The nature of the required activity or placement is hazardous to the participant;

(d) A person's refusal to accept major medical treatment, for example major surgery, needed for employability as required under WAC 388-37-037(5);

(e) Work involves conditions in violation of applicable health or safety standards;

(f) A breakdown in transportation arrangements, with no readily accessible alternate transportation;

(g) Inclement weather preventing a person, and others similarly situated, from traveling to or participating in the prescribed activity or placement;

(h) The employer is discriminating in terms of age, sex, race, color, religion, national or ethnic origin, physical or mental handicap, political affiliation, or marital status;

(i) Work experience hours or nature of work experience interfere with the participant's religious observances, convictions, or beliefs as a member of a bona fide religious organization; or

(j) The person's court-ordered appearance or temporary incarceration.

(4) If good cause is established and/or if the problem causing the non-compliance has been resolved, the person shall be so notified in writing and when appropriate

that the person can resume participation without further action.

NEW SECTION

WAC 388-37-380 GAU CWEP—SANCTIONS FOR REFUSAL OR FAILURE TO PARTICIPATE.

(1) When a general assistance recipient required to participate in CWEP refuses or fails to participate without good cause, the department shall terminate assistance until the person agrees to participate subject to the maximum periods of ineligibility after reapplication:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

(2) Failure to participate may be a consistent pattern of noncooperation in CWEP and includes, but is not limited to:

(a) Failure to meet the requirements for orientation, assessment, and employability development planning;

(b) Not appearing for appointments with CWEP staff, the referral agency, or the placement agency;

(c) Not appearing for appointments with other than CWEP staff when referred for employment-related activity, including social services; or

(d) Not accepting or continuing any required CWEP activity or placement.

(3) During the sanction period, the department shall not take into account the person's needs in determining need for an incapacitated spouse and the amount of the assistance payment.

(4) If a sanction is applied to one incapacitated spouse, the department may continue to make payments to the other incapacitated spouse.

WSR 92-14-096 PERMANENT RULES DEPARTMENT OF NATURAL RESOURCES

[Order 599—Filed June 30, 1992, 3:24 p.m.]

Date of Adoption: June 25, 1992.

Purpose: These rules implement chapter 70.94 RCW amendments, and provide clarification by reorganizing existing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 332-24-215, 332-24-231, 332-24-232, 332-24-234, 332-24-236, 332-24-238, 332-24-240, 332-24-242, 332-24-244, and 332-24-656; and amending WAC 332-24-201, 332-24-205, 332-24-211, and 332-24-221.

Statutory Authority for Adoption: RCW 76.04.015, 76.04.205, and 70.94.660.

Pursuant to notice filed as WSR 92-11-075 on May 20, 1992.

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

June 29, 1992

James A. Stearns
Supervisor

AMENDATORY SECTION (Amending Order 583, filed 9/24/91, effective 10/16/91)

WAC 332-24-201 (~~((WRITTEN))~~) BURNING PERMIT PROGRAM—REQUIREMENTS AND EXCEPTIONS. Under authority granted in RCW 76.04.015 and 76.04.205, the following regulation is hereby promulgated:

(1) The department is responsible, by law, for the granting of burning permits for ~~((certain types of outdoor fire;))~~ burning on lands it protects; and

(2) The department ~~((aids in))~~ administers the protection of air quality ~~((under its smoke management program;))~~ as provided in chapter 70.94 RCW resulting from burning on lands under its protection; and

(3) ~~((Pursuant to its authority and responsibility;))~~ The department has ((studied and)) determined that the effects of such burning on life, property and air quality ((to be)) are of year-round effect; therefore

(4) Throughout the year, outdoor fire is prohibited ~~((within any department))~~ on lands protected by the department where forest protection assessment ((area unless)) is being, or is subject to being, assessed unless:

(a) A written burning permit is obtained from the department and ((signed by the permittee and afterwards, having the permit in possession while burning and complying with the terms of such permit. Except, a written burning permit for an outdoor fire is not required from the department under the following conditions:

(a) In certain geographic areas of the state as designated by the department in this chapter;

(b) When the outdoor fire is:

(i) Contained within a campfire pit, approved by the department, located in a state, county, municipal, or other campground;

(ii) Contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green field, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fire;

(c) When the general rules and requirements specified in WAC 332-24-205 and 332-24-211 and the conditions for the protection of life, property and air quality are met)) the requirements of WAC 332-24-205 and 332-24-221 are followed; or

(b) Burning meets the regulations outlined in WAC 332-24-205 and 332-24-211.

(5) This chapter applies to all burning on lands protected by the department. It does not apply to agricultural burning as defined in WAC 173-425-030(1) nor to open burning as defined in WAC 173-425-030(2).

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-205 GENERAL RULES—((RECREATIONAL OR DEBRIS DISPOSAL FIRES NOT REQUIRING A WRITTEN BURNING PERMIT)) MINIMUM REQUIREMENTS FOR ALL BURNING. The following rules apply to all burning regulated by the department:

(1) The department reserves the right to restrict, regulate, refuse, revoke or postpone outdoor fires under RCW 76.04.205 and 76.04.315, and chapter 70.94

RCW due to adverse fire weather or to prevent restriction of visibility, excessive air pollution or a nuisance.

(2) ~~((The Yacolt burn area, located in portions of Clark and Skamania Counties, is exempt from these rules, and that area requires a written burning permit throughout the year.~~

~~((3) This section does not apply:~~

~~((a) On lands protected by the department within incorporated city limits;~~

~~((b) On lands protected by the department situated within a fire protection district where the fire protection for those lands has been contracted to the fire protection district, except where the district has incorporated these rules into their regulations;~~

~~((c) On lands protected by the department situated within fire protection districts which have adopted a resolution pursuant to chapter 52.12 RCW assuming the authority to issue burning permits on improved property and where such resolution prohibits burning by rules which allow burning without a written burning permit;~~

~~((d) On lands protected by the department where air pollution authorities have prohibited fires for smoke management purposes that fall under these regulations:)) Burning shall not be allowed within nonattainment areas of the state as established by Washington department of ecology for particulate matter ten microns or less or carbon monoxide, except for:~~

(a) Fires for improving and maintaining fire dependent ecosystems; or

(b) Fires for training wildland fire fighters; or

(c) Fires set for a defined research project; or

(d) Military training exercises; or

(e) Where exempted by local or state air pollution control agencies.

(3) Burning shall not be allowed inside urban growth areas as designated under growth management plans, or in cities of greater than ten thousand population as follows:

(a) In urban growth areas where reasonable alternatives exist.

(b) In cities with a population of ten thousand or more as established by the office of financial management:

(i) That exceed or threaten to exceed federal or state ambient air quality standards; and

(ii) Where reasonable alternatives to outdoor burning exist, in accordance with WAC 173-425-090.

(c) After December 31, 2000, burning shall not be allowed in urban growth areas or cities with a population of ten thousand or more.

(4) No fires shall be ignited when:

(a) The department of ecology has declared an air pollution episode for the geographic area pursuant to chapter 173-435 WAC; or

(b) The department of ecology or a local air pollution control authority has declared impaired air quality for the geographic area in which the burning is to be done.

(5) A person responsible for a burn at the time an episode or impaired air quality is called pursuant to chapter 173-425 WAC, shall extinguish the fire by:

(a) Withholding fuel from the burn;

(b) Allowing the fire to burn down; and

(c) Aggressively putting out the fire until there is no visible smoke, unless otherwise allowed by the department.

(6) Prior to lighting, the person doing the burning must telephone the department, and obtain any special instructions for the day and location of the proposed burn. Those instructions thereupon become part of the conditions of burning.

(7) The fire must not include rubber products, plastic products, asphalt, garbage, dead animals, petroleum products, paints, or any similar prohibited materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).

(8) If the fire creates a nuisance from smoke or flying ash, it must be extinguished. For purposes of this section, a nuisance exists when emissions from any open fire cause physical discomfort or health problems to people residing in the vicinity of the burning or physical damage to property.

(9) Burning within the department's fire protection areas shall not:

(a) Cause visibility to be obscured on public roads and highways by the smoke from such fires; or

(b) Endanger life or property through negligent spread of fire or pollutants.

(10) A person capable of extinguishing the fire must attend the fire at all times and the fire must be completely extinguished before being left unattended.

(11) No fires are to be within fifty feet of structures, or within five hundred feet of forest slash without a written burning permit.

(12) The landowner or landowner's designated representative's written permission must be obtained before kindling a fire on the land of another.

(13) The department reserves the authority to provide waivers, exceptions, and/or to impose additional requirements through the use of written burning permits and the smoke management plan.

AMENDATORY SECTION (Amending Order 583, filed 9/24/91, effective 10/16/91)

~~WAC 332-24-211 ((REQUIREMENTS—RECREATIONAL OR DEBRIS DISPOSAL FIRES)) SPECIFIC RULES FOR SMALL FIRES NOT REQUIRING A WRITTEN BURNING PERMIT. ((+)) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).~~

~~(2) A person capable of extinguishing the fire must attend the fire at all times and the fire must be extinguished before leaving it.~~

~~(3) No recreational or debris disposal fires are to be within fifty feet of structures.~~

~~(4) A recreational fire shall be in a hand-built pile no larger than four feet in diameter and a written burning permit is not required. A serviceable shovel must be within the immediate vicinity of the fire.~~

~~(5) A debris disposal fire requiring a written burning)) In addition to WAC 332-24-205, the following rules shall apply to burning regulated by the department~~

that does not require a written burning permit. A written burning permit is not required from the department under the following conditions:

(1) In certain geographic areas of the state as designated by the department in subsection (3) of this section and when the requirements of subsections (4), (5), and (6) of this section are met; or

(2) When the fire is:

(a) Contained within a campfire pit, approved by the department, located in a state, county, municipal, or other campground;

(b) Contained within a camp stove or barbecue;

(c) A hand-built pile no larger than four feet in diameter that is being used exclusively for recreational purposes; and

(d) Situated on bare soil, gravel bars, beaches, green field, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fires.

(3) A fire that does not require a written permit has established size limitations based on time of year and the county within which the burning occurs.

(a) From July 1 to October 15 individual pile size in all counties shall be limited to no larger than ((that indicated in the following table:)) four feet, except pile size in Clallam and Jefferson counties is limited to ten feet.

((SUMMER RULES

**Burning Permit — Four Foot Piles — Ten Foot Piles
Required For
All Fires**

Asotin	Clark	Clallam
Chelan	Cowlitz	Jefferson
Columbia	Grays Harbor	
Ferry	Island	
Garfield	King	
Kittitas	Kitsap	
Klickitat	Lewis	
Lincoln	Mason	
Okanogan	Pacific	
Pend Oreille	Pierce	
Spokane	San Juan	
Stevens	Skagit	
Walla Walla	Skamania	
Yakima	Snohomish	
	Thurston	
	Wahkiakum	
	Whatcom))	

(b) From October 16 through June 30 individual pile size in all counties is limited to ten feet; except ((the following counties are limited to four feet:)) pile size is limited to four feet in Island, King, Kitsap, Mason, Pierce, San Juan, and Spokane counties.

((WINTER RULES

Four Foot Piles

- Island
- King
- Kitsap
- Mason

~~((WINTER RULES~~

~~Four-Foot Piles
Pierce
San Juan
Spokane~~

~~((c)) (4) A serviceable shovel and a minimum of five gallons of water must be within the immediate vicinity of the fire. A bucket is acceptable if the outdoor fire is adjacent to an accessible body of water. A charged garden hose or other adequate water supply may be substituted for the five gallon water requirement.~~

~~((6)) (5) Only one pile may be burned at any one time and each pile must be extinguished before lighting another.~~

~~((7) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.~~

~~(8) The material to be burned must be placed on bare soil, gravel bars, beaches, green fields or other similar area free of flammable material for a sufficient distance adequate to prevent the escape of the fire.~~

~~((9)) (6) Burning must be done during periods of calm to very light winds. Burning when wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.~~

~~((10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.~~

~~((11) A landowner or the landowner's designated representative's written permission must be obtained before kindling an outdoor fire on the property of another.~~

~~((12) Persons not able to meet the requirements of subsections (1) through (10) of this section must apply for a written burning permit through the department.))~~

NEW SECTION

WAC 332-24-217 BURNING PERMIT REQUIREMENTS—PENALTY. Failure to comply with the rules in chapter 332-24 WAC voids permission to burn. Any person burning without complying with chapter 332-24 WAC is in violation of RCW 76.04.205 and chapter 70.94 RCW. Convictions or bail forfeitures in connection with illegal burning under chapter 332-24 WAC may result in refusal to issue further permits for a two-year period from the date of the illegal burning. In addition to any other fines and penalties that may be imposed, the department may charge and recover costs from the person responsible for any response to control or extinguish an illegal fire caused in part or in whole by negligent acts or omissions.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-221 SPECIFIC RULES FOR BURNING THAT REQUIRES A WRITTEN BURNING PERMIT((S)). ~~((1) Written burning permits will be required throughout the year for fires set under any of the following conditions:~~

- ~~(a) Broadcast burning of logged areas or unimproved lands; or~~
- ~~(b) Burning of logging landings; or~~

~~(c) Burning of debris resulting from the scarification of forest lands; or~~

~~(d) Under-burning of forest lands; or~~

~~(e) Burning of waste forest material resulting from the clearing of utility or public road rights-of-way that run through or adjacent to forest lands; or~~

~~(f) Burning of mill waste from forest products or any other material which has been transported to and dumped in concentrations on forest lands.~~

~~(2) All outdoor fires within the department's protection areas which are not required to have a written burning permit shall not:~~

~~(a) Include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, as pursuant to RCW 70.94.775(1); or~~

~~(b) Cause visibility to be obscured on public roads and highways by the smoke from such fires; or~~

~~(c) Endanger life or property through negligent spread of fire.))~~ Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:

(1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.

(2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be twenty dollars for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris Fee Schedule

100 - 500 tons	\$ 100
501 - 1,000 tons	300
1,001 - 1,500 tons	500
1,501 - 2,000 tons	700
2,001 - 2,500 tons	900
2,501 - 3,000 tons	1,100
3,001 - 3,500 tons	1,300
3,501 - 4,000 tons	1,500
4,001 - 4,500 tons	1,700
4,501 - 5,000 tons	1,900
5,001 - 5,500 tons	2,100
5,501 - 6,000 tons	2,300
6,001 - 6,500 tons	2,500
6,501 - 7,000 tons	2,700
7,001 - 7,500 tons	2,900
7,501 - 8,000 tons	3,100
8,001 - 8,500 tons	3,300
8,501 - 29,000 tons	3,500
9,001 - 9,500 tons	3,700
9,501 - 10,000 tons	3,900
10,001 + tons	4,100

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

NEW SECTION

WAC 332-24-271 FIRES FOR IMPROVING AND MAINTAINING FIRE DEPENDENT ECOSYSTEMS. (1) All burning to improve and maintain fire dependent ecosystems within Conservation Areas and Natural Area Preserves shall be accomplished under a burning plan that has been approved by the department's land and water conservation division and fire control division managers. The burning plan must be a part of a total management plan approved by the land and water conservation division.

(2) Burning for this purpose may be allowed inside nonattainment areas, or urban growth areas.

(3) Burning for this purpose shall not be allowed during periods of air pollution episodes or air quality impairment called under chapter 173-425 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-24-215 RECREATION AND DEBRIS DISPOSAL FIRE REQUIREMENTS—PENALTY.

WAC 332-24-231 BURNING PERMITS—YACOLT BURN IN PORTIONS OF CLARK AND SKAMANIA COUNTIES.

WAC 332-24-232 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF CLARK AND WAHIAKUM COUNTIES.

WAC 332-24-234 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF OKANOGAN COUNTY.

WAC 332-24-236 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF ASOTIN, GARFIELD, COLUMBIA AND WALLA WALLA COUNTIES.

WAC 332-24-238 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF COWLITZ COUNTY.

WAC 332-24-240 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF SNOHOMISH COUNTY.

WAC 332-24-242 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF SKAGIT COUNTY.

WAC 332-24-244 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF PACIFIC AND GRAYS HARBOR COUNTIES.

WAC 332-24-656 PREEXISTING HAZARDS.

WSR 92-14-097

PERMANENT RULES

BASIC HEALTH PLAN

[Filed June 30, 1992, 3:41 p.m.]

Date of Adoption: June 30, 1992.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order: Amending WAC 55-01-020, 55-01-050, and 55-01-060.

Statutory Authority for Adoption: RCW 70.47.050.

Pursuant to notice filed as WSR 92-09-157 on April 22, 1992.

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

June 30, 1992

Gary L. Christenson

Director

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

WAC 55-01-020 SCHEDULE OF BENEFITS.

(1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the plan and payment of required copayments. However, for the period beginning July 1, 1992, and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as

the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in the plan, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

(4) Subscribers will be given written notice by the plan of any planned revisions to the benefit package and the accompanying premiums, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.

AMENDATORY SECTION (Amending WSR 89-22-014, filed 10/24/89, effective 11/24/89)

WAC 55-01-050 ENROLLMENT IN THE PLAN. (1) Any individual applying for enrollment in the plan must complete and submit the plan's application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible by the plan for payment of premiums due on behalf of the child.

(2) Each applicant shall complete and sign the application for enrollment, listing family members to be enrolled and supplying such other information as required by the plan. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application. Applicants will also be required to submit a copy of their most recent federal income tax form. Income documentation shall be required for all income-earning family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address. (c) The plan may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the plan. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered

services. All applicants from the same family must receive covered services from the same managed health care system. No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by the plan within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the plan in the order in which their completed applications, including all required documentation, have been received by the plan, provided that the applicant also remits full payment of the first premium bill to the plan by the due date specified by the plan.

(6) Not all family members are required to apply for enrollment in the plan; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the plan within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the plan, will be enrolled on the first of a month following completion of the enrollment process by the plan, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the plan.

(7) Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (b) coverage by another health care benefits program may not reenroll in the plan for a period of twelve months from the effective date of disenrollment. An enrollee who disenrolls because of ineligibility due to an increase in gross family income may reenroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may reenroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be reenrolled in the plan, that person must complete a new application for enrollment and must be determined by the

plan to be otherwise eligible for enrollment as of the date of application.

(8) The plan may require any enrollee or applicant for enrollment in the plan who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the plan.

(9) Once every six months, the plan will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. At recertification, enrollees will be required to report their gross family income for the most recent complete calendar month as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the plan within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility.

AMENDATORY SECTION (Amending Order 89-001, filed 2/16/89)

WAC 55-01-060 DISENROLLMENT FROM THE PLAN. (1) An enrollee may disenroll effective the first day of any month by giving the plan at least ten days prior written notice of the intention to disenroll. Reenrollment in the plan shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from the plan.

(2) The plan may disenroll any enrollee from the plan for good cause, which shall include: Failure to meet the eligibility requirements set forth in WAC 55-01-040; loss of eligibility; nonpayment of premium; repeated failure to pay copayments in full on a timely basis; failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; failure to apply when such application is required by the plan to the department of social and health services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; fraud or abuse

(including but not limited to serious misconduct); intentional misconduct; and refusal to accept or follow procedures or treatment determined by a participating provider to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the plan that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. The plan shall provide the enrollee with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits a grievance to the plan contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the plan's grievance procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any applicant for enrollment in the plan who knowingly provides false information to the plan or to a participating managed health care system may be disenrolled by the plan and may be held financially responsible for any covered services obtained from the plan. The administrator may apply other available remedies as well.

WSR 92-14-098

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Filed June 30, 1992, 4:12 p.m., effective August 1, 1992]

Date of Adoption: June 30, 1992.

Purpose: Revise current forest practices rules to provide improved protection for water quality.

Statutory Authority for Adoption: Chapters 90.48 and 76.09 RCW.

Pursuant to notice filed as WSR 92-07-085 on March 17, 1992; and WSR 92-11-068 on May 20, 1992.

Effective Date of Rule: August 1, 1992.

June 30, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 88-19, filed 10/27/88)

WAC 173-202-020 CERTAIN WAC SECTIONS ADOPTED BY REFERENCE. The following sections

of the Washington Administrative Code (~~as now promulgated~~) existing on August 1, 1992, 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.
- 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 222-16-020—Water categories.))~~
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (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)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- 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 assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval fo watershed analysis.
- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)~~((10))~~—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)(e)), ((3)(e)), ((4)), ((5))3), ((6))4), ((7))5), (7)(a), (7)(e), (7)(f), (8)(c)~~—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—~~((Temperature control))~~ Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3), ~~((4))~~—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), ~~((4))5)(c)~~—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), ~~((5))5), ((6))7), ((7))8), ((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 disposal.
- 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 222-38-020—Handling, storage, and application of other forest chemicals.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 92-14-099
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 92-41—Filed June 30, 1992, 4:28 p.m.]

Date of Adoption: June 30, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05700K.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of sturgeon are available in Area 1F and these rules are adopted to conform with regulations adopted by the treaty tribes to harvest their allotment of available sturgeon in Area 1F.

Effective Date of Rule: Immediately.

June 30, 1992

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05700L COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-057, it is unlawful for a person to take sturgeon with set line gear or to possess sturgeon taken with set line gear for commercial purposes from Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish for sturgeon in Area 1F using set line gear from noon July 1, 1992 to noon July 31, 1992.

(2) During the season specified in section 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(3) During the season specified in section 1, it shall be unlawful to use set line gear:

(a) With more than 100 hooks per set line,

(b) With hooks less than the minimum size of 9/0,

(c) With treble hooks, or

(d) Without visible buoys attached and with buoys that do not specify operator and tribal identification.

(4) Notwithstanding the provisions of WAC 220-22-010, during the season specified in section 1:

(a) Area 1F (Bonneville Pool) includes those water of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids.

REPEALER

The following section of the Washington Administration Code is repealed:

WAC 220-32-05700K COLUMBIA RIVER
STURGEON SEASONS ABOVE BONNEVILLE.
(92-15)

WSR 92-14-100
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed June 30, 1992, 4:31 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61910 1992-94 Washington game fish seasons and catch limits—Winter steelhead regulations—Cowlitz River.

Purpose: Permanent changes to the 1992 winter steelhead fishing regulations to allow harvest of hatchery origin fish on the Cowlitz River.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Winter steelhead smolts reared at the Cowlitz trout hatchery were first marked (adipose clipped) prior to release in April 1992. Unmarked adult winter steelhead returning from the previous 1990 and 1991 releases will return through in 1992 to 1994 fishing season. Since unmarked hatchery winter steelhead will be available for harvest, an exemption to the current wild summer steelhead release regulation (June 1–November 30 wild steelhead release) is being requested for the month of November.

Reasons Supporting Proposal: This exemption will allow angler harvest of approximately 300–1,000 hatchery winter steelhead during the month of November that would otherwise have to be released by anglers. Wild fish harvest in November is expected to be extremely low (30–40).

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation change will allow for harvest of hatchery steelhead through the month of November. The exceed hatchery return will increase recreational opportunity.

Proposal Changes the Following Existing Rules: Allows for harvest of hatchery steelhead through the month of November 1992.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 19, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61910 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — WINTER STEELHEAD REGULATIONS – COWLITZ RIVER. Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to the Cowlitz River.

COWLITZ RIVER, from mouth to Mayfield Dam: Year around season. TROUT – catch limit – 8, min. lgth. 12", no more than 2 over 20". WILD CUTTHROAT RELEASE. From Nov. 1 – Nov. 30, legal to possess steelhead with an adipose fin. Lawful to fish up to 400' or the posted deadline at the barrier dam. From Mill Ck. to the barrier dam, it is unlawful to (1) fish from any floating device; (2) fish during NIGHT CLOSURE Apr. 1 – Sep. 30, and (3) fish with non-buoyant artificial lures having more than one single-pointed hook.

From Mayfield Dam to mouth of the Muddy Fork: Year around season.

WSR 92-14-101
PROPOSED RULES
DEPARTMENT OF WILDLIFE
[Filed June 30, 1992, 4:33 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61911 1992-94 Washington game fish seasons and catch limits—Winter steelhead regulations—Big White Salmon River.

Purpose: Regulation change to comply with administrative changes in regards to future wild anadromous fish passage above Condit Dam on the Big White Salmon River.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Wild steelhead runs have declined on the lower Big White Salmon River due to the construction of a hydroelectric dam that blocked adult passage in 1913 (Condit Dam). Proposed Federal Energy Commission relicensing is currently under review. Relicensing of the hydro facility will include recommendations by the Washington Department of Fisheries, Washington Department of Wildlife, National Marine Fisheries Service, Intertribal Fish Commission, Yakima Indian Nation, and the United States Fish and Wildlife Service to provide anadromous fish passage above the dam to historical areas.

Reasons Supporting Proposal: Passage of wild anadromous steelhead will be an integral part of the passage facilities. Wild populations below the dam are few in number and the winter steelhead have been listed in the American Fisheries Society "Stocks at Risk" report as extinct or extremely few in number. Wild winter steelhead harvest has approximated 10 fish annually.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Our current regulations only protect wild summer steelhead (wild steelhead release May 16-Oct. 30). Due to the critical resource that may still exist we are recommending additional protective regulations to include wild steelhead release for winter steelhead also.

Proposal Changes the Following Existing Rules: Provides protective regulation "wild steelhead release" on a year around basis.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61911 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — WINTER STEELHEAD REGULATIONS — BIG WHITE SALMON RIVER. Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to the Big White Salmon River.

BIG WHITE SALMON RIVER, from mouth to within 400' of Northwestern Dam: Year around season. TROUT — catch limit — 2, min. lgth. 14". WILD STEELHEAD RELEASE.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: TROUT — catch limit — 2, min. lgth. 12". BAIT PROHIBITED.

WSR 92-14-102

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed June 30, 1992, 4:36 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61913 1992-94 Washington game fish seasons and catch limits—Burke and Quincy lakes.

Purpose: To implement an extended fishing season on Quincy and Burke lakes which are subject to rehabilitation during October 1992.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: These waters, currently under a March 1-July 31 fishing season, are being proposed for rehabilitation during March 1993. This proposed rule change would allow an extended fishing season from August 1,

1992, to February 28, 1993, followed by a closed fishing season from March 1, 1993, to February 28, 1994.

Reasons Supporting Proposal: The proposed extension on the fishing season of these waters will allow anglers to catch fish which will otherwise be killed during the March 1993 rehabilitation. The fishing season is proposed to be closed from March 1, 1993, until February 28, 1994: To comply with current rotenone label restrictions, the public needs to be discouraged from consuming fish killed during the rehabilitation and the lakes will not be stocked with trout fry until the summer of 1993.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would open the above-mentioned waters to fishing from August 1, 1992, to February 28, 1993, to allow anglers to catch fish which will otherwise be killed during the March 1993 rehabilitation. The fishing season is proposed to be closed from March 1, 1993, until February 28, 1994, to discourage the public from harvesting fish killed during rehabilitations and because the lakes will not be stocked with trout fry until summer 1993. Opportunities to harvest fish will be increased from August 1, 1992, to February 28, 1993. Some recreational opportunities will be lost during the year-long closure. Opportunities to harvest fish killed during rehabilitations will be lost.

Proposal Changes the Following Existing Rules: To extend the fishing season from August 1, 1992, to February 28, 1993. To close the same waters after rehabilitation from March 1, 1993, to February 28, 1994.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61913 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — BURKE AND QUINCY LAKES. Notwithstanding the provisions of WAC 232-28-619, the game fish seasons for the above-mentioned waters are as follows:

March 1, 1992 — February 28, 1993

March 1, 1993 — February 28, 1994 CLOSED WATERS

WSR 92-14-103
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed June 30, 1992, 4:37 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61914 1992-94 Washington game fish seasons and catch limits—Caliche Lake (Grant County).

Purpose: To implement an extended fishing season on Caliche Lake (Upper) in Grant County which is subject to rehabilitation during October 1992.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Upper Caliche Lake, Grant County, currently under a March 1–July 31 fishing season, is being proposed for rehabilitation during October 1992. This proposed rule change would allow an extended fishing season from August 1, 1992, to October 1, 1993.

Reasons Supporting Proposal: The proposed extension on the fishing season of these waters will allow anglers to catch fish which will otherwise be killed during the October 1992 rehabilitation.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would open the above-mentioned waters to fishing from August 1, 1992, to October 1, 1992, to allow anglers to catch fish which will otherwise be killed during the October 1992 rehabilitation. Opportunities to harvest fish will be increased from August 1, 1992, to October 1, 1992.

Proposal Changes the Following Existing Rules: Extends season on water from August 1, 1992, to October 1, 1992.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61914 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — CALICHE LAKE, (UPPER) (GRANT CO.): Notwithstanding the provisions of WAC 232-28-619, the game fish seasons for the above-mentioned water is as follows:

March 1, 1992 – October 1, 1992 and

March 1, 1993 – July 31, 1993

WSR 92-14-104
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed June 30, 1992, 4:39 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-61912 1992-94 Washington game fish seasons and catch limits—Stan Coffin, H, and Ancient lakes, unnamed pond in desert unit of the Columbia Basin TWN (18N), RGE (26E), SEC (11, 14) in Region 2, Bingen Lake in Region 5 and Koeneman, Buck, McIntosh and Lawrence lakes in Region 6.

Purpose: To implement an early fishing closure on these waters which are subject to rehabilitation during October 1992.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: These waters, some currently under the general fishing season and some open year around, are being proposed for rehabilitation during October 1992. The proposed early closure of these waters will prohibit the taking of fish killed during the rehabilitation process.

Reasons Supporting Proposal: In order to comply with current rotenone label restrictions, the public needs to be discouraged from consuming fish killed during the rehabilitation. Closing these waters to fishing will enable the department to be in compliance with these label restrictions.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-2895; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would close the above-mentioned waters to fishing from October 1 to October 31 to discourage the public from harvesting fish killed during rehabilitations. Some recreational opportunities will be lost during this closure. Opportunities to harvest fish killed during rehabilitations will be lost.

Proposal Changes the Following Existing Rules: To close waters to fishing from October 1 to October 31, 1992.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Regulations Officer

NEW SECTION

WAC 232-28-61912 1992-94 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — STAN COFFIN, H, AND ANCIENT LAKES, UNNAMED POND IN DESERT UNIT OF THE COLUMBIA BASIN TWN (18N), RGE (26E), SEC (11,14) IN REGION 2, BINGEN LAKE IN REGION 5, AND KOENEMAN, BUCK, MCINTOSH AND LAWRENCE LAKES IN REGION 6. Notwithstanding the provisions of WAC 232-28-619, the game fish seasons for the above-mentioned waters are as follows:

April 26, 1992 – October 1, 1992.

The following regulations apply to the 1993 season:

Stan Coffin Lake (Grant Co.), H Lake (Grant Co.), Ancient Lakes (Grant Co.), and Unnamed Pond in Desert Unit of the Columbia Basin TWN (18N), RGE (26E), SEC (11,14) in Region 2: year around season.

Bingen Lake (Region 5), Koeneman Lake (Region 6), Buck Lake (Region 6), McIntosh Lake (Region 6) and Lawrence Lake (Region 6): April 25, 1993 – October 31, 1993

WSR 92-14-105
PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed June 30, 1992, 4:41 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-141 Wild animal trapping.

Purpose: To amend permanent regulations for wild animal trapping.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This amendment adds several temporary regulations to the permanent trapping rules (WAC 232-12-141). The temporary regulations have been consistently established from one season to the next during the season setting process over the past several years.

Reasons Supporting Proposal: Several temporary regulations have been carried over from year to year. To maintain consistency, these regulations should be made part of the permanent regulation.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, A.D., Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment takes temporary regulations and makes them more permanent. The rules themselves have been in existence for several years. This amendment will mainly effect the permanent status of these regulations.

Proposal does not change existing rules.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Rules Officer

AMENDATORY SECTION (Amending Order 460, filed 9/19/90)

WAC 232-12-141 WILD ANIMAL TRAPPING. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the Department of Wildlife must be notified immediately.

(3) Lawfully trapped furbearers must be lethally dispatched. A firearm may be used for this purpose.

(4) It is unlawful to trap for wild animals:

(a) By any means other than foot-hold traps, cage (live) traps, instant-kill traps and snares.

((+)) (b) With a steel trap having a jaw spread exceeding seven and one-half inches, except an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

((2)) (c) With a No. 3 size or larger steel trap if it does not have spacing of at least three sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal

((3)) (d) With a No. 3 size or larger steel trap with teeth when the set is not capable of drowning the trapped animal.

((4)) (e) Unless traps or devices are checked and animals removed within seventy-two hours, EXCEPT within identified urban trapping areas, where the set is not capable of drowning the animal, traps or devices must be checked and animals removed within forty-eight ((8)) hours.

((5)) (f) With a snare attached to a spring pull or any spring pull type of device.

(g) Within thirty feet of any exposed meat bait which is visible to flying raptors.

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 92-14-106
PROPOSED RULES
DEPARTMENT OF WILDLIFE

[Filed June 30, 1992, 4:43 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations.

Purpose: To amend WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations by restricting antlerless hunting in Bow Area 831 (Hamilton).

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule prohibits the hunting of antlerless elk in Bow Area 831 (Hamilton). Elk populations in the Nooksack herd are depressed and antlerless hunting is no longer authorized.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, A.D., Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Nooksack elk herd is depressed and all antlerless elk hunting is prohibited except for special damage permits in the Coal Creek area. This amendment prohibits hunting of antlerless elk in the Hamilton area. The only hunters affected by this rule are archers and they can take bulls with three or more antler points but not antlerless animals as adopted previously.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Rules Officer

AMENDATORY SECTION (Amending Order 548, filed 6/1/92)

WAC 232-28-227 1991-92, 1992-93, 1993-94 ELK HUNTING SEASONS AND REGULATIONS

ELK SEASONS

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. (Archery elk hunters may hunt in any tag area in late seasons.)

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above the ears). An animal with branch antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-185 and 472.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, 478, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, 681; and GMUs 157 and 485 by permit only.

Special Permits: Modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. Blue Mountain archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in the Blue Mountains. Western Washington archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in GMU 472 (White River). Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Modern Firearm Elk Information

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits except as outlined above for the Blue Mountains bull permits.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Modern Firearm Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-185 and 472 only spike bull restrictions apply and in branched-antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127, 130, and 157 limited to permit hunters only. GMUs 145-185 are spike bull only, except by permit.

- BE - Blue Mountain early tag
- BL - Blue Mountain late tag
- BA - Blue Mountain archery tag
- BM - Blue Mountain muzzleloader tag

Colockum - Open Area: Chelan County portion of GMU 302 and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

- CE - Colockum early tag
- CL - Colockum late tag
- CA - Colockum archery tag
- CM - Colockum muzzleloader tag

Yakima - Open Area: Kittitas County portion of GMU 302 and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 South of I-90 (modern firearm restrictions in GMU 334).

- YE - Yakima early tag
- YL - Yakima late tag
- YA - Yakima archery tag
- YM - Yakima muzzleloader tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 522. Permit only in GMUs 485, 524, 554, 556, and 602. GMU 472 is spike bull only, except by permit.

- WE - Western Washington early tag
- WL - Western Washington late tag
- WA - Western Washington archery tag
- WM - Western Washington muzzleloader tag

	Year		
	1991	1992	1993
Blue Mountains			
BE - Blue Mountains early elk tag	Oct. 30-Nov. 10	Oct. 28-Nov. 8	Oct. 27-Nov. 7
BL - Blue Mountains late elk tag	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7
Colockum			
CE - Colockum early elk tag	Oct. 23-29	Oct. 28-Nov. 3	Oct. 27-Nov. 2
CL - Colockum late elk tag	Oct. 26-29	Oct. 31-Nov. 3	Oct. 30-Nov. 2
Yakima			
YE - Yakima early elk tag	Nov. 5-13	Nov. 5-13	Nov. 5-13
YL - Yakima late elk tag	Nov. 8-13	Nov. 8-13	Nov. 8-13
Western Washington			
WE - Western Washington early elk tag	Nov. 6-17	Nov. 4-15	Nov. 3-14
WL - Western Washington late elk tag	Nov. 9-17	Nov. 7-15	Nov. 6-14

Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can only hunt during archery seasons. Only Blue Mountain archers may apply for Blue Mountains bull archery permits. Only Western Washington archers may apply for

GMU 472 bull archery permits. If drawn, archers must hunt with archery equipment and only during the permit archery season.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100-118, 121-142, 178	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct 1-14	Either sex
145-154, 160-169, 175, 181-185	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Antlerless or spike only
300, 306, 308, 316	CA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
328, 329, 330	CA		Oct. 5-14	Oct. 4-14	Either sex
335, 336-340, 352-356, 364, 370	YA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
405-410, 426-466, 472, 478, 490, 504, 505, 510, 512, 514, 516, 520, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588-601, 607, 615, 618, 638-663, 667, 669, 678, 681	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex except antlerless or 3 Pt. min. in GMUs 640, 466, 478, 490, 530, 558, 572, 601, 607, 638, 639 and 681; antlerless or spike only in 472.
484	WA	Sept. 28-Oct. 4	Oct. 1-7	Oct. 1-7	Either sex
418, 621	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	3-Pt. min.
Bow Area 802	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates			Legal Elk
	1991	1992	1993	
118, 121, 124, 127, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
166	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
328, 336, 346, 352	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
506, 530, 638, 681*	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3-pt. min.
636	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. min.

* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.

GMUs	Dates			Legal Elk
	1991	1992	1993	
Bow Areas				
802	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 23-Dec. 8	Either sex
831	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	((Antlerless or)) 3-pt. min.

Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons, if eligible.

Early Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
172	BM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Spike bull only
302	CM, YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
314*	CM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
342	YM		Oct. 8-14	Oct. 8-14	Antlerless only
368	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
603, 612	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
460, 506, 636	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	3-Pt. min.
484, 501, 564, 684	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex
Muzzleloader Area 910	YM	Oct. 5-11	Oct. 5-14	Oct. 4-14	Either sex

* The portion of GMU 314 bounded by the Colockum Pass Road (Road 10), Naneum Ridge Road (Road 9), and Ingersol Road (Road 1) is closed.

Late Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
130, 133; 136	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
184	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
346	YM		Nov. 17-20	Nov. 16-19	Antlerless only
484	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
501, 568, 574, 576, 580, 586	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
505	WM	Nov. 19-24	Nov. 17-22	Nov. 16-21	Either sex
504, 550	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Bull only
601	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. bull min.
684	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
Muzzleloader Areas					
910	YM	Nov. 17-Dec. 8	Nov. 17-Dec. 8	Nov. 17-Dec. 8	Antlerless only
944	YM	Nov. 17-20	Nov. 17-20	Nov. 16-19	Either sex

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100, 103, 105, 108, 121, 124 west of SR 395, 133, 136	BE, BL	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Either sex
178	BE, BL	Nov. 9-10	Nov. 7-8	Nov. 6-7	Either sex
200-284	Any Elk Tag	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Either sex
370	CM, YE, YL, YM	Nov. 1-30	Nov. 1-30	Nov. 1-30	Either sex
564*	WA, WM, WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
501, 568, 574, 576, 586, 588	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
GMUs 300, 304, 306, 308, and 316 east of Highway 2.	CE, CL, CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only

* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within 10 days after taking an elk.

WSR 92-14-107
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed June 30, 1992, 4:44 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-416 1992-93 Migratory waterfowl seasons and regulations; and repealing WAC 232-28-415 1991-92 Migratory waterfowl hunting seasons.

Purpose: To establish the 1992-93 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule establishes the season length, bag limits, area restrictions, and special regulations for hunting migratory waterfowl.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, A.D., Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Migratory waterfowl seasons are designed to allow

recreational harvest of waterfowl without impacts to the stability of waterfowl populations.

Proposal does not change existing rules.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Rules Officer

NEW SECTION

WAC 232-28-416 1992-93 MIGRATORY WATERFOWL SEASONS AND REGULATIONS

DUCKS

Western Washington

8:00 a.m. Oct. 17-25, 1992 and Nov. 15, 1992-Jan. 3, 1993

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex) and not more than 4 shall be canvasbacks and/or redheads.

Eastern Washington

Noon Oct. 17-25, 1992 and Nov. 15, 1992-Jan. 10, 1993

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 shall be canvasbacks and/or redheads.

COOT (Mudhen)

Same areas, dates, and shooting hours as the general duck season.
Daily bag limit: 25 coots.
Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates, and shooting hours as the general duck season.
Daily bag limit: 8 snipe.
Possession limit: 16 snipe.

Caution: Hunters must take care in their identification of common snipe. Many species of estuarine shorebirds, similar in appearance to common snipe, are found in the same areas, particularly in Western Washington. Common snipe do not fly in flocks.

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

GEESE (except Brant, Cackling and Aleutian Canada Geese)Western Washington

Oct. 17, 1992-Jan. 3, 1993 in Island, Skagit, Snohomish, and Whatcom counties.

Daily bag limit: 3 geese.
Possession limit: 6 geese.

Oct. 17, 1992-Jan. 17, 1993 in all other parts of Western Washington EXCEPT: Canada geese in Clark, Cowlitz, Pacific, and Wahkiakum counties. (See seasons and special requirements for these counties below.)

Daily bag limit: 3 geese.
Possession limit: 6 geese.

*Special Canada Goose Season for Clark, Cowlitz, Pacific, and Wahkiakum counties:

Special season for 1992-93 arranged cooperatively by the Washington Department of Wildlife and the U.S. Fish and Wildlife Service.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 90 geese.

Canada goose season is OPEN in Clark and Cowlitz Counties only on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 29, 1991 Jan. 2, 5, 9, 12, 16, 1992
Dec. 1, 5, 9, 13, 15, 19, 23, 26, 30, 1992

Canada goose season is OPEN in Pacific and Wahkiakum Counties from 8:00 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Nov. 28, 1992-Jan. 16, 1993.

Bag limits for both areas:

Season limit: 1 dusky Canada goose.
Daily bag limit: 3 geese, only one of which may be a dusky Canada goose.
Possession limit: 6 geese, only one of which may be a dusky Canada goose.

Hunting only by written authorization from the Washington Department of Wildlife. Hunters who maintained a valid 1991 written authorization will be mailed a 1992 authorization card prior to the 1992 season. Hunters who did not maintain a valid 1991 authorization must attend a goose identification class at a Department of Wildlife office to receive authorization. With the authorization, hunters will receive a hunter activity and harvest report form. Hunters must carry the authorization card and harvest report form while hunting. Immediately after taking a Canada goose into possession, hunters must record in ink the information required on the harvest report form. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. Written authorization will be revoked in the event that

a hunter does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report form.

Eastern Washington

Saturdays, Sundays, and Wednesdays only, from noon Oct. 17, 1992-Jan. 10, 1993 and on Nov. 11, 26, 27, Dec. 25, 1992, and Jan. 1, 1993 in Eastern Washington Goose Management Area 1.

Daily bag limit: 3 geese.
Possession limit: 6 geese.

Jan. 11-17, 1993 in Eastern Washington Goose Management Area 1.

Daily bag limit: 3 geese.
Possession limit: 6 geese.

Noon Oct. 17, 1992-Jan. 17, 1993 in Eastern Washington Goose Management Area 2.

Daily bag limit: 3 geese.
Possession limit: 6 geese.

BRANT

Open in Skagit, Pacific, and Whatcom counties on the following dates: Dec. 5, 6, 8, 9, 10, 12, 13, 15, 17, 19, and 20, 1992.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain written authorization from a Washington Department of Wildlife office. Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or post-marked on or before November 10. With the authorization, hunters will receive a hunter activity and harvest report form. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by Jan. 31, 1993 will be ineligible to participate in the 1993 brant season.

Daily bag limit: 2 brant.
Possession limit: 4 brant.

Cackling and Aleutian Canada Geese, Swans

Season closed statewide.

STEEL SHOT ZONES

North Puget Sound Wildlife Area Restrictions. It is unlawful to possess while hunting, shot shells or a muzzleloader shotgun loaded with any metal other than steel on the Skagit Wildlife Area or Lake Terrell Wildlife Area. This change will reduce the lead shot availability in waterfowl feeding areas.

It is unlawful to possess while hunting for or to take ducks, geese, or coots with shotshells or a muzzleloader shotgun loaded with any metal other than steel in all areas of Washington.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA 1

All of Lincoln, Spokane, and Walla Walla counties and these parts of the following counties listed below:

Grant County: Those parts east of line beginning at the Douglas-Lincoln County line on State Highway 174, southwest on State Highway 174 to State Highway 155, south on State Highway 155 to U.S. Highway 2, southwest on U.S. Highway 2 to the Pinto Ridge Road, south on Pinto Ridge Road to State Highway 28, east on State Highway 28 to the Stratford Road, south on the Stratford Road to State Highway 17, south on State Highway 17 to the Grant-Adams County line.

Adams County: Those parts east of State Highway 17.

Franklin County: Those parts east and south of a line beginning at the Adams-Franklin County line on State Highway 17, south on State Highway 17 to U.S. Highway 395, south on U.S. Highway 395 to U.S. Interstate I-182, west on U.S. Interstate I-182 to the Franklin-Benton County line.

Benton County: Those parts south of U.S. Interstates I-182 and I-82.

Klickitat County: Those parts east of U.S. Highway 97.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA 2.

All other parts of eastern Washington not included in Eastern Washington Goose Management Area 1.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

—Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

—Between Rock Island Dam and Winesap in Chelan County and between Rock Island Dam and a point in Douglas County perpendicular to Winesap.

—Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas counties.

—From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

—On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

—From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

—Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—On or within one-half mile of the Snake River from the Highway 12 bridge upriver to Lower Monumental Dam.

—On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

—From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

—From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Those waters under Department of Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

Padilla Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—Swinomish Spit Game Reserve—Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; then in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (East-northeast)/thence 3,300 feet SSE (South-southeast); thence 4,200 feet SW (southwest) to the dike at the sound end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shore line of the Swinomish Channel and the point of beginning.

—Bayview Game Reserve—Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (north-northwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; thence east to the northeast corner of Padilla Bay Tract No. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence southerly along said road to the point of beginning.

FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, a Western Washington and/or Eastern Washington upland bird permit is required for pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl.

Ducks, coots, and snipe

Western Washington

Oct. 17-31, 1992 and Nov. 8, 1992-Feb. 7, 1993

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

Eastern Washington

Oct. 17-25; Nov. 15, 1992-Jan. 10, 1993; Jan. 29-Mar. 10, 1993

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

Geese

Oct. 17, 1992-Jan. 31, 1993, statewide

Daily bag limit: 3, straight or mixed bag.

Possession limit: 6, straight or mixed bag.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-415 1991-1992 MIGRATORY WATERFOWL HUNTING SEASONS

WSR 92-14-108**PROPOSED RULES****DEPARTMENT OF WILDLIFE**

[Filed June 30, 1992, 4:46 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-513 1992-93 and 1993-94 Trapping seasons and regulations; and repealing WAC 232-28-512 1990-91 and 1991-92 Trapping seasons and rules.

Purpose: To establish the 1992-1993 and 1993-1994 Trapping seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish the time, place, and manner for trapping wildlife. This will allow the recreational harvest of surplus furbearers and assist with controlling property damage.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, A.D., Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony De La Torre, A.D., Wildlife Enforcement, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the 1992-1993 and 1993-1994 trapping seasons. The seasons are designed to allow recreational harvest of furbearing animals without impacts to the stability of their population.

Proposal does not change existing rules.

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

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 1992, at 8:00 a.m.

Submit Written Comments to: Dan Wyckoff, 600 Capitol Way North, Olympia, WA 98501-1091, by August 5, 1992.

Date of Intended Adoption: August 15, 1992.

June 30, 1992

Dan Wyckoff

Administrative Rules Officer

NEW SECTION

WAC 232-28-513 1992-93 AND 1993-94 TRAPPING SEASONS AND REGULATIONS

TRAPPING REGULATIONS

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after March 15, in western Washington; EXCEPTION: trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

The Fox season is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties.

Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

Licenses will be issued only to trappers who have submitted their mandatory Trappers Report of Catch on or before April 10, of the previous year.

Trappers who fail to submit an accurate report of catch must wait one year before purchasing another trapper's license. False reports will be considered the same as no report of catch being filed.

To be issued a trapping license, new trappers must meet trapper training requirements.

EASTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

- Bobcat Dec. 15, 1992-Jan. 15, 1993 and Dec. 15, 1993-Jan. 15, 1994
- River Otter..... season bag limit is two (2)

Northern Zone (Chelan, Ferry, Okanogan, Pend Oreille, Spokane, and Stevens counties)

- Beaver, River Otter, Muskrat, Badger, Fox..... Nov. 15, 1992-Feb. 28, 1993 Nov. 15, 1993-Feb. 28, 1994
- Weasel, Raccoon, Mink..... Nov. 15, 1992-Jan. 31, 1993 Nov. 15, 1993-Jan. 31, 1994

- Marten..... Dec. 15, 1992-Jan. 15, 1993 and Dec. 15, 1993-Jan. 15, 1994

A permit is required to trap on the Little Pend Oreille Wildlife Area. Contact Little Pend Oreille Headquarters to obtain permits.

EXCEPTIONS:

OKANOGAN

- 1. Beaver, River Otter Nov. 8, 1992-Feb. 28, 1993 and Nov. 8, 1992-Feb. 28, 1994 in the Columbia River, Okanogan River, Lake Osoyoos, Similkameen River, Palmer Lake, and Sinlahekin Creek downstream from Cecil Creek bridge to Palmer Lake
- 2. Marten Dec. 1, 1992-Jan. 31, 1993 and Dec. 1, 1993-Jan. 31, 1994

PEND OREILLE COUNTY

- 1. Beaver, River Otter Nov. 8, 1992-Feb. 28, 1993 and Nov. 8, 1993-Feb. 28, 1994
- 2. Marten Closed west of the Pend Oreille River

SPOKANE COUNTY

River Otter, Marten CLOSED

STEVENS COUNTY

Marten..... Closed east of the Columbia River

Southern Zone (Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)

- Beaver, River Otter, Muskrat, Weasel, Badger, Raccoon, Mink, Fox..... Nov. 15, 1992-Feb. 28, 1993 and Nov. 15, 1993-Feb. 28, 1994

River Otter open only in Klickitat, Kittitas, and Yakima counties, as well as the Snake River and its tributaries (season bag limit 2 Otter).

- Marten..... Dec. 1, 1992-Jan. 31, 1993 and Dec. 1, 1993-Jan. 31, 1994

EXCEPTIONS:

BEAVER closed in the north fork of Tarpiscan creek, Swakane creek drainage, Umtanum creek drainage, and Mudd creek drainage.

WESTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening date.

For purposes of this regulation, all of Klickitat county will have the same general seasons as Eastern Washington.

General Seasons For All Western Washington

- Beaver, River Otter Dec. 1, 1992-Jan. 15, 1993 and Dec. 1, 1993-Jan. 15, 1994
- Muskrat, Mink, Raccoon, Marten, Weasel..... Nov. 21, 1992-Jan. 31, 1993 and Nov. 22, 1993-Jan. 31, 1994
- Bobcat, Fox Nov. 21, 1992-Feb. 15, 1993 and Nov. 22, 1993-Feb. 15, 1994

URBAN TRAPPING AREAS

Trap Restrictions

The following described area is closed to the taking of wild animals by the use of foot-hold, instant kill, or snare traps except muskrat may be taken with a number one foot-hold or drowning set of a 110 instant kill trap during lawful trapping seasons as established by the Wildlife Commission.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to the Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller

Road; then south along Waller Road to SR 512; then west along SR 512 to I-5; then north and west to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

In the described area Raccoon season is open..... Dec. 1, 1992-Feb. 15, 1993 and Dec. 1, 1992-Feb. 15, 1994

48 Hour Trap Check Time

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 48 hours.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with the Issaquah-Fall City Road; then southwest on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on Front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E.; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line, then west along the county line to Puget Sound, then north along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

COWLITZ COUNTY

Game Management Unit 522 (Loo-wit) is closed to all trapping.

JEFFERSON COUNTY

Beaver, River Otter CLOSED in Penny Creek and all its tributaries.

LEWIS COUNTY

Green River closed to trapping above confluence of Elk Creek except bobcat and coyote. Game Management Unit 522 (Loo-wit) closed to all trapping.

MASON COUNTY

Agate Peninsula (near Shelton) west of the Grunert Road and Agate Loop Road to Campbell Creek is open for the use of cage traps only.

PIERCE COUNTY

Marten..... Closed within the following described boundary. Beginning at intersection of State Highway 410 and USFS Road #70, then east along USFS Road #70 to the Pacific Crest Trail (Pierce/Yakima county line), then south along the Pacific Crest Trail to USFS Road #7174, then west along USFS Road #7174 to State Highway 410, then north along State Highway 410 to the point of beginning.

SKAGIT COUNTY

1. Beaver..... Dec. 1, 1992-Feb. 28, 1993 and Dec. 1, 1993-Feb. 28, 1994 in that part of Skagit County west of I-5.

2. Trappers must contact the Mill Creek Department of Wildlife Office prior to trapping in the Skagit Bad Eagle Natural Area.

SKAMANIA COUNTY

Smith Creek, Bean Creek, Clearwater Creek, above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, CLOSED to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

THURSTON COUNTY

Raccoon..... Season extended for cage traps only. Feb. 1, 1993-Mar. 15, 1993 and Feb. 1, 1993-Mar. 15, 1994.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-512 1990-91 AND 1991-92 TRAPPING SEASONS AND RULES

WSR 92-14-109 PROPOSED RULES DEPARTMENT OF GENERAL ADMINISTRATION (Division of Banking)

[Filed June 30, 1992, 4:48 p.m.]

Original Notice.

Title of Rule: WAC 50-30-110 Transitional rule (for check cashers and sellers).

Purpose: To extend the transitional rule for an interim license from July 1, 1992, to July 1, 1993.

Statutory Authority for Adoption: RCW 31.45.200.

Statute Being Implemented: Chapter 31.45 RCW.

Summary: RCW 31.45.030 (5)(a) requires an applicant engaged in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose to obtain and maintain adequate fidelity or blanket fidelity bond.

Reasons Supporting Proposal: Applicants are unable to comply since a fidelity bond is not the proper bond. This will extend the transitional rule for one year, until July 1, 1993, until permanent licenses can be issued and allow sufficient time to amend WAC 50-30-030 and/or RCW 31.45.030 (5)(a).

Name of Agency Personnel Responsible for Drafting: Ed Burgert, 1400 South Evergreen Park Drive S.W., #120, Olympia, 98504, 753-6520; Implementation and Enforcement: John Bley, 1400 South Evergreen Park Drive S.W., #120, Olympia, 98504, 753-6520.

Name of Proponent: Division of Banking, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 50-30-110 Transitional rule, allows check cashers and sellers to operate until permanent licenses can be issued. The period to operate under an interim license will be extended for one year, to July 1, 1993.

Proposal Changes the Following Existing Rules: The change permanently extends the maturity of WAC 50-30-110 Transitional rule, to July 1, 1993, and allows sufficient time to amend WAC 50-30-030 and/or RCW 31.45.030 (5)(a) from a requirement for a fidelity bond to a surety bond.

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

No fiscal impact will result from the proposed amendment.

Hearing Location: Division of Banking, 1400 South Evergreen Park Drive S.W., #120, Olympia, WA 98504, on August 11, 1992, at 9:00 a.m.

Submit Written Comments to: John L. Bley, P.O. Box 41026, Olympia, WA 98504-1026, by August 10, 1992.

Date of Intended Adoption: August 11, 1992

June 30, 1992

John L. Bley
Supervisor of Banking

the July 1992 tables, the department requires the information from private stumpage sales. This emergency rule is a substantial change from the emergency rule adopted November 22, 1991, and is the result of department of revenue and industry meetings.

Effective Date of Rule: Immediately.

June 29, 1992

Gary O'Neil
Assistant Director
Forest Tax

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-110 TRANSITIONAL RULE. Businesses engaged in check cashing or check selling as of December 1, 1991, may file application with the supervisor and immediately obtain an interim license upon acceptance of the application for review. Such license shall be good for sixty days unless extended by the supervisor. This section shall become void after July 1, ((+1992)) 1993.

WSR 92-14-110
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)
(By the Code Reviser's Office)
[Filed July 1, 1992, 8:22 a.m.]

WAC 50-14-150, proposed by the Department of General Administration, Division of Banking, in WSR 92-01-093, appearing in issue 92-01 of the State Register, which was distributed on January 2, 1992, 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 92-14-111
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed July 1, 1992, 8:51 a.m.]

Date of Adoption: July 1, 1992.

Purpose: To provide a revised method for the Department of Revenue to receive and others to provide private stumpage sales data for the computation of stumpage value tables required by RCW 84.33.091.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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

Reasons for this Finding: RCW 84.33.091 requires the Department of Revenue to publish stumpage value tables each January and July of each year. To publish

NEW SECTION

WAC 458-40-615 **TIMBER EXCISE TAX-STUMPAGE VALUES-REPORTING OF PRIVATE STUMPAGE AND LOG PURCHASE SALES AND APPLICABLE LOGGING COSTS TO THE DEPARTMENT.** (1) **INTRODUCTION.** The department is required to semi-annually publish stumpage tables. The department has designated areas containing similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Stumpage tables for each species or subclassification within a stumpage value area are prepared on or before each December 31 for use the following January through June and on or before June 30 for use July through December. The stumpage value is the amount that each species or subclassification would sell for at a voluntary sale (public or private) made in the ordinary course of business for purposes of immediate harvest. The stumpage values are determined in a manner which makes reasonable allowances for age, size, quantity, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors from:

(a) Gross proceeds from sales (public and/or private) on the stump of similar timber of like quality and character at similar locations and in similar quantities;

(b) Gross proceeds from sales (public and/or private) of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) **REPORTING REQUIREMENT-IN GENERAL.** To enable the department to determine stumpage values, the department must have information on public and private sales of stumpage, both lump sum sales and scale sales. Informational reporting requirements on private sales of logs and applicable logging costs are deferred until such time, if any, when the department determines that private log sale information is necessary. An informational reporting requirement for private log sales will be instituted by the department only through the rule-making process. All public sales of stumpage and logs and applicable logging costs are available to the department through information sharing agreements. All private sales of stumpage are to be reported to the department as provided in this section.

(3) **REPORTING OF STUMPAGE PURCHASES-BUYERS.** All private stumpage purchases in excess of 100,000 board feet shall be reported to the department on the informational return provided by the department. The buyer of stumpage must report each stumpage purchase. For

purposes of this section, all stumpage purchases are either,

(a) *lump sum sales as defined in WAC 458-40-610(7), which states: "Lump sum sale. Also known as a cash sale or installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual timber harvested.";* or

(b) *scale sales as defined in WAC 458-40-610(16), which states: "Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest."*

(4) **REPORTING OF STUMPAGE PURCHASES-SELLERS.** *The seller of stumpage shall report to the department the name and address of the buyer.*

(5) **TIME OF REPORTING.** *The informational returns for purchases of stumpage, and the name and address report by the seller are each due to the department no later than the last working day of the month following the month in which the purchase of stumpage occurred.*

(6) **REPORTING-CONFIDENTIALITY OF INFORMATION.** *All data submitted to the department in compliance with this section is confidential tax information protected from disclosure under RCW 82.32.330. To the extent allowable by law, the department will not use or publish the informational return information in a manner such that the data from a particular return can be identified.*

(7) **INFORMATIONAL RETURN.** *The return shall consist of an information page which contains the identification of the seller and buyer, the date of the sale, and such other information as the department may require for the identification of the transaction. In addition to the information page, the informational return shall contain a copy of the contract(s) or other instrument(s) of sale, a map of the location of the sale and a copy of the timber cruise or other volume estimate of the subject timber, all supplied by the person filing the return.*

(a) *A supply of informational returns will be provided to those persons involved in transactions on a regular basis.*

(b) *Persons who do not receive a supply of informational returns from the department will be provided a supply of informational returns upon a request to the department.*

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule provides that buyers of stumpage provide the Department of Revenue with stumpage sale information. Sellers of stumpage provide the Department of Revenue with the names and addresses of the stumpage buyers.

Reasons Supporting Proposal: RCW 84.33.091 requires the Department of Revenue to semi-annually compute and publish stumpage value tables. Private sales are a critical part of stumpage value computation and an accurate value can be computed only with the private value information to be provided the department pursuant to this rule.

Name of Agency Personnel Responsible for Drafting: Steve Zagelow, 711 Capitol Way #205, Olympia, (206) 586-4291; Implementation and Enforcement: Gary O'Neil, 6004 Capitol Boulevard, Tumwater, (206) 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: This rule will allow the most equitable method of determining stumpage values. It requires that the buyer of stumpage complete an information return provided by the department. The return will consist of the identification of the seller and the buyer, the date of the sale, and such other information as the department may require for the identification of the transaction. In addition to the informational return the buyer will provide a copy of the contract(s), a map of the location of the sale and a copy of the timber cruise or other volume estimate of the subject timber. The seller of stumpage is required to provide only the name and address of the buyer.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): Changes were made in the rule drafting process to protect small businesses. The seller was originally designated as the party to provide the informational return. During prehearing conferences, the decision was reached that a more equitable treatment would be to have the buyer provide the necessary information (all of which is readily available to the buyer). The seller, most of whom are small businesses, now will only need provide the name and address of the buyer. This rule will have negligible economic impact on the buyers of stumpage.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on August 19, 1992, at 10:00 a.m.

Submit Written Comments to: Stephen Zagelow, Senior Counsel, Department of Revenue, P.O. Box 47458, FAX (206) 586-7603, Olympia, WA 98504-7458, by August 19, 1992.

WSR 92-14-112

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed July 1, 1992, 8:53 a.m.]

Original Notice.

Title of Rule: New section WAC 458-40-615 Timber excise tax—Stumpage values—Reporting of private stumpage and log purchase sales and applicable logging costs to the department.

Purpose: To provide a method for the Department [of] Revenue to receive and others to provide private stumpage sales data for the computation of stumpage value tables required by RCW 84.33.091.

Date of Intended Adoption: August 26, 1992.

June 29, 1992
Gary O'Neil
Assistant Director
Forest Tax

NEW SECTION

WAC 458-40-615 TIMBER EXCISE TAX-STUMPAGE VALUES-REPORTING OF PRIVATE STUMPAGE AND LOG PURCHASE SALES AND APPLICABLE LOGGING COSTS TO THE DEPARTMENT. (1) INTRODUCTION. The department is required to semi-annually publish stumpage tables. The department has designated areas containing similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Stumpage tables for each species or subclassification within a stumpage value area are prepared on or before each December 31 for use the following January through June and on or before June 30 for use July through December. The stumpage value is the amount that each species or subclassification would sell for at a voluntary sale (public or private) made in the ordinary course of business for purposes of immediate harvest. The stumpage values are determined in a manner which makes reasonable allowances for age, size, quantity, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors from:

(a) Gross proceeds from sales (public and/or private) on the stump of similar timber of like quality and character at similar locations and in similar quantities;

(b) Gross proceeds from sales (public and/or private) of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) REPORTING REQUIREMENT-IN GENERAL. To enable the department to determine stumpage values, the department must have information on public and private sales of stumpage, both lump sum sales and scale sales. Informational reporting requirements on private sales of logs and applicable logging costs are deferred until such time, if any, when the department determines that private log sale information is necessary. An informational reporting requirement for private log sales will be instituted by the department only through the rule-making process. All public sales of stumpage and logs and applicable logging costs are available to the department through information sharing agreements. All private sales of stumpage are to be reported to the department as provided in this section.

(3) REPORTING OF STUMPAGE PURCHASES-BUYERS. All private stumpage purchases in excess of 100,000 board feet shall be reported to the department on the informational return provided by the department. The buyer of stumpage must report each stumpage purchase. For purposes of this section, all stumpage purchases are either;

(a) lump sum sales as defined in WAC 458-40-610(7), which states: "Lump sum sale. Also known as a cash sale or installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual timber harvested."; or

(b) scale sales as defined in WAC 458-40-610(16), which states: "Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest."

(4) REPORTING OF STUMPAGE PURCHASES-SELLERS. The seller of stumpage shall report to the department the name and address of the buyer.

(5) TIME OF REPORTING. The informational returns for purchases of stumpage, and the name and address report by the seller are each due to the department no later than the last working day of the month following the month in which the purchase of stumpage occurred.

(6) REPORTING-CONFIDENTIALITY OF INFORMATION. All data submitted to the department in compliance with this section is confidential tax information protected from disclosure under RCW 82.32.330. To the extent allowable by law, the department will not use or publish the informational return information in a manner such that the data from a particular return can be identified.

(7) INFORMATIONAL RETURN. The return shall consist of an information page which contains the identification of the seller and buyer, the date of the sale, and such other information as the department may require for the identification of the transaction. In addition to the information page, the informational return shall contain a copy of the contract(s) or other instrument(s) of sale, a map of the location of the

sale and a copy of the timber cruise or other volume estimate of the subject timber, all supplied by the person filing the return.

(a) A supply of informational returns will be provided to those persons involved in transactions on a regular basis.

(b) Persons who do not receive a supply of informational returns from the department will be provided a supply of informational returns upon a request to the department.

WSR 92-14-113
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed July 1, 1992, 9:10 a.m.]

Continuance of WSR 92-13-061.

Title of Rule: WAC 251-04-060 Director.

Purpose: The rule specifies the Higher Education Personnel Board Director's responsibilities.

Hearing Location: The Evergreen State College, Olympia, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

June 30, 1992

John A. Spitz

Director

WSR 92-14-114
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed July 1, 1992, 9:12 a.m.]

Continuance of WSR 92-09-125 and 92-13-062.

Title of Rule: WAC 251-12-290 Superior court appeals-Preparation of record-Time limitations-Cost.

Purpose: The rule stipulates the Higher Education Personnel Board's responsibility in transmitting certified records to superior court.

Hearing Location: The Evergreen State College, Olympia, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, P.O. Box 40918, Olympia, WA 98504-0918, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

June 30, 1992

John A. Spitz

Director

WSR 92-14-115
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 1, 1992, 9:15 a.m.]

Continuance of WSR 92-12-093.

Title of Rule: Chapter 296-125 WAC, Nonagricultural employment of minors.

Purpose: The purpose of this rule is to clarify language in existing WACs; to increase protection of health and safety of minors as mandated by chapter 49.12 RCW; and to effect better school attendance as mandated by chapter 49.12 RCW. The purpose of this supplemental notice is to add an additional hearing in Wenatchee.

Hearing Location: Chelan County Public Utility District Auditorium, 327 North Wenatchee Avenue, Wenatchee, WA, on August 4, 1992, at 1:00 p.m.

Submit Written Comments to: Mark McDermott, Assistant Director, 406 Legion Way, Olympia, 98504, by August 4, 1992.

Date of Intended Adoption: September 1, 1992.

July 1, 1992

Dorette M. Markham
Deputy Director
for Joseph A. Dear
Director

WSR 92-14-116
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 1, 1992, 9:17 a.m.]

Original Notice.

Title of Rule: WAC 296-18A-460 Performance criteria, and 296-18A-465 Request for proposal.

Purpose: To remove counter-productive rule requirements.

Statutory Authority for Adoption: RCW 51.04.020.

Summary: The amendment to WAC 296-18A-460 removes vocational provider selection criteria. The repeal of WAC 296-18A-465 removes the restriction that the department use a request for proposal process in the selection of vocational providers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gail Robello, Olympia, MI-4326, 956-6749.

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: Amendment of WAC 296-18A-460 removes the requirement that statistical data of questionable pertinence and accuracy be used to select vocational services providers. The removal will permit the department to use more meaningful ways to judge and select providers; and the repeal of WAC 296-18A-465 removes the requirement that the department use a request for proposal process to select vocational services providers. Other more efficient processes may be used with greater economy and pertinence.

Proposal Changes the Following Existing Rules: As described above.

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

The proposed changes place no burden upon small businesses.

Small Business Economic Impact Statement

Summary: The proposed changes to WAC 296-18A-460 and 296-18A-465 will have an economic impact on less than 20% of all industries and on less than 10% of the businesses in any one industry. Therefore, the changes do not need review or alterations to minimize impact upon small businesses.

Background: WAC 296-18A-460 Performance criteria, the proposed change to this regulation will repeal, and thus delete, the performance criteria used to select providers who perform vocational services with state fund injured workers. The department has been unable to capture and measure the stated criteria with accuracy or relevancy. The department intends to develop performance criteria that is accessible and measurable; and WAC 296-18A-465 Request for proposal, the proposed change to this regulation will repeal the requirement that a request for proposal (RFP) process be used to select vocational services providers. Other options for selection of providers are being considered. The department is obtaining feedback from the vocational provider community and departmental resources with respect to use of an application process. The use of an application process is likely to be less complicated and cumbersome than the use of an RFP.

Impact Analysis: WAC 296-18A-460 Performance criteria, the deletion of the performance criteria does not require action on the part of the vocational providers affected. Vocational providers will not need to expend funds to comply. In fact, providers may be relieved of costly data collection requirements. The deletion will not affect the financial standing of the vocational providers, as there are no costs, either direct or indirect, associated with compliance. The change in this regulation will not place a proportionally higher burden on small business as there is no burden associated with the change on any business; and WAC 296-18A-465 Request for proposal, the RFP process used until now has been expensive for all firms, as the requirements and forms used are extensive. Vocational firms will not be required to expend money to comply with the change to this WAC. The deletion of the RFP process will not affect the financial standing of any vocational firm. The department's intent in proposing the change is to develop a fair, less costly and less cumbersome selection process to replace the RFP process. The change in the regulation will not place a proportionally higher burden on small business, as there is no burden on any business associated with the change.

Hearing Location: General Administration Auditorium, General Administration Building, Olympia, Washington 98504, on August 5, 1992, at 2:30 p.m.

Submit Written Comments to: Gail Robello, Labor and Industries, P.O. Box 44326, Olympia, WA 98504-4326, by August 5, 1992.

Date of Intended Adoption: September 7, 1992

July 1, 1992

Dorette M. Markham
Deputy Director
for Joseph A. Dear
Director

WSR 92-14-117

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 1992, 10:10 a.m.]

Original Notice.

Title of Rule: New chapter 16-580 WAC,
Washington Farmed Salmon Commission.

Purpose: Establish a commodity commission for
Washington farmed salmon.

Statutory Authority for Adoption: Chapter 15.65
RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Establish a commodity commission for
Washington farmed salmon with an eight-member
board and the authority to conduct advertising promo-
tion, research, information programs and actions to pre-
vent unfair trade practices.

Reasons Supporting Proposal: Farmed salmon pro-
ducers petitioned the director in accordance with RCW
15.65.050. Producers want means to conduct the above-
mentioned program.

Name of Agency Personnel Responsible for Drafting:
Roger L. Roberts, Olympia, (206) 753-5028; Imple-
mentation and Enforcement: Washington Farmed Salm-
on Commission.

Name of Proponent: Washington Fish Growers Asso-
ciation and all the eleven affected producers, private.

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

Explanation of Rule, its Purpose, and Anticipated Ef-
fects: The commission would have an eight-member
board, seven of which would be producers, would collect
assessments to carry out programs in marketing, re-
search, market information, unfair trade practices relat-
ed to farmed salmon, and carry out other powers and
duties as authorized in chapter 15.65 RCW.

Proposal does not change existing rules.

No small business economic impact statement is re-
quired for this proposal by chapter 19.85 RCW.

Hearing Location: San Juan Room, West Coast
Everett Pacific Hotel, 3105 Pine Street, Everett, WA, on
August 13, 1992, at 11:00 a.m.

Submit Written Comments to: Washington State De-
partment of Agriculture, P.O. Box 42560, Olympia, WA
98504-2560, by August 13, 1992.

Date of Intended Adoption: September 1, 1992.

July 1, 1992

Arthur C. Scheunemann

Managing Director

Market Development Division

Chapter 16-580 WAC

WASHINGTON FARMED SALMON COMMISSION

NEW SECTION

WAC 16-580-010 DEFINITION OF TERMS. For the purpose
of this marketing order:

(1) "Director" means the director of agriculture of the state of
Washington or the duly appointed representative.

(2) "Department" means the department of agriculture of the state
of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961
or chapter 15.65 RCW.

AMENDATORY SECTION (Amending Order 88-24, filed 10/10/88)

WAC 296-18A-460 (~~PERFORMANCE CRITERIA~~) AU-
DITS. ~~((1) Vocational rehabilitation providers offering services under
RCW 51.32.095 for state fund referrals shall be selected by the de-
partment, at the department's sole discretion, based upon providers'
performance according to the following criteria:~~

~~(2) There shall be objective evaluation by the department's voca-
tional rehabilitation services section, which shall address:~~

~~(a) Cost to medical aid fund including fees paid to vocational pro-
viders or other providers at the request of the vocational rehabilitation
counselor;~~

~~(b) Cost to accident fund including time loss compensation, loss of
earning power payments, and "training" costs pursuant to RCW
51.32.095(3), paid during the time vocational rehabilitation services
are provided;~~

~~(c) Cost to second injury fund due to approved job site
modifications;~~

~~(d) Length of services provided, from time of referral to date of is-
suanance of closing report;~~

~~(e) Ratio of referrals to completed plans;~~

~~(f) The outcome of the claim at the time of closure of vocational re-
habilitation services which identifies the injured worker as (i) employ-
able; (ii) returned to work; or (iii) other.~~

~~(3) The vocational rehabilitation services section shall also weigh the
various objective criteria listed above by addressing the following sub-
jective criteria:~~

~~(a) The ability of the vocational rehabilitation provider and counsel-
or to comply with the rules contained in chapter 296-18A WAC and
the law as contained in RCW 51.32.095;~~

~~(b) The adequacy of the vocational rehabilitation provider's facilities
shall also be considered.~~

~~(4) The vocational rehabilitation services section shall solicit pro-
posals, on forms provided by the vocational rehabilitation services sec-
tion, from all providers on the department's provider list and shall uti-
lize these in contracting with providers for referrals.~~

~~(5) Audits.) In order to ensure compliance with the ((above listed
criteria)) provisions of chapter 296-18A WAC, every vocational reha-
bilitation provider used by the department shall be subject to an audit
of their facilities and files. Audits may be conducted upon petition or
upon the department's own initiative. Audits may be for cause or at
random and may consist of, but not be limited to, an on-site evaluation
of each provider's facilities, files and records, including the accuracy
of the records and the accuracy of billing for services. The vocational re-
habilitation provider shall receive written notice at least forty-eight
hours in advance of such audit.~~

The audit of vocational rehabilitation providers at locations outside
the state of Washington shall be at the expense of the provider and the
expense incurred in making such audit shall be paid by the provider.

Such expenses shall be calculated at the usual and normal per diem
and travel expense rates established by law and in effect at the time
the expenses are incurred.

REPEALER

The following section of the Washington Administrative Code is
repealed:

WAC 296-18A-465 REQUEST FOR PROPOSAL.

- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who is an aquatic farmer as defined in chapter 15.85 RCW, registered to produce in Washington state farmed salmon (salmonids) in commercial quantities for marketing; or who contracts for the production in Washington state of farmed salmon (salmonids) in commercial quantities. This does not include marketing companies that buy, sell, or distribute salmonids produced by others.
- (6) "Permitted" means all required state, local, and federal permits for operating a commercial salmon farm.
- (7) "Commercial quantity" means any farmed salmon produced by an affected producer with an annual production of greater than fifty thousand pounds of dressed head-on equivalent.
- (8) "Farmed salmon commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of this marketing order.
- (9) "Farmed salmon" means native, nonnative, or hybrids of Pacific and Atlantic salmon, and steelhead, that are propagated, farmed, or cultivated for human food on aquatic farms under the supervision and management of a private sector aquatic farmer. Live fish, green eggs and eyed eggs are excluded.
- (10) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.
- (11) "Affected area" means the production area.
- (12) "Production area" means the state of Washington.
- (13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.
- (14) "Affected unit" means pounds of salmon farmed for retail and wholesale markets, excluding live fish, green eggs and eyed eggs.
- (15) "Order" means this marketing order.
- (16) "Dressed head-on equivalent" means weight based on whole, head-on gutted weight.
- (17) "Processors" means companies engaged in the commercial processing of farmed salmon.
- (18) "Processing" means to prepare farmed salmon or manufacture farmed salmon products by canning, cooking, smoking, filleting, heading, gutting, fermenting, dehydrating, drying, or consumer packaging.

NEW SECTION

- WAC 16-580-020 FARMED SALMON COMMODITY BOARD.** (1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.
- (2) Board membership. The board shall consist of seven producer representatives. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.
- (3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. The qualifications of members of the board as herein set forth must continue during the terms of office.
- (4) Term of office.
- (a) The term of office, for members of the board shall be three years, unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.
- (b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.
- (c) The term of office for the initial board members shall be as follows:
- Positions one and two - one year;
 - Positions three, four, and five - two years;
 - Positions six, seven, and eight - three years.
- (5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in

addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative for membership on the board at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

- (6) Election of board members.
- (a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.
- (b) If a nominee does not receive a majority of the votes on the first ballot, the board must nominate a new representative and a new election held for the position.
- (c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.
- (7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.
- (8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.
- (9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.
- (10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (11) Powers and duties of the board. The board shall have the following powers and duties:
- (a) To administer, enforce, and control the provisions of this order as the designee of the director.
- (b) To elect a chairman and such other officers as the board deems advisable.
- (c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.
- (d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.
- (e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.
- (f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day.
- (g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last

day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary of effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

NEW SECTION

WAC 16-580-030 **MARKETING ORDER PURPOSES.** The marketing order is to promote the general welfare of the state, to enable producers of farmed salmon products to help themselves establish orderly, fair, sound, efficient, unhampered marketing. To carry out the purposes of the marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for farmed salmon products. Such programs shall be directed toward increasing the sale of farmed salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of farmed salmon products 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 farmed salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, 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 therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington produced farmed salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of crop, will be borne by all affected producers.

NEW SECTION

WAC 16-580-040 **ASSESSMENTS AND COLLECTIONS.** (1) The assessment on all farmed salmon products shall be one and one-half cents (\$.015) per pound on the first ten million pounds (dressed head-on equivalent); one cent (\$.01) per pound from ten to fifteen million pounds (dressed head-on equivalent); and one-half cent (\$.005) per pound over fifteen million pounds (dressed head-on equivalent) produced collectively by affected producers.

(2) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(3) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(4) All reports and records furnished or submitted by producers to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of disclosure of individual producers' identity or operation.

(5) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(6) Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(7) Assessments may, with the concurrence of the affected producer, be collected prospectively.

NEW SECTION

WAC 16-580-041 **TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS—PRODUCTION REPORTS.** The following procedure is established for the reporting and paying of assessments:

(1) The board shall collect from affected producers a per pound assessment, in accordance with WAC 16-580-040, of dressed head-on weight equivalent on all farmed salmon produced.

(2) In the case where more than one "affected producer" is involved, the person responsible for the cost of processing shall be assessed.

(3) A production report for Washington farmed salmon shall be submitted by processors to the board within seven days of the last day of each production month.

(4) Assessments shall be submitted to the board by the affected producer within thirty days of the last day of each production month.

(5) Production reports shall be reviewed by the board each quarter for consistency with Washington state department of fisheries production reports.

NEW SECTION

WAC 16-580-050 OBLIGATIONS OF THE BOARD. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-580-060 TERMINATION OF THE ORDER. The order shall be terminated if the director finds that fifty-one percent of numbers or fifty-one percent by volume of production of the affected producers assent such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether termination is assented to whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

NEW SECTION

WAC 16-580-070 EFFECTIVE TIME. This marketing order for farmed salmon products shall become effective on or after January 1, 1992, and remain in full force and effect until December 31, 1994, unless terminated prior thereto under the provisions of chapter 15.65 RCW: PROVIDED, That if it remains in effect until December 31, 1994, the director shall conduct a referendum as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers desire that the order be terminated on such date or continued in full force and effect beyond such date. All costs of conducting such election shall be defrayed from the funds of the commission.

NEW SECTION

WAC 16-580-080 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

**WSR 92-14-118
PROPOSED RULES
GREEN RIVER
COMMUNITY COLLEGE
[Filed July 1, 1992, 10:42 a.m.]**

Original Notice.

Title of Rule: Green River Community College, student code of conduct.

Purpose: Green River Community College, an agency of the state of Washington, provides a variety of educational opportunities for students; namely the opportunities to examine the academic, vocational, technical, cultural, social and recreational aspects of society. Green River Community College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable. The rules regarding the conducts of students are adopted in order to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions. Sanctions for the violations of the rules of student conduct will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to the appropriate authorities. In cases of minors, this conduct may also be referred to parents or legal guardians.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 28B.50.140(13).

Summary: The Administrative Procedure Act, chapter 34.05 RCW, sets forth procedures for agencies to conduct adjudicative proceedings. This contemplates one standardized set of procedures for all agencies within the state and negates the need for each agency to adopt its own detailed procedures.

Reasons Supporting Proposal: This allow the code to be condensed from 49 pages to 27 pages. In addition to the statute, there is one set of rules for the whole state (chapter 10-08 WAC), adopted by the Office of Administrative Hearings.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael McIntyre, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002, (206) 833-9111 x251; and Enforcement: Rich Rutkowski and Mike McIntyre, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002, (206) 833-9111 x251.

Name of Proponent: Green River Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The code for the Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable. The rules clearly provide students a full understanding that will enable the college to maintain conditions to the effective performance for the college's functions.

Proposal does not change existing rules.

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

Hearing Location: Green River Community College, Administration Building, Board Room, 12401 S.E. 320th Street, Auburn, WA 98002, on September 17, 1992, at 12-1 p.m.

Submit Written Comments to: Michael McIntyre, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002, by September 11, 1992.

Date of Intended Adoption: September 17, 1992.

June 24, 1992

Michael McIntyre
Vice-President for Marketing
and Student Development

Reviser's note: The material contained in this filing will appear in the 92-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 92-14-119
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed July 1, 1992, 10:53 a.m.]

Original Notice.

Title of Rule: Amending Section 8.03 of Regulation I; and adding Section 8.05 of Regulation I.

Purpose: To improve legibility and allow administrative waivers for burning in a prohibited area in the case of an emergency.

Other Identifying Information: Section 8.03 pertains to outdoor fires - prohibited areas; and Section 8.05 pertains to emergency waivers - burning in a prohibited area.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: To improve legibility and allow administrative waivers for burning in a prohibited area in the case of an emergency.

Reasons Supporting Proposal: Language pertaining to September 1st implementation dates will be unnecessary. Variance procedures are inappropriate for emergency situations.

Name of Agency Personnel Responsible for Drafting: Gerald Pade, 110 Union Street, Room 500, Seattle, 98101, (206) 689-4065; **Implementation and Enforcement:** James Nolan, 110 Union Street, Room 500, Seattle, 98101, (206) 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Section 8.03 is being amended to improved legibility and to reference the proposed Section 8.05; and Section 8.05 would allow the Puget Sound Air Pollution Control Agency control officer to grant a waiver from the prohibitions in Section 8.03 in "emergency" situations.

Proposal Changes the Following Existing Rules: The proposal would amend Section 8.03, Outdoor Fires -

Prohibited Areas and add a new Section 8.05, Emergency Waivers - Burning in a Prohibited Area.

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

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, Room 500, Seattle, WA 98101, on August 13, 1992, at 9:00 a.m.

Submit Written Comments to: Air Pollution Control Officer, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by August 6, 1992.

Date of Intended Adoption: August 13, 1992.

June 29, 1992

Gerald S. Pade
Air Pollution Engineer

AMENDATORY SECTION

SECTION 8.03 OUTDOOR FIRES - PROHIBITED AREAS

~~((a) Until September 1, 1992 it shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5) in any area where the Board has prohibited burning as set forth in the addenda to Regulation I in Article 8-))~~

~~(a) ((b) Beginning September 1, 1992 it))~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5):

(1) Within Snohomish County Fire District #11 or King County Fire Districts #25, 34, or 37;

(2) In any area where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, including but not limited to carbon monoxide and particulates (PM10);

(3) In any area in which the applicable ~~((fire district;))~~ fire protection agency, ~~((city, town;))~~ county, or conservation district has determined not to issue burning permits for outdoor ~~((burning))~~ fires pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780;

(4) In any area in which the applicable ~~((fire district;))~~ fire protection agency, ~~((city, town;))~~ county, or conservation district has determined that selected types of outdoor ~~((burning))~~ fires are prohibited under a valid burning permit program established pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

~~(b) ((c))~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5) within the Urban Growth Areas of Snohomish, King, and Pierce Counties ~~((after September 1, 1992 or such time as an Urban Growth Area is adopted by the county, whichever is later))~~.

~~(c) ((d))~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(5) in Kitsap County Township 24N, Range 1E, Sections 1, 2, 10-15, and 22-24.

(d) A waiver from the outdoor burning prohibitions of Section 8.03 may be granted by the Control Officer if the applicant demonstrates that the waiver is necessitated by an emergency situation pursuant to Section 8.05.

NEW SECTION

SECTION 8.05 EMERGENCY WAIVERS - BURNING IN A PROHIBITED AREA

(a) A waiver from the outdoor burning prohibitions of Section 8.03 may be granted by the Control Officer if the applicant demonstrates that:

(1) The waiver is necessitated by an emergency situation; and
(2) The emissions proposed to occur do not endanger public health or safety or the environment; and

(3) Compliance with the regulations from which the waiver is sought would produce serious hardship with equal or greater benefits to the public.

(b) No waiver will be issued unless the applicant provides:

(1) Written approval from the local fire protection agency, county, or conservation district; and

(2) Written estimates of the volume of debris proposed to be burned; and

(3) Written bids for hauling the debris to the nearest approved woodwaste recycling facility and for chipping the debris on-site; and

(4) A non-refundable application fee of \$100.00.

(c) Any waiver issued by the Control Officer may contain appropriate conditions and may be revoked for cause.

(d) Nothing contained in this section shall preclude the applicant from obtaining a variance from the Board pursuant to Article 4 of PSAPCA Regulation I.

WSR 92-14-120

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-31—Filed July 1, 1992, 10:58 a.m.]

Continuance of WSR 92-11-042.

Title of Rule: WAC 173-19-360 San Juan County shoreline master program.

Purpose: To continue the public hearing from June 24, 1992, to July 24, 1992.

Hearing Location: Orcas Center, Mt. Baker and North Beach Road, East Sound, Orcas Island, Washington, on July 24, 1992, at 2:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47600, Olympia, WA 98504, by August 3, 1992.

Date of Intended Adoption: August 18, 1992.

July 1, 1992

Fred Olson

Deputy Director

WSR 92-14-121

EMERGENCY RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed July 1, 1992, 10:59 a.m.]

Date of Adoption: July 1, 1992.

Purpose: To implement RCW 39.19.030(4) and encourage MWBE participation in state contracting opportunities.

Citation of Existing Rules Affected by this Order: [New section] WAC 326-30-041 Annual goals.

Statutory Authority for Adoption: RCW 39.19.030(7).

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

Reasons for this Finding: The Office of Minority and Women's Business Enterprises files this emergency rule so that participation goals remain in effect while information is analyzed for purposes of adopting the permanent rule.

Effective Date of Rule: Immediately.

July 1, 1992

James A. Medina

Director

NEW SECTION

WAC 326-30-041 ANNUAL GOALS. *The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:*

July 1, 1992, through June 30, 1993,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

WSR 92-14-122

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 1992, 11:05 a.m.]

Date of Adoption: July 1, 1992.

Purpose: To establish fees for the inspection of weighing and measuring and counting devices.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-674-002; and amending WAC 16-674-010, 16-674-020, 16-674-030, and 16-674-040.

Statutory Authority for Adoption: Sections 7 and 12, chapter 237, Laws of 1992.

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

Reasons for this Finding: The weights and measures program will become dependent upon the revenue to be derived from inspection fees to fund the majority of its program beginning July 1, 1992. It is essential for the survival of the program that the collection of fees begins on July 1, 1992. The program serves both business and consumers by identifying inaccurate weighing, measuring and counting devices and taking them out of service until they are repaired or replaced.

Effective Date of Rule: Immediately.

July 1, 1992

Mike Willis

Assistant Director

AMENDATORY SECTION (Amending Order 1145, filed 2/27/70, effective 4/1/70)

WAC 16-674-010 ((EXEMPTIONS—FROM SEALING OR MARKING AND/OR ANNUAL RE-TESTING OF WEIGHTS AND MEASURES DEVICES)) DEFINITIONS. ((†) *The weights and measures listed below shall be specifically exempted from the*

~~sealing or marking requirements of section 25, chapter 67, Laws of 1969:~~

- ~~(a) Measure containers~~
- ~~(b) Milk bottles~~
- ~~(c) Lubricating-oil bottles~~
- ~~(d) Berry baskets and boxes.~~

~~(2) The weights and measures listed below shall be specifically exempted from the annual retesting requirements of sections 20 and 21, chapter 67, Laws of 1969, and shall be retested only as required by the director:~~

- ~~(a) Vehicle tanks used as measures*~~
- ~~(b) Farm milk tanks*~~
- ~~(c) Liquid measures*~~
- ~~(d) Glass graduates~~
- ~~(e) Measures containers~~
- ~~(f) Milk bottles~~
- ~~(g) Lubricating-oil bottles~~
- ~~(h) Linear measures*~~
- ~~(i) Dry measures*~~
- ~~(j) Berry baskets and boxes.~~

~~*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.)~~ The following definitions shall apply to this chapter in addition to the definitions contained in chapter 19.94 RCW;

(1) "Small scale" shall mean any device used to weigh any commodity or product with a weighing capacity of one hundred pounds or less.

(2) "Large scale" shall mean any device used to weigh any commodity or product with a weighing capacity of more than one hundred pounds. This definition shall include scales over which trucks are weighed for the purpose of determining the empty weight of the truck and any trailers and the gross weight of the truck and any trailers after any product or commodity has been loaded into the truck and any trailers. This definition shall specifically exclude railroad track scales.

(3) "Commercial device" means any weighing, measuring, or counting device which is used in commercial transactions in which money or something else of value is exchanged for the purchase or sale of any commodity, product, service, or thing.

AMENDATORY SECTION (Amending Order 1145, filed 2/27/70, effective 4/1/70)

~~WAC 16-674-020 ((DISPOSITION OF CONDEMNED AND CONFISCATED WEIGHTS AND MEASURES)) FEES. ((Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.))~~ The following fees shall be

charged for the inspection and testing of weighing, measuring and counting commercial devices included in this fee schedule. If a device is moved and requires reinspection and retesting, it shall be considered a different device and subject to this fee schedule again.

<u>Small scales</u>	<u>\$ 8.00</u>
<u>Liquid propane gas meters....</u>	<u>\$ 35.00</u>
<u>Large scales</u>	<u>\$ 70.00</u>
<u>Motor fuel pump meters</u>	<u>\$ 8.00</u>
<u>Rack meters.....</u>	<u>\$ 35.00</u>
<u>Oil delivery trucks.....</u>	<u>\$ 26.00</u>
<u>Taxi meters.....</u>	<u>\$ 8.00</u>
<u>Railroad track scales.....</u>	<u>\$650.00</u>
<u>Fabric meters.....</u>	<u>\$ 8.00</u>

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above for commercial devices.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

~~WAC 16-674-030 ((WEIGHMASTER LICENSE)) PAYMENT OF INSPECTION FEES. ((Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.))~~ Payment of inspection fees is due and payable thirty days after billing. A late penalty of one and one-half percent may be assessed on any unpaid balance more than thirty days in arrears.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

~~WAC 16-674-040 ((WEIGHMASTER LICENSE-LATE RENEWAL PENALTY)) GRAIN ELEVATOR SCALES-INSPECTION-FEES. ((Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.~~

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.)) Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be thirty-one dollars fifty cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the commodity inspection division of the state department of agriculture, which has entered into a cooperative agreement with the Weights and Measures Program.

NEW SECTION

WAC 16-674-055 DISPOSITION OF CONDEMNED AND CONFISCATED WEIGHTS AND

MEASURES. *Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.*

NEW SECTION

WAC 16-674-060 WEIGHMASTER LICENSE. *Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.*

NEW SECTION

WAC 16-674-070 WEIGHMASTER LICENSE—LATE RENEWAL PENALTY. (1) *Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.*

(2) *Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.*

NEW SECTION

WAC 16-674-080 WEIGHER LICENSE. *Weigher licenses issued under RCW 15.80.500 shall expire on June 30th following the date of issuance.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-674-002 PROMULGATION.

WSR 92-14-123
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed July 1, 1992, 11:10 a.m.]

Original Notice.

Title of Rule: Weights and measures, chapter 16-674 WAC.

Purpose: To adopt in final form the inspection fees for weighing, measuring and counting devices provided for by chapter 237, Laws of 1992.

Statutory Authority for Adoption: Chapter 237, Laws of 1992.

Statute Being Implemented: Chapter 237, Laws of 1992.

Summary: The emergency rules that established inspection fees for weighing, measuring and counting fees on July 1, 1992, need to be reconsidered for permanent adoption.

Reasons Supporting Proposal: Inspection fees are necessary to provide the revenue needed to operate the state's weights and measures program. The weights and measures program provides an essential public service to both businesses and consumers by identifying inaccurate weighing, measuring and counting devices and removing them from use until they are repaired.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Willis, 2747 29th Avenue, Tumwater, WA.

Name of Proponent: Washington Retail Association, Association of Washington Cities, Washington State Food Dealers Association, Association of Washington Business, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: At the time this hearing occurs, it may be possible to determine if the fees adopted by emergency on July 1, 1992, will be adequate to support the weights and measures program. If not, other action must be taken.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will implement fees for the inspection of weighing, measuring and counting devices. This was made necessary by the passage of SSB 6483 during the 1992 legislative session. The revenue from these fees will support the state's weights and measures program. It is hoped that these fees will not be a burden upon the business community, but if they prove to be, we may be looking at other options for the operation of the state's weights and measures program, which serves both the business community and their consumers by identifying inaccurate devices and taking them out of service until they are repaired or replaced.

Proposal Changes the Following Existing Rules: Some existing rules are either being eliminated because they have become outdated or repositioned in this WAC chapter.

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

Hearing Location: Kent City Hall, 220-4th Avenue South, Kent, WA, on August 4, 1992, at 9:00 a.m.; and at the Yakima County Courthouse, North 1st and East B Street, Yakima, WA, on August 4, 1992, at 3:00 p.m.

Submit Written Comments to: Mike Willis, P.O. Box 42560, Olympia, WA 98502-2581, by August 4, 1992.

Date of Intended Adoption: August 14, 1992.

July 1, 1992
Mike Willis
Assistant Director

AMENDATORY SECTION (Amending Order 1145, filed 2/27/70, effective 4/1/70)

~~WAC 16-674-010 ((EXEMPTIONS FROM SEALING OR MARKING AND/OR ANNUAL RETESTING OF WEIGHTS AND MEASURES DEVICES)) DEFINITIONS. ((+)) The weights and measures listed below shall be specifically exempted from the sealing or marking requirements of section 25, chapter 67, Laws of 1969:~~

- ~~(a) Measure containers~~
- ~~(b) Milk bottles~~
- ~~(c) Lubricating oil bottles~~

(d) Berry baskets and boxes:

(2) The weights and measures listed below shall be specifically exempted from the annual retesting requirements of sections 20 and 21, chapter 67, Laws of 1969, and shall be retested only as required by the director:

- (a) Vehicle tanks used as measures*
- (b) Farm milk tanks*
- (c) Liquid measures*
- (d) Glass graduates
- (e) Measures containers
- (f) Milk bottles
- (g) Lubricating oil bottles
- (h) Linear measures*
- (i) Dry measures*
- (j) Berry baskets and boxes:

*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.)) The following definitions shall apply to this chapter in addition to the definitions contained in chapter 19-94 RCW:

(1) "Small scale" shall mean any device used to weigh any commodity or product with a weighing capacity of one hundred pounds or less.

(2) "Large scale" shall mean any device used to weigh any commodity or product with a weighing capacity of more than one hundred pounds. This definition shall include scales over which trucks are weighed for the purpose of determining the empty weight of the truck and any trailers and the gross weight of the truck and any trailers after any product or commodity has been loaded into the truck and any trailers. This definition shall specifically exclude railroad track scales.

(3) "Commercial device" means any weighing, measuring, or counting device which is used in commercial transactions in which money or something else of value is exchanged for the purchase or sale of any commodity, product, service, or thing.

AMENDATORY SECTION (Amending Order 1145, filed 2/27/70, effective 4/1/70)

WAC 16-674-020 (~~(DISPOSITION OF CONDEMNED AND CONFISCATED WEIGHTS AND MEASURES)~~) FEES. ((Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.)) The following fees shall be charged for the inspection and testing of weighing, measuring and counting commercial devices included in this fee schedule. If a device is moved and requires reinspection and retesting, it shall be considered a different device and subject to this fee schedule again.

Small scales	\$ 8.00
Liquid propane gas meters	\$ 35.00
Large scales	\$ 70.00
Motor fuel pump meters.....	\$ 8.00
Rack meters.....	\$ 35.00
Oil delivery trucks.....	\$ 26.00
Taxi meters.....	\$ 8.00
Railroad track scales.....	\$650.00
Fabric meters.....	\$ 8.00

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above for commercial devices.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-030 (~~(WEIGHMASTER LICENSE)~~) PAYMENT OF INSPECTION FEES. ((Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.)) Payment of inspection fees is due and payable thirty days after billing. A late penalty of one and one-half percent may be assessed on any unpaid balance more than thirty days in arrears.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-040 (~~(WEIGHMASTER LICENSE—LATE RENEWAL PENALTY)~~) GRAIN ELEVATOR SCALES—INSPECTION—FEES. ((~~(1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.~~

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.)) Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be thirty-one dollars fifty cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the commodity inspection division of the state department of agriculture, which has entered into a cooperative agreement with the Weights and Measures Program.

NEW SECTION

WAC 16-674-055 DISPOSITION OF CONDEMNED AND CONFISCATED WEIGHTS AND MEASURES. Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed.

NEW SECTION

WAC 16-674-060 WEIGHMASTER LICENSE. Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

NEW SECTION

WAC 16-674-070 WEIGHMASTER LICENSE—LATE RENEWAL PENALTY. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

NEW SECTION

WAC 16-674-080 WEIGHER LICENSE. Weigher licenses issued under RCW 15.80.500 shall expire on June 30th following the date of issuance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-674-002 PROMULGATION.

WSR 92-14-124
ATTORNEY GENERAL OPINION
Cite as: AGO 1992 No. 10
[June 26, 1992]

STATE BOARD OF EDUCATION—SCHOOLS—STUDENTS—TEACHERS—PUNISHMENT—CHILD ABUSE—ABILITY OF THE STATE BOARD OF EDUCATION TO PROHIBIT CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS

1. RCW 28A.305.130(8) empowers the State Board of Education to adopt rules to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools. RCW 28A.305.130(8) does not authorize the State Board to adopt a rule prohibiting corporal punishment in the public schools.
2. RCW 28A.305.160 empowers the State Board of Education to adopt rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. RCW 28A.305.160 does not authorize the State Board to adopt a rule prohibiting corporal punishment in the public schools. RCW 28A.305.160 does empower the State Board to adopt rules to ensure that corporal punishment is reasonable and moderate.

Requested by:

Honorable Grace Cole
State Representative
Post Office Box 40602
Olympia, Washington 98504-0602

WSR 92-14-125
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
[Filed July 1, 1992, 11:35 a.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority, Regulation I, Article IV, Registration Required.

Purpose: Correcting and expanding the categories of air pollution sources required to register with the authority.

Statutory Authority for Adoption: RCW 70.94.151.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: Correcting and expanding the categories of air pollution sources required to register with the authority.

Reasons Supporting Proposal: Recent legislation at the federal and state levels and adoption of two new state administrative codes has made it essential to obtain emission data on different categories of air pollution sources.

Name of Agency Personnel Responsible for Drafting and Implementation: Fred O. Gray, Spokane,

Washington, (509) 456-4727 ext. 105; and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727 ext. 120.

Name of Proponent: Spokane County Air Pollution Authority, West 1101 College Avenue, Room 403, Spokane, WA 99201, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule, authorized by RCW 70.94.151, allows the authority to classify air pollution sources and require registration and reporting of emissions from those sources within its jurisdiction. Historically, annual updates of emission data have been obtained but registration was required only once. Emission data is essential to the authority's planning and strategy development efforts.

Proposal Changes the Following Existing Rules: This proposal will increase the number of categories of sources required to register with the authority and will require annual registrations.

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

This rule is being proposed to conform to chapter 173-491 WAC; to insure compliance with chapter 173-460 WAC and provide an informational base in preparation of future requirements of the federal Clean Air Act amendments of 1990 and Washington Clean Air Act amendments of 1991.

Hearing Location: Spokane County Courthouse, Commissioner's Assembly Room, West 1116 Broadway, Spokane, WA 99201, on August 13, 1992, at 9:30 a.m.

Submit Written Comments to: Fred O. Gray, Spokane County Air Pollution Control Authority, West 1101 College Avenue, Room 403, Spokane, WA 99201, by August 7, 1992.

Date of Intended Adoption: August 13, 1992.

June 30, 1992

Fred O. Gray

Environmental Engineer

ARTICLE IV

REGISTRATION

AMENDATORY SECTION

REGULATION I SECTION 4.01 REGISTRATION REQUIRED

((The)) Under the authority of 70.94.151 RCW, the classes of air contaminant sources listed in Exhibit "R" below ~~((shall be registered with))~~ are regulated by the Authority. An air contaminant source whether publicly or privately owned shall register with the Authority unless a written exemption is issued by the Authority. An air contaminant source established after the adoption of this Section shall register prior to commencing operations. Registration information shall be updated annually thereafter.

AMENDATORY SECTION

REGULATION I SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

- A. Registration of an installation or facility shall be made by the owner or lessee of the source, or ~~((his))~~ agent, on forms furnished by the Authority. The owner of the source and lessee are ~~((shall be))~~ responsible for registration and for the ~~((correctness))~~ accuracy of the information submitted.

- B. A separate registration shall be required for each source of contaminant, provided that, an owner or lessee has the option to register a process or facility with a detailed inventory of contaminant sources and emissions related to said process or facility: provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.
- C. Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

NEW SECTION

REGULATION I SECTION 4.03 EXEMPTION REQUESTS

Any person may submit a written request to the Control Officer for an exemption from the registration requirements of this Article, providing justification for such request. The request shall address, as a minimum, how the emissions from that class of air pollution source would impact applicable ambient air quality standards, public nuisance, and public exposure to toxic air pollutants.

Within thirty (30) days the Authority shall request any additional information it deems necessary. Within fifteen (15) days of receipt of the additional information, the Control Officer shall make a ruling on the exemption request.

EXHIBIT R

- ~~(1. Fuel burning equipment which is in multiple-family dwellings serving 5 or more families and has a BTU input of more than 400,000 BTU per hour.~~
- ~~2. Packers and mixers of agricultural chemicals (fertilizer concentrates, etc.).~~
 - ~~3. Asphalt and asphalt products.~~
 - ~~4. Grass seed fields.~~
 - ~~5. Brick and clay products (tiles, etc.).~~
 - ~~6. Concrete product manufacturers and ready mix.~~
 - ~~7. Casting and foundries, ferrous and nonferrous.~~
 - ~~8. Mills, seed, feed and flouring.~~
 - ~~9. Mills, lumber plywood, shake and shingle.~~
 - ~~10. Millproducts (cabinet works, casket works, and wood by-products).~~
 - ~~11. Paper manufacturers.~~
 - ~~12. Meat packers.~~
 - ~~13. Rendering plants.~~
 - ~~14. Sand and gravel, & pre-mix.~~
 - ~~15. Salvage operations (scrap metal, junk).~~
 - ~~16. Automobile wrecking yards and fragmentizers.~~
 - ~~17. Paint shops.))~~
 - ~~18. Sandblasting (except wet abrasive).~~
 - ~~19. Bulk gasoline terminals.~~
 - ~~20. Chemical plants.~~
 - ~~21. Plastic fabrication.~~
 - ~~22. Insulation manufacturers.~~
 - ~~23. Incinerators designed for a capacity of one hundred pounds per hour or more.~~
 - ~~24. Fire recappers.~~
 - ~~25. Metal plating.~~
 - ~~26. Agricultural drying and dehydrating operations.~~
 - ~~27. Metal sheet surface coating operations.~~
 - ~~28. Cattle feedlots with facilities for one thousand or more cattle.~~
 - ~~29. Flexible vinyl and urethane coating and printing operations.~~
 - ~~30. Grain handling, seed processing, pea and lentil processing facilities.~~
 - ~~31. Metallic mineral processing plants.~~
 - ~~32. Mineralogical processing plants.~~
 - ~~33. Metallurgical processing plants.~~
 - ~~34. Power boilers using coal, hog fuel, oil or other solid or liquid fuel.~~
 - ~~35. Stationary internal combustion engines rated at five hundred horsepower or more.~~
 - ~~36. Any category of stationary sources to which a federal standard of performance (NSPS) applies.~~
 - ~~37. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS).~~
- ~~38. Any major source or major emissions unit as defined by WAC 173-403-030.~~
 - ~~1. Abrasive blasting operations.~~
 - ~~2. Agricultural chemicals, facilities for packing and mixing (fertilizer concentrates, pesticides, etc.).~~
 - ~~3. Agricultural drying and dehydrating operations.~~
 - ~~4. Any category of stationary sources to which a federal standard of performance (NSPS) applies.~~
 - ~~5. Any source category subject to limitations on emissions of hazardous air pollutants by the federal clean air act.~~
 - ~~6. Any source in operation on or before the effective date of this regulation with small quantity emission rates exceeding the limits defined in WAC 173-460-080 (2)(e).~~
 - ~~7. Any source or emissions unit with a significant emission as defined by 173-400-030 (24), (37), and (61) WAC.~~
 - ~~8. Any source required to obtain an approved Notice of Construction under Article V.~~
 - ~~9. Asphalt and asphalt products production facilities.~~
 - ~~10. Boilers using coal, hog fuel, oil or other solid or liquid fuel.~~
 - ~~11. Brick and clay products manufacturing plants (tiles, etc.).~~
 - ~~12. Bulk gasoline terminals, bulk gasoline plants, gasoline loading terminals and gasoline dispensing facilities subject to 173-491-040 WAC.~~
 - ~~13. Casting facilities and foundries, ferrous and nonferrous.~~
 - ~~14. Cattle feedlots with facilities for one thousand or more cattle.~~
 - ~~15. Chemical manufacturing plants.~~
 - ~~16. Composting operations, commercial, and municipal.~~
 - ~~17. Concrete product manufacturers and ready mix plants.~~
 - ~~18. Degreasers; vapor, cold, open top and conveyORIZED.~~
 - ~~19. Dry cleaning plants.~~
 - ~~20. Fuel burning equipment other than those serving dwellings of four or less families and has a heat input of more than 400,000 BTU per hour.~~
 - ~~21. Grain handling; seed, pea and lentil processing facilities.~~
 - ~~22. Graphic art systems.~~
 - ~~23. Grass seed fields.~~
 - ~~24. Hazardous waste treatments, storage, and disposal facilities.~~
 - ~~25. Hospitals, specialty and general medical surgical.~~
 - ~~26. Active landfills including gas collection systems and flares.~~
 - ~~27. Incinerators designed for a capacity of one hundred pounds per hour or more.~~
 - ~~28. Insulation manufacturers.~~
 - ~~29. Fine particulate materials handling and transfer facilities.~~
 - ~~30. Meat packing plants.~~
 - ~~31. Metal plating and anodizing operations.~~
 - ~~32. Metallic mineral processing facilities.~~
 - ~~33. Metallurgical processing facilities.~~
 - ~~34. Mills; lumber, plywood, shake and shingle.~~
 - ~~35. Mills; seed, feed and flouring.~~
 - ~~36. Mills; wood products (cabinet works, casket works, furniture and wood by-products).~~
 - ~~37. Mineralogical processing facilities.~~
 - ~~38. Natural gas transmission and distribution (SIC 4923).~~
 - ~~39. Ovens, burn-out and heat-treat.~~
 - ~~40. Paper manufacturers.~~
 - ~~41. Plastics and fiberglass fabrication facilities.~~
 - ~~42. Refuse systems (SIC 4953).~~
 - ~~43. Rendering plants.~~
 - ~~44. Rock crushing plants.~~
 - ~~45. Salvage operations (scrap metal, junk).~~
 - ~~46. Sand and gravel and pre-mix plants.~~
 - ~~47. Sewerage systems (SIC 4952).~~
 - ~~48. Soil and groundwater remediation projects.~~
 - ~~49. Stationary internal combustion engines and turbines rated at five hundred horsepower or more.~~
 - ~~50. Storage tanks for organic liquids within commercial or industrial facilities with capacities greater than 40,000 gallons.~~
 - ~~51. Surface coatings manufacturers.~~
 - ~~52. Surface coating operations including; automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass.~~
 - ~~53. Synthetic fiber production facilities.~~
 - ~~54. Synthetic organic chemical manufacturing industries.~~
 - ~~55. Tire recapping facilities.~~

56. Utilities, combination electric and gas, and other utility services (SIC 493).
 57. Vapor collection systems within commercial or industrial facilities.
 58. Waste oil burners.

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

WSR 92-14-126
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Nursing)

[Filed July 1, 1992, 11:45 a.m.]

Original Notice.

Title of Rule: Advanced registered nurse practitioner (ARNP).

Purpose: Revise definition of ARNP in Washington state, add an additional speciality (neonatal nurse practitioner) to those recognized by the board for advanced nursing practice, eliminates national certifying bodies from responsibilities in board review of those programs.

Statutory Authority for Adoption: RCW 18.88.030(2) and 18.88.080.

Statute Being Implemented: RCW 18.88.175.

Summary: Proposed changes to existing board rules to clarify definitions and recognize another speciality of advanced practice, neonatal nurse practitioner. House-keeping change in making licensees responsible for certification program reviews, rather than certifying bodies.

Reasons Supporting Proposal: Proposed change in definition provides better distinction between nursing specialization and advanced registered nursing practice. Board review of the neonatal nurse practitioner qualifications found it meets board criteria previously established.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, RN, MSN, 1300 S.E. Quince, Olympia, 98504, 753-2686.

Name of Proponent: Washington State Board of Nursing, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revised definition will assist nurses, employers, and clients to better understand expectations of nurses in advanced practice roles. Addition of the neonatal nurse practitioner will authorize the provision of services by nurses in that advanced specialty in accordance with the laws and rules regulating advanced practice.

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

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

Hearing Location: SeaTac Legislative Office Building, 18000 Pacific Highway South, Suite 500, SeaTac, WA 98188, at 1 p.m., on August 7, 1992; and at the Spokane Ramada Inn, Spokane International Airport, Spokane, Washington 99219, on August 11, 1992, at 1:00 p.m.

Submit Written Comments to: Patricia O. Brown, RN, MSN, Board of Nursing, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, by August 1, 1992.

Date of Intended Adoption: September 18, 1992.

June 23, 1992

Patricia O. Brown, RN, MSN
 Executive Director
 Board of Nursing

AMENDATORY SECTION (Amending Order 116B, filed 3/18/91, effective 4/18/91)

WAC 246-839-300 **ADVANCED REGISTERED NURSE PRACTITIONER.** An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. ~~((This practice builds on previous knowledge and skill and utilizes indepth knowledge of physical assessment and management of illnesses or conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals such as physicians, pharmacists, podiatrists, dentists, and nurses.))~~ Advanced registered nurse practitioners, when functioning within the recognized scope of practice, are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization. An advanced registered nurse practitioner shall:

(1) Hold a current license to practice as a registered nurse in Washington; and

(2) Have completed an advanced formal education program in the area of specialty; and

(3) ~~((Have been granted a))~~ Present documentation of initial certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board, and subsequently maintain currency and competency as defined by the certifying body.

AMENDATORY SECTION (Amending Order 214B, filed 11/19/91, effective 12/20/91)

WAC 246-839-310 **USE OF NOMENCLATURE.** Any person who qualifies under WAC 246-839-300 and whose application for advanced registered nurse practitioner designation has been approved by the board shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

(1) Family nurse practitioner, FNP; or

(2) Women's health care nurse practitioner; or

(3) Pediatric nurse practitioner/associate, PNP/PNA; or

(4) Adult nurse practitioner, ANP; or

(5) Geriatric nurse practitioner, GNP; or

(6) Certified nurse midwife/nurse midwife, CNM; or

(7) Nurse anesthetist, CRNA; or

(8) School nurse practitioner, SNP; or

(9) Neonatal nurse practitioner, NNP.

AMENDATORY SECTION (Amending Order 214B, filed 11/19/91, effective 12/20/91)

WAC 246-839-320 **CERTIFICATION AND CERTIFICATION PROGRAM.** (1) Certification is a ~~((voluntary))~~ form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement as identified in WAC 246-839-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; and

(iii) Be open only to registered nurses who have successfully completed the program of study referred to in (b) of this subsection.

~~((3) A licensee credentialed by a national certifying body which meets the requirements of subsection (2)(a) and (c) of this section but not subsection (2)(b) of this section may petition the board for individual recognition as an ARNP by submitting documentation that the licensee's advanced formal education program in the area of specialty meets the requirements of subsection (2)(b) of this section.))~~

AMENDATORY SECTION (Amending Order 214B, filed 11/19/91, effective 12/20/91)

WAC 246-839-330 BOARD APPROVAL OF CERTIFICATION PROGRAMS. (1) A licensee ~~((or certifying program))~~ may request that a certification program be considered for approval and shall submit documentation showing that the program meets the requirements of WAC 246-839-320(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 246-839-320(2).

(3) The board shall notify ~~((the certification program))~~ licensees of pending review and may request that ~~((the program submit))~~ further information be provided regarding ~~((its))~~ continued compliance with the provisions of WAC 246-839-320(2).

WSR 92-14-127

PROPOSED RULES

DEPARTMENT OF HEALTH (Veterinary Board of Governors)

[Filed July 1, 1992, 11:47 a.m.]

Original Notice.

Title of Rule: Amending WAC 246-933-170 Cooperation with board, 246-933-250 Examination procedures, 246-933-270 Examination results, 246-933-300 Veterinary speciality license and 246-933-320 General requirements for all veterinary medical facilities; and repealing WAC 246-933-120 Nonnarcotic Schedule II controlled substances—Prohibited, and 246-933-240 Practical examination.

Purpose: To implement initiatives of the Veterinary Board of Governors.

Statutory Authority for Adoption: RCW 18.92.030.

Summary: WAC 246-933-170, this amendment provides standards and prescribes specific time frames in which respondents must provide veterinary records and other information to the board; WAC 246-933-250 and 246-933-270, changes the Washington veterinary examination from a clinical focus to questions pertaining to laws regulating the practice of veterinary medicine.

Also changes the scoring of the two veterinary national examination from a norm-referenced to a criterion-referenced passing point; WAC 246-933-300, changes the passing point for the state veterinary examination pertaining to the veterinary practice act from a minimum core of seventy to ninety percent; WAC 246-933-320, requires veterinarians to provide copies of treatment records to clients upon request. This rule is modeled after requirements of the Uniform Medical Information Act; WAC 246-933-120, repeals the prohibition for use of nonnarcotic Schedule II controlled substances by veterinarians. The requirements for use of Schedule II controlled substances are prescribed in RCW 69.50.402; and WAC 246-933-240, repeals the requirement for applicants for veterinary licensure to pass a practical examination.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jackson D. Melton, 1300 S.E. Quince Street, Olympia, WA 98504, (206) 586-6355.

Name of Proponent: Veterinary Board of Governors, governmental.

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

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

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

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

Hearing Location: Holiday Inn – SeaTac, LaGuardia Room, 17338 Pacific Highway South, Seattle, WA 98188, on August 7, 1992, at 9:15 a.m.

Submit Written Comments to: Veterinary Board of Governors, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, by July 31, 1992.

Date of Intended Adoption: August 4, 1992.

June 30, 1992

Jackson D. Melton
Program Manager

AMENDATORY SECTION (Amending Order 108B, filed 12/28/90, effective 1/31/91)

WAC 246-933-170 COOPERATION WITH THE BOARD. (1) The veterinarian shall endeavor to cooperate with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry.

(2) A veterinarian must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the board by submitting the requested items within fourteen calendar days of receipt of the request by the veterinarian or the veterinarian's attorney, whichever is first. If the veterinarian fails to comply with the request within fourteen calendar days, the investigator shall contact the veterinarian or the veterinarian's attorney by telephone or letter as a reminder.

(3) Investigators may extend the time for response if the veterinarian requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted only by the board designated case manager.

(4) If the veterinarian fails to comply with the request within three business days after the receipt of the reminder, then a subpoena shall be served upon the veterinarian to obtain the requested items.

(5) If the veterinarian fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(6) If the veterinarian complies with the request after the issuance of the statement of charges, the board's assistant attorney general-prosecutor shall decide whether the charges based on RCW 18.130.180(8) will be prosecuted or settled. If the charges based on RCW 18.130.180(8) are to be settled, the settlement proposal shall be presented to the board or a duly constituted panel of the board for a decision on ratification and until ratified, the settlement is not final.

(7) Notwithstanding subsections (2) through (6) of this section, a veterinarian may be required to comply immediately with a request for records, documents, or explanation from an investigator who is acting on behalf of the board when a complaint or other information reasonably indicates:

(a) That protection of the public health, safety, and welfare may require emergency action; or

(b) That adherence to subsections (2) through (6) of this section may result in the destruction or alteration of records or documents relevant to an investigation.

AMENDATORY SECTION (Amending Order 235B, filed 1/14/92, effective 2/14/92)

WAC 246-933-250 EXAMINATION REQUIREMENT AND PROCEDURES. (1) ~~((The examination consists of three parts:))~~ In order to be licensed, any applicant for licensure must successfully complete the National Board Examination for Veterinary Medical Licensing (NBE), the Clinical Competency Test (CCT), and the Washington state examination. ~~((No part of the examination may))~~ The Washington state examination shall consist of questions pertaining to laws regulating the practice of veterinary medicine in the state. These examinations may not be taken prior to six months preceding graduation of the applicant from a course of instruction as described in WAC 246-933-220.

(2) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination shall be considered grounds for disqualification from the examination.

(3) Applicants shall be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the examination will be expelled from the examination and not allowed to complete it.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-270 EXAMINATION RESULTS. (1) In order to pass the examination for licensure as a veterinarian, the applicant shall attain a ~~((minimum))~~ grade ~~((of:~~

~~(a) 1.5 standard deviations below the national mean of the criterion population on the National Board Examination, and~~

~~(b) 1.5 standard deviations below the national mean of the criterion population on the clinical competency test, and~~

~~(c) 70%)) that meets or exceeds the criterion-referenced passing point scaled score (70%) established by the National Board Examination Committee of the American Veterinary Medical Association for the National Board Examination and the Clinical Competency Test. Additionally, the applicant must attain a minimum grade of ninety percent in the Washington state examination.~~

(2) Applicants who fail the National Board Examination, the clinical competency test, or the Washington state examination may retake the examination that they failed (NBE, CCT or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing services ~~((Provided, however, that a passing CCT score remains acceptable only if obtained within the last five years at the time of application, and that only the most recently obtained CCT and NBE)).~~ Only the most recently obtained NBE, CCT, and state examination scores will be considered in an application.

(3) An applicant who was administered the NBE or CCT prior to December 1, 1992, must have attained a minimum score of 1.5 standard deviations below the national mean of the criterion population on the respective examinations. Applicants who were administered the Washington state examination prior to December 1, 1992, must have attained a minimum score of seventy percent.

AMENDATORY SECTION (Amending Order 235B, filed 1/14/92, effective 2/14/92)

WAC 246-933-300 VETERINARY SPECIALTY LICENSURE. (1) A person may be licensed to practice only specialized veterinary medicine in Washington state. Application for specialty licensure shall be made on forms provided by the secretary and include:

(a) Official transcript or other evidence of graduation from an American Veterinary Medical Association approved or accredited college or university; or

(b) Certification from the Educational Commission for Foreign Veterinary Graduates; and

(c) Documented licensure, in good standing, to practice veterinary medicine in any state, United States territory, or province of Canada; and

(d) Certification as a diplomate of a national board or college recognized in the specialty area for which application is submitted.

(2) Applicants must pass a written examination approved by the board pertaining to laws regulating the practice of veterinary medicine in the state of Washington. Examination grades will be based on a possible score of one hundred percent with a minimum passing score of ~~((seventy))~~ ninety percent.

(3) At the time of license renewal, licensees must present evidence of continued certification by the veterinary specialty board authority.

(4) The veterinary board of governors recognizes all veterinary medicine specialties recognized by the American Veterinary Medical Association. The practice of a veterinarian licensed as a specialized practitioner is limited to the specific specialty for which licensed.

(5) Individuals licensed as a veterinary specialist are subject to chapter 18.130 RCW.

(6) Veterinary specialty licensees shall be charged the impaired veterinarian assessment on each license issuance or renewal: PROVIDED HOWEVER, That no licensee shall pay more than one impaired veterinarian assessment per year.

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-320 GENERAL REQUIREMENTS FOR ALL VETERINARY MEDICAL FACILITIES. (1) Construction and maintenance: All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) Ventilation: Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) Lighting: Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) Water: Potable water shall be provided.

(5) Basic sanitation: Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) Waste disposal: Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) Records:

(a) Every veterinarian shall keep daily written reports of the animals he or she treats. Separate records for companion animals shall be kept for each animal ~~((but records for economic animals)).~~ Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or client basis. These records shall be readily retrievable and shall be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

~~((a))~~ (i) Name, address and telephone number of the owner.

~~((b))~~ (ii) Name, number or other identification of the animal or group.

~~((c))~~ (iii) Species, breed, age, sex and color of the animal.

~~((d))~~ (iv) Immunization record.

((f)) (v) Beginning and ending dates of custody of the animal.
 ((f)) (vi) A short history of the animal's condition as it pertains to its medical status.

((g)) (vii) Physical examination findings and any laboratory data.
 ((h)) (viii) Provisional or final diagnosis.
 ((i)) (ix) Treatment and medication administered, prescribed or dispensed.

((j)) (x) Surgery and anesthesia.
 ((k)) (xi) Progress of the case.

(b) Veterinary medical records and radiographs are the property of the veterinarian or the veterinary facility which originally ordered their preparation. When requested by the client, copies of records will be made available as promptly as required under the circumstances, but no later than fifteen working days upon the client's request. The veterinarian may charge a reasonable copying fee, not to exceed the actual cost for providing the veterinary care information. A radiograph shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to which it pertains. Such radiograph shall be returned to the originating veterinarian or veterinary facility within fifteen working days of receipt of a written request.

(8) Storage: All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) Biologicals and drugs: Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the U.S. Pharmacopeia, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the National Formulary, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-933-120 NONNARCOTIC SCHEDULE II CONTROLLED SUBSTANCES—PROHIBITED.

WAC 246-933-240 PRACTICAL EXAMINATION REQUIREMENT.

WSR 92-14-128 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed July 1, 1992, 11:50 a.m.]

Original Notice.

Title of Rule: Add new section WAC 246-802-025 Inactive status, the new section lists the requirements for placing a certificate on inactive status; amending WAC 246-802-030 Approval of school, program, apprenticeship or tutorial instruction, 246-802-160 General provisions, 246-802-240 Cooperation with investigation, 246-802-250 AIDS prevention and information education requirements to change "licensing" to "health" and "director" to "secretary", 246-802-090 Examinations to include the NCCA examination as the state accepted exam, 246-802-130 Application exhibits required to include submission of TOEFL scores and NCCA exam, and 246-802-990 Acupuncture fees to include the inactive renewal fee; and repealing WAC 246-802-150 Examination appeal procedures.

Statutory Authority for Adoption: RCW 43.70.040 and 43.70.250.

Statute Being Implemented: RCW 18.06.160.

Summary: The amendments will add the requirements for applicants to pass the NCCA examinations and if English is not their native language to pass the TOEFL. Changing "licensing" to "health" and "director" to "secretary." Repealing the examination appeal procedures as the committee no longer gives its own exam. The inactive status and fee will allow those licensees whose practice is exclusively out-of-state or on sabbatical to go on an inactive status.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki Brown, Program Manager, 1300 S.E. Quince Street, Olympia, 586-8437.

Name of Proponent: Department of Health, Acupuncture Advisory Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The majority of the changes are housekeeping only. The amendment will allow for passage of the NCCA examinations in lieu of the Washington state examinations. The rule for exam appeal procedures is being repealed as there will no longer be a state examination. The TOEFL is being required for those applicants where English is not their native language. The new section for inactive status will allow those whose practice is exclusively out-of-state or on sabbatical to go on inactive. These changes will decrease the amount of time spent in examination development, informal and formal appeal procedures and testing administration. The NCCA exams are comparable to the Washington examinations and cover the content areas required by statute.

Proposal Changes the Following Existing Rules: Changes the rule to repeal examination appeal procedures; will amend the exhibits required to include official verification from NCCA that the applicant has passed all of the examinations; will require passage of the TOEFL if English is not the native language of the applicant and will allow for an inactive status and inactive status renewal fee.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on August 4, 1992; at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by August 3, 1992.

Date of Intended Adoption: August 11, 1992.

July 1, 1992

Kristine M. Gebbie
 Secretary

NEW SECTION

WAC 246-802-025 INACTIVE STATUS. (1) A certified acupuncturist, in good standing, who practices exclusively out-of-state or is on sabbatical, may place his or her license on inactive status by submitting to the department:

(a) A written request for inactive status; and

(b) The inactive renewal fee specified in WAC 246-802-990.

- (2) An acupuncturist may request that an inactive license be made active by submitting to the department:
- (a) A written request to activate the inactive license;
 - (b) The renewal fee specified in WAC 246-802-990;
 - (c) An updated consultation plan.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-090 EXAMINATIONS. (1) ~~((A written and practical))~~ An examination ~~((in English))~~ shall be given twice yearly for qualified applicants ~~((at a time and place determined by the director))~~.

~~(2) Applications and fees for examination or reexamination must be received by the department forty-five days in advance of the scheduled examination date.~~

~~(3) The passing score for the written examination is a converted score of seventy-five.~~

~~(4) The practical examination will consist of separate segments designed to test the applicant's knowledge of diagnostic methods, acupuncture treatment and aseptic techniques.~~

~~(5) To pass the practical examination, candidates must successfully complete each segment of the examination.~~

~~(6) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.~~

~~(7) Applicants who fail more than fifty percent of the segments of the practical examination will be required to be reexamined on all segments of the practical examination.~~

~~(8) Applicants who fail fifty percent or less of the segments of the practical examination will be reexamined only on the segments that did not receive a passing score. This provision applies only to the next regularly scheduled practical examination administration.~~

~~(9) If an applicant fails to successfully complete the practical examination within two years of passing the written examination, the director may require the applicant to retake the written examination.~~

~~(10))~~
 (2) An applicant for certification as an acupuncturist shall pass the following examinations:

- (a) National Commission for Certification of Acupuncturists (NCCA) written examination;
- (b) NCCA point location examination; and
- (c) NCCA-approved clean needle technique course.

(3) An applicant may take and pass the examinations in subsection (1) of this section in a language other than English if that applicant:

- (a) Holds a degree or diploma or transfers from an institution in an English-speaking country; or
- (b) Passes the test of English as a foreign language with a minimum score of 550.

(4) Application fees are nonrefundable.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-130 APPLICATION EXHIBITS REQUIRED. Every application shall be accompanied by:

- (1) The application fee;
- (2) Verification of academic or educational study and training at a school or college which may include the following:
 - (a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or
 - (b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or
 - (c) If, for good cause shown, the school is no longer existent, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other information and documents as the department may deem necessary; or
 - (d) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of ~~((licensing))~~ health from the issuing licensing and/or translation agency rather than the applicant.
- (3) Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant

completed a course of clinical training under the direction of the instructor which shall include:

- (a) The location of the training site.
- (b) The inclusive dates of training.
- (c) That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.
- (d) One hundred hours of observation including case presentation and discussion.

(4) Certified verification of successful completion of the national written examination ~~((or receipt of the diplomate status)),~~ practical examination of point location skills and approved clean needle technique course from the National Commission for Certification of Acupuncturists.

(5) Certified verification of a successful score of at least 550 on the test of English as a foreign language (TOEFL) if required by WAC 246-802-090(3). The applicant shall have a copy of his/her official score records sent directly to the department from the testing service. The department may grant an exemption to this requirement if the department determines there is good cause.

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-802-990 ACUPUNCTURE FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application nonrefundable	\$200.00
Annual license renewal	610.00
Inactive renewal	225.00
Late renewal penalty	100.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	500.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-802-150 EXAMINATION APPEAL PROCEDURES.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-030 APPROVAL OF SCHOOL, PROGRAM, APPRENTICESHIP OR TUTORIAL INSTRUCTION. The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

- (1) A school or program may be approved by the ~~((director))~~ secretary without formal application to the department provided that:
 - (a) The school or program is accredited or has candidacy status as a United States postsecondary school or program; or
 - (b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States; or
 - (c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; or
 - (d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.
- (2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.
- (3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.
- (4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.
- (5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the

department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct deficiencies which resulted in withdrawal of the department's approval.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-160 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of ~~((licensing))~~ health, whose address is:

~~((Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001))~~

Department of Health
Professional Licensing Services
1300 S.E. Quince St.
P.O. Box 47868
Olympia, Washington 98504-7868

(5) "Acupuncturist" means a person certified under chapter 18.06 RCW.

(6) "Mentally or physically disabled acupuncturist" means an acupuncturist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice acupuncture with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-240 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ~~((director))~~ secretary of the department of ~~((licensing))~~ health by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for

extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ~~((director's))~~ secretary's designee. Settlements are not considered final until the ~~((director))~~ secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-802-250 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~((3))~~ ~~((1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~((4))~~ AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

WSR 92-14-129

PREPROPOSAL COMMENTS

OFFICE OF

INSURANCE COMMISSIONER

[Filed July 1, 1992, 11:53 a.m.]

Subject of Possible Rule Making: Amendments to chapters 284-44, 284-46, 284-50, 284-52, 284-58, and 284-60 WAC. The Insurance Commissioner is considering amendments which will change existing regulations

concerning all disability (health) insurance products issued for delivery in this state. Such amendments may include: Prior approval of rates and forms for all insurers, mandatory "community rating" of all disability (health) contract forms, portability and continuous coverage of such insurance throughout the lifetime of the insured, changes to the loss ratio and "blocking" requirements for all disability (health) insurers, limitations on the administrative costs associated with such policies, and other matters which may be related to the foregoing.

Persons may comment on this subject in writing, to the commissioner at P.O. Box 40255, Olympia, WA 98504-0255, no later than 5:00 p.m., on August 3, 1992; or at a public meeting, on August 3, 1992, in the auditorium at the Seattle-Tacoma Airport, SeaTac, Washington, beginning at 9:00 a.m.

For more information or details of the possible rules, please contact: June Mulcahy, Deputy Commissioner, (206) 753-2408 or Allen Morrow, Deputy Commissioner, (206) 753-5396, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255.

July 1, 1992
Melodie Bankers
Assistant Deputy Commissioner
for Consumer Protection

WSR 92-14-130
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER
[Filed July 1, 1992, 11:55 a.m.]

Original Notice.

Title of Rule: Medicare supplement health insurance.

Purpose: The purpose of this proposed rule making is to amend Medicare supplement rules to correct typographical and transpositional errors.

Other Identifying Information: Insurance Commissioner Matter No. R 92-7 (refer to Matter No. R 92-1).

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.66.041.

Summary: These amendments correct typographical and transpositional errors in WAC 284-66-066 (3)(c), 284-66-092(3), and 284-66-220.

Reasons Supporting Proposal: The changes are necessary corrections.

Name of Agency Personnel Responsible for Drafting: Melodie Bankers, Insurance Building, Olympia, Washington, (206) 586-3574; **Implementation and Enforcement:** David Rodgers, Insurance Building, Olympia, Washington, (206) 753-7302.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

Rule is necessary because of federal law, 42 USC 1395ss.

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments correct typographical and

transpositional errors in WAC 284-66-066 (3)(c), 284-66-092(3), and 284-66-220.

Proposal does not change existing rules.

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

These amendments merely correct typographical and transpositional errors.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on August 4, 1992, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by August 4, 1992.

Date of Intended Adoption: August 10, 1992.

July 1, 1992
Dick Marquardt
Insurance Commissioner
by Melodie Bankers
Assistant Deputy Commissioner

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-066 STANDARD MEDICARE SUPPLEMENT BENEFIT PLANS. (1) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic "core" benefits, as defined in WAC 284-66-063(2) of this regulation.

(2) No groups, packages, or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in WAC 284-66-063 (3)(k) and in WAC 284-66-073.

(3) Benefit plans shall be uniform in structure, language, designation, and format to the standard benefit plans "A" through "J" listed in this subsection and conform to the definitions in WAC 284-66-030 and 284-66-040. Each benefit shall be structured in accordance with the format provided in WAC 284-66-063(2) and 284-66-063(3) and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement, and overall content of benefit.

(4) An issuer may use, in addition to the benefit plan designations required in subsection (3) of this section, other designations to the extent permitted by law.

(5) Make-up of benefit plans:

(a) Standardized Medicare supplement benefit plan "A" shall be limited to the basic ("core") benefits common to all benefit plans, as defined at WAC 284-66-063(2).

(b) Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible as defined at WAC 284-66-063 (3)(a).

(c) Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (c), and (h), respectively.

(d) Standardized Medicare supplement plan "D" shall include only the following: The core benefit, as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (h), and (j), respectively.

(e) Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined at WAC 284-66-063 (3)(a), (b), (h), and (i), respectively.

(f) Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent of the Medicare

Part B excess charges, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (c), (e), and (h), respectively.

(g) Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, eighty percent of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (d), (h), and (j), respectively.

(h) Standardized Medicare supplement benefit plan "H" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit, and medically necessary emergency care in a foreign country as defined at WAC 284-66-063 (3)(a), (b), (f), and (h), respectively.

(i) Standardized Medicare supplement benefit plan "I" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (e), (f), (h), and (j), respectively.

(j) Standardized Medicare supplement benefit plan "J" shall include only the following: The core benefit as defined at WAC 284-66-063(2), plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care, and at-home recovery benefit as defined at WAC 284-66-063 (3)(a), (b), (c), (e), (g), (h), (i), and (j), respectively.

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-092 FORM OF "OUTLINE OF COVERAGE." (1) Cover page.

[COMPANY NAME]
Outline of Medicare Supplement Coverage-Cover Page:
Benefit Plan(s) _____ [insert letter(s) of plan(s) being offered]

Medicare supplement insurance can be sold in only ten standard plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in your state.

BASIC BENEFITS: Included in All Plans.
Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses).
Blood: First three pints of blood each year.

A	B	C	D	E	F	G	H	I	J
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
		Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance	Skilled Nursing Co-Insurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible				Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)		Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency
			At-Home Recovery			At-Home Recovery		At-Home Recovery	At-Home Recovery
							Basic Drugs (\$1,250 Limit)	Basic Drugs (\$1,250 Limit)	Extended Drugs (\$3,000 Limit)
				Preventive Care					Preventive Care

(2) Disclosure page(s):

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this state.

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within thirty days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]
 [insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured

payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to WAC 284-66-066(4).]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

(3) Charts displaying the feature of each benefit plan offered by the issuer:

**PLAN A
 MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD**

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$ 0 \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$(652) (Part A Deductible) ** \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$(81.50) a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

**PLAN A
 MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR**

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians' services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
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PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board; general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$ [652] (Part A Deductible) ** \$ [163] a day \$ [326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 \$ 0 \$ 0	\$ 0 Up to \$(81.50) a day All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co- insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment first \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$ 0 \$100 (Part B Deductible) \$ 0
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PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 Up to \$(81.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0
PARTS A & B			
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$100 (Part B Deductible) 20%	\$ 0 \$ 0 \$ 0
OTHER BENEFITS			
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* *You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians' services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, - First \$100 of Medicare Approved Amounts* (the Part B Deductible) - Remainder of Medicare Approved Amounts - Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment -First \$100 of Medicare Approved Amounts* -Remainder AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	100% \$ 0 80% \$ 0 \$ 0 \$ 0	\$ 0 \$ 0 20% \$ 0 Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	\$ 0 \$100 (Part B Deductible) \$ 0 Balance
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OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 Up to \$(81.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians' services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$ 100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$ 100 (Part B Deductible) \$ 0
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OTHER BENEFITS

PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$ 0 \$ 0	\$ 120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$ 250 20% and amounts over the \$50,000 lifetime maximum

PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$[652] (Part A Deductible) == \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$100 20% 100%	\$ 0 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder	100% \$ 0 80%	\$ 0 \$100 (Part B Deductible) 20%	\$ 0 \$ 0 \$ 0

OTHER BENEFITS

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 Up to \$(81.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% 80%	\$100 \$ 0 20%
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare Approved visits, not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after, - While using 60 lifetime reserve days - Once lifetime reserve days are used: - Additional 365 days - Beyond the Additional 365 days	\$ 0 All but \$(163) a day All but \$(326) a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$(163) a day \$(326) a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$(81.50) a day \$ 0	\$ 0 Up to \$(81.50) a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited co-insurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% \$ 0	\$100 \$ 0 All Costs
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$100 (Part B Deductible) \$ 0

OTHER BENEFITS

BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50% - \$1,250 calendar year maximum benefit \$ 0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care service during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PLAN	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the Additional 365 days	\$ 0 All but \$[163] a day* All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physicians's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare Approved Amounts* (the Part B Deductible) Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$ 0 80% \$ 0	\$ 0 20% 100%	\$ 100 \$ 0 \$ 0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$ 0	\$ 0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services and medical supplies -Durable medical equipment First \$100 of Medicare Approved Amounts* -Remainder	100% \$ 0 80%	\$ 0 \$ 0 20%	\$ 0 \$ 100 (Part B Deductible) \$ 0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan - Benefit for each visit - Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) - Calendar year maximum	\$ 0 \$ 0 \$ 0	Actual Charges to \$40 a visit Up to the number of Medicare approved visits, not to exceed 7 each week	Balance

PLAN I

OTHER BENEFITS

BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$2,500 each calendar year Over \$2,500 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50% - \$1,250 calendar year maximum benefit \$ 0	\$250 50% All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a life time maximum benefit of \$50,000	\$250 20% and amount over the \$50,000 lifetime maximum

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: -While using 60 lifetime reserve days -Once lifetime reserve days are used: -Additional 365 days -Beyond the additional 365 days	\$ 0 All but \$[163] a day All but \$[326] a day \$ 0 \$ 0	\$(652) (Part A Deductible) ** \$[163] a day \$[326] a day 100% of Medicare Eligible Expenses \$ 0	\$ 0 \$ 0 \$ 0 \$ 0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50] a day \$ 0	\$ 0 Up to \$[81.50] a day \$ 0	\$ 0 \$ 0 All Costs
BLOOD First 3 pints Additional amounts	\$ 0 100%	3 pints \$ 0	\$ 0 \$ 0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$ 0	Balance

** Medicare coinsurance and deductible amounts are subject to annual revision.

PLAN J

OTHER BENEFITS

EXTENDED OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First \$250 each calendar year Next \$6,000 each calendar year Over \$6,000 each calendar year	\$ 0 \$ 0 \$ 0	\$ 0 50%-\$3,000 calendar year maximum benefit \$ 0	\$250 50% All Costs
PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services, such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria boosters and education administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$ 0 \$ 0	\$ 120 \$ 0	\$ 0 All Costs
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency care services during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$ 0 \$ 0	\$ 0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$0 \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$[652] (Part A deductible) \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 \$0 \$0	\$0 Up to \$[81.50] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[81.50]/day \$0	\$0 \$0 \$0	\$0 Up to \$[81.50] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days</p>	<p>All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0</p>	<p>\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0</p>	<p>\$0 \$0 \$0 \$0 All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after</p>	<p>All approved amounts All but [\$81.50]/day \$0</p>	<p>\$0 Up to \$[81.50] a day \$0</p>	<p>\$0 \$0 All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0 100%</p>	<p>3 pints \$0</p>	<p>\$0 \$0</p>
<p>HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services</p>	<p>All but very limited coinsurance for out-patient drugs and inpatient respite care</p>	<p>\$0</p>	<p>Balance</p>

PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$100 (Part B deductible) Generally 20% \$0	\$0 \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$100 (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$100 (Part B deductible) 20%	\$0 \$0 \$0
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PLAN C (continued).

OTHER BENEFITS - COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life- time maximum

PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day \$0 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	0	\$0

(continued)

PLAN D (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit.	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies</p> <p>First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days</p>	<p>All but \$[652] All but \$[163] a day</p> <p>All but \$[326] a day</p> <p>\$0</p> <p>\$0</p>	<p>\$[652] (Part A deductible) \$[163] a day</p> <p>\$[326] a day</p> <p>100% of Medicare eligible expenses</p> <p>\$0</p>	<p>\$0 \$0</p> <p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital</p> <p>First 20 days 21st thru 100th day 101st day and after</p>	<p>All approved amounts</p> <p>All but [\$81.50]/day \$0</p>	<p>\$0 Up to \$[81.50] a day \$0</p>	<p>\$0 \$0 All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0 100%</p>	<p>3 pints \$0</p>	<p>\$0 \$0</p>
<p>HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services</p>	<p>All but very limited coinsurance for out-patient drugs and inpatient respite care</p>	<p>\$0</p>	<p>Balance</p>

PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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(continued)

PLAN E (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p>	\$0	\$0	\$250
<p>Remainder of charges</p>	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum
<p>PREVENTIVE MEDICARE CARE BENEFIT-NOT COVERED BY MEDICARE Annual physical and preventive tests and services such as: fecal occult blood test, digital rectal exam, mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges</p>	\$0 \$0	\$120 \$0	\$0 All costs

PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivatè room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$100 (Part B deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$100 (Part B deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$100 (Part B deductible) 20%	\$0 \$0 \$0
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PLAN F (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p> <p>Remainder of charges</p>	<p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>80% to a lifetime maximum benefit of \$50,000</p>	<p>\$250</p> <p>20% and amounts over the \$50,000 life- time maximum</p>

PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for out-patient drugs and inpatient respite care	\$0	Balance

PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 80%	\$100 (Part B deductible) \$0 20%
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PLAN G (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a home care treatment plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days	All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0	\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but [\$81.50]/day \$0	\$0 Up to \$[81.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B deductible) \$0 All costs
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES ---Medically necessary skilled care services and medical supplies ---Durable medical equipment First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B deductible) \$0
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(continued)

PLAN H (continued)

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year	\$0	\$0	\$250
Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All costs

PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days</p>	<p>All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0</p>	<p>\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0 \$0</p>	<p>\$0 \$0 \$0 \$0 All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after</p>	<p>All approved amounts All but [\$81.50]/day \$0</p>	<p>\$0 Up to \$[81.50] a day \$0</p>	<p>\$0 \$0 All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0 100%</p>	<p>3 pints \$0</p>	<p>\$0 \$0</p>
<p>HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services</p>	<p>All but very limited coinsurance for out-patient drugs and inpatient respite care</p>	<p>\$0</p>	<p>Balance</p>

PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 100%	\$100 (Part B deductible) \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$100 (Part B deductible) \$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PLAN I (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
First \$100 of Medicare approved amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges*	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 life-time maximum

PLAN I

OTHER BENEFITS - NOT COVERED BY MEDICARE (continued)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BASIC OUTPATIENT PRE-SCRIPTION DRUGS - NOT COVERED BY MEDICARE			
First \$250 each calendar year	\$0	\$0	\$250
Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All costs

PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: ---While using 60 lifetime reserve days ---Once lifetime reserve days are used: ---Additional 365 days ---Beyond the additional 365 days</p>	<p>All but \$[652] All but \$[163] a day All but \$[326] a day \$0 \$0</p>	<p>\$[652] (Part A deductible) \$[163] a day \$[326] a day 100% of Medicare eligible expenses \$0</p>	<p>\$0 \$0 \$0 \$0 All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after</p>	<p>All approved amounts All but [\$81.50]/day \$0</p>	<p>\$0 Up to \$[81.50] a day \$0</p>	<p>\$0 \$0 All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0 100%</p>	<p>3 pints \$0</p>	<p>\$0 \$0</p>
<p>HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services</p>	<p>All but very limited coinsurance for out-patient drugs and inpatient respite care</p>	<p>\$0</p>	<p>Balance</p>

PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$100 of Medicare approved amounts* Remainder of Medicare approved amounts Part B excess charges (Above Medicare approved amounts)	\$0	\$100 (Part B deductible)	\$0
	Generally 80%	Generally 20%	\$0
	\$0	100%	\$0
BLOOD First 3 pints Next \$100 of Medicare approved amounts* Remainder of Medicare approved amounts	\$0	All costs	\$0
	\$0	\$100 (Part B deductible)	\$0
	80%	20%	\$0
CLINICAL LABORATORY SERVICES--BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

PLAN J (continued)

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
---Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment First \$100 of Medicare approved amounts*	\$0	\$100 (Part B deductible)	\$0
Remainder of Medicare approved amounts	80%	20%	\$0
AT-HOME RECOVERY SERVICES-NOT COVERED BY MEDICARE			
Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
---Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
---Number of visits covered (must be received within 8 weeks of last Medicare approved visit)	\$0	Up to the number of Medicare approved visits, not to exceed 7 each week	
---Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 life-time maximum
Remainder of charges	\$0		

(continued)

PLAN J

OTHER BENEFITS - NOT COVERED BY MEDICARE (continued)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
EXTENDED OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year Next \$6,000 each calendar year Over \$6,000 each calendar year	\$0 \$0 \$0	\$0 50% - \$3,000 calendar year maximum benefit \$0	\$250 50% All costs
PREVENTIVE MEDICAL CARE BENEFIT - NOT COVERED BY MEDICARE Annual physical and preventive tests and services such as: fecal occult blood test, digital rectal exam mammogram, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, influenza shot, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All costs

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

AMENDATORY SECTION (Amending Order R 92-1, filed 2/25/92, effective 3/27/92)

WAC 284-66-220 MEDICARE SUPPLEMENT REFUND CALCULATION FORM REQUIRED. The form provided in WAC 284-66-232 shall be filed with the commissioner annually not later than May ((30th)) 31st of each calendar year beginning May ((30)) 31, 1993. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

**WSR 92-14-131
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 602—Filed July 1, 1992, 11:59 a.m.]

Date of Adoption: July 1, 1992.

Purpose: Establish regions of extra fire hazard which are closed to entry to due to the condition of the forest slash.

Statutory Authority for Adoption: RCW 76.04.305.

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

Reasons for this Finding: Certain areas of the state are particularly exposed to fire danger due to the continuous acres of slash. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

Effective Date of Rule: Immediately.

July 1, 1992
Brian J. Boyle
Commissioner of
Public Lands

NEW SECTION

WAC 332-26-010 **SOUTHWEST REGION CLOSURES:** The following Weyerhaeuser ownership in Cowlitz County: Township 8 North, Range 3 East, W.M.; Part of SW1/4NE1/4; SE1/4 Section 20; Part of SW1/4NW1/4NE1/4; NW1/4SW1/4NE1/4;

NW1/4; SW1/4 Section 28; Part of NE1/4; NW1/4; S1/2/SW1/4; SE1/4 Section 29; Part of SE1/4NE1/4 Section 31; Part of N1/2; SE1/4; N1/2SW1/4; SE1/4SW1/4; Section 32; Part of NE 1/4, W1/2NW1/4; NE1/4NW1/4; SW1/4; N1/2SE1/4 Section 33; Part of NW1/4 Section 34.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region, and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight, Wednesday, July 1, 1992 to midnight, Friday, October 16, 1992.

NEW SECTION

WAC 332-26-040 CENTRAL REGION CLOSURES Grays Harbor County: Township 18 North, Range 4 West: SW1/4, W1/2SE1/4, E1/2NE1/4, W1/2NW1/4 Section 4; part of the N1/2S1/2, part of the N1/2 Section 5; NE1/4NE1/4, N1/2SE1/4NE1/4 Section 6; part of the NE1/4 lying SW of the 2880 road, part of the E1/2NW1/4, N1/2NE1/4SE1/4 Section 9; part of the SW1/4NW1/4NW1/4 Section 10. Township 21 North Range 7 West: part of the E1/2SE1/4 lying east of the 6875 road Section 24, part of the N1/2N1/2SW1/4 lying west of the 500 road, part of the SE1/4 lying west of the 6875 road, NE1/4 except SE1/4SE1/4, S1/2 of NW1/4, part of the N1/2NW1/4 lying south of the 500 road Section 25, part of the E1/2NE1/4NE1/4SE1/4 Section 26.

Lewis County: Township 14 North Range 2 East: all Section 12; all Section 13; all Section 23; all Section 24; N1/2 of Section 25; N1/2 Section 26. Township 14 North Range 3 East: all Section 7; all Section 8; all Section 9; all Section 10; all Section 11; all Section 13; all Section 14; all Section 15; all Section 16; all Section 17; all Section 18; all Section 19; all Section 20; all Section 21; all Section 23; all Section 25; all Section 27; N1/2 Section 29; all Section 33; all Section 35.

Pacific County: None

Thurston County: Township 15 North Range 1 West: S1/2 Section 16; part of S1/2NE1/4 lying E of Tono Rd., part of SE1/4 lying E of Tono Rd Section 17; NE1/4, E1/2NW1/4, part of SW 1/4 lying E of Tono

Rd, SE1/4 except S1/2SE1/4SE1/4 Section 21; W3/4 Section 22. Township 15 North Range 2 West: W1/2, NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4 Section 2; all except S1/2SW1/4, SW1/4SE1/4 Section 3, all except SE1/4 Section 4; part of S1/2NW1/4, part of NE1/4, SE1/4NW1/4, SW1/4 Section 5; NE1/4SE1/4 Section 6; NW1/4, W1/2NE1/4, E1/2E1/2 Section 8; N1/2NE1/4 Section 9; W1/2NE1/4 Section 10; W1/2NW1/4, NW1/4NE1/4 Section 11. Township 16 North Range 1 West: SW1/4, W1/2SE1/4 Section 35.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region, and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight, Wednesday, July 1, 1992 to midnight, Friday, October 16, 1992.

NEW SECTION

WAC 332-26-060 SOUTH PUGET SOUND REGION CLOSURES. King County: Township 26 North, Range 9 East: S1/2, Section 10; S1/2, Section 11; S1/2, Section 12; All Section 13; All Section 14; All Section 15; N1/2, Section 22; N1/2, Section 23; N1/2 Section 24. Township 24 North, Range 9 East: All Section 23; All Section 24; All Section 25; All Section 26; All Section 27. Township 20 North, Range 8 East: E1/2SE1/4, Section 10; All of Section 11; Part of the NE1/4, Part of the NW1/4, All of the SW1/4, Part of the SE1/4, Section 12; All Section 13; All Section 14; NE1/4, Section 22; All Section 23 and 24. Township 20 North, Range 10 East: All Section 31, All Section 33. Township 19 North, Range 11 East: All Section 19; All Section 21. Township 19 North, Range 10 East: All Section 1; All Section 7; All Section 9; All Section 11; All Section 13; All Section 15; All Section 17; N1/2, Section 19; N1/4, Section 21; N1/2, Section 23. Township 19 North, Range 9 East: All Section 1; All Section 12; Part Section 13.

Mason County: Township 19 north, Range West: Section 31, Section 32, south of S.R. 108; S3/4, Section 33. Township 21 north, Range 6 West: S1/2, Section 18;

NW1/4, NE1/4, W1/2, Section 19; NW1/4, Section 30.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region, and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight, Wednesday, July 1, 1992 to midnight, Friday, October 16, 1992.

NEW SECTION

WAC 332-26-050 NORTHWEST REGION CLOSURES: Whatcom County: Township 39 North, Range 6 East: Section 13 That portion that is East of Cornell Creek. Township 39 North, Range 7 East: Section 7 S1/2 S1/2 SE1/4, S1/2 S1/2 SW1/4 that is east of Cornell Creek; Section 17 S1/2 NW1/4 NE1/4, SW1/4 NE1/4, NW1/4, SW1/4 except for the SW1/4, W1/2 SE1/4; Section 18 NE1/4, NW1/4 that is east of Cornell Creek, SW1/4; Section 20 W1/2 NE1/4, E1/2 NW1/4, E1/2 SW1/4, SE1/4; Section 29 NE1/4, E1/2 NW1/4. Township 38 North Range 3 East: Section 34 S1/2 SE1/4; Section 35 - S1/2 SW1/4. Township 37 North, Range 3 East: Section 2 W1/2 SW1/4; Section 3 All; Section 4 NE1/4, SW1/4 SW1/4, SE1/4; Section 9 NE1/4 SE1/4, NE1/4, N1/2 SE1/4; Section 10 All; Section 11 W1/2 NW1/4, W1/2 SW1/4, E1/2 NW1/4, W1/2 NE1/4; Section 12 NE1/4; Section 15 NE1/4, S1/2 NE1/4 NW1/4, N1/2 SE1/4, N1/2 SE1/4; Section 23 S1/2 SE1/4; Section 26 N1/2 NE1/4; Section 27 S1/2 SW1/4, SW1/4 SE1/4; Section 28 S1/2, SW1/4, S1/2 SE1/4; Section 29 E1/2; Section 32 E1/2; Section 33 All; Section 34 All; Section 35 W1/2. Township 37 North, Range 4 East: Section 1 S1/2 SW1/4, South of the county Rd. in the SE1/4; Section 7 W1/2 outside of Sudden Valley Development; Section 18 NW1/4; Section 19 S1/2; Section 22 N1/2 N1/2. Township 37 North, Range 6 East: Section 20 NW1/4 SE1/4 SW1/4, SW1/4 SE1/4 SW1/4, SE1/4 SE1/4 SW1/4; Section 21 W1/2 SE1/4 NE1/4 SE1/4 SW1/4 NE1/4 SE1/4, NW1/4 NE1/4 SE1/4, E1/2 NW1/4 SE1/4, SW1/4 NW1/4 SE1/4, S1/2 SE1/4; Section 22 W1/2 SW1/4 SW1/4 SW1/4; Section 27 All of the NW1/4 except for NE1/4, NE1/4

NW1/4 NW1/4, SW1/4 W1/2 NW1/4 SE1/4, S1/2 SE1/4; Section 28 NE1/4 except for the SE1/4, W1/2 SE1/4 NW1/4, SW1/4 NW1/4, S1/2; Section 29 S1/2 NE1/4, SW1/4 NW1/4 NE1/4, E1/2 NW1/4, NE1/4 SW1/4 SE1/4; Section 33 N1/2 NW1/4, North of the 238 Road, SE1/4 NW1/4, NE1/4 SW1/4, SE1/4 SW1/4 North of the 230 Road, SE1/4 North of the 230 Road; Section 34 W1/2 except for that portion that is south of the 230 Road, W1/2 SE1/4.

Skagit County: Township 36 North, Range 9 East: Section 5 W1/2; Section 7 E1/2; Section 17 All; Section 18 All; Section 19 All; Section 29 All; Section 30 All; Section 31 All. Township 36 North, Range 8 East: Section 2 All except corridor along Baker Lake Road; Section 3 E1/2 SW1/4, E1/2 NW1/4; Section 19 S1/2 NE1/4, S1/2 NW1/4; Section 22 NW1/4; Section 27 NE1/4, E1/2 NW1/4, NE1/4 SW1/4, N1/2 SE1/4; Section 31 S1/2, SW1/4; Township 36 North, Range 7 East: Section 2 W1/2, W1/2 SE1/4; Section 10 E1/2 SE1/4; Section 11 NW1/4, NW1/4 NE1/4, SW1/4, W1/2 NE1/4, NW1/4, N1/2 SW1/4, NW1/4 SE1/4; Section 12 NW1/4; Section 13 NW1/4, NW1/4 SW1/4, NW1/4, NW1/4 SW1/4; Section 14 NW1/4, SE1/4, S1/2 NE1/4, S1/2 NE1/4, S1/2 NE1/4 NW1/4, NW1/4 NW1/4 except for the N1/4, N1/2 SW1/4 NW1/4, SE1/4 NW1/4 except for the SW1/4, N1/2 SE1/4, E1/2 SW1/4 SE1/4, SE1/4 SE1/4; Section 15 E1/2 NE1/4, SE1/4 NE1/4 NE1/4, NE1/4 SE1/4 NE1/4; Section 19 SW1/4; Section 23 E1/2 NW1/4. Township 36 North, Range 6 East: Section 3 NE1/4 NW1/4. Township 36 North, Range 5 East: Section 30 SE1/4. Township 35 North, Range 5 East: Section 3 N1/2 N1/2; Section 4 N1/2. Township 35 North, Range 6 East: Section 4 E1/2 NW1/4; Section 6 N1/2 S1/2; Section 10 N1/2 NE1/4; Section 11 N1/2 N1/2, Except passage corridor only on Medford Road and Crown Pacific, LTD.'s mainline. Township 35 North, Range 8 East: Section 4 N1/2 NW1/4; Section 5 SE1/4, NW1/4, N1/2 SW1/4, N1/2 NE1/4; Section 25 NE1/4 SE1/4, NE1/4; Section 26 All; Section 27 All; Section 28 All; Section 29 All; Section 30 All; Section 31 All; Section 32 All; Section 33 All; Section 34 All; Section 35 All. Township 35 North, Range 9 East: Section 7 NW1/4; Section 18 E1/2 NW1/4, NE1/4 SW1/4, W1/2 NE1/4, W1/2 SE1/2 North of Highway 20, SE1/4 SE1/4 North of Highway 20; Section 20 SW; Section 29 SW1/4, NW1/4 SE1/4, W1/2 NE1/4 SE1/4; Section 31 NE1/4, E1/2 NW1/4; Section 32 N1/2. Township 35 North, Range 10 East: Section 25 All; Section 26 All; Section 27 S1/2 SE1/4 South of the Rockport-Cascade Rd.; Section 33 E1/2 NE1/4; Section 34 All; Section 35 All. Township 35 North, Range 11 East: Section 13 All; Section 17 All; Section 18 All; Section 19 All; Section 20 All; Section 29 SE1/4, NE1/4, W1/2 NE1/4, NE1/4 NE1/4; Section 30 All; Section 32 NW1/4 NE1/4, NE1/4 SW1/4. Township 34 North, Range 9 East: Section 2 West of Sauk Valley Road; Section 3 NW1/4 NE1/4, S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4; Section 13 S1/2 SE1/4, SW1/4; Section 23 E1/2 SE1/4; Section 24 All; Section 25 All; Section 26 S1/2; Section 35 NE1/4; Section 36 All. Township 34 North, Range 10 East: Section 4 NW1/4

West of Powerline; Section 5 SW1/4; Section 6 S1/2 SW1/4, SW 1/4 SE1/4; Section 7 NW1/4, NW1/4 NE1/4; Section 18 W1/2 NW1/4, NW1/24 SW1/4; Section 19 SW1/4; Section 30 S1/2 West of Sauk River; Section 31 W 1/2. Township 33 North, Range 5 E: Section 18 W1/2; Section 19 SW1/4 NE1/4, NW1/4. Township 33 North, Range 4 E: Section 3 S1/2 N1/2, S1/2; Section 9 NW1/4 NE1/4, S1/2 NE1/4, SE1/4 E1/2 SW1/4, NE1/4 NW1/4; Section 10 N1/2 N1/2, S1/2; Section 11 NE1/4 S1/2; Section 12 W1/2; Section 13 All; Section 14 All; Section 15 All except W1/2 SW1/4; Section 16 N1/2; Section 22 E1/2 that is North of Hwy 534; Section 23 N3/4 and S1/2 SE1/4; Section 24 N1/2, N1/2 SW1/4, SW1/4 SW1/4; Township 33 North, Range 10 East: Section 6 N1/2 NE1/4; Section 14 All; Section 23 E1/2; Section 24 All;

Snohomish County: Township 29 North, Range 7 East: Sections 13 Spur #400 NW1/4 SW1/4, Spur 1 & 2 SE1/4 NW1/4, NE1/4 SW1/4, T2000 Main Line Road NE1/4 NW1/4, E1000 & E1100 Road behind the white gate on the E1000; Section 14 E1000 & E1100 Road behind the white gate on the E1000; Section 23 E1000 & E1100 Road behind the white gate on the E1000; Section 24 Spur #1100 NE1/4 SW1/4, Spur #1150 NE1/4 NW1/4.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers for general circulation in the Region and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

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Effective midnight, Wednesday, July 1, 1992 to midnight, Friday, October 16, 1992.

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.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-10-010	NEW-W	92-10-009	16-164-070	NEW-P	92-13-100	16-230-810	AMD-E	92-07-060
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16-230-860	AMD	92-13-035	16-231-020	REP-E	92-07-060	16-316-525	AMD	92-13-027
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16-230-861	AMD-S	92-07-059	16-231-020	REP-E	92-08-027	16-316-622	AMD	92-13-027
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16-230-862	NEW-S	92-07-059	16-231-025	REP-E	92-08-027	16-316-719	AMD	92-13-027
16-230-862	NEW-E	92-07-060	16-231-025	REP	92-13-035	16-316-727	AMD-P	92-09-150
16-230-862	RESCIND	92-08-026	16-231-030	REP-P	92-03-134	16-316-727	AMD	92-13-027
16-230-862	NEW-E	92-08-027	16-231-030	REP-S	92-07-059	16-316-800	AMD-P	92-09-150
16-230-862	NEW	92-13-035	16-231-030	REP-E	92-07-060	16-316-800	AMD	92-13-027
16-230-863	NEW-P	92-03-134	16-231-030	RESCIND	92-08-026	16-316-810	AMD-P	92-09-150
16-230-863	NEW-S	92-07-059	16-231-030	REP-E	92-08-027	16-316-810	AMD	92-13-027
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16-230-864	NEW-P	92-03-134	16-231-125	AMD-E	92-08-028	16-316-830	AMD-P	92-09-150
16-230-864	NEW-S	92-07-059	16-231-210	AMD-E	92-08-028	16-316-830	AMD	92-13-027
16-230-864	NEW-E	92-07-060	16-231-215	AMD-E	92-08-028	16-316-832	AMD-P	92-09-150
16-230-864	RESCIND	92-08-026	16-231-220	AMD-E	92-08-028	16-316-832	AMD	92-13-027
16-230-864	NEW-E	92-08-027	16-231-225	AMD-E	92-08-028	16-316-833	AMD-P	92-09-150
16-230-864	NEW	92-13-035	16-231-315	AMD-E	92-08-028	16-316-833	AMD	92-13-027
16-230-865	REP-P	92-03-134	16-231-910	AMD-E	92-08-028	16-316-980	AMD-P	92-09-150
16-230-865	REP-S	92-07-059	16-231-912	AMD-E	92-08-028	16-316-980	AMD	92-13-027
16-230-865	REP-E	92-07-060	16-232-010	AMD-E	92-08-028	16-316-995	AMD-P	92-09-150
16-230-865	RESCIND	92-08-026	16-232-015	AMD-E	92-08-028	16-316-995	AMD	92-13-027
16-230-865	REP-E	92-08-027	16-232-020	AMD-E	92-08-028	16-316-997	AMD-P	92-09-150
16-230-865	REP	92-13-035	16-232-027	AMD-E	92-08-028	16-316-997	AMD	92-13-027
16-230-866	NEW-P	92-03-134	16-304-110	AMD-P	92-09-150	16-328-010	AMD-P	92-12-056
16-230-866	NEW-S	92-07-059	16-304-110	AMD	92-13-027	16-333-040	AMD-P	92-12-056
16-230-866	NEW-E	92-07-060	16-304-130	AMD-P	92-09-150	16-400-210	AMD-E	92-04-032
16-230-866	RESCIND	92-08-026	16-304-130	AMD	92-13-027	16-400-210	AMD	92-06-022
16-230-866	NEW-E	92-08-027	16-316-235	AMD-P	92-09-150	16-401-040	AMD-P	92-10-040
16-230-866	NEW	92-13-035	16-316-235	AMD	92-13-027	16-401-040	AMD	92-13-034
16-230-867	NEW-P	92-03-134	16-316-240	AMD-P	92-09-150	16-403-140	NEW-P	92-11-074
16-230-868	NEW-P	92-03-134	16-316-240	AMD	92-13-027	16-403-160	AMD-P	92-11-074
16-230-868	NEW-S	92-07-059	16-316-245	AMD-P	92-09-150	16-403-190	AMD-P	92-11-074
16-230-868	NEW-E	92-07-060	16-316-245	AMD	92-13-027	16-403-200	AMD-P	92-11-074
16-230-868	RESCIND	92-08-026	16-316-250	AMD-P	92-09-150	16-403-220	AMD-P	92-11-074
16-230-868	NEW-E	92-08-027	16-316-250	AMD	92-13-027	16-403-240	AMD-P	92-11-074
16-230-868	NEW	92-13-035	16-316-266	NEW-E	92-06-048	16-436-100	AMD-P	92-08-106
16-230-870	NEW-P	92-03-134	16-316-266	NEW-P	92-09-075	16-436-100	AMD	92-11-076
16-230-870	NEW-S	92-07-059	16-316-266	NEW	92-12-025	16-436-110	AMD-P	92-08-106
16-230-870	NEW-E	92-07-060	16-316-270	AMD-E	92-06-048	16-436-110	AMD	92-11-076
16-230-870	RESCIND	92-08-026	16-316-270	AMD-P	92-09-075	16-436-130	REP-P	92-08-106
16-230-870	NEW-E	92-08-027	16-316-270	AMD	92-12-025	16-436-130	REP	92-11-076
16-230-870	NEW	92-13-035	16-316-280	AMD-E	92-06-048	16-436-140	AMD-P	92-08-106
16-231	REP-C	92-07-005	16-316-280	AMD-P	92-09-075	16-436-140	AMD	92-11-076
16-231-001	REP-P	92-03-134	16-316-280	AMD	92-12-025	16-436-150	AMD-P	92-08-106
16-231-001	REP-S	92-07-059	16-316-285	AMD-E	92-06-048	16-436-150	AMD	92-11-076
16-231-001	REP-E	92-07-060	16-316-285	AMD-P	92-09-075	16-436-166	NEW-P	92-08-106
16-231-001	RESCIND	92-08-026	16-316-285	AMD	92-12-025	16-436-166	NEW	92-11-076
16-231-001	REP-E	92-08-027	16-316-290	AMD-E	92-06-048	16-436-170	REP-P	92-08-106
16-231-001	REP	92-13-035	16-316-290	AMD-P	92-09-075	16-436-170	REP	92-11-076
16-231-005	REP-P	92-03-134	16-316-290	AMD	92-12-025	16-436-185	AMD-P	92-08-106
16-231-005	REP-S	92-07-059	16-316-315	AMD-P	92-09-150	16-436-185	AMD	92-11-076
16-231-005	REP-E	92-07-060	16-316-315	AMD	92-13-027	16-436-186	NEW-P	92-08-106
16-231-005	RESCIND	92-08-026	16-316-327	AMD-P	92-09-150	16-436-186	NEW	92-11-076
16-231-005	REP-E	92-08-027	16-316-327	AMD	92-13-027	16-436-187	NEW-P	92-08-106
16-231-005	REP	92-13-035	16-316-340	AMD-P	92-09-150	16-436-187	NEW	92-11-076
16-231-010	REP-P	92-03-134	16-316-340	AMD	92-13-027	16-436-190	AMD-P	92-08-106
16-231-010	REP-S	92-07-059	16-316-350	AMD-P	92-09-150	16-436-190	AMD	92-11-076
16-231-010	REP-E	92-07-060	16-316-350	AMD	92-13-027	16-436-190	AMD-P	92-08-106
16-231-010	RESCIND	92-08-026	16-316-355	AMD-P	92-09-150	16-436-200	AMD	92-11-076
16-231-010	REP-E	92-08-027	16-316-355	AMD	92-13-027	16-436-200	AMD	92-11-076
16-231-010	REP	92-13-035	16-316-360	AMD-P	92-09-150	16-436-210	AMD-P	92-08-106
16-231-015	REP-P	92-03-134	16-316-360	AMD	92-13-027	16-436-210	AMD	92-11-076
16-231-015	REP-S	92-07-059	16-316-370	AMD-P	92-09-150	16-436-220	AMD-P	92-08-106
16-231-015	REP-E	92-07-060	16-316-370	AMD	92-13-027	16-436-225	NEW-P	92-08-106
16-231-015	RESCIND	92-08-026	16-316-470	AMD-P	92-09-150	16-436-225	NEW	92-11-076
16-231-015	REP-E	92-08-027	16-316-470	AMD	92-13-027	16-461	AMD	92-06-085

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16-461-006	AMD-E	92-13-064	16-495-050	AMD-P	92-09-150	16-752-620	NEW-P	92-03-106
16-461-010	AMD	92-06-085	16-495-050	AMD	92-13-027	16-752-620	NEW	92-07-025
16-461-010	AMD-E	92-13-064	16-495-110	AMD-P	92-09-150	16-752-630	NEW-P	92-03-106
16-469-010	REP-P	92-09-074	16-495-110	AMD	92-13-027	16-752-630	NEW	92-07-025
16-469-010	REP	92-13-050	16-532-010	AMD-P	92-06-071	16-752-640	NEW-P	92-03-106
16-469-020	REP-P	92-09-074	16-532-010	AMD	92-09-068	16-752-640	NEW	92-07-025
16-469-020	REP	92-13-050	16-532-020	AMD-P	92-06-071	16-752-650	NEW-P	92-03-106
16-469-030	REP-P	92-09-074	16-532-020	AMD	92-09-068	16-752-650	NEW	92-07-025
16-469-030	REP	92-13-050	16-532-030	AMD-P	92-06-071	16-752-660	NEW-P	92-03-106
16-469-040	REP-P	92-09-074	16-532-030	AMD	92-09-068	16-752-660	NEW	92-07-025
16-469-040	REP	92-13-050	16-532-065	NEW-P	92-06-071	44-10-010	AMD	92-11-037
16-469-050	REP-P	92-09-074	16-532-065	NEW	92-09-068	44-10-020	NEW-W	92-11-036
16-469-050	REP	92-13-050	16-532-110	AMD-P	92-06-071	44-10-060	AMD	92-11-037
16-469-060	REP-P	92-09-074	16-532-110	AMD	92-09-068	44-10-205	NEW-W	92-11-036
16-469-060	REP	92-13-050	16-555-020	AMD-P	92-05-071	50-12-116	AMD	92-04-027
16-470-500	REP	92-06-024	16-555-020	AMD-E	92-12-004	50-14-020	NEW	92-06-041
16-470-510	REP	92-06-024	16-555-020	AMD	92-12-006	50-14-030	NEW	92-06-041
16-470-520	REP	92-06-024	16-555-040	AMD-P	92-05-071	50-14-040	NEW	92-06-041
16-470-530	REP	92-06-024	16-555-040	AMD-E	92-12-004	50-14-050	NEW	92-06-041
16-470-600	REP	92-06-023	16-555-040	AMD	92-12-006	50-14-060	NEW	92-06-041
16-470-605	REP	92-06-023	16-561-020	AMD-P	92-05-070	50-14-070	NEW	92-06-041
16-470-610	REP	92-06-023	16-561-020	AMD	92-14-117	50-14-080	NEW	92-06-041
16-470-615	REP	92-06-023	16-570-030	AMD-P	92-08-055	50-14-090	NEW	92-06-041
16-470-620	REP	92-06-023	16-570-030	AMD	92-11-013	50-14-100	NEW	92-06-041
16-470-625	REP	92-06-023	16-580-010	NEW-P	92-14-117	50-14-110	NEW	92-06-041
16-470-630	REP	92-06-023	16-580-020	NEW-P	92-14-117	50-14-120	NEW	92-06-041
16-470-635	REP	92-06-023	16-580-030	NEW-P	92-14-117	50-14-130	NEW	92-06-041
16-470-900	NEW-P	92-03-104	16-580-040	NEW-P	92-14-117	50-14-140	NEW	92-06-041
16-470-900	NEW	92-07-023	16-580-041	NEW-P	92-14-117	50-14-150	NEW-W	92-14-110
16-470-905	NEW-P	92-03-104	16-580-050	NEW-P	92-14-117	50-30-010	NEW	92-02-105
16-470-905	NEW	92-07-023	16-580-060	NEW-P	92-14-117	50-30-020	NEW	92-02-105
16-470-910	NEW-P	92-03-104	16-580-070	NEW-P	92-14-117	50-30-030	NEW	92-02-105
16-470-910	NEW	92-07-023	16-580-080	NEW-P	92-14-117	50-30-040	NEW	92-02-105
16-470-915	NEW-P	92-03-104	16-604-010	AMD	92-06-013	50-30-050	NEW	92-02-105
16-470-915	NEW	92-07-023	16-604-015	NEW	92-06-013	50-30-060	NEW	92-02-105
16-470-920	NEW-P	92-03-104	16-622-050	AMD-P	92-03-069	50-30-070	NEW	92-02-105
16-470-920	NEW	92-07-023	16-622-050	AMD-E	92-03-070	50-30-080	NEW	92-02-105
16-494-010	AMD-E	92-06-050	16-622-050	AMD	92-07-030	50-30-090	NEW	92-02-105
16-494-010	AMD-P	92-09-075	16-622-060	NEW-P	92-03-069	50-30-100	NEW	92-02-105
16-494-010	AMD	92-12-025	16-622-060	NEW-E	92-03-070	50-30-110	NEW	92-02-105
16-494-013	AMD-E	92-06-050	16-622-060	NEW	92-07-030	50-30-110	AMD-E	92-14-062
16-494-013	AMD-P	92-09-075	16-674-002	REP-E	92-14-122	50-30-110	AMD-P	92-14-109
16-494-013	AMD	92-12-025	16-674-002	REP-P	92-14-123	51-13-502	AMD-E	92-14-002
16-494-046	AMD-E	92-06-050	16-674-010	AMD-E	92-14-122	51-20-0419	NEW-W	92-09-110
16-494-046	AMD-P	92-09-075	16-674-010	AMD-P	92-14-123	51-20-0504	NEW-W	92-09-110
16-494-046	AMD	92-12-025	16-674-020	AMD-E	92-14-122	51-20-0516	NEW-W	92-09-110
16-494-064	AMD-E	92-06-050	16-674-020	AMD-P	92-14-123	51-20-0554	NEW-W	92-09-110
16-494-064	AMD-P	92-09-075	16-674-030	AMD-E	92-14-122	51-20-0555	NEW-W	92-09-110
16-494-064	AMD	92-12-025	16-674-030	AMD-P	92-14-123	51-20-0610	NEW-W	92-09-110
16-494-100	NEW-E	92-06-049	16-674-040	AMD-E	92-14-122	51-20-1216	NEW-W	92-09-110
16-494-100	NEW-P	92-09-075	16-674-040	AMD-P	92-14-123	51-20-1251	NEW-W	92-09-110
16-494-100	NEW	92-12-025	16-674-055	NEW-E	92-14-122	51-20-3200	NEW-W	92-09-110
16-494-110	NEW-E	92-06-049	16-674-055	NEW-P	92-14-123	51-20-3207	NEW-W	92-09-110
16-494-110	NEW-P	92-09-075	16-674-060	NEW-E	92-14-122	51-20-3305	NEW-W	92-09-110
16-494-110	NEW	92-12-025	16-674-060	NEW-P	92-14-123	51-20-91200	NEW-W	92-09-110
16-494-120	NEW-E	92-06-049	16-674-070	NEW-E	92-14-122	51-20-91223	NEW-W	92-09-110
16-494-120	NEW-P	92-09-075	16-674-070	NEW-P	92-14-123	51-20-91224	NEW-W	92-09-110
16-494-120	NEW	92-12-025	16-674-080	NEW-E	92-14-122	51-20-91225	NEW-W	92-09-110
16-494-130	NEW-E	92-06-049	16-674-080	NEW-P	92-14-123	51-20-91226	NEW-W	92-09-110
16-494-130	NEW-P	92-09-075	16-752-500	NEW-P	92-03-105	51-20-91227	NEW-W	92-09-110
16-494-130	NEW	92-12-025	16-752-500	NEW	92-07-024	51-20-91228	NEW-W	92-09-110
16-494-140	NEW-E	92-06-049	16-752-505	NEW-P	92-03-105	51-20-91229	NEW-W	92-09-110
16-494-140	NEW-P	92-09-075	16-752-505	NEW	92-07-024	51-20-91230	NEW-W	92-09-110
16-494-140	NEW	92-12-025	16-752-507	NEW	92-07-024	51-20-91231	NEW-W	92-09-110
16-494-150	NEW-E	92-06-049	16-752-510	NEW-P	92-03-105	51-20-91232	NEW-W	92-09-110
16-494-150	NEW-P	92-09-075	16-752-510	NEW	92-07-024	51-20-91233	NEW-W	92-09-110
16-494-150	NEW	92-12-025	16-752-515	NEW-P	92-03-105	51-20-91234	NEW-W	92-09-110
16-494-160	NEW-E	92-06-049	16-752-515	NEW	92-07-024	51-20-93121	NEW-W	92-05-086
16-494-160	NEW-P	92-09-075	16-752-520	NEW-P	92-03-105	51-24-79809	NEW-P	92-09-156
16-494-160	NEW	92-12-025	16-752-520	NEW	92-07-024	51-24-79901	NEW-P	92-09-156
16-494-170	NEW-E	92-06-049	16-752-525	NEW-P	92-03-105	51-24-99300	NEW-W	92-05-087
16-494-170	NEW-P	92-09-075	16-752-525	NEW	92-07-024	51-24-99350	NEW-W	92-05-087
16-494-170	NEW	92-12-025	16-752-600	NEW-P	92-03-106	51-24-99351	NEW-W	92-05-087
16-495-004	AMD-P	92-09-150	16-752-600	NEW	92-07-025	51-24-99352	NEW-W	92-05-087
16-495-004	AMD	92-13-027	16-752-605	NEW	92-07-025	55-01-010	AMD-P	92-09-157
16-495-010	AMD-P	92-09-150	16-752-610	NEW-P	92-03-106	55-01-010	AMD	92-14-088

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55-01-020	AMD-E	92-14-087	132H-105-010	REP	92-13-093	132H-112-015	REP-P	92-09-058
55-01-020	AMD	92-14-097	132H-105-020	REP-E	92-07-071	132H-112-015	REP	92-13-094
55-01-030	AMD-P	92-09-157	132H-105-020	REP-P	92-09-057	132H-112-018	REP-E	92-07-074
55-01-030	AMD	92-14-088	132H-105-020	REP	92-13-093	132H-112-018	REP-P	92-09-058
55-01-050	AMD-P	92-09-157	132H-105-030	REP-E	92-07-071	132H-112-018	REP	92-13-094
55-01-050	AMD-E	92-14-087	132H-105-030	REP-P	92-09-057	132H-112-021	REP-E	92-07-074
55-01-050	AMD	92-14-097	132H-105-030	REP	92-13-093	132H-112-021	REP-P	92-09-058
55-01-060	AMD-P	92-09-157	132H-105-040	REP-E	92-07-071	132H-112-021	REP	92-13-094
55-01-060	AMD-E	92-14-087	132H-105-040	REP-P	92-09-057	132H-112-024	REP-E	92-07-074
55-01-060	AMD	92-14-097	132H-105-040	REP	92-13-093	132H-112-024	REP-P	92-09-058
67-25-446	AMD-P	92-06-036	132H-105-050	REP-E	92-07-071	132H-112-024	REP	92-13-094
67-25-446	AMD	92-09-090	132H-105-050	REP-P	92-09-057	132H-112-024	REP-E	92-07-074
67-35-030	AMD-P	92-07-011	132H-105-050	REP	92-13-093	132H-112-027	REP-P	92-09-058
67-35-030	AMD	92-10-024	132H-105-060	REP-E	92-07-071	132H-112-027	REP	92-13-094
67-35-060	AMD-P	92-07-011	132H-105-060	REP-P	92-09-057	132H-112-030	REP-E	92-07-074
67-35-060	AMD	92-10-024	132H-105-060	REP	92-13-093	132H-112-030	REP-P	92-09-058
67-35-070	AMD-P	92-07-011	132H-105-070	REP-E	92-07-071	132H-112-030	REP	92-13-094
67-35-070	AMD-E	92-07-012	132H-105-070	REP-P	92-09-057	132H-112-033	REP-E	92-07-074
67-35-070	AMD	92-10-024	132H-105-070	REP	92-13-093	132H-112-033	REP-P	92-09-058
67-35-080	REP-P	92-07-011	132H-105-090	REP-E	92-07-071	132H-112-033	REP	92-13-094
67-35-080	REP-E	92-07-012	132H-105-090	REP-P	92-09-057	132H-112-036	REP-E	92-07-074
67-35-080	REP	92-10-024	132H-105-090	REP	92-13-093	132H-112-036	REP-P	92-09-058
67-75-040	AMD-P	92-06-036	132H-105-100	REP-E	92-07-071	132H-112-036	REP	92-13-094
67-75-040	AMD	92-09-090	132H-105-100	REP-P	92-09-057	132H-112-039	REP-E	92-07-074
67-75-042	NEW-P	92-06-036	132H-105-100	REP	92-13-093	132H-112-039	REP-P	92-09-058
67-75-042	NEW	92-09-090	132H-105-110	REP-E	92-07-071	132H-112-039	REP	92-13-094
67-75-044	NEW-P	92-06-036	132H-105-110	REP-P	92-09-057	132H-112-042	REP-E	92-07-074
67-75-044	NEW	92-09-090	132H-105-110	REP	92-13-093	132H-112-042	REP-P	92-09-058
67-75-070	AMD-P	92-06-036	132H-105-120	REP-E	92-07-071	132H-112-042	REP	92-13-094
67-75-070	AMD	92-09-090	132H-105-120	REP-P	92-09-057	132H-112-045	REP-E	92-07-074
67-75-075	AMD-P	92-06-036	132H-105-120	REP	92-13-093	132H-112-045	REP-P	92-09-058
67-75-075	AMD	92-09-090	132H-105-130	REP-E	92-07-071	132H-112-045	REP	92-13-094
131-08-005	AMD-P	92-09-138	132H-105-130	REP-P	92-09-057	132H-112-048	REP-E	92-07-074
131-08-005	AMD	92-13-019	132H-105-130	REP	92-13-093	132H-112-048	REP-P	92-09-058
131-08-007	AMD-P	92-09-138	132H-105-140	REP-E	92-07-071	132H-112-048	REP	92-13-094
131-08-007	AMD	92-13-019	132H-105-140	REP-P	92-09-057	132H-112-051	REP-E	92-07-074
131-08-008	AMD-P	92-09-138	132H-105-140	REP	92-13-093	132H-112-051	REP-P	92-09-058
131-08-008	AMD	92-13-019	132H-105-150	REP-E	92-07-071	132H-112-051	REP	92-13-094
131-16-060	AMD-P	92-09-139	132H-105-150	REP-P	92-09-057	132H-112-054	REP-E	92-07-074
131-16-060	AMD-W	92-12-085	132H-105-150	REP	92-13-093	132H-112-054	REP-P	92-09-058
131-16-062	AMD-P	92-09-139	132H-105-160	REP-E	92-07-071	132H-112-054	REP	92-13-094
131-28-025	AMD-E	92-10-033	132H-105-160	REP-P	92-09-057	132H-112-057	REP-E	92-07-074
131-28-025	AMD-P	92-10-042	132H-105-160	REP	92-13-093	132H-112-057	REP-P	92-09-058
131-28-025	AMD	92-14-033	132H-105-170	REP-E	92-07-071	132H-112-057	REP	92-13-094
131-28-026	AMD-E	92-10-033	132H-105-170	REP-P	92-09-057	132H-112-060	REP-E	92-07-074
131-28-026	AMD-P	92-10-042	132H-105-170	REP	92-13-093	132H-112-060	REP-P	92-09-058
131-28-026	AMD	92-14-033	132H-106-010	NEW-E	92-07-071	132H-112-060	REP	92-13-094
131-28-028	NEW-E	92-10-033	132H-106-010	NEW-P	92-09-057	132H-112-063	REP-E	92-07-074
131-28-028	NEW-P	92-10-042	132H-106-010	NEW	92-13-093	132H-112-063	REP-P	92-09-058
131-28-028	NEW	92-14-033	132H-106-020	NEW-E	92-07-071	132H-112-063	REP	92-13-094
131-32-040	AMD-P	92-09-140	132H-106-020	NEW-P	92-09-057	132H-116-300	AMD-P	92-09-062
131-32-040	AMD	92-13-020	132H-106-020	NEW	92-13-093	132H-116-300	AMD-E	92-09-063
132B-104	NEW-C	92-07-064	132H-106-030	NEW-E	92-07-071	132H-116-300	AMD	92-13-097
132B-104-010	NEW	92-08-043	132H-106-030	NEW-P	92-09-057	132H-116-310	AMD-P	92-09-062
132B-108	NEW-C	92-07-063	132H-106-030	NEW	92-13-093	132H-116-310	AMD-E	92-09-063
132B-108-010	NEW	92-09-041	132H-106-040	NEW-E	92-07-071	132H-116-310	AMD	92-13-097
132B-108-020	NEW	92-09-041	132H-106-040	NEW-P	92-09-057	132H-116-315	NEW-P	92-09-062
132B-108-030	NEW	92-09-041	132H-106-040	NEW	92-13-093	132H-116-315	NEW-E	92-09-063
132B-108-040	NEW	92-09-041	132H-106-050	NEW-E	92-07-071	132H-116-315	NEW	92-13-097
132B-108-050	NEW	92-09-041	132H-106-050	NEW-P	92-09-057	132H-116-320	AMD-P	92-09-062
132B-108-060	NEW	92-09-041	132H-106-050	NEW	92-13-093	132H-116-320	AMD-E	92-09-063
132B-108-070	NEW	92-09-041	132H-106-060	NEW-E	92-07-071	132H-116-320	AMD	92-13-097
132B-108-080	NEW	92-09-041	132H-106-060	NEW-P	92-09-057	132H-116-330	AMD-P	92-09-062
132B-130	NEW-C	92-07-065	132H-106-060	NEW	92-13-093	132H-116-330	AMD-E	92-09-063
132B-130-010	NEW	92-08-044	132H-112-003	REP-E	92-07-074	132H-116-330	AMD	92-13-097
132B-130-020	NEW	92-08-044	132H-112-003	REP-P	92-09-058	132H-116-340	REP-P	92-09-062
132B-131	NEW-C	92-07-065	132H-112-003	REP	92-13-094	132H-116-340	REP-E	92-09-063
132B-131-010	NEW	92-08-044	132H-112-006	REP-E	92-07-074	132H-116-340	REP	92-13-097
132B-132	NEW-C	92-07-065	132H-112-006	REP-P	92-09-058	132H-116-350	AMD-P	92-09-062
132B-132-010	NEW	92-08-044	132H-112-006	REP	92-13-094	132H-116-350	AMD-E	92-09-063
132B-133	NEW-C	92-07-064	132H-112-009	REP-E	92-07-074	132H-116-350	AMD	92-13-097
132B-133-010	NEW	92-08-043	132H-112-009	REP-P	92-09-058	132H-116-351	NEW-P	92-09-062
132B-133-020	NEW	92-08-043	132H-112-009	REP	92-13-094	132H-116-351	NEW-E	92-09-063
132G-152-040	NEW-P	92-04-055	132H-112-012	REP-E	92-07-074	132H-116-351	NEW	92-13-097
132G-152-040	NEW	92-08-040	132H-112-012	REP-P	92-09-058	132H-116-352	NEW-P	92-09-062
132H-105-010	REP-E	92-07-071	132H-112-012	REP	92-13-094	132H-116-352	NEW-E	92-09-063

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132H-116-353	NEW-P	92-09-062	132H-116-520	REP	92-13-097	132H-116-750	AMD-E	92-09-063
132H-116-353	NEW-E	92-09-063	132H-116-530	REP-P	92-09-062	132H-116-750	AMD	92-13-097
132H-116-353	NEW	92-13-097	132H-116-530	REP-E	92-09-063	132H-116-760	REP-P	92-09-062
132H-116-354	NEW-P	92-09-062	132H-116-530	REP	92-13-097	132H-116-760	REP-E	92-09-063
132H-116-354	NEW-E	92-09-063	132H-116-540	REP-P	92-09-062	132H-116-760	REP	92-13-097
132H-116-354	NEW	92-13-097	132H-116-540	REP-E	92-09-063	132H-116-765	NEW-P	92-09-062
132H-116-355	NEW-P	92-09-062	132H-116-540	REP	92-13-097	132H-116-765	NEW-E	92-09-063
132H-116-355	NEW-E	92-09-063	132H-116-542	REP-P	92-09-062	132H-116-765	NEW	92-13-097
132H-116-355	NEW	92-13-097	132H-116-542	REP-E	92-09-063	132H-116-770	REP-P	92-09-062
132H-116-356	NEW-P	92-09-062	132H-116-542	REP	92-13-097	132H-116-770	REP-E	92-09-063
132H-116-356	NEW-E	92-09-063	132H-116-550	REP-P	92-09-062	132H-116-770	REP	92-13-097
132H-116-356	NEW	92-13-097	132H-116-550	REP-E	92-09-063	132H-116-780	REP-P	92-09-062
132H-116-357	NEW-P	92-09-062	132H-116-550	REP	92-13-097	132H-116-780	REP-E	92-09-063
132H-116-357	NEW-E	92-09-063	132H-116-560	REP-P	92-09-062	132H-116-780	REP	92-13-097
132H-116-357	NEW	92-13-097	132H-116-560	REP-E	92-09-063	132H-116-791	NEW-P	92-09-062
132H-116-360	AMD-P	92-09-062	132H-116-560	REP	92-13-097	132H-116-791	NEW-E	92-09-063
132H-116-360	AMD-E	92-09-063	132H-116-570	REP-P	92-09-062	132H-116-791	NEW	92-13-097
132H-116-360	AMD	92-13-097	132H-116-570	REP-E	92-09-063	132H-116-810	REP-P	92-09-062
132H-116-370	REP-P	92-09-062	132H-116-570	REP	92-13-097	132H-116-810	REP-E	92-09-063
132H-116-370	REP-E	92-09-063	132H-116-580	REP-P	92-09-062	132H-116-810	REP	92-13-097
132H-116-370	REP	92-13-097	132H-116-580	REP-E	92-09-063	132H-120-010	AMD-P	92-14-061
132H-116-380	REP-P	92-09-062	132H-116-580	REP	92-13-097	132H-120-010	AMD-E	92-14-075
132H-116-380	REP-E	92-09-063	132H-116-590	AMD-P	92-09-062	132H-120-020	AMD-P	92-14-061
132H-116-380	REP	92-13-097	132H-116-590	AMD-E	92-09-063	132H-120-020	AMD-E	92-14-075
132H-116-390	REP-P	92-09-062	132H-116-590	AMD	92-13-097	132H-120-030	AMD-P	92-14-061
132H-116-390	REP-E	92-09-063	132H-116-600	REP-P	92-09-062	132H-120-030	AMD-E	92-14-075
132H-116-390	REP	92-13-097	132H-116-600	REP-E	92-09-063	132H-120-040	AMD-P	92-14-061
132H-116-400	REP-P	92-09-062	132H-116-600	REP	92-13-097	132H-120-040	AMD-E	92-14-075
132H-116-400	REP-E	92-09-063	132H-116-610	REP-P	92-09-062	132H-120-050	AMD-P	92-14-061
132H-116-400	REP	92-13-097	132H-116-610	REP-E	92-09-063	132H-120-050	AMD-E	92-14-075
132H-116-405	NEW-P	92-09-062	132H-116-610	REP	92-13-097	132H-120-062	REP-P	92-14-061
132H-116-405	NEW-E	92-09-063	132H-116-615	NEW-P	92-09-062	132H-120-062	REP-E	92-14-075
132H-116-405	NEW	92-13-097	132H-116-615	NEW-E	92-09-063	132H-120-070	REP-P	92-14-061
132H-116-410	AMD-P	92-09-062	132H-116-615	NEW	92-13-097	132H-120-070	REP-E	92-14-075
132H-116-410	AMD-E	92-09-063	132H-116-620	AMD-P	92-09-062	132H-120-072	REP-P	92-14-061
132H-116-410	AMD	92-13-097	132H-116-620	AMD-E	92-09-063	132H-120-072	REP-E	92-14-075
132H-116-415	NEW-P	92-09-062	132H-116-620	AMD	92-13-097	132H-120-073	REP-P	92-14-061
132H-116-415	NEW-E	92-09-063	132H-116-630	AMD-P	92-09-062	132H-120-073	REP-E	92-14-075
132H-116-415	NEW	92-13-097	132H-116-630	AMD-E	92-09-063	132H-120-075	REP-P	92-14-061
132H-116-420	REP-P	92-09-062	132H-116-630	AMD	92-13-097	132H-120-075	REP-E	92-14-075
132H-116-420	REP-E	92-09-063	132H-116-640	REP-P	92-09-062	132H-120-077	REP-P	92-14-061
132H-116-420	REP	92-13-097	132H-116-640	REP-E	92-09-063	132H-120-077	REP-E	92-14-075
132H-116-430	AMD-P	92-09-062	132H-116-640	REP	92-13-097	132H-120-078	REP-P	92-14-061
132H-116-430	AMD-E	92-09-063	132H-116-650	REP-P	92-09-062	132H-120-078	REP-E	92-14-075
132H-116-430	AMD	92-13-097	132H-116-650	REP-E	92-09-063	132H-120-079	REP-P	92-14-061
132H-116-431	NEW-P	92-09-062	132H-116-650	REP	92-13-097	132H-120-079	REP-E	92-14-075
132H-116-431	NEW-E	92-09-063	132H-116-655	NEW-P	92-09-062	132H-120-080	REP-P	92-14-061
132H-116-431	NEW	92-13-097	132H-116-655	NEW-E	92-09-063	132H-120-080	REP-E	92-14-075
132H-116-432	NEW-P	92-09-062	132H-116-655	NEW	92-13-097	132H-120-090	REP-P	92-14-061
132H-116-432	NEW-E	92-09-063	132H-116-660	REP-P	92-09-062	132H-120-090	REP-E	92-14-075
132H-116-432	NEW	92-13-097	132H-116-660	REP-E	92-09-063	132H-120-100	REP-P	92-14-061
132H-116-433	NEW-P	92-09-062	132H-116-660	REP	92-13-097	132H-120-100	REP-E	92-14-075
132H-116-433	NEW-E	92-09-063	132H-116-670	REP-P	92-09-062	132H-120-110	REP-P	92-14-061
132H-116-433	NEW	92-13-097	132H-116-670	REP-E	92-09-063	132H-120-110	REP-E	92-14-075
132H-116-440	REP-P	92-09-062	132H-116-670	REP	92-13-097	132H-120-120	REP-P	92-14-061
132H-116-440	REP-E	92-09-063	132H-116-680	REP-P	92-09-062	132H-120-120	REP-E	92-14-075
132H-116-440	REP	92-13-097	132H-116-680	REP-E	92-09-063	132H-120-130	REP-P	92-14-061
132H-116-450	REP-P	92-09-062	132H-116-680	REP	92-13-097	132H-120-130	REP-E	92-14-075
132H-116-450	REP-E	92-09-063	132H-116-690	REP-P	92-09-062	132H-120-200	AMD-P	92-14-061
132H-116-450	REP	92-13-097	132H-116-690	REP-E	92-09-063	132H-120-200	AMD-E	92-14-075
132H-116-470	AMD-P	92-09-062	132H-116-690	REP	92-13-097	132H-120-205	REP-P	92-14-061
132H-116-470	AMD-E	92-09-063	132H-116-700	REP-P	92-09-062	132H-120-205	REP-E	92-14-075
132H-116-470	AMD	92-13-097	132H-116-700	REP-E	92-09-063	132H-120-220	AMD-P	92-14-061
132H-116-480	REP-P	92-09-062	132H-116-700	REP	92-13-097	132H-120-220	AMD-E	92-14-075
132H-116-480	REP-E	92-09-063	132H-116-710	REP-P	92-09-062	132H-120-225	NEW-P	92-14-061
132H-116-480	REP	92-13-097	132H-116-710	REP-E	92-09-063	132H-120-225	NEW-E	92-14-075
132H-116-490	REP-P	92-09-062	132H-116-710	REP	92-13-097	132H-120-230	REP-P	92-14-061
132H-116-490	REP-E	92-09-063	132H-116-720	REP-P	92-09-062	132H-120-230	REP-E	92-14-075
132H-116-490	REP	92-13-097	132H-116-720	REP-E	92-09-063	132H-120-235	NEW-P	92-14-061
132H-116-500	REP-P	92-09-062	132H-116-720	REP	92-13-097	132H-120-235	NEW-E	92-14-075
132H-116-500	REP-E	92-09-063	132H-116-730	AMD-P	92-09-062	132H-120-240	REP-P	92-14-061
132H-116-500	REP	92-13-097	132H-116-730	AMD-E	92-09-063	132H-120-240	REP-E	92-14-075
132H-116-510	REP-P	92-09-062	132H-116-730	AMD	92-13-097	132H-120-245	NEW-P	92-14-061
132H-116-510	REP-E	92-09-063	132H-116-740	REP-P	92-09-062	132H-120-245	NEW-E	92-14-075
132H-116-510	REP	92-13-097	132H-116-740	REP-E	92-09-063	132H-120-300	AMD-P	92-14-061
132H-116-520	REP-P	92-09-062	132H-116-740	REP	92-13-097	132H-120-300	AMD-E	92-14-075

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132K-12-660	REP	92-03-031	132M-120-025	NEW	92-09-094	132Q-04-210	AMD-P	92-10-053
132K-12-670	REP	92-03-031	132M-120-030	AMD-P	92-04-059	132Q-04-210	AMD	92-14-038
132K-12-680	REP	92-03-031	132M-120-030	AMD	92-09-094	132Q-04-250	AMD-P	92-10-053
132K-12-690	REP	92-03-031	132M-120-040	AMD-P	92-04-059	132Q-04-250	AMD	92-14-038
132K-12-700	REP	92-03-031	132M-120-040	AMD	92-09-094	132Q-04-260	AMD-P	92-10-053
132K-12-710	REP	92-03-031	132M-120-050	REP-P	92-04-059	132Q-04-260	AMD	92-14-038
132K-12-720	REP	92-03-031	132M-120-050	REP	92-09-094	132Q-04-280	AMD-P	92-10-053
132K-12-725	REP	92-03-031	132M-120-065	NEW-P	92-04-059	132Q-04-280	AMD	92-14-038
132K-12-730	REP	92-03-031	132M-120-065	NEW	92-09-094	132Q-05-050	AMD-P	92-10-052
132K-12-740	REP	92-03-031	132M-120-070	REP-P	92-04-059	132Q-05-050	AMD	92-14-037
132K-12-750	REP	92-03-031	132M-120-070	REP	92-09-094	132Q-05-060	AMD-P	92-10-052
132K-12-760	REP	92-03-031	132M-120-080	REP-P	92-04-059	132Q-05-060	AMD	92-14-037
132K-12-770	REP	92-03-031	132M-120-080	REP	92-09-094	132Q-05-070	AMD-P	92-10-052
132K-12-780	REP	92-03-031	132M-120-095	NEW-P	92-04-059	132Q-05-070	AMD	92-14-037
132K-12-790	REP	92-03-031	132M-120-095	NEW	92-09-094	132Q-05-080	AMD-P	92-10-052
132K-12-800	REP	92-03-031	132M-120-100	NEW-P	92-04-059	132Q-05-080	AMD	92-14-037
132K-12-810	REP	92-03-031	132M-120-100	NEW	92-09-094	132Q-05-090	AMD-P	92-10-052
132K-12-820	REP	92-03-031	132M-120-110	NEW-P	92-04-059	132Q-05-090	AMD	92-14-037
132K-12-830	REP	92-03-031	132M-120-110	NEW	92-09-094	132Q-05-100	AMD-P	92-10-052
132K-12-840	REP	92-03-031	132M-120-120	NEW-P	92-04-059	132Q-05-100	AMD	92-14-037
132M-108-010	NEW-P	92-04-058	132M-120-120	NEW	92-09-094	132Q-05-120	AMD-P	92-10-052
132M-108-010	NEW	92-09-005	132M-120-130	NEW-P	92-04-059	132Q-05-120	AMD	92-14-037
132M-108-020	NEW-P	92-04-058	132M-120-130	NEW	92-09-094	132Q-06-020	AMD-P	92-10-057
132M-108-020	NEW	92-09-005	132M-120-200	NEW-P	92-04-059	132Q-06-020	AMD	92-14-042
132M-108-030	NEW-P	92-04-058	132M-120-200	NEW	92-09-094	132Q-06-025	AMD-P	92-10-057
132M-108-030	NEW	92-09-005	132M-120-210	NEW-P	92-04-059	132Q-06-025	AMD	92-14-042
132M-108-040	NEW-P	92-04-058	132M-120-210	NEW	92-09-094	132Q-06-030	AMD-P	92-10-057
132M-108-040	NEW	92-09-005	132M-120-220	NEW-P	92-04-059	132Q-06-030	AMD	92-14-042
132M-108-050	NEW-P	92-04-058	132M-120-220	NEW	92-09-094	132Q-06-040	AMD-P	92-10-057
132M-108-050	NEW	92-09-005	132M-120-300	NEW-P	92-04-059	132Q-06-040	AMD	92-14-042
132M-108-060	NEW-P	92-04-058	132M-120-300	NEW	92-09-094	132Q-12-010	AMD-P	92-10-056
132M-108-060	NEW	92-09-005	132M-120-310	NEW-P	92-04-059	132Q-12-010	AMD	92-14-041
132M-108-070	NEW-P	92-04-058	132M-120-310	NEW	92-09-094	132Q-16-003	REP-P	92-10-058
132M-108-070	NEW	92-09-005	132M-120-320	NEW-P	92-04-059	132Q-16-003	REP	92-14-043
132M-108-080	NEW-P	92-04-058	132M-120-320	NEW	92-09-094	132Q-16-006	REP-P	92-10-058
132M-108-080	NEW	92-09-005	132M-136-020	AMD-P	92-04-063	132Q-16-006	REP	92-14-043
132M-110-130	AMD-P	92-04-057	132M-136-020	AMD	92-09-009	132Q-16-009	REP-P	92-10-058
132M-110-130	AMD	92-09-004	132M-136-060	AMD-P	92-04-063	132Q-16-009	REP	92-14-043
132M-112-010	REP-P	92-04-064	132M-136-060	AMD	92-09-009	132Q-16-012	REP-P	92-10-058
132M-112-010	REP	92-09-092	132M-136-100	NEW-P	92-04-063	132Q-16-012	REP	92-14-043
132M-112-011	REP-P	92-04-064	132M-136-100	NEW	92-09-009	132Q-16-015	REP-P	92-10-058
132M-112-011	REP	92-09-092	132M-140-010	REP-P	92-04-063	132Q-16-015	REP	92-14-043
132M-113-010	AMD-P	92-04-065	132M-140-010	REP	92-09-009	132Q-16-018	REP-P	92-10-058
132M-113-010	AMD	92-09-093	132M-160-010	AMD-P	92-04-062	132Q-16-018	REP	92-14-043
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132M-113-015	AMD	92-09-093	132M-300-001	NEW-P	92-04-064	132Q-16-021	REP	92-14-043
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132M-113-030	AMD	92-09-093	132M-400-020	NEW-P	92-04-060	132Q-16-030	REP	92-14-043
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132M-113-035	REP	92-09-093	132M-400-030	NEW-P	92-04-060	132Q-16-033	REP	92-14-043
132M-113-045	REP-P	92-04-065	132M-400-030	NEW	92-09-006	132Q-16-036	REP-P	92-10-058
132M-113-045	REP	92-09-093	132M-400-040	NEW-P	92-04-060	132Q-16-036	REP	92-14-043
132M-113-050	NEW-P	92-04-065	132M-400-040	NEW	92-09-006	132Q-16-039	REP-P	92-10-058
132M-113-050	NEW	92-09-093	132Q-04-020	AMD-P	92-10-053	132Q-16-039	REP	92-14-043
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132M-113-055	NEW	92-09-093	132Q-04-095	AMD-P	92-10-053	132Q-16-042	REP	92-14-043
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132M-115-001	NEW	92-09-007	132Q-04-096	NEW-P	92-10-053	132Q-16-045	REP	92-14-043
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132M-115-010	REP	92-09-007	132Q-04-120	AMD-P	92-10-053	132Q-16-048	REP	92-14-043
132M-115-020	REP-P	92-04-061	132Q-04-120	AMD	92-14-038	132Q-16-051	REP-P	92-10-058
132M-115-020	REP	92-09-007	132Q-04-130	AMD-P	92-10-053	132Q-16-051	REP	92-14-043
132M-115-030	REP-P	92-04-061	132Q-04-130	AMD	92-14-038	132Q-16-054	REP-P	92-10-058
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132M-115-040	REP	92-09-007	132Q-04-170	AMD-P	92-10-053	132Q-16-057	REP	92-14-043
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132M-120-010	AMD-P	92-04-059	132Q-04-180	AMD	92-14-038	132Q-16-063	REP-P	92-10-058
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132Q-20-060	AMD	92-14-036	136-03-090	NEW-P	92-08-069	172-124-100	REP-P	92-05-056
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173-175-190	NEW-P	92-06-091	173-183-350	NEW-W	92-11-038	173-305-070	REP	92-10-043
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173-175-510	NEW-P	92-06-091	173-201-035	REP-P	92-11-041	173-422-150	REP-P	92-09-133
173-175-510	NEW	92-12-055	173-201-045	REP-P	92-11-041	173-422-160	AMD-P	92-09-133
173-175-520	NEW-P	92-06-091	173-201-047	REP-P	92-11-041	173-422-170	AMD-P	92-09-133
173-175-520	NEW	92-12-055	173-201-070	REP-P	92-11-041	173-422-180	REP-P	92-09-133
173-175-530	NEW	92-12-055	173-201-080	REP-P	92-11-041	173-425-010	AMD-P	92-12-026
173-175-600	NEW-P	92-06-091	173-201-085	REP-P	92-11-041	173-425-020	AMD-P	92-12-026
173-175-600	NEW	92-12-055	173-201-090	REP-P	92-11-041	173-425-030	AMD-P	92-12-026
173-175-610	NEW-P	92-06-091	173-201-100	REP-P	92-11-041	173-425-036	REP-P	92-12-026
173-175-610	NEW	92-12-055	173-201-110	REP-P	92-11-041	173-425-040	NEW-P	92-12-026
173-175-620	NEW-P	92-06-091	173-201-120	REP-P	92-11-041	173-425-045	REP-P	92-12-026
173-175-620	NEW	92-12-055	173-201A-010	NEW-P	92-11-041	173-425-050	NEW-P	92-12-026
173-175-630	NEW-P	92-06-091	173-201A-020	NEW-P	92-11-041	173-425-055	REP-P	92-12-026
173-175-630	NEW	92-12-055	173-201A-030	NEW-P	92-11-041	173-425-060	NEW-P	92-12-026
173-180D-010	NEW-P	92-06-087	173-201A-040	NEW-P	92-11-041	173-425-065	REP-P	92-12-026
173-180D-020	NEW-P	92-06-087	173-201A-050	NEW-P	92-11-041	173-425-070	NEW-P	92-12-026
173-180D-030	NEW-P	92-06-087	173-201A-060	NEW-P	92-11-041	173-425-075	REP-P	92-12-026
173-180D-040	NEW-P	92-06-087	173-201A-070	NEW-P	92-11-041	173-425-080	NEW-P	92-12-026
173-180D-050	NEW-P	92-06-087	173-201A-080	NEW-P	92-11-041	173-425-085	REP-P	92-12-026
173-180D-055	NEW-P	92-06-087	173-201A-100	NEW-P	92-11-041	173-425-090	NEW-P	92-12-026
173-180D-060	NEW-P	92-06-087	173-201A-110	NEW-P	92-11-041	173-425-095	REP-P	92-12-026
173-180D-065	NEW-P	92-06-087	173-201A-120	NEW-P	92-11-041	173-425-100	AMD-P	92-12-026
173-180D-070	NEW-P	92-06-087	173-201A-130	NEW-P	92-11-041	173-425-110	NEW-P	92-12-026
173-180D-075	NEW-P	92-06-087	173-201A-140	NEW-P	92-11-041	173-425-115	REP-P	92-12-026
173-180D-080	NEW-P	92-06-087	173-201A-150	NEW-P	92-11-041	173-425-120	REP-P	92-12-026

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173-425-140	REP-P	92-12-026	180-20-160	NEW-P	92-13-098	180-79-333	NEW	92-04-044
173-433-100	AMD-P	92-09-035	180-25-030	AMD-E	92-13-047	180-79-379	NEW	92-04-044
173-433-110	AMD-P	92-09-035	180-25-030	AMD-P	92-13-059	180-85-045	AMD	92-04-044
173-433-170	AMD-P	92-09-035	180-25-031	NEW	92-04-043	180-85-077	NEW	92-04-044
173-433-170	AMD-E	92-10-022	180-25-032	NEW-E	92-13-047	180-85-115	AMD	92-04-044
173-492-010	NEW-P	92-06-088	180-25-032	NEW-P	92-13-059	180-86-150	AMD-P	92-08-077
173-492-010	NEW-S	92-11-043	180-27-016	NEW-E	92-13-047	180-86-155	AMD-P	92-08-077
173-492-020	NEW-P	92-06-088	180-27-016	NEW-P	92-13-059	180-110-035	AMD-P	92-13-058
173-492-020	NEW-S	92-11-043	180-27-052	NEW-E	92-13-047	182-12-111	AMD	92-03-040
173-492-030	NEW-P	92-06-088	180-27-052	NEW-P	92-13-059	182-12-115	AMD-P	92-04-001
173-492-030	NEW-S	92-11-043	180-27-056	AMD-E	92-13-047	182-12-115	AMD-C	92-07-046
173-492-040	NEW-P	92-06-088	180-27-056	AMD-P	92-13-059	182-12-115	AMD	92-08-003
173-492-040	NEW-S	92-11-043	180-27-058	AMD-E	92-13-047	192-12-017	REP-P	92-07-104
173-492-050	NEW-P	92-06-088	180-27-058	AMD-P	92-13-059	192-12-017	REP	92-14-047
173-492-050	NEW-S	92-11-043	180-27-500	NEW-E	92-13-047	192-12-019	REP-P	92-07-104
173-492-060	NEW-P	92-06-088	180-27-500	NEW-P	92-13-059	192-12-019	REP	92-14-047
173-492-060	NEW-S	92-11-043	180-27-505	NEW-E	92-13-047	192-12-072	AMD-P	92-07-104
173-492-070	NEW-P	92-06-088	180-27-505	NEW-P	92-13-059	192-12-072	AMD	92-14-047
173-492-070	NEW-S	92-11-043	180-27-510	NEW-E	92-13-047	192-12-300	AMD-P	92-03-145
173-492-080	NEW-P	92-06-088	180-27-510	NEW-P	92-13-059	192-12-305	AMD-P	92-03-145
173-492-080	NEW-S	92-11-043	180-27-515	NEW-E	92-13-047	192-12-310	AMD-P	92-03-145
173-492-090	NEW-P	92-06-088	180-27-515	NEW-P	92-13-059	192-12-320	AMD-P	92-03-145
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173-492-100	NEW-S	92-11-043	180-27-530	NEW-E	92-13-047	192-12-400	NEW	92-14-047
173-563-015	NEW-E	92-07-055	180-27-530	NEW-P	92-13-059	192-12-405	NEW-P	92-07-104
173-563-015	NEW-P	92-14-010	180-27-535	NEW-E	92-13-047	192-12-405	NEW	92-14-047
173-563-015	NEW-E	92-14-012	180-27-535	NEW-P	92-13-059	192-32-120	NEW	92-05-051
173-564-010	NEW-E	92-07-054	180-29-085	AMD-E	92-13-047	192-32-125	NEW	92-05-051
173-564-010	NEW-P	92-14-009	180-29-085	AMD-P	92-13-059	196-24-050	AMD-P	92-04-008
173-564-010	NEW-E	92-14-011	180-51-085	AMD-P	92-05-067	196-24-050	AMD	92-09-089
173-564-020	NEW-E	92-07-054	180-51-085	AMD	92-08-078	196-24-105	AMD-P	92-12-053
173-564-020	NEW-P	92-14-009	180-53-065	REP-P	92-13-075	204-24-030	AMD	92-05-016
173-564-020	NEW-E	92-14-011	180-53-070	NEW-P	92-13-075	204-24-040	AMD	92-05-016
173-564-030	NEW-E	92-07-054	180-75-016	NEW	92-04-044	204-24-050	AMD	92-05-016
173-564-030	NEW-P	92-14-009	180-75-055	AMD	92-04-044	204-24-070	AMD	92-05-016
173-564-030	NEW-E	92-14-011	180-75-065	AMD	92-04-044	204-32	PREP	92-13-012A
173-564-040	NEW-E	92-07-054	180-75-080	REP	92-04-044	204-38-030	AMD-P	92-05-015
173-564-040	NEW-P	92-14-009	180-75-085	AMD	92-04-044	204-38-030	AMD	92-11-032
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178-01-010	NEW-E	92-03-056	180-75-089	NEW	92-04-044	204-39	PREP	92-13-012A
178-01-010	NEW	92-09-002	180-75-090	AMD	92-04-044	204-62	PREP	92-13-012A
180-16-200	AMD	92-05-047	180-75-110	NEW	92-04-044	204-70	PREP	92-13-012A
180-16-200	AMD-P	92-13-075	180-77-040	AMD	92-05-039	204-74A-060	AMD	92-09-050
180-16-205	AMD	92-05-047	180-77-045	AMD	92-05-039	212-80-010	AMD-P	92-14-073
180-16-205	AMD-P	92-13-075	180-77-050	AMD	92-05-039	212-80-010	AMD-E	92-14-074
180-16-222	AMD	92-04-044	180-77-065	AMD	92-05-039	212-80-015	AMD-P	92-14-073
180-16-223	AMD	92-04-044	180-77-100	NEW	92-05-039	212-80-015	AMD-E	92-14-074
180-20-005	NEW-P	92-13-098	180-77-105	NEW	92-05-039	212-80-030	AMD-P	92-14-073
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180-20-031	NEW-P	92-13-098	180-78-165	AMD	92-06-027	212-80-035	AMD-P	92-14-073
180-20-034	NEW-P	92-13-098	180-78-200	NEW-W	92-09-108	212-80-035	AMD-E	92-14-074
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180-20-036	NEW-P	92-13-098	180-79-047	AMD	92-04-044	212-80-055	AMD-E	92-14-074
180-20-040	NEW-P	92-13-098	180-79-049	AMD	92-04-044	212-80-065	AMD-P	92-14-073
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180-20-060	NEW-P	92-13-098	180-79-080	AMD	92-04-044	212-80-125	NEW-P	92-14-073
180-20-065	NEW-P	92-13-098	180-79-085	AMD-E	92-13-021	212-80-125	NEW-E	92-14-074
180-20-070	NEW-P	92-13-098	180-79-086	AMD	92-04-044	220-16	AMD-C	92-11-083
180-20-075	NEW-P	92-13-098	180-79-115	AMD	92-04-044	220-16	AMD-S	92-11-083
180-20-080	NEW-P	92-13-098	180-79-115	AMD-E	92-13-021	220-16-01500A	NEW-E	92-13-040
180-20-090	NEW-P	92-13-098	180-79-117	AMD-E	92-13-021	220-16-040	AMD-P	92-09-137
180-20-095	NEW-P	92-13-098	180-79-120	AMD	92-04-044	220-16-046	NEW-P	92-09-137
180-20-101	NEW-P	92-13-098	180-79-122	AMD-E	92-13-021	220-20-020	AMD-P	92-10-081
180-20-111	NEW-P	92-13-098	180-79-123	NEW	92-04-044	220-20-021	AMD-P	92-10-081
180-20-115	NEW-P	92-13-098	180-79-123	AMD-E	92-13-021	220-24-02000L	NEW-E	92-09-130
180-20-120	NEW-P	92-13-098	180-79-127	AMD-E	92-13-021	220-32-05100J	REP-E	92-04-051
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180-20-130	NEW-P	92-13-098	180-79-131	AMD	92-04-044	220-32-05100K	REP-E	92-07-007
180-20-135	NEW-P	92-13-098	180-79-136	AMD	92-04-044	220-32-05100L	NEW-E	92-07-007
180-20-140	NEW-P	92-13-098	180-79-230	AMD	92-04-044	220-32-05500A	NEW-E	92-09-047
180-20-145	NEW-P	92-13-098	180-79-241	AMD-P	92-08-077	220-32-05500A	REP-E	92-09-106
180-20-150	NEW-P	92-13-098	180-79-310	REP	92-04-044	220-32-05500B	NEW-E	92-09-106

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220-32-05700I	REP-E	92-05-004	220-56-240	AMD-P	92-03-151	220-57-455	AMD-P	92-03-151
220-32-05700J	NEW-E	92-04-051	220-56-240	AMD	92-11-012	220-57-455	AMD	92-11-012
220-32-05700J	REP-E	92-07-007	220-56-24000G	NEW-E	92-09-083	220-57-460	AMD-P	92-03-151
220-32-05700K	NEW-E	92-08-090	220-56-24500K	NEW-E	92-10-039	220-57-460	AMD	92-11-012
220-32-05700K	REP-E	92-14-099	220-56-24500K	REP-E	92-12-002	220-57-46000Y	NEW-E	92-07-035
220-32-05700L	NEW-E	92-14-099	220-56-24500L	NEW-E	92-12-002	220-57-465	AMD-P	92-03-151
220-33-01000D	REP-E	92-05-004	220-56-250	AMD-P	92-03-151	220-57-465	AMD	92-11-012
220-33-01000E	NEW-E	92-05-004	220-56-250	AMD	92-11-012	220-57-470	AMD-W	92-04-011
220-33-03000D	NEW-E	92-11-066	220-56-25000E	NEW-E	92-09-083	220-57-490	AMD-P	92-03-151
220-40-027	AMD-P	92-10-081	220-56-25500L	NEW-E	92-10-039	220-57-490	AMD-W	92-04-011
220-44-030	AMD-P	92-03-150	220-56-25500L	REP-E	92-12-002	220-57-490	AMD	92-11-012
220-44-030	AMD	92-07-008	220-56-25500M	NEW-E	92-12-002	220-57-50500T	NEW-E	92-08-031
220-44-04000B	NEW-E	92-10-064	220-56-28000A	NEW-E	92-07-015	220-57-51500H	NEW-E	92-08-031
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220-44-050	AMD	92-07-008	220-56-285	AMD-P	92-03-151	220-57A-180	AMD	92-11-012
220-44-05000R	REP-E	92-03-030	220-56-285	AMD	92-11-012	220-69-25000A	NEW-E	92-11-004
220-44-05000S	NEW-E	92-03-030	220-56-28500F	NEW-E	92-09-083	220-88-010	NEW-P	92-09-129
220-44-05000S	REP-E	92-08-007	220-56-310	AMD-P	92-03-151	220-88-020	NEW-P	92-09-129
220-44-05000T	NEW-E	92-08-007	220-56-310	AMD	92-11-012	220-88-030	NEW-P	92-09-129
220-44-05000T	REP-E	92-09-084	220-56-31000K	NEW-E	92-09-083	220-88-040	NEW-P	92-09-129
220-44-05000U	NEW-E	92-09-084	220-56-315	AMD-P	92-03-151	220-88-050	NEW-P	92-09-129
220-44-05000U	REP-E	92-11-021	220-56-315	AMD	92-11-012	220-110	AMD-C	92-10-045
220-44-05000V	NEW-E	92-11-021	220-56-31500A	NEW-E	92-09-083	220-110-010	AMD-P	92-11-082
220-44-05000V	REP-E	92-12-018	220-56-320	AMD-P	92-03-151	220-110-020	AMD-P	92-11-082
220-44-05000W	NEW-E	92-12-018	220-56-320	AMD	92-11-012	220-110-030	AMD-P	92-11-082
220-44-09000A	NEW-E	92-11-004	220-56-32000C	NEW-E	92-09-083	220-110-035	NEW-P	92-11-082
220-47	AMD-C	92-11-083	220-56-32500U	NEW-E	92-10-020	220-110-050	AMD-P	92-11-082
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220-47-302	AMD-P	92-09-137	220-56-335	AMD-P	92-03-151	220-110-080	AMD-P	92-11-082
220-47-304	AMD-P	92-09-137	220-56-335	AMD	92-11-012	220-110-080	AMD-P	92-11-082
220-47-307	AMD-P	92-09-137	220-56-33500G	NEW-E	92-09-083	220-110-090	REP-P	92-11-082
220-47-311	AMD-P	92-09-137	220-56-350	AMD-P	92-03-151	220-110-100	AMD-P	92-11-082
220-47-319	AMD-P	92-09-137	220-56-350	AMD	92-11-012	220-110-110	REP-P	92-11-082
220-47-401	AMD-P	92-09-137	220-56-350	AMD	92-11-012	220-110-120	AMD-P	92-11-082
220-47-411	AMD-P	92-09-137	220-56-35000P	NEW-E	92-09-083	220-110-130	AMD-P	92-11-082
220-47-412	AMD-P	92-09-137	220-56-360	AMD-P	92-03-151	220-110-140	AMD-P	92-11-082
220-47-500	AMD-P	92-09-137	220-56-360	AMD	92-11-012	220-110-150	AMD-P	92-11-082
220-48-005	AMD-P	92-06-092	220-56-380	AMD-P	92-03-151	220-110-160	AMD-P	92-11-082
220-48-005	AMD-C	92-08-079	220-56-380	AMD	92-11-012	220-110-170	AMD-P	92-11-082
220-48-005	AMD	92-11-011	220-56-38000J	NEW-E	92-09-083	220-110-180	AMD-P	92-11-082
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220-48-011	AMD-P	92-06-092	220-56-400	AMD	92-11-012	220-110-200	AMD-P	92-11-082
220-48-011	AMD-C	92-08-079	220-56-4000B	NEW-E	92-09-083	220-110-210	AMD-P	92-11-082
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220-48-042	AMD-C	92-08-079	220-57-160	AMD	92-11-012	220-110-223	NEW-P	92-11-082
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220-48-052	AMD-C	92-08-079	220-57-16000N	NEW-E	92-09-083	220-110-250	AMD-P	92-11-082
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220-52-05100J	NEW-E	92-10-002	220-57-17500W	NEW-E	92-09-083	220-110-280	AMD-P	92-11-082
220-52-05100K	NEW-E	92-10-020	220-57-195	AMD-W	92-04-011	220-110-285	NEW-P	92-11-082
220-52-05100K	REP-E	92-11-065	220-57-205	AMD-P	92-03-151	220-110-290	AMD-P	92-11-082
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220-52-05100M	NEW-E	92-13-040	220-57-205	AMD	92-11-012	220-110-320	AMD-P	92-11-082
220-52-07300H	NEW-E	92-06-054	220-57-210	AMD-P	92-03-151	220-110-330	AMD-P	92-11-082
220-56-10500A	NEW-E	92-08-031	220-57-210	AMD-W	92-04-011	220-110-340	AMD-P	92-11-082
220-56-116	AMD-P	92-03-151	220-57-210	AMD	92-11-012	220-110-350	AMD-P	92-11-082
220-56-116	AMD	92-11-012	220-57-255	AMD-P	92-03-151	220-110-360	NEW-P	92-11-082
220-56-145	AMD-P	92-03-151	220-57-255	AMD	92-11-012	222-12-040	AMD-S	92-11-069
220-56-156	AMD-P	92-03-151	220-57-265	AMD-W	92-04-011	222-12-046	NEW-P	92-07-093
220-56-156	AMD	92-11-012	220-57-29000M	NEW-E	92-11-020	222-12-046	NEW-S	92-11-069
220-56-15600E	NEW-E	92-09-083	220-57-31500V	NEW-E	92-08-031	222-12-090	AMD-P	92-07-093
220-56-160	AMD-P	92-03-151	220-57-385	AMD-P	92-03-151	222-12-090	AMD-S	92-11-069
220-56-19000S	NEW-E	92-10-017	220-57-385	AMD	92-11-012	222-16-010	AMD	92-03-028
220-56-19000S	REP-E	92-12-013	220-57-38500T	NEW-E	92-07-035	222-16-010	AMD-E	92-06-004
220-56-19000T	NEW-E	92-12-013	220-57-405	AMD-P	92-03-151	222-16-010	AMD-P	92-07-093
220-56-19000U	NEW-E	92-13-071	220-57-405	AMD	92-11-012	222-16-010	AMD-S	92-11-069
220-56-19000V	NEW-E	92-14-046	220-57-425	AMD-P	92-03-151	222-16-010	AMD-E	92-12-038
220-56-195	AMD-P	92-03-151	220-57-425	AMD	92-11-012	222-16-020	AMD-P	92-07-093
220-56-195	AMD	92-11-012	220-57-430	AMD-P	92-03-151	222-16-020	REP-S	92-11-069
220-56-205	AMD-P	92-03-151	220-57-430	AMD-W	92-04-011	222-16-030	AMD-P	92-07-093
220-56-205	AMD	92-11-012	220-57-430	AMD	92-11-012	222-16-030	AMD-S	92-11-069
220-56-235	AMD-P	92-03-151	220-57-435	AMD-P	92-03-151	222-16-035	NEW-P	92-07-093
220-56-235	AMD	92-11-012	220-57-435	AMD	92-11-012	222-16-035	NEW-S	92-11-069
			220-57-450	AMD-P	92-03-151	222-16-046	NEW-E	92-09-064

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
222-16-050	AMD-E	92-06-004	230-08-025	AMD-P	92-14-018	232-28-513	NEW-P	92-14-108
222-16-050	AMD-P	92-07-093	230-08-180	AMD-P	92-14-018	232-28-61825	NEW-E	92-03-013
222-16-050	AMD-S	92-11-069	230-08-180	AMD-W	92-14-057	232-28-61826	NEW-E	92-05-022
222-16-050	AMD-E	92-12-038	230-08-240	REP-P	92-14-018	232-28-61827	NEW-E	92-05-021
222-16-070	NEW-E	92-06-004	230-08-240	REP-W	92-14-057	232-28-61828	NEW-E	92-05-019
222-16-070	NEW-P	92-07-093	230-20-685	NEW-C	92-08-057	232-28-61829	NEW-E	92-05-024
222-16-070	NEW-S	92-11-069	230-50-010	AMD-P	92-14-018	232-28-61830	NEW-E	92-08-067
222-16-070	NEW-E	92-12-038	230-50-010	AMD-E	92-14-019	232-28-61831	NEW-E	92-08-064
222-16-080	NEW-P	92-07-093	230-50-012	AMD-P	92-14-018	232-28-61901	NEW-P	92-02-088
222-16-080	NEW-S	92-11-069	230-50-012	AMD-E	92-14-019	232-28-61901	NEW	92-07-038
222-22-010	NEW-P	92-07-093	230-50-015	NEW-P	92-14-018	232-28-61902	NEW-P	92-02-089
222-22-010	NEW-S	92-11-069	230-50-015	NEW-E	92-14-019	232-28-61902	NEW	92-07-039
222-22-020	NEW-P	92-07-093	230-50-018	NEW-P	92-14-018	232-28-61903	NEW-P	92-02-090
222-22-020	NEW-S	92-11-069	230-50-018	NEW-E	92-14-019	232-28-61903	NEW-W	92-07-037
222-22-030	NEW-P	92-07-093	230-50-150	AMD-P	92-14-018	232-28-61904	NEW-P	92-02-091
222-22-030	NEW-S	92-11-069	230-50-150	AMD-E	92-14-019	232-28-61904	NEW	92-07-040
222-22-040	NEW-P	92-07-093	230-50-235	NEW-P	92-14-018	232-28-61905	NEW-P	92-02-092
222-22-040	NEW-S	92-11-069	230-50-235	NEW-E	92-14-019	232-28-61905	NEW	92-07-041
222-22-050	NEW-P	92-07-093	230-50-580	AMD-E	92-14-033	232-28-61906	NEW-P	92-02-093
222-22-050	NEW-S	92-11-069	230-50-580	AMD-P	92-14-018	232-28-61906	NEW	92-07-042
222-22-060	NEW-P	92-07-093	230-50-580	AMD-E	92-14-020	232-28-61907	NEW-E	92-05-020
222-22-060	NEW-S	92-11-069	232-12-017	AMD-E	92-14-015	232-28-61907	NEW-P	92-06-073
222-22-070	NEW-P	92-07-093	232-12-021	AMD-P	92-02-086	232-28-61907	NEW	92-11-079
222-22-070	NEW-S	92-11-069	232-12-021	AMD-C	92-05-018	232-28-61908	NEW-P	92-06-074
222-22-080	NEW-P	92-07-093	232-12-021	AMD-W	92-12-057	232-28-61908	NEW	92-11-080
222-22-080	NEW-S	92-11-069	232-12-021	AMD-E	92-14-014	232-28-61909	NEW-P	92-09-136
222-22-090	NEW-P	92-07-093	232-12-064	AMD-E	92-14-014	232-28-61909	NEW-E	92-12-020
222-22-090	NEW-S	92-11-069	232-12-074	AMD-P	92-02-086	232-28-61910	NEW-P	92-14-100
222-22-100	NEW-P	92-07-093	232-12-074	AMD-C	92-05-018	232-28-61911	NEW-P	92-14-101
222-22-100	NEW-S	92-11-069	232-12-074	AMD-W	92-12-057	232-28-61912	NEW-P	92-14-104
222-24-010	AMD-P	92-07-093	232-12-077	AMD-P	92-02-086	232-28-61913	NEW-P	92-14-102
222-24-010	AMD-S	92-11-069	232-12-077	AMD-C	92-05-018	232-28-61914	NEW-P	92-14-103
222-24-020	AMD-P	92-07-093	232-12-077	AMD-W	92-12-057	232-28-61915	NEW-E	92-14-013
222-24-020	AMD-S	92-11-069	232-12-141	AMD-P	92-14-105	232-28-714	REP-P	92-02-094
222-24-025	AMD-P	92-07-093	232-12-147	AMD-P	92-06-072	232-28-714	REP	92-06-019
222-24-025	AMD-S	92-11-069	232-12-147	AMD-E	92-08-066	236-12-001	AMD	92-04-036
222-24-030	AMD-P	92-07-093	232-12-147	AMD	92-11-078	236-12-010	REP	92-04-036
222-24-030	AMD-S	92-11-069	232-12-160	NEW	92-09-076	236-12-011	REP	92-04-036
222-24-035	AMD-P	92-07-093	232-12-170	NEW	92-09-076	236-12-011	AMD-W	92-11-039
222-24-035	AMD-S	92-11-069	232-12-171	NEW	92-09-076	236-12-012	REP	92-04-036
222-24-040	AMD-P	92-07-093	232-12-175	NEW	92-09-076	236-12-013	REP	92-04-036
222-24-040	AMD-S	92-11-069	232-12-180	NEW	92-09-076	236-12-014	REP	92-04-036
222-24-050	AMD-P	92-07-093	232-12-267	AMD-P	92-02-086	236-12-015	NEW	92-04-036
222-24-050	AMD-S	92-11-069	232-12-267	AMD-C	92-05-018	236-12-015	REP	92-04-036
222-24-060	AMD-P	92-07-093	232-12-267	AMD	92-12-064	236-12-040	REP	92-04-036
222-24-060	AMD-S	92-11-069	232-12-277	AMD-P	92-02-086	236-12-050	REP	92-04-036
222-30-010	AMD-P	92-07-093	232-12-277	AMD-C	92-05-018	236-12-060	REP	92-04-036
222-30-010	AMD-S	92-11-069	232-12-277	AMD	92-12-064	236-12-061	REP	92-04-036
222-30-020	AMD-P	92-07-093	232-28-022	AMD-P	92-02-085	236-12-120	REP	92-04-036
222-30-020	AMD-S	92-11-069	232-28-022	AMD	92-06-017	236-12-130	REP	92-04-036
222-30-025	NEW-P	92-07-093	232-28-022	AMD-P	92-09-042	236-12-131	REP	92-04-036
222-30-025	NEW-S	92-11-069	232-28-022	AMD	92-12-065	236-12-132	REP	92-04-036
222-30-040	AMD-P	92-07-093	232-28-226	AMD-P	92-06-075	236-12-133	REP	92-04-036
222-30-040	AMD-S	92-11-069	232-28-226	AMD	92-12-058	236-12-160	NEW	92-09-076
222-30-050	AMD-P	92-07-093	232-28-227	AMD-P	92-06-076	236-12-170	NEW	92-09-076
222-30-050	AMD-S	92-11-069	232-28-227	AMD	92-12-059	236-12-171	NEW	92-09-076
222-30-060	AMD-P	92-07-093	232-28-227	AMD-P	92-14-106	236-12-175	NEW	92-09-076
222-30-060	AMD-S	92-11-069	232-28-22701	NEW-E	92-12-019	236-12-180	NEW	92-09-076
222-30-070	AMD-P	92-07-093	232-28-228	AMD-P	92-02-087	236-12-185	NEW	92-04-036
222-30-070	AMD-S	92-11-069	232-28-228	AMD	92-06-018	236-12-186	NEW	92-04-036
222-30-090	AMD-P	92-07-093	232-28-228	AMD-P	92-06-077	236-12-187	NEW	92-04-036
222-30-090	AMD-S	92-11-069	232-28-228	AMD	92-12-060	236-12-188	NEW	92-04-036
222-30-100	AMD-P	92-07-093	232-28-229	REP-P	92-06-078	236-12-189	NEW	92-04-036
222-30-100	AMD-S	92-11-069	232-28-229	REP	92-12-061	236-12-190	NEW	92-04-036
222-30-110	NEW-P	92-07-093	232-28-230	REP-P	92-06-079	236-12-191	NEW	92-04-036
222-30-110	NEW-S	92-11-069	232-28-230	REP	92-12-062	236-12-200	AMD	92-04-036
222-30-120	NEW	92-08-025	232-28-231	REP-P	92-06-080	236-12-220	AMD	92-04-036
222-34-040	AMD-P	92-07-093	232-28-231	REP-P	92-12-063	236-12-225	REP	92-04-036
222-38-010	AMD-P	92-07-093	232-28-233	REP	92-12-063	236-12-290	AMD	92-04-037
222-38-010	AMD-S	92-11-069	232-28-233	NEW-P	92-06-078	236-12-300	AMD	92-04-037
222-38-020	AMD-P	92-07-093	232-28-233	NEW	92-12-061	236-12-300	AMD	92-04-036
222-38-020	AMD-S	92-11-069	232-28-234	NEW-P	92-06-079	236-12-320	AMD	92-04-036
222-38-020	AMD-S	92-11-069	232-28-234	NEW	92-12-062	236-12-340	REP	92-04-036
222-38-030	NEW-P	92-07-093	232-28-235	NEW	92-06-080	236-12-350	NEW	92-04-036
222-38-030	NEW-S	92-11-069	232-28-235	NEW-P	92-12-063	236-12-351	NEW	92-04-036
222-38-030	NEW-S	92-11-069	232-28-235	NEW	92-12-063	236-12-360	NEW	92-04-036
222-38-040	NEW-P	92-07-093	232-28-415	REP-P	92-14-107	236-12-361	NEW	92-04-036
222-38-040	NEW-S	92-11-069	232-28-416	NEW-P	92-14-107	236-12-362	NEW	92-04-036
230-08-010	AMD-P	92-14-018	232-28-512	REP-P	92-14-108	236-12-365	NEW	92-04-036

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
236-12-370	NEW	92-04-036	242-02-570	NEW-E	92-14-001	246-215-010	NEW	92-08-112
236-12-371	NEW	92-04-036	242-02-580	NEW-E	92-14-001	246-215-019	REP-P	92-03-142
236-12-372	NEW	92-04-036	242-02-585	NEW-E	92-14-001	246-215-019	REP	92-08-112
236-14-010	NEW-P	92-10-082	242-02-610	NEW-E	92-14-001	246-215-020	NEW-P	92-03-142
236-14-015	NEW-P	92-10-082	242-02-620	NEW-E	92-14-001	246-215-020	NEW	92-08-112
236-14-100	NEW-P	92-10-082	242-02-630	NEW-E	92-14-001	246-215-029	REP-P	92-03-142
236-14-900	NEW-P	92-10-082	242-02-640	NEW-E	92-14-001	246-215-029	REP	92-08-112
236-22-010	NEW-P	92-09-155	242-02-650	NEW-E	92-14-001	246-215-030	NEW-P	92-03-142
236-22-010	NEW	92-12-092	242-02-660	NEW-E	92-14-001	246-215-030	NEW	92-08-112
236-22-100	NEW-P	92-09-155	242-02-670	NEW-E	92-14-001	246-215-039	REP-P	92-03-142
236-22-100	NEW	92-12-092	242-02-680	NEW-E	92-14-001	246-215-039	REP	92-08-112
236-48-190	AMD-P	92-05-042	242-02-710	NEW-E	92-14-001	246-215-040	NEW-P	92-03-142
236-48-190	AMD	92-09-016	242-02-720	NEW-E	92-14-001	246-215-040	NEW	92-08-112
240-10-040	AMD-E	92-09-096	242-02-810	NEW-E	92-14-001	246-215-049	REP-P	92-03-142
240-15-005	AMD-P	92-08-060	242-02-820	NEW-E	92-14-001	246-215-049	REP	92-08-112
240-15-005	AMD	92-11-017	242-02-830	NEW-E	92-14-001	246-215-050	NEW-P	92-03-142
240-15-010	AMD-P	92-08-060	242-02-840	NEW-E	92-14-001	246-215-050	NEW	92-08-112
240-15-010	AMD	92-11-017	242-02-850	NEW-E	92-14-001	246-215-059	REP-P	92-03-142
240-15-015	AMD-P	92-08-060	242-02-860	NEW-E	92-14-001	246-215-059	REP	92-08-112
240-15-015	AMD	92-11-017	242-02-870	NEW-E	92-14-001	246-215-060	NEW-P	92-03-142
240-15-020	AMD-P	92-08-060	242-02-880	NEW-E	92-14-001	246-215-060	NEW	92-08-112
240-15-020	AMD	92-11-017	242-02-890	NEW-E	92-14-001	246-215-069	REP-P	92-03-142
240-15-025	AMD-P	92-08-060	242-02-910	NEW-E	92-14-001	246-215-069	REP	92-08-112
240-15-025	AMD	92-11-017	242-02-920	NEW-E	92-14-001	246-215-070	NEW-P	92-03-142
240-15-030	AMD-P	92-08-060	242-02-930	NEW-E	92-14-001	246-215-070	NEW	92-08-112
240-15-030	AMD	92-11-017	242-04-010	NEW-E	92-14-001	246-215-079	REP-P	92-03-142
240-15-035	AMD-P	92-08-060	242-04-020	NEW-E	92-14-001	246-215-079	REP	92-08-112
240-15-035	AMD	92-11-017	242-04-030	NEW-E	92-14-001	246-215-080	NEW-P	92-03-142
242-02-010	NEW-E	92-14-001	242-04-040	NEW-E	92-14-001	246-215-080	NEW	92-08-112
242-02-020	NEW-E	92-14-001	242-04-050	NEW-E	92-14-001	246-215-089	REP-P	92-03-142
242-02-030	NEW-E	92-14-001	242-04-060	NEW-E	92-14-001	246-215-089	REP	92-08-112
242-02-040	NEW-E	92-14-001	242-04-070	NEW-E	92-14-001	246-215-090	NEW-P	92-03-142
242-02-050	NEW-E	92-14-001	242-04-080	NEW-E	92-14-001	246-215-090	NEW	92-08-112
242-02-052	NEW-E	92-14-001	242-04-090	NEW-E	92-14-001	246-215-099	REP-P	92-03-142
242-02-054	NEW-E	92-14-001	242-04-100	NEW-E	92-14-001	246-215-099	REP	92-08-112
242-02-060	NEW-E	92-14-001	242-04-110	NEW-E	92-14-001	246-215-100	NEW-P	92-03-142
242-02-070	NEW-E	92-14-001	242-04-120	NEW-E	92-14-001	246-215-100	NEW	92-08-112
242-02-074	NEW-E	92-14-001	242-04-130	NEW-E	92-14-001	246-215-109	REP-P	92-03-142
242-02-075	NEW-E	92-14-001	242-04-140	NEW-E	92-14-001	246-215-109	REP	92-08-112
242-02-080	NEW-E	92-14-001	242-04-150	NEW-E	92-14-001	246-215-110	NEW-P	92-03-142
242-02-090	NEW-E	92-14-001	242-06-010	NEW-E	92-14-001	246-215-110	NEW	92-08-112
242-02-110	NEW-E	92-14-001	242-06-020	NEW-E	92-14-001	246-215-119	REP-P	92-03-142
242-02-120	NEW-E	92-14-001	246-08-390	NEW	92-07-080	246-215-119	REP	92-08-112
242-02-130	NEW-E	92-14-001	246-205	AMD-S	92-03-143	246-215-120	NEW-P	92-03-142
242-02-140	NEW-E	92-14-001	246-205	AMD-S	92-04-071	246-215-120	NEW	92-08-112
242-02-210	NEW-E	92-14-001	246-205	AMD	92-10-027	246-215-129	REP-P	92-03-142
242-02-220	NEW-E	92-14-001	246-205-001	AMD-S	92-03-143	246-215-129	REP	92-08-112
242-02-230	NEW-E	92-14-001	246-205-001	AMD-S	92-04-071	246-215-130	NEW-P	92-03-142
242-02-240	NEW-E	92-14-001	246-205-001	AMD	92-10-027	246-215-130	NEW	92-08-112
242-02-250	NEW-E	92-14-001	246-205-010	AMD-S	92-04-071	246-215-139	REP-P	92-03-142
242-02-260	NEW-E	92-14-001	246-205-010	AMD	92-10-027	246-215-139	REP	92-08-112
242-02-270	NEW-E	92-14-001	246-205-520	NEW-S	92-03-143	246-215-140	NEW-P	92-03-142
242-02-280	NEW-E	92-14-001	246-205-520	NEW-S	92-04-071	246-215-140	NEW	92-08-112
242-02-310	NEW-E	92-14-001	246-205-520	NEW	92-10-027	246-215-149	REP-P	92-03-142
242-02-320	NEW-E	92-14-001	246-205-530	NEW-S	92-03-143	246-215-149	REP	92-08-112
242-02-330	NEW-E	92-14-001	246-205-530	NEW-S	92-04-071	246-215-150	NEW-P	92-03-142
242-02-340	NEW-E	92-14-001	246-205-530	NEW	92-10-027	246-215-150	NEW	92-08-112
242-02-410	NEW-E	92-14-001	246-205-540	NEW-S	92-03-143	246-215-159	REP-P	92-03-142
242-02-420	NEW-E	92-14-001	246-205-540	NEW-S	92-04-071	246-215-159	REP	92-08-112
242-02-430	NEW-E	92-14-001	246-205-540	NEW	92-10-027	246-215-160	NEW-P	92-03-142
242-02-440	NEW-E	92-14-001	246-205-550	NEW-S	92-03-143	246-215-160	NEW	92-08-112
242-02-450	NEW-E	92-14-001	246-205-550	NEW-S	92-04-071	246-215-169	REP-P	92-03-142
242-02-460	NEW-E	92-14-001	246-205-550	NEW	92-10-027	246-215-169	REP	92-08-112
242-02-470	NEW-E	92-14-001	246-205-560	NEW-S	92-03-143	246-215-170	NEW-P	92-03-142
242-02-510	NEW-E	92-14-001	246-205-560	NEW-S	92-04-071	246-215-170	NEW	92-08-112
242-02-520	NEW-E	92-14-001	246-205-560	NEW	92-10-027	246-215-179	REP-P	92-03-142
242-02-530	NEW-E	92-14-001	246-205-570	NEW-S	92-03-143	246-215-179	REP	92-08-112
242-02-532	NEW-E	92-14-001	246-205-570	NEW-S	92-04-071	246-215-180	NEW-P	92-03-142
242-02-534	NEW-E	92-14-001	246-205-570	NEW	92-10-027	246-215-180	NEW	92-08-112
242-02-540	NEW-E	92-14-001	246-205-580	NEW-S	92-03-143	246-215-189	REP-P	92-03-142
242-02-550	NEW-E	92-14-001	246-205-580	NEW-S	92-04-071	246-215-189	REP	92-08-112
242-02-552	NEW-E	92-14-001	246-205-580	NEW	92-10-027	246-215-190	NEW-P	92-03-142
242-02-554	NEW-E	92-14-001	246-215-001	AMD-P	92-03-142	246-215-190	NEW	92-08-112
242-02-556	NEW-E	92-14-001	246-215-001	AMD	92-08-112	246-215-199	REP-P	92-03-142
242-02-558	NEW-E	92-14-001	246-215-009	REP-P	92-03-142	246-215-199	REP	92-08-112
242-02-560	NEW-E	92-14-001	246-215-009	REP	92-08-112	246-215-200	NEW-P	92-03-142
242-02-565	NEW-E	92-14-001	246-215-010	NEW-P	92-03-142	246-215-200	NEW	92-08-112

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246-215-209	REP	92-08-112	246-358-025	AMD	92-04-082	246-816-670	NEW-W	92-05-085
246-215-210	NEW-P	92-03-142	246-358-035	AMD	92-04-082	246-816-680	NEW-W	92-05-085
246-215-210	NEW	92-08-112	246-358-045	AMD	92-04-082	246-816-701	NEW-W	92-06-063
246-215-219	REP-P	92-03-142	246-358-055	AMD	92-04-082	246-816-701	NEW-P	92-06-064
246-215-219	REP	92-08-112	246-358-075	AMD	92-04-082	246-816-701	NEW	92-09-069
246-215-220	NEW-P	92-03-142	246-358-095	AMD	92-04-082	246-816-710	NEW-W	92-06-063
246-215-220	NEW	92-08-112	246-358-105	AMD	92-04-082	246-816-710	NEW-P	92-06-064
246-215-229	REP-P	92-03-142	246-358-115	AMD	92-04-082	246-816-710	NEW	92-09-069
246-215-229	REP	92-08-112	246-358-125	AMD	92-04-082	246-816-720	NEW-W	92-06-063
246-215-230	NEW-P	92-03-142	246-358-135	AMD	92-04-082	246-816-720	NEW-P	92-06-064
246-215-230	NEW	92-08-112	246-358-145	AMD	92-04-082	246-816-720	NEW	92-09-069
246-215-239	REP-P	92-03-142	246-358-155	AMD	92-04-082	246-816-730	NEW-W	92-06-063
246-215-239	REP	92-08-112	246-358-175	AMD	92-04-082	246-816-730	NEW-P	92-06-064
246-215-240	NEW-P	92-03-142	246-390-001	NEW-P	92-07-078	246-816-730	NEW	92-09-069
246-215-240	NEW	92-08-112	246-390-010	NEW-P	92-07-078	246-816-740	NEW-W	92-06-063
246-215-250	NEW-P	92-03-142	246-390-020	NEW-P	92-07-078	246-816-740	NEW-P	92-06-064
246-215-250	NEW	92-08-112	246-390-030	NEW-P	92-07-078	246-816-740	NEW	92-09-069
246-215-260	NEW-P	92-03-142	246-390-040	NEW-P	92-07-078	246-818-990	AMD-P	92-13-009
246-215-260	NEW	92-08-112	246-390-050	NEW-P	92-07-078	246-818-990	AMD-E	92-13-010
246-215-270	NEW-P	92-03-142	246-390-060	NEW-P	92-07-078	246-828-005	NEW-W	92-09-109
246-215-270	NEW	92-08-112	246-390-070	NEW-P	92-07-078	246-830-401	AMD-P	92-03-139
246-215-280	NEW-P	92-03-142	246-390-100	NEW-P	92-07-078	246-830-410	AMD-P	92-03-139
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246-215-290	NEW-P	92-03-142	246-510-400	NEW	92-14-055	246-830-430	AMD-P	92-03-139
246-215-290	NEW	92-08-112	246-762-010	AMD-P	92-02-096	246-830-440	AMD-P	92-03-139
246-215-300	NEW-P	92-03-142	246-762-010	AMD	92-06-067	246-830-450	AMD-P	92-03-139
246-215-300	NEW	92-08-112	246-762-020	AMD-P	92-02-096	246-836-210	NEW-P	92-02-097
246-215-500	REP-P	92-03-142	246-762-020	AMD	92-06-067	246-836-210	NEW	92-06-020
246-215-500	REP	92-08-112	246-762-040	AMD-P	92-02-096	246-838-010	AMD-P	92-12-088
246-215-900	REP-P	92-03-142	246-762-040	AMD	92-06-067	246-838-030	AMD-P	92-12-088
246-215-900	REP	92-08-112	246-802-025	NEW-P	92-14-128	246-838-050	AMD-P	92-12-088
246-217-030	AMD-P	92-09-144	246-802-030	AMD-P	92-14-128	246-838-240	AMD-P	92-12-088
246-217-030	AMD	92-14-093	246-802-090	AMD-P	92-14-128	246-838-320	NEW-P	92-12-088
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246-240-050	NEW	92-06-008	246-806-085	NEW-P	92-12-090	246-847-080	AMD-P	92-09-153
246-243-050	AMD	92-06-008	246-806-090	AMD-P	92-12-090	246-847-110	AMD-P	92-09-153
246-243-190	AMD	92-06-008	246-806-180	AMD-P	92-12-090	246-847-117	NEW-P	92-09-153
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246-310-132	AMD-E	92-09-087	246-815-090	AMD-P	92-11-014	246-851-090	AMD-P	92-02-095
246-310-135	NEW	92-05-057	246-815-115	NEW	92-03-126	246-851-090	AMD	92-06-030
246-310-136	NEW	92-05-057	246-816-050	AMD	92-05-012	246-851-270	PREP	92-03-032
246-310-250	REP	92-12-015	246-816-160	NEW-P	92-02-098	246-851-270	AMD-P	92-14-092
246-310-261	NEW	92-12-015	246-816-160	NEW-W	92-06-007	246-851-360	PREP	92-03-032
246-310-262	NEW	92-12-015	246-816-201	AMD	92-05-012	246-851-360	AMD-P	92-14-092
246-316-990	AMD-P	92-07-097	246-816-210	AMD	92-05-012	246-851-440	NEW-P	92-02-095
246-316-990	AMD	92-12-086	246-816-230	AMD	92-05-012	246-851-440	NEW	92-06-030
246-318-990	AMD-P	92-07-097	246-816-250	AMD	92-05-012	246-851-450	NEW-P	92-02-095
246-318-990	AMD	92-12-028	246-816-260	AMD	92-05-012	246-851-450	NEW	92-06-030
246-322-990	AMD-P	92-07-097	246-816-301	AMD	92-05-012	246-851-460	NEW-P	92-02-095
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246-322-991	AMD	92-12-028	246-816-370	AMD	92-05-012	246-851-470	NEW	92-06-030
246-323-990	AMD-P	92-10-014	246-816-390	AMD	92-05-012	246-851-480	NEW-P	92-02-095
246-325-990	AMD-P	92-10-014	246-816-410	AMD	92-05-012	246-851-480	NEW	92-06-030
246-326-990	AMD-P	92-07-097	246-816-510	AMD	92-05-012	246-851-490	NEW-P	92-02-095
246-326-990	AMD	92-12-028	246-816-610	NEW-W	92-05-085	246-851-490	NEW	92-06-030
246-327-990	AMD-P	92-10-013	246-816-620	NEW-W	92-05-085	246-851-520	NEW-P	92-14-092
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246-853-400	NEW-P	92-13-065	246-869-240	AMD	92-08-058	246-893-030	AMD-P	92-07-098
246-853-990	AMD-P	92-06-028	246-871-040	AMD-P	92-07-098	246-893-030	AMD	92-12-035
246-853-990	AMD	92-14-054	246-871-040	AMD	92-12-035	246-893-040	AMD-P	92-07-098
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246-857-320	AMD	92-12-035	246-875-020	AMD	92-12-035	246-893-130	AMD-P	92-07-098
246-857-330	AMD-P	92-07-098	246-875-060	AMD-P	92-07-098	246-893-130	AMD	92-12-035
246-857-330	AMD	92-12-035	246-875-060	AMD	92-12-035	246-893-998	AMD-P	92-07-098
246-857-340	AMD-P	92-07-098	246-875-070	AMD-P	92-07-098	246-893-998	AMD	92-12-035
246-857-340	AMD	92-12-035	246-875-070	AMD	92-12-035	246-895-020	AMD-P	92-07-098
246-858-020	AMD-P	92-07-098	246-875-080	AMD-P	92-07-098	246-895-020	AMD	92-12-035
246-858-020	AMD	92-12-035	246-875-080	AMD	92-12-035	246-895-040	AMD-P	92-07-098
246-858-030	AMD-P	92-07-098	246-875-090	REP-P	92-07-098	246-895-040	AMD	92-12-035
246-858-030	AMD	92-12-035	246-875-090	REP	92-12-035	246-895-080	AMD-P	92-07-098
246-858-040	AMD-P	92-07-098	246-879-010	AMD-P	92-10-070	246-895-080	AMD	92-12-035
246-858-040	AMD	92-12-035	246-879-020	AMD-P	92-07-098	246-895-100	AMD-P	92-07-098
246-858-060	AMD-P	92-07-098	246-879-020	AMD-W	92-10-026	246-895-100	AMD	92-12-035
246-858-060	AMD	92-12-035	246-879-020	AMD-P	92-10-070	246-895-120	AMD-P	92-07-098
246-858-070	AMD-P	92-07-098	246-879-030	AMD-P	92-07-098	246-895-120	AMD	92-12-035
246-858-070	AMD	92-12-035	246-879-030	AMD-W	92-10-026	246-895-130	AMD-P	92-07-098
246-861-010	NEW	92-03-029	246-879-030	AMD-P	92-10-070	246-895-130	AMD	92-12-035
246-861-020	AMD	92-03-029	246-879-040	AMD-P	92-07-098	246-895-140	AMD-P	92-07-098
246-861-030	AMD	92-03-029	246-879-040	AMD-W	92-10-026	246-895-140	AMD	92-12-035
246-861-040	AMD	92-03-029	246-879-040	AMD-P	92-10-070	246-895-160	AMD-P	92-07-098
246-861-050	AMD	92-03-029	246-879-050	AMD-P	92-10-070	246-895-160	AMD	92-12-035
246-861-060	AMD	92-03-029	246-879-060	AMD-P	92-10-070	246-895-170	AMD-P	92-07-098
246-861-070	REP	92-03-029	246-879-070	AMD-P	92-07-098	246-895-170	AMD	92-12-035
246-861-080	REP	92-03-029	246-879-070	AMD-W	92-10-026	246-897-040	AMD-P	92-07-098
246-861-090	AMD	92-03-029	246-879-070	AMD-P	92-10-070	246-897-040	AMD	92-12-035
246-861-095	NEW	92-03-029	246-879-080	AMD-P	92-07-098	246-897-050	AMD-P	92-07-098
246-861-100	REP	92-03-029	246-879-080	AMD-W	92-10-026	246-897-050	AMD	92-12-035
246-861-110	REP	92-03-029	246-879-080	AMD-P	92-10-070	246-897-150	AMD-P	92-07-098
246-861-120	AMD	92-03-029	246-879-100	NEW-P	92-10-070	246-897-150	AMD	92-12-035
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246-863-070	AMD-P	92-07-098	246-883-020	AMD	92-09-070	246-899-050	AMD-P	92-07-098
246-863-070	AMD	92-12-035	246-883-025	NEW-P	92-04-041	246-899-050	AMD	92-12-035
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246-863-080	AMD-W	92-08-061	246-883-030	AMD-W	92-09-001	246-903-010	AMD-P	92-07-098
246-863-080	AMD	92-12-035	246-883-040	AMD-P	92-07-098	246-903-010	AMD	92-12-035
246-863-090	AMD-P	92-07-098	246-883-040	AMD	92-12-035	246-907-020	AMD-P	92-03-124
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246-863-110	AMD	92-12-035	246-886-020	AMD-P	92-07-098	246-907-030	AMD	92-07-099
246-865-030	AMD-P	92-07-098	246-886-020	AMD	92-12-035	246-915-010	AMD	92-08-039
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246-865-060	AMD	92-12-035	246-886-060	AMD-P	92-07-098	246-915-030	AMD-W	92-08-110
246-865-070	AMD-P	92-07-098	246-886-060	AMD	92-12-035	246-915-030	AMD-P	92-08-111
246-865-070	AMD	92-12-035	246-887-020	AMD	92-04-029	246-915-075	NEW-P	92-08-111
246-867-010	AMD-P	92-07-098	246-887-040	AMD	92-04-029	246-915-120	AMD	92-08-039
246-867-010	AMD	92-12-035	246-887-050	AMD-P	92-07-098	246-915-150	AMD	92-08-039
246-867-060	AMD-P	92-07-098	246-887-050	AMD	92-12-035	246-915-180	AMD	92-08-039
246-867-060	AMD	92-12-035	246-887-060	AMD-P	92-07-098	246-915-185	NEW	92-08-039
246-869-020	AMD-P	92-07-098	246-887-060	AMD	92-12-035	246-915-200	AMD	92-08-039
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246-869-050	AMD-P	92-07-098	246-887-070	AMD	92-12-035	246-917-126	NEW	92-08-021
246-869-050	AMD	92-12-035	246-887-100	AMD	92-04-029	246-917-990	AMD	92-08-062
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246-869-100	AMD-P	92-07-098	246-887-200	AMD	92-12-035	246-918-007	NEW-P	92-08-063
246-869-100	AMD	92-12-035	246-887-210	NEW-P	92-04-042	246-918-007	NEW	92-12-089
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246-869-120	AMD	92-12-035	246-889-020	AMD-P	92-07-098	246-918-008	NEW	92-12-089
246-869-190	AMD-P	92-07-098	246-889-020	AMD	92-12-035	246-918-020	REP-P	92-08-063
246-869-190	AMD	92-12-035	246-889-030	AMD-P	92-07-098	246-918-020	REP	92-12-089
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246-869-210	AMD	92-12-035	246-889-040	AMD-P	92-07-098	246-918-030	AMD	92-12-089
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246-918-060	REP	92-12-089	246-926-170	AMD	92-05-010	250-25-020	NEW	92-03-002
246-918-090	AMD-P	92-08-063	246-926-190	AMD	92-05-010	250-25-030	NEW	92-03-002
246-918-090	AMD	92-12-089	246-926-200	AMD	92-05-010	250-25-040	NEW	92-03-002
246-918-100	REP-P	92-08-063	246-926-990	AMD	92-05-010	250-25-045	NEW	92-03-002
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246-918-120	AMD-P	92-08-063	246-930-010	AMD-P	92-07-079	250-25-080	NEW	92-03-002
246-918-120	AMD	92-12-089	246-930-010	AMD	92-12-027	250-25-090	NEW	92-03-002
246-918-130	AMD-P	92-08-063	246-930-020	AMD-P	92-07-079	250-66-020	AMD-P	92-13-076
246-918-130	AMD	92-12-089	246-930-020	AMD	92-12-027	250-66-030	AMD-P	92-13-076
246-918-140	AMD-P	92-08-063	246-930-030	AMD-P	92-07-079	250-66-040	AMD-P	92-13-076
246-918-140	AMD	92-12-089	246-930-030	AMD	92-12-027	250-66-060	AMD-P	92-13-076
246-918-160	AMD-P	92-08-063	246-930-040	AMD-P	92-07-079	250-67-010	REP	92-03-002
246-918-160	AMD	92-12-089	246-930-040	AMD	92-12-027	250-67-020	REP	92-03-002
246-918-170	AMD-P	92-08-063	246-930-050	AMD-P	92-07-079	250-67-030	REP	92-03-002
246-918-170	AMD	92-12-089	246-930-050	AMD	92-12-027	250-67-040	REP	92-03-002
246-918-180	AMD-P	92-08-063	246-930-060	AMD-P	92-07-079	250-67-050	REP	92-03-002
246-918-180	AMD	92-12-089	246-930-060	AMD	92-12-027	250-67-060	REP	92-03-002
246-918-190	REP-P	92-08-063	246-930-075	AMD-P	92-07-079	250-68-001	REP	92-03-002
246-918-190	REP	92-12-089	246-930-075	AMD	92-12-027	250-68-010	REP	92-03-002
246-918-200	REP-P	92-08-063	246-930-200	AMD-P	92-07-079	250-68-020	REP	92-03-002
246-918-200	REP	92-12-089	246-930-200	AMD	92-12-027	250-68-030	REP	92-03-002
246-918-210	REP-P	92-08-063	246-930-210	AMD-P	92-07-079	250-68-035	REP	92-03-002
246-918-210	REP	92-12-089	246-930-210	AMD	92-12-027	250-68-040	REP	92-03-002
246-918-220	REP-P	92-08-063	246-930-220	AMD-P	92-07-079	250-68-050	REP	92-03-002
246-918-220	REP	92-12-089	246-930-220	AMD	92-12-027	250-68-060	REP	92-03-002
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246-918-250	AMD	92-12-089	246-930-301	AMD	92-12-027	250-75-030	REP	92-03-002
246-918-260	AMD-P	92-08-063	246-930-310	AMD-P	92-07-079	250-75-040	REP	92-03-002
246-918-260	AMD	92-12-089	246-930-310	AMD	92-12-027	250-75-050	REP	92-03-002
246-918-270	REP-P	92-08-063	246-930-320	AMD-P	92-07-079	250-75-060	REP	92-03-002
246-918-270	REP	92-12-089	246-930-320	AMD	92-12-027	250-75-070	REP	92-03-002
246-918-280	REP-P	92-08-063	246-930-330	AMD-P	92-07-079	250-75-080	REP	92-03-002
246-918-280	REP	92-12-089	246-930-330	AMD	92-12-027	250-76-010	NEW	92-04-018
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246-918-290	REP	92-12-089	246-930-340	AMD	92-12-027	250-76-030	NEW	92-04-018
246-918-300	REP-P	92-08-063	246-930-400	AMD-P	92-07-079	250-76-040	NEW	92-04-018
246-918-300	REP	92-12-089	246-930-400	AMD	92-12-027	250-76-050	NEW	92-04-018
246-918-320	REP-P	92-08-063	246-930-410	NEW-P	92-07-079	250-76-060	NEW	92-04-018
246-918-320	REP	92-12-089	246-930-410	NEW	92-12-027	250-76-070	NEW	92-04-018
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246-918-330	REP	92-12-089	246-930-499	AMD	92-12-027	250-78-020	AMD-P	92-13-077
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296-116-080	AMD	92-14-070	308-10-020	AMD	92-09-107	308-20-690	NEW-P	92-10-079
296-116-082	AMD-P	92-04-075	308-10-025	AMD-P	92-05-088	308-20-700	NEW-P	92-10-079
296-116-082	AMD	92-08-051	308-10-025	AMD	92-09-107	308-56A-010	AMD-P	92-11-048
296-116-082	AMD-E	92-08-054	308-10-030	AMD-P	92-05-088	308-56A-040	AMD-P	92-11-048
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296-116-110	AMD-P	92-04-073	308-10-040	AMD-P	92-05-088	308-56A-250	AMD-P	92-11-048
296-116-110	AMD	92-08-050	308-10-040	AMD	92-09-107	308-56A-260	REP-P	92-11-048
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296-116-185	AMD-C	92-11-035	308-10-045	AMD	92-09-107	308-56A-455	AMD-P	92-11-048
296-116-185	AMD	92-14-069	308-10-050	AMD-P	92-05-088	308-56A-460	AMD-P	92-11-048
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296-116-2051	AMD	92-08-052	308-10-055	AMD-P	92-05-088	308-56A-470	NEW	92-03-077
296-116-300	AMD-P	92-07-076	308-10-055	AMD	92-09-107	308-57-230	AMD-P	92-11-048
296-116-300	AMD	92-14-007	308-10-060	AMD-P	92-05-088	308-58-020	AMD-P	92-11-047
296-116-300	AMD-E	92-14-008	308-10-060	AMD	92-09-107	308-58-040	AMD-P	92-11-047
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296-125-015	AMD-P	92-12-093	308-11-130	NEW	92-13-045	308-89-050	AMD	92-12-036
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296-125-024	NEW-P	92-12-093	308-13-040	AMD-P	92-05-013	308-90-150	AMD	92-06-009
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296-125-027	AMD-P	92-12-093	308-13-041	REP-P	92-05-013	308-93-070	AMD	92-03-075
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296-125-030	AMD-P	92-12-093	308-13-042	REP-P	92-05-013	308-93-242	NEW-P	92-11-046
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296-125-050	AMD-P	92-12-093	308-20	AMD	92-04-006	308-93-244	NEW-P	92-11-046
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296-125-115	REP-P	92-12-093	308-20-020	AMD	92-04-006	308-94-030	AMD-P	92-11-049
296-125-120	REP-P	92-12-093	308-20-030	AMD	92-04-006	308-94-080	AMD-P	92-11-049
296-125-125	REP-P	92-12-093	308-20-040	AMD	92-04-006	308-94-200	AMD-P	92-11-049
296-125-130	REP-P	92-12-093	308-20-045	NEW-P	92-10-079	308-96A-005	AMD	92-02-100
296-125-135	REP-P	92-12-093	308-20-050	AMD	92-04-006	308-96A-005	AMD-P	92-11-050
296-125-140	REP-P	92-12-093	308-20-060	AMD	92-04-006	308-96A-026	AMD-P	92-11-050
296-125-145	REP-P	92-12-093	308-20-070	AMD	92-04-006	308-96A-035	AMD-P	92-11-050
296-125-155	REP-P	92-12-093	308-20-080	AMD	92-04-006	308-96A-040	AMD	92-02-100
296-125-160	REP-P	92-12-093	308-20-090	AMD	92-04-006	308-96A-046	AMD	92-02-100
296-125-165	REP-P	92-12-093	308-20-100	AMD	92-04-006	308-96A-100	AMD	92-03-076
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296-125-175	REP-P	92-12-093	308-20-107	AMD	92-04-006	308-96A-161	AMD-P	92-11-050
296-127-018	NEW	92-08-101	308-20-109	AMD	92-04-006	308-96A-162	AMD-P	92-11-050
296-131-006	NEW-P	92-10-078	308-20-110	AMD	92-04-006	308-96A-201	NEW	92-02-100
296-131-120	AMD-P	92-10-078	308-20-120	AMD	92-04-006	308-96A-205	AMD	92-02-100
296-131-130	AMD-P	92-10-078	308-20-130	AMD	92-04-006	308-96A-206	NEW	92-02-100
296-155-110	AMD-P	92-03-137	308-20-140	AMD	92-04-006	308-96A-207	NEW	92-02-100
296-155-110	AMD-C	92-08-099	308-20-150	AMD	92-04-006	308-96A-208	NEW	92-02-100
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308-96A-275	AMD	92-02-100	308-104-340	NEW-P	92-05-061	315-11-782	NEW-P	92-08-093
308-96A-275	AMD-P	92-11-050	308-104-340	NEW	92-08-045	315-11-782	NEW	92-11-033
308-96A-300	AMD	92-02-100	308-125-010	AMD-P	92-14-084	315-11-790	NEW-P	92-08-093
308-96A-306	AMD	92-03-076	308-125-020	AMD-P	92-14-084	315-11-790	NEW	92-11-033
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308-102-004	NEW-P	92-05-061	308-300-230	AMD-P	92-07-095	315-11-802	NEW	92-11-033
308-102-004	NEW	92-08-045	308-300-230	AMD	92-10-010	315-11-810	NEW-P	92-12-091
308-102-006	NEW-P	92-05-061	308-300-240	AMD-P	92-07-095	315-11-811	NEW-P	92-12-091
308-102-006	NEW	92-08-045	308-300-240	AMD	92-10-010	315-11-812	NEW-P	92-12-091
308-102-008	NEW-P	92-05-061	308-300-250	AMD-P	92-07-095	315-11-820	NEW-P	92-12-091
308-102-008	NEW	92-08-045	308-300-250	AMD	92-10-010	315-11-821	NEW-P	92-12-091
308-102-010	AMD-P	92-05-061	308-300-270	AMD-P	92-07-095	315-11-822	NEW-P	92-12-091
308-102-010	AMD	92-08-045	308-300-270	AMD	92-10-010	315-11-830	NEW-P	92-12-091
308-102-011	AMD-P	92-05-061	308-300-280	AMD-P	92-07-095	315-11-831	NEW-P	92-12-091
308-102-011	AMD	92-08-045	308-300-280	AMD	92-10-010	315-11-832	NEW-P	92-12-091
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308-102-020	AMD	92-08-045	314-12-015	NEW	92-14-024	315-11-841	NEW-P	92-12-091
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308-102-110	REP	92-08-045	314-16-196	AMD	92-14-025	315-30-020	AMD	92-11-033
308-102-120	REP-P	92-05-061	314-16-197	AMD-P	92-08-089	315-30-030	AMD-P	92-08-093
308-102-120	REP	92-08-045	314-16-197	AMD	92-14-026	315-30-030	AMD	92-11-033
308-102-125	REP-P	92-05-061	314-20-020	AMD	92-03-109	315-30-040	AMD-P	92-08-093
308-102-125	REP	92-08-045	314-20-070	AMD-P	92-09-143	315-30-040	AMD	92-11-033
308-102-130	AMD-P	92-05-061	314-20-070	AMD	92-14-028	315-31-060	AMD-P	92-08-093
308-102-130	AMD	92-08-045	314-24-040	AMD	92-03-110	315-31-060	AMD-W	92-11-010
308-102-140	AMD-P	92-05-061	314-60-040	AMD-P	92-09-142	315-31-060	AMD-P	92-12-091
308-102-140	AMD	92-08-045	314-60-040	AMD	92-14-027	315-33A-010	AMD-P	92-08-093
308-102-150	REP-P	92-05-061	315-11-691	AMD	92-03-048	315-33A-010	AMD	92-11-033
308-102-150	REP	92-08-045	315-11-710	NEW	92-03-048	315-33A-020	AMD-P	92-08-093
308-102-160	REP-P	92-05-061	315-11-711	NEW	92-03-048	315-33A-020	AMD	92-11-033
308-102-160	REP	92-08-045	315-11-712	NEW	92-03-048	315-33A-060	AMD-P	92-12-091
308-102-170	REP-P	92-05-061	315-11-730	NEW	92-03-048	315-33B-010	NEW-P	92-03-146
308-102-170	REP	92-08-045	315-11-731	NEW	92-03-048	315-33B-010	NEW	92-08-002
308-102-180	REP-P	92-05-061	315-11-732	NEW	92-03-048	315-33B-020	NEW-P	92-03-146
308-102-180	REP	92-08-045	315-11-740	NEW	92-03-048	315-33B-020	NEW	92-08-002
308-102-190	AMD-P	92-05-061	315-11-741	NEW	92-03-048	315-33B-030	NEW-P	92-03-146
308-102-190	AMD	92-08-045	315-11-742	NEW	92-03-048	315-33B-030	NEW	92-08-002
308-102-200	AMD-P	92-05-061	315-11-750	NEW-P	92-03-146	315-33B-040	NEW-P	92-03-146
308-102-200	AMD	92-08-045	315-11-750	NEW-W	92-05-069	315-33B-040	NEW	92-08-002
308-102-210	REP-P	92-05-061	315-11-751	NEW-P	92-03-146	315-33B-050	NEW-P	92-03-146
308-102-210	REP	92-08-045	315-11-751	NEW-W	92-05-069	315-33B-050	NEW	92-08-002
308-102-220	REP-P	92-05-061	315-11-752	NEW-P	92-03-146	315-33B-060	NEW-P	92-03-146
308-102-220	REP	92-08-045	315-11-752	NEW-W	92-05-069	315-33B-060	NEW	92-08-002
308-102-230	REP-P	92-05-061	315-11-753	NEW	92-08-002	315-33B-060	AMD-P	92-12-091
308-102-230	REP	92-08-045	315-11-754	NEW	92-08-002	315-33B-070	NEW-P	92-03-146
308-102-240	REP-P	92-05-061	315-11-755	NEW	92-08-002	315-33B-070	NEW	92-08-002
308-102-240	REP	92-08-045	315-11-760	NEW-P	92-03-146	315-34-010	AMD-P	92-08-093
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308-102-250	AMD	92-08-045	315-11-761	NEW-P	92-03-146	315-34-020	AMD-P	92-08-093
308-102-255	NEW-P	92-05-061	315-11-761	NEW	92-08-002	315-34-020	AMD	92-11-033
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308-102-260	AMD	92-08-045	315-11-770	NEW-P	92-03-146	315-34-040	AMD-P	92-08-093
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308-102-265	AMD	92-08-045	315-11-770	NEW	92-11-033	315-40-010	NEW	92-03-048
308-102-270	REP-P	92-05-061	315-11-771	NEW-P	92-03-146	315-40-020	NEW	92-03-048
308-102-270	REP	92-08-045	315-11-771	NEW-P	92-08-093	315-40-030	NEW	92-03-048
308-102-280	REP-P	92-05-061	315-11-771	NEW	92-11-033	315-40-040	NEW	92-03-048
308-102-280	REP	92-08-045	315-11-772	NEW-P	92-03-146	315-40-050	NEW	92-03-048
308-102-290	AMD-P	92-05-061	315-11-772	NEW-P	92-08-093	315-40-060	NEW	92-03-048
308-102-290	AMD	92-08-045	315-11-772	NEW	92-11-033	315-40-070	NEW	92-03-048
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315-41-50310	NEW 92-03-048	326-08-016	NEW-E 92-07-001	326-20-050	AMD-P 92-07-103
315-41-50320	NEW 92-03-048	326-08-016	NEW-P 92-11-018	326-20-050	AMD 92-11-007
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315-41-50400	NEW 92-08-094	326-08-018	NEW-E 92-07-001	326-20-060	RESCIND 92-07-102
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315-41-50420	NEW 92-08-094	326-08-020	AMD-P 92-11-018	326-20-070	AMD-E 92-07-001
315-41-50500	NEW-P 92-03-146	326-08-020	AMD-E 92-11-019	326-20-070	RESCIND 92-07-102
315-41-50500	NEW 92-08-094	326-08-035	NEW-E 92-07-001	326-20-070	AMD-E 92-07-102
315-41-50510	NEW-P 92-03-146	326-08-035	NEW-P 92-11-018	326-20-070	AMD-P 92-07-103
315-41-50510	NEW 92-08-094	326-08-035	NEW-E 92-11-019	326-20-070	AMD 92-11-007
315-41-50520	NEW-P 92-03-146	326-08-040	AMD-E 92-07-001	326-20-080	AMD-E 92-07-001
315-41-50520	NEW 92-08-094	326-08-040	AMD-P 92-11-018	326-20-080	RESCIND 92-07-102
315-41-50600	NEW-P 92-03-146	326-08-040	AMD-E 92-11-019	326-20-080	AMD-E 92-07-102
315-41-50600	NEW 92-08-094	326-08-050	AMD-E 92-07-001	326-20-080	AMD-P 92-07-103
315-41-50610	NEW-P 92-03-146	326-08-050	AMD-P 92-11-018	326-20-080	AMD 92-11-007
315-41-50610	NEW 92-08-094	326-08-050	AMD-E 92-11-019	326-20-081	AMD-E 92-07-001
315-41-50620	NEW-P 92-03-146	326-08-051	NEW-E 92-07-001	326-20-081	RESCIND 92-07-102
315-41-50620	NEW 92-08-094	326-08-051	NEW-P 92-11-018	326-20-081	AMD-E 92-07-102
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326-02-020	RESCIND 92-07-102	326-08-080	AMD-E 92-07-001	326-20-092	AMD-E 92-07-001
326-02-020	AMD-E 92-07-102	326-08-080	AMD-P 92-11-018	326-20-092	RESCIND 92-07-102
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326-02-020	AMD 92-11-007	326-08-090	AMD-E 92-07-001	326-20-092	AMD-P 92-07-103
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326-02-030	AMD-E 92-07-102	326-08-095	AMD-E 92-07-001	326-20-093	RESCIND 92-07-102
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326-02-040	AMD-E 92-07-102	326-08-100	AMD-E 92-11-019	326-20-094	RESCIND 92-07-102
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326-02-045	RESCIND 92-07-102	326-08-110	AMD-E 92-07-001	326-20-095	AMD-E 92-07-001
326-02-045	NEW-E 92-07-102	326-08-110	AMD-P 92-11-018	326-20-095	RESCIND 92-07-102
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326-02-050	RESCIND 92-07-102	326-08-120	AMD-E 92-11-019	326-20-096	AMD-E 92-07-001
326-02-050	AMD-E 92-07-102	326-08-130	AMD-E 92-07-001	326-20-096	RESCIND 92-07-102
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326-02-050	AMD 92-11-007	326-08-130	AMD-E 92-11-019	326-20-096	AMD-P 92-07-103
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326-02-060	AMD-E 92-07-102	326-08-140	NEW-E 92-11-019	326-20-097	RESCIND 92-07-102
326-02-060	AMD-P 92-07-103	326-20-010	AMD-E 92-07-001	326-20-097	REP-E 92-07-102
326-02-060	AMD 92-11-007	326-20-010	RESCIND 92-07-102	326-20-097	REP-P 92-07-103
326-02-070	AMD-E 92-07-001	326-20-010	AMD-E 92-07-102	326-20-097	REP 92-11-007
326-02-070	RESCIND 92-07-102	326-20-010	AMD-P 92-07-103	326-20-098	AMD-E 92-07-001
326-02-070	AMD-E 92-07-102	326-20-010	AMD 92-11-007	326-20-098	RESCIND 92-07-102
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326-20-150	AMD 92-11-007	326-40-030	NEW-P 92-09-151	352-32-270	AMD-W 92-12-052
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326-20-171	AMD 92-11-007	332-22-100	AMD-W 92-12-075	356-15-060	AMD-C 92-10-012
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326-20-172	RESCIND 92-07-102	332-22-160	NEW 92-06-003	356-15-060	AMD 92-14-063
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326-20-200	REP-E 92-07-001	332-24-232	REP 92-14-096	365-80-020	REP-P 92-09-146
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365-80-180	NEW-E	92-09-147	388-11-155	AMD	92-13-026	388-28-481	AMD-P	92-13-031
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392-140-442	NEW	92-03-023	392-141-170	AMD-P	92-04-009	392-163-490	NEW-P	92-10-062
392-140-443	NEW	92-03-023	392-141-170	AMD	92-08-024	392-163-495	NEW-P	92-10-062
392-140-444	NEW	92-03-023	392-141-175	AMD-P	92-04-009	392-163-500	AMD-P	92-10-062
392-140-445	NEW	92-03-023	392-141-175	AMD	92-08-024	392-163-505	NEW-P	92-10-062
392-140-446	NEW	92-03-023	392-141-180	AMD-P	92-04-009	392-163-510	NEW-P	92-10-062
392-140-447	NEW	92-03-023	392-141-180	AMD	92-08-024	392-163-515	NEW-P	92-10-062
392-140-450	NEW	92-03-023	392-141-185	AMD-P	92-04-009	392-163-520	NEW-P	92-10-062
392-140-451	NEW	92-03-023	392-141-185	AMD	92-08-024	392-163-525	NEW-P	92-10-062
392-140-452	NEW	92-03-023	392-141-195	AMD-P	92-04-009	392-163-530	NEW-P	92-10-062
392-140-460	NEW	92-03-023	392-141-195	AMD	92-08-024	392-163-535	NEW-P	92-10-062
392-140-461	NEW	92-03-023	392-141-200	NEW-P	92-04-009	392-163-540	NEW-P	92-10-062
392-140-462	NEW	92-03-023	392-141-200	NEW	92-08-024	392-163-545	NEW-P	92-10-062
392-140-463	NEW	92-03-023	392-153-005	AMD	92-03-138	392-163-550	NEW-P	92-10-062
392-140-464	NEW	92-03-023	392-153-014	NEW	92-03-138	392-163-555	NEW-P	92-10-062
392-140-465	NEW	92-03-023	392-153-015	AMD	92-03-138	392-163-560	NEW-P	92-10-062
392-140-466	NEW	92-03-023	392-153-032	AMD	92-03-138	392-163-565	NEW-P	92-10-062
392-140-470	NEW	92-03-023	392-163-105	AMD-P	92-10-062	392-163-570	NEW-P	92-10-062
392-140-471	NEW	92-03-023	392-163-110	AMD-P	92-10-062	392-163-575	NEW-P	92-10-062
392-140-472	NEW	92-03-023	392-163-115	AMD-P	92-10-062	392-163-580	NEW-P	92-10-062
392-140-473	NEW	92-03-023	392-163-120	AMD-P	92-10-062	392-163-585	NEW-P	92-10-062
392-140-474	NEW	92-03-023	392-163-125	AMD-P	92-10-062	392-163-590	NEW-P	92-10-062
392-140-475	NEW	92-03-023	392-163-130	AMD-P	92-10-062	392-163-595	NEW-P	92-10-062
392-140-476	NEW	92-03-023	392-163-135	AMD-P	92-10-062	392-163-600	NEW-P	92-10-062
392-140-477	NEW	92-03-023	392-163-140	AMD-P	92-10-062	392-163-605	NEW-P	92-10-062
392-140-478	NEW	92-03-023	392-163-145	AMD-P	92-10-062	392-163-610	NEW-P	92-10-062
392-140-480	NEW	92-03-023	392-163-150	NEW-P	92-10-062	392-163-615	NEW-P	92-10-062
392-140-481	NEW	92-03-023	392-163-155	NEW-P	92-10-062	392-163-620	NEW-P	92-10-062
392-140-482	NEW	92-03-023	392-163-160	NEW-P	92-10-062	392-163-625	NEW-P	92-10-062
392-140-483	NEW	92-03-023	392-163-165	NEW-P	92-10-062	392-163-630	NEW-P	92-10-062
392-140-485	NEW	92-03-023	392-163-170	AMD-P	92-10-062	392-163-635	NEW-P	92-10-062
392-140-486	NEW	92-03-023	392-163-175	AMD-P	92-10-062	392-163-640	NEW-P	92-10-062
392-140-490	NEW	92-03-023	392-163-180	AMD-P	92-10-062	392-163-645	NEW-P	92-10-062
392-140-491	NEW	92-03-023	392-163-185	AMD-P	92-10-062	392-163-650	AMD-P	92-11-028
392-140-492	NEW	92-03-023	392-163-190	AMD-P	92-10-062	392-165-105	AMD-P	92-11-028
392-140-493	NEW	92-03-023	392-163-195	AMD-P	92-10-062	392-165-115	AMD-P	92-11-028
392-140-494	NEW	92-03-023	392-163-200	AMD-P	92-10-062	392-165-120	AMD-P	92-11-028
392-140-495	NEW	92-03-023	392-163-205	AMD-P	92-10-062	392-165-130	AMD-P	92-11-028
392-140-496	NEW	92-03-023	392-163-210	AMD-P	92-10-062	392-165-170	AMD-P	92-11-028
392-140-497	NEW	92-03-023	392-163-215	AMD-P	92-10-062	392-165-240	REP-P	92-11-028
392-141-105	AMD-P	92-04-009	392-163-215	AMD-P	92-10-062	392-165-260	AMD-P	92-11-028
392-141-105	AMD	92-08-024	392-163-225	AMD-P	92-10-062	392-165-300	AMD-P	92-11-028
392-141-110	AMD-P	92-04-009	392-163-230	AMD-P	92-10-062	392-165-310	AMD-P	92-11-028
392-141-110	AMD	92-08-024	392-163-235	AMD-P	92-10-062	392-165-320	AMD-P	92-11-028
392-141-115	AMD-P	92-04-009	392-163-240	AMD-P	92-10-062	392-165-322	AMD-P	92-11-028
392-141-115	AMD	92-08-024	392-163-245	AMD-P	92-10-062	392-165-325	AMD-P	92-11-028
392-141-120	AMD-P	92-04-009	392-163-250	AMD-P	92-10-062	392-165-327	REP-P	92-11-028
392-141-120	AMD	92-08-024	392-163-255	AMD-P	92-10-062	392-165-330	AMD-P	92-11-028
392-141-125	AMD-P	92-04-009	392-163-260	AMD-P	92-10-062	392-165-332	REP-P	92-11-028
392-141-125	AMD	92-08-024	392-163-265	AMD-P	92-10-062	392-165-340	AMD-P	92-11-028
392-141-130	AMD-P	92-04-009	392-163-270	AMD-P	92-10-062	392-165-342	REP-P	92-11-028
392-141-130	AMD	92-08-024	392-163-275	AMD-P	92-10-062	392-165-345	AMD-P	92-11-028
392-141-135	NEW-P	92-04-009	392-163-280	AMD-P	92-10-062	392-165-347	NEW-P	92-11-028
392-141-135	NEW	92-08-024	392-163-285	NEW-P	92-10-062	392-165-360	AMD-P	92-11-028
392-141-140	AMD-P	92-04-009	392-163-290	NEW-P	92-10-062	392-165-362	NEW-P	92-11-028
392-141-140	AMD	92-08-024	392-163-295	NEW-P	92-10-062	392-165-415	NEW-P	92-11-028
392-141-145	AMD-P	92-04-009	392-163-300	AMD-P	92-10-062	392-165-420	NEW-P	92-11-028
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392-141-147	NEW-P	92-04-009	392-163-320	AMD-P	92-10-062	392-165-500	AMD-P	92-11-028
392-141-147	NEW	92-08-024	392-163-325	AMD-P	92-10-062	392-165-510	NEW-P	92-11-028
392-141-148	NEW-P	92-04-009	392-163-325	AMD-P	92-10-062	392-165-501	NEW-P	92-06-053
392-141-148	NEW	92-08-024	392-163-400	AMD-P	92-10-062	392-175-001	NEW-P	92-06-053
392-141-148	NEW	92-08-024	392-163-405	AMD-P	92-10-062	392-175-005	NEW-P	92-06-053
392-141-150	AMD-P	92-04-009	392-163-410	AMD-P	92-10-062	392-175-010	NEW-P	92-06-053
392-141-150	AMD	92-08-024	392-163-415	AMD-P	92-10-062	392-175-015	NEW-P	92-06-053
392-141-155	AMD-P	92-04-009	392-163-420	AMD-P	92-10-062	392-175-020	NEW-P	92-06-053
392-141-155	AMD	92-08-024	392-163-425	AMD-P	92-10-062	392-175-025	NEW-P	92-06-053
392-141-156	NEW-P	92-04-009	392-163-440	AMD-P	92-10-062	392-196-005	AMD	92-05-068
392-141-156	NEW	92-08-024	392-163-445	AMD-P	92-10-062	392-196-045	AMD	92-05-068
392-141-157	NEW-P	92-04-009	392-163-450	AMD-P	92-10-062	392-196-080	AMD	92-05-068
392-141-157	NEW	92-08-024	392-163-455	AMD-P	92-10-062	392-196-085	AMD	92-05-068
392-141-158	NEW-P	92-04-009	392-163-460	AMD-P	92-10-062	392-196-090	REP	92-05-068
392-141-158	NEW	92-08-024	392-163-465	AMD-P	92-10-062	392-196-100	AMD	92-05-068
392-141-160	AMD-P	92-04-009	392-163-470	NEW-P	92-10-062	392-202-110	AMD-W	92-03-063
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399-30-030	AMD	92-03-052	434-34-090	NEW	92-12-083	434-61-010	NEW	92-10-038
399-30-040	AMD	92-03-052	434-34-095	NEW-S	92-09-112	434-61-020	NEW	92-10-038
399-30-042	AMD	92-03-052	434-34-095	NEW	92-12-083	434-61-030	NEW	92-10-038
399-30-045	AMD	92-03-052	434-34-100	NEW-S	92-09-112	434-61-040	NEW	92-10-038
399-30-050	AMD	92-03-052	434-34-100	NEW	92-12-083	434-61-050	NEW	92-10-038
399-30-060	AMD	92-03-052	434-34-105	NEW-S	92-09-112	434-61-060	NEW	92-10-038
399-30-065	AMD	92-03-052	434-34-105	NEW	92-12-083	434-62-150	NEW-S	92-09-112
399-40-020	AMD	92-03-051	434-34-110	NEW-S	92-09-112	434-62-150	NEW	92-12-083
415-108-670	NEW-E	92-11-027	434-34-110	NEW	92-12-083	434-62-160	NEW-S	92-09-112
415-112-560	NEW-E	92-11-027	434-34-115	NEW-S	92-09-112	434-62-160	NEW	92-12-083
415-115-080	AMD-E	92-11-027	434-34-115	NEW	92-12-083	434-62-170	NEW-S	92-09-112
415-115-080	AMD-P	92-12-048	434-53-010	NEW-S	92-09-112	434-62-170	NEW	92-12-083
415-115-110	REP-E	92-11-027	434-53-010	NEW	92-12-083	434-62-180	NEW-S	92-09-112
415-115-110	REP-P	92-12-048	434-53-020	NEW-S	92-09-112	434-62-180	NEW	92-12-083
434-28-012	AMD-S	92-09-112	434-53-020	NEW	92-12-083	434-62-190	NEW-S	92-09-112
434-28-012	AMD	92-12-083	434-53-030	NEW-S	92-09-112	434-62-190	NEW	92-12-083
434-28-020	AMD-S	92-09-112	434-53-030	NEW	92-12-083	434-62-200	NEW-S	92-09-112
434-28-020	AMD	92-12-083	434-53-040	NEW-S	92-09-112	434-62-200	NEW	92-12-083
434-28-050	NEW-S	92-09-112	434-53-040	NEW	92-12-083	434-75-240	AMD-P	92-05-023
434-28-050	NEW	92-12-083	434-53-050	NEW-S	92-09-112	434-75-240	AMD	92-08-032
434-28-060	NEW-S	92-09-112	434-53-050	NEW	92-12-083	434-75-250	AMD-P	92-05-023
434-28-060	NEW	92-12-083	434-53-060	NEW-S	92-09-112	434-75-250	AMD	92-08-032
434-30-010	NEW	92-10-038	434-53-060	NEW	92-12-083	434-166-010	NEW-E	92-02-103
434-30-020	NEW	92-10-038	434-53-070	NEW-S	92-09-112	434-166-010	NEW-P	92-02-104
434-30-030	NEW	92-10-038	434-53-070	NEW	92-12-083	434-166-010	NEW	92-10-023
434-30-040	NEW	92-10-038	434-53-080	NEW-S	92-09-112	434-166-020	NEW-E	92-02-103
434-30-050	NEW	92-10-038	434-53-080	NEW	92-12-083	434-166-020	NEW-P	92-02-104
434-30-060	NEW	92-10-038	434-53-090	NEW-S	92-09-112	434-166-020	NEW	92-10-023
434-30-070	NEW	92-10-038	434-53-090	NEW	92-12-083	434-166-030	NEW-E	92-02-103
434-30-080	NEW	92-10-038	434-53-100	NEW-S	92-09-112	434-166-030	NEW-P	92-02-104
434-30-090	NEW	92-10-038	434-53-100	NEW	92-12-083	434-166-030	NEW	92-10-023
434-30-100	NEW	92-10-038	434-53-110	NEW-S	92-09-112	434-166-040	NEW-E	92-02-103
434-30-110	NEW	92-10-038	434-53-110	NEW	92-12-083	434-166-040	NEW-P	92-02-104
434-30-120	NEW	92-10-038	434-53-120	NEW-S	92-09-112	434-166-040	NEW	92-10-023
434-30-130	NEW	92-10-038	434-53-120	NEW	92-12-083	434-166-050	NEW-E	92-02-103
434-30-140	NEW	92-10-038	434-53-130	NEW-S	92-09-112	434-166-050	NEW-P	92-02-104
434-30-150	NEW	92-10-038	434-53-130	NEW	92-12-083	434-166-050	NEW	92-10-023
434-30-160	NEW	92-10-038	434-53-140	NEW-S	92-09-112	434-166-060	NEW-E	92-02-103
434-30-170	NEW	92-10-038	434-53-140	NEW	92-12-083	434-166-060	NEW-P	92-02-104
434-30-180	NEW	92-10-038	434-53-150	NEW-S	92-09-112	434-166-060	NEW	92-10-023
434-30-190	NEW	92-10-038	434-53-150	NEW	92-12-083	434-166-070	NEW-E	92-02-103
434-30-200	NEW	92-10-038	434-53-160	NEW-S	92-09-112	434-166-070	NEW-P	92-02-104
434-30-210	NEW	92-10-038	434-53-160	NEW	92-12-083	434-166-070	NEW	92-10-023
434-30-220	NEW	92-10-038	434-53-170	NEW-S	92-09-112	434-166-080	NEW-E	92-02-103
434-34-010	NEW-S	92-09-112	434-53-170	NEW	92-12-083	434-166-080	NEW-P	92-02-104
434-34-010	NEW	92-12-083	434-53-180	NEW-S	92-09-112	434-166-080	NEW	92-10-023
434-34-015	NEW-S	92-09-112	434-53-180	NEW	92-12-083	434-166-090	NEW-E	92-02-103
434-34-015	NEW	92-12-083	434-53-190	NEW-S	92-09-112	434-166-090	NEW-P	92-02-104
434-34-020	NEW-S	92-09-112	434-53-190	NEW	92-12-083	434-166-090	NEW	92-10-023
434-34-020	NEW	92-12-083	434-53-200	NEW-S	92-09-112	434-166-100	NEW-E	92-02-103
434-34-025	NEW-S	92-09-112	434-53-200	NEW	92-12-083	434-166-100	NEW-P	92-02-104
434-34-025	NEW	92-12-083	434-53-210	NEW-S	92-09-112	434-166-100	NEW	92-10-023
434-34-030	NEW-S	92-09-112	434-53-210	NEW	92-12-083	434-166-110	NEW-E	92-02-103
434-34-030	NEW	92-12-083	434-53-220	NEW-S	92-09-112	434-166-110	NEW-P	92-02-104
434-34-035	NEW-S	92-09-112	434-53-220	NEW	92-12-083	434-166-110	NEW	92-10-023
434-34-035	NEW	92-12-083	434-53-230	NEW-S	92-09-112	434-166-120	NEW-E	92-02-103
434-34-040	NEW-S	92-09-112	434-53-230	NEW	92-12-083	434-166-120	NEW-P	92-02-104
434-34-040	NEW	92-12-083	434-53-240	NEW-S	92-09-112	434-166-120	NEW	92-10-023
434-34-045	NEW-S	92-09-112	434-53-240	NEW	92-12-083	434-166-130	NEW-E	92-02-103
434-34-045	NEW	92-12-083	434-53-250	NEW-S	92-09-112	434-166-130	NEW-P	92-02-104
434-34-050	NEW-S	92-09-112	434-53-250	NEW	92-12-083	434-166-130	NEW	92-10-023
434-34-050	NEW	92-12-083	434-53-260	NEW-S	92-09-112	434-166-140	NEW-E	92-02-103
434-34-055	NEW-S	92-09-112	434-53-260	NEW	92-12-083	434-166-140	NEW-P	92-02-104
434-34-055	NEW	92-12-083	434-53-270	NEW-S	92-09-112	434-166-140	NEW	92-10-023
434-34-060	NEW-S	92-09-112	434-53-270	NEW	92-12-083	434-166-150	NEW-E	92-02-103
434-34-060	NEW	92-12-083	434-53-280	NEW-S	92-09-112	434-166-150	NEW-P	92-02-104
434-34-065	NEW-S	92-09-112	434-53-280	NEW	92-12-083	434-166-150	NEW	92-10-023
434-34-065	NEW	92-12-083	434-53-290	NEW-S	92-09-112	434-166-160	NEW-E	92-02-103
434-34-070	NEW-S	92-09-112	434-53-290	NEW	92-12-083	434-166-160	NEW-P	92-02-104
434-34-070	NEW	92-12-083	434-53-300	NEW-S	92-09-112	434-166-160	NEW	92-10-023
434-34-075	NEW-S	92-09-112	434-53-300	NEW	92-12-083	434-166-170	NEW-E	92-02-103
434-34-075	NEW	92-12-083	434-53-310	NEW-S	92-09-112	434-166-170	NEW-P	92-02-104
434-34-080	NEW-S	92-09-112	434-53-310	NEW	92-12-083	434-166-170	NEW	92-10-023
434-34-080	NEW	92-12-083	434-53-320	NEW-S	92-09-112	434-166-180	NEW-E	92-02-103
434-34-085	NEW-S	92-09-112	434-53-320	NEW	92-12-083	434-166-180	NEW-P	92-02-104
434-34-085	NEW	92-12-083	434-53-330	NEW-W	92-12-076	434-166-180	NEW	92-10-023

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434-166-190	NEW-P	92-02-104	434-677-060	NEW-P	92-04-026	460-33A-105	AMD-P	92-14-089
434-166-190	NEW	92-10-023	434-677-060	NEW	92-08-020	460-33A-115	AMD-P	92-14-089
434-166-200	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026	460-33A-125	AMD-P	92-14-089
434-166-200	NEW-P	92-02-104	434-677-070	NEW	92-08-020	460-44A-075	AMD-P	92-14-090
434-166-200	NEW	92-10-023	434-677-080	NEW-P	92-04-026	463-06-020	AMD-P	92-02-099
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434-166-210	NEW	92-10-023	446-16-025	AMD-P	92-11-051	463-06-030	AMD	92-09-013
434-166-220	NEW-E	92-02-103	446-16-030	AMD-P	92-11-051	463-06-040	AMD-P	92-02-099
434-166-220	NEW-P	92-02-104	446-16-080	AMD-P	92-11-051	463-06-040	AMD	92-09-013
434-166-220	NEW	92-10-023	446-16-090	AMD-P	92-11-051	463-06-050	AMD-P	92-02-099
434-166-230	NEW-E	92-02-103	446-20-285	AMD-P	92-11-052	463-06-050	AMD	92-09-013
434-166-230	NEW-P	92-02-104	446-20-290	AMD-P	92-11-052	463-06-070	AMD-P	92-02-099
434-166-230	NEW	92-10-023	446-20-300	AMD-P	92-11-052	463-06-070	AMD	92-09-013
434-166-240	NEW-E	92-02-103	446-20-420	AMD-P	92-11-052	463-06-150	AMD-P	92-02-099
434-166-240	NEW-P	92-02-104	446-20-440	AMD-P	92-11-052	463-06-150	AMD	92-09-013
434-166-240	NEW	92-10-023	446-20-520	AMD-P	92-11-052	463-26-030	REP-P	92-02-099
434-166-250	NEW-E	92-02-103	446-30	PREP	92-13-012A	463-26-030	REP	92-09-013
434-166-250	NEW-P	92-02-104	446-50	PREP	92-13-012A	463-39-005	NEW-P	92-02-099
434-166-250	NEW	92-10-023	458-16-013	PREP	92-04-069	463-39-005	NEW	92-09-013
434-166-260	NEW-E	92-02-103	458-16-013	AMD-P	92-04-079	463-39-010	AMD-P	92-02-099
434-166-260	NEW-P	92-02-104	458-16-013	AMD-E	92-06-039	463-39-010	AMD	92-09-013
434-166-260	NEW	92-10-023	458-16-020	PREP	92-04-069	463-39-030	AMD-P	92-02-099
434-166-270	NEW-E	92-02-103	458-16-020	AMD-P	92-04-079	463-39-030	AMD	92-09-013
434-166-270	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039	463-39-040	REP-P	92-02-099
434-166-270	NEW	92-10-023	458-18-010	PREP	92-04-068	463-39-040	REP	92-09-013
434-166-280	NEW-E	92-02-103	458-18-010	AMD-P	92-04-078	463-39-050	REP-P	92-02-099
434-166-280	NEW-P	92-02-104	458-18-010	AMD-E	92-06-038	463-39-050	REP	92-09-013
434-166-280	NEW	92-10-023	458-18-020	PREP	92-04-068	463-39-060	REP-P	92-02-099
434-166-290	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078	463-39-060	REP	92-09-013
434-166-290	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038	463-39-080	REP-P	92-02-099
434-166-290	NEW	92-10-023	458-18-220	AMD-P	92-14-086	463-39-080	REP	92-09-013
434-166-300	NEW-E	92-02-103	458-20-105	AMD-P	92-03-066	463-39-110	REP-P	92-02-099
434-166-300	NEW-P	92-02-104	458-20-105	AMD	92-06-082	463-39-110	REP	92-09-013
434-166-300	NEW	92-10-023	458-20-132	AMD	92-05-066	463-39-115	AMD-P	92-02-099
434-166-310	NEW-E	92-02-103	458-20-164	AMD-P	92-03-067	463-39-115	AMD	92-09-013
434-166-310	NEW-P	92-02-104	458-20-166	AMD	92-05-064	463-39-120	AMD-P	92-02-099
434-166-310	NEW	92-10-023	458-20-18601	NEW-P	92-03-065	463-39-120	AMD	92-09-013
434-166-320	NEW-E	92-02-103	458-20-18601	NEW	92-06-081	463-39-150	REP-P	92-02-099
434-166-320	NEW-P	92-02-104	458-20-18801	AMD	92-05-065	463-39-150	REP	92-09-013
434-166-320	NEW	92-10-023	458-20-199	AMD	92-03-026	463-42-055	AMD-P	92-02-099
434-166-330	NEW-E	92-02-103	458-20-228	AMD	92-03-025	463-42-055	AMD	92-09-013
434-166-330	NEW-P	92-02-104	458-20-229	AMD-P	92-05-017	463-42-165	AMD-P	92-02-099
434-166-330	NEW	92-10-023	458-20-260	NEW-E	92-04-015	463-42-165	AMD	92-09-013
434-166-340	NEW-E	92-02-103	458-20-260	PREP	92-05-052	463-42-195	AMD-P	92-02-099
434-166-340	NEW-P	92-02-104	458-20-260	NEW-P	92-07-092	463-42-195	AMD	92-09-013
434-166-340	NEW	92-10-023	458-20-260	NEW	92-10-006	463-42-225	AMD-P	92-02-099
434-166-350	NEW-E	92-02-103	458-30-262	AMD	92-03-068	463-42-225	AMD	92-09-013
434-166-350	NEW-P	92-02-104	458-40-615	NEW-E	92-08-018	463-42-265	AMD-P	92-02-099
434-166-350	NEW	92-10-023	458-40-615	PREP	92-10-060	463-42-265	AMD	92-09-013
434-166-360	NEW-E	92-02-103	458-40-615	NEW-E	92-14-111	463-42-345	AMD-P	92-02-099
434-166-360	NEW-P	92-02-104	458-40-615	NEW-P	92-14-112	463-42-345	AMD	92-09-013
434-630-010	NEW-P	92-09-017	458-40-650	AMD-E	92-06-040	463-42-445	AMD-P	92-02-099
434-630-020	NEW-P	92-09-017	458-40-650	AMD-E	92-06-057	463-42-445	AMD	92-09-013
434-630-030	NEW-P	92-09-017	458-40-650	AMD-P	92-10-061	463-42-455	AMD-P	92-02-099
434-630-040	NEW-P	92-09-017	458-40-650	AMD	92-14-083	463-42-455	AMD	92-09-013
434-630-050	NEW-P	92-09-017	458-40-660	PREP	92-06-037	463-42-465	AMD-P	92-02-099
434-630-060	NEW-P	92-09-017	458-40-660	AMD-E	92-06-040	463-42-465	AMD	92-09-013
434-635-010	NEW-P	92-09-018	458-40-660	AMD-E	92-06-057	463-42-595	AMD-P	92-02-099
434-635-020	NEW-P	92-09-018	458-40-660	AMD-P	92-10-061	463-42-595	AMD	92-09-013
434-635-030	NEW-P	92-09-018	458-40-660	AMD	92-14-083	463-42-625	AMD-P	92-02-099
434-635-040	NEW-P	92-09-018	458-40-670	PREP	92-06-037	463-42-625	AMD	92-09-013
434-635-050	NEW-P	92-09-018	458-40-670	AMD-E	92-06-040	463-42-685	NEW-P	92-02-099
434-635-060	NEW-P	92-09-018	458-40-670	AMD-E	92-06-057	463-42-685	NEW-P	92-06-070
434-640-010	NEW	92-05-060	458-40-670	AMD-P	92-10-061	463-42-685	NEW-W	92-07-002
434-640-020	NEW	92-05-060	458-40-670	AMD	92-14-083	463-42-685	NEW	92-10-001
434-640-030	NEW	92-05-060	458-40-684	AMD-P	92-10-061	463-42-690	NEW-P	92-02-099
434-677-010	NEW-P	92-04-026	458-40-684	AMD	92-14-083	463-42-690	NEW	92-09-013
434-677-010	NEW	92-08-020	460-33A-015	AMD-P	92-14-089	463-47-051	AMD-P	92-02-099
434-677-020	NEW-P	92-04-026	460-33A-017	AMD-P	92-14-089	463-47-051	AMD	92-09-013
434-677-020	NEW	92-08-020	460-33A-020	AMD-P	92-14-089	463-47-090	AMD-P	92-02-099
434-677-030	NEW-P	92-04-026	460-33A-025	AMD-P	92-14-089	463-47-090	AMD	92-09-013
434-677-030	NEW	92-08-020	460-33A-030	AMD-P	92-14-089	468-51-010	NEW-P	92-10-041
434-677-040	NEW-P	92-04-026	460-33A-035	AMD-P	92-14-089	468-51-010	NEW	92-14-044
434-677-040	NEW	92-08-020	460-33A-040	AMD-P	92-14-089	468-51-020	NEW-P	92-10-041
434-677-050	NEW-P	92-04-026	460-33A-050	REP-P	92-14-089	468-51-020	NEW	92-14-044

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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468-51-030	NEW	92-14-044	478-160-090	REP-P	92-08-065	480-04-070	AMD	92-07-006
468-51-040	NEW-P	92-10-041	478-160-090	REP	92-12-011	480-04-080	REP	92-07-006
468-51-040	NEW	92-14-044	478-160-105	AMD-P	92-08-065	480-04-090	AMD	92-07-006
468-51-050	NEW-P	92-10-041	478-160-105	AMD	92-12-011	480-04-095	NEW	92-07-006
468-51-050	NEW	92-14-044	478-160-115	AMD-P	92-08-065	480-04-110	AMD	92-07-006
468-51-060	NEW-P	92-10-041	478-160-115	AMD	92-12-011	480-04-120	AMD	92-07-006
468-51-060	NEW	92-14-044	478-160-120	AMD-P	92-08-065	480-04-130	AMD	92-07-006
468-51-070	NEW-P	92-10-041	478-160-120	AMD	92-12-011	480-09-100	AMD	92-07-006
468-51-070	NEW	92-14-044	478-160-130	AMD-P	92-08-065	480-09-140	AMD-P	92-13-101
468-51-080	NEW-P	92-10-041	478-160-130	AMD	92-12-011	480-09-210	AMD	92-07-006
468-51-080	NEW	92-14-044	478-160-140	AMD-P	92-08-065	480-09-210	AMD-P	92-13-101
468-51-090	NEW-P	92-10-041	478-160-140	AMD	92-12-011	480-09-400	AMD-P	92-13-101
468-51-090	NEW	92-14-044	478-160-150	AMD-P	92-08-065	480-09-420	AMD-P	92-13-101
468-51-100	NEW-P	92-10-041	478-160-150	AMD	92-12-011	480-09-425	AMD-P	92-13-101
468-51-100	NEW	92-14-044	478-160-155	REP-P	92-08-065	480-09-460	AMD-P	92-13-101
468-51-110	NEW-P	92-10-041	478-160-155	REP	92-12-011	480-09-480	AMD-P	92-13-101
468-51-110	NEW	92-14-044	478-160-160	AMD-P	92-08-065	480-09-500	AMD-P	92-13-101
468-51-120	NEW-P	92-10-041	478-160-160	AMD	92-12-011	480-09-700	AMD-P	92-13-101
468-51-120	NEW	92-14-044	478-160-200	REP-P	92-08-065	480-09-735	AMD-P	92-13-101
468-51-130	NEW-P	92-10-041	478-160-200	REP	92-12-011	480-09-780	AMD-P	92-13-101
468-51-130	NEW	92-14-044	478-160-205	REP-P	92-08-065	480-09-800	AMD-P	92-13-101
468-51-140	NEW-P	92-10-041	478-160-205	REP	92-12-011	480-09-810	AMD-P	92-13-101
468-51-140	NEW	92-14-044	478-160-210	AMD-P	92-08-065	480-12-375	AMD-P	92-05-092
468-51-150	NEW-P	92-10-041	478-160-210	AMD	92-12-011	480-12-375	AMD	92-09-014
468-51-150	NEW	92-14-044	478-160-215	REP-P	92-08-065	480-70-350	AMD	92-03-082
468-66-010	AMD-P	92-06-010	478-160-215	REP	92-12-011	480-80-047	AMD-W	92-10-067
468-66-010	AMD	92-09-043	478-160-216	REP-P	92-08-065	480-80-048	NEW	92-07-010
468-66-090	AMD-P	92-06-010	478-160-216	REP	92-12-011	480-80-049	NEW-P	92-05-089
468-66-090	AMD	92-09-043	478-160-220	REP-P	92-08-065	480-80-049	NEW	92-08-075
468-66-140	AMD-P	92-06-010	478-160-220	REP	92-12-011	480-92-011	NEW	92-03-050
468-66-140	AMD	92-09-043	478-160-225	REP-P	92-08-065	480-92-021	NEW	92-03-050
468-300-010	AMD-P	92-14-003	478-160-225	REP	92-12-011	480-92-031	NEW	92-03-050
468-300-010	AMD-E	92-14-004	478-160-230	AMD-P	92-08-065	480-92-050	NEW	92-03-050
468-300-020	AMD-P	92-14-003	478-160-230	AMD	92-12-011	480-92-060	NEW	92-03-050
468-300-020	AMD-E	92-14-004	478-160-231	AMD-P	92-08-065	480-92-070	NEW	92-03-050
468-300-040	AMD-P	92-14-003	478-160-231	AMD	92-12-011	480-92-080	NEW	92-03-050
468-300-040	AMD-E	92-14-004	478-160-232	REP-P	92-08-065	480-92-090	NEW	92-03-050
468-300-070	REP-P	92-14-003	478-160-232	REP	92-12-011	480-92-100	NEW	92-03-050
468-300-070	REP-E	92-14-004	478-160-240	AMD-P	92-08-065	480-92-110	NEW	92-03-050
468-300-410	REP-P	92-14-003	478-160-240	AMD	92-12-011	480-93-002	AMD-P	92-06-086
468-300-410	REP-E	92-14-004	478-160-246	AMD-P	92-08-065	480-93-005	AMD-P	92-06-086
468-300-510	REP-P	92-14-003	478-160-246	AMD	92-12-011	480-93-010	AMD-P	92-06-086
468-300-510	REP-E	92-14-004	478-160-256	AMD-P	92-08-065	480-93-015	NEW-P	92-06-086
478-138-010	AMD-P	92-09-154	478-160-256	AMD	92-12-011	480-93-017	NEW-P	92-06-086
478-138-010	AMD	92-14-060	478-160-260	AMD-P	92-08-065	480-93-018	NEW-P	92-06-086
478-138-020	AMD-P	92-09-154	478-160-260	AMD	92-12-011	480-93-020	AMD-P	92-06-086
478-138-020	AMD	92-14-060	478-160-265	AMD-P	92-08-065	480-93-030	AMD-P	92-06-086
478-138-030	AMD-P	92-09-154	478-160-265	AMD	92-12-011	480-93-082	NEW-P	92-06-086
478-138-030	AMD	92-14-060	478-160-270	AMD-P	92-08-065	480-93-110	AMD-P	92-06-086
478-138-040	AMD-P	92-09-154	478-160-270	AMD	92-12-011	480-93-111	NEW-P	92-06-086
478-138-040	AMD	92-14-060	478-160-271	NEW-P	92-08-065	480-93-112	NEW-P	92-06-086
478-138-050	REP-P	92-09-154	478-160-271	NEW	92-12-011	480-93-115	NEW-P	92-06-086
478-138-050	REP	92-14-060	478-160-275	AMD-P	92-08-065	480-93-120	AMD-P	92-06-086
478-138-060	NEW-P	92-09-154	478-160-275	AMD	92-12-011	480-93-124	NEW-P	92-06-086
478-138-060	NEW	92-14-060	478-160-280	AMD-P	92-08-065	480-93-140	AMD-P	92-06-086
478-160-020	AMD-P	92-08-065	478-160-280	AMD	92-12-011	480-93-155	NEW-P	92-06-086
478-160-020	AMD	92-12-011	478-160-285	AMD-P	92-08-065	480-93-161	NEW-P	92-06-086
478-160-025	AMD-P	92-08-065	478-160-285	AMD	92-12-011	480-93-175	NEW-P	92-06-086
478-160-025	AMD	92-12-011	478-160-290	AMD-P	92-08-065	480-93-180	AMD-P	92-06-086
478-160-030	AMD-P	92-08-065	478-160-290	AMD	92-12-011	480-93-183	NEW-P	92-06-086
478-160-030	AMD	92-12-011	478-160-295	AMD-P	92-08-065	480-93-185	AMD-P	92-06-086
478-160-035	AMD-P	92-08-065	478-160-295	AMD	92-12-011	480-93-18601	AMD-P	92-06-086
478-160-035	AMD	92-12-011	478-160-305	AMD-P	92-08-065	480-93-187	AMD-P	92-06-086
478-160-040	AMD-P	92-08-065	478-160-305	AMD	92-12-011	480-93-188	AMD-P	92-06-086
478-160-040	AMD	92-12-011	478-160-310	AMD-P	92-08-065	480-93-190	AMD-P	92-06-086
478-160-045	AMD-P	92-08-065	478-160-310	AMD	92-12-011	480-93-200	AMD-P	92-06-086
478-160-045	AMD	92-12-011	478-160-320	AMD-P	92-08-065	480-93-210	AMD-P	92-06-086
478-160-050	AMD-P	92-08-065	478-160-320	AMD	92-12-011	480-93-230	AMD-P	92-06-086
478-160-050	AMD	92-12-011	479-01-020	AMD-P	92-08-095	480-110-018	NEW-P	92-05-091
478-160-055	AMD-P	92-08-065	479-01-020	AMD	92-12-014	480-110-018	NEW	92-09-078
478-160-055	AMD	92-12-011	480-04-010	REP	92-07-006	480-110-021	AMD-P	92-05-090
478-160-060	AMD-P	92-08-065	480-04-020	AMD	92-07-006	480-110-021	AMD	92-13-056
478-160-060	AMD	92-12-011	480-04-030	AMD	92-07-006	480-110-066	AMD-P	92-05-090
478-160-065	AMD-P	92-08-065	480-04-040	REP	92-07-006	480-110-066	AMD	92-13-056
478-160-065	AMD	92-12-011	480-04-050	AMD	92-07-006	480-120-087	AMD-P	92-13-101
478-160-085	AMD-P	92-08-065	480-04-060	AMD	92-07-006	480-120-340	NEW	92-03-049

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495D-120-070	NEW-P	92-12-049	508-12-290	REP	92-12-055
495D-120-080	NEW-P	92-12-049	508-12-300	REP-P	92-06-091
495D-120-090	NEW-P	92-12-049	508-12-300	REP	92-12-055
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495D-120-120	NEW-P	92-12-049	508-12-320	REP-P	92-06-091
495D-120-130	NEW-P	92-12-049	508-12-320	REP	92-12-055
495D-120-140	NEW-P	92-12-049	508-12-330	REP-P	92-06-091
495D-120-150	NEW-P	92-12-049	508-12-330	REP	92-12-055
495D-120-160	NEW-P	92-12-049	508-12-340	REP-P	92-06-091
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495D-120-190	NEW-P	92-12-049	508-12-350	REP	92-12-055
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495D-122-030	NEW-P	92-12-049	508-12-370	REP	92-12-055
495D-130-010	NEW-P	92-12-049	508-12-380	REP-P	92-06-091
495D-130-015	NEW-P	92-12-049	508-12-380	REP	92-12-055
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495D-131-010	NEW-P	92-12-049	516-12-430	AMD	92-06-068
495D-132-010	NEW-P	92-12-049	516-13-080	AMD	92-06-068
495D-133-020	NEW-P	92-12-049	516-13-090	NEW	92-06-068
495D-134-010	NEW-P	92-12-049			
495D-140-010	NEW-P	92-12-049			
495D-140-020	NEW-P	92-12-049			
495D-140-030	NEW-P	92-12-049			
495D-140-040	NEW-P	92-12-049			
495D-140-050	NEW-P	92-12-049			
495D-140-060	NEW-P	92-12-049			
495D-140-070	NEW-P	92-12-049			
495D-140-080	NEW-P	92-12-049			
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495D-276-070	NEW-P	92-12-049			
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495D-280-080	NEW-P	92-12-049			
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495D-300-020	NEW-P	92-12-049			
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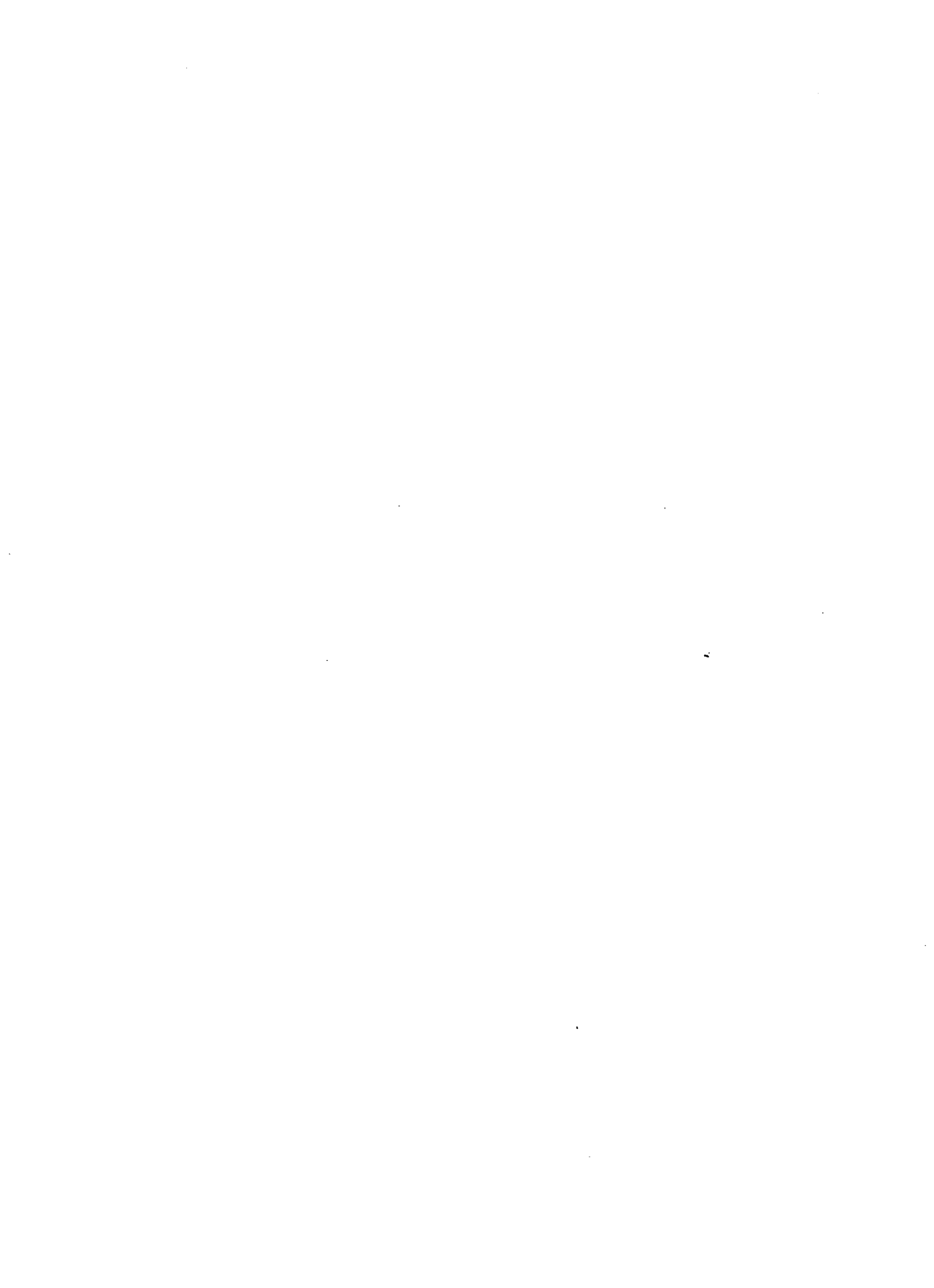
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