

Washington State Register

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IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellingham Technical College
Big Bend Community College
Building Code Council
Combined Fund Drive Committee, Washington
State Employee
Criminal Justice Training Commission
Eastern Washington University
Ecology, Department of
Education, State Board of
Employment Security Department
Fisheries, Department of
Forest Practices Board
Gambling Commission
General Administration, Department of
Governor, Office of the
Health, Department of
Higher Education Coordinating Board
Insurance Commissioner, Office of
Labor and Industries, Department of
Licensing, Department of
Lottery Commission
Marine Oversight Board
Marine Safety, Office of
Natural Resources, Department of
Noxious Weed Control Board
Optometry, Board of
Outdoor Recreation, Interagency Committee for
Parks and Recreation Commission
Personnel Board
Pharmacy, Board of
Physical Therapy, Board of
Pilotage Commissioners, Board of
Puget Sound Air Pollution Control Agency
Retirement Systems, Department of
Seattle Community Colleges
Social and Health Services, Department of
Transportation Commission
University of Washington
Utilities and Transportation Commission
Vocational Education, Council on
Wildlife Commission

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than August 5, 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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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 August 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE--INDICATION OF NEW OF DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1992 - 1993
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Hearing Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
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
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
93-09	Mar 24	Apr 7	Apr 21	May 5	May 25
93-10	Apr 7	Apr 21	May 5	May 19	Jun 8
93-11	Apr 21	May 5	May 19	Jun 2	Jun 22
93-12	May 5	May 19	Jun 2	Jun 16	Jul 6
93-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
93-14	Jun 9	Jun 23	Jul 7	Jul 21	Aug 10
93-15	Jun 23	Jul 7	Jul 21	Aug 4	Aug 24
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

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 92-16-006
PROPOSED RULES
BIG BEND
COMMUNITY COLLEGE
[Filed July 23, 1992, 1:04 p.m.]

Original Notice.

Title of Rule: Firearms and dangerous weapons.

Purpose: To adopt rules and procedures for control of possession of firearms and dangerous weapons on the college campus.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Adopt new policy.

Reasons Supporting Proposal: Attorney general's advice.

Name of Agency Personnel Responsible for Drafting: Bob Sorenson, Moses Lake, Washington, scan 664-6202; Implementation and Enforcement: Mike Lang, Moses Lake, Washington, scan 664-6230.

Name of Proponent: Big Bend Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To control possession of firearms and dangerous weapons on the college campus. The effect will be to give the college some control and procedures to deal with firearms brought on campus.

Proposal does not change existing rules.

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

Hearing Location: Big Bend Community College, Building 1400, 7662 Chanute Street, Moses Lake, WA 98837, on September 28, 1992, at 7:00 p.m.

Submit Written Comments to: Big Bend Community College, Building 1400, 7662 Chanute Street, Moses Lake, WA 98837, by September 1, 1992.

Date of Intended Adoption: September 28, 1992.

July 14, 1992

Robert O. Sorenson

Vice-President

Administrative Services

Chapter 132R-117 WAC
FIREARMS AND DANGEROUS WEAPONS

NEW SECTION

WAC 132R-117-010 FIREARMS AND DANGEROUS WEAPONS. (1) Possession, carrying or discharge of any explosive, firearm, or other weapon (including shot guns, pistols, air guns, pellet-guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Big Bend Community College owned or controlled property.

(2) Only such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, and persons or entities authorized by contract to carry firearms in the course of their employment, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other college controlled property, including residence halls.

(3) Other than the persons referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the college-provided storage facility. The storage facility is controlled by the office of student life and is accessible during the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday (excluding holidays).

(4) Anyone seeking to bring a firearm or other weapon onto campus for display or demonstration purposes directly related to a class or other educational activity must obtain prior written authorization from the vice-president of educational services or any other person designated by the president of the college. The vice-president of educational services or other designee shall review any such request and may establish conditions to the authorization.

(5) Firearms owned by the institution for use by special interest groups such as ASB gun clubs, ROTC, or intercollegiate shooting teams, must be stored in a location approved by the dean of student services or any other person designated by the president of the college. Said firearms must be checked out by the club advisor or coach and are to be used by legitimate members of the club or teams in the normal course of the club or team's activity.

(6) Violators shall be subject to appropriate disciplinary or legal action.

WSR 92-16-012
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 23, 1992, 4:36 p.m.]

The Department of Social and Health Services is withdrawing the amendment of WAC 388-96-032 that appeared in the original notice WSR 92-13-042.

Les James, Director
Administrative Services

WSR 92-16-019
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed July 24, 1992, 8:42 a.m.]

Original Notice.

Title of Rule: Quality of service rule.

Purpose: Establishes standards for telecommunications service and facilities. Adds definitions. Deletes provisions from existing WAC 480-120-086. Requires local exchange companies (LECs) to develop procedures for providing operator services and to maintain business offices or customer service centers; establishes network performance standards for LECs; requires procedures to minimize effects of major outages; institutes network maintenance requirements and sets trouble report thresholds for LECs; and sets standards for E-911 emergency service quality reports by LECs.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Amends WAC 480-120-021, 480-120-086, and adopts new sections.

Summary: Requires all telecommunication service companies to provide and maintain adequate service to the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98503, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

Small Business Economic Impact Statement

SIC 481 -- Telephone Communications

Pursuant to chapter 19.85 RCW, an economic impact statement is required if more than ten percent of the businesses within a three-digit standard industry classification are affected by the proposed rule. Telecommunications local exchange carriers and interexchange telecommunications companies fall generally within industry group number 481: "Telephone Communications," and more specifically within industry number 4813: "Telephone Communications, Except Radiotelephone." This discussion assumes that ten percent of the businesses within the industry number may be affected. The predominant impact of the subject rules falls upon Washington local exchange companies. According to RCW 80.04.010, "Local Exchange Company" means "a telecommunications company providing local exchange telecommunications service."

Content of the Proposed Rules

The proposed rule:

1. Adds definitions.
2. Deletes provisions from the existing WAC 480-120-086 Adequacy of service, redistributes still relevant portions into new sections, and adds additional provisions, described below.
3. Requires all telecommunications companies to design, construct, maintain and operate their facilities in accordance with Washington state and federal law and regulations, current telecommunications industry standards and generally accepted industry engineering practices, including using reliable forecasting procedures to ensure that sufficient facilities and an adequate operating force are available to meet reasonable demands under normal operating conditions.
4. Requires each local exchange company to develop procedures for providing operator services, to ensure that operator-assisted calls are accurately recorded and the confidentiality of operator-assisted calls is protected, and to ensure that operators receiving emergency calls route them to the appropriate emergency response agency.
5. Requires local exchange companies to maintain business offices or customer service centers, accessible by

toll-free calling or in person, for the purpose of providing information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills and to adjust charges made in error. Criteria are also set for maintaining and closing payment agencies. Payment agencies are locations at which subscribers can make cash and urgent payments. Local exchange companies serving over 50,000 access lines are required to provide business offices or customer service centers accessible by telephone or in person. Such business offices or service centers must be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If one business office or service center serves several exchanges, toll-free calling from those exchanges to the office is required. Local exchange companies serving under 50,000 access lines are required to have at least one such business office or customer service center. Each local exchange company is required to establish payment agencies, and operate them during regular business hours. Where possible, payment agencies must be accessible by public transportation. Exchanges serving over 75,000 access lines shall have a minimum of one payment agency for every 25,000 access lines. Exchanges serving 25,000 to 75,000 access lines shall have a minimum of two payment agencies. Local exchange companies that do not have exchanges that meet the access line criteria above, are required to have a minimum of one payment agency. The local business office of the company can substitute for the payment agency and be supported by the same personnel as the business office or customer service center.

6. Establishes network performance standards applicable to local exchange companies for central office functions, interoffice facilities, outside plant, special circuits and digital private line circuits. The standards are consistent with the provisions of relevant standards bodies, such as the American National Standards Institute, Bell Communications Research, Rural Electrification Administration, Institute of Electrical and Electronics Engineers, etc. Currently, nearly all telecommunications companies operating in Washington observe standards established by one or more of these standards bodies.

7. Requires all telecommunications companies to establish procedures aimed at minimizing the effects of major outages. A major outage is defined as a service failure lasting for 30 or more minutes and affecting more than 1,000 subscribers, or which causes the total loss of a toll route, or the loss of service to a governmental emergency response agency. Telecommunications companies are required to maintain and provide upon request by the commission current plans for emergency operation during a major outage, to notify the commission of a major outage as soon as reasonably practicable, and to provide reports on major outage recovery efforts to the commission, the news media, the public and public officials. Requirements are also established for the restoration of service after more minor service interruptions and for notifying subscribers who may be affected by planned interruptions of service.

8. Institutes network maintenance requirements and establishes trouble report thresholds for local exchange companies. Trouble reports per 100 access lines by central office should not exceed 4 trouble reports for 2 consecutive months, nor should they exceed 4 trouble reports for 4 months in any one 12 month period. This standard does not apply to trouble reports relating to the operation of customer premises equipment or pay telephones.

9. Sets standards for the identification, monitoring, maintenance and protection of dedicated 9-1-1 emergency circuits by local exchange companies. Each local exchange company that does not monitor the performance of dedicated 911 circuits on a continuous and automatic basis, must perform manual operational tests at least once every 24 hours. Circuits found to be defective must be immediately reported to the primary public service answering point (PSAP) manager and repaired. Each local exchange company is required to maintain a log of 911 circuit maintenance tests and circuit repairs. The log must be made available upon request by the commission. Further, each local exchange company is required to develop and institute by December 1992, a circuit identification and protection program for dedicated 911 circuits. The program must be fully implemented by July 1994. The purpose of this program is to ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified as such in every central office and remote switch.

10. Establishes requirements for the development and filing of service quality performance reports by local exchange companies. Reporting is required for central office performance, installation appointments met, primary held orders, upgrade orders held, and trouble reports. Beginning on January 1, 1993, each local exchange company with over 50,000 total access lines must provide to the commission, on a form prescribed by the commission, a monthly composite index report by central office demonstrating adequate central office performance. The index must measure the following or their equivalent:

(a) Machine access: (i) Dial tone speed; (ii) transmitter time-outs and availability.

(b) Machine switching: (i) Trunk outage (machine and man); (ii) equipment outage; (iii) maintenance interrupts and emergency outage; (iv) trunk access (overflows).

(c) Billing: (i) Automatic message accounting (AMA) failures.

(d) Customer reports: (i) Trouble in central office; (ii) trouble tested in central office found OK.

Each local exchange company that has under 50,000 total access lines will be required to demonstrate upon request by the commission that the performance of its central office switch(es) is such that acceptable central office performance standards are met.

In addition, local exchange companies with over 50,000 access lines are required to file monthly with the commission summary performance evaluation reports for installation appointments met, held orders, upgrade orders held and trouble reports as follows:

Installation appointments met. This report measures the percentage of appointments for the connection of service met on the commitment date. The actual date at which installation was completed must be compared to the

applicable commitment date to determine the percentage of appointments met. This measurement must separate residence, business and private line services on a central office basis. It should include orders for provisioning of new service and change of service.

Held orders. For purposes of this section a held order is defined as any request for service, primary or regrade, that exceeds the commitment date. This report measures the provisioning of primary access service in locations where there are presently no company services or facilities, and locations where service is presently being provided, but where the company is temporarily unable to provide service to new subscribers because of a lack of facilities. The number of held orders will be expressed as a ratio per 100 new orders. This measurement must separate residence, business and private line services on a central office basis. It must further indicate whether the order was held for company or subscriber reasons.

Upgrade orders held. This report measures the number of requests for higher grades of service (e.g., a request to upgrade from multi-party to single party service) unfilled for more than 30 days. The number of upgrade requests unfilled for more than 30 days will be expressed as a ratio per 100 requests for upgrades (new requests plus unfilled requests from the previous months). This measurement must also separate residence, business and private line services on a central office basis, and indicate whether the order was held for company or subscriber reasons.

Trouble reports. This is a report of subscribers indicating improper functioning of service. The total number of initial trouble reports (including repeated reports) will be expressed as a ratio per 100 lines in service. Trouble reports related to customer premise equipment and coin operated pay telephones are not included. This measurement must be reported on a central office basis and must separate residence, business and private line services.

Companies with less than 50,000 access lines must compile the above performance reports for installation appointments met, held orders and upgrade orders held, by exchange on a monthly basis. They must maintain such performance information for review upon request by the commission. As for trouble reports, companies with less than 50,000 access lines must file such reports in the same manner as companies with over 50,000 access lines.

Estimated Cost of Compliance

In large measure, this rule only codifies within the Washington Administrative Code existing industry standards set by relevant standards bodies, and generally accepted management, engineering and operating practices in the telecommunications industry. Otherwise, the rule reincorporates existing provisions of WAC 480-120-086. The rule will have implementation costs, however, related to items 5, 9 and 10, above: Business offices/payment agencies, dedicated 9-1-1 emergency circuits, and service quality performance reports, respectively. Table 1 summarizes compliance costs.

Business offices/payment agencies--Local exchange companies currently comply with the requirement to maintain business offices that are accessible in person or by toll-free calling. It is believed, however, that certain of the

larger local exchange companies will be required to establish new payment agencies. As a general rule, payment agencies are usually grocery and convenience stores, pharmacies or other businesses that contract with a local exchange company, and sometimes other utilities or governmental agencies, to collect and forward payments from utility subscribers and consumers. Some payment agencies, in turn, receive a fee or commission for their collection services. Other payment agencies agree to perform these services free, instead relying upon the "opportunity" for sales of other items in their commercial establishments that these bill payers present.

There are approximately 130 payment agencies currently contracted with local exchange companies for payment collection and forwarding services. It is assumed that the proposed rule will require the establishment of 30 new payment agencies for the entire state, or an increase of 23% in the total number of payment agencies. It is further predicted that the full requirement of additional payment agencies will fall upon those local companies with over 50,000 access lines.

The primary additional cost to local exchange companies from the operation of such agencies is the higher cost of processing a payment made through a payment agency. Using one of the state's local exchange companies as an example, we are advised by that company that the typical cost to process a mailed-in payment, consisting of a check or money order, is approximately \$.21 per payment. In comparison, the cost to that company of processing a payment made through a payment agency is \$.82. The company further advises that approximately 2.4% of its customers (residence and business) make payments through payment agencies.

Currently, there are approximately 2.7 million access lines (residence and business) in Washington. Owing to the fact many customers subscribe to more than one access line, there are significantly fewer customers than there are access lines. In the absence of accurate data, it is estimated that 30% of customers have two access lines. It is presumed then, that there are actually 1.9 million local exchange telecommunications customers in the state.

In calculating the increased cost of bill processing that may result from the availability of additional payment agencies, it is assumed that 3.0% or 57,000 customers make monthly payments through payment agencies at a processing cost of \$1.00 per payment. \$1.00 per payment includes the legal and administrative costs of establishing new payment agencies. This represents a total cost of \$684,000 annually ($\$684,000 = \$1.00 \times 57,000 \times 12$). Assuming, with the estimated 23% increase in the number of payment agencies, there is a 10% increase in the number of customers making payments at payment agencies, it is estimated there will be an increase of 5,700 additional customers paying their bills at these outlets. The added processing costs to the local companies, therefore, will be \$51,300 annually. ($5700 \times \1.00×12) - ($5700 \times \$0.25 \times 12$) = \$51,300, where the \$.25 figure represents the assumed processing cost per payment for processing mailed payments. \$51,300 represents .000038 (3.8×10^{-5}) of the \$1,352,790,329 in Washington intrastate revenue generated by local exchange companies with over 50,000 access lines during 1991.

Dedicated 9-1-1 Emergency Circuits--Inasmuch as the vast majority of dedicated 9-1-1 circuits are engineered over alarmed T-1 dedicated circuits, that are monitored continuously, it is assumed that, statewide, only 30 dedicated 9-1-1 circuits are not alarmed and must be manually monitored. It is further assumed that the equivalent of one telecommunications technician must spend one hour per day, every day, performing this manual monitoring task at a fully loaded cost of \$35.00 per hour. The annual cost of manual monitoring under these assumptions will total \$378,000 annually, or .000264 (26.4×10^{-5}) of the total of 1991 Washington intrastate revenues of \$1,431,789,238 for the state's telecommunications local exchange companies.

As for the relative costs for large companies versus small companies, it is assumed that local exchange companies with over 50,000 access lines possess 85%, or 25 of the 30 assumed unmonitored circuits. Companies with over 50,000 access lines generated 1991 Washington intrastate revenues of \$1,352,790,329. Assuming that such companies absorbed 85% of the \$378,000 annual cost of manually monitoring nonalarmed 9-1-1 circuits, their annual cost would be \$321,300, or .000288 (28.8×10^{-5}) of 1991 intrastate revenues for the group. The five circuits remaining to be monitored by local exchange companies with less than 50,000 access lines would cost the group \$56,700 annually, or .000718 (71.8×10^{-5}) of the group's 1991 intrastate revenues of \$78,998,909.

There will also be an economic impact resulting from the new requirement that each local exchange company identify dedicated emergency 9-1-1 circuits and associated electronic equipment in every central office and remote switch. The purpose of this requirement is to reduce the possibility of company technicians inadvertently disconnecting or reassigning 9-1-1 circuits or related equipment, resulting in the failure of an emergency circuit.

In Washington, there is a total of approximately 400 central offices and remote switches. We will assume that there are four dedicated 9-1-1 circuits, with some related equipment, in each of the 400 central offices and remote switches in the state. We further assume that it will require three hours per central office and remote switch for a telecommunications craftsperson to identify and tag the dedicated circuits/equipment. The labor requirement totals 1200 hours. Estimating further that the fully-loaded cost per hour for a craftsperson is \$36.00, the total cost of the identification and tagging requirement will be \$43,200 -- or .00003 (3×10^{-5}) of the total of 1991 Washington intrastate revenues of \$1,431,789,238 for Washington local exchange companies.

In the absence of up-to-date data on the distribution of central offices and remotes among the state's local exchange companies, we estimate that three-quarters, or 300, of the central offices and remotes are owned by companies within excess of 50,000 access lines. We will also presume that such companies will have to absorb three-quarters of the cost of the identification and tagging program, or \$32,400. This amount represents .00002 (2×10^{-5}) of the \$1,352,790,329 of revenues generated by local exchange companies in the state with over 50,000 access lines during 1991.

Under the above assumptions, companies with less than 50,000 access lines would be required to absorb the remainder of the \$43,200 total cost of identifying and

PROPOSED

tagging dedicated 9-1-1 circuits, or \$10,800. This amount represents .00014 (14×10^{-5}) of the group's 1991 total intrastate revenue of \$78,998,909.

Service quality performance reports--There will an economic impact as a result of new requirements for the smaller local exchange companies to compile service quality performance data, and for the larger companies to both compile such data and file monthly reports with the commission. In general, US West currently compiles statistics and files reports similar to those required by the proposed rule. For example, US West currently files a monthly report on central office performance consistent with the Bellcore Network Switch Performance Measurement Plan. This report generally contains all of the information on central office performance required by the proposed rule. The company also files monthly summaries of trouble reports and held orders, although such summaries do not currently meet the level of detail required by the rule proposal. The company does not currently file reports regarding installation appointments met or upgrade orders held. For the reports it does currently file, the information is not indexed by central office, nor is it separated according to the "residence," "business" and "private line" classifications in the proposed rule.

It is estimated that the labor requirement for US West to comply with the supplementary data compilation and reporting requirements will involve an initial commitment of 160 hours of a data analyst's time to develop a data collection vehicle and a spreadsheet to report the required statistics. We will assume a fully loaded cost per hour for the data analyst of \$45.00 (@ 160 hours), for a total cost of \$7,200. Once the data collection mechanism and reporting format have been developed, we estimate that an additional 15 hours per week of the analyst's time will be required to assemble data and generate reports, for a total of 780 hours per year. This recurring work will cost approximately \$35,100 annually. Added to the labor costs would be the costs of copying and mailing the reports, which we estimate will be in the range of \$450 annually. Total cost to US West of the added data assembly and reporting requirements will be approximately \$42,750 for the first year. This amount represents approximately .000045 (4.5×10^{-5}) of the company's 1991 intrastate revenue.

For the other local exchange companies in the state with more than 50,000 access lines, GTE/Contel, Pacific Telecom (Pacific Telecom includes the operations of Telephone Utilities, Inter-Island Telephone Co. and Peninsula Telephone Co.) and United/Sprint, it is believed that such companies currently gather some of the required data. However, none of these companies report such information to the commission on any kind of regular basis.

Since each of these companies has fewer customers, fewer exchanges, and fewer central offices than US West, we have assumed their cost of compliance with the data gathering and reporting proposal will be somewhat lower than for US West. It is estimated that each company will require an initial commitment of 60 hours of a data analyst's time to develop a data collection system and a reporting spreadsheet. We will assume a fully loaded cost per hour for the data analyst of \$45.00 (@ 60 hours), for a total cost averaging \$2,700 per company. Once the data collection mechanism and reporting format have been developed, we

estimate that an additional 5 hours per week of the analyst's time will be required to assemble data and generate reports, for a total of 260 hours per year. The cost of this recurring work will average approximately \$11,700 annually for each company.

Added to the labor costs would be the costs of copying and mailing the reports, which we estimate will average \$150 annually. Total cost to GTE/Contel, Pacific Telecom and United/Sprint of the added data assembly/reporting will be approximately \$43,650 for the first year--or .00011 (11×10^{-5}) of the revenue GTE/Contel, Pacific Telecom and United/Sprint generated during 1991.

Pursuant to the proposed rule, local exchange companies with less than 50,000 access lines, must collect performance data for installation appointments met, held orders and upgrade orders held, by exchange, and on a monthly basis. They must maintain such information for review upon request by the commission. These companies, however, are required to file monthly summaries of trouble report statistics in the same manner as companies with over 50,000 access lines.

It is estimated that, on average, each local exchange company with less than 50,000 access lines will require an initial average commitment of 10 hours of a data analyst's time to develop a data collection system and reporting spreadsheet. We will assume a fully loaded cost per hour for the data analyst of \$45.00 (@ 10 hours), for a total average cost of \$450 per company. Once the data collection mechanism and reporting format have been developed, we estimate that an additional 1 hour per week on average of an analyst's time will be required to gather data and generate reports, for a total of 52 hours per year. This recurring work will cost approximately \$2,340 annually for each company on average. Added to the labor costs would be the costs of copying and mailing the monthly trouble report statistics, which we estimate will be in the average about \$25 annually. Total estimated cost of data assembly/reporting for the 16 local exchange companies in the state with less than 50,000 access lines, (Asotin Telephone Co., Cowiche Telephone Co., Ellensburg Telephone Co., Hood Canal Telephone Co., Inland Telephone Co., Kalama Telephone Co., Lewis River Telephone Co., Mashell Telephone Co., McDaniel Telephone Co., Pioneer Telephone Co., St. John Cooperative, Tenino Telephone Co., Toledo Telephone Co., Western Wahkiakum Telephone Co., Whidbey Telephone Co. (includes Hat Island Telephone Co.), and Yelm Telephone Company) will be approximately \$45,040 for the first year. This represents .00057 (57×10^{-5}) of these companies' 1991 intrastate revenue.

TABLE 1

Small Business Economic Impact Statement

Schedule of Impacts

<u>Item</u>	Companies with < 50,000 Lines	Companies with > 50,000 lines
<u>Annual costs:</u>		
Payment Agencies	\$	\$51,300

9-1-1 Circuits (Monitor)	56,700	321,300
Performance Data Assembly/Reporting	<u>37,840</u>	<u>71,100</u>
Total Annual Costs	94,540	443,700
<u>One-time costs:</u>		
9-1-1 Circuits (Identify/Label)	10,800	32,400
Other One-time Costs	<u>7,200</u>	<u>15,300</u>
Total One-time Costs	18,000	47,700
Total Cost, Annual and One-Time	\$112,540	\$491,400
First-year total cost, Annual and One-Time, as Proportion of 1991 Revenue	0.00142	0.00036

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 9, 1992, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by August 28, 1992.

Date of Intended Adoption: September 30, 1992.

July 24, 1992

Paul Curl
Secretary

AMENDATORY SECTION (Amending Order R-345, Docket No. UT-900726, filed 6/18/91, effective 7/19/91)

WAC 480-120-021 Glossary. Access line - a circuit between a subscriber's point of demarcation and a serving switching center.

Alternate operator services company - any corporation, company, partnership, or person other than a local exchange company providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators. The term "operator services" in this rule means any intrastate telecommunications service provided to a call aggregator location that includes as a component any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than ~~((+))~~; Automatic completion with billing to the telephone from which the call originated((:)); or ((2)) Completion through an access code use by the consumer with billing to an account previously established by the consumer with the carrier.

Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1)(a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and

(2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Billing agent - A person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.

Base rate area or primary rate area - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Call aggregator - a person who, in the ordinary course of its operations, makes telephones available for intrastate service to the public or to users of its premises, including but not limited to hotels, motels, hospitals, campuses, and pay telephones.

Centrex - a telecommunications service providing a subscriber with direct inward dialing to telephone extensions and direct outward dialing from them.

Central office - ~~((+))~~ a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission (agency) - in a context meaning a state agency, the Washington utilities and transportation commission.

Commission (financial) - in a context referring to compensation for telecommunications services, a payment from an AOS company to an aggregator based on the dollar volume of business, usually expressed as a percentage of tariffed message toll charges.

Competitive telecommunications company - a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.

Competitive telecommunications service - a service which is classified as such by the commission pursuant to RCW 80.36.330.

Consumer - user not classified as a subscriber.

Customer premises equipment (CPE) - telecommunications terminal equipment, including inside wire, located at a subscriber's premises on the subscriber's side of the standard network interface/point of demarcation (excluding pay telephones).

Exchange - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line - outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station - a telephone instrument installed and in use on a farmer line.

Foreign Exchange - a telecommunications exchange service that uses a private line to connect a subscriber's local

central office with a distant central office in a community outside the subscriber's local calling area.

Interexchange telecommunications company - a telecommunications company, or division thereof, that does not provide basic local service.

Interoffice facilities - facilities connecting two or more telephone switching centers.

Location surcharge - a flat, per-call charge assessed by an alternate operator services company on behalf of a call aggregator in addition to message toll charges, local call charges, and operator service charges. A location surcharge is remitted, in whole or in part, to the call aggregator-customer.

Operator service charge - a charge, in addition to the message toll charge or local call charge, assessed for use of a calling card, a credit card or for automated or live operator service in completing a call.

Outside plant - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Person - unless the context indicates otherwise, any natural person or an entity such as a corporation, partnership, municipal corporation, agency, or association.

Private Branch Exchange (PBX) - customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

Private line - a dedicated, nonswitched telecommunications channel provided between two or more points.

Special circuit - an access line specially conditioned to give it characteristics suitable for handling special or unique services.

Standard Network Interface (SNI) - the point of interconnection between telecommunications company communications facilities and terminal equipment, protective apparatus, or wiring at a subscriber's premises. The network interface or demarcation point is located on the subscriber's side of the telecommunications company's protector, or the equivalent thereof in cases where a protector is not employed.

Station - a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station - a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Trunk - A single or multichannel communications medium between two or more switching entities which may include a PBX.

Utility - any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

AMENDATORY SECTION (Amending Order R-91, filed 2/9/77)

WAC 480-120-086 Adequacy of service. (~~Each exchange shall have sufficient switchboard capacity, a sufficient operating force, and/or sufficient automatic equipment to handle traffic at all times with reasonable facility. Each utility shall provide and maintain adequate telephone facilities so as to have available at all times sufficient plant and equipment to supply any reasonable demand for service within the base rate area. When necessary, traffic studies shall be made and recorded during the busy hours, to the extent and frequency required to demonstrate to the commission that sufficient equipment is in use and that an adequate operating force is provided.~~)

(1) ~~Dial service requirements - sufficient dial central office capacity and equipment shall be provided to meet the following minimum requirements during any normal busy hour:~~

(a) ~~Dial tone within 3 seconds on at least 95 percent of calls placed.~~

(b) ~~Complete dialing of called numbers on at least 95 percent of telephone calls placed without encountering a busy condition within the central office or in inter-office trunks.~~

(2) ~~Answering time - manual toll offices - each utility shall provide sufficient central office equipment and personnel to assure that subscriber and customer calls will be handled without unreasonable delay under normal operating conditions. Reasonably prompt service will be evident when the percentage of all calls answered by an operator in ten seconds or less is 87 1/2% of all calls.~~

(3) ~~Intercept - new dial central office equipment shall be equipped to provide adequate operator or recorded announcement intercept.~~

~~Adequate intercept as used in the preceding paragraph means that the central office be so equipped and arranged to permit the interception of calls to all vacant levels and codes and to ten percent of all equipped numbers.~~

~~Where interception cannot be given on existing central dial office equipment, the equipment shall be so rearranged that if an audible signal is returned on a call to a vacant level or code it shall not be similar to any signal used for other purposes, such as line busy or audible ringing.~~

(4) ~~Maintenance of plant and equipment - each utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system so as to permit the rendering of modern, adequate, efficient and sufficient service at all times. Inductive interference, cut offs, interruptions, and disconcerting crosstalk are not consistent with adequate service. Maintenance procedures and employee instructions shall be established and maintained to minimize and/or prevent such occurrences.~~

~~All telephone instruments shall be of a compatible type on each line and shall be properly maintained including replacement of transmitters and receivers when broken, damaged, or when necessary for adequate transmission. If subscriber provides instrument it shall be maintained by the subscriber in accordance with these standards. Station batteries shall be regularly tested and replaced whenever necessary for efficient service.~~

~~In exchanges located in areas where power failures are frequently encountered, suitable emergency power generation facilities shall be available.~~

~~(5) Interruptions of service—each utility shall make all reasonable efforts to avoid interruptions of service, and when such interruptions occur, shall endeavor to reestablish service with the shortest possible delay. Whenever, in connection with its work, the utility intends to interrupt service for an appreciable period of time, those subscribers who may be affected shall be notified in advance, unless exigencies of the situation do not permit.~~

~~Each utility shall keep a record of each interruption of service affecting its entire system or a major division thereof, including a statement of the time, cause, extent and duration of the interruption.~~

~~Each utility shall keep a record of the time, duration and cause of the interruption on all lines that are out of service for a period of more than 24 hours.~~

~~All reported interruptions of telephone service ("no service" condition) shall be restored within a maximum of two working days, excepting interruptions caused by emergency situations, unavoidable casualties and acts of God.~~

~~Cases of service interruptions ("no service" condition) affecting public health and safety shall receive priority restoral attention under any and all conditions (particularly in time of disaster). Every available resource must be utilized in an endeavor to restore service within 12 hours.~~

~~(6) Test apparatus—each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible.)) Telephone service quality is determined under WAC 480-120-500 through 480-120-535.~~

NEW SECTION

WAC 480-120-500 Telecommunications service quality--General requirements. (1) The facilities of telecommunications companies shall be designed, constructed, maintained, and operated consistently with the provisions of Washington state and federal law and regulations (including, but not limited to the Revised Code of Washington, Washington Administrative Code, National Electrical Code, National Electrical Safety Code, WUTC tariffs, FCC rules, etc.) and with the provisions of relevant standards bodies (such as the American National Standards Institute, Bell Communications Research, Rural Electrification Administration, Institute of Electrical and Electronics Engineers, etc.) and, in accordance with generally accepted industry engineering practices in the telecommunications industry to ensure continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

(2) Each local exchange company shall employ prudent management and engineering practices, including reasonable procedures for forecasting demand for service, to ensure that sufficient facilities and an adequate operating force are available to meet reasonable demands under normal operations.

NEW SECTION

WAC 480-120-505 Operator services. (1) Except as authorized by law, each local exchange company providing operator services shall protect the confidentiality of all communications carried, processed, or transmitted by it.

(2) Each local exchange company shall also be required to:

(a) Develop procedures to be followed by its employees for providing operator assistance to applicants, consumers, and subscribers;

(b) Ensure that call timing for operator assisted calls is accurately recorded;

(c) Ensure that all operators receiving 0- and 911 calls are capable of connecting calls to the appropriate emergency response agency on a twenty-four-hour a day basis; and

(d) Ensure that all emergency 0- calls are routed in a manner that will allow prompt access to the proper local emergency service agency.

NEW SECTION

WAC 480-120-510 Business offices. Local exchange companies shall provide applicants, consumers, and subscribers reasonable access to company representatives for conducting business. Local exchange companies shall also make available to applicants, consumers and subscribers a location to make cash and urgent payments. An urgent payment is a payment which the company requires upon threat of disconnection of service.

(1) Each local exchange company, serving over fifty thousand access lines, shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and service centers shall be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If one business office or service center serves several exchanges, toll-free calling from those exchanges to the office shall be provided.

(2) Each local exchange company, serving under fifty thousand access lines, shall have at least one business office or customer service center, accessible by telephone or in person. The business office or service center shall be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If the business office or service center serves several exchanges, toll-free calling from those exchanges to the office shall be provided.

(3) Each local exchange company shall establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule shall maintain regular business hours. For the purposes of this rule, regular business hours are 9:00 a.m. - 5:00 p.m., Monday through Friday, except state holidays.

The number of payment agencies shall be determined using the following criteria:

(a) Exchanges serving over seventy-five thousand access lines shall have a minimum of one payment agency for every twenty-five thousand access lines. Each agency shall be accessible by public transportation.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines shall have a minimum of two payment agencies which are accessible by public transportation where available.

(c) Local exchange companies that do not have exchanges that meet the criteria of (a) or (b) of this subsection, shall have a minimum of one payment agency. The local business office of the company can substitute for the payment agency required by this subsection and be supported by the same personnel as the business office or customer service center.

(4) A local exchange company may request a waiver of subsection (3) of this section. As a condition for waiver, the petitioner must demonstrate applicants, consumers and subscribers have a reasonable opportunity to make cash and urgent payments.

(5) A local exchange company must provide the following information to the commission, in writing, at least thirty days prior to the closing of any business office, customer service center, or payment agency, or as soon as the local exchange company becomes aware of the closure of any business office, customer service center, or payment agency:

(a) The exchange(s) and communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and facility locations available for payment of cash or urgent payments;

(d) The availability of public transportation; and

(e) A listing of other methods and locations for obtaining business office and customer service center services.

NEW SECTION

WAC 480-120-515 Network performance standards applicable to local exchange companies. This section establishes network performance standards which shall be offered by local exchange companies.

The standards applied to each service quality measurement shall be the minimum acceptable quality of service under normal operating conditions. The standards shall not establish a level of performance to be achieved during periods of emergency or catastrophe, nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, holidays, civil unrest, or force majeure.

(1) Central office.

(a) Dial service requirements - sufficient dial central office capacity and equipment shall be provided to meet the following minimum requirements during any normal busy hour of the average busy season:

(i) Dial tone within three seconds on at least ninety-eight percent of calls placed.

(ii) Complete dialing of called numbers on at least ninety-eight percent of telephone calls placed without encountering a busy condition within the central office or in interoffice trunks.

(b) Intercept - dial central office equipment shall be equipped to provide adequate operator or recorded announcement intercept.

Adequate intercept as used in the preceding paragraph means that the central office be so equipped and arranged to permit the interception of calls to all vacant codes and to provide average busy hour, busy season service levels of less than one percent of calls to intercept reaching busy or no circuit conditions.

(2) Interoffice facilities.

(a) Local and EAS interoffice trunk facilities shall have a minimum engineering design standard of B.01 (P.01) level of service.

(b) Intertoll and intertandem facilities shall have a minimum engineering design standard of B.005 (P.005) level of service.

(3) Outside plant.

Each local exchange company shall design, construct and maintain subscriber loops to minimum transmission levels from the subscriber network interface or demarcation point as set forth below:

(a) Voice grade, local exchange telecommunications service.

(i) Transmission loss (TL) from the central office to the subscriber network interface not to exceed - 8.5 dB at 1004 Hz;

(ii) A minimum line current of 20 milliamperes DC measured across an assumed station resistance of 430 ohms;

(iii) Total external loop resistance excluding customer premises equipment (CPE), shall not exceed the basic range requirement of the exchange switch (1500 ohms). Range extension equipment (1800-2800 ohms) should be applied to those subscriber loops which are longer (i.e., having more resistance) than the basic working range of the central office.

(iv) Circuit noise objective on subscriber loops measured at the subscriber network interface should be equal to or less than - 20.0 dBmC.

(b) Customer premises equipment (CPE) to switched service(s).

(i) Transmission loss (TL) from the central office to the subscriber network interface not to exceed - 8.5 dB at 1004 Hz; transmission enhancement may be provided by option.

(ii) A minimum line current of 20 milliamperes DC measured across an assumed CPE resistance of 430 ohms.

(c) Special circuits.

(i) Each local exchange company with over fifty thousand access lines shall maintain design criteria for special circuits. Channel performance criteria shall be made available to subscribers by the local exchange company upon request.

(ii) Off premises station circuits shall not exceed - 5.0 dB at 1004 Hz, from demarcation (CPE switch) to demarcation (CPE station).

(d) Digital services.

Each local exchange company shall conform to the following digital private line circuit performance standards:

(i) Error free performance for nonswitched, dedicated circuits provided over copper transmission facilities, expressed in terms of a percentage of time in seconds the circuit is available or in use with a bit error rate not greater than 10 (-6) shall be no less than 98.75% error free seconds

for DS1, 99.86% for DS1 self healing and alternate protection services and 99.875% error free seconds for DDS.

(ii) Error free performance for nonswitched, dedicated circuits provided over fiber optic transmission facilities, expressed in terms of a percentage of time in seconds the circuit is available or in use with a bit error rate not greater than 10 (-9) shall be no less than 98.75% error free seconds for DS1 self healing and alternate protection services, and 99.00% error free seconds for services provided at DS3 and above.

(iii) Circuit availability for nonswitched, dedicated circuits, expressed as the percentage of total calendar month minutes that continuity at a bit error rate of 10 (-6) or better exists for services provided over copper transmission facilities, and a bit error rate of 10 (-9) or better exists for services provided over fiber optic transmission facilities, shall be no less than 99.7% and 99.9%, respectively.

NEW SECTION

WAC 480-120-520 Major outages and service interruptions. (1) Each local exchange company and interexchange telecommunications company shall make reasonable provisions to minimize the effects of major outages resulting from failures of power service, climate control, fire, explosion, water, storm, or force majeure. For purposes of this section, a major outage is defined as a service failure lasting for thirty or more minutes, affecting more than one thousand subscribers, or which causes the total loss of a toll route, or the loss of service to a governmental emergency response agency.

(2) Each local exchange company and interexchange telecommunications company shall inform and train pertinent employees as to procedures to be followed in the event of a major outage in order to prevent or minimize interruption or impairment of service.

(3) Each local exchange company and interexchange telecommunications company shall maintain, revise, and provide to the commission upon request, its current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington. Each local exchange company and interexchange telecommunications company shall maintain on file with the commission's disaster services coordinator the titles, names, and telephone numbers of the local exchange and interexchange telecommunications company's disaster services coordinator and alternates.

(4) Upon notification or detection of a major outage, each local exchange company and interexchange telecommunications company shall as soon as reasonably practicable notify the commission's disaster services coordinator. The progress of recovery work shall be monitored by the company at regular intervals and reported to the commission daily until such time as full network recovery has been obtained. The information reported to the commission shall at a minimum, contain the number of new reports of out-of-service conditions, and the number of subscribers receiving full restoration of service the previous day.

When service has been fully restored the company shall promptly report to the commission details about the cause of the interruption and the steps taken to prevent any recurrence. This requirement shall not apply to interruptions to

service made by the company in accordance with the provisions of contracts between such companies and their subscribers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

(5) Each local exchange company and interexchange telecommunications company shall develop and implement procedures for the dissemination of information about major outage recovery efforts to the news media, public, and public officials.

(6) Local exchange companies and interexchange telecommunications companies shall keep a record of each major outage, including a statement of the time, cause, extent, and duration of the interruption.

(7) Whenever, in connection with its work, a local exchange company or interexchange telecommunications company intends to interrupt service, those subscribers who may be affected shall be notified in advance, unless exigencies of the situation do not permit.

(8) All reported interruptions of telecommunications service shall be restored within two working days, excluding Sundays and holidays, except interruptions caused by emergency situations, unavoidable casualties, and force majeure.

(9) Cases of service interruptions affecting public health and safety shall receive priority restoral attention under any and all conditions, particularly in time of disaster. Every appropriate resource must be utilized in an endeavor to restore service within twelve hours.

(10) Each local exchange company shall test and attempt to correct any interoffice and toll trunk problem (except a total outage) within four hours after the problem is reported. If the problem is not corrected within this time frame, the company shall keep all other affected telephone utilities advised on a daily basis as to the current status. For a total outage (total isolation between near and far end network switches), the response time shall be immediate and repairs shall be effected as soon as possible.

(11) Each local exchange company shall by January 1993, where economically and technically feasible, arrange and design incoming trunks to the primary repair service center so that traffic overflows during emergencies can be redirected or call forwarded to an alternate repair/maintenance service center location of the local exchange company.

NEW SECTION

WAC 480-120-525 Network maintenance. (1) Except during periods of emergency operation, each local exchange company shall answer repair calls within ten seconds.

(2) Each local exchange company shall adopt maintenance procedures and employee instructions aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times. Effective maintenance shall include but not be limited to, keeping all facilities in safe and serviceable repair. Examples are:

(a) Hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist, shall be immediately corrected. The accumulation

of trash and other fire hazards in or upon central office premises shall not be permitted.

(b) Broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service, shall be promptly repaired or replaced.

(c) Transmission problems, including noise induction, cross-talk, or other poor transmission characteristics on any channel, shall be promptly corrected when located or identified.

(d) Central offices equipped with automatic start generators shall have three hours reserve battery capacity, and for central offices without automatic start generators, a minimum of five hours reserve battery capacity shall be maintained. For each office without permanently installed emergency power facilities, the company shall ensure access to a readily connectable mobile power unit with enough power capacity to carry the load and which can be delivered within one half of the expected battery reserve time.

(e) Trouble reports per one hundred access lines by central office should not exceed four trouble reports for two consecutive months, nor should they exceed four trouble reports for four months in any one twelve-month period. This standard shall not apply to trouble reports relating to the operation of customer premises equipment or pay telephones.

(f) Test apparatus should be installed and maintained at appropriate locations to determine the operating characteristics of network systems.

(g) Air pressurization policies and an air pressurization alarm monitoring program should be established where appropriate for the continuous and safe operation of pulp underground cables.

(h) Sufficient portable power systems should be available to support up to the largest remote subscriber carrier site.

(i) If technically and economically feasible, route and circuit diversity should be established within the network, particularly where interoffice and toll network performance and integrity could be at risk.

NEW SECTION

WAC 480-120-530 Emergency services. (1) Each local exchange company that does not monitor the performance of dedicated 911 circuits (central office to tandem to public service answering point) on a continuous and automatic basis, shall perform manual operational tests at least once every twenty-four hours. Any circuits found to be defective shall be immediately reported to the primary public service answering point (PSAP) manager and repaired.

(2) Each local exchange company shall maintain a log of 911 circuit maintenance tests and circuit repairs. The log shall be made available upon request by the commission.

(3) Each local exchange company shall develop and institute by December 1992, a circuit identification and protection program for dedicated 911 circuits. The program shall be fully implemented by July 1994. This program shall ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified as such in every central office remote switch, interoffice facilities (copper wire, microwave radio, cellular radio, and fiber), and outside plant facilities

(loop electronic equipment, copper wire, and fiber). All outside plant cables, individual pairs of wire and single optical fibers serving dedicated 911 circuits shall be clearly marked at every location (cross connect boxes, pedestals, manholes, controlled environmental vaults, etc.) where such facilities are readily accessible to company personnel.

NEW SECTION

WAC 480-120-535 Service quality performance reports. Each local exchange company shall submit the following reports as indicated:

Central office.

(1) Beginning on January 1, 1993, each local exchange company with over fifty thousand total access lines shall provide to the commission, on a form prescribed by the commission, a monthly composite index report by central office demonstrating adequate central office performance. The index shall measure the following or their equivalent:

(a) Machine access:

(i) Dial tone speed;

(ii) Transmitter time-outs and availability.

(b) Machine switching:

(i) Trunk outage (machine and man);

(ii) Equipment outage;

(iii) Maintenance interrupts and emergency outage;

(iv) Trunk access (overflows).

(c) Billing:

Automatic message accounting (AMA) failures.

(d) Customer reports:

(i) Trouble in central office;

(ii) Trouble tested in central office found OK.

(2) Each local exchange company that has under fifty thousand total access lines will be required to demonstrate upon request by the commission that the performance of its central office switch(es) is such that acceptable central office performance standards are met.

Except for (d) of this subsection, performance reporting required pursuant to the following subsections shall be provided accordingly: Local exchange companies with over fifty thousand access lines shall report the information to the commission, by central office, in a summary format and on a monthly basis. Companies with less than fifty thousand access lines shall compile the required performance reports by exchange on a monthly basis, and maintain such performance information for review upon request by the commission.

(a) Installation appointments met.

This report measures the percentage of appointments for the connection of service met on the commitment date. The actual date at which installation was completed shall be compared to the applicable commitment date to determine the percentage of appointments met. This measurement shall separate residence, business, and private line services on a central office basis. It should include orders for provisioning of new service and change of service.

(b) Held orders.

For purposes of this section a held order shall be defined as any request for service, primary or regrade, that exceeds the commitment date. This report measures the provisioning of primary access service in locations where there are presently no company services or facilities, and

locations where service is presently being provided, but where the company is temporarily unable to provide service to new subscribers because of a lack of facilities. The number of held orders shall be expressed as a ratio per one hundred new orders. This measurement shall separate residence, business, and private line services on a central office basis. It shall further indicate whether the order was held for company or subscriber reasons.

(c) Upgrade orders held.

This report measures the number of requests for higher grades of service (e.g., a request to upgrade from multiparty to single party service) unfilled for more than thirty days. The number of upgrade requests unfilled for more than thirty days shall be expressed as a ratio per one hundred requests for upgrades (new requests plus unfilled requests from the previous months). This measurement shall separate residence, business, and private line services on a central office basis, and indicate whether the order was held for company or subscriber reasons.

(d) Trouble reports.

Each local exchange company shall report monthly on subscribers indicating improper functioning of service. The total number of initial trouble reports (including repeated reports) shall be expressed as a ratio per one hundred lines in service. Trouble reports related to customer premise equipment and coin-operated pay telephones shall not be included. This measurement shall be reported on a central office basis and shall separate residence, business, and private line services.

1992, Tuesday, at 7:00 - 9:00 p.m., Stevens County Courthouse, Commissioner's Room (215), 215 South Oak (Enter on Elm Street), Colville, WA; Lincoln County, on September 23, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Lincoln County Courthouse, Commissioner's Room, 450 Logan, Davenport, WA; Garfield County, on September 23, 1992, Wednesday, at 7:00 - 9:00 p.m., Pomeroy City Hall, Council Chambers, 80 Seventh Street, Pomeroy, WA; Whitman County, on September 24, 1992, Thursday, at 10:00 a.m. - 12:00 p.m., Pullman City Hall, Youth Center, S.E. 325 Paradise, Pullman, WA; Kittitas County, on September 24, 1992, Thursday, at 7:00 - 9:00 p.m., Hal Holmes Community Center, Second and Ruby, Ellensburg, Washington; Yakima County, on October 5, 1992, on Monday, at 7:00 - 9:00 p.m., Yakima County Courthouse, Commissioner's Hearing Room (420), 128 North Second Street, Yakima, WA; Walla Walla County, on October 6, 1992, Tuesday, at 2:00 - 4:00 p.m., Walla Walla Public Library, 238 East Alder, Walla Walla, WA; Columbia County, on October 6, 1992, Tuesday, at 7:00 - 9:00 p.m., Delany Building, 111 South Third, Dayton, WA; Asotin County, on October 7, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Sterling Savings Bank, 303 Diagonal, Clarkston, WA; Franklin County, on October 7, 1992, Wednesday, at 7:00 - 9:00 p.m., Franklin County PUD Auditorium, 1411 West Clark, Pasco, WA; and Klickitat County, on October 8, 1992, Thursday, at 2:00 - 4:00 p.m., Goldendale Community Library, 131 West Burgen, Goldendale, WA.

Submit Written Comments to: Thom Lufkin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by October 16, 1992.

Date of Intended Adoption: November 3, 1992.

July 24, 1992

Fred Olson

Deputy Director

WSR 92-16-026

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-20—Filed July 27, 1992, 4:40 p.m.]

Continuance of WSR 92-14-010.

Title of Rule: Chapter 173-563 WAC, Instream resources protection program for the main stem of the Columbia River.

Purpose: To announce additional hearings.

Hearing Location: Chelan County, on September 8, 1992, Tuesday, at 6:30 - 8:30 p.m., Wenatchee Public Library, 310 Douglas, Wenatchee, WA; Douglas County, on September 9, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Bridgeport Town Hall, Council Chambers, 1206 Columbia Avenue, Bridgeport, WA; Grant County, on September 9, 1992, Wednesday, at 6:30 - 8:30 p.m., Moses Lake Community Library, 418 East Fifth, Moses Lake, WA; Benton County, on September 10, 1992, Thursday, at 10:00 a.m. - 12:00 p.m., Richland Public Library, Doris Roberts Gallery, 955 Northgate Drive, Richland, WA; Skamania County, on September 10, 1992, Thursday, at 7:00 - 9:00 p.m., Stevenson Community Library, Basement Meeting Room, Corner of Vancouver and Columbia Streets, Stevenson, Washington; Okanogan County, on September 21, 1992, Monday, at 7:00 - 9:00 p.m., Okanogan County P.U.D. Auditorium, 1331 North Second Avenue, Okanogan, WA; Ferry County, on September 22, 1992, Tuesday, at 2:00 - 4:00 p.m., Kiwanis Hall (Near Courthouse), 290 East Tessie Street, Republic, WA; Stevens County, on September 22,

WSR 92-16-027

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 92-21—Filed July 27, 1992, 4:44 p.m.]

Continuance of WSR 92-14-009.

Title of Rule: Chapter 173-564 WAC, Water resources management program for the main stem of the Snake River in Washington.

Purpose: To announce additional hearings.

Hearing Location: Chelan County, on September 8, 1992, Tuesday, at 6:30 - 8:30 p.m., Wenatchee Public Library, 310 Douglas, Wenatchee, WA; Douglas County, on September 9, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Bridgeport Town Hall, Council Chambers, 1206 Columbia Avenue, Bridgeport, WA; Grant County, on September 9, 1992, Wednesday, at 6:30 - 8:30 p.m., Moses Lake Community Library, 418 East Fifth, Moses Lake, WA; Benton County, on September 10, 1992, Thursday, at 10:00 a.m. - 12:00 p.m., Richland Public Library, Doris Roberts Gallery, 955 Northgate Drive, Richland, WA; Skamania County, on September 10, 1992, Thursday, at 7:00 - 9:00 p.m., Stevenson Community Library, Basement Meeting Room, Corner of Vancouver and Columbia Streets,

Stevenson, Washington; Okanogan County, on September 21, 1992, Monday, at 7:00 - 9:00 p.m., Okanogan County P.U.D. Auditorium, 1331 North Second Avenue, Okanogan, WA; Ferry County, on September 22, 1992, Tuesday, at 2:00 - 4:00 p.m., Kiwanis Hall (Near Courthouse), 290 East Tessie Street, Republic, WA; Stevens County, on September 22, 1992, Tuesday, at 7:00 - 9:00 p.m., Stevens County Courthouse, Commissioner's Room (215), 215 South Oak (Enter on Elm Street), Colville, WA; Lincoln County, on September 23, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Lincoln County Courthouse, Commissioner's Room, 450 Logan, Davenport, WA; Garfield County, on September 23, 1992, Wednesday, at 7:00 - 9:00 p.m., Pomeroy City Hall, Council Chambers, 80 Seventh Street, Pomeroy, WA; Whitman County, on September 24, 1992, Thursday, at 10:00 a.m. - 12:00 p.m., Pullman City Hall, Youth Center, S.E. 325 Paradise, Pullman, WA; Kittitas County, on September 24, 1992, Thursday, at 7:00 - 9:00 p.m., Hal Holmes Community Center, Second and Ruby, Ellensburg, Washington; Yakima County, on October 5, 1992, on Monday, at 7:00 - 9:00 p.m., Yakima County Courthouse, Commissioner's Hearing Room (420), 128 North Second Street, Yakima, WA; Walla Walla County, on October 6, 1992, Tuesday, at 2:00 - 4:00 p.m., Walla Walla Public Library, 238 East Alder, Walla Walla, WA; Columbia County, on October 6, 1992, Tuesday, at 7:00 - 9:00 p.m., Delany Building, 111 South Third, Dayton, WA; Asotin County, on October 7, 1992, Wednesday, at 10:00 a.m. - 12:00 p.m., Sterling Savings Bank, 303 Diagonal, Clarkston, WA; Franklin County, on October 7, 1992, Wednesday, at 7:00 - 9:00 p.m., Franklin County PUD Auditorium, 1411 West Clark, Pasco, WA; and Klickitat County, on October 8, 1992, Thursday, at 2:00 - 4:00 p.m., Goldendale Community Library, 131 West Burgen, Goldendale, WA.

Submit Written Comments to: Thom Lufkin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by October 16, 1992.

Date of Intended Adoption: November 3, 1992.

July 24, 1992

Fred Olson

Deputy Director

WSR 92-16-028
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed July 28, 1992, 1:08 p.m.]

Original Notice.

Title of Rule: WAC 388-28-500 Allocating income.

Purpose: Allows the department to allocate income of a person in an adult family home to dependents in the home before meeting the needs of the person in AFH. This makes rules consistent with those for a person in other nonmedical institutional care. This amendment corrects manual references to need standards and makes other editorial only changes.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Allows the department to allocate the income of a person in an adult family home (AFH) to dependents in the home before meeting the needs of the person in the AFH. Corrects manual references stating the need standards; makes other editorial only changes.

Reasons Supporting Proposal: To make the allocation of income rules for a person in an AFH consistent with those for a person in other nonmedical institutional care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rose Mary Micheli, Division of Income Assistance, 438-8318.

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 September 8, 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 September 8, 1992.

Date of Intended Adoption: September 10, 1992.

July 28, 1992

Leslie F. James, Director

Administrative Services

by Rosemary Carr

AMENDATORY SECTION (Amending Order 2741, filed 12/21/88)

WAC 388-28-500 Allocating income. ((+)) The department shall attribute nonexempt net income to the assistance unit of which the person is a member, except in the following situations:

((+)) (1) Families with two or more assistance units. The department shall equally divide the total nonexempt net community income, including income in-kind, between the assistance units unless:

((+)) (a) The family prefers some other division; and

((+)) (b) The preferred division does not increase the total amount of assistance, excluding medical care.

((-Applicant)) (2) Person with a nonapplying spouse. The department shall consider:

((+)) (a) At least half of the total community income, including income in-kind, available ~~((an AFDC applicant))~~ to a person living with a nonapplying spouse;

((+)) (b) Net income from wages, retirement benefits, or separate property of the nonapplying spouse available to the ~~((applicant))~~ person to the extent the net income exceeds a one-person payment level;

((+)) (c) Wages or income from separate property of the ~~((applicant))~~ person as provided ~~((in))~~ under WAC 388-28-365 and 388-28-370.

~~((e)) Nonexempt income. The department shall not use exempt income in computing the need of any assistance unit;~~

~~(d))~~ (3) Nonrelated adults in household. The department shall follow rules in WAC 388-28-355 for nonrelated adults in the household.

~~((2))~~ ~~The department shall apply the rules in subsection (1) of this section to a person in an adult family home or other nonmedical institution.~~

~~(3))~~ (4) Minor parent with a nonapplying parent or legal guardian. The department shall consider as available to the minor parent, income from a nonapplying parent or a legal guardian(s) with court order support responsibility.

(a) "Minor parent" means a person who:

(i) Is seventeen years of age or younger; and

(ii) Resides in the same household with an adult responsible for the minor parent's support.

(b) To determine the amount available to the minor parent, the department shall disregard:

(i) Seventy-five dollars per month for each employed parent or legal guardian;

(ii) An amount equal to the need standard in WAC 388-29-100 for the following:

(A) The parents or legal guardians residing in the home; and

(B) Others living in the home but not in the assistance unit who could be claimed as dependents on the parents' or legal guardians' federal income tax return.

(iii) Payments by the parents or legal guardians to persons outside the home who could be claimed as dependents on the parents' or legal guardians' federal income tax return; and

(iv) Child support or alimony payments by the parents or legal guardians to persons outside the home.

~~((4))~~ (5) Persons in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. When a ~~((recipient))~~ person in a medical institution, alcohol/drug treatment center, ~~((or))~~ congregate care facility, or adult family home applies for or receives an AFDC or a ~~((continuing))~~ general assistance grant, the department shall allocate income as follows:

(a) First to the appropriate payment level of the legal dependents in the family home as stated in chapter 388-29 WAC; and

(b) Then to the needs of the ~~((recipient))~~ person according to WAC ~~((388-34-045, 388-34-085, 388-34-110, 388-34-120, or 388-34-378))~~ 388-29-125, 388-29-130, 388-29-280, and 388-40-095(1).

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 92-16-039
PROPOSED RULES
GAMBLING COMMISSION
 [Filed July 31, 1992, 9:10 a.m.]

Original Notice.

Title of Rule: WAC 230-30-200 Punchboards and pull tab business restrictions.

Purpose: To amend rule to include lease, rent, or rent-to-own equipment.

Statutory Authority for Adoption: RCW 9.46.070.
 Statute Being Implemented: RCW 9.46.0331.
 Summary: Rule is being changed to allow licensees to rent, lease, rent-to-own equipment.

Reasons Supporting Proposal: Petition supplied by member of the industry.

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 S. 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: See Purpose above.

Proposal Changes the Following Existing Rules: Allows rule to include lease, rent, or rent-to-own equipment.

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

The agency has considered whether this rule change would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no effect on industry; and no substantive change in existing regulatory scheme.

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.

July 31, 1992
 Sharon M. Tolton
 Rules Coordinator

AMENDATORY SECTION (Amending Order 110, filed 6/15/81)

WAC 230-30-200 Punchboard and pull tab business restrictions. (1) No operator shall buy, receive or otherwise obtain, nor shall any manufacturer or distributor, or anyone connected therewith, sell or deliver any punchboard, pull tab, pull tab dispensing device or related equipment, or merchandise for prizes to be awarded in connection with such activities, to any operator, except a cash ~~((the))~~ basis nor shall any operator permit any manufacturer or distributor or anyone connected therewith, to acquire any interest, including a security interest, in any such equipment or merchandise. A cash basis shall consist of payment in full, either by cash or by check, with payment made to the seller by the operator upon, or prior to, actual physical delivery of the merchandise to the operator: *Provided*, That when a check is used for payment to constitute a cash basis payment it shall be presented for payment into the banking system by the end of the tenth calendar day following the day the check is written. If an operator can demonstrate by a preponderance of evidence that it has properly made a

payment by check, as required by this section, then it will not be held liable for a violation of this rule if the violation is caused solely by the failure of the manufacturer or distributor to deposit the check into the banking system in a timely fashion.

(2) No operator shall accept a loan of money or any thing of value from any manufacturer or distributor, or from anyone connected therewith.

(3) If the operator is acquiring a pull tab dispensing device(s) and/or related equipment(s) with a unit purchase price exceeding one thousand United States dollars, the distributor or an independent leasing company may extend financing to the operator, for all or a portion of the purchase price, in the form of:

(a) A lease agreement, term of which shall not exceed forty-eight months.

(b) A rental agreement, term of which shall not exceed forty-eight months.

(c) A rental agreement, term of which shall not exceed forty-eight months, in which a portion of the rent may be applied to the purchase price at the end of the agreement (rent to own).

(4) Copies of all lease or rental agreements, as set forth in subsection (3) of this section, shall be provided by the operator to the commission within thirty days of the execution of those agreements.

WSR 92-16-040
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 31, 1992, 10:13 a.m.]

Original Notice.

Title of Rule: Motor vehicle fuel rule for property assignments in lieu of a bond.

Purpose: Amends WAC 308-72-510 to clarify property assignment procedures and requirements.

Statutory Authority for Adoption: RCW 82.36.060.

Statute Being Implemented: RCW 82.36.060.

Summary: Summarizes requirements for assignment(s) of property bonds to the department.

Reasons Supporting Proposal: Establishes uniform requirements and procedures, heretofore absent in the rule, for real property bond assignments.

Name of Agency Personnel Responsible for Drafting and Enforcement: Victor S. LaFrancoeur, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6816; and Implementation: Ildefonso L. Origenes, 2nd Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6860.

Name of Proponent: Fuel Tax Section, Vehicle Services Division, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule clarifies procedures for a taxpayer to follow when assigning real property to the department in lieu of a cash or surety bond. The amendatory language allows

a licensee to understand what is needed and how to assign real property to the department for bonding purposes.

Proposal Changes the Following Existing Rules: Explains what is needed for a property description; that a title search is necessary; how to establish the value of property to be used; and protects the department from accepting contaminated property and describes the proper legal conveyance to be used.

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

Hearing Location: Second Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504, on September 9, 1992, at 10:00 a.m.

Submit Written Comments to: Fuel Tax Section, P.O. Box 9228, Olympia, WA 98507-9228, by September 3, 1992.

Date of Intended Adoption: October 10, 1992.

July 31, 1992

Ildefonso Origenes
 for Merle M. Steffenson
 Administrator

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-510 Property statement in lieu of a bond. A property statement in lieu of a ~~((corporate))~~ surety bond or lawful money of the United States, or bonds or other obligations of the United States, the state of Washington or any county of the state may be filed ~~((by a licensed distributor, provided, the statement sets forth a complete description of property, the value thereof, and the amount of any indebtedness or encumbrance thereon))~~. To qualify property in lieu of cash, surety or other federal or state bonds as indicated, the corporation, partnership or individual proprietor applying to be licensed as a distributor, or continuing in business as a distributor, must comply with or furnish:

(1) A legal description of the property from the auditor/assessor's office in the county in which the property is located.

(2) A title search showing the property is free and clear of all liens and encumbrances, other than easements.

(3) A current appraisal from a licensed real estate appraiser and a most current statement from the county assessor indicating assessed value.

(4) If buildings are incorporated into the property value, adequate insurance, with the state named as beneficiary, must accompany the legal description.

(5) A statement stating the property is not contaminated by fuel leakage. If fuel storage tanks are, or have been located on the property, an initial site assessment from an environmental engineer indicating the property is not contaminated is required.

(6) A properly recorded Deed of Trust conveying the property to the Washington state department of licensing.

(7) Upon request by the licensee or discontinuance of the distributor's license, and after the department has determined all taxes, penalties and interest have been paid, the department shall satisfy the Deed of Trust and return it to the principal.

The net value of the property shall be equal to or greater than twice the estimated monthly tax due or to become due as determined in such manner as the ~~((director))~~ department deems proper. A revised or amended property statement shall be furnished by the licensed distributor when the value of the property described on a property statement that has been accepted by the ~~((director))~~ department is known to be less than twice the estimated monthly tax. A property ~~((statement))~~ assignment that has been accepted by the ~~((director))~~ department shall be revised and brought up-to-date every three years or sooner if requested by the ~~((director))~~ department.

July 31, 1992
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

WSR 92-16-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed July 31, 1992, 11:32 a.m.]

Original Notice.

Title of Rule: WAC 388-87-070 Payment--Hospital inpatient services.

Purpose: To implement new rate change. Establishes a new hospital payment rate for hospital services to the medically indigent component of the limited casualty program and for clients of medical care services.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Establishes a new hospital payment rate for hospital services to the medically indigent component of the limited casualty program and for clients of medical care services. Exempts Medicare certified distinct part psychiatric units from DRG payment system.

Reasons Supporting Proposal: To implement new rate change. Exempts certain psychiatric units from diagnosis-related group (DRG) payment system. Technical changes for easier reading.

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 September 8, 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 September 8, 1992.

Date of Intended Adoption: September 10, 1992.

AMENDATORY SECTION (Amending Order 3268, filed 10/23/91, effective 11/23/91)

WAC 388-87-070 Payment--Hospital inpatient services.

(1) For eligible ~~((recipients))~~ clients, the department shall pay for inpatient hospital services when:

(a) The eligible ~~((recipient))~~ client is a patient in a general hospital when the hospital meets the current criteria defined in RCW 70.41.020, or as amended in the future;

(b) The services are medically necessary as defined under WAC 388-80-005;

(c) Effective with the 1990 annual cost reporting period, in-state and border hospital providers annually shall:

(i) Submit a copy of their annual Medicare HCFA 2552 cost report, except as described under item (1)(c)(ii) of this section:

(A) According to the applicable Medicare statutes, regulation, and instructions;

(B) Within one-hundred twenty days from the end of the hospital's fiscal year; or

(C) If the hospital provider's contract is terminated, within one-hundred twenty days of the effective termination date.

(ii) Request up to a thirty-day extension of the time for submitting the cost report in writing at least ten days prior to the report due date. The extension request shall contain:

(A) The report's completion date; and

(B) The circumstances prohibiting compliance with the report due date.

(iii) Maintain adequate records for:

(A) Audit and review purposes; and

(B) Assurance of cost report accuracy.

(2) If the hospital provider improperly completes a cost report or the cost report is received after the due date or approved extension dates, the department may hold all or part of the payment due until the department receives the properly completed or late report.

(3) The department shall determine payment for hospital inpatient services according to a diagnosis related group (DRG) based formula payment system ~~((established))~~ set by the department, except for:

(a) Hospitals participating in the selective contracting program as described under WAC 388-86-051; and

(b) Services excluded from DRG-based reimbursement as prescribed in subsection ~~((5))~~ (6) of this section.

(4) The department shall base formula price payments on the methodology prescribed in the department's state plan under Title XIX of the Social Security Act, Methods and Standards Used for Establishing Payment Rates for Hospital Inpatient Services (hereafter referred to as the Title XIX state plan).

~~((4))~~ (5) The all inclusive-conversion factor of selective contracting hospitals for inpatient hospital services is identified in Appendix B of such selective contracts. The rate shall be inclusive of all inpatient services the contractor provides directly or indirectly and constitutes the

PROPOSED

department's maximum financial obligation under the contract.

~~((5))~~ (6) The department shall exclude services ~~((are excluded))~~ from the DRG-based payment system. These exclusions shall include:

(a) Rehabilitation services provided in department-approved rehabilitation hospitals and general hospital distinct units, and services for physical medicine and rehabilitation (PM&R) patient;

(b) Pain treatment provided in department-approved pain treatment facilities;

(c) Free standing psychiatric hospitals;

(d) Medicare certified distinct-part psychiatric units within a hospital. For the purpose of this section, Medicare certified distinct part psychiatric units means certain hospital psychiatric sections that have received an exclusion from the Medicare Prospective Payment System (PPS) by the Federal Department of Health and Human Services;

(e) Alcoholism treatment and detoxification provided in a department-approved alcohol treatment center (ATC);

~~((e))~~ (f) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid ~~((recipient))~~ client at the division of alcoholism and substance abuse certified hospitals;

~~((f))~~ (g) Neonates, DRGs 385-389;

~~((g))~~ (h) Long-term hospital level care services;

~~((h))~~ (i) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program;

~~((i))~~ (j) Health maintenance organization (HMO) hospitals when providing inpatient services to HMO enrollees; ~~((and))~~

~~((j))~~ (k) Department-approved services to AIDS patients; and

(l) Peer Group A hospitals, as defined in Title XIX state plan.

~~((6))~~ (7) The department shall pay:

(a) For non-DRG-based services based on the payment methodology as prescribed in the department's Title XIX state plan.

~~((b))~~ (b) For out-of-state hospitals, ~~((the department shall apply))~~ applying the Washington state-wide weighted average method to allowable charges.

(c) Border area hospitals ~~((shall be paid))~~ in the same manner as in-state hospitals.

~~((7))~~ (8) Disproportionate share payment may contain one or more of the following components:

(a) Low-income component based on a hospital's Medicaid utilization rate, its low-income utilization rate, and its provision of obstetric services;

(b) Medicaid utilization component based on a hospital's inpatient and outpatient services to patients eligible for Medicaid;

(c) Medically indigent component based on a hospital's services to patients eligible for the Medically indigent program;

(d) State-funds component to hospitals not qualifying for federal Medicaid utilization component payments;

(e) State-funds component to hospitals not qualifying for federal medically indigent component payments; and

(f) Intergovernmental fund transfer component.

~~((8))~~ (9) For the purposes of this section and WAC 388-87-072, the ~~((state plan method described))~~ department shall ~~((mean))~~ calculate the hospital-specific ratio ~~((calculated))~~ as described in the Title XIX state plan.

~~((9))~~ (10) For dates of admission beginning ~~((October 1, 1985))~~ July 1, 1992, the department shall reduce the payment rates established in accordance with subsection ~~((s (2), (5), and (6)))~~ (3) of this section ~~((are reduced))~~ for services provided to persons eligible for the medically indigent component of the limited casualty program and ~~((recipients))~~ clients of medical care services. ~~((Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.~~

Hospital Group	Percent Medicare, Medicaid, Bad Debt, Charity and other Contractual Adjustments of Total Rate-Setting Revenue	Percentage Reduction in Payment Rate
1	60.00 or more*	20.0
2	50.00 - 59.99	40.0
3	less than 50.00	60.0

*Plus psychiatric hospitals)

(10) The department shall compute the reduced payment rate as follows:

(a) Hospital specific, fixed compensation care ratios are calculated;

(b) These ratios determine what portion of each hospital revenues are associated with Medicare, Medicaid, bad debt, and charity;

(c) The formula for computing the ratable is: (Medicare Revenue + Medicaid Revenue + Bad Debt + Charity) divided by (Hospital Revenue - Low Income Disproportionate Share Revenue) = Fixed Compensation Care (FCC) ratio. The FCC ratio is multiplied by a constant adjustment factor for budget neutrality; and

(d) The result in (10)(c) of this subsection shall be multiplied by each hospital's Title XIX DRG rate to determine the State DRG rate.

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 92-16-046
PROPOSED RULES
WASHINGTON STATE EMPLOYEE
COMBINED FUND DRIVE COMMITTEE
 [Filed July 31, 1992, 1:30 p.m.]

Original Notice.

Title of Rule: Basic standards and criteria for charity membership applicable to all charities.

Purpose: To allow public nonprofit charities to become members in the Washington State Employee Combined Fund Drive.

Statutory Authority for Adoption: Executive Order 84-13 and WAC 240-10-010(7).

Statute Being Implemented: WAC 240-10-040.

Summary: The Combined Fund Drive Committee wishes to include public nonprofit charities in the Washington State Employee Combined Fund Drive. Public nonprofit charities are not approved for membership in the Combined Fund Drive according to the standards and criteria established in WAC 240-10-040 and 240-10-050.

Reasons Supporting Proposal: It was not the intent of the executive order, or the WAC to exclude these public nonprofit charities. This rule will allow them into the Combined Fund Drive.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Ryan, Lacey, Mailstop 7528, 493-2717.

Name of Proponent: Washington State Employee Combined Fund Drive, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will allow public nonprofit charities, domestic and foreign, to be admitted into the Combined Fund Drive. The purpose of this rule is to expand the availability of entrance into the Combined Fund Drive, by allowing public nonprofit charities as well as private nonprofit charities. The anticipated effects are that state employees will have the opportunity to donate to public nonprofit charities through payroll deduction, and public nonprofit charities may apply for membership.

Proposal Changes the Following Existing Rules: The current section of WAC 240-10-040 only allows private nonprofit charities to be admitted into the Washington State Employee Combined Fund Drive. The change will allow both private nonprofit charities and public nonprofit charities into the Combined Fund Drive.

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

Hearing Location: EMFS Region 4 Office, Department of Social and Health Services, 400 Mercer Street, Suite 400, Seattle, WA 98109, on September 8, 1992, at 9:30 a.m.

Submit Written Comments to: Randy Ryan, Program Manager, P.O. Box 47528, Olympia, WA 98504-7528, by September 4, 1992.

Date of Intended Adoption: September 8, 1992.

July 30, 1992
Steven M. Goff
Vice-Chair

AMENDATORY SECTION (Amending Order 87-1, filed 8/20/87)

WAC 240-10-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501(c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170(c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with

the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active local volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate: *Provided*, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed

toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: *Provided*, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

Explanation of Rule, its Purpose, and Anticipated Effects: Maximum civil penalty amount would be increased to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council as provided for in RCW 70.94.431(2); the surcharge for mandatory training programs would be repealed; and notice of construction permit fee schedule would be adjusted to obtain sufficient revenue to cover program costs as provided for in RCW 70.94.152(1).

Proposal Changes the Following Existing Rules: The proposal increases maximum civil penalty amount and notice of construction fees, and repeals the surcharge for mandatory training programs.

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, #500, Seattle, WA 98101-2038, on September 10, 1992, at 9:00 a.m.

Submit Written Comments to: Anita J. Frankel, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101-2038, by September 1, 1992.

Date of Intended Adoption: September 10, 1992.

July 29, 1992

Gerald Scott Pade
Air Pollution Engineer

WSR 92-16-048
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed July 31, 1992, 2:20 p.m.]

Original Notice.

Title of Rule: Amending Section 3.11 of Regulation I; repealing Section 5.10 of Regulation I; and amending Section 6.04 of Regulation I.

Purpose: To adjust maximum civil penalty amount to account for inflation; to repeal surcharge for mandatory training programs; and to adjust notice of construction fees to cover program costs.

Other Identifying Information: Section 3.11 pertains to civil penalties; Section 5.10 pertains to surcharges for mandatory training programs; and Section 6.04 pertains to notice of construction filing fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.431 and 70.94.152.

Summary: Maximum civil penalty amount would increase by 3.0%, the surcharge for mandatory training programs would be repealed, and notice of construction fees would increase by roughly 10%.

Reasons Supporting Proposal: Penalties need to reflect inflation, training programs have been implemented, and fees need to cover the cost of the permit program.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, 98101, 689-4065; Implementation and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$10,000.00)~~) \$10,300.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than (~~(\$10,000.00)~~) \$10,300.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

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

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition of the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

REPEALER

REGULATION I SECTION 5.10 SURCHARGE FOR MANDATORY TRAINING PROGRAMS

AMENDATORY SECTION

REGULATION I SECTION 6.04 FILING FEES - NOTICE OF CONSTRUCTION

The Agency shall not commence processing of a Notice of Construction and Application for Approval until it has received a filing fee of \$50.00, plan examination and inspection fees as shown in Table A; and, if offsetting emission reductions are required, an offset analysis fee of \$50.00 per ton with a minimum of \$500.00.

TABLE A

(a) Fuel Burning Equipment:	Plan Examination and Inspection Fee	
	Installation or Use of Waste-Derived Fuel	Fuel Change to a Non-Waste-Derived Fuel
Million Btu per Hour Input (Design)		
less than 5.0	\$ 100.00	\$ 50.00
5.0 or more but less than 10.0	200.00	100.00
10.0 or more but less than 20.0	300.00	150.00
20.0 or more but less than 50.0	400.00	200.00
50.0 or more but less than 100.0	500.00	250.00
100.0 or more but less than 250.0	800.00	400.00
250.0 or more but less than 500.0	1,000.00	500.00
500.0 or more	1,500.00	750.00
(b) Actual Cubic Feet per Minute (ACFM) from control equipment or from uncontrolled process equipment:		
less than ((5,000)) 2,000		\$ 100.00
((5,000)) 2,000 or more but less than ((10,000)) 5,000		200.00
((10,000)) 5,000 or more but less than ((20,000)) 10,000		300.00
((20,000)) 10,000 or more but less than ((50,000)) 20,000		400.00
((50,000)) 20,000 or more but less than 100,000		500.00
100,000 or more but less than 250,000		800.00
250,000 or more		1,000.00
(c) Refuse Burning Equipment:		
Rated at 12 tons per day or less without hydrochloric acid control apparatus		\$ 200.00
Rated at 12 tons per day or less with hydrochloric acid control apparatus		1,000.00
Rated at greater than 12 tons per day but less than 250 tons per day		2,000.00
Rated at 250 tons per day or greater		5,000.00
(d) Storage Tanks, Reservoirs, or Containers, gallons:		
More than 1,000 but less than 4,000		\$ 80.00
More than 4,000 but less than 20,000		160.00
More than 20,000 but less than 40,000		200.00
More than 40,000 but less than 1,000,000		300.00
More than 1,000,000		400.00
(e) Gasoline Station		
Stage 1		\$ 80.00
Stage 2		80.00
(f) Other, not classified in Subsections (a), (b), (c), (d), or (e) above		\$ 100.00
(g) Plan examination and inspection fees for Notices of Construction for portable asphalt batch plants or rock crushers being located within the jurisdictional boundaries of the Agency shall be one-half of the above fees; provided that the batch plant or rock crusher was previously inspected and approved by the Agency and no change has been made in the type, model capacity or efficiency of equipment or control apparatus and there has been no change in the air contaminant emission rates.		
(h) Toxic Air Contaminant (if ASIL is exceeded)		\$ 200.00
(i) ((Source with Significant Impact (see tables in Section 6.08-(b)(9)))) Major Source or Major Modification		\$1,000.00
(j) Opacity/Grain Loading Correlation (see Section 9.09(e))		\$1,000.00

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

WSR 92-16-049
WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed July 31, 1992, 2:24 p.m.]

On April 22, 1992, the State Building Code Council filed a notice for proposed rulemaking under WSR 92-09-156. On July 10, 1992, the council voted not to amend WAC 51-24-79809 and 51-24-79901. Therefore, we are withdrawing these sections from rulemaking at this time.

Donna J. Voss
 Council Staff

WSR 92-16-050
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed July 31, 1992, 2:27 p.m.]

Original Notice.

Title of Rule: Chapter 51-24 WAC, Uniform Fire Code, amendment of Sections 79.809 and 79.901 relating to the use of tank trucks for refueling of motor vehicles.

Purpose: To consider amending Sections 79.809 and 79.901 of the 1991 edition of the Uniform Fire Code.

Other Identifying Information: Copies of the 1991 Uniform Fire Code are available from the International Conference of Building Officials, 5360 South Workman Road, Whittier, CA 90601.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapter 19.27 RCW.

Summary: Consideration of amendments to chapter 51-24 WAC, Uniform Fire Code, Sections 79.809 and 79.901 that would prohibit the refueling of motor vehicles by tank trucks.

Name of Agency Personnel Responsible for Drafting: Mari Eichner, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 753-3103; **Implementation:** Willy O'Neil, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, 586-0486; and **Enforcement:** Local governments.

Name of Proponent: State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: At issue is the refueling of motor vehicles from tank trucks and the effects on small businesses. The proposed rule would allow the refueling of motor vehicles from fueling tanks, together with the conditions contained in the exception to Uniform Fire Code, Section 79.901 when approved by the fire chief.

Proposal Changes the Following Existing Rules: The 1991 edition of the Uniform Fire Code does not specifically allow nonpermitted refueling of motor vehicles from fueling tanks of tank vehicles. The proposed rule would allow the activity to be permitted again and provide minimum review criteria for fire officials.

Small Business Economic Impact Statement

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. Small business that may be affected by the rule include small diesel fuel distributors and their clients.

The proposed rule would not necessitate additional reporting or record keeping responsibilities for small businesses, unless required by local fire code administrative authorities. The proposed rule would allow the use of tank vehicles to refuel diesel fueled motor vehicles, when approved by the chief. A minimum set of conditions are included to protect the life and safety of the occupants in the area. This language was prepared as a compromise between the 1991 and 1988 UFC code language, by the affected parties.

The 1991 Uniform Fire Code (UFC) amended the 1988 UFC to prohibit new refueling facilities using tank vehicles to refuel diesel fueled motor vehicles. In addition, if an existing facility that utilizes tank vehicles for refueling diesel fueled motor vehicles is found to be a hazardous condition, the requirements of the 1991 UFC may be imposed by the local fire chief. Existing refueling facilities using tank vehicles to refuel diesel fueled motor vehicles, which were not permitted by the local fire chief originally would not be "grandfathered in" as an existing permitted use.

The only existing data on the cost of compliance with the proposed rule, is on the cost to the customers of the fuel distributors, as developed by the Law Offices of Ramey Stroud. The cost of compliance to the fuel distributors, using the data furnished by Mr. Stroud, has been developed by Gordon Lindstrom of the Gelfel Group, Limited. The cost calculations are on a cost per gallon and annual cost per customer basis. The continued use of this data for the compromise language was acceptable to Mr. Stroud and Mr. Lindstrom.

The small business economic impacts are based on the assumption that on-site mobile fueling is prohibited under the existing rule, and that the customer will choose one of the following alternatives: Acquire fueling at a location off-site; or provide fueling from above-ground on-site storage; or provide fueling from under-ground on-site storage.

It is also assumed that the cost per gallon would be incurred by the small diesel fuel distributors in the case of off-site fueling, and that the services for small diesel fuel distributors would be limited to fueling of on-site tanks in the other two alternatives.

Data on additional costs to small diesel fuel distributors for providing refueling only to on-site storage tanks is not available.

As noted above, the data has been provided from two sources. The economic impacts from using alternative methods, as discussed by these sources differ. Accordingly, the estimated economic impacts on small businesses is included from both Mr. Stroud (Alternate No. 1) and Mr. Lindstrom (Alternate No. 2).

Expected Costs Based on Alternate No. 1

Off-Site Fueling

The cost of compliance for fueling at off-site locations is estimated at an additional \$0.68 per gallon of fuel dispensed. This would mean an additional \$79,560 annual cost per customer. See Table No. 1.

Above Ground On-site Storage and Fueling

The cost of compliance for fueling on-site using a 6,000 gallon above ground storage tank is estimated at an additional \$0.426 per gallon of fuel dispensed. This would mean an additional \$49,842 annual cost per customer. See Table No. 2.

Underground On-site Storage and Fueling

The cost of compliance for fueling on-site using a 10,000 gallon underground storage tank is estimated at an additional \$0.466 per gallon of fuel dispensed. This would mean an additional \$52,182 annual cost per customer. See Table No. 2.

Expected Costs Based on Alternate No. 2

Above Ground On-site Storage and Fueling

The use of labor and productivity costs are not believed to be valid, due to these numbers are industry and site specific; if these numbers were included then other additional costs should also be included, such as insurance rates for fuel users using on-site fueling; and the cost of compliance figures for fueling on-site assumed that the truck drivers would not be using their time in a productive manner during fueling of fleet vehicles. Removing the labor and productivity costs from the calculations with the use of a 6,000 gallon above ground storage tank, the cost is estimated at a savings of \$0.09 per gallon of fuel dispensed. This would mean an annual savings per customer of \$10,998. See Table No.3.

Underground On-site Storage and Fueling

The cost of compliance for fueling on-site using a 10,000 gallon underground storage tank, without the inclusion of labor and productivity loss, is estimated at a savings of \$0.08 per gallon of fuel dispensed. This would mean an annual savings of \$9,099 per customer. See Table No. 3.

Cost of Compliance to Fuel Distributors

The cost of compliance to fuel distributors was calculated based upon the information provided by Mr. Stroud. This cost is based upon the following assumptions: A company providing on-site fueling has an average of 50 accounts; there are 10 companies providing on-site fueling services in Washington; and on-site fueling services would not be provided, under the proposed rule.

The annual cost in lost revenue per customer is estimated at \$17,550. The annual cost in lost revenue per distributor is estimated at \$877,500. See Table No. 4.

Copies of the economic impact information provided by Ramey Stroud and Gordon Lindstrom are available from Krista Braaksma at (206) 753-5920.

Table No.1

COST OF COMPLIANCE DATA

Cost Item:	On-Site Fueling	Off-Site Fueling
Average cost per gal. (margin/tax included)	\$ 1,209	\$1,239
Driver/Rig (at \$50/hr x .5 hr)	0	.50
Productivity Loss (.5/hr)	<u>0</u>	<u>.15</u>
	\$ 1,209	\$1,889
<u>Average Annual Account Volume:</u>		
15 Vehicles		15
50 gallons per vehicle		x 50
3 trips per week x 52 weeks		x 156
Average gallons per account:		117,000
TOTAL ANNUAL COSTS:	\$141, 453	\$221,013
Annual Cost of Compliance per Customer		\$79,560
Compliance Cost per Gallon:		\$0.68

Source: Law Offices of Ramey Stroud

Table No. 2

COST OF ALTERNATIVES TO ON-SITE FUELING

Capitalization Costs	6,000 Gallon Above Ground Tank	10,000 Gallon Underground Tank
Equipment	\$30,138	\$21,248
Installation	<u>12,000</u>	<u>30,000</u>
	\$42,138	\$51,248
<u>Cost Per Gallon</u>		
	AGT x 10 yrs	UGT x 10 yrs
Capital Equipment	.036	.043
Maintenance/Insurance	.02	.03
Labor		
(.4 x \$50 = \$20/50 gal)	.40	.40
< Productivity		
(.4 x \$15/50)	.12	.12
Average fuel costs	<u>1.059</u>	<u>1.059</u>
	1.635	1.652
Annual Avg. Volume	x 117,000	x 117,000
	\$191,295	\$193,284
Less On-Site Costs	<u>-\$141,453</u>	<u>-\$141,453</u>
Annual Compliance Cost per Customer	\$49,842	\$51,831
Compliance Cost per Gallon	42.6¢	44.3¢

Source: Law Offices of Ramey Stroud

Table No. 3

July 10, 1992
Gene J. Colin
Chair

COST OF ALTERNATIVES TO ON-SITE FUELING
(With removal of Labor & Productivity Costs)

Capitalization Costs	6,000 Gallon Above Ground Tank	10,000 Gallon Underground Tank
Equipment	\$30,138	\$21,248
Installation	<u>12,000</u>	<u>30,000</u>
	\$42,138	\$51,248
Cost Per Gallon	AGT x 10 yrs	UGT x 10 yrs
Capital Equipment	\$0.036	\$0.043
Maintenance/Insurance	0.02	0.03
Labor	0.00	0.00
Productivity	0.00	0.00
Average fuel costs	<u>1.059</u>	<u>1.059</u>
	\$1.115	\$1.132
Annual Avg. Volume	<u>117,000</u>	<u>117,000</u>
	\$130,455	\$132,444
Less On-site Costs	(\$141,435)	(\$141,543)
Annual Compliance Cost per Customer	(\$10,998)	(\$9,099)
Compliance Cost per Gallon	(\$0.09)	(\$0.08)

Source: Gelfel Group

Table No. 4

COST OF COMPLIANCE TO FUEL DISTRIBUTORS

Revenue Loss by Providing Bulk Delivery to On-Site Tanks vs. On-Site or Off-Site Fueling

Cost per Gallon	On-Site Fueling	Off-Site Fueling
Average Cost	\$1.21	\$1.24
Less Bulk Delivery	<u>(\$1.06)</u>	<u>(\$1.06)</u>
Revenue Lost per Gallon Supplied	<u>\$0.15</u>	<u>\$0.18</u>
Annual Avg. Volume	<u>117,000</u>	<u>117,000</u>
Annual Lost Revenue per Customer	<u>\$17,550</u>	<u>\$21,060</u>
No. of Customers	<u>50</u>	<u>50</u>
Annual Lost Revenue per Fuel Distributor	<u>\$877,500</u>	<u>\$1,053,000</u>
Annual Lost Revenue for Appellants (3)	<u>\$2,632,500</u>	<u>\$3,159,000</u>
Annual Lost Revenue for Industry (10)	<u>\$8,775,000</u>	<u>\$10,530,000</u>

Source: Gelfel Group

Hearing Location: City of SeaTac Fire Station, 2929 South 200th Street, SeaTac, WA 98188, on September 18, 1992, at 9:00 a.m.; and at the City Council Chambers, Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA, on September 11, at 9:00 a.m.

Submit Written Comments to: State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-9800, by September 17, 1992.

Date of Intended Adoption: November 13, 1992.

NEW SECTION

WAC 51-24-79809 Unloading operations. Sec. 79.809. (a) Transfer Apparatus. Transfer apparatus shall be of an approved type.

(b) Storage Tanks. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank.

EXCEPTIONS: 1. a. General. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment under the following conditions and when approved by the chief, and when:

1. The Tank Vehicle's specific function is that of supplying fuel to fuel tanks and each premises shall require a separate permit issued in accordance with Article 4,
2. The operation shall be performed only where the general public has no access or where there is no unusual exposure to life and property,
3. The dispensing line shall not exceed 50 feet in length, and
4. The dispensing nozzle is approved.

2. Transfer of liquids from tank vehicles to the fuel tanks of aircraft in accordance with Article 24, Division II and motor vehicles in accordance with Article 79, Division IX and X.

3. When a tank vehicle or tank is disabled through accident or mechanical failure and it becomes necessary to remove the cargo at that location, such cargo is allowed to be transferred to another tank vehicle or tank car.

(c) Time Limit. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Tank cars shall be unloaded only on private sidings or railroad siding facilities equipped for transferring the liquid between tank cars and permanent storage tanks. Unless otherwise approved by the chief, a tank car shall not be allowed to remain on a siding at point of delivery for more than 24 hours while connected for transfer operations.

(d) Inside Buildings. Tank vehicles or tank cars shall not be located inside a building while unloading Class I, II or III-A liquids, unless approved by the chief.

EXCEPTION: Tank vehicles are allowed under canopies of automotive motor vehicle fuel-dispensing stations.

(e) Vehicle Motors. Motors of tank vehicles shall be shut off during the making and breaking of hose connections and during the unloading operation.

EXCEPTION: When unloading is performed with a pump deriving its power from the tank vehicle motor,

(f) Attendant. The operator or other competent person shall be in attendance at all times while a tank vehicle or tank car is discharging cargo. When practical, the tank vehicle or tank car shall be positioned such that the operating controls and the discharging end of the hoses are both in view of the operator or other competent person.

NEW SECTION

WAC 51-24-79901 General. Section 79.901. (a) Applicability. Automotive, marine and aircraft motor vehicles fuel-dispensing stations shall be in accordance with this division.

EXCEPTION: 1. Class II or III liquids may be transferred from tank vehicles into the fuel tanks of motor vehicles when approved by the chief, and under the following conditions:

- a. Only diesel fuel will be allowed and each premises shall require a separate permit issued in accordance with Article 4,
 - 1. Tank vehicles shall meet the requirements of D.O.T. and UFC Standard 79-4 and as approved by the chief,
 - 2. The tank vehicle, while in service, shall not be left unattended,
 - 3. A fire extinguisher with a classification of 2A-20BC shall be readily available at the fueling site,
 - 4. There shall be signs stating "NO SMOKING OR OPEN FLAME WITHIN 25 FEET" readily visible at the fueling site,
 - 5. There shall be adequate lighting for night time operations,
 - 6. The fuel hose shall not exceed 50 feet in length,
 - 7. Approved automatic closing nozzles without a latch open device shall be used,
 - 8. Communication devices shall be available in accordance with Section 79.903 (f) 2 d,
 - 9. Tank vehicle's shall have emergency shut off valves as approved by the chief.
 - i. Dispensing shall be done in accordance with Section 79.807 (c),
 - ii. At least 20 feet from any source of ignition,
 - iii. The applicant shall comply with all applicable federal, state and local environmental laws and regulations as a condition of permit,
 - iv. The private fueling area shall be located on an area graded in a manner to direct the spill away from buildings, storage and property lines.

(b) Bulk Plants. Motor vehicle fuel-dispensing stations are prohibited at bulk plants unless such use is in compliance with the provisions of this division and is completely separated by a fence or similar barrier from the area in which bulk operations are conducted.

(c) Sources of Ignition in Vehicle Repair and Fuel Receiving Areas. Smoking and open flames shall be prohibited in areas used for servicing internal combustion engines and areas where fuel is received.

**WSR 92-16-051
PROPOSED RULES
BUILDING CODE COUNCIL**
[Filed July 31, 1992, 2:30 p.m.]

Original Notice.

Title of Rule: Chapter 51-26 WAC, Amendment of Subchapter 18, Water Conservation Performance Standards.

Purpose: To consider amendments to the water conservation performance standards.

Statutory Authority for Adoption: RCW 19.27.170.

Statute Being Implemented: Chapter 19.27 RCW.

Summary: The proposed rule reduces the water usage rates for toilets, urinals, faucets, and showerheads. The proposed amendments include plumbing material standards, performance standards, and labeling standards for these plumbing fixtures and fixture fittings.

Reasons Supporting Proposal: RCW 19.27.170.

Name of Agency Personnel Responsible for Drafting: Donna Voss, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-8999; Implementation: Willy O'Neil, 906 Columbia Street S.W., P.O. Box 48300; Olympia, WA 98504, 586-8999; and Enforcement: Local governments.

Name of Proponent: State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose is to amend the water conservation performance standards as required in RCW 19.27.170 to reduce the maximum water usage rates for toilets, urinals, faucets, and showerheads. The amendments adopt standards for plumbing materials, performance standards, and labeling standards for toilets, faucets, showerheads, and urinals. The requirements for plumbing products to be listed in the state list of products meeting those standards are specified. Implementation provisions are also included. A delayed time frame for final implementation is outlined. Adoption will require local building departments to commence enforcement of these amendments on July 1, 1993, as part of the State Building Code.

Proposal Changes the Following Existing Rules: The current rule specifies maximum water usage rates for toilets, faucets, showerheads, and urinals. The proposal reduces the maximum water usage rates for these plumbing products as follows:

- Toilets - from 3.5 gallons per flush (gpf) to 1.6 gpf
- Faucets and Showerheads - from 3.0 gallons per minute (gpm) to 2.5 gpm
- Urinals - from 3.0 gpf to 1.0 gpf

The water usage rates are given in gallon and liter measurements in the proposed rule. The American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) and the Canadian Standards Association (CSA) standards are proposed to be adopted as standards for plumbing materials, performance standards, and labeling

standards for toilets, urinals, faucets, and showerheads. The proposal establishes the listing of plumbing fixtures and fixture fittings to be distributed, with the requirements to for inclusion on the listing. Implementation requirements limit the use, sale, and installation of plumbing products which do not meet these new standards. A provision has also been included to delay the effective date of those products which do not meet the criteria from July 1, 1993, to September 30, 1993, under certain conditions.

Small Business Economic Impact Statement

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 proposed changes would affect more than 10 percent of the small plumbing-related businesses.

Background: RCW 19.27.170 requires the State Building Code Council to adopt lower water usage rates for plumbing fixtures and fixture fittings; establish testing methods and procedures; establish marking and labeling requirements for plumbing products; and to publish and distribute a listing of plumbing products which meet the above requirements and testing. The statute was originally written in 1989 to allow a phased in approach to requiring water conserving plumbing fixtures. The first phase required water closets (toilets) to have a maximum water usage of 3.5 gallons per flush (gpf); urinals to use 3.0 gallons per flush; faucets and aerators to use 3.0 gallons per minute (gpm); and showerheads to use a maximum of 3.0 gallons per minute, with implementation on July 1, 1990. The second phase would become effective July 1, 1993. This phase would reduce the water usage to the following rates:

Water closets	1.6 gpf
Urinals	1.0 gpf
Faucets and aerators	2.5 gpm
Showerheads	2.5 gpm

The council has prepared amendments to meet the second phase for the water conservation performance standards, as well as to meet the other requirements directed by the legislature.

Summary of Analysis: The proposed rule will reduce the water usage rate for water closets, urinals, faucets, aerators, and showerheads. The plumbing fixtures and fixture fittings will be required to be manufactured and labeled in accordance with national consensus standards American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) and Canadian Standards Agency (CSA), which would be adopted by reference. Plumbing fixtures and fixture fittings which are tested in accordance with these standards and listed by either the International Association of Plumbing and Mechanical Officials (IAPMO) or the Canadian Standards Agency (CSA) will be placed on a listing distributed by the council as products which meet the state's requirements. Products which are not listed may be approved by a local government provided that the products are manufactured, tested, and

labeled in accordance with the adopted national consensus standards to be adopted by reference in this rule. As provided in RCW 19.27.170(3), "no individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided." Therefore, these standards could affect small plumbing businesses such as plumbing contractors, manufacturers, and retail and wholesale sales of plumbing products.

In considering the impact of these rules on small businesses, the council believes that they could affect small businesses with inventories of plumbing products which do not meet the more restrictive water usage rates. The following table outlines the number of small businesses which could be affected by this rule.

<u>Business or Industry (SIC)</u>	<u>No. of Businesses</u>	<u>No. of Small Businesses</u>
Plumbing, Heating, and Air-Conditioning (171)	1465	1435
Pottery and Related Products (326)	27	27
Heating Equipment, Except Electric and Warm Air; and Plumbing Fixtures (343)	23	20
Hardware, and Plumbing and Heating Equipment and Supplies (507)	619	601
Lumber and Other Building Materials Dealers (521)	467	452
Hardware Stores (525)	430	422

Source: Department of Trade and Economic Development, Business Assistance Center

To amend the rules to allow small businesses to install plumbing fixtures and fittings which do not meet the lower water usage rates would defeat the purpose of these rules. The amended rule would decrease the long term water usage by the citizens of the state as well as the ability of the water purveyors to increase the number of water users without developing new water sources. In addition, it would increase the ability of water purveyors to provide the water demanded by their clients without extensive water usage restrictions. As noted in the table above, most of the businesses involved in the implementation of these rules qualify as small businesses.

However, the council recognizes the need to provide notice of the expected plumbing fixture and fitting amendments, to small businesses with a reasonable time period provided to deplete their inventory of plumbing products which do not meet the provisions of the rule.

Mitigation: The Council has made the effort to encourage a number of interested parties to participate in the development of the proposed rule. Initially, a preproposal comment notice (WSR 91-20-159) was circulated to known parties interested in the activities of the State Building Code Council as well as those who have previously indicated an interest in the water conservation performance standards. Part of the preproposal notice was to solicit people interested

in working with the council to develop the required rules and standards. As part of the effort to involve interested parties, letters were also sent to plumbing product manufacturers inviting their direct involvement in the process. In November 1991, a technical advisory group was appointed by the council to assist in the preparation of the rules. Membership on the TAG included representation from the building officials, plumbing manufacturing association, water utilities, plumbing manufacturers, and the building industry. In addition, representatives from ANSI, IAPMO, and CSA participated in the drafting of the proposed rule.

In June 1992, a notice was sent to those businesses registered with the Washington State Department of Revenue, advising them of the expected changes in water usage rates for 1993. The notice also advised the recipients of the drafted rules, and the general adoption process that would occur, before the rules could become effective. These businesses will also be notified of the proposed rulemaking and the final decisions, with a copy of the proposed rulemaking distributed in August 1992, and a copy of the final rule distributed in December 1993. The proposed rulemaking and the final rule will also be distributed to those interested parties who have expressed an interest in these rules to the council.

The rule also has a mitigation clause included in the proposed rule. A delayed effective date for three months is proposed, to allow installation of those plumbing products which meet the current regulations. WAC 51-26-1840 would permit fixtures and fixture fittings which were allowed prior to July 1, 1993, to be installed until September 30, 1993, provided that the plumbing product was manufactured prior to January 1, 1993, has been stamped with the date of manufacture, and was in the inventory of a Washington retailer, wholesaler, or installer on January 1, 1993. This will allow nine months for plumbing contractors, plumbing product wholesalers and retailers to deplete their stock of noncomplying plumbing products.

Hearing Location: City Council Chambers, Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on September 11, 1992, at 9:00 a.m.; and at the SeaTac Fire Department, 2929 South 200th Street, SeaTac, WA, on September 18, 1992, at 9:00 a.m.

Submit Written Comments to: Gene Colin, State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, by September 17, 1992.

Date of Intended Adoption: November 13, 1992.

July 10, 1992
Gene J. Colin
Chair

AMENDATORY SECTION (Amending WSR 92-01-066, filed 12/13/91, effective 7/1/92)

WAC 51-26-1801 Declaration of purpose. Sec. 1801. The purpose of this chapter shall be to implement water conservation performance standards in accordance with RCW 19.27.170. ~~((Cities, towns, and counties are prohibited from amending the standards established for low water consumption plumbing fixtures contained within this chapter.))~~

AMENDATORY SECTION (Amending WSR 92-01-066, filed 12/13/91, effective 7/1/92)

WAC 51-26-1802 Application. Sec. 1802. This chapter shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this chapter and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

AMENDATORY SECTION (Amending WSR 92-01-066, filed 12/13/91, effective 7/1/92)

WAC 51-26-1803 Water efficiency standards. ~~((+ Standards for water closets.))~~ Sec. 1803. (a) Standards for Vitreous China Plumbing Fixtures. 1. The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1990 Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1990 Hydraulic Requirements for Water Closets and Urinals

CSA B45 CSA Standards on Plumbing Fixtures with the provisions found in WAC 51-26-1810.

2. The ((guideline for)) maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following ((water closets is)) water closets shall be the following:

- Tank-type toilets ~~((3.5 gpf))~~ 1.6 gpf/6.0 lpf
- Flushometer-valve toilets ~~((3.5 gpf))~~ 1.6 gpf/6.0 lpf
- Flushometer-tank toilets ~~((3.5 gpf))~~ 1.6 gpf/6.0 lpf
- Electromechanical hydraulic toilets ~~((3.5 gpf))~~ 1.6 gpf/6.0 lpf

- EXCEPTIONS:** 1. Water closets located in day care centers, intended for use by young children, may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

~~((2 Standard for urinals.))~~ 3. The ((guideline for)) maximum water use allowed for any urinal ((is 3.0)) shall be 1.0 gallons per flush or 3.78 liters per flush.

~~((3 Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.~~

~~(4 Standards for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:~~

- Bathroom faucets 3.0 gpm
- Lavatory faucets 3.0 gpm
- Kitchen faucets 3.0 gpm
- Replacement aerators 3.0 gpm

~~(5))~~ 4. No urinal or (~~water~~~~re~~~~set~~) water closet that operates on a continuous flow or continuous flush basis shall be permitted.

5. This section does not apply to fixtures installed before the effective date of this chapter, that are removed and relocated to another room or area of the same building after the effective date of this chapter.

(b) Standards for Plumbing Fixture Fittings. 1. The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

<u>ANSI/ASME A112.18.1M-1989</u>	<u>Plumbing Fixture Fittings</u>
<u>CSA B125</u>	<u>Plumbing Fittings, with the provisions of WAC 51-26-1820.</u>

2. The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

3. The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

<u>Lavatory faucets</u>	<u>2.5 gpm/9.5 lpm</u>
<u>Kitchen faucets</u>	<u>2.5 gpm/9.5 lpm</u>
<u>Replacement aerators</u>	<u>2.5 gpm/9.5 lpm</u>

AMENDATORY SECTION (Amending WSR 92-01-066, filed 12/13/91, effective 7/1/92)

WAC 51-26-1804 ((Exceptions)) Metering valves. (~~Except where designed and installed for use by the physically handicapped,~~) Sec. 1804. Lavatory faucets located in restrooms intended for use by the general public ((must)) shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTION: 1. Where designed and installed for use by persons with a disability.
2. Where installed in day care centers, for use primarily by children under the age of 6 years of age.

NEW SECTION

WAC 51-26-1810 Marking requirements for vitreous china plumbing fixtures. Sec. 1810. (a) The marking requirements for vitreous china plumbing fixtures contained in this section shall apply to fixtures tested in accordance with CSA B45. These requirements are consistent with the marking requirements mandated in ANSI/ASME A112.19.2.

(b) General. 1. Permanent Marking. Each fixture meeting this Standard (or each fixture component, if fixture is comprised of 2 or more components) shall be marked with the manufacturer's name or registered trademark, or in the case of private labeling, of the customer for whom the unit was manufactured. This mark shall be legible, readily identified, and applied so as to be permanent. The mark shall be located so as to be visible after the fixture is installed, except for fixtures built into or for a counter or cabinet.

2. Compliance with Standard. Each fixture shall be marked at a location determined by the manufacturer with the designation CSA B45 to signify compliance with this Standard. This mark need not be permanent, but shall be visible after installation.

3. Other Markings. Markings for specific products shall be per subsections (c) through (e).

(c) Seconds. All second grade ware shall be indelibly marked by the manufacturer with 2 parallel lines cut through the glaze into the body of the ware at the locations shown in Fig. 39 of ANSI/ASME A112.19.2M-1990. These cuts shall be filled with a bright red permanent marking which is resistant to the action of hot water. No label shall be placed on seconds. Manufacturer's name, trademark, or private brand name or trademark shall be permanently placed on the fixture as described in subsection (b).

1. All packages containing seconds ("B" grade) shall be clearly identified with 2 red marks adjacent to fixture identification.

(d) Water Closets. 1. Permanent Markings. Tanks and bowls, when sold as a combination, shall be permanently marked both on the bowl and tank with the manufacturer's name or trademark, or private brand name or trademark.

2. Compliance with Standard. Marking shall be per subsection (b) 2.

3. Water Consumption. Water closets, both box and product, shall be labeled in accordance with its consumption classification and the average water consumption in liters for that classification. The fixture label shall be intended for removal by the occupant only, and so state on the label. The minimum wording on the label shall be as follows.

"This fixture qualifies according to CSA test procedures as a low-consumption water closet with an average consumption per flush of 6.0 liters or less."

4. Model Numbers. At the manufacturer's option, water closets may be marked with model numbers.

(e) Urinals. 1. Permanent Marking. See subsection (b) 1.

2. Compliance with Standard. See subsection (b) 2.

3. Water Consumption. Urinals, both box and product, shall be labeled in accordance with its consumption classification and the average water consumption in liters for that classification (See ANSI/ASME A112.19.2M-1990, paragraphs 5.3.3.1, 5.3.3.2, and 5.3.3.3). The fixture label shall be intended for removal by the occupant only, and so state on the label. The minimum wording on the label shall be as follows.

"This fixture qualifies according to CSA test procedures as a low-consumption urinal with an average consumption per flush of 3.78 liters or less."

NEW SECTION

WAC 51-26-1820 Marking requirements for plumbing fixture fittings. Sec. 1820. (a) The marking requirements for plumbing fixture fittings contained in this section shall apply to fixtures tested in accordance with CSA B125. These requirements are consistent with the marking requirements mandated in ANSI/ASME A112.18.1.

PROPOSED

(b) Product. 1. Each fitting shall bear permanent legible markings to identify the manufacturer. This marking shall be the trade name, trademark, or other mark known to identify the manufacturer. Such marking shall be located where it can be seen after installation.

2. Each shower head, sink faucet, and lavatory faucet shall be marked "CSA B125" to demonstrate compliance with this Standard. The marking shall be by means of either a permanent mark on the product, a label on the product, or a tag attached to the product.

(c) Package. 1. The package shall be marked with the manufacturer's name and model number.

2. The package or any label attached to the package for shower heads, sink faucets, and lavatory faucets shall contain at least the following: "CSA B125" and "9.5 lpm." The flow rate values shall be the actual flow rate or 9.5 lpm in the case of shower heads, sink faucets, and lavatory faucets; or the actual flow rate or 1.9 lpm in the case of public lavatory faucets (other than metering faucets).

3. For other products, it is recommended that the package or package label be marked with "CSA B125."

NEW SECTION

WAC 51-26-1830 Accepted plumbing fixtures and fixture fittings. Sec. 1830. Plumbing fixtures and fixture fittings which are tested in accordance with the standards listed herein and listed by either the International Association of Plumbing and Mechanical Officials or the Canadian Standards Agency may be approved by the Administrative Authority for installation. Under Section 201, the Administrative Authority may approve plumbing fixtures and fixture fittings, not listed by either the International Association of Plumbing and Mechanical Officials or the Canadian Standards Agency, PROVIDED the products meet the testing, and marking and labeling requirements listed in WAC 51-26-1803, 1810, and 1820.

The State Building Code Council will publish and distribute a current list of fixtures and fixture fittings that meet the standards listed within Chapter 18 and have been listed with either the International Association of Mechanical and Plumbing Officials or the Canadian Standards Agency.

NEW SECTION

WAC 51-26-1840 Implementation. Sec. 1840. (a) The standards for water efficiency and labeling contained within WAC 51-26-1803, 51-26-1810, and 51-26-1820 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170.

(b) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this chapter.

(c) Fixtures and fixture fittings which were previously allowed may be installed up until September 30, 1993, but only if the fixture was manufactured prior to January 1, 1993, has been stamped with the date of manufacture, and was in the inventory of a Washington retailer, wholesaler, or installer on January 1, 1993. After September 30, 1993,

plumbing fixtures and fixture fittings which do not meet the standards listed in Chapter 18 may not be installed irrespective of the date of manufacture.

NEW SECTION

WAC 51-26-1845 Amendments. Sec. 1845. The water conservation performance standards contained within this chapter supersede all local government codes. Towns and counties shall not amend the code revisions and standards established herein.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 51-26-1805 Implementation.

**WSR 92-16-052
PROPOSED RULES
BUILDING CODE COUNCIL**

[Filed July 31, 1992, 2:33 p.m.]

Original Notice.

Title of Rule: Clarification between chapter 70.77 RCW, Regulating fireworks and the 1991 edition of the Uniform Fire Code Article 78, Section 78.201.

Purpose: To amend Section 78.201 of the 1991 edition of the Uniform Fire Code as published by the International Conference of Building Officials and the Western Fire Chiefs Association thereby clarifying the state statute, chapter 70.77 RCW, as having precedence over the Uniform Fire Code.

Other Identifying Information: Copies of the Uniform Fire Code 1991 edition are available from: International Conference of Building Officials, 5360 South Workman Road, Whittier, CA 90601.

Statutory Authority for Adoption: RCW 19.27.074.

Statute Being Implemented: Chapter 19.27 RCW.

Summary: To clarify for local jurisdictions the state statute supersedes the Uniform Fire Code in the use, handling and storage of fireworks in the state of Washington. The amendment will allow the adoption of local ordinances in compliance with chapter 70.77 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Mari Eichner, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (206) 753-3103; and Enforcement: Local governments.

Name of Proponent: State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will clarify the relationship between state statute, chapter 70.77 RCW, fireworks and the Uniform Fire Code Article 78 Fireworks as adopted by the State Building Code Council November 8, 1991. This will allow local jurisdictions to adopt firework requirements in accordance with chapter 70.77 RCW and will be enforced by local jurisdictions.

Proposal Changes the Following Existing Rules: See comments above.

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

Hearing Location: City of SeaTac Fire Station, 2929 200th Street, SeaTac, WA 98188, on September 18, 1992, at 9:00 a.m.; and at the Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA, on September 11, 1992, at 9:00 a.m.

Submit Written Comments to: Gene Colin, Chair, State Building Code Council, 906 Columbia Street S.W., Olympia, WA 98504, by September 17, 1992.

Date of Intended Adoption: November 13, 1992.

July 10, 1992

Gene J. Colin
Chair

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is to advise the public of the regular meeting dates of the Board of Natural Resources and the possibility of special meetings.

Proposal does not change existing rules.

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

Hearing Location: Room 316, John Cherberg Building, 14th and Water Streets, Olympia, WA 98504, on September 9, 1992, at 10:00 a.m.

Submit Written Comments to: Dave Dietzman, P.O. Box 47014, Olympia, WA 98504, by September 10, 1992.

Date of Intended Adoption: October 2, 1992.

July 31, 1992

Brian Boyle, Chairman
Board of Natural Resources
Commissioner of Public Lands

NEW SECTION

WAC 51-24-78000 Article 78. Fireworks and Pyrotechnic Special Effects Material.

Division II

Fireworks

NEW SECTION

WAC 51-24-78201 General. Sec. 78.201. Storage, use and handling of fireworks shall be in accordance with Chapter 70.77 RCW and local ordinances consistent with Chapter 70.77 RCW.

Delete sections 78.202 and 78.203 entirely.

NEW SECTION

WAC 332-10-041 Meetings of Board of Natural Resources. Regular meetings of the Board of Natural Resources shall be held on the first Tuesday of every month except August. If a regular meeting falls on a holiday, such regular meeting shall be held on the next business day. A schedule of meetings will be published in the Washington Register in January of each year. Changes to the schedule will be published in the state register pursuant to RCW 42.30.075. Special meetings may be held pursuant to RCW 42.30.080. Any person may obtain information about locations and meeting times by contacting the Department of Natural Resources, P.O. Box 47001, Olympia, Washington 98504-7001. The public is invited to attend and comment at all meetings.

WSR 92-16-056
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 606—Filed July 31, 1992, 4:46 p.m.]

WSR 92-16-061
WITHDRAWAL OF PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
[Filed August 3, 1992, 11:30 a.m.]

Original Notice.

Title of Rule: Meetings of Board of Natural Resources.

Purpose: The rule advises the public of the meeting schedule of the Board of Natural Resources.

Statutory Authority for Adoption: RCW 43.30.150 and 42.30.070.

Statute Being Implemented: RCW 42.30.070.

Summary: The regular meetings of the Board of Natural Resources are held on the first Tuesday of every month except August.

Reasons Supporting Proposal: The rule implements RCW 42.30.070.

Name of Agency Personnel Responsible for Drafting: Ernest L. Rushing, Assistant Attorney General, Olympia, 586-3692; Implementation and Enforcement: Chairman, Board of Natural Resources, Olympia, 753-5317.

Name of Proponent: Department of Natural Resources, governmental.

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

Please withdraw WSR 92-15-127 due to the omission of page 4 in the proposed rule-making order. A new draft will be submitted and the hearing date should remain if all time lines are met.

Ann Carrasco
Rules Coordinator

WSR 92-16-062
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
[Filed August 3, 1992, 4:02 p.m.]

Original Notice.

Title of Rule: State Environmental Policy Act (SEPA).

Purpose: To amend the position title of the individual responsible for carrying out the SEPA.

Statutory Authority for Adoption: RCW 28B.35.120.

Summary: The position title of the vice-president responsible for carrying out the SEPA requirements at the university has changed.

Name of Agency Personnel Responsible for Drafting: Ann Carrasco, SHW 318, (509) 359-6299; Implementation and Enforcement: Elson Floyd, Executive Vice-President, SHW 207, (509) 359-6293.

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: Rule is existing. Amendment updates a position title change. No effects are anticipated by this amendment.

Proposal does not change existing rules.

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, Cheney, Washington 99004, by September 17, 1992.

Date of Intended Adoption: September 18, 1992.

July 30, 1992

Ann M. Carrasco
Rules Coordinator

[AMENDATORY SECTION (Amending WSR 92-09-104, filed 4/20/92)]

WAC 172-325-010 State Environmental Policy Act (SEPA). It is the policy of Eastern Washington University that any project shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-11 WAC, guidelines for the State Environmental Policy Act implementation. Further, it is the policy of the university to provide leadership in resource conservation and environmental protection. Environmental issues will be considered in the decision-making and planning process. To this end, Eastern Washington University adopts by reference chapter 197-11 of the WAC SEPA guidelines and all subsequent amendments thereto.

In compliance with chapter 197-11 WAC, the executive vice-president for administration is the responsible official for carrying out this policy.

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

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

WSR 92-16-063

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed August 3, 1992, 4:06 p.m.]

Original Notice.

Title of Rule: Chapter 172-136 WAC, University facilities.

Proposed

Purpose: To amend rules traditionally applicable to employee organizations and expand their application to student organizations; also other organizations are included. Rules regarding commercial activities are being repealed, rewritten and codified under a new chapter.

Statutory Authority for Adoption: RCW 28B.35.120.

Summary: Student organizations are subject to expectations of employee organizations. Similar restrictions will apply.

Reasons Supporting Proposal: University facilities and equipment are accessible by student organizations.

Name of Agency Personnel Responsible for Drafting: Marianne Hall, SHW 122, (509) 359-2451; Implementation and Enforcement: Elson Floyd, Executive Vice-President, SHW 206, (509) 359-6293.

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: Rules formally applicable to employee organizations are now generally applied to student and nonuniversity organizations, who may have access to university facilities, equipment and supplies. Commercial activities sections are being repealed and proposed under a new chapter specific to commercial activities.

Proposal Changes the Following Existing Rules: Student organizations have defined expectations and limitations with regard to use of university facilities, equipment and supplies.

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, Mailstop-114, Cheney, Washington 99004, by September 17, 1992.

Date of Intended Adoption: September 18, 1992.

July 30, 1992

Ann M. Carrasco
Rules Coordinator

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-010 INTRODUCTION. ~~((The board of trustees of Eastern Washington State College pursuant to RCW 28B.40.120 has adopted the following rules and regulations relating to the use of college resources by employee organizations at Eastern Washington State College.))~~ The regulations set forth in this chapter are designed to control the use of ~~((college))~~ university resources by employee, student, or nonuniversity organizations and their members when conducting the business of such organizations: PROVIDED, ~~((HOWEVER,))~~ That nothing in this chapter shall be construed to limit the use of ~~((college))~~ university resources by members of ~~((employee))~~ these organizations when ((such)) the members are acting in their capacities as employees or members of recognized student clubs or organizations of Eastern Washington ~~((State~~

~~College))~~ University during the conduct of ~~((college))~~ university business.

NEW SECTION

WAC 172-136-015 DEFINITIONS. For the purposes of this chapter, the following definitions apply:

(1) An "employee organization" is an organization having as a primary purpose the improvement of terms and conditions of employment of employees holding faculty, classified staff, or exempt position appointments: PROVIDED, That the term "employee organization" shall not include the academic senate as defined in the Eastern Washington University policies and procedures. For the purposes of this chapter, references to limits and scope of activities by employee organizations shall be construed to affect and limit the conduct of persons acting on behalf of employee organizations.

(2) A "student club or organization" is one that has met the requirements under the Associated Students of EWU (ASEWU) policies and procedures on establishing recognition. These policies and procedures are available in the ASEWU office.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-030 MEETING ROOMS. Employee and student organizations may schedule most rooms for the conduct of meetings through the scheduling and calendar office ~~((of the director of student activities))~~ on the same basis as other ~~((college))~~ university organizations. Rooms in Showalter Hall are scheduled through the division of business and finance.

AMENDATORY SECTION (Amending Order 73-6, filed 4/6/73 and 3/20/73)

WAC 172-136-040 USE OF MAIL SERVICE BY EMPLOYEE AND STUDENT ORGANIZATIONS. (1) Employee and student organizations may use the facilities of the campus post office for intra-campus distribution of written organizational material to their membership or to the ~~((college))~~ university community at large ~~((, provided that))~~ on a similar basis as university offices: PROVIDED, That official ~~((college))~~ university communications shall be given priority ~~((of distribution))~~.

(2) Employee and student organizations may not use ~~((college))~~ university postage or postal permits for the mailing of organizational materials off campus.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-050 TELEPHONE USAGE. ~~((+))~~ Employee and student organizations may use ~~((college))~~ university telephone ~~((s for intra-campus calls))~~.

~~((2))~~ In accordance with the rules of the department of general administration, members and officials of employee organizations may not use college telephones for calls off campus on the state controlled access network (SCAN), the state wide area telephone system (WATS), or the lease lines to Spokane when such calls concern business of the employee organization. Such calls shall be considered to be calls

~~for purposes other than state business))~~ services as authorized by the university. University telephone services are provided only to university property, or buildings owned, leased, or rented by the university.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-060 USE OF DUPLICATING AND PHOTOCOPYING EQUIPMENT. Employee and student organizations may use the facilities of the ~~((college))~~ university central duplicating and photocopying units by paying the regular charges established for ~~((such))~~ these services.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-070 USE OF SECRETARIAL AND OTHER SUPPORTING STAFF SERVICES. Employee and student organizations may not use for organizational purposes the services of ~~((college))~~ university secretaries, typists, or other supporting staff during the ~~((college))~~ university duty hours of ~~((such))~~ the staff.

AMENDATORY SECTION (Amending Order 73-6, filed 4/6/73 and 3/20/73)

WAC 172-136-080 OFFICE EQUIPMENT AND SUPPLIES. ~~((College))~~ University supplies may not be used by any employee or student organization. Office equipment, such as desks, typewriters, and other ~~((paraphernalia))~~ equipment normally utilized by employees during ~~((the course of))~~ their regular working hours may be used by ~~((such))~~ employees in the conduct of employee organization business ~~((provided such))~~: PROVIDED, That the usage does not take place during their regular working hours.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-090 TRAVEL EXPENSE. Travel expenses ~~((of staff members on))~~ associated with employee or student organization business shall not be paid by the ~~((college))~~ university. ~~((College))~~ University vehicles shall not be used for employee or student organization business.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-100 ACCESS TO ~~((COLLEGE))~~ UNIVERSITY RECORDS. Employee and student organizations shall have access to ~~((college))~~ public records of the university on the same basis as any citizen as set forth in chapter ~~((172-09 WAC))~~ 42.17 RCW.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-110 CONDUCT OF EMPLOYEE ORGANIZATION BUSINESS DURING SCHEDULED WORKING HOURS. (1) Faculty members of Eastern Washington ~~((State College))~~ University who belong to employee organizations shall conduct business related to

such an organization only in the event that ((such)) the business does not interfere with the primary obligatory responsibilities ((that the members owe the college as)) which are a condition of employment.

(2) The conduct of business of employee organizations by members of the administrative staff shall not take place during the regularly assigned working hours of the staff members unless ((such)) the use of staff time is specifically authorized by the president or the appropriate vice-president((, provided that)): PROVIDED, That meetings called by the president or a vice-president with representatives of such organizations may be held during regular working hours.

(3) The business of organizations representing classified staff shall not be conducted by any employee of Eastern Washington ((State College)) University during his or her regular working hours except as may be provided by contract between the organization and the board of trustees or as may be specifically authorized by the president, the executive vice-president ((for business and management,)) or the director of staff personnel.

AMENDATORY SECTION (Amending Order 73-6, filed 3/20/73)

WAC 172-136-120 CONFLICTS WITH CONTRACTUAL PROVISIONS. Should any provisions of these rules and regulations be in conflict with any provision of a contract between an employee or student organization and the board of trustees, the contractual provisions shall prevail.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 172-136-020 EMPLOYEE ORGANIZATION DEFINED.
- WAC 172-136-600 COMMERCIAL ACTIVITIES.
- WAC 172-136-610 COMMERCIAL ACTIVITIES DEFINED.
- WAC 172-136-620 PENALTIES FOR VIOLATIONS OF COMMERCIAL ACTIVITIES REGULATIONS.

**WSR 92-16-068
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**
[Filed August 4, 1992, 10:43 a.m.]

Original Notice.

Title of Rule: New section WAC 139-05-242 Readmission to basic law enforcement academy.

Purpose: To establish uniform process and requirements for academy readmission of any student failing to satisfactorily complete academy program.

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Establishes process and specifies requirements for academy readmission of any student failing to successfully complete academy program. Bars such student from academy readmission for at least two years if integrity

violation was committed. Authorizes commission's executive director to mitigate such prohibition under certain circumstances.

Reasons Supporting Proposal: Standardizes process and requirements for academy readmission and provides for enhanced penalty if academy assignment is prematurely terminated due to integrity violation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will standardize process and requirements for academy readmission, will maintain integrity of academy program, and will establish a clear and strong message of integrity as requisite to public service by barring academy readmission for at least two years for integrity violation.

Proposal Changes the Following Existing Rules: Will require amendment of WAC 139-05-240 (2) and (3). Under this current rule, academy readmission is approved if student is hired by different applying agency. Under proposed rule, if integrity violation is committed, student would be barred for at least two years before being eligible for academy readmission, regardless of employment situation, change, or status.

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

Hearing Location: Ramada Inn (Airport), Spokane, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

August 3, 1992

James C. Scott

Executive Director

NEW SECTION

WAC 139-05-242 READMISSION TO BASIC LAW ENFORCEMENT ACADEMY No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the Commission a written request for readmission of the individual to the academy program, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of any crime involving moral turpitude, shall not be eligible for readmission to any subsequent academy within twenty-four (24) months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted in the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

WSR 92-16-069
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed August 4, 1992, 11:03 a.m.]

Original Notice.

Title of Rule: New section WAC 139-10-222 Readmission to corrections academies.

Purpose: To establish uniform process and requirements for academy readmission to any student failing to satisfactorily complete academy program.

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Establishes process and specifies requirements for academy readmission of any student failing to successfully complete academy program. Bars such student from academy readmission for at least two years if integrity violation was committed. Authorizes commission's executive director to mitigate such prohibition under certain circumstances.

Reasons Supporting Proposal: Standardizes process and requirements for academy readmission and provides for enhanced penalty if academy assignment is prematurely terminated due to integrity violation.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Roger Heine, Corrections Training Manager, Seattle, 764-4301.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Hearing Location: Ramada Inn (Airport), Spokane, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

August 3, 1992

James C. Scott

Executive Director

NEW SECTION

WAC 139-10-222 READMISSION TO CORRECTIONS ACADEMIES No person may be readmitted to any corrections training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the Commission a written request for readmission of the individual to the academy program, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of any crime involving moral turpitude, shall not be eligible for readmission to any subsequent academy within twenty-four (24) months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted in the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

WSR 92-16-070
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 4, 1992, 11:06 a.m.]

Original Notice.

Title of Rule: Amending WAC 139-05-240 General requirements for basic law enforcement academy training [attendees].

Purpose: To amend WAC 139-05-240 by deleting subsections (2) and (3), renumber subsection (4) as (2).

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Amends current regulation by deleting language and provisions.

Reasons Supporting Proposal: Deleted language and provisions would conflict with, and are superseded by, proposed new regulation WAC 139-05-242.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Subsections (2) and (3) of WAC 139-10-220 set forth the process and requirements for readmission to the basic law enforcement academy program. A proposed new regulation changes the process and requirements and provides greater specification. If adopted, the new proposed regulation supersedes and would conflict with aforementioned subsections (2) and (3), consequently the proposed amendatory action is necessary.

Proposal Changes the Following Existing Rules: Existing WAC 139-10-220 is amended, see Purpose above.

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

Hearing Location: Ramada Inn (Airport), Spokane, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

August 3, 1992

James C. Scott

Executive Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-240 GENERAL REQUIREMENTS FOR BASIC LAW ENFORCEMENT ACADEMY ATTENDEES. (1) Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission, in evaluating the

level of scholastic achievement of each trainee. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment, provided that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.

(b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification.

(c) Deportment and conduct. Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

~~((2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as determined by the commission. Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.~~

~~(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:~~

~~(a) such trainee has been terminated by the employing agency and subsequently is rehired by it; or~~

~~(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.~~

~~(4)) (2) Upon the written request of a trainee, or the head of his/her employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.~~

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

WSR 92-16-071
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 4, 1992, 11:08 a.m.]

Original Notice.

Title of Rule: Amending WAC 139-10-220 Requirements of basic corrections academy.

Purpose: To amend WAC 139-10-220 by deleting subsections (2) and (3), renumber subsection (4) as (2).

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Amends current regulation by deleting language and provisions.

Reasons Supporting Proposal: Deleted language and provisions would conflict with, and are superseded by, proposed new regulation WAC 139-10-222.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Roger Heine, Corrections Training, Manager, Seattle, 764-4301.

Name of Proponent: Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Subsections (2) and (3) of WAC 139-10-220 set forth the process and requirements for readmission to the basic corrections academy program. A proposed new regulation changes the process and requirements and provides greater specification. If adopted, the new proposed regulation supersedes and would conflict with aforementioned subsections (2) and (3), consequently the proposed amendatory action is necessary.

Proposal Changes the Following Existing Rules: Existing rule WAC 139-10-220 is amended, see Purpose above.

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

Hearing Location: Ramada Inn (Airport), Spokane, Washington, on September 24, 1992, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Washington State Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by September 23, 1992.

Date of Intended Adoption: September 24, 1992.

August 3, 1992

James C. Scott

Executive Director

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-220 Requirements of basic corrections academy. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises

and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification; provided, that any applicant whose beginning date of continuous corrections officer employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

~~(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the commission.~~

~~Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.~~

~~(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:~~

~~(a) such trainee has been terminated by the employing agency and subsequently rehired by it; or~~

~~(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.~~

(4)) (2) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

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

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 92-16-072
PROPOSED RULES
PERSONNEL BOARD
[Filed August 4, 1992, 11:15 a.m.]

Original Notice.

Title of Rule: WAC 356-30-330 Reduction in force--Reasons, Regulations--Procedure and 356-06-055 Exempt--Classified service--Movement between.

Purpose: WAC 356-30-330 establishes guidelines and procedures to be used when determining and implementing a reduction in force; and WAC 356-06-055 describes the process of the movement of classified employees to exempt status and specifies their return rights back to classified service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: A portion of this proposal in WAC 356-30-330 would allow employees facing a reduction in force, an opportunity to accept any and all job classifications in which they had previously held permanent status regardless of the salary range. The other portion of this proposal would add language in both WAC 356-30-330 and 356-06-055 to clarify which employee will have the rights and options of reduction in force procedures when an employee returns from an exempt position and replaces an incumbent currently in the position to which they are returning.

Reasons Supporting Proposal: Currently in WAC 356-30-330, an employee may take a position to those jobs that are at or lower than their current salary during a reduction in force. This creates a restriction that allows the employee and employer from taking advantage of the employees' experience, qualifications, and expertise in all jobs they have previously held status in. The other proposal in WAC 356-30-330 and 356-06-055 will clarify and streamline the reduction in force procedure if the exempt person returning has less seniority then the incumbent currently in the position to which they have returned.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: The Department of Personnel and Larry Goodman, Washington Federation of State Employees, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 356-30-330 currently addresses the reasons and procedures to implement a reduction in force. The rule, as it stands now, allows an employee facing a reduction in force, the option of accepting a position to those job classes which they have held permanent status and which are at or lower than their current salary. The Washington Federation of State Employees feels this creates an artificial and unjustified restriction that limits both the employee and employer from taking advantage of the employees' experience, qualifications and expertise in all jobs they have previously held permanent status in. Therefore, this proposal would allow an employee facing a reduction in force to consider any and all job classifications in which they had previously held permanent status regardless of salary range. In WAC 356-06-055 and a portion of WAC 356-30-330 currently provides specific guidelines for employees who move between classified and exempt service. It also provides guidelines for returning exempt employees who have previously held classified service. This portion of the proposal will clarify and possibly streamline the process to determine which employee is entitled to the rights and options of the reduction in force procedures when the employee returning from exempt is less senior then the current incumbent.

Proposal Changes the Following Existing Rules: A portion of the proposal in WAC 356-30-330 would allow an employee who is being reduced in force an option to take a position that had a higher salary range. The employee would move to a step on the salary range closest to their current range rather than move step-for-step. In WAC 356-06-055

and part of WAC 356-30-330 will attempt to clarify and streamline the reduction in force procedure when an exempt employee returns to a classified position with an incumbent.

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

Hearing Location: Department of Personnel, Board Room, Second Floor, 521 Capitol Way South, Olympia, WA, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Department of Personnel, Sharon Whitehead, P.O. Box 47500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.

July 24, 1992

Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 405, filed 6/26/92, effective 8/1/92)

WAC 356-06-055 EXEMPT--CLASSIFIED SERVICE--MOVEMENT BETWEEN. (1) Any employee having 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:

(a) Separation from employment in such exempt position, or

(b) 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) 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 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 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) 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 nor through the reduction in force process.

(5) Employees may replace incumbents currently in the position to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, after the employee returns the ((replaced incumbent)) least senior person 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 as candidates certified from the reduction in force register.

AMENDATORY SECTION (Amending Order 169 [394], filed 4/12/82 [11/20/91])

WAC 356-30-330 REDUCTION IN FORCE--REASONS, REGULATIONS--PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed((s)) the number of positions to be filled in the classification, ~~((those employees in excess))~~ the least senior person shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of

separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll

hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(o) The salary of an employee who has accepted a higher position will be assigned to the step of the range of the new position closest, but not less than the employee's previous salary or the first step of the new position, whichever is greater.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

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

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

WSR 92-16-073
PROPOSED RULES
PERSONNEL BOARD
[Filed August 4, 1992, 11:16 a.m.]

Original Notice.

Title of Rule: WAC 356-05-048 Base range; 356-05-275 Point range; 356-05-370 Salary range; and 356-15-125 Assignment pay provisions.

Purpose: These rules provide definitions for base range, point range, and salary range as well as provide guidelines to determine under what conditions assignment pay may be provided.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will be deleting all references to point ranges and base ranges within the salary schedule.

Reasons Supporting Proposal: Since the final implementation of comparable worth has been achieved, there is no longer a base range and a point range in the salary schedule. This proposal is housekeeping in nature.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; 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: WAC 356-15-125 provides guidelines to determine under what conditions assignment pay would apply. The other proposed amendments are all definitions for base range, point range and salary range. Since the final implementation of comparable worth, which required the use of a base range and a point range, these are no longer used and all reference to them should be deleted. This proposal will delete those references.

Proposal Changes the Following Existing Rules: This proposal will delete all references made to point range and base range used within the merit system rules since they are no longer used. This proposal is housekeeping in nature.

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

Hearing Location: Department of Personnel, Board Room, Second Floor, 521 Capitol Way South, Olympia, WA 98504, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.

August 3, 1992

Dee W. Henderson
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-05-048 Base range.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-05-275 Point range.

AMENDATORY SECTION (Amending Order 281, filed 7/16/87, effective 9/1/87)

WAC 356-05-370 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Salary ranges are identified in the compensation plan by number. ~~((Those with a decimal suffix are "point ranges"; those with only whole numbers are "base ranges."))~~

AMENDATORY SECTION (Amending Order 281, filed 7/16/87, effective 9/1/87)

WAC 356-15-125 ASSIGNMENT PAY PROVISIONS. The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

~~((Assignment pay provisions for additional ranges mean additional ranges in the same category of base or point ranges. That is, a range 30.3 class receiving four assignment pay ranges would be paid at range 34.3.))~~

WSR 92-16-074
PROPOSED RULES
PERSONNEL BOARD
 [Filed August 4, 1992, 11:19 a.m.]

Original Notice.

Title of Rule: Amending WAC 356-34-020 Reduction in salary--Demotion--Procedure and 356-34-030 Suspension--Duration--Procedure; and new WAC 356-34-022 Demotion--Procedure.

Purpose: WAC 356-34-020 and 356-34-030 establish procedures on how to reduce in salary, demote and suspend an employee for cause as a disciplinary action.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal creates two separate rules relating to procedures for demoting an employee as a disciplinary action and reducing in salary an employee for a disciplinary action. This proposal also clarifies language in WAC 356-34-030.

Reasons Supporting Proposal: This will assist agencies on issues relating to the Fair Labor Standards Act.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; 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: These rules relate to particular disciplinary actions taken against employees for cause. Agencies must follow the Fair Labor Standards Act rules of the United States Department of Labor. To assist agencies in understanding the requirements of those rules, the Department of Personnel has issued bulletins to agencies on issues relating to the Fair Labor Standards Act. To give the agencies further guidance the attached merit system rules are proposed.

Proposal Changes the Following Existing Rules: This proposal separates and clarifies procedures for demoting, reducing in pay and suspending employees for cause.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA 98504, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.

August 4, 1992
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 292, filed 1/19/88, effective 3/1/88)

WAC 356-34-020 REDUCTION IN SALARY(~~--DEMOTION~~)--PROCEDURE. Appointing authorities may reduce the salary of a permanent employee within the range ~~((or may demote an employee to a position at a lesser pay range.))~~ in lieu of dismissal for cause, as specified in these rules. The specified charges for ~~((either of these))~~ this action(s) shall be furnished in writing to the employee at least 15 calendar days prior to the effective date of the action. ~~((The employee must meet the minimum qualifications for the class to which being demoted.))~~ This form of disciplinary action may not be used for exceptions work period employees.

AMENDATORY SECTION (Amending Order 330, filed 12/20/89, effective 2/1/90)

WAC 356-34-030 SUSPENSION--DURATION--PROCEDURE. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules.

(1) The period of suspension for scheduled and non-scheduled work period employees shall not exceed fifteen calendar days for a single penalty or for a total of thirty calendar days in any calendar year as a result of several penalties per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. A copy shall be submitted to the director of personnel. Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

(2) Exceptions work period employees may be suspended only in work week increments, not to exceed two workweeks for a single penalty or a total of four workweeks in any calendar year as a result of several penalties per RCW 41.06.170; provided, suspensions for less than workweek increments may be imposed for infractions of safety rules of major significance.

NEW SECTION

WAC 356-34-022 DEMOTION--PROCEDURE. Appointing authorities may demote an employee to a position at a lesser pay range, in lieu of dismissal for cause, as specified in these rules. The specified charges for this action shall be furnished in writing to the employee at least 15 calendar days prior to the effective date of the action. The employee must meet the minimum qualifications for the class to which he/she is demoted.

WSR 92-16-075
PROPOSED RULES
PERSONNEL BOARD
 [Filed August 4, 1992, 11:20 a.m.]

Original Notice.

Title of Rule: WAC 356-10-030 Positions--Allocation--Reallocation.

Purpose: This rule establishes guidelines for position allocation and reallocation requests and determinations.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal adds language to include that an allocation decision be based on the level of duties that are assigned to a position a majority of the time.

Reasons Supporting Proposal: This proposal has been a long accepted standard. Department of Social and Health Services feels that due to a recent Personnel Appeals Board decision this long-accepted standard needs to be established in rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the procedures used for position allocations and reallocation requests and determinations. Standard practice in determining allocations has been that the position should not be reallocated unless the higher or lower level duties are being performed a majority of the time. A recent Personnel Appeals Board decision determined that a position should be reallocated upward based on duties performed at a higher level less than a majority of the time. The Department of Social and Health Services feels that this could have a potential negative impact on the classification system and have proposed this rule change to establish the standard in rule.

Proposal Changes the Following Existing Rules: This proposal adds language requiring that a position may only be allocated or reallocated to a higher or lower level classification if the duties at the higher or lower level are assigned to the position for a majority of the time.

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

Hearing Location: Department of Personnel, Board Room, Second Floor, 521 Capitol Way South, Olympia, WA 98504, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.

August 3, 1992
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 303, filed 7/18/88, effective 9/1/88)

WAC 356-10-030 POSITIONS--ALLOCATION--REALLOCATION. (1) Position allocations or reallocations shall be based upon an investigation of duties and responsibilities assigned and/or performed and other information and recommendations. Every position shall be allocated to an established class.

(2) Unless otherwise determined by the director of personnel or designee, a position shall not be allocated or reallocated, either upward or downward to a class, if the higher or lower level duties are not assigned to the position a majority of the time.

~~((2))~~ (3) Allocations may be made by:

(a) The director or designated staff of the department of personnel; OR,

(b) By agency directors or other designees authorized under subsection ~~((3))~~ (4) of this section.

~~((3))~~ (4) Agency directors may request and the director of personnel may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions for which the agency has been delegated allocation authority under the merit system rules and procedures approved by the director of personnel.

~~((4))~~ (5) It shall be the duty of the appointing authority and/or the personnel representative to report to the director of personnel any changes in duties, responsibilities or organization in a position which may affect position allocation.

~~((5))~~ (6) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the director of personnel. This procedure will not cause undue delay in the director of personnel or designee reviewing the requested reclassification. Such procedures shall be reviewed and approved by the director of personnel or designee. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives and a copy to the director of personnel.

~~((6))~~ (7) Questions concerning the previous classification of employees due to the retitling, reallocating or reclassification of positions will be determined by the director of personnel or designee.

~~((7))~~ (8)(a) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than twenty calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(b) Any official authorized in subsection ~~((2))~~ (3) of this section to make allocation or reallocation determinations shall immediately transmit a written notice of the determination to the employee in the position affected by that determination.

WSR 92-16-076
PROPOSED RULES
PERSONNEL BOARD
 [Filed August 4, 1992, 11:22 a.m.]

Original Notice.

Title of Rule: WAC 356-30-240 Demotion--Subsequent elevation.

Purpose: This rule allows an employee to elevate back to a class in which they have previously held permanent status.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will clarify language as to who is eligible and what classes may be considered for utilization of this rule.

Reasons Supporting Proposal: Due to past comparable worth implementation, salaries have been adjusted and have changed some classification alignments. This proposal will allow for the intended use of this rule with these changes in mind.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, 586-1770; 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 currently allows employees to evaluate back to a class in which they have previously held permanent status. Due to the implementation of comparable worth some classification alignments have occurred. This has eliminated the use of this rule in some instances. This proposal is an attempt to eliminate language that would prevent the use of this rule in certain instances.

Proposal Changes the Following Existing Rules: This proposal is a housekeeping measure to enable the rule to be applied as originally intended.

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

Hearing Location: Department of Personnel, Board Room, Second Floor, 521 Capitol Way South, Olympia, WA, on September 10, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, P.O. Box 47500, Olympia, WA 98504-7500, by September 8, 1992.

Date of Intended Adoption: September 10, 1992.

July 29, 1992
 Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 82, filed 9/26/75)

WAC 356-30-240 (~~Demotion-Subsequent~~) elevation. Employees (~~who take demotions~~) may be elevated with permanent status to ~~((the))~~ a class ~~((from))~~ in which they ~~((descended))~~; previously 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))~~. ~~((e))~~ 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 92-16-077
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF FISHERIES
 (By the Code Reviser's Office)
 [Filed August 4, 1992, 11:25 a.m.]

WAC 220-56-160 and 220-56-282, proposed by the Department of Fisheries in WSR 92-03-151, appearing in issue 92-03 of the State Register, which was distributed on February 5, 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 92-16-078
WITHDRAWAL OF PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
 (By the Code Reviser's Office)
 [Filed August 4, 1992, 11:26 a.m.]

WAC 192-12-300, 192-12-305, 192-12-310, 192-12-320, and 192-12-370, proposed by the Employment Security Department in WSR 92-03-145, appearing in issue 92-03 of the State Register, which was distributed on February 5, 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 92-16-079
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 (By the Code Reviser's Office)
 [Filed August 4, 1992, 11:27 a.m.]

WAC 16-230-867, proposed by the Department of Agriculture in WSR 92-03-134, appearing in issue 92-03 of the State Register, which was distributed on February 5, 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 92-16-080
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)
 [Filed August 4, 1992, 1:30 p.m.]

Original Notice.

Title of Rule: Amending WAC 246-851-390 Practice under trade name and 246-851-490 Examination and licensure; and new WAC 246-851-500 Credentialing by endorsement and 246-851-510 Reinstatement of lapsed license.

Statutory Authority for Adoption: RCW 18.54.070.

Summary: Adopts rules relating to credentialing by endorsement and reinstatement of lapsed license. Amends and updates language regarding trade names and examination.

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 State Board of Optometry, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-851-390 Updates language pertaining to trade names by including "center" as well as clinic. No substantive change; WAC 246-851-490 amends eligibility requirement regarding infectious disease to more closely follow the American Disabilities Act; WAC 246-851-500 allow an individual who holds an optometry license in another state with substantially the same requirements, to become licensed in Washington without examination; and WAC 246-851-510 sets forth requirements for reinstatement of licensure.

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: West Coast Sea-Tac Hotel, Tacoma Room, 18220 Pacific Highway South, Seattle, WA, on September 11, 1992, at 8:30 a.m.

Submit Written Comments to: Washington State Board of Optometry, 1300 S.E. Quince, P.O. Box 47868, Olympia, WA 98504-7868, by September 10, 1992.

Date of Intended Adoption: September 11, 1992.

August 3, 1992

Judy Haenke

Program Manager

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-390 Practice under trade name. The practice of optometry must be under the name of the licensed doctor of optometry ((and))₂ ((t))₁The practice of optometry under a trade name is prohibited except where an optometrist is associated with a nonprofit organization, or is associated with allied health care practitioners such as medical, dental and osteopathic professionals, or where the term "clinic" or "center" is used in conjunction with an in-state geographical location or an optometrist's name in nondeceptive manners.

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 248B, filed 2/26/92, effective 3/28/92)

WAC 246-851-490 EXAMINATION AND LICENSURE. (1) Except for a candidate seeking licensure by credential or a candidate seeking a temporary license, a candidate shall not be licensed in this state unless and until:

The candidate has successfully completed:

(a) All written parts of the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease;

(b) All written portions of the National Board of Examiners in Optometry (NBEO) examinations; and

(c) An examination written and administered by the board.

(2) To be eligible to take the board administered examination, a candidate shall:

(a) Be a graduate of a state accredited high school or equivalent;

(b) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry;

(c) Be of good moral character; and

(d) Have no contagious or infectious disease involving serious risk to public health.

(3) Any candidate who has not successfully completed both the IAB and NBEO examination within two years of successfully completing the board administered examination will be required to reapply and retake the board administered examination.

NEW SECTION

WAC 246-851-500 Credentialing by endorsement.

A license to practice optometry may be issued without examination to an individual licensed in another state that has licensing standards substantially equivalent to those in Washington.

(1) The license may be issued upon receipt of:

(a) Documentation from the state in which the applicant is licensed indicating that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

(b) A completed application form with application fees;

(c) Verification from all states in which the applicant holds a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Certification that the applicant has read chapters 18.53, 18.54, and 18.130 RCW, and chapter 246-851 WAC.

(2) No individual who has at any time failed to successfully complete the board administered examination is eligible for credentialing by endorsement under this section.

(3) The board may require additional information as needed to determine if an applicant is eligible for credentialing by endorsement.

NEW SECTION

WAC 246-851-510 Reinstatement of lapsed license.

For the purposes of this section, lapsed license refers to an inactive period when the licensee is not actively practicing in Washington. Licensees who actively practice in Washington on an expired license are considered to be engaged in "unlicensed practice" and therefore subject to disciplinary action before the board.

(1) A licensee may reinstate his/her lapsed license by providing the following:

- (a) completed application;
- (b) payment of accumulated annual renewal fees;
- (c) AIDS education;
- (d) verification of licensure from other states indicating whether the license is in good standing and whether there has been any disciplinary action against the licensee, or whether there may be any pending disciplinary action.

(2) The board may require that applicants submit additional information as it deems necessary to evaluate applications for reinstatement.

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 92-16-083

**PREPROPOSAL COMMENTS
DEPARTMENT OF AGRICULTURE**

[Filed August 4, 1992, 2:25 p.m.]

Subject of Possible Rule Making: The department is considering the adoption of rules to prevent point source contamination of groundwater by pesticides and fertilizers at bulk storage facilities and pesticide permanent mixing and loading sites. The department has been working with an advisory group in developing a draft of the proposed rules. Public meetings will be held to consider additional comments on the draft prior to filing proposed rules for hearing. Those who require a copy of the draft rules should contact the Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, phone (206) 753-5062. Questions on the draft rules should be directed to Lee Faulconer.

Persons may comment on this subject in writing by Friday, October 9, 1992; or at one of the following public meetings: On September 23, 1992, beginning at 8:00 a.m., Quality Inn Paradise Creek, S.E. 1050 Bishop Boulevard, Pullman, WA 99163; on September 23, 1992, beginning at 7:00 p.m., Columbia Basin Community College, 2600 North 20th Avenue, Boardroom, Administration Building, Pasco, WA 99301; on September 24, 1992, beginning at 8:00 a.m., Elk Lodge #1930, 814 North Stratford Road, Moses Lake, WA 98837; on September 24, 1992, beginning at 7:00 p.m., 2015 South 1st Street, WSDA Conference Room, Yakima, WA 98903; and on September 29, 1992, beginning at 7:00 p.m., WSU Research Station, on Memorial Highway (SR 536), 3 miles west of Mt. Vernon, Washington.

August 4, 1992
Art G. Losey
Assistant Director

WSR 92-16-086

**PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed August 4, 1992, 4:39 p.m.]

Original Notice.

Title of Rule: WAC 308-57-250 Rental car abatement.

Purpose: To allow a December 31, 1992, vehicle expiration date for rental cars meeting the conditions outlined in the rule.

Other Identifying Information: This rule is necessary for the implementation of ESHB 2964 passed in the 1992 legislative session.

Statutory Authority for Adoption: RCW 46.01.110 and 46.16.225.

Statute Being Implemented: ESHB 2964, Washington Session Law, chapter 194.

Summary: The rule allows owners of rental cars to request abatement of excise tax when registering their rental if they meet the conditions outlined in the rule.

Reasons Supporting Proposal: As of January 1, 1993, there will be an alternative registration process which exempts rental cars from the payment of excise tax at the time of registration. This rule's purpose is to deal with the conversion of rental vehicles to this new process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Crerar, 2nd Floor, Highways-Licenses Building, 753-6993.

Name of Proponent: Department of Licensing, Linda Crerar, Licensing Services Manager, Prorate Services, 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 does not change existing rules.

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

Hearing Location: Department of Licensing, 2nd Floor Conference Room, on September 8, 1992, at 11:00 a.m. to 12:00 p.m.

Submit Written Comments to: Prorate Services, Department of Licensing, P.O. Box 9036, Olympia, WA 98504, by October 4, 1992.

Date of Intended Adoption: September 21, 1992.

August 4, 1992

David M. Hankins

Assistant Attorney General

NEW SECTION

WAC 308-57-250 RENTAL CAR ABATEMENT.

A rental car owner may request at the time of registering or renewing a rental car an expiration date of December 31, 1992, if the rental car owner meets the following conditions:

1. The rental car is used solely by a rental business for rental to others, without a driver;
2. The rental car meets the requirements for a passenger car plate as defined in RCW 46.04.832; and
3. The rental car has not been previously registered in Washington in the name of the owner requesting the abatement except for owners whose vehicle registration renewal occurs between September 21, 1992 and December 31, 1992.

The owner shall be charged excise tax based on the current depreciation rate and the appropriate license fees for the number of months required to license through December 1992. This is a one time abatement and will be in effect only through December 1992.

WSR 92-16-087
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 91-52—Filed August 5, 1992, 8:05 a.m.]

Original Notice.

Title of Rule: Amending chapter 173-326 WAC, Commercial low-level radioactive waste disposal--Site use permits.

Purpose: Effective January 1, 1993, the disposal site will become a regional facility and will no longer serve generators throughout the nation. As a result, the number of annual permits issued will drop from over 1200 to less than 150. To maintain revenue requirements in accordance with RCW 43.200.080(4), the site use permit fees must be increased.

Statutory Authority for Adoption: Chapter 43.200 RCW.

Statute Being Implemented: Chapter 43.200 RCW.

Summary: To fulfill the department's requirements under RCW 43.200.080(4), ecology is proposing amendments to chapter 173-326 WAC, which will increase site use permit fees to ensure sufficient revenue is generated to fund administration of the site use permit system and the activities of the Northwest Interstate Compact.

Reasons Supporting Proposal: As the site makes the transition from a national to a regional facility the number of permits issued annually will drop from over 1200 to less than 150. Therefore, permit fees have to be increased to maintain revenue requirements.

Name of Agency Personnel Responsible for Drafting: Mike Garner, South Sound Building, (206) 459-6860;
Implementation and Enforcement: Roger Stanley, South Sound Building, (206) 438-7020.

Name of Proponent: Department of Ecology, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The infrastructure has been in place and only involves a change in the fee.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Department of Ecology is proposing amendments to the low-level radioactive waste site use permit fee, chapter 173-326 WAC. These revisions are designed to fulfill requirements of RCW 43.200.080(4) which requires the department to establish a site use permit application fee sufficient to fund administration of the site use permit system and the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management. The fee will impact regional generators and brokers as site use permit costs will increase.

Proposal Changes the Following Existing Rules: Key elements of this amendment include revised fee schedule for broker and generator site use permits, and revised language clarifying the permit requirements for generators and brokers.

Small Business Economic Impact Statement

Rule Summary

Chapter 173-326 WAC creates a revised site use permit fee structure to collect revenues sufficient to fund the administration of the site use permit system and the activities of the Northwest Interstate Compact. Fee categories will be based on total cubic feet of low-level waste with a special category for nuclear utility waste. The fee structure will be set by this rule and the amounts assessed each year.

This rule allows fees to be significantly increased above current levels. The current low cost of permit fees is a result of the large number of permits issued annually to generators across the nation. As of January 1, 1993, the Hanford commercial low-level radioactive waste disposal site will become a regional facility serving Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, Wyoming and potentially the Rocky Mountain Compact states (Colorado, Nevada, and New Mexico). The transition will result in a reduction of the number of site use permits issued annually from over 1,200 to less than 150. The Radioactive Waste Act, RCW 43.200.080(4) directs ecology to establish a fee sufficient to fund the activities listed above. To maintain the revenue levels required, the permit fees are being increased.

Regulatory Fairness Act Requirements

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three digit SIC code) be reviewed, and amended if necessary, to minimize their impact on small businesses. Revisions to chapter 173-326 WAC meet these criteria and require a small business economic impact statement (SBEIS).

Summary of Findings and Mitigation Efforts

Amendments to chapter 173-326 WAC affect all business which dispose of low level radioactive waste. Washington agencies and companies affected include the military, research institutions, power generators and their contractors, and medical facilities in the following SIC codes:

SIC Code	Number of Firms	Title
382	73	Laboratory apparatus and analytical, optical measuring and controlling instruments
491	60	Electric services

801	4,363	Offices and clinics of doctors of medicine
806	112	Hospitals
822	35	Colleges, universities, professional schools and junior colleges
871	2,911	Engineering, architectural, and surveying services
873	534	Research, development and testing services
971	4	National security

It is likely that more than 10% of the laboratories are affected. A survey was conducted. Twenty-six of 34 companies responded. Seventeen companies reporting had more than 50 employees. Nine or 34% meet the definition of a small business. Despite the generally large size of the companies, the fee increase will be substantial. In addition a flat fee such as the current charge will have an extremely disproportionate impact. Mitigation is required. None of the mitigation called for under RCW 19.85.030(1) are legal or feasible.

In an effort to provide other mitigation ecology has found that the volume and activity of the disposed waste is positively correlated to employment. Employment is estimated as a function of volume (measured in cubic feet) and radioactivity (measured in millicuries). Care should be taken in interpreting the functional form. Eight generators of low level radioactive waste submitted no employment figures. One of these is a major generator. The estimators are sensitive to addition of this data with an assumed average employment level. In addition volume and activity are weakly collinear. It is clear however that a fee based on volume or radioactivity will reduce the disproportionate impacts.

$$\text{Employment} = 645 + 1.16(\text{volume in 91}) + 1.60(\text{activity in 91})$$

$$t \text{ statistic } (1.25) \quad (1.76) \quad (4.27)$$

$$R^2 = .94 \quad F = 190 \quad N = 26$$

In order to reduce disproportionate impacts ecology has structured the fee so that it is largely based on the volume and radioactivity of waste disposed of in Washington. The disproportionate impacts are significantly reduced by the proposed fee structure if it is compared with a flat fee. All businesses reporting 50 or fewer employees fall in the lowest two fee categories for fees estimated based on 1991 data. All companies in the highest two fee categories are very large companies. Disproportionate impacts remain across all SIC codes.

Based on 1990 data the cost per employee is 14.33 for small businesses and 1.29 for the 5 companies reporting the largest employment. Based on 1991 data the cost per employee is 20.47 for small businesses and .027 for the 5 companies reporting the largest employment. It should be noted that the ratio for large businesses changed markedly due to a change in generation by one large company.

Hearing Location: Seattle Center, Center House, Conference Center, Room B, 3rd Floor, on September 9, 1992, at 7-10 p.m.

Submit Written Comments to: Mike Garner, Nuclear and Mixed Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, by September 16, 1992.

Date of Intended Adoption: November 18, 1992.

August 4, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 88-27, filed 9/7/88)

WAC 173-326-010 Purpose. ~~((The purpose of this chapter is to implement RCW 43.200.080. Each original generator and each broker of low level radioactive waste (LLRW) shall have a valid and unencumbered site use permit prior to shipment of such waste to, or disposal of such waste at, a commercial LLRW disposal site located in the state of Washington. All low level radioactive waste received for disposal at a commercial LLRW disposal site in the state of Washington shall be traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility, or shipped through a licensed service facility such as a facility for recycling, processing, compacting, incinerating, collecting, or brokering waste.))~~ The purpose of this chapter is to institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility (RCW 43.200.080(4)). These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), the requirements of the department of health, Title 246 WAC, other requirements of Title 173 WAC, and conditions of the license issued to the disposal site operator(s).

AMENDATORY SECTION (Amending Order 87-11, filed 7/1/87)

WAC 173-326-020 Definitions. ~~((1) "Low-level radioactive waste" is defined in Public Law 99-240.~~

~~(2) "Broker" means a person who performs one or more of the following functions for a low-level radioactive waste generator, provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste:~~

~~(a) Arranges for transportation of the low-level waste;~~

~~(b) Collects and/or consolidates shipments of such low-level radioactive waste;~~

~~(c) Processes such low-level radioactive waste in some manner.~~

~~(3) "Department" means the department of ecology.~~

~~(4) "Generator" means the last person who puts radioactive material to practical use, who then declares it to be no longer of use or value.~~

~~(5) "P.L. 99-240" means the Federal Low-Level Radioactive Waste Policy Amendments Act of 1985, codified at 42 U.S.C. section 2021b, et seq.~~

~~(6) "Shipment" means the total low-level radioactive waste material transported in one vehicle:))~~ (1) "Low-level radioactive waste" means any radioactive waste which is acceptable for disposal at the Hanford commercial radioactive waste disposal facility.

(2) "Broker" means a person who performs one or more of the following functions for a low-level radioactive waste generator, provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste:

(a) Arranges for transportation of the low-level radioactive waste;

(b) Collects and/or consolidates shipments of such low-level radioactive waste;

(c) Processes such low-level radioactive waste in some manner.

(3) "Department" means the department of ecology.

(4) "Generator" means the last person who puts radioactive material to practical use, and who then declares it to be no longer of use or value.

(5) "Shipment" means the total low-level radioactive waste material transported in one vehicle.

(6) "Packager" means broker for the purposes of chapter 173-326 WAC.

(7) "Nuclear Utility" means any operating or inactive nuclear utility.

AMENDATORY SECTION (Amending Order 88-41, filed 10/18/88)

WAC 173-326-030 ((Requirements for users of the Washington commercial low-level radioactive waste disposal site)) Requirements for generators and brokers using the Hanford low-level radioactive waste disposal facility. (((1) A site use permit must be obtained prior to:

(a) The shipment of LLRW to a LLRW disposal site.

(b) The disposal of LLRW at a LLRW disposal site.

(2) An application for a site use permit must be filed:

(a) An application for a site use permit shall be filed on department form ECY 010-75.

(b) Each application shall be signed by the applicant.

(3) Number of permits required:

(a) Generators who own multiple facilities within the same state may apply for one permit, provided the same contact person within the generator's company will be responsible for the waste shipments. Otherwise separate permits will be required.

(b) Facilities which are owned by the same generator and located in different states will require separate permits.

(4) A broker must ensure that a generator has a current, unencumbered site use permit prior to shipment of that generator's waste to a commercial LLRW disposal site located in the state of Washington, and that the waste will arrive at the disposal site prior to the expiration date of the generator's permit.

(5) Permittees must provide additional information when requested by the department of ecology as necessary for the safe management of low-level radioactive waste in the state of Washington.)) (1) Each generator and broker of low-level radioactive waste shall obtain a new site use permit for disposal of waste at the Hanford commercial radioactive waste disposal facility by March 1, 1993. Permits shall be renewed annually to maintain the permit in active status. Failure to obtain a new permit by March 1, 1993, or to renew a permit in subsequent years, will result in the generator or broker being placed in inactive status. Reinstatement to active status will require the generator or broker

to submit additional payment as specified in WAC 173-326-050 (1)(e).

(2) Generator and broker permit application requirements.

(a) Each generator and broker shall pay the site use permit fees as required in chapter 173-326 WAC.

(b) An application for a site use permit shall be filed on department form ECY 010-75.

(c) Each application must be signed by an individual authorized to sign on behalf of the organization.

(d) To ensure timely renewal, generators and brokers need to submit their applications for site use permit renewal a minimum of four weeks prior to the expiration date of their present permit. Renewal notices will be sent to generators approximately three months prior to the permit expiration date.

(3) Number of permits required by each generator.

(a) Generators who own multiple facilities within the same state may apply for one permit, provided the same contact person within the generator's company will be responsible for responding to the department of ecology for matters pertaining to the waste shipments. Otherwise separate permits will be required.

(b) Facilities which are owned by the same generator and located in different states will require separate permits.

(c) Facilities who both generate and broker wastes must obtain separate generator and broker permits.

(4) Additional generator and broker requirements.

(a) Permittees must provide additional information as requested by the department of ecology for the safe management of low-level radioactive waste in the state of Washington.

(b) A broker must ensure that a generator has a current, unencumbered site use permit prior to shipment of that generator's waste to the Hanford commercial radioactive waste disposal facility located in the state of Washington, and that the waste will arrive at the disposal facility prior to the expiration date of the generator's permit.

(c) A broker shall ensure all low-level radioactive waste contained within a shipment accepted for disposal at the Hanford commercial radioactive waste disposal facility in the state of Washington is traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility, or shipped through a licensed service facility such as a facility for recycling, processing, compacting, incinerating, collecting, or brokering waste.

AMENDATORY SECTION (Amending Order 88-27, filed 9/7/88)

WAC 173-326-040 ((Site use permit fee)) Payment procedures. (((1) The permit fee must be submitted at the time of filing an application. The permit fee is not refundable. The fees for a site use permit are:

(a) One time use permit — \$ 60.00

(b) Multiple use permit — \$175.00 per year

(2) One time use permit: A generator having radioactive waste for disposal for one time only can obtain a nonrenewable site use permit for such a shipment. This permit terminates upon receipt of the shipment for disposal

~~or one year after it was issued, whichever is earlier, and cannot be reissued to a generator. If the same generator has a subsequent need to ship waste for disposal a multiple use permit must be obtained.~~

~~(3) Multiple use permit: A generator having radioactive waste for disposal more than once can obtain a renewable multiple use permit. A multiple use permit can be renewed annually. A generator who holds a multiple use permit cannot change the permit to a one-time use permit.)~~ (1) Generator payment procedures.

Each application shall be accompanied by full payment of the generator fee as required in WAC 173-326-050 (1)(c). Generators who fail to apply for a permit by March 1, 1993, or fail to maintain a permit in active status, must also include payment of the reinstatement fee as required in WAC 173-326-050 (1)(e).

(2) Broker fee payment procedures.

Each application shall be accompanied by full payment of the broker fee as required in WAC 173-326-050(2). Brokers who fail to apply for a permit by March 1, 1993, or fail to maintain a permit in active status, must also include payment of the reinstatement fee as required in WAC 173-326-050 (1)(e).

NEW SECTION

WAC 173-326-050 Permit fees. (1) Generator site use permit fee.

(a) For the purpose of assessing generators permit fees (other than nuclear utilities, new generators, and applicants requiring reinstatement), the total annual volume (cubic feet) deposited by each generator during the previous calendar year will be used. Nuclear utilities fees will be based on the ratio found in (b) of this subsection.

(b) The annual site use permit fee for generators shall be determined by the following ratio:

Classification	Ratio
< 50 cubic feet	1x
≥ 50 < 500 cubic feet	2x
≥ 500 < 1000 cubic feet	5x
≥ 1000 < 2500 cubic feet	10x
≥ 2500 cubic feet	35x
Nuclear Utilities	100x

The value of x, which represents the annual base fee, will be published in the *Washington State Register* pursuant to (c) of this subsection.

(c) Fees will be adjusted annually, as required, utilizing the 1x:2x:5x:10x:35x:100x ratio. Fee rates will be published in the *Washington State Register* and distributed to generators by the first day of each calendar year.

(d) A new generator's permit fees will be based on the generator's estimate of the volume (cubic feet) of waste requiring disposal during the first year. If a generator's waste deposits exceed the generator's volume projection, the permit will be suspended until additional fees are paid. Overpayment will be credited toward the site use permit fee for the subsequent year.

(e) A generator or broker who has not obtained a new permit by March 1, 1993, or fails to maintain annual renewal

of the permit shall include an additional payment of one thousand dollars. The permit fee for these generators will be based on the volume of waste disposed during the most recent calendar year in which waste was disposed.

(2) Broker site use permit fee. The annual cost of a permit for a broker shall be one thousand dollars.

NEW SECTION

WAC 173-326-060 Requirements for site operator.

The site operator shall provide the department of ecology with information on each waste shipment accepted for disposal at the site as requested by the department.

WSR 92-16-088

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 5, 1992, 9:26 a.m.]

Original Notice.

Title of Rule: Chapter 16-103 WAC, Milk processing assessments and collections.

Purpose: To implement 1992 legislation (SSB 6393) requiring an assessment be levied on all milk processed in the state effective July 1, 1992. An emergency rule was filed to meet this requirement.

Statutory Authority for Adoption: RCW 15.36.550.

Statute Being Implemented: Chapter 15.36 RCW.

Summary: This rule is required to implement 1992 legislation.

Reasons Supporting Proposal: To implement 1992 legislation. Moneys received will be used for additional inspection activities by the Department of Agriculture.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Julie Sandberg, 2627B Parkmont Lane S.W., Olympia, WA, (206) 753-5043.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule levies an assessment of one-half of one cent per hundredweight of all milk processed in this state. Plant operators shall submit a report monthly with the previous month's assessment. The moneys collected will be used for additional inspection of dairies by the Department of Agriculture.

Proposal does not change existing rules.

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

Hearing Location: Federal Way Library, 848 South 320th, Federal Way, WA, on September 14, 1992, at 1:30 p.m.

Submit Written Comments to: Julie Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, by September 14, 1992.

Date of Intended Adoption: October 1, 1992.

August 4, 1992

John Daly

Assistant Director

**Chapter 16-103 WAC
MILK PROCESSING ASSESSMENTS AND
COLLECTIONS**

**WSR 92-16-092
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**
[Filed August 5, 1992, 10:38 a.m.]

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 92-16-091
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**
[Filed August 5, 1992, 10:02 a.m.]

Please be advised that we are withdrawing our proposed rules governing off capitol campus parking on state-owned and state-leased office facility properties in Thurston County. These proposed rules appear at WSR 92-10-082 and were filed on May 6, 1992, by the undersigned.

New rules are under discussion and will be filed in the near future.

Alan Kurimura, Assistant Director
Division of Transportation Services

Original Notice.

Title of Rule: Creating chapter 284-22 WAC, USL&H assigned risk plan.

Purpose: This rule is intended to promote a strong and healthy maritime industry through the establishment of a plan ensuring the continued availability of United States Longshore and Harbor Workers' Act coverage for those employers unable to purchase this essential coverage in the normal insurance market. This plan will replace a voluntary plan that expired on June 30, 1992.

Other Identifying Information: Insurance Commissioner Matter No. R 92-12.

Statutory Authority for Adoption: Chapter 209, Laws of 1992.

Statute Being Implemented: Chapter 209, Laws of 1992.

Summary: The proposal provides necessary definitions for several key terms used, but not defined, in the statute; establishes a participation formula for insurers required to participate in the plan within the parameters contained in the statute; establishes a governing committee to administer the plan; provides for the approval of the plan's operating procedures by the insurance commissioner; and establishes an appeal process.

Reasons Supporting Proposal: Chapter 209, Laws of 1992 requires that the commissioner adopt rules establishing this plan. The statute only provides the basic framework for the formation of the assigned risk plan. These rules provide a detailed schematic which will permit the formation and operation of the plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is designed to promote the efficient formation and operation of an assigned risk plan which will ensure the availability of United States longshore and harbor workers' coverage for those employers unable to purchase such coverage in the normal insurance marketplace. It provides a defined purpose for the assigned risk plan; effective and termination dates for the plan; a definition of the plan's operating territory; precise definitions of the terms used in the statute and rule; a formula for determining the specific participation of authorized insurers in the event assessments become necessary; a requirement that insurers writing workers' compensation insurance in Washington provide specific information to the commissioner; for the formation of a governing committee to form and administer the plan; that the governing committee must adopt specific operating procedures which satisfy requirements set out in the rule and file them with the commissioner for approval; standards to be used by the commissioner in the review and

approval of the plan's operations, policy forms and rates, and assessments; and that any action of the plan may be appealed to the commissioner. United States Longshore and Harbor Workers' Act (USL&H) coverage is a form of workers' compensation coverage required by federal law of all employers operating in the maritime environment. This coverage may be purchased from a limited number of private insurers. It, unlike other workers' compensation insurance, is not available through the Washington state industrial insurance fund. The private insurers have not consistently offered this coverage to small employers or to those with an adverse claim history. These employers have, for many years, only been able to purchase this coverage through a voluntary assigned risk plan. However, that plan terminated on July 1, 1992, which means that these employers have no source for this essential insurance. The purpose of these rules and the assigned risk plan are to replace the terminated voluntary plan thereby ensuring that all Washington employers will be able to purchase USL&H coverage. It is anticipated that this assigned risk plan will promote the maritime industry as many of those it will insure are small contractors which without the coverage will be forced to cease operations. This would have an adverse effect on the economy of this state.

Proposal does not change existing rules.

The proposal adopts without change chapter 284-22 WAC, adopted on an emergency basis June 30, 1992.

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

This rule will effect less than 10% of all fire, marine and casualty insurers, their agents and brokers, and all Washington industries, therefore a specific economic impact statement is not required. However, the cost of complying with the rule was considered when it was drafted. For example, it requires that the plan waive assessments of less than fifty dollars which means that most small insurers will not be required to participate in the plan. This rule and the assigned risk plan it creates will have a positive economic impact on Washington businesses of all sizes by ensuring that insurance is available. This will be especially beneficial for small businesses. Information provided by the terminating voluntary plan indicated that over 65% of those it insured were small businesses. Absent to this rule, and the assigned risk plan, these businesses would be unable to purchase this required coverage forcing them to cease operating in the maritime environment.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on September 15, 1992, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 15, 1992.

Date of Intended Adoption: September 16, 1992.

August 4, 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. Under-

writing 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 92-16-093
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**
[Filed August 5, 1992, 10:42 a.m.]

Original Notice.

Title of Rule: Mammograms--Coverage requirements and exceptions.

Purpose: Effectuate the provisions of RCW 48.20.393 and 48.21.225 by establishing definitions for the exceptions to coverage for mammograms.

Other Identifying Information: Insurance Commissioner Matter No. R 92-13.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a).

Statute Being Implemented: RCW 48.20.393 and 48.21.225.

Summary: This rule adopts specific definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits. This rule also provides that coverage for mammograms may be subject to standard contract provisions.

Reasons Supporting Proposal: Lack of definitions of supplemental contracts covering specified diseases and supplemental contracts covering limited benefits has created a situation in which regulated companies have applied varied restrictions on the availability of mammograms. That variation has produced situations in which no coverage was available for mammograms, apparently in violation of RCW 48.20.393 and 48.21.225. This rule is needed to help assure compliance.

Name of Agency Personnel Responsible for Drafting: James T. Odiorne, Insurance Building, Olympia, Washington, (206) 586-5590; Implementation and Enforcement: Allen Morrow, Insurance Building, Olympia, Washington, (206) 753-5396.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines supplemental contracts covering specified diseases as only those contracts which provide benefits only for a specified disease (such as a "cancer" policy). Supplemental contracts covering limited benefits are defined as only those contracts which provide coverage for only one of hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care or podiatric care. The rule further provides that coverage for mammograms may be subject to standard contract provisions applicable to other diagnostic x-ray benefits such as deductibles and copayment. The purpose of this rule is to provide standard definitions so that the disability insurance industry will uniformly provide coverage for mammograms. It is anticipated that this rule will provide more women with coverage for mammograms, increase the number of mammograms performed, and thereby detect more cancers while they are treatable.

Proposal does not change existing rules.

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

Because RCW 48.20.393 and 48.21.225 have been in effect since 1989, most disability insurers have implemented the provisions of those statutes and need not be affected. For that reason, we believe that less than 20% of all industries and less than 10% of the disability insurer industry will be affected by the adoption of this rule.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Conference Room, Olympia, Washington, on September 8, 1992, at 10:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, P.O. Box 40255, Olympia, WA 98504-0255, by September 8, 1992.

Date of Intended Adoption: September 11, 1992.

August 4, 1992

Dick Marquardt

Insurance Commissioner

by Allen Morrow

Deputy Commissioner

Rates and Forms

purposes of RCW 48.20.393 and 48.21.225 and this regulation, supplemental contracts covering limited benefits shall be defined to mean and include only those contracts providing only one of the following benefits: Hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care, and podiatric care.

(3) Coverage of mammograms may be subject to standard policy provisions applicable to other diagnostic x-ray benefits such as deductible or copayment provisions.

(4) For purposes of RCW 48.20.393 and 48.21.225 and this regulation, a contract is "renewed" when it is continued beyond the earliest date, after September 1, 1992, upon which, at the insurer's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the mammogram coverage, with, if justified, an appropriate rate increase for any increased cost in providing mammogram coverage under the contract.

The failure of the insurer to take any such steps does not prevent the contract from being "renewed." The intent of this section is to bring the mammogram coverage under the maximum number of contracts possible at the earliest possible time, by permitting the insurer to exclude such coverage from only those contracts as to which there exists a right of renewal on the part of the insured without any change in any provision of the contract.

WSR 92-16-094
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 92-15—Filed August 5, 1992, 11:00 a.m.]

Continuance of WSR 92-13-079.

Title of Rule: WAC 173-19-2521 Seattle, city of.

Purpose: Continue adoption from August 4, 1992, to September 15, 1992.

Date of Intended Adoption: September 15, 1992.

July 29, 1992

Fred Olson

Deputy Director

NEW SECTION

WAC 284-50-270 Mammograms--Coverage requirements and exceptions. (1) The purpose of this regulation is to effectuate the provisions of RCW 48.20.393 and 48.21.225, by establishing definitions for the exceptions to coverage for mammograms. This regulation shall apply to every group and individual disability insurance contract, which is delivered or issued for delivery or renewed in this state on or after September 1, 1992, that provides coverage for hospital or medical expenses.

(2) For the purposes of RCW 48.20.393 and 48.21.225 and this regulation, supplemental contracts covering specified disease shall be defined to mean and include only those contracts or policies which provide benefits to a policyholder only in the event that the policyholder contracts the disease or diseases specifically named in the policy. Also for the

WSR 92-16-096
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed August 5, 1992, 11:15 a.m.]

Original Notice.

Title of Rule: Authority to order medications for administration.

Purpose: Requires written authorization by an authorized prescriber to dispense or deliver drugs or controlled substances.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: Requires pharmacists to receive written or oral authorization of a practitioner authorized to prescribe a

legend drug or controlled substance prior to dispensing or delivering that drug or controlled substance for administration or delivery to a patient.

Reasons Supporting Proposal: Clarifies authority to order medications for administration.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Board of Pharmacy at request of WSMA and Washington State Society of Anesthesiologists, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies for the pharmacist that legend drugs and controlled substances can only be dispensed or delivered for administration at the written or oral authorization of a practitioner duly authorized to prescribe such drug.

Proposal does not change existing rules.

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

Hearing Location: Courtyard Inn, 400 Andover Park, Tukwila, WA, on September 18, 1992, at 10:00 a.m.

Submit Written Comments to: Donald Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by September 11, 1992.

Date of Intended Adoption: September 18, 1992.

August 3, 1992
Donald H. Williams
Executive Director

NEW SECTION

WAC 246-863-130 Authority to order medications for administration. Under RCW 18.64.011(8), prescriptions include orders for drugs. Therefore, no pharmacist, pharmacy, or any person under their control shall dispense or deliver a legend drug or controlled substance for administration or delivery to a patient without the written or, where lawful, oral authorization of a practitioner duly authorized to prescribe such drug.

**WSR 92-16-097
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed August 5, 1992, 11:18 a.m.]

Original Notice.

Title of Rule: Chapter 352-12 WAC, Moorage and use of marine facilities; chapter 352-20 WAC, Use of motor driven vehicles in state parks--Parking restrictions--Violations; chapter 352-32 WAC, Public use of state parks; and chapter 352-37 WAC Ocean beaches.

Purpose: Decriminalizes certain violations from a misdemeanor to an infraction in four chapters of state parks WACs.

Statutory Authority for Adoption: RCW 43.51.040 and 43.51.180(7).

Statute Being Implemented: RCW 43.51.180(7).

Summary: The proposed action would amend certain Washington Administrative Code (WAC) selected to be designated as noncriminal. In RCW 43.51.180(7), the commission is authorized to specify by rule that violation of a rule is a noncriminal infraction.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Gansberg, 7150 Cleanwater Lane, Olympia, 98504-2650, 753-4129.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revised Code of Washington (RCW) governing the administration of Washington state parks provides that a person violating WACs adopted by the commission is guilty of a misdemeanor, classified as a criminal offense. This means park rangers must issue criminal citations for minor offenses such as camping or picnicking in nondesignated areas, swimming rule violations or pets off leash. A criminal offense requires a court appearance for both the offender and the ranger. Consequences include the establishment of a criminal record by the offending party, the reluctance of rangers to issue citations because of the disproportionate penalties, the crowding of court dockets, and diverting personnel from field duties to attend court hearings for minor violations. Recognizing these concerns, the 1987 session of the Washington state legislature authorized the natural resource agencies to designate WACs which they consider appropriate for citation as civil infractions, instead of criminal misdemeanors. RCW 7.84.060 provides the procedures for handling WAC violations which are declared to be civil infractions. And if the offender follows the procedures he/she does not establish a criminal record. Further, the infraction and any written report given by the ranger may be considered by the court in lieu of the rangers appearance. The state Supreme Court is authorized to establish a schedule of monetary penalties for designated infractions. Decriminalizing some state parks WACs will have additional positive results. Penalties would be consistent with the seriousness of minor offenses. Rangers will feel less hesitant to issue infraction notices when appropriate, rather than criminal citations. Consistent with agency law enforcement policy, criminal citations will be written only for deliberate or malicious violations such as use of firearms, discharging fireworks, or fish and game violations.

Proposal Changes the Following Existing Rules: Certain violations are decriminalized from a misdemeanor to an infraction.

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

Hearing Location: Westcoast Wenatchee Convention Center, Golden Delicious Room, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on September 11, 1992, at 9:00 a.m.

Submit Written Comments to: Bill Gansberg, 7150 Cleanwater Lane, Olympia, WA 98504-2650, by September 4, 1992.

Date of Intended Adoption: September 11, 1992.

August 4, 1992
Nina Carter
Executive Assistant

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-12-010 Moorage and use of marine facilities. (1) No person or persons shall moor or berth a vessel of any type in a commission owned or operated park or marine area except in designated marine park areas and at designated facilities.

(2) Use of designated marine park areas and facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: *Provided however*, Park managers and park rangers may allow extended or night moorage at any facility during the period September 15 through April 30, inclusive, to commercial vessels unloading passengers transported to the park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor.

(3) In order to afford the general public the greatest possible use of marine park facilities, continuous moorage at a facility by the same vessel, person or persons shall be limited to three consecutive nights, unless otherwise posted by the commission at any individual facility or area.

(4) In order to maximize usable space at mooring floats, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(5) Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(6) Dinghies shall be tied up only in designated spaces on moorage floats.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on state park floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the ranger shall make final determination.

(8) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 5/15/91)

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, \$9.00 per night;

(b) Vessels under twenty-six feet in length, \$6.00 per night: *Provided, however*, This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;

(c) Vessels moored to state park buoys, \$5.00 per night: *Provided further*, Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further*, There shall be no moorage fee for any vessel riding on its own anchor: *Provided further*, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 1/1/92)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost \$45.00; for vessels under twenty-six feet in length shall cost \$27.00: *Provided, however*, Effective January 1, 1992, the permit for vessels twenty-six feet in length and over shall cost \$55.00 and for vessels under twenty-six feet in length shall cost \$35.00.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 59, filed 3/31/82)

WAC 352-12-040 Use of onshore campsites. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) established in WAC 352-32-250 shall be paid in addition to any moorage fee provided for herein. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-12-060 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-20-010 Parking. (1) No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any state park area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked either in a designated parking area, or in another area with the permission of a ranger.

(2) No person shall park, leave standing, or abandon a vehicle in any state park area after closing time, except when camping in a designated area, or with permission from the ranger.

(3) No person shall park, leave standing, or abandon a vehicle being used for commercial purposes in any state park area without written permission from the ranger.

(4) Any vehicle found parked in violation of subsection (1), (2), or (3) of this section may be towed away at the owner's or operator's expense.

(5) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 29, filed 1/26/77)

WAC 352-20-020 Motor vehicles on roads and trails.

(1) No person shall operate any motor vehicle on a trail in any state park area unless such trail has been specifically designated and posted for such use.

(2) Subject to the provisions of subsection (1) of this section, no person shall operate a motor vehicle within the boundaries of a state park area except on roads, streets, highways, parking lots, parking areas, ATV areas or snowmobile trails and areas.

(3) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 29, filed 1/26/77)

WAC 352-20-030 Speed limits. No person shall drive a motor vehicle within any state park area at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife: *Provided, however,* That in no event shall a vehicle be driven at a speed greater than 15 miles per hour in camp, picnic, utility, or headquarters areas, or in areas of general public assemblage: *And provided further,* That in no event shall a vehicle be driven at a speed greater than 25 miles per hour in any other area except designated ATV areas and trails. In no event shall a person operate a vehicle in a designated ATV area or trail at a speed which is not reasonable and prudent for the activity and existing conditions. The commission, however, upon finding that the safety of persons and the condition of the road and the traffic thereon so warrants, may establish lower speed limits and shall post the same in the area where so established. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-20-040 Vehicles in snow areas. All vehicles operating upon roads within the boundaries of any state park area when such roads are covered with snow or ice, and so posted, shall be equipped with approved snow tires or chains. Roads and conditions will be posted and traffic permitted only at the discretion of the ranger. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-20-050 Trucks and commercial vehicles. No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any state park area or any park road therein except in the service of the commission at the request of an employee or concessionaire of the commission, or by express permission of the director for a special activity not inconsistent with state park use: *Provided,* That the provisions of this section shall not apply to county roads or state highways.

Any vehicle in violation of this section may be towed away at the owner's or operator's expense. Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-20-070 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-030 Vehicular traffic--Where permitted--Generally. Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, and defined as the "driveable beach" in WAC 352-37-020. The operation, or parking, of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance, or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

Areas identified within the Long Beach Peninsula, South Beach, and North Beach Recreation Management Plans as referenced in RCW 43.51.650 through 43.51.765, adopted by local governments located on the same beach and approved by the commission, identify those areas where the operation or parking of any vehicle is prohibited. Exceptions that allow for the use of any vehicles in these areas identified as exclusive pedestrian/nonmotorized use areas are found in WAC 352-37-070. Except as provided in WAC 352-37-220,

any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-080 Equestrian traffic. (1) Equestrian traffic shall be permitted on and along the ocean beaches within the seashore conservation area year round except where prohibited by this rule or other provision of statute or rule.

(2) Equestrian traffic shall be permitted only on that area between the extreme upper and landward limit of the hard sand area and the clam beds.

(3) Equestrian access shall be permitted at the point of intersection of any access road and the beach or any equestrian trail designated by the commission. Upland owners shall also be allowed equestrian access to and from their property, except for commercial purposes.

(4) Within the seashore conservation area, equestrian traffic shall yield the right of way to all pedestrian or vehicular traffic.

(5) Horses shall be ridden at a walk or led through areas of heavy pedestrian concentration.

(6) Equestrian traffic will not be permitted on the Long Beach Peninsula between Bolstad Avenue beach access road and 10th Street beach access road from April 15 to the day following Labor Day of the same year.

(7) Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-090 Pedestrians to be granted right of way. Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians on the ocean beaches. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-100 Parking. Parking of vehicles shall be permitted only in an area extending one hundred feet westerly from the upper or landward limit of the hard sand area, or where otherwise specifically designated by the Washington state parks and recreation commission. Beach parking shall only be allowed in areas open for beach driving. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-110 Overnight parking or camping prohibited. Overnight parking or camping shall be prohibited on any area of the ocean beaches. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-130 Speed limits. (1) No person shall operate any motor vehicle on or along any ocean beach at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, animal, vehicle or other conveyance on or entering the driveable beach in compliance with legal requirements in the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the maximum speed limit for operation of motor vehicles on the ocean beaches shall be twenty-five miles per hour.

(3) The driver of every motor vehicle operating on the ocean beaches shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing a beach access road, when approaching one or more parked vehicles, when approaching or traveling past or in the vicinity of a pedestrian or group of pedestrians, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or beach conditions.

(4) Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-37-220 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-37-180 Violations--Penalty.

AMENDATORY SECTION (Amending Order 100, filed 3/23/87, effective 5/15/87)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(16)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (WAC 352-32-250(6)). Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: *Provided*, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each

campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

(10) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "Group use permit and regulation form."

(11) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

(12) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 5/15/91)

WAC 352-32-035 Campsite reservation. (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a \$5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

(8) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(9) Reservations for a specific campsite within a park will not be guaranteed.

(10) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(11) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(12) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

(13) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 91, filed 2/5/86)

WAC 352-32-040 Picnicking. Picnicking is permitted only in designated and marked picnicking areas, or in such other places within a state park area as designated by a ranger. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-07-062, filed 3/20/90, effective 4/20/90)

WAC 352-32-050 Park periods. The director shall establish for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person shall enter or be present in a state park area after the posted closing time except:

- (1) Currently registered campers who are camping in a designated campsite or camping area;
- (2) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;
- (3) Guests of a state park employee.

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-053 Park capacities. The director may establish for each state park area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any state park area or structure at any given time or period. No person shall enter in any state park area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the director and when the individual is informed either by signs or by park staff that such capacity

has been met and the park is full. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-056 Peace and quiet. To insure peace and quiet for visitors:

(1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of 11:00 p.m. and 6:30 a.m.

(2) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions, or other such equipment, at a volume which emits sound beyond the immediate individual camp or picnic site that may disturb other park users without specific permission of the area ranger.

(3) Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 9:00 p.m.

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 96, filed 9/22/86)

WAC 352-32-060 Pets. (1) All dogs or other pets or domestic animals must be kept on leash no greater than eight feet in length, and under control at all times while in a state parks area.

(2) In any state park area, dogs, pets, or domestic animals, except for guide dogs, are not permitted on any designated swimming beach; or on any cross country ski trail in which the track has been prepared, set, or groomed; or in any public building unless so posted.

(3) No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(4) Any person bringing a dog into a state park area shall dispose of any feces deposited by the dog, by placing the feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

(5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-32-070 Horseback riding. (1) No horses shall be permitted in any state parks area, except where designated and posted to specifically permit such activity.

(2) Horses shall not be permitted on any designated swimming area, campground or picnic area.

(3) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied.

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 108, filed 12/13/88)

WAC 352-32-075 Use of nonmotorized cycles or similar devices in state parks. (1) Whenever used in this section, nonmotorized cycle or similar device shall be defined as any wheeled, operator-propelled equipment which transports the operator on land, except all wheelchairs, to include but not be limited to unicycles, bicycles, tricycles, quadcycles, scooters, and skateboards.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon roads and trails in state parks or state park areas, except:

(a) Where posted with prohibitory signing by approval of the director or designee. Prior to such posting, a public meeting shall be advertised and conducted in the region where the park is located. A closure decision shall be based on an evaluation of the degree of conflict with other park users, public safety, or damage to park resources and/or facilities related to these devices.

(b) Off public roads within designated "natural areas," "natural forest areas," or "natural area preserves."

(c) Upon designated special use trails such as interpretive or exercise trails.

(d) Upon docks, piers, floats, and connecting ramps.

(3) Persons operating such devices in state parks and state park areas shall:

(a) Obey regulatory signs.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park, operate in compliance with any additional requirements of RCW 46.61.750, Effect of regulations--Penalty.

(4) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (2) of this section.

(5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-080 Swimming. (1) Swimming areas in state park areas are marked with buoys, log booms, or other markers, clearly designating the boundaries of such areas.

(2) Any person swimming outside the boundaries of a designated swimming area, or in any area not designated for swimming, or in any area, whether designated for swimming or not, where no lifeguard is present, shall do so at his or her own risk.

(3) All persons using any designated swimming area shall obey all posted beach rules and/or the instructions of lifeguards, rangers, or other state parks employees.

(4) No person shall swim in any designated boat launching area.

(5) No person shall give or transmit a false signal or false alarm of drowning in any manner.

(6) Use of inflated mattresses, rubber rafts, rubber boats, inner tubes, or other objects, except U.S. Coast Guard approved life jackets, in state park areas for the purpose of buoyancy while swimming or playing in any designated swimming area is prohibited. Concessionaires are not permitted to rent or sell such floating devices within state parks without written approval of the commission.

(7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 91, filed 2/25/86)

WAC 352-32-090 Games. Playing games in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-32-100 Disrobing. (1) No person shall disrobe in public in any state park area.

(2) Clothing sufficient to conform to common standards shall be worn at all times.

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-32-110 Tents, etc., on beaches. No person shall erect, maintain, use, or occupy any temporary tent or shelter on any swimming beach in any state park area unless there is an unobstructed view through such tent or shelter from at least two sides: *Provided, however,* That nothing herein contained shall be construed to authorize camping except in designated areas. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 94, filed 5/19/86)

WAC 352-32-155 Lakes located wholly within state parks boundaries--Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace, and tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are:

Horsethief Lake in Horsethief Lake State Park.

(3) This provision does not apply to employees of the commission, other law enforcement officers or public agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

(4) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 94, filed 5/19/86)

WAC 352-32-157 Lakes located partially within state park boundaries--Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace and tranquility, and to protect and preserve wildlife, increase visitor safety, and to limit the degradation of lake water quality, the Washington state parks and recreation commission, in conjunction with the following ordinance(s), prohibits the use of internal combustion engines on the following lakes partially within park boundaries:

Cascade Lake at Moran State Park, San Juan county ordinance 10.16.030.

(2) This provision does not apply to employees of the commission, other law enforcement officers or governmental agency representatives while engaged in the performance of their duties, or to persons or groups participating in emergency or search and rescue operations.

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Resolution No. 70, filed 6/17/83)

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165, no person shall engage in commercial solicitation, or sell or peddle any goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 11, filed 7/29/71)

WAC 352-32-220 Intoxication in state park areas. Being or remaining in, or loitering about in any state park area while in a state of intoxication shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 11, filed 7/29/71)

WAC 352-32-230 Food and beverage containers on swimming beaches. (1) The use or possession of any food or beverage container consisting wholly or in part of glass or metal is prohibited on any beach within any state park area, where such beach is designated as a swimming area, or where such beach is customarily and generally used as a swimming area by park patrons though not designated as such.

(2) The provisions of this rule shall not apply to any portion of the seashore conservation area as designated and established by RCW 43.51.655.

(3) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 90-04-025, filed 1/29/90, effective 3/1/90)

WAC 352-32-235 Use of metal detectors in state parks. The use and operation of metal detectors, as well as the removal of found materials, is permitted within selected state parks as designated by the director, subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of the developed day use areas of these state parks as posted for public reference.

(2) The use of metal detectors within a state park shall be limited to hours of operation before 10:00 a.m. from the Friday before Memorial Day through Labor Day, and shall be limited to the hours of operation at other times of the year. No use shall be allowed during periods of seasonal or emergency park closure.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which appears to be of historical or archaeological significance, remaining from either early pioneer activity or from a native American presence, may be removed from the site at which it was found. Any such find shall be immediately

reported to park personnel, and the area in which the find occurred shall not be disturbed further.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed one inch width. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users from the Friday before Memorial Day through Labor Day.

(7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 60, filed 4/14/82)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of campsites and shall pay the appropriate fee, as provided for herein, on a self-registration basis, in accordance with all posted instructions. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 38, filed 1/17/78)

WAC 352-32-260 Sno-park permit. Only those vehicles properly displaying a valid winter recreational area parking permit issued by the state of Washington or by another state or nation which honors a Washington state winter recreational area parking permit shall park in designated winter recreational parking areas. Those vehicles in violation of this rule shall be subject to the application of RCW 46.61.587. Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 49, filed 11/21/80)

WAC 352-32-265 Sno-park permit--Display. The winter recreational area parking permit issued by the state of Washington shall be displayed near the lower left corner and on the inside of the windshield of the vehicle when the vehicle is parked in a designated winter recreational parking area. Those vehicles in violation of this rule shall be subject to application of RCW 46.61.587. Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-310 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

WSR 92-16-098

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed August 5, 1992, 11:33 a.m.]

Original Notice.

Title of Rule: General conduct code.

Purpose: To relocate former rules into a more appropriate chapter. Also to advise the public of the new smoking policy. Other sections involve ensuring the safety of individuals on campus e.g., bomb threats, firearms, etc.

Statutory Authority for Adoption: RCW 28B.35.120.

Statute Being Implemented: RCW 70.160.010.

Summary: The new rules provide guidelines in the participation in civil demonstrations. Bomb threats are required to be reported immediately. Firearms policies and procedures are being proposed to ensure safety. Trespass guidelines have been established. Smoking regulations are set forth. Pet control guidelines have been proposed. A poster policy is proposed to enhance campus appearance.

Reasons Supporting Proposal: No guidelines have been in place to allow university police to exercise control over firearms on campus, pets, bomb threats, or violations of trespass, except for those provided by statute. The smoking policy is required by statute and agrees with the Washington Clean Indoor Air Act.

Name of Agency Personnel Responsible for Drafting: Ann Carrasco, SHW 318, (509) 359-6299; Implementation: Elson Floyd, Executive Vice- President, SHW 207, (509) 359-6293; and Enforcement: University Police, Red Barn, (509) 359-6300.

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 rule will provide general guidelines to conduct on campus specifically where health and safety issues are a concern.

Proposal does not change existing rules.

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 99004, on September 18, 1992, at 10:00 a.m.

Submit Written Comments to: Ann Carrasco, Rules Coordinator, SHW 318, Mail Stop 114, Cheney, Washington 99004-2496, by September 17, 1992, 5:00 p.m.

Date of Intended Adoption: September 18, 1992.

August 4, 1992

Ann Carrasco

Rules Coordinator

**Chapter 172-122 WAC
GENERAL CONDUCT CODE**

NEW SECTION

WAC 172-122-100 Civil demonstrations. The university shall make every attempt to protect participating and nonparticipating individuals during a civil demonstration, to include sit-ins which occur in a university office, structure, or on the property of Eastern Washington University.

The following guidelines shall be observed in the event of any form of a civil demonstration.

(1) One person shall act as a representative of the university in an effort to establish a clear line of communication.

(2) The demonstrators will be asked to appoint a representative to communicate with the university representative.

(3) Orderly behavior shall be maintained and university property shall not be damaged.

(4) The demonstration shall not interfere with educational or business functions of the university.

The University News Bureau shall be the official contact for news media.

University police are authorized to take actions in accordance with Washington state and federal laws.

NEW SECTION

WAC 172-122-110 Bomb threats. Any university employee or student who receives a bomb threat must immediately notify the university police. University employees and students who fail to report bomb threats will be subject to disciplinary action by the university.

Bomb threats against the university will be prosecuted to the full extent of the law.

NEW SECTION

WAC 172-122-120 Firearms. Violations of the subsections of this section are subject to appropriate disciplinary or legal action.

(1) Possession, carrying, or discharge of any explosive, firearm, chemical weapon (or dangerous chemical) or other weapon; including shotguns, pistols, air guns, pellet guns, and paint ball guns, whether loaded or unloaded; is prohibited on property owned or controlled by Eastern Washington University.

(2) Only people who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other university-controlled property, including residence halls. A law enforcement agent must notify the university police of his or her presence on campus on arrival.

(3) Other than the people referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university-provided storage facility, located at the red barn. The storage facility is controlled by the university police office and is accessible twenty-four hours per day throughout the year.

(4) Anyone seeking to bring a firearm or other weapon onto campus for display or demonstration purposes directly related to a class or other educational activity must obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(5) Firearms owned by the institution for use by special interest groups such as university-sponsored gun clubs, ROTC, or intercollegiate shooting teams, must be stored in a location approved by the university police department. These firearms must be checked out by the club advisor or coach and are to be used by legitimate members of the club or team in the normal course of the club or team's related activity.

NEW SECTION

WAC 172-122-200 Notice of trespass. The president of Eastern Washington University, or in the 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 publicly owned buildings or related facilities owned by the university, then the president acting through the executive vice-president or other persons designated by the president, shall have the power and authority to:

(1) Prohibit the entry of, or withdraw the license or privilege of any person or persons, or any group of persons, to enter onto or remain on all or any portion of real property or in any building or facility thereon or attached thereto which is owned or operated by the university; or

(2) Give notice against trespass by any manner specified in chapter 9A.52 RCW 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 on all or any portion of real property or in any building or facility thereon or attached thereto, which property is owned or operated by the university; or

(3) Order any person, persons, or group of persons to leave or vacate all or a portion of real property or any building or facility thereon or attached thereto which is owned or operated by the university.

NEW SECTION

WAC 172-122-210 Restriction of access. The president of Eastern Washington University shall be authorized to reasonably restrict the access to any portion of real property or any building or facility thereon or attached thereto, owned by the university by designating the person, persons, or class of persons who is privileged to enter on or into or remain on university-owned real property or buildings or facilities thereon or attached thereto. Additionally, the president may prescribe reasonable hours of occupancy and reasonable conduct during occupancy for those persons or class of persons which are privileged to enter on or into or remain in any building or facility owned by Eastern Washington University.

NEW SECTION

WAC 172-122-300 Smoking regulations. The smoking of tobacco substances at Eastern Washington University is subject to the following rules:

(1) Smoking is allowed in designated areas only. The appropriate provost/vice-president shall be responsible for

designating smoking areas under the guidelines of this policy.

(2) Some university buildings are designated as smoke free; no smoking is allowed in any location of these buildings.

(3) All designated smoking areas must have physical barriers and ventilation systems which prevent toxic smoke contaminants from entering adjacent nonsmoking areas.

(4) Smoking is not permitted in nonposted areas. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area.

(5) Smoking cessation programs will be provided by the university as needed. Employees who wish to stop smoking are encouraged to attend.

COMPLIANCE AND ENFORCEMENT:

(6) All members of the university are expected to comply with the law and this policy.

(7) Concerns about smoking practices should be directed to the environmental health and safety office.

(8) Violations of the policy will be reviewed in light of chapter 70.160 RCW.

NEW SECTION

WAC 172-122-400 Pet control. Guide or service dogs as defined at chapter 70.84 RCW are distinguished from references to pets in this section and WAC 172-122-410 and, therefore, are granted full and equal access to university facilities when accompanied and under the control of a disabled individual. In order to assure the health and safety of a person on property owned or controlled by Eastern Washington University, the following rules and regulations regarding pet control are hereby promulgated:

(1) Title 7 of the municipal code of the city of Cheney, Washington, relating to animal control shall be expressly applicable to all portions of the Eastern Washington University properties contained within the city of Cheney, Washington.

(2) State and county laws relating to animal control are expressly applicable to all portions of the Eastern Washington University properties outside the city of Cheney, Washington.

(3) No person will be permitted to bring any pet on properties owned or controlled by Eastern Washington University unless the pet is under the immediate control of the person: *Provided*, That pets are not permitted to enter into buildings owned or controlled by Eastern Washington University.

NEW SECTION

WAC 172-122-410 Penalties for violations of pet control regulations. (1) Persons violating WAC 172-122-400 may be referred to an appropriate court of law for prosecution. Sworn police officers of Eastern Washington University shall have express authority to refer the violations to appropriate courts of law.

(2) Pets found to be in violation of WAC 172-122-400 may be impounded by any employee of the Eastern Washington University police department. The executive vice-president or designee may contract for services to include the keeping and boarding of pets in compliance with Title 7 of the Cheney Municipal Code.

NEW SECTION

WAC 172-122-500 Posters. To ensure that goals and objectives relating to the appearance of the campus are maintained, the university regulates the content, location, dimensions, and period of display time of posted materials. The placement of posters must be approved by the director of student auxiliary services, in accordance with the university poster policy/procedure, prior to their placement in any campus location, including the EWU Spokane Center. Specific regulations are available to the public in the office of student union activities at the Cheney campus.

**WSR 92-16-099
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 5, 1992, 11:45 a.m.]

Original Notice.

Title of Rule: WAC 480-122-060, relating to the Washington telephone assistance program. The proposed amendatory section is shown below as Appendix A, Docket No. UT-920696.

Purpose: See Explanation of Rule below.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 170, Laws of 1990.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98503 [98504], (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment would provide a balance in the fund to maintain an assistance rate to financially needy persons 60 years of age or older who receive financial or medical assistance, food stamps, or supportive services in their own home and who are notified of their eligibility by DSHS. It would increase the monthly per-line excise tax from 5 cents to 13 cents.

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: Commission Hearing Room, #250, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 16, 1992, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98503 [98504], by September 2, 1992.

Date of Intended Adoption: September 16, 1992.
August 5, 1992
Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-328, Docket No. UT-900462, filed 9/11/90, effective 10/12/90)

WAC 480-122-060 Telephone assistance excise tax. Beginning ~~((July))~~ November 1, ((1990)) 1992, local exchange companies shall collect a telephone assistance excise tax on all switched access lines of ~~((five))~~ thirteen cents per month ~~((, in lieu of previously tariffed lifeline surcharge))~~. Each party line subscriber shall be assessed the telephone assistance excise tax in full. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." Money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund ~~((to be))~~ administered by the department.

WSR 92-16-101
PROPOSED RULES
LOTTERY COMMISSION
[Filed August 5, 1992, 11:52 a.m.]

Original Notice.

Title of Rule: WAC 315-11-860, 315-11-861 and 315-11-862, Definitions, criteria and ticket validation requirements for Instant Game No. 86 ("Card Sharks"); WAC 315-11-870, 315-11-871 and 315-11-872, Definitions, criteria and ticket validation requirements for Instant Game No. 87 ("Double Dribble"); WAC 315-11-880, 315-11-881 and 315-11-882, Definitions, criteria and ticket validation requirements for Instant Game No. 88 ("Money Tree"); WAC 315-35-010 Definitions for Daily 80; WAC 315-35-020 Price of Daily 80 play; WAC 315-35-030 Play for Daily 80; WAC 315-35-040 Prizes for Daily 80; WAC 315-35-050 Ticket purchases; WAC 315-35-060 Drawings; and WAC 315-04-190 Compensation.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 86 ("Card Sharks"), 87 ("Double Dribble"), 88 ("Money Tree"); to adopt rules authorizing a "Daily 80" on-line game; and to amend WAC 315-04-190, the rule on retailer compensation.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-860, 315-11-861, 315-11-862, 315-

11-870, 315-11-871, 315-11-872, 315-11-880, 315-11-881 and 315-11-882, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets; WAC 315-35-010, 315-35-020, 315-35-030, 315-35-040, 315-35-050 and 315-35-060, these rules are proposed to establish new rules for the on-line game, "Daily 80." Terms are defined, game play is explained, prize amounts are stated, and information on ticket purchases and drawings provided.

Proposal Changes the Following Existing Rules: The proposal would amend WAC 315-04-190 on retailer compensation to increase the amount of compensation a retailer receives for selling lottery tickets.

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

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, East 10517-9 Sprague Avenue, Spokane, WA 99206, on September 11, 1992, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by September 10, 1992.

Date of Intended Adoption: September 11, 1992.

August 5, 1992
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11-860 DEFINITIONS FOR INSTANT GAME NUMBER 86 ("CARD SHARKS"). (1) Play symbols: The following are the "play symbols": "11"; "12"; "13"; "15"; "16"; "17"; "19"; "20"; and "21." One of these play symbols appears in each of the three play spots in the "your hand" column and in each of the three play spots in the "their hand" column in the playfield on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The number 1, 2 or 3 precedes each play symbol caption to indicate the location of the play symbol in Game 1, Game 2 or Game 3. For Instant Game Number 86, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
11	ELEVN
12	TWLVE
13	THRTN
15	FIFTN
16	SIXTN
17	SVNTN
19	NINTN
20	TWNTY
21	TTYON

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$16.00"; "\$40.00"; and "\$5,000." One of these prize symbols appears for each game (row) in the prize column on the front of the ticket.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each prize symbol caption to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 86, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$16.00	SIXTEEN
\$40.00	\$FORTYS
\$5,000	FIVTHOU

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered with latex.

(6) Pack-ticket number: The eleven-digit number of the form 08600001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 86 constitute the "pack number" which starts at 08600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 86, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00 (\$2; \$1 and \$1)
FOR	\$4.00 (\$4; \$2, \$1 and \$1)
EGT	\$8.00 (\$4 and \$4)
SXT	\$16.00 (\$16; \$8, \$4 and \$4)

(8) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-861 CRITERIA FOR INSTANT GAME NUMBER 86. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your hand" column that is a larger number than the play symbol in the "their hand" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 86 set forth in WAC 315-11-862, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 86; and/or

(b) Vary the number of tickets sold in Instant Game Number 86 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-862 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 86.

(1) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 86 shall comply with all of the following validation requirements.

(a) Exactly one play symbol must appear in each of the three play spots in the "your hand" column and in each of the three play spots in the "their hand" column under the latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) Exactly one prize symbol for each of the three games (rows) must appear under the latex covering in the prize column on the front of the ticket.

(d) Each of the three prize symbols must have a caption below it and each must agree with its caption.

(e) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-860(1); each of the play symbol captions must be exactly one of those described in WAC 315-11-860(2), each of the prize symbols must be exactly one of those described in WAC 315-11-860(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-860(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-870 DEFINITIONS FOR INSTANT GAME NUMBER 87 ("DOUBLE DRIBBLE"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$7.00"; "\$21.00"; "\$50.00"; and "\$10,000." One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 87, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$7.00	SVN DOL
\$21.00	TTN DOL
\$50.00	\$FIFTY\$
\$10,000	TENTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 08700001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 87 constitute the "pack number" which starts at 08700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 87, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
SVN	\$7.00
FRN	\$14.00
TTN	\$21.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-871 CRITERIA FOR INSTANT GAME NUMBER 87. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three \$1.00 play symbols - Win	\$1.00
Three \$2.00 play symbols - Win	\$2.00
Three \$7.00 play symbols - Win	\$7.00
Three \$21.00 play symbols - Win	\$21.00
Three \$50.00 play symbols - Win	\$50.00
Three \$10,000 play symbols - Win	\$10,000

(b) There shall be a latex covered area contiguous to the play area which may inform the ticket holder that the prize won in the play area is doubled. If such a statement is on a ticket, the ticket's prize shall be double the amount won pursuant to subsection (a) of this section.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 87 set forth in WAC 315-11-872, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) A T-shirt promotion shall be offered in conjunction with Instant Game Number 87. Players who obtain five tickets containing the message "T-shirt" under the latex covering shall be entitled to a free T-shirt. Procedures for redemption of the T-shirt promotional gifts shall be established by the director.

(6) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 87 and/or

(b) Vary the number of tickets sold in Instant Game Number 87 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-872 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 87.

(1) A valid instant game ticket for Instant Game Number 87 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below it and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-870(1) and each of the captions must be exactly one of those described in WAC 315-11-870(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-880 DEFINITIONS FOR INSTANT GAME NUMBER 88 ("MONEY TREE").

(1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$19.00"; "\$50.00"; "\$500.00"; and "\$10,000." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 88, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$19.00	NIT DOL
\$50.00	\$FIFTYS
\$500.00	FIVHUND
\$10,000	TENTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 08800001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 88 constitute the "pack number" which starts at 08800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 88, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
EGT	\$8.00
NIT	\$19.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-881 CRITERIA FOR INSTANT GAME NUMBER 88. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

The bearer of a ticket having the following play symbols in any three of the nine spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$1.00	play symbols - Win	\$1.00
Three	\$2.00	play symbols - Win	\$2.00
Three	\$4.00	play symbols - Win	\$4.00
Three	\$8.00	play symbols - Win	\$8.00
Three	\$19.00	play symbols - Win	\$19.00
Three	\$50.00	play symbols - Win	\$50.00
Three	\$500.00	play symbols - Win	\$500.00
Three	\$10,000	play symbols - Win	\$10,000

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 88 set forth in WAC 315-11-882, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 88; and/or

(b) Vary the number of tickets sold in Instant Game Number 88 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-882 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 88.

(1) A valid instant game ticket for Instant Game Number 88 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the nine play spots under the removable latex covering on the front of the ticket.

(b) Each of the nine play symbols must have a caption below it, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-880(1) and each of the captions must be exactly one of those described in WAC 315-11-880(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**Chapter 315-35 WAC
Daily 80 rules**

NEW SECTION

WAC 315-35-010 Definitions for Daily 80. (1) Number: Any play integer from 1 through 80 inclusive.

(2) Game grid: A field of the 80 numbers found on the play slip.

(3) Play: A selection of one to ten numbers.

(4) Play slip: A mark-sense game card used by players of Daily 80 to purchase a play.

NEW SECTION

WAC 315-35-020 Price of Daily 80 play. The price of each Daily 80 play shall be \$1.00. A player must use a play slip to purchase a Daily 80 play.

NEW SECTION

WAC 315-35-030 Play for Daily 80. A Daily 80 player must use a play slip to purchase a Daily 80 play, selecting from one to ten numbers in each play. Players may choose their numbers by marking a play slip or may

have the numbers selected by a random number generator operated by the computer, a method commonly referred to as "quick play." The lottery shall select twenty numbers from one to eighty. A winning play is achieved when the required quantity of the player's numbers match the numbers in the lottery's selection to receive a prize as stated in WAC 315-35-040.

NEW SECTION

WAC 315-35-040 Prizes for Daily 80. (1) The prize amounts to be paid to each Daily 80 player who selects a winning combination of numbers shall be as follows:

MARK 10 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
10	8,911,711.1	\$100,000
9	163,381.3	\$5,000
8	7,384.4	\$500
7	620.6	\$50
6	87.1	\$5
5	19.4	\$2
4	6.7	\$0
3	3.7	\$0
2	3.3	\$0
1	5.5	\$0
0	21.8	\$3
	9.0	

MARK 9 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
9	1,380,687.6	\$25,000
8	30,681.9	\$2,500
7	1,690.1	\$100
6	174.8	\$10
5	30.6	\$5
4	8.7	\$1
3	4.0	\$0
2	3.1	\$0
1	4.5	\$0
0	15.6	\$0
	6.5	

MARK 8 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
8	230,114.6	\$10,000
7	6,232.2	\$500
6	422.5	\$50
5	54.6	\$5
4	12.2	\$2
3	4.6	\$0
2	3.0	\$0
1	3.7	\$0
0	11.3	\$0
	9.7	

MARK 7 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
7	40,979.3	\$1,000
6	1,365.9	\$100
5	115.7	\$15
4	19.1	\$2
3	5.7	\$1
2	3.0	\$0
1	3.1	\$0
0	8.2	\$0
	4.2	

MARK 6 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
6	7,752.8	\$1,000
5	323.0	\$40
4	35.0	\$4
3	7.7	\$1
2	3.2	\$0
1	2.7	\$0
0	6.0	\$0
	6.1	

MARK 5 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
5	1,550.5	\$200
4	82.6	\$17
3	11.9	\$2
2	3.6	\$0
1	2.4	\$0
0	4.4	\$0
	10.3	

MARK 4 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
4	326.4	\$24
3	23.1	\$5
2	4.7	\$1
1	2.3	\$0
0	3.2	\$0
	3.8	

MARK 3 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
3	72.0	\$16
2	7.2	\$2
1	2.3	\$0
0	2.4	\$0
	6.5	

MARK 2 SPOTS:

NUMBER MATCHES	ODDS 1:	PRIZE
2	16.6	\$8
1	2.6	\$0
0	1.7	\$0
	16.6	

MARK 1 SPOT:

NUMBER MATCHES	ODDS 1:	PRIZE
1	4.0	\$2
0	1.3	\$0
	4.0	

(2) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize won by those numbers.

(3) In the event any player who holds a winning ticket does not claim the prize won within one hundred eighty days of the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) There shall be no more than \$500,000 paid per game to holders of plays with ten matching spots. If there are more than five plays which each have ten matching spots, \$500,000 shall be divided equally among the play holders thereof.

(5) Prize payment will be made in accordance with WAC 315-30-030(6).

NEW SECTION

WAC 315-35-050 Ticket purchases. (1) Daily 80 tickets may be purchased or redeemed during no less than seventeen hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) Daily 80 tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Daily 80 tickets shall on the front of the ticket contain the player's selection of numbers, amount wagered, drawing date and validation and reference numbers. The back of the ticket shall contain an estimate of the probability of purchasing a winning ticket, player instructions, player information and signature area, and the ticket serial number.

NEW SECTION

WAC 315-35-060 Drawings. (1) The Daily 80 drawing shall be held once a day, seven days per week, except that the director may change the drawing schedule or cancel the drawing on a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, twenty winning numbers. Any drawn numbers will not be declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Daily

80 winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91)

WAC 315-04-190 Compensation. (1) Effective July 1, 1992 ((L)) lottery retailers shall be entitled to a five and one-half percent discount ((from)) on the retail price of the instant game tickets established by rule for each game.

(2) Effective July 1, 1993, lottery retailers shall be entitled to a six percent discount on the retail price of the instant game tickets established by rule for each game.

((2)) (3) Effective July 1, 1992, ((L)) lottery retailers authorized to sell on-line tickets shall be entitled to a five and one-half percent discount ((from)) on the total of gross on-line ticket sales less on-line ticket cancellations.

(4) Effective July 1, 1993, lottery retailers authorized to sell on-line tickets shall be entitled to a six percent discount on the total of gross on-line ticket sales less on-line ticket cancellations.

(5) Effective July 1, 1992, in addition to that discount authorized under subsections (3) and (4) of this section, lottery retailers authorized to sell tickets for the on-line game, lotto, shall be entitled to a one percent discount on the total of gross lotto ticket sales less lotto ticket cancellations where the tickets sold are for a jackpot prize of six million dollars or more.

((3)) (6) Lottery retailers may receive additional compensation through programs including but not limited to additional discounts, retailer games, retailer awards, and retailer bonuses.

(a) The commission must approve each such program prior to its implementation.

(b) The director shall establish and publish the procedures necessary to implement any such program approved by the commission prior to initiation of the program.

((4)) (7) The lottery, when selling instant or on-line tickets, as a lottery retailer, may use the proceeds from the ((five percent)) applicable discount ((from)) on the retail price of the tickets sold to pay fees or other charges associated with those sales.

WSR 92-16-102
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed August 5, 1992, 11:56 a.m.]

Original Notice.

Title of Rule: Chapter 236-14 WAC, Parking program for state facilities off the state capitol grounds in incorporated areas of Thurston County.

Purpose: The purpose of these rules is to implement the legislative mandate in RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and leased properties. It is the department's intent to implement parking fees throughout the state on a graduated basis,

beginning with the incorporated areas of Thurston County outside the state capitol grounds.

Statutory Authority for Adoption: RCW 46.08.172.

Statute Being Implemented: RCW 46.08.172.

Summary: The proposed rules establish parking rental fees for state facilities off the state capitol grounds in incorporated areas of Thurston County and define categories of users and vehicles. In addition, the Department of General Administration is authorized to establish other permits and issue a fee schedule for each. Except for the capitol campus, the director delegates the responsibility for the collection of parking fees to other agencies of state government. Criteria for exempting individual state facilities from parking rental fees are also established. The Department of General Administration will promulgate parking rental fees throughout the state on a graduated basis after considering comparable market rates in such geographic area(s), beginning with the incorporated areas of Thurston County. There are new sections on severability, delegation of authority, and provisions relating to lease renewal.

Reasons Supporting Proposal: RCW 46.08.172 mandates the director of general administration to establish equitable and consistent parking rental fees for state-owned and state-leased properties, taking into account comparable market rates. The intent is to reduce state subsidization of parking and to generate revenue for parking services administration and transportation demand management issues.

Name of Agency Personnel Responsible for Drafting: Steve Borchardt, P.O. Box 41018, General Administration Building, Room G7, Olympia, WA, (206) 753-4243; Implementation and Enforcement: J. Duncan Crump, P.O. Box 41025, Plaza Level D, Olympia, WA, (206) 753-3269.

Name of Proponent: Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules implement the general legislative mandate of RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and state-leased properties. The focus of these rules is state facilities in incorporated areas of Thurston County, except for the state capitol grounds. The director has delegated the responsibility for the collection of parking fees to other agencies of state government, except for the capitol grounds. These proposed rules create different fees for employees, agencies, and other types of parking uses, outline the department's authority to create parking permits, fee schedules, and establish the factors to be considered when determining exemptions from parking rental fees. New sections on severability, delegation of authority, and provisions relating to lease renewal are also added. The anticipated effects are a fair and equitable parking rental fee structure throughout incorporated areas of Thurston County for state facilities, a reduction in state subsidization of parking, and an increased use of high-occupancy vehicles.

Proposal does not change the existing rules.

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

Hearing Location: Department of General Administration, 1st Floor, General Administration Auditorium, General Administration Building, 11th and Columbia, Olympia,

Washington 98504, on September 8, 1992, at 10-12:30 and 5-7.

Submit Written Comments to: J. Duncan Crump, P.O. Box 41025, Olympia, WA 98504-1025, by September 8, 1992, noon.

Date of Intended Adoption: September 15, 1992.

August 5, 1992
 Alan Kurimura
 Assistant Director

**PROPOSED NEW ADMINISTRATIVE RULES
 DEPARTMENT OF GENERAL ADMINISTRATION**

**Chapter 236-14 WAC
 PARKING PROGRAM FOR STATE FACILITIES
 OFF THE STATE
 CAPITOL GROUNDS IN INCORPORATED AREAS
 OF THURSTON COUNTY**

NEW SECTION

WAC 236-14-010 Purpose. The purpose of these rules is to implement the legislative mandate in RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and leased properties. It is the department's intent to implement parking fees throughout the state on a graduated basis, beginning with the incorporated areas of Thurston County outside the state capitol grounds.

NEW SECTION

WAC 236-14-015 Definitions. As used in this chapter, the following terms shall mean:

- (1) "Director" means the director of the department of general administration.
- (2) "Department" means the department of general administration.
- (3) "Disabled" means any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and WAC 308-96A-315.
- (4) "State facilities" means all state-owned and leased facilities except: roads and highways; rest areas; institutions of higher education; parks; park and ride facilities; ferry terminals; military facilities; unstaffed storage facilities; and equipment/vehicle compounds.
- (5) "Parking program" means policies and procedures designed for the specific users of state facility parking areas/lots.
- (6) "Zoned parking" means parking areas/lots where individuals are assigned to a zone, but not to an individual stall.
- (7) "Shift worker" means any worker whose regularly scheduled work shift is totally outside his/her agency's core hours as established by Merit System Rule 356-15-095.
- (8) "Passenger motor vehicle" means any sedan, station wagon, bus or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons.

NEW SECTION

WAC 236-14-050 Parking program responsibilities.

(1) State agencies which have control over parking areas at state facilities at which the parking fees established in WAC 236-14-100 are charged should develop a program to regulate parking in those areas. Recommended program elements include:

- (a) Written policies and procedures. A current copy should be sent to and maintained at the department of general administration, office of parking services;
 - (b) Parking registration;
 - (c) Compliance with the Americans With Disabilities Act for disabled parkers;
 - (d) Provisions for carpool and vanpool parking; and
 - (e) Provisions for visitor parking.
- (2) State agencies are encouraged to implement zoned parking wherever practicable.
- (3) State agencies are encouraged to have a permitting and enforcement program.

(a) If an agency chooses to have a permitting program, it is encouraged to use the department's permits to provide consistency, and to take advantage of lower bulk prices. Agencies are also encouraged to require permits to be located on vehicles in a manner consistent with similar department capitol grounds policies.

(b) Where enforcement programs are implemented, it is recommended that they include:

- (i) Noncompliance fees consistent with fees in effect on the capitol campus;
- (ii) Provisions for impoundment;
- (iii) Provisions for suspension and/or revocation of parking privileges; and
- (iv) Provisions for hearing rights related to fees, impoundment and suspension and/or revocation of parking privileges.

NEW SECTION

WAC 236-14-100 Parking Rental Fees for State Facilities Off the State Capitol Grounds in Incorporated Areas of Thurston County. (1) The parking rental fees for state facilities off the state capitol grounds in incorporated areas of Thurston County shall be as follows:

PARKING USES	PARKING FEES
(a) Agency assigned uses – passenger motor vehicle (Non-passenger state-owned/leased motor vehicles will not be charged for parking)	\$30 per month
(b) Employee uses	
(i) General "zoned"	\$15 per month
(ii) Leased/reserved areas and/or stalls	\$20 per month
(iii) Disabled employees	\$15 per month
(iv) Shift workers (non-core hours)	no charge
(c) Motorcycle, motor-driven cycle/moped uses	\$10 per month
(d) Nonstate personnel uses (concession vendors, daycare providers, press corps, etc.)	\$30 per month
(e) Visitor uses	
(i) Metered parking	\$.50 per hour
(ii) Unmetered parking	no charge

- (iii) Disabled visitors no charge
 (f) Carpool/vanpool uses (permits in accordance with WAC 236-12-295) no charge

(g) In addition to the rates established under (a), (b) (c), (d), and (f) of this subsection, the department may establish rates for agency prepaid monthly service/delivery and temporary/daily permits to be issued to other state agencies. The department will establish a fee schedule for such permits, and will keep such fee schedule on file at the Department of General Administration, Office of Parking Services, Plaza Garage, D Level, P.O. Box 41025, Olympia, Washington 98504-1025. Such fee schedule will be available to any person upon request.

(2) If there is a contract or lease provision which sets parking fees at a state facility which is in effect on the date of adoption of this rule, the schedule of fees set forth in subsection (1) of this rule shall not apply to the parking covered by that contract or lease. This exemption shall be in effect only for the duration of the current term of the existing contract or lease.

(3) The director may exempt individual state facilities from parking rental fees or may authorize a different schedule of fees than provided in subsection (1) of this rule. In determining whether to exempt a state facility, or to authorize a different schedule of fees, the director shall consider one or more of the following factors:

- (a) Transportation demand management or commute trip reduction requirements;
 (b) Unusual market conditions;
 (c) Remoteness of location.

NEW SECTION

WAC 236-14-200 Delegation. With the exception of the capitol campus, the director, per RCW 46.08.172, is delegating the responsibility for the collection of parking fees to other agencies of state government.

NEW SECTION

WAC 236-14-300 Property leases. All existing property leases, upon renewal, and all new property leases administered by the department will be reviewed and negotiated to include provisions which facilitate agency compliance with this chapter.

NEW SECTION

WAC 236-14-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of its provisions to other persons or circumstances is not affected.

WSR 92-16-105
 PROPOSED RULES
 BUILDING CODE COUNCIL
 [Filed August 5, 1992, 12:00 p.m.]

Original Notice.

Title of Rule: Policies and procedures for consideration of state-wide and local amendments to the State Building Code.

Purpose: To adopt revisions to chapter 51-04 WAC, in order to modify the council's policies and procedures for consideration of state-wide amendments to the State Building Code proposed.

Statutory Authority for Adoption: RCW 19.27.035.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: Amendments are proposed to the council's policies and procedures for consideration of state-wide amendments to the State Building Code, in order to utilize the International Conference of Building Officials Code Development process to more thoroughly review and consider amendments that are proposed to the council.

Name of Agency Personnel Responsible for Drafting and Implementation: Willy O'Neil, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504, (206) 586-0486.

Name of Proponent: Washington Association of Building Officials, private; and State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: As currently written, the rule delineates the system for council adoption and amendment of the State Building Code, including proposed state-wide amendments to the code. The purpose of the proposal is to encourage more effective use of the International Conference of Building Officials Code Development process when considering state-wide code changes. The effect of the rule will be to institute a more formalized system for considering state-wide amendments to the building codes.

Proposal Changes the Following Existing Rules: The rule sets up a yearly "submission period" when state-wide amendments to the State Building Code may be proposed to the council. Proposed amendments shall be considered by the council, and the council shall accept proposals as appropriate for future consideration. Accepted proposals shall be submitted to the appropriate model code development organization for consideration as a code change. Upon availability of the new editions of the uniform codes, an adoption period commences to adopt the new editions of the codes, including consideration and possible adoption of amendments previously accepted during the "submission period." Additional state-wide amendments to codes, other than the uniform codes, may also be considered during this time.

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

The proposal will have no effect on businesses.

Hearing Location: City Council Chambers, Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA, on September 11, 1992, at 9:00 a.m.; and at the SeaTac Fire Department, 2929 South 200th, SeaTac, WA, on September 18, 1992, at 9:00 a.m.

Submit Written Comments to: Gene Colin, Chair, State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504, by September 25, 1992.

Date of Intended Adoption: November 13, 1992.

July 10, 1992
Gene J. Colin
Chair

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-015 Definitions. (1) "Supplements and accumulative supplements" mean the publications between editions of the uniform codes and standards which include changes to the current edition of the uniform codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency state-wide amendment" means any proposed state-wide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants, preserve the structural integrity of buildings built to the state building code or to comply with enacted state or federal legislation. Emergency state-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "State building code" means the Uniform Building Code and Standards; the Uniform Mechanical Code including Appendix B, Chapter 22 Fuel Gas Piping; the Uniform Fire Code and Standards; the Uniform Plumbing Code and Standards, excluding Chapters 11 and 12; the state regulations for barrier-free facilities; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "State-wide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. State-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the uniform code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW. ~~(During the code update cycle, the entire building code is updated by the council. The code update cycle commences upon availability of the publication of the current edition of the Uniform Codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature.~~

~~Within sixty days of the receipt of the new current editions of the uniform codes as published by the International Conference of Building Officials, International~~

~~Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively, the council shall enter rulemaking to update the building code.)~~ hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the uniform codes, hereinafter referred to as "submission periods."

(9) "Uniform codes" means the Uniform Building, Mechanical, Plumbing, and Fire Codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-018 ((Preproposal)) Petition for preliminary review. An agency, city or county, or other interested individual or organization wishing to submit state-wide or local government residential amendments to the building code for council consideration, may file with the council a ((preproposal)) petition for preliminary review of the state-wide or local government residential amendment, in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a ((preproposal)) petition for preliminary review to one of the council standing committees for review and comment.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-020 Policies for the consideration of proposed state-wide amendments. The council will accept and consider petitions for emergency state-wide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.

The council will accept and consider all other petitions for state-wide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020 as follows:

In every year excluding the year with the adoption period, the state building code council shall identify a submission period of at least thirty days when revisions to the uniform codes may be submitted. The state building code council shall review all submissions and accept for future rule making those revisions favorably reviewed. Revisions accepted shall be submitted to the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials and the International Fire Code Institute, respectively, as proposed revisions to the uniform codes (unless recently considered as amendments) and held for further review during the adoption period.

The adoption period commences upon availability of the publication of the new edition of the uniform codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature. For the purposes of this section, the publication of supplements shall not be considered a new edition. At the beginning of the adoption period, the state building code council shall identify

a limited submission period of at least thirty days. During this period, the council will receive revisions proposed to:

The uniform codes provided that the proposed revisions shall be limited to revisions which address changes in the uniform codes since the previous edition.

The state building code which addresses existing state-wide amendments to the uniform codes.

The state building code which addresses portions of the state building code other than the uniform codes.

In addition, the state building code council shall review for adoption those proposed revisions to the uniform code accepted after preliminary review in those submission periods since the last adoption period. The state building code council shall consider the action of the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials and the International Fire Code Institute, respectively, in their consideration of these proposals.

Within sixty days of the receipt of the new edition of the uniform codes the council shall enter rule making to update the building code.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-025 Procedure for submittal or proposed state-wide amendments. All proposed state-wide amendments shall be submitted in writing to the council, on the form provided by the council.

~~Petitions for state-wide amendments to the building code ((should)) shall be submitted to the council ((within thirty days of publication of the new current editions of the uniform codes as revised by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively)) during the submission period and the adoption period in accordance with WAC 51-04-020.~~

Petitions for emergency state-wide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed state-wide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

The council shall deal with all proposed state-wide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

WSR 92-16-106
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 5, 1992, 12:00 p.m.]

Original Notice.

Title of Rule: Washington State Ventilation and Indoor Air Quality Code.

Purpose: To adopt or amend and adopt the final State Ventilation and Indoor Air Quality Code pursuant to RCW 19.27.190(2) and chapter 132, Laws of 1992.

Statutory Authority for Adoption: RCW 19.27.190(2).
 Statute Being Implemented: RCW 19.27.190(2) and chapter 132, Laws of 1992.

Summary: The purpose of the rule is to adopt the final Ventilation and Indoor Air Quality Code in accordance with RCW 19.27.190(2) and revised radon monitoring requirements for new residential buildings.

Reasons Supporting Proposal: RCW 19.27.190(2) and chapter 132, Laws of 1992.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, 906 Columbia Street S.W., Olympia, WA 98504, (206) 586-2251; and Enforcement: Local government.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council especially seeks comments on the following issues and options that are proposed in the rule: Elimination of the reference to Department of Housing and Urban Development Mobile Home Construction and Safety Standards; new requirement that all penetrations and joints be sealed to reduce radon entry through slabs and other floor systems and walls below grade, rather than just those penetrations that will not be exposed after the final inspection; new maximum distance requirement from bedrooms to the whole house ventilation system exhaust fan pickup; radon monitoring requirement for new construction; and any additional clarifying amendments that may be needed.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts final standards for mechanical ventilation system design construction, and installation, and requirements for controlling radon and outside air infiltration into residential buildings. The purpose of the proposed rule is to adopt the Final State Ventilation and Indoor Air Quality Code in accordance with RCW 19.27.190(2). The proposed rule will amend several requirements related to the design, installation and construction of mechanical ventilation systems, the sealing of floor systems to reduce the entry of radon into buildings, and final adoption of new requirements for radon monitoring in new residential buildings in accordance with chapter 132, Laws of 1992.

Proposal Changes the Following Existing Rules:

Chapter One

Section 101.3.1.1, the exception was clarified regarding exemptions for additions to existing buildings.

Section 101.3.1.2, an exception was added allowing an exemption for air handling/conditioning equipment replacing existing equipment.

Chapter Two

Masonry heater is defined.

Solid fuel burning appliance definition is modified.

Virgin polyethylene is defined.

Chapter Three

Section 302.1, modifies existing language to differentiate between R Occupancies of "less than four stories" and "greater than four stories." Residential Occupancies greater than four stories will comply with Section 304.

Section 302.1.2, new section describing how flow testing shall be conducted, and providing that such testing may be required at the discretion of the building official.

Section 302.2.1, changes laundry facility to laundryroom.

Section 302.2.2, adds an exception for the ventilation rate for dwelling units less than 1,400 square feet.

Section 302.3.2, requires the automatic control timer to be set at the time of final inspection for a minimum of eight hours per day.

Section 302.6.2, specifies requirements for individual room outdoor air inlets. Deletes existing language.

Section 302.6.3, specifies the location of the outdoor air connection to the return air stream.

Section 302.6.4, specifies installation of distribution ducts as an option. Specifies that doors must be undercut to a minimum of one-half inch above the surface of the finish floor covering.

Section 303.1.1, adds an exception for range hood exhaust fans in kitchens.

Section 303.1.2, refers to Table 3-2 for ventilation capacity. Requires an exhaust fan pickup on the same floor as each bedroom.

Two options are listed for part (b). Option #1 details the configuration and location of ducting, and specifies damper or other automatic flow devices. Option #2 only refers to the damper and automatic flow devices, leaving the configuration of ducting to an additional table referred to in the following section.

Section 303.2, removes existing language regarding the size of ducts. Also refers to a new table, Table 3-5, needed under Option #2 in Section 303.1.2.

Section 304.1, removes existing language regarding outdoor air quantities.

Adds an exception to allow the outside air rate to be based on known occupant density.

Adds an exception to allow ducts to terminate with 12 inches of the intake to a HVAC unit under certain conditions.

Removes an existing exception.

Table 3-3, prescriptive exhaust duct sizing is modified.

Table 3-4, changes the title to read; Outdoor Air Requirements for Ventilation Occupancies Not Subject to Section 302.

Establishes a new category in the table: Dwelling units in buildings greater than four stories, and makes other minor modifications within the table.

Table 3-5, "prescriptive integrated forced air system sizing" as part of Option #2 changes to Section 303.1.2 and 303.2.

Chapter Four

Section 400.1, changes language to read "components within the conditioned space" rather than components of the house.

Section 401.2, three options are listed for solid fuel burning appliances regarding combustion air, manufacturers

specifications and compliance with standards and tests. Option #2 modifies how the test shall be conducted. Option #3 does not specify a specific test or standard. All three options allow for an exception in lieu of direct ducting under specified conditions.

Section 401.3, allows an exception for fireplaces with gas logs to be installed in accordance with UMC Chapter 803.

Differentiates requirements for doors between site-built and factory-built fireplace.

Section 401.4, new section regarding masonry heaters. Specifies that they shall be approved by Department of Ecology, and has requirements for doors and ducting.

Chapter Five

Section 502.1.3, modifies requirements for soil gas retarder, and labeling of radon vent fan switches. Specifies that crawlspaces may not be used for return air plenums.

Section 502.2.1, modifies existing language that is currently in conflict with state statutes. Existing language to be deleted during emergency rulemaking July 1, 1992. New language reflects the intent of legislation regarding monitoring. Specifies what must be included in the radon monitoring device package and that the device will be delivered by the building official during the final inspection of each single family residence and all ground floor units in multifamily residential buildings. Specifies that the homeowner, not the building official, is responsible for returning the testing device to the laboratory.

Section 503.1, specifies that this section applies to the eight counties identified in Section 501.2.2. Specifies requirements for air barriers.

Section 503.2.3, changes the standard to which aggregate must comply to ASTM.

Section 503.2.4, specifies that concrete slab must be in direct contact with the soil-gas retarder membrane. Allows an exception.

Section 503.2.5, removes existing language regarding accessibility of below grade joints at the time of occupancy.

Section 503.2.6, modifies existing language to specify how joints and connections shall be made permanently gas tight and the configuration of pipe within the aggregate.

Small Business Economic Impact Statement: The majority of the proposed changes are clarifications and corrective language which have no economic impact. There are no proposed reporting requirements for small businesses.

However, some additional costs may be realized in the following areas: Whole house exhaust fan pickup must be within 20 feet of each bedroom. This new requirement may result in larger homes being required to purchase and install an additional fan. No data is currently available on the economic impacts of this change; and sealing of penetrations and joints, all penetrations and joints in concrete slabs or other floor systems and walls below grade shall be sealed. In deleting the accessibility clause, the code is now clear that all penetrations and joints are required to be sealed. This may result in marginal added costs for additional sealant and labor to install the sealant.

These minor economic impacts will be offset by the following: Source specific ventilation was eliminated for washer/dryer closets. The dryer already acts as an exhaust

system; and mechanical ventilation systems may be sized according to the known occupancy density rather than the table value, which may reduce costs related to oversizing equipment.

Therefore, there is no net economic impact on small businesses.

Hearing Location: On September 11, 1992, Spokane City Hall, Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, at 9 a.m.; and on September 18, 1992, SeaTac Fire Department, 2929 South 200th SeaTac, WA, at 9 a.m.

Submit Written Comments to: Gene Colin, Chair, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, by September 25, 1992.

Date of Intended Adoption: November 13, 1992.

July 10, 1992

Gene J. Colin
Chair

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-101 Scope and general requirements.

101.1 Title: This Code shall be known as the Washington State Ventilation and Indoor Air Quality Code. It is herein referred to as "this Code".

101.2 Intent: The purpose of this Code is to provide minimum standards for the design and installation of mechanical ventilation systems, the selection of structural materials used within the conditioned space, and the construction of radon mitigation systems for new construction.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques. These provisions are structured to permit compliance with the intent of this Code by demonstration of performance through on site testing or through engineered design. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

101.3 Scope: This Code sets forth minimum requirements for ventilation in all occupancies, including the design of new construction.

101.3.1 Application to Existing Buildings

101.3.1.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made without making the entire building comply, provided that the new addition shall conform to the provisions of this Code.

Exceptions

1. ~~((Additions that do not include kitchens, bathrooms, water closets, indoor swimming pools, spas, and other areas where excess water vapors are produced and are less than five hundred square feet are exempt from Chapter 3.))~~
Additions with less than 500 square feet of conditioned floor area are exempt from the requirements in this code for Whole House Ventilation Systems, Section 302.2.2.

2. Additions or alterations to existing buildings which do not require the construction of foundations, crawlspaces,

slabs, or basements shall not be required to meet the requirements for radon protection.

101.3.1.2 Alterations and Repairs: All alterations and repairs may be made to existing or moved buildings built or permitted prior to the enforcement of this Code without making the entire building comply with the provisions of this Code, provided the alterations or repairs comply with this Code.

Exception: Air handling/conditioning equipment, which is being replaced without alteration or repair of the associated air distribution system is exempt from the requirements of this Code.

101.3.1.3 Historic Buildings: Historic buildings are exempt from this Code only to the extent necessary to preserve those features essential to their historical appearance or function.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-202 Definitions.

Addition: An extension or increase in floor area or height of a building or structure.

Aggregate: Crushed stone, stone, or other inert material, or combinations thereof having hard, strong, durable pieces.

Air barrier: A continuous material or system of materials utilized for the purpose of minimizing the movement of air across a defined boundary, and capable of withstanding the maximum pressure developed across it, without failing by becoming significantly more leaky.

Air, exhaust: Air removed from a space and not reused therein.

Air, outdoor: Air taken from the external atmosphere and, therefore, not previously circulated through the HVAC system or the conditioned space.

Air, supply: That air delivered to the conditioned space and used for ventilation, heating, cooling, humidification, or dehumidification.

Air, transfer: The movement of indoor air from one space to another.

Air, ventilation: That portion of supply air that is outdoor air plus any recirculated air that has been treated for the purpose of maintaining acceptable indoor air quality.

AMCA: Air Movement and Control Association, Inc.

Approved: As to material and types of construction, refers to approved by the building official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

ASHRAE: American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

Automatic: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for

example, a change in current strength, pressure, temperature, or mechanical configuration.

Back-draft damper: A damper installed to restrict introduction of unconditioned air from an unconditioned space to a conditioned space.

Barometric damper: Shall be any listed non-manual device that freely allows the flow of air in one direction, but does not allow conditioned air to escape. Any installed combustion air damper shall meet the installation requirements of the manufacturer.

Building official: The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

Certified local government: The local government has been certified by the state historical preservation officer as having established its own historic preservation commission and a program meeting federal and state standards.

CFM: Cubic feet per minute.

Conditioned floor area: The floor area within the conditioned space.

Conditioned space: That part of a building that is heated or cooled or both for the comfort of occupants.

Dehumidistat: An automatic control device which measures changes in humidity and controls a device(s) for maintaining a maximum specified humidity range or level.

Exfiltration: The uncontrolled outward air leakage through cracks and concealed spaces in any building element and around sole plates, wall outlets, duct systems, windows, and doors of a building, caused by the pressure effect of wind and/or the effect of differences in the indoor and outdoor air density.

Gravel: A type of aggregate.

Habitable space (room): Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space and similar areas, are not considered habitable space. For the purpose of this Code, a single habitable space may consist of adjoining rooms when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or twenty five square feet, whichever is greater.

Heat recovery ventilation system: A device or combination of devices applied to provide the outdoor air for ventilation in which energy is transferred between the intake and exhaust airstream.

Historic buildings: Any structure, collection of structures, and their associated sites, deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal government jurisdiction. Including shall be structures on official national, state, or local listings such as the National Register of Historic Places, the State Register of Historic Places, state points of historical interest, and registers or listings of historical or architecturally significant sites, places, historic districts, or landmarks as adopted by a certified local government.

Humidistat: An automatic control device which measures changes in humidity and controls a device(s) for maintaining a minimum specified humidity range or level.

HVAC: Heating, ventilating, and air conditioning.

HVI: Home Ventilating Institute of America, Inc.

Infiltration: The uncontrolled inward air leakage through cracks and concealed spaces in any building element and around sole plates, wall outlets, duct systems, windows, and doors of a building, caused by the pressure effect of wind and/or the effect of differences in the indoor and outdoor air density.

"J" Definitions: (Reserved)

"K" Definitions: (Reserved)

"L" Definitions: (Reserved)

Manual: Capable of being operated by human intervention.

Masonry heater: A heating system which is predominantly masonry construction, having a mass of at least 1764 pounds (800 kg) excluding chimney and base. Within the masonry mass are contained a firebox and multiple heat exchange channels which store the heat and allow for extremely high temperature fires to be burned.

Mitigate: To design, select, apply, and install systems, materials, and processes that reduce radon concentrations in the indoor air of a building, and/or prevent entry of radon into the indoor air of a building, so that the average indoor radon concentration is reduced to an acceptable level.

New construction: Any building, addition or change in occupancy permitted on or after the effective date of this Code.

"O" Definitions: (Reserved)

Picocurie, pCi: A measure of radioactive activity equal to one trillion of a curie. A curie is the amount of any radionuclide that undergoes thirty seven billion nuclear disintegrations per second, hence a picocurie is .037 nuclear disintegrations per second.

Picocurie per liter, pCi/L: A common unit of measurement of the concentration of radioactivity in a gas. One pCi/L corresponds to 2.22 radioactive disintegrations per minute per liter of air.

"Q" Definitions: (Reserved)

R value: (See Thermal resistance (R))

Readily accessible: Readily accessible means capable of being reached safely and quickly for operation, repair, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles, or to resort to the use of portable access equipment.

Soil depressurization system (SDS): A radon control technique that depressurizes the space below a concrete slab or other soil gas retarder relative to the space above it. The purpose of SDS is to maintain a slightly lower pressure in the soil gas under the slab or other soil gas retarder, compared to the indoor pressure above it, to ensure that flows

are from the indoors to the soil, thus preventing mass transport of radon contaminated soil gas to the indoor air.

Soil gas retarder membrane: A flexible sheet material placed between the soil and the indoor air for the purpose of reducing the flow of soil gas into the building.

Solid fuel burning appliance: Any factory-built (~~or site built~~) appliance designed to (~~provide heat for a structure by burning~~) burn solid fuels.

Source specific ventilation system: A mechanical ventilation system including all fans, controls, and ducting, which is dedicated to exhausting contaminant-laden air to the exterior of the building from the room or space in which the contaminant is generated.

System: A combination of equipment and/or controls, accessories, interconnecting means, and terminal elements by which air is transferred.

Terminal element: The means by which the transferred air from a system is finally delivered; i.e., registers, diffusers, through-the-wall vents, roof caps, etc.

Thermal resistance (R): The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq.ft./hr.°F/Btu.

Thermostat: An instrument which measures changes in temperature and control device(s) for maintaining a desired temperature.

Unconditioned space: (See **Conditioned space**)

Ventilation: The process of supplying and removing air by natural or mechanical means to and from any space. Such air may or may not be conditioned.

Ventilation, mechanical: The introduction and distribution of outdoor air and the removal of indoor air by mechanical means.

Ventilation, natural: Ventilation other than by mechanical means.

Virgin polyethylene: Extruded polyethylene sheets made from nonreprocessed resins.

Whole house ventilation system: A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct or indirect means, air from the habitable rooms with outdoor air.

Wood stove: (See **Solid fuel burning appliance**)

"X" Definitions: (Reserved)

"Y" Definitions: (Reserved)

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

**WAC 51-13-300 Chapter 3--(~~Design conditions~~)
Ventilation systems.**

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-302 Minimum ventilation criteria for all Group R occupancies four stories and less.

302.1 General: This section shall apply to all Group R occupancies 4 stories or less as defined by the Washington State Building Code. Residential structures greater than 4 stories in height shall comply with Section 304. Compliance with this section shall be demonstrated through engineering calculations or performance testing. Documentation of calculations shall be submitted to the building official where required. Performance testing shall be conducted in accordance with recognized test methods.

302.1.2 Testing: At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this section. Flow testing may be performed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

302.2 Minimum Ventilation Performance: Each dwelling unit or guest room shall be equipped with source specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this chapter.

Exception: All public corridors shall meet the ventilation requirements in section 1205 (c) of the Uniform Building Code.

302.2.1 Source Specific Ventilation: Source specific exhaust ventilation shall be required in each kitchen, bathroom, water closet, laundry (~~facility~~) room, indoor swimming pool, spa, and other rooms where excess water vapor or cooking odor is produced.

The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

302.2.2 Whole House Ventilation Systems: Each dwelling unit shall be equipped with a whole house ventilation system which shall be capable of providing at least 0.35 air changes per hour, but not less than fifteen cubic feet per minute per bedroom plus an additional fifteen cubic feet per minute. Whole house ventilation systems shall be designed to limit ventilation to a level no greater than 0.5 air changes per hour under normal operation conditions. Whole house ventilation systems shall supply outdoor air to all habitable rooms through individual outdoor air inlets, forced-air heating system, ducting or equivalent means. Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.

Exception: For dwelling units of no more than 1,400 square feet, the maximum ventilation rate shall be .65 air changes per hour.

302.3 Controls: All ventilation system controls shall be readily accessible. Controls for whole house ventilation systems shall be capable of operating the ventilation system without energizing other energy-consuming appliances.

Exception: Continuously operated whole house ventilation systems switch shall not be readily accessible by the occupant.

302.3.1 Source Specific Ventilation Systems: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

302.3.2 Intermittently Operated Whole House Ventilation Systems: The intermittently operated whole house ventilation systems shall be constructed to have the capability for continuous operation, and shall have a manual control and an automatic control, such as a clock timer. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for a minimum of eight hours a day.

302.4 Noise: Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less measured at 0.1 inches water gauge. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

Exception: Whole house ventilation systems which are integrated with forced-air heating systems or heat-recovery ventilation systems are exempt from the sone rating requirements of this section.

302.5 Ventilation Ducts: All ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

302.6 Outdoor Air: A mechanical system shall supply outdoor air as required in section 302.2.2. The mechanical system may consist of exhaust fans, supply fans, or both.

302.6.1 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- Closer than ten feet from an appliance vent outlet, unless such vent outlet is three feet above the outdoor air inlet.
- Where it will pick up objectionable odors, fumes, or flammable vapors.
- A hazardous or unsanitary location.
- A room or space having any fuel-burning appliances therein.

- Closer than ten feet from a vent opening of a plumbing drainage system unless the vent opening is at least three feet above the air inlet.
- Attic, crawl spaces, garages.

302.6.2 Individual Room Outdoor Air Inlets: Individual room outdoor air inlets shall ~~((have a controllable and secure opening and be capable of a total opening area of not less than four square inches and tested by a nationally recognized standard or approved agency and located to avoid drafts))~~; Be located to avoid drafts; have controllable and secure openings; be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed; provide not less than four square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 CFM at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard are deemed equivalent to four square inches net free area.

302.6.3 Ventilation Integrated with Forced-Air Systems: The outdoor air connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger.

302.6.4 Distribution: Outdoor air shall be distributed to each habitable room by individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-303 Mechanical ventilation criteria and minimum ventilation prescriptive requirements for all Group R occupancies four stories and less.

303.1 General: This section establishes minimum prescriptive design requirements for intermittently operated systems. Continuously operated systems shall comply with section 302. System characteristics not addressed in the following sections shall comply with section 302. A system which meets the requirements of this section shall be deemed to satisfy the requirements of this chapter.

303.1.1 Source Specific: Exhaust fans providing source specific ventilation shall have a minimum fan flow rating not less than fifty cfm at 0.25 inches water gauge for bathrooms, laundries, or similar rooms and one hundred cfm at 0.25 inches water gauge for kitchens. Manufacturers' fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210.

Exception: Where a range hood exhaust fan is used to satisfy the source specific ventilation requirements for kitchens, the range hood exhaust shall not be less than 100 CFM at 0.10 inches water gauge.

303.1.2 Whole House: Whole house ventilation systems may consist of whole house exhaust, integration with forced-air systems or dedicated heat recovery ventilation systems. Whole house exhaust systems shall provide ventilation capacity as specified in Table 3-2 and meet the following requirements:

a) Exhaust fans providing whole house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table 3-2. Manufacturer's fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210. Table 3-2 shall not be used for dwelling units with more than ~~((four))~~ five bedrooms.

An exhaust fan pickup shall be provided on the same floor as, and within 20 feet of, each bedroom to provide adequate distribution of outdoor air.

OPTION ONE

b) Integrated forced-air ~~((ventilation))~~ systems shall have ~~((a))~~ an outdoor air inlet duct of either a minimum six inch diameter or ~~((equivalent outdoor air inlet duct connecting a))~~ minimum 7-inch diameter if more than one elbow is required. This duct shall: Not exceed 20 feet in length; be connected to a minimum 8-inch diameter or equivalent terminal element on the outside of the building; be connected to the return air plenum of the forced-air system at a point within 4 feet upstream of the air handler. ~~((The outdoor air inlet))~~ This duct shall be equipped with ~~((a damper, or other device that regulates air flow to a minimum of 0.35 air changes per hour but not greater than the 0.50 air changes per hour under normal operating conditions.))~~ one of the following:

1) A motorized damper connected to the automatic ventilation control as specified in Section 302.3.2; or

2) A damper installed and field tested or calibrated to meet measured flow rates as specified in Table 3-2; or

3) An automatic flow regulated device with field measured or field calculated minimum pressure differential of 0.05 inches water gauge at the point where the device is connected to the return air plenum.

c) Heat recovery ventilation systems: All duct work in heat recovery ventilation systems shall be not less than six inch diameter. Balancing dampers shall be installed on the inlet and exhaust side. Flow measurement grids shall be installed on the supply and return. System minimum flow rating shall be not less than that specified in Table 3-2. Maximum flow rates in Table 3-2 do not apply to heat recovery ventilation systems.

303.2 Source Specific and Whole House ~~((Exhaust))~~ Ventilation Ducts: Exhaust ducts shall meet all requirements of section 302.5. Duct diameter, length, and number of elbows shall ~~((not be less than four inches and duct length shall not exceed levels))~~ be as specified in Table 3-3. Terminal elements shall have at least the equivalent net free area of the duct work.

OPTION TWO

b) Integrated forced-air ventilation systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced-air system, at a point within 4 feet upstream of the air handler, and be equipped with either:

1) A motorized damper connected to the automatic ventilation control as specified in Section 302.3.2; or

2) A damper installed and field tested or calibrated to meet measured flow rates as specified in Table 3-2; or

3) An automatic flow regulated device with field measured or field calculated minimum pressure differential of 0.05 inches water gauge at the point where the device is connected to the return air plenum.

c) Heat recovery ventilation systems: All duct work in heat recovery ventilation systems shall be not less than six inch diameter. Balancing dampers shall be installed on the inlet and exhaust side. Flow measurement grids shall be installed on the supply and return. System minimum flow rating shall be not less than that specified in Table 3-2. Maximum flow rates in Table 3-2 do not apply to heat recovery ventilation systems.

303.2 Source Specific and Whole House Exhaust Ducts: Exhaust ducts shall meet all requirements of section 302.5. Duct diameter, length, and number of elbows for exhaust fans shall be as specified in Table 3-3. Terminal elements for exhaust fan duct systems shall have at least the equivalent net free area of the duct work. Duct diameter, length, and number of elbows for integrated forced air systems shall be as specified in Table 3-5. Terminal elements for integrated systems shall be the same size as the connecting ductwork or 8 inches in diameter whichever is greater.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-304 Mechanical ventilation criteria and minimum ventilation performance for all other occupancies not covered in sections 302 and 303.

304.1 Ventilation: ~~((The outdoor air quantities specified in Table 3-4 for each type of occupancy shall be used as the minimum for design. In no case shall the outdoor air quantities be less than five cfm per person.))~~

The minimum requirements for operable area to provide natural ventilation are specified in the Uniform Building Code (UBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table 3-4 ~~((based upon the greater of the occupant densities in Table 3-4 or the design occupant density)).~~

Exception: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 3-4 estimated maximum occupancy values.

The outdoor air shall be ducted in a fully enclosed path directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation. (~~The maximum outdoor air quantities used as the basis for calculating the heating and cooling design loads shall not exceed three times the quantities specified in Table 3-4.~~)

Exception: Ducts may terminate within 12 inches of the intake to a HVAC unit provided they are physically fastened so that the outside air duct is directed into the unit intake.

In all parking garages, other than open parking garages as defined in UBC 709 (b), used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum fourteen thousand cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust three hundred cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 6 of the UMC.

Mechanical refrigerating equipment and rooms storing refrigerates shall conform to the requirements of Chapter 15 of the UMC.

~~((Exception: If outdoor air quantities other than those specified in Table 3-4 are used or required because of special occupancy or process requirements, source control of air contamination, health, and safety or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.))~~

MINIMUM SOURCE SPECIFIC VENTILATION CAPACITY REQUIREMENTS
TABLE 3-1

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

WHOLE HOUSE ((EXHAUST FAN PRESCRIPTIVE)) VENTILATION FLOW REQUIREMENTS ¹
TABLE 3-2

Bedrooms	CFM	
	Minimum	Maximum
2 or less	50	75
3	80	120
4	100	150
5	120	180

¹ This table shall not be used for dwelling units containing more than 5 bedrooms.

PRESCRIPTIVE EXHAUST DUCT SIZING
TABLE 3-3

Fan Tested CFM @0.25 W.G.	Minimum Maximum	Maximum	Minimum Maximum	Maximum	Maximum Elbows ¹
	Flex Diameter	Length Feet	Smooth Diameter	Length Feet	
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	No Limit	6 inch	No Limit	3
80	4 inch ²	NA	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	NO Limit	3
100	5 inch ²	NA	5 inch	50	3
100	6 inch	45	6 inch	No Limit	3
125	6 inch	15	6 inch	No Limit	3
125	7 inch	70	7 inch	No Limit	3

- For each additional elbow subtract 10 feet from length.
- Flex ducts of this diameter are not permitted with fans of this size.

((VENTILATION REQUIREMENTS IN OTHER THAN GROUP R OCCUPANCY)) OUTDOOR AIR REQUIREMENTS FOR VENTILATION OCCUPANCIES NOT SUBJECT TO SECTION 302

TABLE NO. 3-4

Application	Estimated Maximum ¹ Occupancy P/1000 ft ³ or 100 m ³	Outdoor Air Requirements cfm/person
Dry Cleaners, Laundries³		cfm/person
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15
Dwelling Units In Buildings Greater Than Four Stories or Attached to 1-Occupancy Facilities		
Bedrooms & living areas ⁴		15
Kitchens		100 cfm intermittent or 25 cfm continuous
Baths		50 cfm intermittent or 20 cfm continuous
Food and Beverage Service		
Dinning rooms	70	20
Cafeteria, fast food	100	20
Bars, cocktail lounges ⁴	100	30
Kitchens (cooking) ³	20	15
Garages, Repair, Service Stations		
Enclosed parking garage ³		1.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.
Hotels, Motels, Resorts, Dormitories, Congregate Residences with More Than Four Stories⁴		
Bedrooms		30 cfm/ft.sq.room
Living Rooms		30 cfm/ft.sq.room
Bath ⁷		35 cfm/ft.sq.room
Lobbies	30	15
Conference rooms	50	20
Assembly rooms	120	15
Dormitory sleeping area ⁴	20	15
Gambling casinos ⁴	120	30

TABLE 3-4 Cont.
OUTDOOR AIR REQUIREMENTS FOR VENTILATION¹
COMMERCIAL FACILITIES

Estimated Maximum² Occupancy
P/1000 ft² or 100 m² cfm/person

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Offices		
Office space ⁹	7	20
Reception area	60	15
Telecommunication centers and data entry areas	60	20
Conference rooms	50	20
Public Spaces		
Corridors and utilities		0.005 cfm/ft.sq.
Public restroom, cfm/wc or urinal ¹⁰		50
Lockers and dressing rooms		.05 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Elevators ¹²		1.0 cfm/ft.sq.
Retail Stores, Sales Floors, and Show Room Floors		
Basement and street	30	0.3 cfm/ft.sq.
Upper floors	20	0.2 cfm/ft.sq.
Storage rooms	15	0.15 cfm/ft.sq.
Dressing rooms		0.20 cfm/ft.sq.
Malls and arcades	20	0.20 cfm/ft.sq.
Shipping and receiving	10	0.15 cfm/ft.sq.
Warehouses	5	0.05 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Specialty Shops		
Barber	25	15
Beauty	25	25
Reducing salons	20	15
Florists ¹³	8	15
Clothiers, furniture		.30 cfm/ft.sq.
Hardware, drugs, fabric	8	15
Supermarkets	8	15
Pet shops		1.00 cfm/ft.sq.
Sports and Amusement¹⁴		
Spectator areas	150	15
Game rooms	70	25
Ice arenas (playing areas)		0.50 cfm/ft.sq.
Swimming Pools (pool and deck area) ¹⁵		0.50 cfm/ft.sq.
Playing floor (gymnasium)	30	20
Ballrooms and discos	100	25
Bowling alleys (seating areas)	70	25

Correctional Facilities

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Cells	20	20
Dining halls	100	15
Guard station	40	15
<ol style="list-style-type: none"> Derived from ASHRAE Standard 62-1989. Net occupiable space Dry-cleaning process may require more air. Supplementary smoke-removal equipment may be required. Distribution among people must consider worker location and concentration of running engine; stands where engine are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation. Independent of room size. Installed capacity for intermittent use. See also food and beverage service, merchandising, barber and beauty shops, garages. Some office equipment may require local exhaust. Mechanical exhaust with no recirculation is recommended. Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended. Normally supplied by transfer air. Ventilation to optimize plant growth may dictate requirements. When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required. Higher values may be required for humidity control. Special ventilation will be needed to eliminate special stage effects. Ventilation within vehicles may require special considerations. Spaces maintained at low temperatures (-10° F. to +50° F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements. Installed equipment must incorporate positive exhaust and control of undesirable contaminants. Special contamination control systems may be required for processes or functions including laboratory animal occupancy. Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates. Air shall not be recirculated into other spaces. Makeup air for hood exhaust may require more ventilating air. Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used. 		

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Theaters¹⁶		
Ticket booths	60	20
Lobbies	150	20
Auditorium	150	20
Stages, studios	70	15
Transportation¹⁷		
Waiting rooms	100	15
Platforms	100	15
Vehicles	150	15
Workrooms		
Meat processing ¹⁸	10	15
Photo studios	10	15
Darkrooms	10	0.50 cfm/ft.sq.
Pharmacy	20	15
Bank vaults	5	15
Duplicating, printing ¹⁹		0.50 cfm/ft.sq.

INSTITUTIONAL FACILITIES

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Education		
Classroom	50	15
Laboratories ²⁰	30	20
Training shop	30	20
Music rooms	50	15
Libraries	20	15
Locker rooms		0.50 cfm/ft.sq.
Corridors		0.10 cfm/ft.sq.
Auditoriums	150	15
Smoking lounges ¹¹	70	60
Hospitals, Nursing and Convalescent Homes		
Patient rooms ²¹	10	25
Medical procedure	20	15
Operating rooms	20	30
Recovery and ICU	20	15
Autopsy rooms ²²		0.50 cfm/ft.sq.
Physical Therapy	20	15

**PRESCRIPTIVE INTEGRATED FORCED AIR SYSTEM SIZING
(AS RELATED TO OPTION TWO FOR SECTION 303.2)**

Number of Bedrooms	Minimum Smooth	Minimum Flexible	Maximum Length ¹	Maximum Number of Elbows ²
	Duct Diameter	Duct Diameter		
2 or less	6"	7"	20'	3
3	7"	8"	20'	3
4 or less	8"	9"	20'	3

¹ For lengths over 20 feet up - size 1 inch diameter.

² For elbows numbering more than 3 up - size 1 inch diameter.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-401 Pollutant source control.

401.1 Formaldehyde Reduction Measures: All structural panel components (~~(of the house)~~) within the conditioned space such as (~~(softwood)~~) plywood, particle board, wafer board, and oriented strand board shall be identified as "EXPOSURE 1", "EXTERIOR" or "HUD-APPROVED."

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-402 Solid fuel burning appliances and fireplaces.

402.1 General: Solid fuel burning appliances and fireplaces shall satisfy one of the following criteria.

402.2 Solid Fuel Burning Appliances: Solid fuel burning appliances shall be provided with the following:

a) Tight fitting metal or ceramic glass (~~(or metal)~~) doors.

OPTION ONE

b) A source from outside the building of primary combustion air, connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions. Where the appliance has no outside air connection, that appliance shall be certified by an independent laboratory and listed as in compliance with ULC S267-M1984 "Space Heaters for Use with Solid Fuels."

Exception: Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1) The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the Uniform Mechanical Code; or

2) The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace.

The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be no less than four (4) inches in diameter or the equivalent in area or as approved.

OPTION TWO

1. A source from outside the structure of primary combustion air, connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions;

or

2. The appliance and manufacturer's recommended combustion air supply, as a unit, shall be certified by an independent testing laboratory to have passed Test No. 11 - Negative Pressure Test, Section 12.3, of ULC S627-M1984 "Space Heaters for Use with Solid Fuels," modified as follows:

A) Negative pressure of 8 Pascal shall be initially established with the chamber sealed and the air supply, if not directly connected to the appliance, closed off.

B) The air supply, if not directly connected to the appliance, shall then be opened.

C) The maximum allowable air exchange rate from chamber leakage and intentional air supply for the unit (appliance with combustion air supply) in the test chamber is 3.5 air changes per hour, or 28 cfm (cubic feet of air per minute), whichever is less.

Exception: Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1) The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the Uniform Mechanical Code; or

2) The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace.

The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be no less than four (4) inches in diameter or the equivalent in area or as approved.

OPTION THREE

b) (~~(An outside)~~) A source from outside the building of primary combustion air (~~(directly connected to the fire box, or tested and listed to the performance requirements of the carbon monoxide test required by the Department of Housing and Urban Development Mobile Home Construction and Safety Standards-)~~), connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions.

Exception: (~~(If existing construction prohibits the introduction of outside combustion air directly to the appliance or the solid fuel burning appliance is part of the central heating system and is installed in an unconditioned space,)~~) Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1) The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the Uniform Mechanical Code; or

2) The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace.

The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be no less than four (4) inches in diameter or the equivalent in area or as approved.

402.3 Fireplaces: Fireplaces shall be provided with each of the following:

a) Tightly fitting flue dampers, operated by a readily accessible manual or approved automatic control.

Exception: Fireplaces with gas logs shall be installed in accordance with the Uniform Mechanical Code Chapter 803.

b) An outside source for combustion air ducted into the firebox. The duct shall be at least six square inches, and shall be provided with an operable outside air duct damper.

c) ~~((Tightly))~~ Site built fireplaces shall have tight fitting glass or metal doors, or a flue draft induction fan, or as approved for minimizing back-drafting. Factory built fireplaces shall use doors listed for the installed appliance.

~~((Exception: Fireplaces with gas logs shall be installed in accordance with the Uniform Mechanical Code Chapter 803.))~~

402.4 Masonry Heaters: Masonry heaters shall be approved by the department of ecology and shall contain both of the following:

a) Primary combustion air ducted from the outside of the structure to the appliance.

b) Tight fitting ceramic glass or metal doors. Flue damper, when provided, shall have an external control and when in the closed position shall have a net free area of not less than five percent of the flue cross sectional area.

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 to originate 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 permanently sealed soil gas retarder membrane and a radon vent pipe shall be installed in accordance with section 503.2. Crawlspaces shall not be used for return air plenums.

In addition, ~~((a))~~ an operable 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. The fan shall be controlled by a readily accessible manual switch. The switch shall be labeled "RADON VENT FAN."

502.2 Radon monitoring

502.2.1 Three month etched track radon ~~((monitoring))~~ monitors: At the time of final inspection, the building official shall deliver the following to each single family residence and to all ground floor units in multifamily residential buildings:

~~a) 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))~~ device that is listed on a current federal EPA radon measurement proficiency list, and includes prepaid fees for postage, test analysis and notification of the test results to the homeowner.

b) Manufacturer's instructions for the device; and

c) Instructions prepared by the state building code council, posted in a conspicuous place.

The building official is not responsible for returning the radon measurement device to the testing laboratory. The homeowner of a new single-family residence or of a multifamily residential building shall be responsible for returning the radon measurement device left by the building inspector to the appropriate testing laboratory in accordance with the instructions provided.

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-503 Radon prescriptive requirements.

503.1 Scope: This section applies to those counties specified in section 501.2.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R occupancies, and for preparing the building for future mitigation if desired.

In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of section 502.1.6.2 of the Washington state energy code, all joints between sheets shall be sealed.

503.2 Floors in Contact with the Earth

503.2.1 General: Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

Exception: Concrete slabs located under garages or other than Group R occupancies need not comply with this chapter.

503.2.2 Aggregate: A layer of aggregate of four inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

503.2.3 Gradation: Aggregate shall:

a) Comply with ~~((Uniform Building))~~ ASTM Standard ((26-2)) C-33 Standard Specification for Concrete Aggregate and shall be size No. 67 or larger size aggregate as listed in Table ~~((26-2-A))~~ 2, Grading Requirements for ((Concrete)) Coarse Aggregate(s); or

b) Meet the 1988 Washington State Department of Transportation specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete", or any equivalent successor standards. Aggregate size shall be of Grade 5 or larger as listed in section 9-03.1 (3) C, "Grading"; or

c) Be screened, washed, and free of deleterious substances in a manner consistent with ~~((UBC))~~ ASTM Standard ((26-2)) C-33 with one hundred percent of the gravel passing a one inch sieve and less than two percent passing a four-inch sieve. Sieve characteristics shall conform to those acceptable under ~~((UBC))~~ ASTM Standard ((26-2)) C-33.

Exception: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

503.2.4 Soil-Gas Retarder Membrane: A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least six mil, or equivalent flexible sheet material, shall be placed directly under all concrete slabs so that the slab is in direct contact with the membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least twelve inches.

Exception: If the membrane is not in direct contact with the bottom of the concrete slab, all overlapping seams shall be sealed with an approved tape or sealant, and the material shall be sealed to the foundation wall in a permanent manner. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed. In no case shall the membrane be installed below the aggregate.

503.2.5 Sealing of Penetrations and Joints: All penetrations and joints in concrete slabs or other floor systems and walls below grade ~~((, that will not be accessible at the time the certificate of occupancy is granted,))~~ shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

503.2.6 Radon Vent: One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or by other approved equal method: The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of five feet of perforated drain pipe of three inches minimum diameter shall join to and extend from the "T." The perforated pipe shall remain in the aggregate area and shall not be capped at the ends. The "T" and its perforated pipe extensions shall be located at least five feet horizontally from the exterior perimeter of the aggregate area.

The continuous sealed pipe shall terminate no less than twelve inches above the eave, and more than ten horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be labeled "radon vent." The label shall be placed so as to remain visible to an occupant.

The minimum pipe diameter shall be three inches unless otherwise approved. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The entire sealed pipe system shall be sloped to drain to the sub-slab aggregate. ((The exterior pipe opening shall be protected from blockage by snow accumulation.))

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal envelope of the building in order to enhance passive stack venting.

Exception: A fan forced sub-slab depressurization system includes:

- 1) Soil-gas retarder membrane as specified in section 503.2.4;
- 2) Sealing of penetrations and joints as specified in section 503.2.5;
- 3) A three-inch continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;
- 4) Joints and connections ~~((shall))~~ may be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;
- 5) A label of "radon vent" shall be placed on the pipe so as to remain visible to the occupant;
- 6) Fan circuit and wiring as specified in section 503.2.7 and a fan.

If the sub-slab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of six feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon re-entrainment.

503.2.7 Fan Circuit and Wiring and Location: An area for location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A one hundred ten volt power supply shall be provided at a junction box near the fan location.

503.2.8 Separate Aggregate Areas: If the four-inch aggregate area underneath the concrete slab is not continuous, but is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

Exception: Separate aggregate areas may be considered a single area if a minimum three-inch diameter connection joining the separate areas is provided for every thirty feet of barrier separating those areas.

503.2.9 Concrete Block Walls: Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

WSR 92-16-107
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed August 5, 1992, 12:00 p.m.]

Original Notice.

Title of Rule: Chapter 31 of the 1991 Uniform Building Code, State regulations for barrier-free facilities.

Purpose: To adopt technical corrections and clarifying amendments to WAC 51-20-3100 and related appendix chapters, for greater consistency with the Americans with Disabilities and Federal Fair Housing Act guidelines. Copies of the 1991 Uniform Building Code are available from: The International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.

Statutory Authority for Adoption: RCW 19.27.074 and 70.92.140.

Statute Being Implemented: RCW 70.92.140 and 19.27.074.

Summary: The proposal includes technical and editorial amendments to the state regulations for barrier-free facilities, as promulgated in WAC 51-20-3100, in order to provide greater clarity and consistency with the Americans with Disabilities and Federal Fair Housing Act accessibility guidelines.

Reasons Supporting Proposal: Chapters 19.27 and 70.92 RCW; Federal Fair Housing Act Amendments of 1988; and Americans with Disabilities Act of 1990.

Name of Agency Personnel Responsible for Drafting and Implementation: Willy O. O'Neil, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504, (206) 586-0486.

Name of Proponent: State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The State Building Code Council also seeks comment on any requirements in WAC 51-20-3100 that are less stringent than the ADA guidelines and the ongoing effort to receive certification of equivalency from the United States Department of Justice.

Rule is necessary because of federal law, Federal Fair Housing Act Amendments of 1998. (24 CFR, Chapter 1, Subchapter A, Appendix III) and the Americans with Disabilities Act of 1990 (28 CFR, part 35).

Explanation of Rule, its Purpose, and Anticipated Effects: As currently written, the rule establishes the state regulations for barrier-free facilities. The purpose of the proposal is to amend WAC 51-20-3100, which amends the 1991 Uniform Building Code, in order to enhance clarity, and improve the consistency of the rule with the Americans with Disabilities (ADA) and Federal Fair Housing Act (FFHA) accessibility guidelines. The effect of the change will be greater consistency between the federal, state, and local barrier-free requirements. In addition, developers, architects, engineers, and contractors utilizing the code will be able to use compliance with the code as rebuttable evidence that a building or facility meets the ADA accessibility guidelines at any enforcement proceeding under Title III of the ADA.

Proposal Changes the Following Existing Rules:

Technical Corrections.

1. Delete Exception 2 to WAC 51-20-3103 (a) 1. and move to the requirements for accessible routes of travel in WAC 51-20-3103 (b) 2. as a new exception.

Reason: As currently written this provision is not consistent with ADAAG. The exception as written is a general waiver from all access requirements, while in ADAAG the exception is only intended to apply to an elevator or other vertical route of travel to floors above or below accessible levels.

2. Add the following sentence to WAC 51-20-3103 (a) 1:

This exception does not include walkways or pedestrian protection required by Chapter 44.

Reason: This is an editorial change to clearly require accessibility for walkways and pedestrian protection required by Chapter 44.

3. Add a new subsection F to WAC 51-20-3103 (a) 6. as follows:

F. In Group I Occupancies, all treatment and examination rooms shall be accessible.

Reason: This provision is necessary to clearly provide equivalency with ADAAG.

4. Revise WAC 51-20-3103 (a) 7. to read as follows:

7. Group M Occupancies. Group M, Division 1 Occupancies shall be accessible as follows:

EXCEPTIONS: 1. private garages, and carports and sheds are not required to be accessible if they are accessory to dwelling units which are not required to be accessible which contain accessible parking serving a Type A dwelling unit.

2. In Group M, Division 1 agricultural buildings, access need only be provided to paved work areas and areas open to the general public.

3. Other Group M, Division 1 buildings accessory to Type A and Type B dwelling units shall be accessible.

Reason: As written this section could be applied to Type B dwelling units which would be far more stringent than the Federal Fair Housing Act accessibility guidelines.

5. Add the following exception to WAC 51-20-3103 (a) 8. A.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or B dwelling units in accordance with Section 3103 (a) 8. B.

Reason: As currently written there is no exception from the general Group R accessibility requirements for Group R-1 Occupancies with three or fewer units, and Group R-3 Occupancies. This greatly exceeds the intent of the code.

6. Add the following sentence to the first paragraph of WAC 51-20-3103 (b) 2:

Where floor levels are required to be connected by an accessible route of travel, and a non-accessible interior route is provided, the accessible route between levels also shall be interior.

Reason: There is a great deal of confusion over when an interior accessible route of travel is required. This proposal simply clarifies the requirement.

7. Revise WAC 51-20-3104 (b) 3 as follows:

3. Stairway Width. Each stairway adjacent to an area for evacuation assistance shall have a minimum clear width of 48 inches between handrails.

Reason: ADAAG requires that the 48 inches be measured between handrails, the requirement was inadvertently left out of chapter 51-20 WAC.

8. Revise WAC 51-20-3104 (b) 4 to add the following sentence:

The communication system shall not require voice communication.

Reason: ADAAG requires that the communication system from an area of evacuation assistance not require voice activation.

9. Add the following exception to WAC 51-20-3105 (b) 2:

EXCEPTION: For Type B dwelling units, only one toilet facility need be accessible.

Reason: The FFHA does not require all toilet facilities in Type B dwelling units to be accessible.

10. Amend WAC 51-20-3105 (c) to add a title, renumber the section, and add a new Section 3105 (c) 3. (See below).

Reason: This is an editorial change.

11. Amend WAC 51-20-3105 (c) 2. C., to read as follows:

C. To provide access to spaces with an occupant load of less than 5, that are not open to the public; or,

Reason: The additional language is added for consistency with ADAAG.

12. Add the following new subsection 3 to WAC 51-20-3105 (c):

3. Stairways. Stairways shall comply with Section 3106 (i).

Reason: The scoping language for stairways is not clearly stated.

13. Revise the second paragraph in WAC 51-20-3105 (d) 3 as follows:

Kitchens, kitchenettes or wet bars in other than dwelling units, ~~which are accessory to an accessible sleeping room, guest room or suite,~~ shall be designed in accordance with Section 3106. ~~Where provided, at least on sink shall comply with Section 3106 (s).~~ Where countertops and sinks are provided, a portion of the counter not less than 36 inches in width shall be mounted at a maximum height of no more than 34 inches above the finished floor. At least 50 percent of shelf space in cabinets and appliances shall be within the reach ranges of Section 3106.

Reason: Consistency with ADAAG.

14. Revise WAC 51-20-3105 (d) 4. as follows:

4. ~~Swimming Pools~~ Recreational Facilities. Where common- or public-use recreational facilities, swimming pools, hot tubs, spas and similar facilities are provided, they shall be accessible. Swimming pools shall be accessible by transfer tier, hydraulic chair, ramp or other means. Hot tubs and spas shall be accessible only to the edge of the facility.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or B dwelling units in accordance with Section 3103 (a) 8. B.

Reason: This is largely an editorial change to clearly exempt common and public use recreational facilities in Group R-1 apartment buildings not required to contain accessible units from the requirements of this section.

15. Revise WAC 51-20-3105 (d) 9. to read as follows:

9. Alarms. ~~Alarm systems,~~ Where provided, alarm systems shall include both audible and visible alarms. The Visible alarm devices shall be located in all sleeping accommodations assembly areas and common use areas, including toilet rooms and bathing facilities, hallways and lobbies, and hotel guest rooms as required by Section 3103 (a) 8. C.

EXCEPTIONS: 1. Alarm systems in Group I, Division 1.1 and 1.2 Occupancies may be modified to suit standard health care design practice.

2. Visible alarms are not required in Group R, Division 1 apartment buildings.

Reason: As proposed this section would require visible alarms in every sleeping room in a hotel which is far more stringent than ADAAG.

16. Delete subsection 6 in WAC 51-20-3106(d) and revise and move it to WAC 51-20-3106(h) to read as follows:

7. Edge Protection. Any portion of the edge of a ramp or landing which is more than 1/2 inch above adjacent grade or floor shall be provided with edge protection in accordance with the following:

A. Walls and Curbs. When used, walls or curbs shall be not less than 4 inches in height above the surface of the accessible route of travel.

B. Railings. When used, railings shall comply with Section 3106 (h) 5. and shall also have one of the following features:

(i) An intermediate rail between 17 to 19 inches above the ramp or landing surface.

(ii) A guardrail complying with Section 17.12.

Reasons: The ADAAG only requires edge protection on ramps. This is simply clarification and simplification of the existing language.

17. Add the following exception to WAC 51-20-3106 (d) 8. C.

EXCEPTION: Where the width of a walking surface at the top of the ramp and parallel to the run of the ramp is less than 48 inches, the maximum side slope shall be one vertical in 12 horizontal.

Reason: Consistency with ADAAG.

18. Revise WAC 51-20-3106 (j) C. and add subsection D. and E. as follows:

C. Where two doors are in series, the minimum distance between two hinged or pivoted doors shall be 48 inches, in addition to any area needed for door swing. Doors in series shall swing either in the same direction, or away from the space between the doors.

D. Where a door must be pulled to be opened, an unobstructed floor space shall be provided that extends 60 inches, perpendicular to the door.

E. Where a door must be pushed to be opened, an unobstructed floor space shall extend 48 inches perpendicular to the doorway.

Reason: Consistency with ADAAG.

19. Amend WAC 51-20-3106 (k) 3. A. as follows:

3. Wheelchair Accessible Toilet Stalls. A. Dimensions. Wheelchair accessible toilet stalls be at least 60 inches in width. Where wall-hung water closets are installed, the depth of the stall shall be not less than 56 inches. Where floor mounted water closets are installed, the depth of the stall shall be not less than 59 inches. Entry to the compartment shall have a clear width of 32 inches. Toilet stall doors shall not swing into the clear floor space required for any fixture and shall be self closing.

Reason: Consistency with the requirements for ambulatory accessible toilet stalls.

20. Amend WAC 51-20-3106 (k) 7. C. (i) as follows:
(i) Lavatories. The total depth of the clear space beneath a lavatory shall be not less than 17 inches nor more than 19 inches, of which toe clearance shall not be more than 6 inches of the total depth. Knee clearance shall be not less than 29 inches in height and 30 inches in width.

Reason: For consistency with ADAAG. NOTE: This is a staff recommendation.

21. Add the following exception to WAC 51-20-3106 (n) 3.

EXCEPTION: Where an automatic reset is provided, 18 dbA may be exceeded.

Reason: Consistency with ADAAG.

22. Move the requirements for visible alarm photometric and location features from Appendix WAC 51-20-93119 into WAC 51-20-3106 (o) 2.

Reason: Consistency with ADAAG.

23. Delete WAC 51-20-3106 (q) 2. Detectable Warnings on Doors to Hazardous Areas.

Reason: Consistency with ADAAG.

24. Revise WAC 51-20-3107 (a), (b) and (c) as follows:

Parking Facilities and Passenger Loading Zones

Section 3107. (a) Accessible Parking Required. 1. General. For other than Group R, Division 1 apartment buildings, when parking lots or garage facilities are provided,

accessible parking spaces shall be provided in accordance with Table No. 31-F. ~~In addition, one in every eight accessible parking spaces, but in no case less than one shall comply with the van parking space requirements in Section 3107 (b).~~

2. Inpatient Medical Care Facilities. For Group I, Division 1.1 and 2 medical care occupancies specializing in the treatment of persons with mobility impairments, 20 percent of parking spaces provided accessory to such occupancies shall be accessible.

3. Outpatient Medical Care Facilities. For Group I, Division 1.1, 1.2 and Group B, Division 2 occupancies providing outpatient medical care facilities, 10 percent of the parking spaces provided accessory to such occupancies shall be accessible.

4. Apartment Buildings. For Group R, Division 1 apartment building where parking is provided, one accessible parking space shall be provided for each Type A dwelling unit. In addition, where the total parking provided on a site exceeds 1 parking space per dwelling unit, not less than 2 percent, but in no case less than 1 space, of this additional parking shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

5. Van Parking. For other than Group R, Division 1 apartment buildings, where accessible parking is required, one of every eight accessible parking spaces, or fraction thereof, shall be designed to be accessible to vans.

6. Parking Location. Accessible parking spaces shall be located on the shortest possible accessible route of travel from adjacent parking to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Where practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

EXCEPTION: In multilevel parking structures, accessible van parking spaces may be located on one level.

Where a parking facility is not accessory to a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility.

(b) Design and Construction. 1. General. When accessible parking spaces are required by this section, they shall be designed and constructed in accordance with this section.

2. Size. Parking spaces shall be not less than 96 inches in width and shall have an adjacent access aisle not less than 60 inches in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Access aisles shall be marked so that the aisles will not be used as parking space.

Van accessible parking spaces shall have an adjacent access aisle not less than 96 inches in width.

3. Vertical Clearance. Where accessible parking spaces are provided required for vans, the vertical clearance shall be not less than 114 inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits.

4. Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed 1 vertical in 48 horizontal.

5. Surface. Parking spaces and access aisles shall be firm, stable, smooth and slip-resistant.

(c) Signs. Every parking space required by this section shall be identified by a sign, centered between 3 and 5 feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required".

Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Access identifying the spaces as "Van Accessible".

Reason: The proposed changes although extensive, are basically editorial. As currently written, this section may require van accessible parking spaces for Group R, Division 1 apartment buildings, the change clearly deletes this requirement. The requirements for parking in Group R, Division 1 Occupancies have also been amended to be consistent with the FFHA requirements.

In addition, an exception has been added to allow van accessible parking on only one level in a parking garage, and a provision requiring a sign to identify "Van Accessible" parking has been added for consistency with the ADAAG.

24. Revise WAC 51-20-3108 to delete redundant language for "Passenger Drop-Off Zones" and add subsection 4 as follows:

WAC 51-20-3108. ~~Passenger Drop-Off and Loading Zones.~~ Section 3108. (a) Location. Where provided, passenger ~~drop-off and loading~~ zones shall be located on an accessible route of travel.

(b) Design and Construction. 1. General. Passenger ~~drop-off and loading~~ zones shall be designed and constructed in accordance with this section.

(2) ~~Passenger Drop-off Zones. A. Size. Drop-off zones shall be not less than 12 feet in width by 25 feet in length with the long dimension abutting and parallel to an accessible route of travel.~~

~~B. Slope. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 48 horizontal.~~

~~3. Passenger Loading Zones. A. Size. Passenger loading zones shall provide an access aisle not less than 5 feet in width by 20 feet in length with the long dimension abutting and parallel to: (1) the vehicle space on one side and (2) an accessible route of travel on the other.~~

~~B 3. Slope. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 48 horizontal.~~

4. Access Aisles. The access aisle shall be at the same level as the adjoining vehicular area.

Reason: Consistency with the ADAAG.

25. Move the exception for disproportional costs from the appeals section (WAC 51-20-3114 (a) 2.) to the end of WAC 51-20-311 and to 51-20-3112 (a) 2. as follows:

EXCEPTION: The path of travel need not be made accessible if the cost of compliance with this part would exceed 20% of the total project cost, inclusive of the cost of eliminating barriers, within a 36 month period.

Reason: This is allowed by ADAAG, but was inadvertently placed in the appeals section of Chapter 31. This clarifies the requirement.

26. Add the ADAAG requirements for automatic tellers to the appendix WAC 51-20-93119.

Reason: To provide the requirement as an informational item for code users.

Editorial Corrections

Also included in the proposal are numerous editorial changes that do not change but only clarify the code requirements.

The largest change is to WAC 51-20-3106, which incorporates changes that have been adopted by the American National Standards A117.1 Committee for inclusion in the 1992 ANSI A117.1 Standard.

In addition, the word "entry" has been changed to "entrance" throughout the document and numerous erroneous section references have been corrected.

Finally, clarifying editorial changes have been proposed to several definitions in Section 3102, and to Sections 3103 (a) 2. A., 3103 (a) 6. A. and B., 3103 (a) 8. B., 3103 (b) 2., 3103 (b) 4., 3105 (b) 4., 3105 (d) 6., 7., and 8., 3106 (a), 3106 (b) 2. and 3., 3106 (d) 4., 3106 (d) 7., 3106 (e), 3106 (f), 3106 (h) 4., 3106 (j) 2. and 7., 3106 (k) 3., 5., 6., 7., 9., and 10., 3106 (o) 1., 3106 (t) 3106 (u) C. 2., 3106 (w), (x), and (y), the definition of "technically infeasible" in Section 3110, 3112 (c) 2. and 5., and 3113.

No small business economic impact statement required by chapter 19.85 RCW.

The council has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the following reasons: Amendments related to chapter 31 of the Uniform Building Code, either maintain existing rule found in chapter 51-10 WAC or are adopted solely for the purpose of conformity with the Americans with Disabilities and Federal Fair Housing Act accessibility guidelines.

Hearing Location: City Council Chambers, Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA, on September 11, 1992, at 9:00 a.m.; and at the SeaTac Fire Department, 2929 South 200th, SeaTac, WA, on September 18, 1992, at 9:00 a.m.

Submit Written Comments to: Gene Colin, Chair, State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, by September 25, 1992.

Date of Intended Adoption: November 13, 1992.

July 10, 1992

Gene J. Colin
Chair

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3102 Definitions. Section 3102. For the purpose of the chapter certain terms are defined as follows:

Accessible is approachable and usable by persons with disabilities.

Access aisle is an accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

Accessible exit is an exit, as defined in section 3301(b), which complies with this chapter and does not contain stairs, steps, or escalators.

Accessible route of travel is a continuous unobstructed path connecting all accessible elements and spaces in an accessible building or facility that can be negotiated by a

person using a wheelchair and that is usable by persons with other disabilities.

Area for evacuation assistance is an accessible space which is protected from fire and smoke and which facilitates egress.

Automatic door is a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat or manual switch (see also, power-assisted door).

Clear is unobstructed.

Clear floor space is unobstructed floor or ground space (see section 3106(b)).

Common use areas are rooms, spaces or elements inside or outside a building that are made available for use by occupants of and visitors to the building.

Cross slope is the slope that is perpendicular to the direction of travel.

Curb ramp is a short ramp cutting through or built up to a curb.

Detectable warning is a standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired persons of hazards on a circulation path.

Dwelling unit, Type A is an accessible dwelling unit that is designed and constructed in accordance with this chapter to provide greater accessibility than a Type B dwelling unit. (Type A dwelling units constructed in accordance with this chapter also meet the design standards for Type B dwelling units.)

Dwelling unit, Type B is an accessible dwelling unit that is designed and constructed ((tø)) in accordance with this chapter. (Type B Dwelling Unit Standards are based on the U.S. Department of Housing and Urban Development Federal Fair Housing Act accessibility guidelines.)

Element is an architectural or mechanical component of a building, facility, space, or site, such as telephones, curb ramps, doors, drinking fountains, seating, or water closets.

Ground floor is any occupiable floor less than one story above or below grade with direct access to grade. A building may have more than one ground floor.

Landing is a level area (except as otherwise provided), within or at the terminus of a stair or ramp.

Marked crossing is a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

Multistory dwelling unit is a dwelling unit with finished living space located on one floor, and the floor or floors immediately above or below it.

Person with disability is an individual who has an impairment, including a mobility, sensory or cognitive impairment, which results in a functional limitation in access to and using a building or facility.

Power-assisted door is a door used for human passage with a mechanism that helps to open the door, or relieve the opening resistance of the door, upon the activation of a switch or a continued force applied to the door itself.

Primary entry is a principal entrance through which most people enter the building. A building may have more than one primary entry.

Primary entry level is the floor or level of the building on which the primary entry is located.

Primary function is a major function for which the facility is intended.

Public use areas are those interior or exterior rooms or spaces which are made available to the general public. Public use may be provided at a privately or publicly owned building or facility.

Ramp is any walking surface having a running slope exceeding 1 inch vertical in 48 inches horizontal.

Service entry is an entrance intended primarily for delivery of goods or services.

Single-story dwelling unit is a dwelling unit with all finished living spaces located on one floor.

Site is a parcel of land bounded by a property line or a designated portion of a public right-of-way.

Tactile is an object that can be perceived using the sense of touch.

Technically Infeasible (see Section 3110).

Text telephone is machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones include telecommunications display devices or telecommunications devices for the deaf (TDD's), or computers.

Vehicular way is a route intended for vehicular traffic, such as a roadway, driveway, or parking lot, located on a site.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3103 Building accessibility. Section 3103.

(a) Where required.

1. General. Accessibility to temporary or permanent buildings or portions thereof shall be provided for all occupancy classifications except as modified by this chapter. See also appendix chapter 31.

EXCEPTIONS:

- Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits, observation galleries used primarily for security purposes, elevator penthouses, nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, ~~((very))~~ narrow passageways or freight elevators, piping and equipment catwalks and machinery, mechanical and electrical equipment rooms.
- ~~((In other than Group R Occupancies; Group B, Division 2 retail Occupancies; terminals, depots and other stations used for transportation; buildings owned or operated by a governmental agency; and the professional offices of health care providers, floors above and below fully accessible levels that have areas of less than 3000 square feet per floor, need not be accessible provided that the primary entry level provides facilities as required by section 3105 equivalent to those located on the nonaccessible levels.~~
- 3-) Temporary structures, sites and equipment directly associated with the construction

process such as construction site trailers, scaffolding, bridging or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 44.

2. Group A Occupancies.

A. General. All Group A Occupancies shall be accessible as provided in this chapter.

EXCEPTION: In the assembly area of dining and drinking establishments or religious facilities which are located in nonelevator buildings; where the area of mezzanine seating is not more than 25 percent of the total seating, an accessible means of vertical access to the mezzanine is not required; provided that the same services are provided in an accessible space which is not restricted to use only by persons with disabilities. Comparable facilities shall be available in all seating areas.

In banquet rooms or spaces where the head table or speaker's lectern is located on a permanent raised platform, the platform shall be accessible in compliance with section 3106. Open edges on ~~((a))~~ the raised platform shall be protected by a curb with a height of not less than 2 inches.

Stadiums, theaters, auditoriums and similar occupancies shall provide wheelchair spaces in accordance with Table No. 31-A. Removable seats shall be permitted in the wheelchair spaces.

Wheelchair spaces shall be accessible and shall be located in places with unobstructed sight lines. Wheelchair spaces shall be reasonably distributed throughout the seating plan and located on an accessible route of travel.

In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests, or shall have removable or folding armrests on the aisle side. Each such seat shall be identified by a sign complying with section 3106(p) 1. A.

An accessible route of travel shall connect wheelchair seating locations with performance areas, including stages, arena floors, dressing rooms, locker rooms and other spaces used by performers.

B. Assistive listening devices. Assistive listening systems complying with section 3106(u) ~~((3))~~ 2 shall be installed in assembly areas where audible communications are integral to the use of the space including stadiums, theaters, auditoriums, lecture halls, and similar areas; where fixed seats are provided; as follows:

1. Areas with an occupant load of 50 or more.
2. Areas where an audio-amplification system is installed.

Receivers for assistive-listening devices shall be provided at a rate of 4 percent of the total number of seats, but in no case fewer than two devices. In other assembly areas, where permanently installed assistive-listening systems are not provided, electrical outlets shall be provided at a rate of not less than 4 percent of the total occupant load.

Signage complying with section 3106(p) 1.C. shall be installed to notify patrons of the availability of the listening system.

3. Group B Occupancies. All Group B Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group B Occupancies shall comply with section 3103(a) 2. B.

4. Group E Occupancies. All Group E Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group E Occupancies shall comply with section 3103(a) 2. B.

5. Group H Occupancies. All Group H Occupancies shall be accessible as provided in this chapter.

6. Group I Occupancies. All Group I Occupancies shall be accessible in all public use, common use and employee use areas, and shall have accessible patient rooms, cells and treatment or examination rooms as follows:

A. In Group I, Division 1.1 patient care units within hospitals which specialize in treating conditions that affect mobility, all patient rooms in each nursing unit, including associated toilet rooms and bathrooms.

B. In Group I, Division 1.1 patient care units within hospitals which do not specialize in treating conditions that affect mobility, at least 1 in every 10 patient rooms in each nursing unit, including associated toilet rooms and bathrooms.

C. In Group I, Division 1.1 and Division 2 nursing homes and long-term care facilities, at least 1 in every 2 patient rooms, including associated toilet rooms and bathrooms.

D. In Group I, Division 3 mental health Occupancies, at least 1 in every 10 patient rooms, including associated toilet rooms and bathrooms.

E. In Group I, Division 3 jail, prison and similar Occupancies, at least 1 in every 100 rooms or cells, including associated toilet rooms and bathrooms.

F. In Group I Occupancies, all treatment and examination rooms shall be accessible.

In Group I, Division 1.1 and 2 Occupancies, at least one accessible entrance that complies with section 3103(b) shall be under shelter. Every such entrance shall include a passenger loading zone which complies with section 3108(b) ~~((3)).~~

7. Group M Occupancies. Group M, Division 1 Occupancies shall be accessible~~((:))~~ as follows:

~~((EXCEPTIONS:))~~ 1. Private garages~~((:))~~ and carports ~~((and sheds are not required to be accessible if they are accessory to dwelling units which are not required to be accessible))~~ which contain accessible parking serving a Type A dwelling unit.

2. In Group M, Division 1 agricultural buildings, access need only be provided to paved work areas and areas open to the general public.

3. Other Group M, Division 1 Buildings accessory to Type A Dwelling units shall be accessible.

8. Group R Occupancies.

A. General. All Group R Occupancies shall be accessible as provided in this chapter. Public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox

locations, lobbies, foyers and management offices, shall be accessible.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with Section 3103(a) 8.B.

B. Number of dwelling units. In all Group R, Division 1 apartment buildings the total number of Type A dwelling units shall be as required by Table No. 31-B. All other dwelling units shall be designed and constructed to the requirements for Type B units as defined in this chapter.

EXCEPTIONS: 1. Group R Occupancies containing no more than three ((or fewer)) dwelling units need not be accessible.

2. Dwelling units in Group R, Division 1 apartment buildings which are located on floors other than the ground floor where no elevator is provided within the building need not comply with the standards for Type B dwelling units, provided:

A. Where the ground floor is not a Group R Occupancy, the first level of Group R Occupancy, including dwelling units, shall be accessible; and

B. The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 31-B. See also Section 3105(c) 1.

3. Dwelling units with two or more stories in a nonelevator building need not comply with standards for Type B dwelling units.

4. For sites where multiple, nonelevator buildings are planned for a single site and where portions of the site have grades prior to development which exceed 10 percent, the building official may approve the following modifications:

A. Number of dwelling units:

(i) The number of Type B dwelling units provided may be reduced to a percentage of the ground floor units which is equal to the percentage of the entire site having grades prior to development, which are 10 percent or less; but in no case shall the number of Type B dwelling units be less than 20 percent of the ground floor dwelling units on the entire site; and

(ii) The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 31-B; and

B. Both Type A and B dwelling units may be located in the building or buildings located on the portion of the site where the grade prior to development has slopes of 10 percent or less; and

C. Common-use facilities accessory to buildings not required to contain either Type A or B dwelling units in accordance with Item A, above, need not be accessible unless there are no other similar facilities provided on the site.

See also appendix chapter 31, Division II.

C. Hotels and lodging houses. In all hotels and lodging houses, accessible guest rooms, including associated bathing, shower and toilet facilities, shall be provided in accordance with Table No. 31-C. In addition, sleeping rooms or suites for persons with hearing impairments shall be provided in accordance with Table No. 31-D. In addition, public-use and common-use areas of all hotels and lodging houses shall be accessible.

EXCEPTION: Group R, Division 3 lodging houses that are occupied by the owner or proprietor of the lodging house.

Required sleeping rooms for persons with hearing impairments shall have visible alarms complying with section 3106(o). Such rooms shall have installed telephones complying with section 3106(n) 3., and an electrical outlet installed within 48 inches of the telephone connection. Such rooms shall have devices separate from the visible alarm system which provide visible notification of incoming telephone calls and door bell actuation.

Where provided in accessible guest rooms the following facilities shall be accessible: dining areas; kitchens; kitchenettes; wet bars; patios; balconies; terraces; or similar facilities.

D. Proportional distribution. Accessible dwelling units shall be apportioned among efficiency dwelling units, single-bedroom units and multiple-bedroom units in proportion to the numbers of such units in the building. Accessible hotel ~~((and motel units))~~ guest rooms shall be apportioned among the various classes of sleeping accommodations.

E. Congregate residences. In congregate residences with multi-bed rooms or spaces, a percentage equal to the minimum number of accessible rooms required by Table No. 31-C shall be accessible in accordance with section 3106(z).

EXCEPTION: Congregate residences with 10 or fewer occupants need not be accessible.

9. Other parking facilities. Principal use parking facilities which are not accessory to the use of any building or structure shall provide accessible spaces in accordance with Table No. 31-F.

(b) Design and construction.

1. General. When accessibility is required by this chapter, it shall be designed and constructed in accordance with this chapter.

2. Accessible route of travel. When a building, or portion of a building, is required to be accessible, an accessible route of travel shall be provided to all portions of the building, to accessible building entrances and connecting the building and the public way. ~~((Except within an accessible dwelling unit,))~~ Where floor levels are required to be connected by an accessible route of travel, and a nonaccessible interior route is provided, the accessible route between levels also shall be interior. The accessible route of travel to areas of primary function may serve but shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets or other similar spaces.

EXCEPTIONS: 1. A single accessible route shall be permitted to pass through a kitchen or

storage room in an accessible dwelling unit.

2. In other than the offices of health care providers, transportation facilities and airports, buildings owned or leased by a government agency, multitenant Group B, Division 2 retail and wholesale occupancies, floors above and below accessible levels that have areas of less than 3000 square feet per floor, need not be served by an accessible route from an accessible level.

Accessible routes of travel serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an area of evacuation assistance.

~~((When))~~ Where more than one building or facility is located on a site, accessible routes of travel shall be provided connecting accessible buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route connecting accessible building entrances, accessible site facilities and the accessible site entrances.

EXCEPTION: For sites where natural terrain or other unusual property characteristics do not allow the provision of an accessible route of travel from the public way to the building, the point of vehicular debarkation may be substituted for the accessible entrance to the site.

3. Primary entry access. At least 50% of all public ~~((entries))~~ entrances, or a number equal to the number of exits required by section 3303(a), whichever is greater, shall be accessible. One of the accessible public ~~((entries))~~ entrances shall be the primary ~~((entry))~~ entrance to a building. At least one accessible ~~((entry))~~ entrance must be a ground floor entrance. Public ~~((entries))~~ entrances do not include loading or service ~~((entries))~~ entrances.

EXCEPTION: In Group R, Division 1 apartment buildings only the primary ~~((entry))~~ entrance need be accessible, provided that the primary ~~((entry))~~ entrance provides an accessible route of travel to all dwelling units required to be accessible.

Where a building is designed not to have common or primary ~~((entries))~~ entrances, the primary ~~((entry))~~ entrance to each individual dwelling unit required to be accessible, and each individual tenant space, shall be accessible.

4. Signs.

A. International symbol of access. The following elements and spaces of accessible facilities shall be identified by the international symbol of access:

1. Accessible parking spaces

2. Accessible entrances when not all entrances are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance)

EXCEPTION: Individual ~~((entries))~~ entrances into dwelling units.

3. Accessible passenger loading zone(s)

4. Accessible toilet and bathing facilities when not all are accessible

EXCEPTION: Toilet and bathing facilities within dwelling units, patient rooms and guest rooms.

At every major junction along or leading to an exterior accessible route of travel, there shall be a sign displaying the international symbol of accessibility. Signage shall indicate the direction to accessible entries and facilities.

~~((A list of accessible rooms shall be permanently posted for staff use at each hotel/motel reception or check-in desk.))~~

B. Other signs. Where provided, ~~((permanent))~~ signs which identify permanent rooms and spaces shall comply with sections 3106(p) 2, 3, and 5. Where provided, other signs which provide direction to or information about the building or portion of a building shall comply with section 3106(p) 3 and 4.

EXCEPTION: Building directories and all temporary signs.

In hotels and lodging houses, a list of accessible guest rooms shall be posted permanently in a location not visible to the general public, for staff use at each reception or check-in desk.

In assembly areas, a sign notifying the general public of the availability of accessible seating and assistive listening systems shall be provided at ticket offices or similar locations.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3104 Egress and areas for evacuation assistance. Section 3104.

(a) General. In buildings or portions of buildings required to be accessible, accessible means of egress shall be provided in the same number as required for exits by chapter 33. When an exit required by chapter 33 is not accessible, an area for evacuation assistance shall be provided.

EXCEPTION: Areas of evacuation assistance are not required in buildings where an approved, automatic fire-extinguishing system is installed in accordance with U.B.C. Standard No. 38-1, provided that quick-response sprinkler heads are used where allowed by the standard; and that a written fire-and life-safety emergency plan which specifically addresses the evacuation of persons with disabilities is approved by the building official and the fire chief.

Every area for evacuation assistance shall comply with the requirements of this code and shall adjoin an accessible route of travel which shall comply with section 3106.

(b) Areas for evacuation assistance.

1. Location and construction. An area for evacuation assistance shall be one of the following:

A. A portion of a landing within a smokeproof enclosure, complying with section 3310.

B. A portion of an exterior exit balcony, located immediately adjacent to an exit stairway, when the exterior

exit balcony complies with section 3305. Openings to the interior of the building located within 20 feet of the area for evacuation assistance shall be protected with fire assemblies having a three-fourths-hour fire-protection rating.

C. A portion of a one-hour fire-resistive corridor complying with sections 3305 (g) and (h) located immediately adjacent to an exit enclosure.

D. A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required by section 3305 (g) and (h).

E. A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building by not less than one-hour fire-resistive door assemblies.

F. When approved by the building official, an area or room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. When the room or area exits into an exit enclosure which is required to be of more than one-hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

G. An elevator lobby complying with section 3104(d).

2. Size. Each area for evacuation assistance shall provide at least two wheelchair spaces not smaller than 30 inches by 48 inches for each space. The area for evacuation assistance shall not encroach on any required exit width. The total number of such 30-inch by 48-inch wheelchair spaces per story shall not be less than 1 for every 200 persons of calculated occupant load served by the area for evacuation assistance.

EXCEPTION: The building official may reduce the minimum number of 30-inch by 48-inch areas to one for each area for evacuation assistance on floors where the occupant load is less than 200.

3. Stairway width. Each stairway adjacent to an area for evacuation assistance shall have a minimum clear width of 48 inches between handrails.

4. Two-way communication. A telephone with controlled access to a public telephone system or another method of two-way communication shall be provided between each area for evacuation assistance and the primary entry. The fire department may approve location other than the primary entry. The communication system shall not require voice communication.

5. Identification. Each area for evacuation assistance shall be identified by a sign which states: **Area for evacuation assistance** and the international symbol of access. The sign shall be illuminated when exit sign illumination is required. The sign shall comply with sections 3314 (c) and (d). In each area for evacuation assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

(c) Accessible exits. All exterior exits which are located adjacent to accessible areas and within 6 inches of grade shall be accessible.

(d) Area for evacuation assistance, high-rise alternative. Within a building of any height or occupancy, constructed in accordance with the requirements of section 1807 or 1907, an area for evacuation assistance may be located in the elevator lobby, or adjacent to the elevator where no lobby is required, when:

1. The area for evacuation assistance complies with the requirements for size, two-way communication and identification as specified in section 3104(b); and,

2. Elevator shafts are pressurized as required for smokeproof enclosures in section 3310. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the building official. Pressurization equipment and its ductwork within the building shall be separated from other portions of the building by a minimum of two-hour fire-resistive construction.

3. The manager of the building shall establish and maintain a written fire- and life-safety emergency plan which, in addition to other provisions, shall specifically address the evacuation of persons with disabilities, and which has been approved by the building official and fire chief.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3105 Facility accessibility. Section 3105.

(a) General. Where buildings are required to be accessible, building facilities shall be accessible to persons with disabilities as provided in this section. Where specific floors of a building are required to be accessible, the requirements shall apply only to the facilities located on accessible floors.

All building facilities or elements required by this section to be accessible shall be designed and constructed in accordance with section 3106.

(b) Bathing and toilet facilities.

1. Bathing facilities. When bathing facilities are provided, at least 2 percent, but not less than 1, bathtub or shower shall be accessible. In dwelling units where both a bathtub and shower are provided in the same room, only one need be accessible.

2. Toilet facilities. Toilet facilities located within accessible dwelling units, guest rooms and congregate residences shall comply with sections 3106(k) and 3106(aa).

EXCEPTION: For Type B dwelling units, only one toilet facility need be accessible.

In each toilet facility in other occupancies, at least one wheelchair accessible toilet stall with an accessible water closet shall be provided. In addition, when there are 6 or more water closets within a toilet facility, at least one other accessible toilet stall complying with section 3106(k) 4. also shall be installed.

3. Lavatories, mirrors and towel fixtures. At least one accessible lavatory shall be provided within any toilet facility. Where mirrors, towel fixtures and other toilet and

bathroom accessories are provided, at least one of each shall be accessible.

4. Adaptable fixtures in dwelling units. See section 3106(aa) 2. for adaptable fixtures in dwelling units.

~~((B. Kitchen counters. Cabinets or shelving may be installed beneath the counter space required by section 3106(l) 2. provided such cabinetry or shelving is not permanent and is easily removable.))~~

C. Lavatories. Cabinets or shelving may be installed beneath bathroom lavatories provided such cabinetry or shelving is not permanent and is easily removable.

(c) Elevators, platform lifts, and stairways.

1. Elevators. A. Where required. In multi-story buildings or portions thereof required to be accessible by section 3103, at least one elevator shall serve each level, including mezzanines. Other than within an individual dwelling unit, when an elevator is provided but not required, it shall be accessible.

- EXCEPTIONS:
1. In Group R, Division 1 apartment occupancies, an elevator is not required where accessible dwelling units and guest rooms are accessible by ramp or by grade level route of travel.
 2. In a building of fewer than three stories an elevator is not required where ramps, grade-level entrances or accessible horizontal exits from an adjacent building, are provided to each floor.
 3. In multistory parking garages, an elevator is not required where an accessible route of travel is provided from accessible parking spaces on levels with accessible horizontal connections to the primary building served.
 4. In Group R, Division 1 hotels and lodging houses less than 3 stories in height, an elevator is not required provided that accessible guest rooms are ~~((provided))~~ located on the ground floor.

~~((2-))~~ B. Design. All elevators shall be accessible.

- EXCEPTIONS:
1. Private elevators serving only one dwelling unit.
 2. Where more than one elevator is provided in the building, elevators used exclusively for movement of freight.

Elevators required to be accessible shall be designed and constructed to comply with chapter 296-81 WAC.

~~((3-))~~ 2. Platform lifts. Platform lifts may be used in lieu of an elevator under one of the following conditions subject to approval by the building official:

~~((1-))~~ (A) To provide an accessible route of travel to a performing area in a Group A Occupancy; or,

~~((2-))~~ (B) To provide unobstructed sight lines and distribution for wheelchair viewing positions in Group A Occupancies; or,

~~((3-))~~ (C) To provide access to spaces with an occupant load of less than 5, that are not open to the public; or,

~~((4-))~~ (D) To provide access where existing site constraints or other constraints make use of a ramp or elevator infeasible.

All platform lifts used in lieu of an elevator shall be capable of independent operation and shall comply with chapter 296-81 WAC.

3. Stairways. Stairways shall comply with Section 3106(i).

(d) Other building ~~((components))~~ facilities.

1. Water fountains. On any floor where water fountains are provided, at least 50 percent, but in no case less than one fountain shall be accessible complying with section 3106(m) and at least one fountain shall be mounted at a standard height.

2. Telephones. On any floor where public telephones are provided at least one telephone shall be accessible. On any floor where 2 or more banks of multiple telephones are provided, at least one telephone in each bank shall be accessible and at least one telephone per floor shall be designed to allow forward reach complying with section 3106.

Where any bank of public telephones consists of 3 or more telephones, at least one telephone in each bank shall be equipped with a shelf and an electrical outlet complying with section 3106(n) 7.

All accessible telephones and at least 25 percent of all other public telephones, but in no case less than one, shall be provided with volume controls in accordance with section 3106(n) and shall be dispersed among the public telephones provided in the building.

Where four or more public pay telephones are provided at a building site, and at least one is in an interior location, at least one interior telephone shall be a text telephone in accordance with section 3106(n).

Where interior public pay phones are provided in transportation facilities; assembly and similar areas including stadiums and arenas, convention centers, hotels with convention facilities, or covered malls; or in or adjacent to hospital emergency, recovery, or waiting rooms; at least one interior text telephone shall be provided.

3. Kitchens. Kitchens within accessible dwelling units shall be designed in accordance with section 3106 (l) and (aa).

Kitchens, kitchenettes or wet bars in other than dwelling units ~~((which are provided accessory to a sleeping room, guest room or suite))~~, shall be designed in accordance with section 3106. When provided, at least one sink shall comply with Section 3106 (s). Where countertops ((and sinks)) are provided, a portion of the counter not less than 36 inches in width shall be ((mounted at a maximum height)) no more than of 34 inches above the finished floor. At least 50 percent of shelf space in cabinets and appliances shall be within the reach ranges of section 3106.

EXCEPTION: Kitchens in Type B dwelling units need not comply with section 3106(l) 1.

4. ~~((Swimming pools))~~ Recreational facilities. Where common or public use recreational facilities, swimming pools, hot tubs, spas and similar facilities are provided, they shall be accessible. Swimming pools shall be accessible by transfer tier, hydraulic chair, ramp or other means. Hot tubs and spas ~~((shall))~~ need be accessible only to the edge of the facility.

EXCEPTION: Common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance Section 3103(a) 8. B.

5. Fixed or built-in seating or tables. Where fixed or built-in seating or tables are provided at least 5 percent, but no fewer than two, shall be accessible. Accessible fixed or built-in seating or tables shall comply with section 3106(s). In eating and drinking establishments, such seating or tables shall be distributed throughout the facility.

6. ~~Storage((, shelving and display units)) facilities.~~ In other than Group R, Division 1 apartment buildings, where fixed or built-in storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with section 3106(r).

~~((Self service shelves or display units in retail occupancies shall be located on an accessible route in accordance with section 3103(b) 2.))~~

7. Customer service facilities.

A. Dressing((;)) and fitting rooms. Where dressing or fitting rooms are provided for use by the general public, patients, customers or employees, 5 percent, but not less than one in each group of rooms serving distinct and different functions shall be accessible in accordance with section 3106(x).

B. Counters and windows. Where customer sales and service counters or windows are provided a portion of the counter or at least one window, shall be accessible in accordance with section 3106(x).

C. Shelving and display. Self-service shelves or display units in retail occupancies shall be located on an accessible route in accordance with section 3103(b) 2. Not all self-service shelves and display units need be located within the reach ranges required by Section 3106(b).

D. Check-out aisles. Accessible check-out aisles shall be installed in accordance with Table No. 31-E and section 3106(x) 3.

8. Controls, operating mechanisms and hardware. Controls, operating mechanisms and hardware, including switches that control lighting and ventilation and electrical convenience outlets, in accessible spaces, along accessible routes, or as parts of accessible elements shall comply with section 3106(c).

~~((EXCEPTION: Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits, observation galleries used primarily for security purposes, elevator penthouses, nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passage ways or freight elevators, piping and equipment catwalks and machinery, mechanical and electrical equipment rooms.))~~

9. Alarms. ~~((Alarm systems))~~ Where provided, alarm systems shall include both audible and visible alarms. ~~((The))~~ Visible alarm devices shall be located in all ~~((sleeping accommodations and))~~ assembly areas; common-use areas including toilet rooms and bathing facilities((;));

hallways((;)) and lobbies; and hotel guest rooms as required by Section 3103(a) 8. C.

EXCEPTIONS: 1. Alarm systems in Group I, Division 1.1 and 1.2 Occupancies may be modified to suit standard health care design practice.
2. Visible alarms are not required in Group R, Division 1 apartment buildings.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3106 Section 3106. Accessible design and construction standards.

(a) General. Where accessibility is required by this chapter, ~~((it))~~ buildings and facilities shall be designed and constructed in accordance with this section, unless otherwise specified in this chapter.

(b) Space allowance and reach ranges.

1. Wheelchair passage width. The minimum clear width for single wheelchair passage shall be 36 inches. The minimum width for two wheelchairs to pass is 60 inches.

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches for a maximum distance of 24 inches.

2. Wheelchair turning spaces. Wheelchair turning spaces shall be designed and constructed to satisfy one of the following requirements:

A. A turning space not less than 60 inches in diameter; or,

B. A turning space at T-shaped intersections or within a room, where the minimum width is not less than 36 inches. Each segment of the T shall be clear of obstructions not less than 24 inches in each direction.

Wheelchair turning space may include knee and toe clearance in accordance with section 3106(b) 4. C.

3. Unobstructed floor space. A floor space, including the vertical space above such floor space, which is free of any physical obstruction including door swings, to a height of 29 inches. Where a pair of doors occurs, the swing of the inactive leaf may be considered to be unobstructed floor space. Unobstructed floor space may include toe spaces that are a minimum of 9 inches in height and not more than 6 inches in depth.

4. Clear floor or ground spaces and maneuvering clearance space for wheelchairs.

A. Size. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair occupant shall be not less than 30 inches by 48 inches.

B. Approach. Wheelchair spaces shall be designed to allow for forward or parallel approach to an accessible feature.

C. Knee and toe clearances. Spaces under obstructions, work surfaces or fixtures may be included in the clear floor or ground space provided that they are at least 30 inches in width, a minimum of 27 inches in height and not greater than 25 inches in depth. Toe spaces under obstructions, work surfaces or fixtures which comply with the requirements for unobstructed floor space may be included in the clear floor or ground space.

D. Approach to wheelchair spaces. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route of travel, or shall adjoin another wheelchair clear space. Clear space located in an alcove or otherwise confined on all or part of three sides shall be not less than 36 inches in width where forward approach is provided, or 60 inches in width where parallel approach is provided.

E. Forward reach. Where the clear floor space (~~only~~) allows only forward approach to an object, the maximum high forward reach allowed shall (~~be~~) not be higher than 48 inches. Reach obstructions 20 inches or less in depth may project into the clear space provided that knee clearance is maintained in accordance with section 3106(b) (~~2-B.~~) 4. C. Reach obstructions greater than 20 inches in depth may project into the clear space provided that the reach obstruction shall not exceed 25 inches in depth and the maximum high forward reach shall not exceed 44 inches in height. The minimum low forward reach shall be not lower than 15 inches.

F. Side reach. Where the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall (~~be~~) not be higher than 54 inches. Obstructions no greater than 34 inches in height and no more than 24 inches in depth may be located in the side reach area provided that when such obstructions are present the side reach shall be not more than 46 inches. The minimum low side reach shall be not lower than 9 inches.

(c) Controls and hardware.

1. Operation. Handles, pulls, latches, locks and other operating devices on doors, windows, cabinets, plumbing fixtures and storage facilities, shall have a lever or other shape which will permit operation by wrist or arm pressure and does not require tight grasping, pinching or twisting to operate.

2. Mounting heights. The highest operable part of environmental and other controls, dispensers, receptacles and other operable equipment shall be within at least one of the reach ranges specified in section 3106(b), and not less than 36 inches above the floor. Electrical and communications system receptacles on walls shall be mounted a minimum of 15 inches in height above the floor. Door hardware shall be mounted at not less than 36 inches and not more than 48 inches above the floor.

3. Clear floor space. Clear floor space that allows a forward or a side approach shall be provided at all controls or hardware.

(d) Accessible route of travel.

1. Width. The minimum clear width of an accessible route of travel shall be 36 inches except at doors (see section 3106(j) 2.). Where an accessible route includes a 180 degree turn around an obstruction which is less than 48 inches in width, the clear width of the accessible route of travel around the obstruction shall be 42 inches minimum. For exterior accessible routes of travel, the minimum clear width shall be 44 inches.

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches for a maximum distance of 24 inches.

Where an accessible route is less than 60 inches in width, passing spaces at least 60 inches by 60 inches shall

be located at intervals not to exceed 200 feet. A T-shaped intersection of two corridors or walks may be used as a passing space.

2. Height. Accessible routes shall have a clear height of not less than 79 inches. Where the vertical clearance of an area adjoining an accessible route of travel is less than 79 inches but more than 27 inches, a continuous permanent barrier shall be installed to prevent traffic into such areas of reduced clearance.

3. Slope. An accessible route of travel shall have a running slope not greater than 1 vertical in 12 horizontal. An accessible route of travel with a running slope greater than 1 vertical in 20 horizontal shall comply with section 3106(h). Cross slopes of an accessible route of travel shall not exceed 1 vertical in 48 horizontal.

4. Changes in level. Changes in level along an accessible route of travel shall comply with section 3106(f). Stairs or escalators shall not be part of an accessible route of travel. Any raised area within an accessible route of travel shall be cut through to maintain a level route or shall have curb ramps at both sides and a level area not less than 48 inches long connecting the ramps.

5. Surfaces.

A. General. All floor and ground surfaces in an accessible route of travel shall comply with section 3106(g).

B. Detectable warnings. Curb ramps shall have detectable warnings complying with section 3106(~~(g)~~)(q). Detectable warnings shall extend the full width and depth of the curb ramp.

~~((6. Edge protection. Guardrails designed and constructed in accordance with section 1712 shall be provided on any portion of an accessible route of travel which is more than 30 inches above the grade or floor below. Any portion of the edge of an accessible route of travel which is more than 1/2 inch above adjacent grade or floor shall be provided with a protective railing with the top of the rail at a height of 34 inches nominal and a mid-rail at a height of 18 inches nominal.~~

EXCEPTIONS: ~~1. Where curbs, walls, or shoulder slopes abut the accessible route of travel, a protective railing is not required. Where provided:~~

~~A. Curbs shall be not less than 2 inches in height above the surface of the accessible route of travel.~~

~~B. Shoulder slopes shall be at the same grade as the edge of the accessible route of travel; and shall have a slope, downward from the edge, of not more than 1 vertical in 48 horizontal for a distance of not less than 36 inches.~~

~~2. For routes of travel adjoining vehicular ways or parking areas, protective railings are not required provided the difference in grade is less than 3 inches.~~

7-) 6. Illumination. Illumination shall be provided along the accessible route of travel, at any time the building is occupied, with an intensity of not less than one footcandle on the surface of the route.

~~((8.))~~ 7. Curb ramps.

A. Slope. Slopes of curb ramps shall comply with section 3106(h). Transitions from ramps to walks, gutters or vehicular ways shall be flush and free of abrupt changes in height. Maximum slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route of travel shall not exceed 1 vertical in 20 horizontal.

B. Width. Curb ramps shall be not less than 36 inches in width, exclusive of the required side slopes.

C. Side slopes of curb ramps. Curb ramps located where pedestrians must walk across the ramp, or where not protected by handrails or guardrails, shall have sloped sides. The maximum side slope shall be 1 vertical in 10 horizontal. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

EXCEPTION: Where the width of the walking surface at the top of the ramp and parallel to the run of the ramp is less than 48 inches, the maximum side slope shall be 1 vertical in 12 horizontal.

D. Location. Built-up curb ramps shall be located so as not to project into vehicular ways nor be located within accessible parking spaces or parking space access aisles.

E. Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

F. Location at marked cross walks. Curb ramps at marked cross walks shall be wholly contained within the markings, excluding any sloped sides.

~~(9-)~~ 8. Vehicular areas. Where an accessible route of travel crosses or adjoins a vehicular way, and where there are no curbs, railings or other elements detectable by a person who has a severe vision impairment separating the pedestrian and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning not less than 36 inches wide, complying with section 3106~~((g))~~(q).

(e) Protruding objects. Protruding objects shall not reduce the clear width of an accessible route of travel or maneuvering space. Any wall- or post-mounted object with its leading edge between 27 inches and 79 inches above the floor may project not more than 4 inches into the required width within a corridor. Any wall- or post-mounted projection greater than 4 inches shall extend to the floor. ~~((Protruding objects shall not reduce the clear width of an accessible route of travel or maneuvering space.))~~

(f) Changes in level. Accessible routes of travel and accessible spaces within buildings shall have continuous common floor or ramp surfaces. Abrupt change in height greater than 1/4 inch shall be beveled to 1 vertical in 2 horizontal. Changes in level greater than 1/2 inch shall be accomplished by means of a ramp meeting the requirements of section 3106(h), a curb ramp meeting the requirements of section 3106(d) 7., or an elevator or platform lift meeting the requirements of section 3105(c). For Type B dwelling units, see also section 3106(aa).

(g) Floor coverings and surface treatments.

1. General. All surfaces shall be firm and stable.

2. Carpeting. Carpeting and floor mats in accessible areas shall be securely fastened to the underlying surface, and shall provide a firm, stable, continuous and relatively smooth surface.

3. Slip-resistant surfaces. Showers, locker rooms, swimming pool, spa and hot tub decks, toilet rooms and other areas subject to wet conditions shall have slip-resistant floors.

Exterior accessible routes of travel shall have slip-resistant surfaces.

4. Grates. Within an accessible route of travel grates shall have openings no more than 1/2 inch in one direction. Where grates have elongated openings, they shall be placed so that the long dimension is perpendicular to the dominant direction of travel. The maximum vertical surface change shall be 1/8 inch.

5. Expansion and construction joints. Expansion and construction joints in exterior routes of travel shall have a width of not more than 1/2 inch, shall be filled with a firm, compressible, elastic material, and shall be substantially level with the surface of the accessible route of travel.

(h) Ramps.

1. General. Ramps required to be accessible shall comply with section 3307 and the provisions of this section. No ramp shall change direction between landings, except ramps with an inside radius of 30 feet or greater.

2. Slope and rise. The maximum slope of a ramp shall be 1 vertical in 12 horizontal. The maximum rise for any run shall be 30 inches.

3. Width. The minimum width of a ramp shall be not less than 36 inches for interior ramps and 44 inches for exterior ramps.

4. Landings. Ramps within the accessible route of travel shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 30 inches of rise. Landings shall be level and shall have a minimum dimension measured in the direction of ramp run of not less than 60 inches. Where the ramp changes direction at a landing, the landing shall be not less than 60 inches by 60 inches. The width of any landing shall be not less the width of the ramp.

5. Handrails. Ramps having slopes steeper than 1 vertical in 20 horizontal shall have handrails as required for stairways, except that intermediate handrails as required in section 3306(i) are not required. Handrails shall be continuous provided that they shall not be required at any point of access along the ramp, nor at any curb ramp. Handrails shall extend at least 12 inches beyond the top and bottom of any ramp segment.

EXCEPTION: Ramps having a rise less than or equal to 6 inches or a run less than or equal to 72 inches need not have handrails.

6. Exterior ramps. Exposed ramps and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

7. Edge protection. Any portion of the edge of a ramp or landing which is more than 1/2 inch above the adjacent grade or floor, shall be provided with edge protection in accordance with the following:

A. Walls and curbs. When used, walls or curbs shall be not less than 4 inches in height above the surface of the accessible route of travel.

B. Railings. When used, railings shall comply with Section 3106 (h) 5. and shall also have one of the following features:

(i) An intermediate rail between 17 to 19 inches above the ramp or landing surface.

(ii) A guardrail complying with Section 1712.

(i) Stairways.

1. General. Stairways required to be accessible shall comply with section 3306 and provisions of this section.

2. Open risers. Open risers shall not be permitted.

EXCEPTION: Stairways in Group R, Division 1 apartment buildings may have open risers.

3. Nosings. Stair nosings shall be flush, slip-resistant and rounded to a radius of 1/2 inch maximum. Risers shall be sloped or the underside of the nosing shall have an angle of not less than 60 degrees from the horizontal. Nosings shall project no more than 1 1/2 inches.

4. Exterior stairways. Exposed stairways and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

(j) Doors.

1. General. Doors required to be accessible shall comply with section 3304 and provisions of this section. For the purpose of this section, gates shall be considered to be doors. An accessible gate or door shall be provided adjacent to any turnstile or revolving door. Where doorways have two independently operated door leaves, then at least one leaf shall comply with this section.

2. Clear width. Doors shall be capable of ~~((opening))~~ being opened so that the clear width of the opening is not less than 32 inches.

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have a clear opening not less than 20 inches.

3. Maneuvering clearances at doors. Except as provided in section 3106(aa), all doors shall have minimum maneuvering clearances as follows:

A. Where a door must be pulled to be opened, an unobstructed floor space shall extend at least 18 inches beyond the strike jamb.

B. Where a door must be pushed to be opened and is equipped with a closer and a latch, an unobstructed floor space shall extend at least 12 inches beyond the strike jamb.

C. Where two doors are in series, the minimum distance between two hinged or pivoted doors shall be 48 inches in addition to any area needed for door swing. Doors in series shall swing either in the same direction, or away from the space between the doors.

D. Where a door must be pulled to be opened, an unobstructed floor space shall be provided that extends 60 inches, perpendicular to the doorway.

E. Where a door must be pushed to be opened, an unobstructed floor space shall extend 48 inches perpendicular to the doorway.

4. Thresholds at doors. Thresholds at doors shall comply with section 3106~~((e))~~.

5. Automatic and power-assisted doors. Door-closers or power-operators shall be operable as required by section 3304(h).

EXCEPTION: Floor pad or electric-eye-actuated power operators.

All power-operated doors shall remain in the fully open position for not less than 6 seconds before closing. Touch switches shall be mounted 36 inches above the floor and not less than 18 inches nor more than 36 inches horizontally from the nearest point of travel of the moving door. Other power-operated doors must be actuated from a location not less than 36 inches from the nearest point of travel of the moving door. Power-operated doors shall automatically reopen when they encounter an obstruction other than the strike jamb.

6. Door closers. Where provided, door closers shall be adjusted to close from an open position of 70 degrees in not less than 3 seconds, to a point 3 inches from the latch, when measured to the leading edge of the door.

7. Vision panels. Where ~~((vision panels are provided in))~~ a door contains one or more vision panels, the bottom of the glass of at least one panel, shall be not more than 40 inches above the floor.

(k) Bathrooms, toilet rooms, bathing facilities and shower rooms.

1. General. Bathrooms, toilet rooms, bathing facilities and shower rooms shall be designed in accordance with this section. For dwelling units, see also section 3106(aa).

2. Unobstructed floor space. An unobstructed floor space shall be provided within bathrooms, toilet rooms, bathing facilities and shower rooms of sufficient size to inscribe a circle with a diameter not less than 60 inches. Doors in any position may encroach into this space by not more than 12 inches. The clear floor spaces at fixtures, the accessible route of travel and the unobstructed floor space may overlap.

3. Wheelchair accessible toilet stalls.

A. Dimensions. Wheelchair accessible toilet stalls shall be at least 60 inches in width. Where wall-hung water closets are installed, the depth of the stall shall be not less than 56 inches. Where floor-mounted water closets are installed, the depth of the stall shall be not less than 59 inches. Entry to the compartment shall have a clear width of 32 inches. Toilet stall doors shall not swing into the clear floor space required for any fixture and shall be self closing. Except for door swing, a clear unobstructed access not less than 48 inches in width shall be provided to toilet stalls.

EXCEPTION: Partitions may project not more than one inch, in the aggregate, into the required width of the stall.

B. Toe clearances. In any toilet stall~~((s))~~, the front partition and at least one side partition shall provide a toe clearance of at least 9 inches above the floor.

EXCEPTION: Toe clearance is not required in a stall with a depth greater than 60 inches.

C. Door hardware. Doors of accessible toilet stalls shall comply with section 3106(c).

~~((EXCEPTION: Toe clearance is not required in a stall with a depth greater than 60 inches.))~~

4. Ambulatory accessible toilet stalls. Ambulatory accessible toilet stalls shall be at least 36 inches in width, with an outward swinging, self-closing door. Grab bars shall be installed on each side of the toilet stall and shall comply with sections 3106(k) ~~((4-))~~ 5. C. and 3106(k) ~~((9-))~~ 11.

5. Water closets.

A. Clear floor space. The lateral distance from the center line of the water closet to the nearest obstruction, ~~((including))~~ excluding grab bars, shall be not less than 18 inches on one side and 42 inches on the other side. In other than stalls, a clear floor space not less than 32 inches, measured perpendicular to the wall on which the water closet is mounted, shall be provided in front of the water closet.

EXCEPTION: A lavatory may be located within the clear floor space required for a water closet provided that knee and toe clearances for the lavatory comply with subsection 7 below and:

A. In Type B dwelling units the edge of the lavatory shall be located not less than 15 inches from the centerline of the water closet; or

B. In all other occupancies the edge of the lavatory shall be located not less than 18 inches from the centerline of the water closet.

B. Height. The height of water closets shall be a minimum of 17 inches and a maximum of 19 inches measured to the top of the seat. Seats shall not be sprung to return to a lifted position.

C. Grab bars. Grab bars shall be installed at one side and the back of the ~~((toilet-stall))~~ water closet. The top of grab bars shall be not less than 33 inches and not more than 36 inches above and parallel to the floor. Grab bars located at the side shall be a minimum of 42 inches in length with the front end positioned not less than 18 inches in front of the water closet, and located not more than 18 inches from the center line of the water closet. Grab bars located at the back shall be a minimum of 36 inches in length. Grab bars shall be mounted not more than 9 inches behind the water closet seat.

D. Flush controls. Flush controls shall be mounted for use from the wide side of the water closet area and not more than 44 inches above the floor.

E. Dispensers and receptacles. Toilet paper and other dispensers or receptacles shall be installed within easy reach of the water closet, and shall not interfere with unobstructed floor space or grab bar utilization.

6. Urinals. A clear floor space measuring 30 inches in width by 48 inches in depth shall be provided in front of urinals. Urinal shields shall have a clear space between them of not less than 29 inches and shall not extend farther than the front edge of the urinal rim. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 inches above the floor. Flush controls shall be mounted not more than 44 inches above the floor.

7. Lavatories and sinks.

A. Clear floor space. A clear floor space not less than 30 inches in width by 48 inches in depth shall be provided in front of lavatories and sinks to allow forward approach. The clear floor space may include knee and toe clearances as provided in this subsection.

B. Height. Lavatories and sinks shall be mounted with the rim or counter surface not higher than 34 inches above the finished floor.

C. Knee and toe clearances.

(i) Lavatories. The total depth of the clear space beneath a lavatory shall be not less than 17 inches or more than 19 inches, of which toe clearance shall be not more than 6 inches of the total depth. Knee clearance shall be not less than 29 inches in height and 30 inches in width.

(ii) Sinks. Knee clearance not less than 27 inches in height, 30 inches in width and 19 inches in depth shall be provided underneath sinks.

D. Exposed pipes and surfaces. Hot water and drain pipes exposed under lavatories and sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories or sinks.

E. Faucets. Faucet control handles shall be located not more than 17 inches from the front edge of the lavatory, sink or counter, and shall comply with section 3106(c). Self-closing valves shall remain open for at least 10 seconds per operation.

F. Sink depth. Sinks shall be not ~~((less))~~ more than 6-1/2 inches in depth.

8. Mirrors, dispensers and other fixtures. Mirrors or shelves shall be installed so that the bottom of the mirror or the top of the shelf is within 40 inches of the floor.

Drying equipment, towel or other dispensers, and disposal fixtures shall be mounted so as not to exceed 40 inches above the finished floor to any rack, operating controls, receptacle or dispenser.

9. Bathtubs.

A. Clear floor space. A clear floor space not less than 60 inches in length shall be provided along the tub. Where the required seat is located at the end of the tub, the clear floor space shall be not less than 75 inches in length. The clear floor space shall be not less than 30 inches in width where access to the space is parallel to the tub and not less than 48 inches in width where access to the space is at right angles to the tub. A lavatory which complies with subsection ~~((5))~~ 7, above, may be located in the clear floor space for the tub.

B. Seats. An in-tub seat or a seat at the end of the tub shall be provided. In-tub seats shall be portable and removable, not less than 12 inches in width and extend the full width of the tub. Seats at the end of the tub shall be constructed flush with the top of the tub and shall extend not less than 15 inches from the end of the tub. Seats shall be mounted securely and shall not slip during use.

C. Grab bars. All required grab bars shall be installed parallel to the floor. Lower grab bars shall be installed centered 9 inches above the tub rim. Upper or single grab bars shall be installed centered not less than 33 inches and not more than 36 inches above the floor of the clear space.

Where a tub has a seat at the end, two grab bars not less than 48 inches in length shall be installed on the wall opposite the clear floor space, one end of each shall terminate where the tub abuts the seat.

Where a tub has an in-tub seat, two grab bars not less than 24 inches in length shall be installed on the wall opposite the clear floor space. The grab bars shall extend to not less than 24 inches from one end of the tub and not less than 12 inches from the other end. One grab bar shall be installed on the wall at the end of the tub opposite the drain, extending at least 12 inches from the clear floor space.

For all bathtubs one grab bar shall be installed on the wall at the end of the tub nearest the drain, extending at least 24 inches from the clear floor space.

D. Controls and fixtures. Faucets and other controls shall be located above the tub rim and below the grab bars, shall be not more than 24 inches laterally from the clear floor space and shall comply with section 3106(c).

A shower spray unit with a hose at least 60 inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

E. Bathtub enclosures. Where provided, enclosures for bathtubs shall not obstruct controls or obstruct transfer from wheelchairs onto bathtub seats or into tubs. Bathtub enclosures on bathtubs shall not have tracks mounted on their rims.

10. Shower stalls.

A. Configuration. Shower stalls shall have one of the following configurations:

(i) Transfer shower stalls shall be 36 inches by 36 inches, nominal, and shall have a seat; or,

(ii) Roll-in shower stalls shall be not less than 30 inches in depth by 60 inches in length.

B. Clear floor space. A clear floor space not less than 48 inches in length shall be provided adjacent to shower stalls. For roll-in shower stalls, the clear floor space shall be not less than 60 inches in length. The clear floor space shall be not less than 36 inches in width. A lavatory which complies with Subsection ((5)) 7 above, may be located in the clear floor space of a roll-in shower.

C. Seats. In transfer shower stalls, a seat shall be mounted not less than 17 inches and not more than 19 inches above the floor, and shall extend the full depth of the stall. The seat shall be located on the wall opposite the controls and shall be mounted not more than 1-1/2 inches from the shower walls. The seat shall be not more than 16 inches in width.

EXCEPTION: A section of the seat not more than 15 inches in length and adjacent to the wall opposite the clear space, may be not more than 23 inches in width.

In roll-in shower stalls, a fold down seat complying with the dimensional requirements of this subsection, may be installed.

D. Grab bars. All required grab bars shall be installed parallel to the floor. All grab bars shall be installed not less than 33 inches and not more than 36 inches above the floor of the adjacent clear space.

For transfer shower stalls, a grab bar not less than 18 inches in length shall be installed on the wall opposite the clear floor space(~~(7-one)~~). One end of (~~(which)~~) the grab bar shall terminate at the wall opposite the seat. A grab bar not less than 27 inches in length shall also be installed on the wall opposite the seat.

For roll-in shower stalls, grab bars shall be provided on all permanent stall walls. Grab bars located on either end of the stall shall be not less than 27 inches in length. The grab bar located opposite the clear space shall be not less than 48 inches in length.

E. Controls and fixtures. Faucets and other controls shall be located on the same wall as the shower spray unit, and shall be installed not less than 38 inches or more than

48 inches above the shower floor and shall comply with section 3106(c).

A shower spray unit with a hose at least 60 inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head may be installed not more than 48 inches above the stall floor.

F. Thresholds. In transfer shower stalls, thresholds shall be flush or beveled with a maximum edge height of 1/2 inch, and a maximum slope not more than 1 vertical in 2 horizontal.

Thresholds in roll-in shower stalls shall be level with the adjacent clear space.

G. Shower enclosures. Where provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

11. Structural requirements for grab bars, and tub and shower seats.

A. General. All grab bars, and tub and shower seats required to be accessible shall comply with this section.

B. Size and spacing of grab bars. Grab bars shall have an outside diameter of not less than 1-1/4 inch nor more than 1-1/2 inches and shall provide a clearance of 1-1/2 inches between the grab bar and the wall.

C. Structural strength. The structural strength of grab bars, tub and shower seats, fasteners and mounting devices shall meet the following specifications:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 300 lbs. shall be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 300 lbs. shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 300 lbs. shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 300 lbs. plus the maximum moment from the application of 300 lbs. shall be less than the allowable withdrawal load between the fastener and the supporting structure.

D. Special hazards. A grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch.

(I) Kitchens.

1. Clear floor space. An unobstructed floor space shall be provided within kitchens of sufficient size to inscribe a circle with a diameter not less than 60 inches. Doors in any position may encroach into this space by not more than 12 inches. The clear floor spaces at fixtures, the accessible route of travel and the unobstructed floor space may overlap.

2. Counter surfaces and shelving. Within Type A dwelling units, a counter surface, a minimum of 30 inches wide by 24 inches deep, shall be provided at a maximum height of 34 inches, with a space beneath at least 27 inches in height.

In other than dwelling units, at least 50 percent of shelf space in cabinets, refrigerators and freezers shall be within the reach ranges specified in sections 3106(b) ~~((2-))~~ 4. D. or 3106(b) ~~((2-))~~ 4. E.

(m) Water fountains.

1. Clear floor space. Wall- and post-mounted cantilevered units shall have a minimum clear floor space in front of the units 30 inches in width by 48 inches in depth to allow a forward approach.

Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 inches in depth by 48 inches in width in order to allow a person in a wheelchair to make a parallel approach to the unit.

2. Knee space. Wall- and post-mounted cantilevered units shall have knee space in accordance with section 3106(b) ~~((2-B-))~~ 3. C. The knee space shall be not less than 19 inches in depth.

3. Spout location. Spouts shall be located not more than 36 inches above the floor or ground surface. Spouts shall be located in the front of the unit and shall direct a water flow not less than 4 inches in height, in a trajectory parallel to the front of the unit.

4. Controls. Controls shall be located not more than 6 inches from the front of the unit and shall comply with section 3106(c). The force required to activate the control shall not exceed 5 pounds.

5. Water fountains in alcoves. Where a unit is installed in an alcove greater than 8 inches in depth, the alcove shall be not less than 48 inches in width. A minimum 24 inches of clear space shall be provided from the spout to the nearest side wall of the alcove. Recessed units shall be installed such that the spout is not recessed beyond the plane of the wall.

(n) Telephones.

1. Clear floor or ground space. A clear floor or ground space not less than 30 inches by 48 inches that allows either a forward or parallel approach shall be provided in front of telephones. Bases, enclosures and fixed seats shall not project into the clear floor space.

Where parallel approach is provided, any shelf or enclosure shall not project further than 10 inches beyond the face of the telephone.

Where a forward approach is provided, any shelf shall not project further than 20 inches beyond the face of the telephone; any enclosure panels shall be a minimum 30 inches apart, and where less than 36 inches apart, shall project no more than 24 inches beyond the face of the phone.

2. Height. The highest operable part of a telephone shall be within the reach ranges specified in sections 3106(b) ~~((2-))~~ 4. D. or 3106(b) ~~((2-))~~ 4. E.

3. Equipment for persons with hearing impairments. Telephones shall be equipped with volume controls and shall be hearing aid compatible. Volume controls shall be capable of increasing volume not less than 12 dbA or more than 18 dbA above normal.

EXCEPTION: Where an automatic reset is provided, 18 dbA may be exceeded.

4. Controls. Telephones shall have pushbutton controls where service for such equipment is available.

5. Cord length. The cord from the telephone to the handset shall be not less than 29 inches in length.

6. Text telephones. Text telephones shall be permanently affixed within, or adjacent to the telephone enclosure. Where an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

7. Shelf and electrical outlet. Shelves and an electrical outlet shall be located within or adjacent to the telephone enclosure. The shelf shall be not less than 10 inches by 10 inches in dimension, with a vertical clearance above the shelf of not less than 6 inches. The telephone handset shall be capable of being placed flush on the surface of the shelf.

(o) Alarms.

1. Audible alarms. Audible alarms shall produce a sound in accordance with ~~((UFC Standard No. 14-1))~~ the Fire Code.

2. Visible alarms. Visible alarm signal appliances shall be integrated into the building or facility alarm system. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.

EXCEPTION: Dwelling units in Group R, Division 1 apartment buildings.

Visible alarms shall be located not less than 80 inches above floor level, or 6 inches below the ceiling, whichever is lower, and at an interval of not less than 50 feet horizontal, in rooms, corridors and hallways.

In rooms or spaces exceeding 100 feet in horizontal dimension, with no obstructions exceeding 6 feet in height above the finished floor, visible alarms may be placed around the perimeter at intervals not to exceed 100 feet horizontally.

~~((Guidelines for visible alarm type, color, intensity and flash rate are found in appendix chapter 31, Division V.))~~

Visible alarm signals shall have the following minimum photometric and location features:

1. The lamp shall be a xenon strobe type or equivalent.

2. The color shall be clear or unfiltered white light.

3. The maximum pulse duration shall be two-tenths of one second (0.2 sec) with a maximum duty cycle of 40 percent. The pulse duration is defined as the time interval between initial and final points of 10 percent of maximum signal.

4. The intensity shall be a minimum of 75 candela.

5. The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.

3. Access to manual fire alarm systems. Manual fire alarm devices shall be mounted not more than 54 inches above the floor ~~((provided that))~~ where a parallel approach is provided.

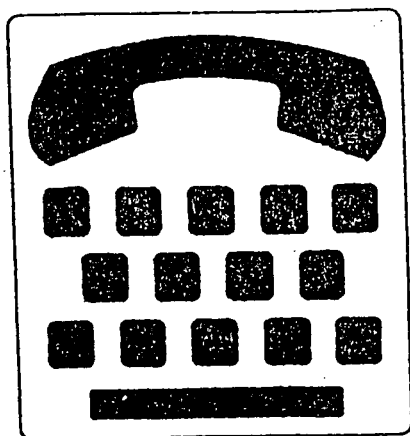
(p) Signage.

1. International symbol of access.

A. General. The international symbol of access shall be proportioned as shown below:



B. Text telephones. Text telephones required by section 3105(d) 2. shall be identified by the international text telephone symbol proportioned as shown below:



C. Assistive listening systems. Permanently installed assistive listening systems that are required by section 3103(a) 2. B. shall be identified by the international symbol of access for hearing loss proportioned as shown below:



D. Volume control telephones. Telephones required by section 3105(d) 2. to have volume controls shall be identified by a handset containing a depiction of a telephone handset with radiating sound waves.

2. Mounting location and height. Signs shall be installed on the wall adjacent to the latch side of the door. Signs shall be centered at 60 inches above the finished floor. Mounting location for such signage shall be such that a person may approach within 3 inches of signage without encountering protruding objects or standing within the swing of a door.

3. Finish and color. Characters and symbols shall have a high contrast with their background. The character and background of interior signs shall be eggshell, matte, or other nonglare finish.

All interior and exterior signs depicting the International Symbol of Access shall be white on a blue background.

4. Character proportion and height. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum character height for signs that are suspended or projected overhead is 3 inches for upper case letters. Lower case letters are permitted.

~~((5. Raised and brailled characters and pictorial symbol signs (pictograms). Letters and numerals shall be raised not less than 1/32 inch; shall be upper case, simple typeface; and shall be accompanied with Grade 2 Braille. Raised characters shall be not less than 5/8 inch or more than 2 inches in height. Where provided, pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be not less than 6 inches in height.))~~

5. Raised and braille characters and pictorial symbol signs (pictograms). A. Raised characters and symbols. Characters and symbols on tactile signs shall be raised at least 1/32 inch. Raised characters and symbols shall be upper case characters. Raised characters and symbols shall be between 5/8 inch and 2 inches in height. Raised characters shall be accompanied by braille in accordance with this section.

B. Braille. Braille shall be separated at least 1/2 inch from the corresponding raised characters or symbols, except that braille provided with elevator controls shall be at least

3/16 inch below the corresponding raised characters or symbols. Braille shall be Grade 2.

C. Pictograms. Where provided, pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be not less than 6 inches in height.

(q) Detectable warnings.

1. Walking surfaces. Detectable warnings on walking surfaces shall consist of raised truncated domes having a diameter of 0.9 inches nominal, a height of 0.2 inches nominal and a center-to-center spacing of 2.35 inches nominal, and shall contrast visually with adjoining surfaces.

~~((2. Doors to hazardous areas. Knobs or handles or other operating hardware on doors leading to loading platforms, stages, mechanical equipment rooms or other areas hazardous to the blind shall be knurled or otherwise rough to the touch. Such surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas. Textured surfaces for detectable door warnings shall be consistent within a building, facility, site or complex of buildings.))~~

(r) Storage, shelving and display units.

1. Clear floor space. Storage, shelving and display units shall have a clear floor space not less than 30 inches by 48 inches that allows for either a forward or parallel approach.

2. Height. Accessible storage, shelving and display units shall be within the reach ranges specified in sections 3106(b) ~~((2-))~~ 4. D. or 3106(b) ~~((2-))~~ 4. E. Clothes rods shall be not more than 54 inches above the floor.

(s) Seating, tables, and sinks.

1. Clear floor space. Seating spaces at tables~~((;))~~ and sinks shall have a clear floor space of not less than 30 inches by 48 inches that allows a forward approach. The clear floor space shall not overlap knee space by more than 19 inches.

2. Knee clearances. Knee spaces at tables, counters, and sinks shall be provided in accordance with section 3106(b) ~~((2-B-))~~ 4. C. No projection which might obstruct the arm of a wheelchair may intrude into this clearance height, within 24 inches horizontally from the table edge.

3. Height. The tops of tables, and sinks shall be not less than 28 inches nor more than 34 inches in height above the floor or ground.

(t) Aisles. All aisles required to be accessible, including check out aisles, food service lines and aisles between fixed tables, shall be not less than 36 inches in width.

(u) Assembly areas.

1. Wheelchair spaces.

A. Location. Wheelchair spaces shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. Spaces shall adjoin an accessible route of travel that also serves as a means of egress and shall be located to provide lines of sight comparable to those for all viewing areas.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.

B. Size. Wheelchair spaces shall be not less than 33 inches in width. Where forward or rear approach is provided, wheelchair spaces shall be not less than 48 inches in depth. Where only side approach is provided, wheelchair spaces shall be not less than 60 inches in depth.

C. Surfaces. The ground or floor surfaces at wheelchair locations shall be level and shall comply with section 3106(g).

~~2. ((Access to performance areas. An accessible route of travel shall connect wheelchair seating locations with performance areas, including stages, arena floors, dressing rooms, locker rooms and other spaces used by performers.))~~

3. Placement of assistive listening systems. Where an assistive~~((-))~~ listening system serves individual fixed seats, such seats shall have a clear line of sight and shall be located not more than 50 feet from the stage or performance area.

(v) Restaurants and cafeterias.

1. Aisles. Aisles to fixed tables required to be accessible shall comply with 3106~~((s))~~ (t).

2. Food service lines.

A. Clear floor space. Food service lines shall comply with section 3106(t).

B. Height. Tray slides shall be mounted not more than 34 inches in height above the floor.

C. Counters and bars. Where service of food or drink is provided~~((;))~~ at counters more than 34 inches in height, to customers seated on stools or standing, a portion of the main counter shall be provided in compliance with section 3106(s), or service shall be available at accessible tables within the same area.

D. Tableware and condiment areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall be installed to comply with section 3106(s).

(w) Patient bedrooms. Each patient ~~((room))~~ bedroom shall be designed and constructed to provide a 180-degree turn that complies with section 3106(b) ~~((1-))~~ 2. A. Each patient room shall have a minimum clear floor space not less than 36 inches on each side of ~~((the))~~ any bed.

(x) Customer service facilities.

1. Dressing and fitting rooms.

A. Clear floor space. Each dressing and fitting room~~((s))~~ shall have a clear floor space complying with section 3106(b).

EXCEPTION: Dressing and fitting rooms that are entered through a curtained opening need not comply with section 3106(b) 2.

B. Doors. All doors to accessible dressing and fitting rooms shall comply with section 3106(j).

C. Benches. Every accessible dressing or fitting room shall have a bench installed adjacent to the longest wall in the room. The bench shall be not less than 24 inches in width and 48 inches in length, and shall be mounted not less than 17 inches nor more than 19 inches above the finished floor.

Clear floor space shall be provided adjacent to the bench to allow for parallel transfer, and the structural strength of the bench shall comply with section 3106(k) ~~((9-))~~ 11. C.

Where benches are installed in dressing and fitting rooms adjacent to showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.

D. Mirrors. Where provided, mirrors in accessible dressing and fitting rooms shall be not less than 18 inches in width by 54 inches in height and shall be mounted opposite the bench.

2. Counters and windows. Where counters are required to be accessible, the accessible portion shall be not less than 36 inches in length and not more than 36 inches in height above the finished floor.

Where accessible windows are required, they shall be no more than 36 inches in height above the finished floor.

EXCEPTION: An auxiliary counter with a maximum height of 36 inches is installed in close proximity to the main counter.

3. Check-out aisles. The width of accessible check-out aisles shall comply with section 3106(t). Counters in accessible check-out aisles shall be not more than 38 inches in height, and the top of the raised edge of the counter shall not exceed 40 inches in height above the finished floor.

Accessible check-out aisles shall be identified by the international symbol of access in accordance with section 3106(p) 1. A.

(y) Libraries.

1. Reading and study areas. At least 5 percent or a minimum of one of each element of fixed seating, tables or study carrels shall comply with section 3106(s). Clearances between fixed accessible tables and study carrels shall comply with section 3106((s))(t).

2. Check-out areas. At least one lane at each check-out area shall comply with section 3106(t). Any traffic control or book security gates or turnstiles shall comply with section 3106(j).

3. Card catalogs, magazine displays and ((reference)) stacks. A. Aisles. Aisles between card catalogs, magazine displays or ((reference)) stacks shall comply with section 3106(t).

B. Height. Card catalogs((;)) or magazine displays ((or reference stacks)) shall have a reach height of not more than 54 inches for side approach and not more than 48 inches for forward approach. Not all shelves in library stacks need be located within reach ranges required by Section 3106(b).

(z) Hotels and congregate residences.

1. Clear floor space. Each sleeping room shall have a space complying with section 3106(b) 1, along both sides of each bed.

EXCEPTION: In rooms with two beds, only one 36 inch-wide maneuvering space need be provided between the two beds.

2. Accessible route of travel. An accessible route complying with section 3103(b) 2. shall connect all accessible spaces and elements; including telephones, patios, terraces, balconies, carports, garages or parking spaces; with all accessible sleeping rooms.

3. Doors. Doors within all sleeping rooms, suites or other covered units shall comply with section 3106(j).

4. Storage. Where fixed or built-in storage is provided in accessible units, sleeping rooms or suites((;)); including

cabinets, shelves, closets and drawers; shall comply with section 3106(r).

5. Controls. All controls in accessible units, sleeping rooms and suites shall comply with section 3106(c).

(aa) Dwelling units.

1. Type A and B dwelling units. Type A and B dwelling units shall comply with section 3106.

EXCEPTIONS: 1. Kitchens in Type B dwelling units need not comply with section 3106(l) 1., provided that:

A. A clear space at least 30 inches by 48 inches that allows parallel approach by a person in a wheelchair is provided at the range or cook top and sink, and either a parallel or forward approach is provided at all other appliances; and,

B. In all other kitchens clearance between all opposing counters, base cabinets, countertops, appliances and walls shall be not less than 40 inches; and,

C. In "U" shaped kitchens with a sink, range or cooktop at the base of the "U," an unobstructed floor space of sufficient size to inscribe a circle with a diameter of not less than 60 inches shall be provided.

2. Bathrooms in Type B dwelling units need not comply with section 3106(k) ((+)) 2., provided that sufficient maneuvering space which is not less than 30 inches by 48 inches is provided within the bathroom. Doors may swing into the clear floor space provided at any fixture, but shall not encroach on the required maneuvering space.

3. Doors in Type B dwelling units other than the primary entry door, need not comply with section 3106(j) ((4-A)) 3.

4. Mezzanines in Type A or B dwelling units need not be accessible.

5. Raised or sunken floors in Type B dwelling units need not be accessible, provided that they do not interfere with the accessible route of travel through the unit, and are not located in the kitchen or bathroom.

6. Counter surfaces in Type B dwelling units need not comply with section 3106(l) 2.

7. Within an individual dwelling unit in an elevated building, access to other levels is not required if the accessible level complies with all requirements for accessible dwelling units and contains a bathroom.

8. In Type B dwelling units, exterior deck, patio, or balcony surfaces may be no more than 4 inches below the floor level of the interior surface if the exterior surface is constructed of an impervious material such as concrete, brick or flagstone.

9. Vanities or lavatories in Type A and B dwelling units ((shall comply)) may be located in the clear floor spaces as permitted in section 3106(k) 5. A.

10. Seats for bathtubs or showers are not required in Type B dwelling units.

11. In Type B dwelling units, the clear floor space for bathtubs or showers may be reduced to not less than 30 inches in width by 48 inches in length.

2. Adaptable fixtures in dwelling units.

A. Grab bars. Grab bars may be omitted in bathing and toilet facilities within Type A or B dwelling units, provided that all structural reinforcements for grab bar installation are provided in the appropriate locations in the adjoining walls.

B. Kitchen counters. Cabinets or shelving may be installed beneath the counter space required by section 3106(l) 2., provided that such cabinetry or shelving is not permanent, and is easily removable.

C. Lavatories. Cabinets or shelving may be installed beneath bathroom lavatories provided that such cabinetry or shelving is not permanent, and is easily removable.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3107 Parking facilities. Section 3107.

(a) Accessible parking required. 1. General. For other than Group R, Division 1 apartment buildings, when parking lots or garage facilities are provided, accessible parking spaces shall be provided in accordance with Table No. 31-F. ~~((In addition, one in every eight accessible parking spaces, but in no case less than one, shall comply with the van parking space requirements in section 3107(b).))~~

2. Inpatient Medical Care Facilities. For Group I, Division 1.1, 1.2 and 2 medical care Occupancies specializing in the treatment of persons with mobility impairments, 20 percent of parking spaces provided accessory to such occupancies shall be accessible.

3. Outpatient Medical Care Facilities. For Group I, Division 1.1 and 1.2, and Group B, Division 2 Occupancies providing outpatient medical care facilities, 10 percent of the parking spaces provided accessory to such occupancies shall be accessible.

4. Apartment Buildings. For Group R, Division 1 apartment buildings where parking is provided, one accessible parking space shall be provided for each Type A dwelling unit and reserved for its occupants. In addition, where the total parking provided on a site exceeds 1 parking space per dwelling unit, not less than 2 percent, and in no case less than 1 space, of this additional parking shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

5. Van Parking. For other than Group R, Division 1 apartment buildings, where accessible parking is required, one of every eight accessible parking spaces, or fraction thereof, shall be designated to be accessible to vans.

Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing

traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

EXCEPTION: In multilevel parking structures, accessible van parking spaces may be located on one level.

Where a parking facility is not accessory to a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility.

(b) Design and construction.

1. General. When accessible parking spaces are required by this section, they shall be designed and constructed in accordance with this section.

2. Size. Parking spaces shall be not less than 96 inches in width and shall have an adjacent access aisle not less than 60 inches in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that the aisles will not be used as parking space.

Van accessible parking spaces shall have an adjacent access aisle not less than 96 inches in width.

3. Vertical clearance. Where accessible parking spaces are ~~((provided))~~ required for vans, the vertical clearance shall be not less than 114 inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits.

4. Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed 1 vertical in 48 horizontal.

5. Surface. Parking spaces and access aisles shall be firm, stable, smooth and slip-resistant.

(c) Signs. Every parking space required by this section shall be identified by a sign, centered between 3 and 5 feet above the parking surface, at the head of the parking space. The sign shall include the international symbol of access and the phrase "state disabled parking permit required."

Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Access identifying the spaces as "Van Accessible."

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3108 Passenger ~~((drop-off and))~~ loading zones. Section 3108.

(a) Location. Where provided, passenger ~~((drop-off and))~~ loading zones shall be located on an accessible route of travel.

(b) Design and construction.

1. General. Passenger ~~((drop-off and))~~ loading zones shall be designed and constructed in accordance with this section.

2. ~~((Passenger drop-off zones.~~

~~A. Size. Drop-off zones shall be not less than 12 feet in width by 25 feet in length with the long dimension abutting and parallel to an accessible route of travel.~~

~~B. Slope. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 48 horizontal.~~

3. ~~Passenger loading zones.~~

~~A.))~~ Size. Passenger loading zones shall provide an access aisle not less than 5 feet in width by 20 feet in length

with the long dimension abutting and parallel to: (1) the vehicle space on one side and (2) an accessible route of travel on the other.

~~((B-))~~ 3. Slope. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 48 horizontal.

4. Access aisles. The access aisle shall be at the same level as the adjoining vehicular area.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3109 Scope. Section 3109.

~~((1-))~~ (a) General. The provisions of this part apply to renovation, alteration and additions to existing buildings including those identified as historic buildings. This chapter includes minimum standards for removing architectural barriers, and providing and maintaining accessibility for persons with disabilities to existing buildings and their related facilities.

~~((2-))~~ (b) Equivalent facilitation. Departures from specific technical and scoping requirements of this part by the use of alternate methods are permitted where such methods will provide equivalent or greater access to, and usability of, the facility. Alternate methods shall permit individuals with disabilities to approach, enter and use a site, building, facility or portion thereof; as easily, safely, conveniently and independently as the specified method.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3110 Definitions. Section 3110. For the purpose of this part, certain terms are designated as follows:

Alteration is any change, addition or modification in construction or occupancy.

Alteration, substantial is any alteration where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing and structural changes) for a building or facility within any 12-month period amounts to 60 percent or more of the assessed value.

Path of travel means a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entry to the facility, and other parts of the facility. For the purposes of this part, the term path of travel also includes restrooms, telephones, and water fountains serving the altered area.

Technically infeasible means that an alteration has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame, or because site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and necessary to provide accessibility.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3111 Additions. Section 3111. New additions may be made to existing buildings without making the entire building comply, provided the new additions conform to the provisions of Part II of this chapter except as follows:

1. Entries. Where a new addition to a building or facility does not have an accessible entry, at least one entry in the existing building or facility shall be accessible.

2. Accessible route. Where the only accessible entry to the addition is located in the existing building or facility, at least one accessible route of travel shall be provided through the existing building or facility to all rooms, elements and spaces in the new addition which are required to be accessible.

3. Toilet and bathing facilities. Where there are no toilet rooms and bathing facilities in an addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing facility shall comply with section 3106 or with section 3112(c) ~~((5-))~~ 6.

4. Group I Occupancies. Where patient rooms are added to an existing Group I Occupancy, a percentage of the additional rooms equal to the requirement of section 3103(a) 6., but in no case more than the total number of rooms required by section 3103(a) 6. shall comply with section 3106(w). Where toilet or bath facilities are part of the accessible rooms, they shall comply with section 3106(k).

5. Group R, Division 1 apartment buildings. Additions of 3 or fewer dwelling units in Group R, Division 1 apartment buildings need not comply with Part ~~((1))~~ II of this chapter.

Where an addition affects the access to or use of an area of primary function, to the maximum extent feasible, the path of travel to the area of primary function shall be made accessible.

EXCEPTION: The path of travel need not be made accessible if the cost of compliance with this part would exceed 20% of the total project cost, inclusive of the cost of eliminating barriers, within a 36-month period.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3112 Alterations. Section 3112. Alterations.

(a) General.

1. Compliance. Alterations to existing buildings or facilities shall comply with this section. No alteration shall reduce or have the effect of reducing accessibility or usability of a building, portion of a building or facility. If compliance with this section is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible.

EXCEPTION: Except when substantial as defined by section 3110, alterations to Group R, Division 1 apartment buildings need not comply with this section.

2. Existing elements. If existing elements, spaces, essential features or common areas are altered, each such altered element, space feature or area shall comply with the applicable provisions of Part II of this chapter. Where an alteration is to an area of primary function, to the maximum extent feasible, the path of travel to the altered area shall be made accessible. See also appendix chapter 31 Division II.

Exceptions: 1. Accessible route of travel need not be provided to altered elements, spaces or common areas which are not areas of primary function.
2. Areas of evacuation assistance need not be added to an altered building.
3. The path of travel need not be made accessible if the cost of compliance with this part would exceed 20% of the total project cost, inclusive of the cost of eliminating barriers, within a 36-month period.

3. Installation of stairs or escalators. Where an escalator or new stairway is planned or installed requiring major structural changes, then a means of vertical transportation (e.g. elevator, platform lift) shall be provided in accordance with this chapter.

4. Other requirements.

A. Where alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire area or space shall be accessible.

B. No alteration of an existing element, space or area of a building shall impose a requirement for greater accessibility than that which would be required for new construction.

C. Where the alteration work is limited solely to the electrical, mechanical or plumbing system or hazardous materials removal, and does not involve the alteration, structural or otherwise, of any elements and spaces required to be accessible under these standards, chapter 31 does not apply.

D. Where alterations would increase the number of public pay phones to four, with at least one on the interior; or where the existing facility has four or more public pay phones and one or more is altered; at least one interior text telephone shall be provided in accordance with section 3106(n).

E. Where a building has an accessible entry, altered entries need not be made accessible unless they provide access to areas of primary function.

F. Where sleeping rooms are altered in an existing Group R, Division 1 hotel or motel, at least 1 sleeping room that complies with section 3106(z) shall be provided for each 25 sleeping rooms or fraction thereof. In addition, at least 1 sleeping room for each 25 sleeping rooms or fraction thereof shall have telephones, visible alarms, and visible notification devices in accordance with section 3103(a) 8. C. ~~((ii))~~

G. Where patient rooms are altered in an existing Group I Occupancy, a percentage of the altered rooms equal to the requirement of section 3103(a) 6., but in no case more than the total number of rooms required by section 3103(a) 6. shall comply with section 3106(w). Where toilet or bath

facilities are part of the accessible rooms, they shall comply with section 3106(k).

(b) Substantial alterations. Where substantial alteration as defined in section 3110 occurs to a building or facility, the entire building or facility shall comply with Part II of this code.

EXCEPTION: Areas of evacuation assistance need not be provided to a substantially altered building.

(c) Modifications.

1. General. The following modifications set forth in this section may be used for compliance where the required standard is technically infeasible or when providing access to historic buildings:

2. Ramps. Curb ramps and ramps constructed on existing sites, or in existing buildings or facilities, may have slopes and rises greater than specified in Part II of this chapter, as specified for existing facilities in chapter 31, where space limitations (~~prohibit~~) preclude the use of 1 vertical in 12 horizontal slope or less provided that:

A. A slope not greater than 1 vertical in 10 horizontal is allowed for a maximum rise of 6 inches.

B. A slope not greater than 1 vertical in 8 horizontal is allowed for a maximum rise of 3 inches.

C. Slopes greater than 1 vertical in 8 horizontal are prohibited.

3. Stairs. Full extension of stair handrails is not required when such extension would be hazardous or impossible due to plan configuration. When an accessible elevator is provided, existing stairs need not be made accessible.

4. Elevators. Elevators shall comply with chapter 296-81 WAC.

5. Platform lifts. Upon the approval of the building official, platform lifts may be used (~~in lieu of elevators~~) in alterations, in locations in addition to those permitted in Part II of this chapter, if installation of an elevator is technically infeasible.

Platform lifts shall comply with chapter 296-81 WAC.

6. Doors.

A. Clearance. When existing elements prohibit strict compliance with the clearance requirements, a projection of 5/8 inch maximum is permitted for the latch side door stop.

B. Thresholds. Existing thresholds measuring 3/4 inch high or less which are modified to provide a beveled edge on each side, may be retained.

7. Toilet rooms.

A. Shared facilities. The addition of one unisex toilet facility accessible to all occupants on the floor may be provided in lieu of making existing toilet facilities accessible when it is technically infeasible to comply with either part of chapter 31.

B. Number. The number of toilet facilities and water closets required by the Uniform Plumbing Code may be reduced by one, in order to provide accessible features.

8. Assembly areas. Seating shall adjoin an accessible route of travel that also serves as a means of emergency egress or route to an area for evacuation assistance. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and amenities are provided in an

accessible space usable by the general public and not restricted to use by people with disabilities.

9. Dressing rooms. Where it is technically infeasible to meet the requirements of Part ((I)) II of this chapter, one dressing room for each sex, or a unisex dressing room, on each level shall be accessible.

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3113 Historic preservation. Section 3113.

(a) General. Generally, the accessibility provisions of this part shall be applied to historic buildings and facilities as defined in section 104(f) of this code.

The building official, after ~~((consultation))~~ consulting with the appropriate historic preservation officer, shall determine whether provisions required by this part for accessible routes of travel (interior or exterior), ramps, entrances, toilets, parking or signage would threaten or destroy the historic significance of the building or facility.

If it is determined that any of the accessibility requirements listed above would threaten or destroy the historic significance of a building or facility, the modifications of section 3112(c) for that feature may be utilized.

(b) Special provisions. Where removing architectural barriers or providing accessibility would threaten or destroy the historic significance of a building or facility, the following special provisions may be used:

1. At least one accessible route from a site access point to an accessible route shall be provided.
2. At least one accessible entry which is used by the public shall be provided.

EXCEPTION: Where it is determined by the building official that no entrance used by the public can comply, access at any accessible entry which is unlocked during business hours may be used provided directional signs are located at the main entry and the accessible entry has a notification system. The route of travel for the accessible entry shall not pass through hazardous areas, storage rooms, closets, kitchens or spaces used for similar purposes.

3. Where toilet facilities are provided, at least one toilet facility complying with section 3111 and 3112 shall be provided along an accessible route. Such toilet facility shall be a shared facility available to both sexes.

4. Accessible routes from an accessible entry to all publicly used spaces, on at least the level of the accessible entry, shall be provided. Access should be provided to all levels of a building or facility when practical. Displays and written information and documents shall be located where they can be seen by a seated person.

AMENDATORY SECTION (Amending 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-3114 Appeal. Section 3114.

(a) Request for appeal. An appeal from the standards for accessibility for existing buildings may be filed with the building official in accordance with section 204, when:

1. Existing structural elements or physical constraints of the site prevent full compliance or would threaten or destroy the historical significance of a historic building, or ~~((2. For the path of travel, the cost of compliance with this part would exceed 20% of the total project cost, inclusive of the cost of eliminating barriers, within a 36 month period.))~~

(b) Review.

1. Consideration of alternative methods. Review of appeal requests shall include consideration of alternative methods which may provide partial access.

2. Waiver or modification of requirements. The appeals board may waive or modify the requirements of this section when it is determined that compliance with accessibility requirements would threaten or destroy the historic significance of a building or facility.

~~((DIVISION V
U.S. ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT ALTERNATE GUIDELINES FOR VISIBLE ALARM))~~

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-93119 Section 3119. ~~((a) Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for visible alarms.~~

~~((b) Visible alarms. Visible alarm signals shall have the following minimum photometric and location features:~~

- ~~1. The lamp shall be a xenon strobe type.~~
- ~~2. The color shall be clear (i.e., unfiltered or clear filtered white light).~~
- ~~3. The intensity shall be a minimum of 75 candela seconds and a maximum of 120 candela seconds.~~
- ~~4. The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.~~
- ~~5. The appliance shall be placed a minimum of 80 inches above the highest floor level within the space.~~
- ~~6. No place in any room shall be more than 50 feet from the signal (in the horizontal plane).~~
- ~~7. No place in corridors or hallways shall be more than 50 feet from the signal.))~~

(a) Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for visual contrast.

(b) Guidelines for visual contrast.

1. Raised truncated domes. Raised truncated domes used as detectable warnings shall contrast visually by 70 percent with adjoining surfaces. Contrast in percent shall be determined as follows:

$$\text{Contrast} = [(B^1 - B^2) / B^1] \times 100$$

where: B¹ = light reflectance value (LRV) of the lighter area; and,
B² = light reflectance value (LRV) of the darker area.

The material used to provide contrast shall be an integral part of the walking surface.

2. Signage. The characters and background of signs shall be eggshell (11 to 19 degree gloss on 60 degree glossimeter). Characters shall be light on a dark background (or dark on a light background) and contrast with their background by at least 70 percent. Contrast in percent shall be determined as follows:

$$\text{Contrast} = [(B^1 - B^2)/B^1] \times 100$$

where: B^1 = light reflectance value (LRV) of the lighter area; and,

B^2 = light reflectance value (LRV) of the darker area.

UNIFORM BUILDING CODE STANDARD NO. 31-1

Building and facility access specifications. U.B.C. No. 31-1 is deleted in its entirety.

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.

**DIVISION ((~~VI~~) V)
U.S. ARCHITECTURAL AND BARRIERS COMPLIANCE BOARD AMERICANS WITH DISABILITIES ACT ALTERNATE GUIDELINES FOR VISUAL CONTRAST**

AMENDATORY SECTION (Amending WSR 92-01-145, filed 12/19/91, effective 7/1/92)

WAC 51-20-93120 ((Section 3120)) Reserved. ((a) Purpose. The purpose of this division is to provide the United States Department of Justice, Americans with Disabilities Act Guidelines for visual contrast.

(b) Guidelines for visual contrast.

1. Raised truncated domes. Raised truncated domes used as detectable warnings shall contrast visually by 70 percent with adjoining surfaces. Contrast in percent shall be determined as follows:

$$\text{Contrast} = [(B^1 - B^2)/B^1] \times 100$$

where: B^1 = light reflectance value (LRV) of the lighter area; and,

B^2 = light reflectance value (LRV) of the darker area.

~~The material used to provide contrast shall be an integral part of the walking surface.~~

~~2. Signage. The characters and background of signs shall be eggshell (11 to 19 degree gloss on 60 degree glossimeter). Characters shall be light on a dark background (or dark on a light background) and contrast with their background by at least 70 percent. Contrast in percent shall be determined as follows:~~

$$\text{Contrast} = [(B^1 - B^2)/B^1] \times 100$$

where: B^1 = light reflectance value (LRV) of the lighter area; and,

B^2 = light reflectance value (LRV) of the darker area.

UNIFORM BUILDING CODE STANDARD NO. 31-1

Building and facility access specifications. U.B.C. No. 31-1 is deleted in its entirety.)

ERRATA

Reviser's note: The following section was adopted by the Department of Health in WSR 92-15-048. Through a clerical error, the section did not appear in issue 92-15 distributed on August 5, 1992. The filing, as it appears below, shows only the section that was inadvertently left out; it does not show the section which was published correctly. Pursuant to RCW 34.05.380(2), the effective date of this amended section is August 10, 1992.

WSR 92-15-048
PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 287—Filed July 10, 1992, 11:22 a.m.]

Date of Adoption: July 8, 1992.

Purpose: To amend the fee structure for residential treatment facilities for psychiatrically impaired children and youth and adult residential rehabilitation centers.

Citation of Existing Rules Affected by this Order: Amending WAC 246-323-990 and 246-325-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-10-014 on April 24, 1992.

Effective Date of Rule: Thirty-one days after filing.
July 8, 1992
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of (~~thirty-five~~) forty-five dollars for each bed space within the licensed bed capacity of the ARRC;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and
- (3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

WSR 92-16-004
PERMANENT RULES
LOTTERY COMMISSION

[Filed July 23, 1992, 12:59 p.m., effective November 5, 1992]

Date of Adoption: July 10, 1992.

Purpose: To amend WAC 315-31-060 to provide for daily game drawings seven days per week.

Citation of Existing Rules Affected by this Order: Amending WAC 315-31-060.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 92-12-091 on June 3, 1992.

Effective Date of Rule: November 5, 1992.
July 20, 1992
Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending Order 116, filed 6/1/89)

WAC 315-31-060 Drawings. (1) Drawings for Daily Game shall be held on a daily basis, Monday through (~~Saturday~~) Sunday, except that the director may exclude certain holidays from the drawing schedule.

(2) The drawing shall determine, at random, three winning digits or symbols with the aid of mechanical drawing equipment which shall be tested before and after each drawing. Any drawn digits are not declared winning digits until the drawing is certified by the lottery. The winning digits shall be used in determining all Daily Game winners for the day of the drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(3) The winning digits shall not be invalidated based on the liability of the lottery.

WSR 92-16-009
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER
[Order R 92-4—Filed July 23, 1992, 3:21 p.m.]

Date of Adoption: July 23, 1992.

Purpose: Effectuate the provisions of RCW 48.44.325 by establishing definitions for the exceptions to coverage for mammograms.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.44.050.

Pursuant to notice filed as WSR 92-13-013 on June 8, 1992.

Effective Date of Rule: Thirty-one days after filing.
July 23, 1992
Dick Marquardt
Insurance Commissioner
by Allen Morrow
Deputy Commissioner
Rates and Forms

NEW SECTION

WAC 284-44-046 Mammograms--Coverage requirements and exceptions. (1) The purpose of this regulation is to effectuate the provisions of RCW 48.44.325 by establishing definitions for the exceptions to coverage for mammograms. This regulation shall apply to every group and individual health care service contract which is delivered or issued for delivery or renewed in this state on or after September 1, 1992, that provides for hospital or medical care.

(2) For the purposes of RCW 48.44.325 and this regulation, supplemental contracts covering specified disease shall be defined to mean and include only those contracts which provide benefits to a member only in the event that the member contracts the disease or diseases specifically named in the contract. Also for the purposes of RCW 48.44.325 and this regulation, supplemental contracts covering limited benefits shall be defined to mean and include only those contracts providing only one of the

PERMANENT

following benefits: Hospital indemnity, accident only coverage, dental care, vision care, mental health care, chemical dependency care, pharmaceutical care, and podiatric care.

(3) Coverage of mammograms may be subject to standard contract provisions applicable to other diagnostic x-ray benefits such as deductible or copayment provisions.

(4) For purposes of RCW 48.44.325 and this regulation, a contract is "renewed" when it is continued beyond the earliest date, after September 1, 1992, upon which, at the health care service contractor's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the mammogram coverage, with, if justified, an appropriate rate increase for any increased cost in providing mammogram coverage under the contract.

The failure of the health care service contractor to take any such steps does not prevent the contract from being "renewed." The intent of this section is to bring the mammogram coverage under the maximum number of contracts possible at the earliest possible time, by permitting the health care service contractor to exclude such coverage from only those contracts as to which there exists a right of renewal on the part of the contractholder without any change in any provision of the contract.

WSR 92-16-013
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3424—Filed July 23, 1992, 4:39 p.m.]

Date of Adoption: July 23, 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 388-96-101 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; and 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 "Battelle" debility score is eliminated to clarify the department has flexibility to calculate debility, on a consistent basis, using a Battelle 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.

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 budget for new contractors, 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 notice filed as WSR 92-13-042 on June 10, 1992.

Changes Other than Editing from Proposed to Adopted Version: Withdrawal of WAC 388-96-032.

Effective Date of Rule: Thirty-one days after filing,
July 23, 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 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 nontransferable 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 reset; 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

BASE CONSTRUCTION COST LIMITS COMMON-USE AREA COST LIMITS

121 BEDS AND OVER

Building Class	Base Limit	Add per Bed Over 120	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 92-16-014
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3423—Filed July 23, 1992, 4:44 p.m.]

Date of Adoption: July 23, 1992.

Purpose: Implements HB 2350, 1992 state legislature. Amends RCW 74.04.005 (10)(e) to modify existing general assistance rules and makes them consistent with AFDC program. Amended to delete regulations specific to general assistance program and to delete or change references to AFDC and GA resource rules as they are now the same.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-435 Effect of resources on financial need--Personal property exemptions--Ceiling values, 388-28-438 Effect of resources on financial need--Personal property exemptions, 388-28-439 Effect of resources on need--Property used in self-employment, 388-28-440 Accumulation

and depletion of allowable cash resource reserves, 388-28-450 Nonexempt resources--Effect on financial need, 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472, 388-28-474 Replacement of exempt property, 388-28-475 Use of income and income potentials, 388-28-481 Nonexempt resources and income known at time of application, 388-28-482 Effect of newly acquired income and property on continuing need, 388-28-484 Treatment of newly acquired nonexempt income and resources and 388-28-590 Alien sponsorship--Deeming of income and resources--Overpayments; and repealing WAC 388-28-430 Effect of resources on financial need--Personal property exemptions--Ceiling values--General assistance.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 92-13-031 on June 10, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-28-440 (3), (4) and (5) are restored to original language. WAC 388-28-474(2) is restored to original language. WAC 388-28-475 (1)(i) is restored to original language. In WAC 388-28-482, language added regarding other exempt items to the listing of newly acquired income and property to be disregarded when determining eligibility. WAC 388-28-590(2) was rewritten to make the subsection easier to understand. These changes were made after determining the rules regarding the retention of cash from lump sum payments is related to income rather than resource rules.

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

July 23, 1992

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3193, [filed] 6/18/91, effective 7/19/91)

WAC 388-28-435 Effect of resources on financial need--Personal property exemptions--Ceiling values(~~--AFDC and RA~~). (1) Resources shall not exceed one thousand dollars per household regardless of size. The department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, excess equity value of vehicles, value of nonexempt property, and any other resources not specifically exempt.

(2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(3) The department shall exempt term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(4) The department shall exempt one cemetery plot for each assistance household member.

(5) The department shall exempt one used and useful vehicle with an equity value of one thousand five hundred dollars or less.

(6) The department shall consider an income tax refund a resource in the month received. "Income tax refund" means a payment received from a state or from the United

States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The earned income tax credit portion of the refund is considered a resource in the second month following the month of receipt.

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

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-438 Effect of resources on financial need--Personal property exemptions(~~--All programs~~).

(1) The department shall not use funds represented by values within the ceiling values (~~(are not used)~~) to determine financial need or to compute grants.

(2) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, (~~they are used~~) the department shall use these funds to determine financial need (~~(and to compute general assistance grants)~~). If the funds are in excess of the ceiling value (~~(for AFDC and refugee assistance)~~), the applicant/recipient (~~(is)~~) shall be ineligible.

(3) The department shall consider all cash savings held by the applicant or held jointly with any other person (~~(shall be considered)~~). Any funds on deposit, in hand, or in any place from which cash may be drawn by the applicant, is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(4) The department shall consider a joint account, an account held for another, or funds held for others (~~(shall be considered)~~) as the property of the applicant or recipient since the entire amount is at (~~(his or her)~~) the applicants or recipient's disposal, except when the applicant or recipient can show that all or a portion of the funds (~~(is)~~) are:

(a) Derived from funds belonging exclusively to the other holder(~~'s~~); and

(b) Held and/or utilized solely for the benefit of that holder. The department shall not consider all funds so verified (~~(shall not be considered)~~) as actually available to the applicant or recipient.

(5) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

(6) The department shall consider any payments on mortgages or contracts received by an applicant or recipient (~~(shall be considered)~~) as income as specified (~~(in)~~) under WAC 388-28-580.

(7) When the equity of another person in an unassignable policy held by an applicant can be established, the department may deduct the amount of such equity (~~(may be deducted in)~~) when determining the applicant's holdings in insurance, provided the person holding the equity is:

(a) Named as beneficiary of the proceeds (~~(the proceeds)~~) to the extent of such equity; and

(b) Without power (~~(of)~~) of revocation by the insured.

(8) An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the department shall evaluate the assignment of a policy within two years prior to application or by

a recipient (~~(must be evaluated)~~) as the transfer of a resource.

(9) In determining the resource value of automobiles, the department shall use the national automobile dealers association official used car guide (~~(shall be used)~~). For automobiles listed in this guide, the department shall presume the "average loan" value in the current edition (~~(shall be presumed)~~) to be the resource value.

(10) In determining the resource value of recreational vehicles, the department shall use the Kelley Bluebook R.V. Guide (~~(shall be used)~~). For vehicles listed in this guide, the department shall presume the "wholesale" value in the current edition (~~(shall be presumed)~~) to be the resource value.

(11) For vehicles not listed in these guides, the department shall document the method of determining the resource value (~~(shall be documented)~~) in the case report.

(12) The values listed in these guides can be overcome by positive evidence to the contrary. The department shall document such evidence (~~(shall be documented)~~) in the case record.

(13) The department shall phase in the changes to resource limits for (~~(federally funded)~~) grant assistance programs (~~(will be phased in)~~) by applying them when case actions are taken and/or when determining or redetermining eligibility (~~(is determined or redetermined)~~).

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 2276, filed 8/30/85)

WAC 388-28-439 Effect of resources on need--Property used in self-employment. (1) The CSO may declare real and personal property used in a self-employment enterprise such as land, buildings, tools, farm machinery, livestock, business equipment, and inventory (~~(can be declared)~~) as an exempt resource (~~(by the CSO)~~) on the basis of an agreed plan. The CSO shall apply the following conditions (~~(apply)~~):

(a) The exempted property must either:

(i) Produce income reducing the applicant's or recipient's need for public assistance; or

(ii) Aid in rehabilitating (~~(him or her)~~) the applicant or recipient or (~~(his or her)~~) their dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(b) If stock, raw materials, or inventory of a business is exempted, the department shall examine any increase in value (~~(must be examined)~~) to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(2) In the absence of an agreed plan, the business assets of a self-employment enterprise (~~(are)~~) shall be nonexempt resources available to the owner in the amount of the sale value minus encumbrances, unless the resources are generally exempt under the provisions of WAC 388-28-420(~~(, 388-28-430,)~~) and 388-28-435.

(a) Accounts receivable are exempt resources under an agreed plan as long as diligent effort is being made to collect. If efforts to collect are unsuccessful, then the department shall require the accounts be turned over to a collection agency. Failure to do so will cause the accounts to become a nonexempt resource. When payment is received, it is treated as income pursuant to WAC 388-28-520.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

AMENDATORY SECTION (Amending Order 2608, filed 3/14/88)

WAC 388-28-440 Accumulation and depletion of allowable cash resource reserves. (1) Recipients may spend their cash reserves and rebuild ~~((them))~~ these reserves with succeeding public assistance grants, with funds from other exempt sources, or other income which has been considered in computing financial need. Recipients may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) A recipient's cash on hand may exceed the specified limits for a maximum of thirty days if ~~((#))~~ the cash on hand has already been considered in computing financial need.

(3) FOR GENERAL ASSISTANCE ONLY, ~~((allowable))~~ A recipient may accumulate cash reserves ~~((may be accumulated))~~ from nonrecurrent cash lump-sum sources, including the following:

- (a) Income tax refunds.
- (b) Inheritances.
- (c) Insurance benefits.
- (d) Gifts.
- (e) Prizes and awards.
- (f) Repayment of debts owed the recipient.
- (g) Proceeds from the sale of exempt property.
- (h) Social Security death benefits.
- (i) Indian per capita payments generated by tribally held land or business.

(4) IN GENERAL ASSISTANCE ONLY if a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484.

(5) If a lump sum is placed in trust for a recipient and is not under ~~((his or her))~~ the recipient's control, the following rules apply:

(a) Funds kept in trust do not affect public assistance need.

(b) FOR GENERAL ASSISTANCE ONLY the trustee may release to the recipient an amount up to the allowable resource limit for the assistance unit less any amount of existing cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-450 Nonexempt resources--effect on financial need. The possession of a nonexempt resource by an applicant affects ~~((his or her))~~ the applicant's financial need to the extent the value of the resource decreases ~~((his or her))~~ the need for public assistance.

(1) ~~((For all programs,))~~ The value assigned to ~~((such))~~ the applicant's nonexempt resource ~~((s))~~ shall be the fair market value minus legal encumbrances.

(2) ~~((For general assistance, the value of such resource is deducted from the cost of applicant's requirements for one month at time of application and each succeeding eligibility review. If the value of nonexempt resources exceeds one month's appropriate payment level plus additional requirements, the applicant is ineligible.~~

~~((3))~~ For AFDC and RA,) The department shall reassess the fair market value ~~((shall be reassessed))~~ if the applicant provides acceptable evidence that:

(a) A good-faith effort has been made to sell the resource at the fair market value determined by the department; and

(b) The value is less than the resource ceiling.

(3) If the total value of the nonexempt resource exceeds the maximum in WAC 388-28-435~~((2))~~, the applicant is ineligible.

AMENDATORY SECTION (Amending Order 2087, filed 3/14/84)

WAC 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472. (1) If a recipient transfers previously exempt property contrary to WAC 388-28-471 and 388-28-472 or if the proceeds from the transfer are used for purposes other than described in those rules, the department shall consider the value of the property transferred ~~((is considered))~~ as available to meet need following effective date rules in WAC ~~((388-33-135(3)))~~ 388-33-135.

(2) The amount considered available to meet need shall be either ~~((his or her))~~ the recipient's equity in the fair market value of the resource or the actual amount received, whichever is the greater. If the resource was a mortgage or conditional sales contract, the value of the equity transferred shall be the amount considered available to meet need. ~~((The transfer affects eligibility according to WAC 388-28-484 (2)(b) for AFDC and refugee assistance and the transfer affects eligibility according to subsections (3), (4), and (5) of this section for general assistance.))~~

(3) If the ~~((grant is adjusted before the first of the month following transfer:~~

(a) ~~Assistance is continued when the amount considered available from subsection (2) of this section and other income available during the month amounts to less than one month's requirements;~~

(b) ~~Assistance is suspended when the amount considered available from subsection (2) of this section and other income available in the next two months is less than two months' requirements;~~

(c) ~~General assistance is terminated when the amount considered available from subsection (2) of this section and other income available in the next two months is more than~~

two months' requirements. The future period of ineligibility is determined using current requirements and the method described in WAC 388-28-460) amount considered available to meet need, plus other income, after applicable disregards, exceeds the payment standard, plus authorized additional requirements, the department shall determine the unit ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing the amount considered available to meet need by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month. The department shall consider any amount remaining after this calculation as available to meet need the first month following the period of ineligibility.

(4) If the grant was not adjusted following effective date rules in WAC ((388-33-135(3)) 388-33-135, partial or total ineligibility exists and the department shall determine the amount of overpayment ((is determined)).

(a) The department shall continue the grant ((is continued)) if the amount considered available from subsection ((2)) (3) of this section is completely liquidated as overpayment.

(b) The department shall reduce or terminate the grant ((is suspended or terminated)) when the total amount considered available from subsection ((2)) (3) of this section is not liquidated by the overpayment. The department shall use the amount considered available after figuring the overpayment ((is used)) to determine the future period of ineligibility using the rules in subsection (3)((b) or (3)(e)) of this section ((as appropriate)). The department shall use the first of the month the assistance payment can be adjusted ((is used)) to establish the beginning of the future period.

(5) The ((rules in WAC 388-28-463 and 388-28-464 apply to transfers under this section)) period of ineligibility may be shortened when the following conditions are met:

(a) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard; or

(b) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control; or

(c) Members of the assistance unit incur, become responsible for, and pay medical expenses.

(d) Assistance is authorized only after the department verifies the event in subsection (5)(a), (b), or (c) of this section and establishes current eligibility.

AMENDATORY SECTION (Amending Order 1798, filed 5/5/82)

WAC 388-28-474 Replacement of exempt property.

(1) A recipient may, within sixty days of receipt:

(a) Reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property;

(b) Pay medical bills for which the settlement was intended.

(2) A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.

(3) The department shall consider any remaining portion of the settlement, after applying subsection(s) (1) and (2) of this section, ((shall be considered)) as newly acquired nonexempt income.

AMENDATORY SECTION (Amending Order 2889, filed 10/27/89, effective 11/27/89)

WAC 388-28-475 Use of income and income potentials. (1) Meaning of income (see definition in WAC 388-22-030). Income shall include, but is not limited to, all types of:

(a) Real or personal property;

(b) Support from parent, stepparent, or other nonrelated adult;

(c) Stocks and bonds;

(d) Wages, including garnisheed wages;

(e) Interest in an estate;

(f) Income from farming;

(g) Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;

(h) Gifts and prizes in the form of cash or marketable securities; and

(i) For AFDC lump sum payments. For general assistance, only that amount of the lump sum in excess of the resource limits is income.

(2) Ownership and use of income and income potentials. The department shall consider the policies in WAC 388-28-300 through 388-28-420 regarding ownership and use of resources to also govern the ownership and use of income and income potentials.

(3) Resources and income. WAC 388-28-400 through 388-28-457 contain policies and procedures for considering and using nonexempt resource values to determine financial need. WAC 388-28-475 through 388-28-600 covers policies and procedures used in computing income to determine financial need. The department shall compare the total ((nonexempt resource values and)) nonexempt net income values ((are compared)) with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the applicant is eligible.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-481 Nonexempt resources and income known at time of application. The department shall take into account the net recurrent or nonrecurrent nonexempt income and nonexempt resource values in cash or kind known to the local office at the time of application ((shall be taken into account)) in computing eligibility for payment as specified in WAC 388-28-400 through 388-28-650. WAC 388-28-481 through 388-28-484 shall be applicable when ((determining)) the department determines the continuing grant amount of the recipient. ((If a general assistance recipient retains a nonexempt resource which has been used to compute his or her grant amount at the time of application, the policy in WAC 388-28-484(8) shall be applied to compute his or her eligibility for payment.))

AMENDATORY SECTION (Amending Order 3190, filed 6/18/91, effective 7/19/91)

WAC 388-28-482 Effect of newly acquired income and property on continuing need. (1) "Newly acquired income" means any previously unreported or undiscovered income a public assistance recipient possesses or controls in whole or in part.

(2) Unless otherwise specified in this section, or under WAC 388-28-440 and 388-28-575, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent; and

(b) At least the recipient's equity in the quick sale value of property other than cash.

(3) The department shall apply WAC 388-28-400(7) when the property is only potentially available to meet the recipient's requirements.

(4) The department shall allow recipients who own property listed below to retain the property without having it affect their eligibility or need:

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC ~~((388-28-430(2)))~~ 388-28-435;

(d) An income tax refund within the resource ceiling values in WAC ~~((388-28-430))~~ 388-28-435. An intercepted income tax refund is not available to meet need until it is actually received. The department shall consider the earned income tax credit portion of the refund ~~((shall be considered))~~ as a resource in the second month following the month of receipt; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195; and

(f) One cemetery plot for each assistance household member; and

(g) Term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(5) The department shall modify the rule in subsection (2) of this section for a recipient of AFDC or continuing general assistance as follows:

(a) Earned income retained by a child, under WAC 388-28-535(3), is the personal property of the family and subject to the ceilings in WAC ~~((388-28-430(2)))~~ 388-28-435;

~~((The possession of any amount of funds from sources listed in subsection (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;~~

~~((e)))~~ Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available; and

~~((d)))~~ (c) Exempt funds representing another person's share of household costs are exempt provided such payments

are not legally obligated child support except as provided in WAC 388-28-484 (7)(b).

AMENDATORY SECTION (Amending Order 2442, filed 11/10/86)

WAC 388-28-484 Treatment of newly acquired nonexempt income and resources. (1) Income affects the grant amount according to the provisions of WAC 388-28-483.

(2) When the value of the income is taken into account in the assistance payment as specified in WAC 388-28-483, the department shall apply the following rules ((apply)):

(a) If the income value plus any other income amounts to less than the payment standard plus authorized additional requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent lump-sum income, plus other income, after applicable disregards exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance. Ineligibility shall exist for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month.

(i) The department shall treat any income remaining after this calculation ((is treated)) as income received in the first month following the period of ineligibility.

(ii) The department may shorten the period of ineligibility ((may be shortened)) when the following conditions are met:

(A) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard, or

(B) The income received, or any part thereof, ~~((has))~~ becomes unavailable to the members of the assistance unit for reasons beyond their control, or

(C) Members of the assistance unit incur, become responsible for, and pay medical expenses.

(D) Assistance is authorized only after the department verifies the event in subsection (2)(b)(ii)(A), (B), or (C) of this section ~~((has been verified))~~ and establishes current eligibility ~~((has been established))~~.

(c) The department shall suspend a general assistance grant when a recipient's nonrecurrent income equals or exceeds one month's payment level plus authorized additional requirements, but is less than two months' payment level plus authorized additional requirements minus other income.

(i) The recipient's grant is suspended from the effective date specified in WAC 388-28-483.

(ii) The suspense period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated, except for persons in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' payment level plus authorized additional requirements minus

other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for ~~((him or her))~~ the applicant to live on ~~((his or her))~~ the resource for the two-month period of ineligibility. The department shall determine the eligibility of a former recipient reapplying ~~((shall be determined))~~ on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, the department shall establish an overpayment ~~((shall be established))~~ according to chapter 388-44 WAC.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time and his or her grant will be suspended or terminated for such period of time due to ~~((either))~~ newly acquired income, ~~((or transfer of property))~~ and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) The department shall treat a person acquiring income during suspended status ~~((shall be treated))~~ as a recipient in terms of eligibility, not as an applicant.

(6) The department shall follow rules and procedures in chapter 388-44 WAC ~~((are followed))~~ in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, ~~((is))~~ shall not be eligible for AFDC or refugee assistance from the date specified ~~((is))~~ under WAC 388-28-483. The department shall consider the income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit, residing in the same household, ~~((shall be considered))~~ in this test except for income identified in WAC 388-28-575 and in subsection (7)(a) and (b) of this section.

(a) In determining the total income of the family, the department shall exclude:

(i) The earned income of a child who is a full-time student ~~((is excluded))~~ for six consecutive months per calendar year ~~((b))~~; and

(ii) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

~~((e))~~ (b) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

~~((d))~~ (c) Net income shall be defined as gross income less applicable disregards and deductions for which the applicant or recipient is eligible.

~~((8))~~ Income taken into account in computing financial need according to subsection (2) of this section if retained by a GA-U recipient does not affect his or her eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant is applied.

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 2189, filed 1/17/85)

WAC 388-28-590 Alien sponsorship--Deeming of income and resources--Overpayments. (1) ~~((following rules shall apply))~~ department shall apply the rules of this section to an alien applying for AFDC for the first time after September 30, 1981, and to ~~((his or her))~~ the alien's sponsor.

(2) The department shall apply the rules of this section only for deeming of the resources of an alien's sponsor to an alien applying for general assistance.

(3) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

~~((3))~~ (4) Any alien whose sponsor is a public or private agency or organization ~~((is))~~ shall be ineligible for assistance for three years from the date of entry into the United States, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs.

~~((4))~~ (5) For a period of three years following entry into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

~~((5))~~ (6) For all subsections in this section, the income and resources of an individual sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

~~((6))~~ (7) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subsection (6)(a) of this section reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other ~~((people))~~ persons living in the same household as the sponsor claimed by the sponsor as dependents to determine ~~((his or her))~~ the sponsor's federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to ~~((people))~~ persons not living in the household claimed by the sponsor as dependents to determine ~~((his or her))~~ the sponsor's federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to ~~((individuals))~~ persons not living in the sponsor's household.

~~((7))~~ (8) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if ~~((he or she))~~ the sponsor was applying for AFDC in ~~((his or her))~~ the sponsor's state of residence, less one thousand five hundred dollars.

~~((8))~~ (9) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

~~((9))~~ (10) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other un-sponsored members of the alien's family except to the extent the income or resources are actually available.

~~((10))~~ (11) The department shall not apply the provisions of this section ~~((shall not apply))~~ to any alien who:

- (a) Meets the definition of refugee in WAC 388-55-010; or
- (b) Is the dependent child of the sponsor or sponsor's spouse.

~~((11))~~ (12) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When the department finds a sponsor ~~((is found to have))~~ has good cause or ~~((be))~~ is without fault for not providing information to the agency, the sponsor ~~((with))~~ shall not be held liable for the overpayment and recovery will not be made.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-28-430 Effect of resources on financial need--Personal property exemptions--Ceiling values--General assistance.

WSR 92-16-015
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3422--Filed July 23, 1992, 4:47 p.m.]

Date of Adoption: July 23, 1992.

Purpose: Separate and define "transportation" as a category of service. Establish a donation level. Incorporate a 2% vendor rate increase which becomes effective July 1, 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 388-42-020 Funeral and interment assistance--Definitions, 388-42-025 Available services, 388-42-

030 General eligibility, and 388-42-150 Maximum cost standards.

Statutory Authority for Adoption: RCW 74.08.120.

Pursuant to notice filed as WSR 92-13-041 on June 10, 1992.

Changes Other than Editing from Proposed to Adopted Version: The rate standards are different for maximum costs for subsections (1) through (3)(b).

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

July 23, 1992

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-020 Funeral and Interment Assistance--Definitions. (1) "Funeral" means the proper preparation, ~~((transportation within the local service area,))~~ care, and ~~((disposition))~~ preservation of the remains of a deceased person with needed facilities and appropriate memorial services.

(2) ~~((Interment--means))~~ Disposition of the remains" means disposal of the remains of a deceased person by burial or cremation, and marking of the grave or repository of the cremated remains.

(3) "Local service area" means the state of Washington.

(4) "Mortuary services" means the services provided by the funeral director and the mortuary.

(5) "Funeral/memorial service" means a service facilitated by the funeral director to commemorate the deceased, whether held at the mortuary, in a church, or at the graveside.

(6) "Burial services" means all services related to burial and marking of a grave.

(7) "Cremation services" means all services related to cremating the remains of the deceased, disposing of the remains, and the customary memorial marking of the repository of the cremated remains.

(8) "Transportation" means the transport of a body from the place of death to the mortuary and to the site of disposition within the local service area.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-025 Available Services. (1) Mortuary services.

(a) Essential services shall include:

(i) ~~((Transportation of the body from place of death to mortuary;~~

~~((ii)))~~ Preparation and care of the remains of the deceased for disposition by cremation or burial;

~~((iii)))~~ (ii) Preparation and filing of death certificate and permits;

~~((iv)))~~ (iii) A casket or container of sufficient durability to transport the remains to a crematorium or cemetery;

~~((v))~~ ~~Transportation of the remains to the crematorium or cemetery; and~~

~~((vi)))~~ (iv) Refrigeration or embalming.

(b) Funeral/memorial services shall include the use of:

(i) ~~((Use of))~~ The funeral director's staff and facilities for a funeral/memorial service; and

PERMANENT

- (ii) ~~((Use of))~~ Reposing rooms, chapel, casket coach, and one car for family of the deceased.
- (2) Transportation services shall include:
 - (a) Transportation of the body from the place of death to the mortuary; and
 - (b) Remains from the mortuary to the place of disposition.
- (3) Burial services. Interment shall be by burial or cremation.
 - (a) Burial only shall include:
 - (i) Minimum grave marker;
 - (ii) Grave liner if required; and
 - (iii) Interment and recording.
 - (b) Burial ~~((services may))~~ with plot shall also include burial plot and endowed care if not previously provided or purchased.
- ~~((3))~~ (4) Cremation services.
 - (a) Cremation only shall include:
 - (i) Cremation; and
 - (ii) A container of a substantial material.
 - (b) Cremation and disposition shall also include:
 - (i) Space for disposition of the remains in a cemetery or columbarium;
 - (ii) Disposition of the remains; and
 - (iii) Minimum marker.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-030 General Eligibility. (1) ~~((Pursuant to))~~ Under RCW 74.08.120, the department may use public assistance funds ~~((may be used))~~ to pay for the funeral expenses of a deceased person to the extent his or her estate and available resources (including resources of surviving spouse and dependent children, contributions from relatives, friends, or other sources) are not wholly sufficient to defray the funeral expenses according to department policies and standards in this chapter.

(2) The department's legal responsibility for a deceased person does not extend beyond the responsibility of providing funds to meet the funeral expenses. ~~((In no case does))~~ The department shall not authorize the funeral, burial, cremation, or other disposition of a deceased person. Such authority is vested by statute in other individuals, including the county commissioner in the case of an unclaimed body.

(3) ~~((Neither))~~ The department shall not pay for a deceased person's funeral, ~~((nor))~~ cemetery, ~~((nor))~~ or crematorium costs ~~((shall be paid by the department))~~ when:

- (a) Charges for these services exceed the maximum standards in this chapter~~((;))~~; or
- (b) The funeral, burial, or cremation takes place outside the state of Washington~~((-- However, exception to))~~ except for out-of-state ~~((payment rule is made for))~~ funerals ~~((in areas))~~ in bordering states which are normal trade areas of a border area of this state.

(4) The department shall consider all assets of the deceased ~~((are considered))~~ available for funeral expenses, except as provided for in this chapter.

(5) Payment for any funeral or interment services made by relatives, friends, or any third party except as provided for in this chapter shall be deducted from the department's standards.

(6) Donations. The department shall treat donations as follows:

(a) Donated flowers, music, and ministerial services shall not be deducted from department standards. However, if these services are provided by the funeral director, they are considered part of the mortuary services and their cost must be included toward the department standard;

(b) The department shall not deduct donations/payments to a funeral/interment vendor for pass-through items (items billed through and paid by a vendor for which there is no financial gain to the vendor) from the department payment standard, provided the pass-through donation/payment is:

- (i) For any items allowed as direct donation ~~((a))~~ above;
- (ii) For items not included, either partially or in total, for the program;

(iii) More efficient or takes advantage of discounts provided/available through the vendor;

(iv) For items which are not an enhancement and do not act as an upgrade to the minimum standard service;

(v) Limited to a combined maximum of five hundred dollars.

(c) Payment/donation paid directly to the funeral home/mortuary; to a maximum of twenty-five dollars, shall be allowed for providing memorial cards for a funeral/memorial service.

(7) Payment for a funeral/memorial service shall be made only upon request of a relative or friend of the deceased wishing to have a funeral/memorial service and planning to attend. The funeral director and his or her representatives or associates are precluded from applying for a funeral/memorial service.

(8) Persons applying for funeral and interment assistance shall be required, except for a Veterans' Administration or railroad retirement board death benefit, to apply for any death benefits to which the deceased may be entitled from other public or private agencies or organization.

AMENDATORY SECTION (Amending Order 3142, filed 2/21/91, effective 3/24/91)

WAC 388-42-150 Maximum Cost Standards.

(1) Mortuary services--Actual costs, but not to exceed:

(a) Essential services and transportation only \$ ~~((286))~~ 292

(b) Essential services and transportation plus funeral/memorial service \$ ~~((657))~~ 670

(2) Burial services--Actual costs, but not to exceed:

(a) Burial only, no plot included \$ ~~((358))~~ 365

(b) Burial with plot included, single or multiple interment \$ ~~((414))~~ 422

(3) Cremation services--Actual costs, but not to exceed:

(a) Cremation only \$ ~~((169))~~ 172

(b) Cremation and disposition \$ ~~((254))~~ 259

(4) These standards include all applicable taxes.

(5) ~~((These))~~ The standards shall be effective ~~((January 1, 1991))~~ July 1, 1992.

PERMANENT

WSR 92-16-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3427—Filed July 23, 1992, 4:49 p.m., effective September 1, 1992]

Date of Adoption: July 23, 1992.

Purpose: Amendment is to conform WAC 388-49-630 to the requirements of 7 CFR 273.12 (a)(i).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-630 Changes--Reporting requirements.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-13-053 on June 11, 1992.

Effective Date of Rule: September 1, 1992.

July 23, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending [Orders] 3276 and 3276A[, filed 10/31/91 and 11/27/91])

WAC 388-49-630 Changes--Reporting Requirements.

The department shall require a household certified for more than one month and not subject to mandatory monthly reporting to report the following changes within ten days of the date the change becomes known to the household:

- (1) Change in the source of income;
- (2) Change in the amount of gross monthly income of more than twenty-five dollars, except for public assistance income;
- (3) Change in medical expenses of more than twenty-five dollars;
- (4) Change in the household composition, such as the addition or loss of a household member;
- (5) Change in residence and resulting change in shelter cost;
- (6) The acquisition of licensed vehicles;
- (7) The end of a temporary disability when the temporary disability is the reason for exempting the value of a vehicle; and
- (8) When nonexempt liquid resources exceed two thousand dollars or three thousand dollars for households with one or more members sixty years of age or older.

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

WSR 92-16-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3426—Filed July 23, 1992, 4:50 p.m., effective September 1, 1992]

Date of Adoption: July 23, 1992.

Purpose: To conform WAC 388-49-530 with 7 CFR 273.21 (j)(i)(VII)(B)(2).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-530 Retrospective income budgeting.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-13-052 on June 11, 1992.

Effective Date of Rule: September 1, 1992.

July 23, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3184, filed 5/31/91, effective 7/1/91)

WAC 388-49-530 Retrospective Income Budgeting.

The department shall:

- (1) Budget income retrospectively in months other than beginning months for all:
 - (a) Households except those described ((i)) under WAC 388-49-520(2); and
 - (b) Types of income except those described ((i)) under WAC 388-49-520(3).
- (2) Consider income exclusions and deductions retrospectively when budgeting income for households described ((i)) under subsection (1) of this section.
- (3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month.
- (4) Disregard income received:
 - (a) In a beginning month if the income was:
 - (i) From a source no longer providing income to the household; and
 - (ii) Included in the household's prospective budget.
 - (b) From a discontinued source when the household reports the discontinuance of that income at least ten days before the start of the payment month for:
 - (i) A nonassistance household member who applies for and begins to receive a public assistance grant; or
 - (ii) A household receiving both public assistance and food stamps, when the discontinued income results in an increase in the public assistance grant.

WSR 92-16-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3425—Filed July 23, 1992, 4:52 p.m., effective September 1, 1992]

Date of Adoption: July 23, 1992.

Purpose: To conform WAC 388-49-520 to 7 CFR 271.2.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-520 Prospective income budgeting. Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-13-051 on June 11, 1992.

Effective Date of Rule: September 1, 1992.

July 23, 1992
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3311, filed 1/15/92, effective 2/15/92)

WAC 388-49-520 Prospective income budgeting. (1) The department shall budget income, income deductions, and income exclusions prospectively for the first two beginning months.

(2) The department shall budget income, income deductions, and income exclusions prospectively for the entire certification period for:

- (a) Households in which all adult members are elderly or disabled and do not have(~~(i)~~) earned income; (~~(ii)~~) ~~Recent work history as defined in WAC 388-49-020(65);~~)
- (b) Migrant households;
- (c) Seasonal farmworker households; and
- (d) Households in which all members are homeless individuals.

(3) The department shall budget the following income, income deductions, and income exclusions prospectively, except as provided under WAC 388-49-535(6):

- (a) Monthly student financial aid, except for work study;
- (b) Public assistance as defined under WAC 388-22-030 except for Supplemental Security Income (SSI); and
- (c) (~~Supplemental security income (SSI); and~~) (~~(d)~~) Income from a new household member for the first two months of participation when the:
 - (i) Household timely reports the new member; and
 - (ii) New member has not received benefits within the last calendar month.

WSR 92-16-032
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed July 29, 1992, 1:37 p.m.]

Date of Adoption: July 29, 1992.

Purpose: Amending procedure for assessing fee for untimely and inaccurate employer reporting to the Department of Retirement Systems.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-115-110; and amending WAC 415-115-080.

Statutory Authority for Adoption: RCW 41.50.050.

Other Authority: RCW 41.50.110(3).

Pursuant to notice filed as WSR 92-12-048 on May 29, 1992.

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

July 29, 1992

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-080 Determination of additional administrative fee. (~~Every six months,~~) The department will determine the additional administrative fee that may be assessed to employers who have submitted untimely or inaccurate reports. This fee will be determined as follows:

(1) The department will (~~determine the total increased~~) base the additional administrative fee on costs incurred for processing late or inaccurate reports (~~during the preceding six-month period~~). Costs related to processing deficient data may include, but are not limited to, costs of personnel, equipment, services and facilities.

(2) The department will determine the total number of deficiencies reported by all employers during each six-month period.

(3) (~~The department will determine the unit cost for processing each deficiency in reporting for each six-month period. The unit cost is determined by dividing the total cost incurred by the department for processing late or inaccurate reports by the total number of deficiencies in reporting.~~) Based upon the costs identified in subsection (1) of this section, the department will determine the additional administrative fee to be charged per deficiency.

(4) The department will determine the additional administrative fee to charge each employer (~~for each six-month period~~). The total fee shall be an amount equal to the (~~unit cost for processing each deficiency in reporting~~) per deficiency fee determined under subsection (3) of this section multiplied by the (~~total number of~~) deficiencies reported by an employer.

(5) From time to time, the department may review and adjust the charge calculated under subsection (3) of this section.

(6) Additional administrative fees are due and payable the 15th day of the calendar month following the month that the statement is dated.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-115-110 Billing of the additional administrative fee.

WSR 92-16-033
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 30, 1992, 9:17 a.m.]

Date of Adoption: July 30, 1992.

Purpose: To allow labor and industries to pay, under the Crime Victim Act, the same percentage of allowed

PERMANENT

charges to hospitals and hospital-based residential care facilities that DSHS pays under Medicaid.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-30-081.

Statutory Authority for Adoption: Chapter 7.68 RCW.
Pursuant to notice filed as WSR 92-11-071 on May 20, 1992.

Effective Date of Rule: Thirty-one days after filing.
July 30, 1992
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-37, filed 12/11/85)

WAC 296-30-081 ✓ **Acceptance of rules and fees.** Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those contained in WAC 296-21-010 through ~~((296-23-9408))~~ 296-23A-425 and in WAC 296-30-080, less any available benefits of public or private collateral resources, except that the percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment Hospital inpatient services.

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the ~~((medical))~~ service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

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 92-16-037
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed July 30, 1992, 4:34 p.m., effective July 30, 1992]

Date of Adoption: July 29, 1992.

Purpose: To implement ESSB 6326, technical amendments to the Christa McAuliffe academic grant program, and SSB 6327, incorporating classified employees selected after June 30, 1993, as eligible recipients of the Christa McAuliffe academic grant award option.

Citation of Existing Rules Affected by this Order:
Amending WAC 250-78-010, 250-78-020, 250-78-030, 250-78-050, and 250-78-060.

Statutory Authority for Adoption: ESSB 6326 and SSB 6327, 1992 legislative session.

Other Authority: Chapters 28B.80 and 28A.625 RCW.
Pursuant to notice filed as WSR 92-13-077 on June 16, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: As directed in ESSB 6326, Section 6: 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 April 30, 1992.

Effective Date of Rule: July 30, 1992.

July 30, 1992
Ann Daley
Executive Director

AMENDATORY SECTION (Amending Order WSR 91-20-070, filed 9/26/91)

WAC 250-78-010 ✓ **Purpose.** The Washington award for excellence in education program, also known as the Washington state Christa McAuliffe award program, was established to recognize teachers, principals, administrators, classified ~~((staff))~~ employees, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The purpose of this chapter is to establish administrative procedures for disbursing academic grants awarded through this program to teachers, classified employees, principals, and administrators.

AMENDATORY SECTION (Amending Order WSR 91-20-070, filed 9/26/91)

WAC 250-78-020 ✓ **Authority to administer.** The authority for this chapter is 28B.80 RCW which authorizes the higher education coordinating board to adopt rules relating to the administration of programs assigned to the board, and ~~((chapter 255, laws of 1991))~~ 28A.625 RCW, which assigns to the board the administration of the academic grants awarded through the Washington award for excellence in education (Christa McAuliffe) academic grant award program. The 1991 legislation corrects inequities inherent in the related preceding tuition waiver program by creating an academic cash grant in lieu of a tuition and fee waiver. Not all institutions awarded the waiver, thus some recipients received a benefit while others did not. These regulations are intended not only to implement the new legislative changes but also to provide continued benefits to those previously granted the award.

AMENDATORY SECTION (Amending Order WSR 91-20-070, filed 9/26/91)

WAC 250-78-030 ✓ **Definitions.** (1) "Institution of higher education" or "institution" shall mean:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a

member institution of the northwest association of schools and colleges; and providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the northwest association of schools and colleges or another regional accrediting association.

(b) Any other university, college, school, or institute located in another state offering instruction beyond the high school level which is a member institution of a regional accrediting association or otherwise approved by the board in accordance with WAC 250-78-050 ~~((3)(d)(i))~~ (6)(a) or (b); or

(c) Any other university, college, school, or institute located in another country outside of the United States of America offering instruction beyond the high school level which in the judgment of the board meets academic standards comparable to those established by a regional accrediting association.

(2) "Academic grant" shall mean the monetary award which shall be used to take courses at an institution of higher education. The academic grant ~~((may))~~ shall be used to pay for ~~((reasonable educational expenses including, but not limited to, tuition/fees, room and board, and books and supplies))~~ actual costs incurred for tuition and fees only, up to the maximum value of the award as defined in WAC 250-78-050.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Recipient" means a teacher, classified employee, principal, or administrator who has been designated to receive the Washington award for excellence in education by the superintendent of public instruction, and who has elected to receive his or her award in the form of the academic grant.

(5) "Academic year" shall mean two semesters or three quarters of full-time graduate coursework.

(6) "Stipend" shall mean an amount not to exceed ~~(((\$1,000))~~ one thousand dollars, payable only to cover costs incurred in taking courses for which a tuition and fee waiver was authorized under pre-existing law (RCW 28A.625.020 (3)(a)). ~~((No a))~~ Award recipients named after May 17, 1991 shall be entitled to receive ((payment of the stipend)) a stipend for costs incurred in taking courses covered by the academic grant only if funds are specifically appropriated for stipends under this program.

AMENDATORY SECTION (Amending Order WSR 91-20-070, filed 9/26/91)

WAC 250-78-050^d Award amount. (1) ~~((The current academic year full-time resident graduate tuition rate in effect at the state's public universities shall be the maximum academic grant available to any recipient in that year.))~~ The academic grant shall be used to reimburse recipients for actual costs of tuition and fees up to a maximum of forty-five quarter or thirty semester credit hours. The rate of

reimbursement per credit hour shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credit.

(2) Recipients who were awarded the tuition/fee waiver benefit for forty-five quarter or thirty semester credits prior to May 17, 1991 shall receive the remaining value of the tuition/fee waiver in the form of the academic grant. Conversion of the tuition/fee waiver to the value of individual recipient academic grants shall be calculated as a ratio of available (unused) credits remaining in the tuition/fee waiver benefit to the total credits originally awarded.

(3) Consistent with terms of prior law, recipients who received notification of their award by the office of the superintendent of public instruction prior to May 17, 1991 may be eligible to receive a stipend not to exceed (((\$1,000)) one thousand dollars ((to cover approved educational costs related to academic coursework)) for costs incurred in taking courses covered by the academic grant.

~~((3) The recipient's initial institution of attendance following receipt of official notice of the academic grant award by the board shall be used to determine the dollar value of individual academic grant awards as follows:~~

~~(a) Award recipients who elect to use the academic grant for courses at one of the state's research universities shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's research universities.~~

~~(b) Award recipients who elect to use the academic grant for courses at one of the state's regional universities or The Evergreen State College shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's regional universities or The Evergreen State College.)~~

(4) Recipients who received notification of their award by the office of the superintendent of public instruction after May 17, 1991 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by the academic grant only if funds are specially appropriated for stipends under this program.

~~((c) Washington private colleges and universities may elect to participate in the program. Participating private institutions shall match on at least a dollar for dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state. Award recipients who elect to use the academic grant for courses at one of the state's participating private institutions shall receive an academic grant which, when combined with the matching portion, shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities.))~~

(5) Washington private colleges and universities may elect to participate in the program.

(a) Award recipients attending Washington private colleges and universities may receive an academic grant, provided the following additional criteria are met:

(i) The institution elects to participate in the program; and

(ii) The institution matches the amount of the academic grant received by the recipient from the state on at least a

dollar-for-dollar basis, either with actual money or by waiver of fees.

~~(b) Any recipient who received notification of his or her award by the office of the superintendent of public instruction prior to May 17, 1991 has a vested right to the ((\$1,000)) one thousand dollar stipend, including those recipients who elect to attend a private institution. Award recipients named by the office of the superintendent of public instruction after May 17, 1991 shall be entitled to receive payment of the stipend only if funds are specifically appropriated for stipends under this program. However, private institutions are not required to match the amount of the stipend.~~

~~((d)) (6) Award recipients who elect to use the academic grant for courses at a public or private higher education institution in another state or country ((shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities)) may receive an academic grant, provided the following additional criteria are met:~~

~~((i)) (a) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or~~

~~((ii)) (b) The institution is approved or recognized by the higher education coordinating board; and~~

~~((iii)) (c) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.~~

~~((e) The remaining value of the tuition/fee waiver for recipients who were awarded the tuition/fee waiver for forty-five quarter or thirty semester credits prior to May 17, 1991 shall be calculated as a ratio of available (unused) credits to the total credits originally awarded. That ratio shall be converted to a dollar value which is proportional to the current academic year full-time resident graduate tuition in effect at one of the state's public universities.)~~

AMENDATORY SECTION (Amending Order WSR 91-20-070, filed 9/26/91)

WAC 250-78-060 Management of funds. (1) Disbursements of all grant funds are contingent upon appropriations and, in the event that funds are insufficient, disbursements will be issued term by term.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts on a term by term basis ((related to the recipient's plan of study and under a schedule of payments as developed by the board)).

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

WSR 92-16-038
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 30, 1992, 4:37 p.m.]

Date of Adoption: July 29, 1992.

Purpose: To amend existing Washington state scholars rules and regulations (WAC 250-66-010 through 250-66-060) to reflect changes to statute as effected by the 1992 legislature through ESB 6285.

Citation of Existing Rules Affected by this Order: Amending WAC 250-66-020, 250-66-030, 250-66-040, and 250-66-060.

Statutory Authority for Adoption: ESB 6285, chapter 231, Laws of 1992.

Other Authority: Chapter 28B.80 RCW.

Pursuant to notice filed as WSR 92-13-076 on June 16, 1992.

Effective Date of Rule: Thirty days after filing.

July 30, 1992

Ann Daley

Executive Director

AMENDATORY SECTION (Amending Order 5-88, filed 7/5/88)

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, the evergreen state college, ~~((and))~~ community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, non-profit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through WAC 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." (a) Students ((selected as)) who received their Washington state scholars awards prior to June 30, 1992, and who choose ((choosing)) to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

(b) Students who received their Washington state scholars awards after June 30, 1992, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, may be eligible for a full or partial waiver of tuition and services and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students selected as Washington state scholars choosing to attend an independent college or university, as defined in subsection (2) of this section, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants shall also be contingent upon the independent college or university matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

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 5-88, filed 7/5/88)

WAC 250-66-030 Nomination and selection of Washington state scholars. (1) Number of Students to be Nominated. Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection Committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria which shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington state scholar selection committee will then select the top three (3) graduating seniors from high schools in each legislative district to be designated as Washington state scholars.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and Awards Ceremony. The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals.

(6) Receipt of Award. Washington state scholars shall be deemed to have received their awards effective the date of notification. This is in contrast to the receipt of award benefits which may accrue to Washington state scholars

recipients in the form of tuition and fee waivers and grants, and which shall be deemed to be received by the individual recipients on a term-by-term basis at the time the award benefit is used for undergraduate coursework.

AMENDATORY SECTION (Amending Order 5-88, filed 7/5/88)

WAC 250-66-040 Recipient eligibility. (1) Eligibility Criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or a grant at independent colleges or universities, the student must meet the following requirements. The student must:

(a) Be a resident of the state of Washington.

(b) Have attended high school in the state of Washington.

(c) Be a designated and fully recognized recipient of the Washington state scholars award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within three years of high school graduation.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

(g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing ((a-degree-in-theology)) courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Duration of Eligibility. Recipients of the Washington state scholars award shall be eligible to receive ((tuition and services and activities fees at public institutions of higher education or grants at independent colleges or universities)) award benefits under this program for a maximum total of eight (8) semesters or twelve (12) quarters.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the ((maximum)) cumulative terms of waivers of tuition and service and activities fees and grants ((do)) received by any one recipient does not exceed eight (8) semesters or twelve (12) quarters.

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 5-88, filed 7/5/88)

WAC 250-66-060 Control of funds. The higher education coordinating board may award grants to eligible students from the funds appropriated to the board for this

purpose, or from any private donations, or any other funds given to the board for this program.

WSR 92-16-043
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3429—Filed July 31, 1992, 11:39 a.m.]

Date of Adoption: July 31, 1992.

Purpose: To update the definitions used for medical care programs. To delete terms used by other programs that are in chapter 388-29 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-80-005 Definitions.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-13-054 on June 11, 1992.

Changes Other than Editing from Proposed to Adopted Version: Subsection (13) "client" changed and refers to a person who is an applicant for or recipient of the Department of Social and Health Services medical care programs. Financial and social references are deleted. Delete subsection (59)(b) language "or has lived with in the previous six months". Subsection (59)(b), (d), (f) now clarifies which program the spouse is eligible for, e.g., SSI-eligible person.

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

July 31, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

AMENDATORY SECTION (Amending Order 1996, filed 8/5/83)

WAC 388-80-005 Definitions. Unless defined in this chapter or specifically defined in other chapters of WAC, the department shall use definitions found in the Webster's New World Dictionary. This section contains definitions of words and phrases the department uses in the rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

(1) "Application" ~~((shall))~~ for eligibility for medical programs means a written request ((for medical assistance or limited casualty program)) to the department of social and health services (DSHS), on a department form, from the applicant, an authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant ((to the department of social and health services the application shall be on a form prescribed by the department)).

(2) "Assignment Medicare" ~~((is))~~ means the method by which the provider receives payment for services under Part B of Medicare.

(3) "Assignment of rights" means the client gives the state the right to payment and support for medical care from a third party.

(4) "Assistance unit" means a person or members of a family unit who are eligible for ~~((cash or))~~ medical ~~((assis-~~

~~tance under a federally matched program including state supplement)) care.~~

~~((4))~~ (5) "Authorization" means ~~((an))~~ official approval ~~((of a departmental))~~ for department action.

~~((5))~~ (6) "Base period" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

(7) "Beneficiary" ~~((is))~~ means an eligible ((individual)) person who receives:

(a) A federal cash Title XVI benefit; and/or

(b) State supplement under Title XVI; or

(c) Benefits under Title XVIII of the Social Security

Act.

~~((6))~~ (8) "Benefit period" ~~((is))~~ means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. ((It)) The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary ((can have)) may receive. Benefit period also means a "spell of illness" for Medicare payments.

~~((7))~~ (9) "Cabulance" means a for-hire vehicle designed and used ((for the purpose of transporting persons)) to transport a person confined to a wheelchair or persons otherwise physically restricted.

~~((8))~~ (10) "Carrier" ~~((is))~~ means an organization ((who has a contract)) contracting with the federal government to process claims under Part B of Medicare.

~~((9))~~ (11) "Categorically needy" ~~((refers to a resident of the state of Washington whose income and resources are evaluated for cash assistance and who))~~ means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

(a) A client receiving or eligible to receive cash assistance ~~((:))~~ under:

(i) Aid to families of dependent children (AFDC) ~~((:))~~;

(ii) Supplemental Security Income (SSI), including a grandfathered ~~((individuals))~~ person and ((individuals)) a person with an essential spouse ~~((:))~~;

(iii) State supplement ~~((:))~~ or

(iv) Special categories ~~((:))~~;

(b) A financially eligible person under twenty-one years of age who would be eligible for AFDC₁ but does not qualify as a dependent child and who is in:

(i) Foster care ~~((, or))~~;

(ii) Subsidized adoption ~~((, or))~~;

(iii) A ~~((skilled))~~ nursing ~~((home, intermediate care))~~ facility ~~((:))~~ or intermediate care facility for mentally retarded ~~((:))~~ or

(iv) An approved inpatient psychiatric facility ~~((:))~~;

(c) ~~((Individuals))~~ A person who would be eligible for cash assistance except for ~~((their))~~ the person's institutional status ~~((:))~~;

(d) ~~((An individual))~~ A person who is SSI categorically related and would not be eligible for cash assistance if ~~((they were))~~ the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled ((groups).

~~(10) "Central disbursements" is a state office section which audits non-Medicaid medical claims for payment.~~

~~(11) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action.~~

~~(12) "CFR" means the code of federal regulations and is a codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government.~~

~~(13) "Child" or "minor child" means a person under eighteen years of age.~~

~~(14)) persons;~~

~~(e) A qualified severely impaired disabled person under sixty-five years of age who works;~~

~~(f) A person during a temporary period who lost AFDC by finding work or by receiving child or spousal support payments;~~

~~(g) A pregnant woman;~~

~~(i) Who meets AFDC financial eligibility standards;~~

~~(ii) Who would qualify for AFDC if the baby was already born;~~

~~(iii) Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or~~

~~(iv) Who was eligible for and receiving Medicaid while pregnant continues to be eligible for a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth;~~

~~(h) An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;~~

~~(i) An infant under one year of age whose family income does not exceed one hundred eighty-five percent of the federal poverty level;~~

~~(j) A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level;~~

~~(k) A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level;~~

~~(l) A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC;~~

~~(m) A certain widow, widower, and other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage;~~

~~(n) A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level;~~

~~(o) A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource-eligibility level;~~

~~(p) An alien as defined under chapter 388-83 WAC; or~~

~~(q) A person whose categorical eligibility is protected by statute.~~

~~(12) "Children's health program" means a state-funded medical program for children under eighteen years of age;~~

~~(a) Whose family income does not exceed one-hundred percent of the federal poverty level; and~~

~~(b) Who are not otherwise eligible under Title XIX of the Social Security Act.~~

~~(13) "Client" means an applicant for or recipient of ((financial and/or social services provided by)) the department of social and health services medical care programs.~~

~~((14)) (14) "Coinsurance-Medicare" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount((-and)), Under Part B, coinsurance is twenty percent of reasonable charges.~~

~~((15)) (15) "CSO((") (community services office) ((is))" means an office of the department which administers ((the various)) social and health services at the community level.~~

~~((17) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.~~

~~(18)) (16) "Copayment" means a fixed dollar amount that is the responsibility of the ((recipient)) client of specified services.~~

~~((19)) (17) "Deductible-Medicare" means an initial specified amount that is the responsibility of the ((applicant and/or recipient)) client.~~

~~(a) "Part A of Medicare - inpatient hospital deductible ((-))" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.~~

~~(b) "Part B of Medicare - ((The first sixty dollars in expenses)) physician deductible" means an initial amount of Medicare Part B covered expenses in each calendar year which ((must be incurred before)) Medicare ((starts to)) does not pay.~~

~~((c) Limited casualty program medically indigent means incurring a dollar amount as specified in chapter 388-100 WAC, the department does not pay.~~

~~(20)) (18) "Delayed certification" ((shall mean the date of certification)) means a department approval of a person's eligibility for Medicaid ((and date of application for SSI are the same for an SSI beneficiary whose eligibility decision was delayed due to administrative action)) made after the established application processing time limits.~~

~~((21)) (19) "Department" ((shall)) means the state department of social and health services.~~

~~((22) "Division of medical assistance" shall mean the single state agency authorized to administer the Title XIX medical assistance program.~~

~~(23) "Eligible couple" means an eligible individual and eligible spouse.~~

~~(24) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the Social Security Act. If two such persons are husband and wife (and have not been living apart for more than six months), only one of them may be considered an eligible individual.~~

~~(25) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons~~

~~under twenty one years of age who are eligible under Title XIX of the Social Security Act.~~

~~(26)) (20) "Early and periodic screening, diagnosis and treatment (EPSDT)," also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.~~

~~(21) "Electronic fund transfers" means automatic bank deposits to a client's account.~~

~~(22) "Emergency medical condition" means a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:~~

~~(a) Placing the patient's health in serious jeopardy;~~

~~(b) Serious impairment to bodily functions; or~~

~~(c) Serious dysfunction of any bodily organ or part.~~

~~(23) "Emergency medical expense requirement" means a specified amount of expenses for emergency medical conditions that a client must incur prior to certification for the medically indigent program.~~

~~(24) "Essential spouse" (~~means a spouse whose needs were taken into account in determining the need of OAA, AB, or DA recipient for December, 1973, who continues to live in the home of such recipient, and continues to be an essential spouse.~~) see "Spouse."~~

~~(25) "Extended care patient" (~~is~~) means a recently hospitalized Medicare patient (~~who needs~~) needing relatively short-term skilled nursing and rehabilitative care in a (~~skilled~~) nursing facility.~~

~~((28) "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.~~

~~(29) "Federal aid" means the assistance programs for which the state receives matching funds from the federal government.~~

~~(30) "Fraud" shall mean a deliberate, intentional, and willful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.~~

~~(31) "General assistance continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance and whose medical care is defined in chapter 388 86 WAC.~~

~~(32)) (26) "Garnishment" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.~~

~~(27) "Grandfathering" refers to:~~

~~(a) A noninstitutionalized (~~individual~~) person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and~~

~~(i) (~~As~~) Was eligible for Medicaid in December (~~;~~) 1973, as blind or disabled, whether or not (~~he/she~~) the person was receiving cash assistance in December, 1973; and~~

~~(ii) (~~For each consecutive month after December, 1973,~~) Continues to meet the criteria for blindness and disability and other conditions of eligibility used under the Medicaid plan in December(~~;~~) 1973; and~~

~~((iii) The needs of the "essential person" shall only be considered when he/she is living with such person in the same household.)~~

~~(b) An institutionalized (~~individual~~) person who was eligible for Medicaid in December(~~;~~) 1973, or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicaid program and for each consecutive month after December(~~;~~) 1973 who:~~

~~(i) (~~Continued~~) Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December(~~;~~) 1973, for institutionalized (~~individuals~~) persons; and~~

~~(ii) (~~Remained~~) Remains institutionalized.~~

~~((33)) (28) "Health insuring organization (HIO)" means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.~~

~~(29) "Health maintenance organization (HMO)" means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.~~

~~(30) "Healthy kids," is also known as EPSDT.~~

~~(31) "Home health agency" (~~is~~) means an agency or organization certified under Medicare to provide (~~skilled nursing and other therapeutic services~~) comprehensive health care on a part-time or intermittent basis to (~~the~~) a patient in (~~his/her~~) the patient's place of residence.~~

~~((34)) (32) "Hospital" (~~shall mean any~~) means an institution licensed as a hospital by the official state licensing authority.~~

~~((35)) (33) "Institution" (~~shall~~) means an establishment which furnishes food (~~and~~), shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor (~~and, in addition provides medically related services and medical care~~). This (~~would include hospitals~~) includes medical facilities, (~~skilled~~) nursing facilities, (~~intermediate care facilities,~~) and institutions for the mentally retarded, but does not include correctional institutions.~~

~~((36)) (a) "Institution-public" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.~~

~~(b) "Institution for mental diseases" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.~~

~~(c) "Institution for the mentally retarded or a person with related conditions" means an institution that:~~

~~(i) Is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or a person with related conditions; and~~

~~(ii) Provides, in a protected residential setting, ongoing care, twenty-four-hour supervision, evaluation, and planning to help each person function at the greatest ability.~~

~~(d) "Institution for tuberculosis" means an institution for the diagnosis, treatment, and care of a person with tuberculosis.~~

~~(e) "Medical Institution" means an institution:~~

(i) Organized to provide medical care, including nursing and convalescent care;

(ii) With the necessary professional personnel, equipment, and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

(iii) Authorized under state law to provide medical care; and

(iv) Staffed by professional personnel. Services include adequate physician and nursing care.

(34) "Intermediary" ((is)) means an organization ((who has)) having an agreement with the federal government to process Medicare claims under Part A.

((37) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

(38) "Intermediate care facility/TMR" shall mean a state institution or a licensed nursing home either of which has been certified by state office (SO) as meeting the CFR regulations to provide twenty four hour health related care and services to mentally retarded persons or persons with related conditions.

(39)) (35) "Legal dependent((s))" ((are)) means a person((s)) whom ((an individual)) another person is required by law to support.

((40)) (36) "Limited casualty program (LCP)" means a medical care program for medically needy as defined in chapter 388-99 WAC, and for medically indigent as defined in chapter 388-100 WAC.

((41)) (37) "Medicaid" ((or "medical assistance" (MA) shall)) means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined in chapters 388-82 and 388-92 WAC((-); or

(b) Medically needy as defined in chapters 388-92 and 388-99 WAC.

((42)) (38) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined in chapters 388-82 and 388-92 WAC.

(39) "Medical Assistance Administration (MAA)" means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

(40) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance ((recipients)) and ADATSA clients.

((43)) (41) "Medical consultant" ((shall)) means a physician employed by the department ((at the CSO level)).

((44)) (42) "Medical facility." See "institution."

((45)) (43) "Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition.

(44) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of

treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.

(45) "Medically needy (MN)" is the status of a person who is eligible for a federally-matched medical program under Title XIX of the Social Security Act, who, but for income and/or resources above the categorically needy level, would be eligible as categorically needy.

(46) "Medicare" ((is a commonly used term for)) means the federal government health insurance program for certain aged or disabled ((recipients)) clients under Titles II and ((XVII)) XVIII of the Social Security Act. Medicare has two parts:

(a) "Part A" covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

(b) "Part B" is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

(47) "Month of application" ((shall)) means the calendar month ((in which)) a person files the application ((is filed)) for medical care unless ((it)) the application is for the medically needy program; then, at the person's request and if the application is filed in the last ten days ((of)) of that month((; then)), the month of application may be the following month.

(48) ("Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the bureau of nursing home affairs who is centrally supervised, but stationed in CSO's.)

"Nursing facility," unless otherwise described, means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

(a) Department certifies; and

(b) Facility and the department agree the facility may provide skilled nursing facility care.

(49) "Outpatient" ((is)) means a nonhospitalized patient receiving care in ((an)) a hospital outpatient or hospital emergency department ((of a hospital)), or away from a hospital such as in a physician's office ((of)), the patient's own home, or a nursing ((home)) facility.

(50) ("Part A" is the hospital insurance portion of Medicare.

(51) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor's portion" of Medicare.

(52) "PAS" ---) "Professional activity study ((is)) (PAS)" means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, ((which resulted in the determination of an)) to determine the average length of hospital stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, Western." The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for ((recipients)) clients of state-funded programs, or where no memorandum of understanding with a ((PSRO)) professional review organization (PRO) exists.

~~((53)) (51) "Patient transportation" means ((the)) client transportation ((of recipients)) to and from covered medical services ((covered)) under the ((medical assistance)) federal Medicaid and state medical care programs.~~

~~((54)) (52) "Physician" ((is)) means a doctor of medicine, osteopathy, or ((podiatrist)) podiatry who is legally authorized to perform the functions of ((his)) the profession by the state in which ((he performs them)) the services are performed.~~

~~((55)) (53) "Professional ((standards)) review organization ((PSRO). See "Washington state professional standards review organization)) for Washington (PRO-W)" means the state level organization responsible for determining whether health care activities:~~

~~(a) Are medically necessary;~~

~~(b) Meet professionally acceptable standards of health care; and~~

~~(c) Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.~~

~~(54) "Prosthetic devices" mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:~~

~~(a) Artificially replace a missing portion of the body;~~

~~(b) Prevent or correct physical deformity or malfunction;~~

~~or~~

~~(c) Support a weak or deformed portion of the body.((~~

~~(56)) (55) "Provider" or "provider of service" means an institution, agency, or ((individual who has)) person:~~

~~(a) Having a signed agreement with the department to furnish medical care and goods and/or services to ((recipients)) clients; and ((who is))~~

~~(b) Eligible to receive payment from the department.~~

~~((57) "Provider services" shall mean the office of the division of medical assistance which processes claims for payment under Title XIX and state funded programs.~~

~~(58) Residence, state of means:~~

~~(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;~~

~~(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;~~

~~(c) The state making a state supplementary payment;~~

~~(d) The state making placement in an out-of-state institution;~~

~~(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty one or is age twenty one or over and who became incapable of determining residential intent before age twenty one;~~

~~(f) The state where the person over age twenty one judged to be legally incompetent is living.~~

~~(59)) (56) "Retroactivity" means((:)) the period of no more than three calendar months ((prior to)) before the application month of ((application to)) an otherwise eligible ((individual)) person under the Federal aid Title XIX ((medical assistance)) program.~~

~~((60) "Skilled nursing facility," unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit~~

~~of a hospital licensed by the state department of social and health services and is certified, and has an agreement to provide skilled nursing home care.~~

~~(61)) (57) "Spell of illness." See "benefit period."~~

~~((62)) (58) "Spendedown" means the ((individual incurs)) process by which a person uses incurred medical expenses to ((reduce)) offset income and/or resources to the financial standards established by the department.~~

~~((63)) (59) "Spouse" means:~~

~~(a) "Community spouse" means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program.~~

~~(b) "Eligible spouse" means an aged, blind or disabled ((individual who is the)) husband or wife of an SSI-eligible ((individual and who has not been living apart from such eligible individual for more than six months)) person with whom such spouse lives.~~

~~((b)) (c) "Essential spouse" means for the purposes of SSI a spouse whose needs were taken into account in determining the need of an Old Age Assistance (OAA), Aid to the Blind (AB), or Disability Assistance (DA) client for December 1973, who continues to live in the home of such client, and continues to be a spouse.~~

~~(d) "Ineligible spouse" means the husband or wife of an SSI-eligible ((individual)) person, living with the SSI-eligible spouse who ((is not aged, blind or disabled; or who although aged, blind or disabled)) has not applied for or is not eligible to receive such assistance.~~

~~((e)) (e) "Institutionalized spouse" means a married person in an institution or receiving services from a home or community-based waived program.~~

~~(f) "Nonapplying spouse" means the husband or wife of an SSI-eligible ((individual)) person who ((although aged, blind or disabled)) has not applied for ((such)) assistance.~~

~~((64)) (60) "State office" or "SO" ((shall)) means the ((division of)) medical assistance administration of the department of social and health services.~~

~~((65)) (61) "Supplementary payment" means the state money payment to ((individuals)) persons receiving benefits under Title XVI (or who would, but for their income, be eligible for such benefits) as assistance based on need in supplementation of SSI benefits. This payment includes:~~

~~(a) "Mandatory state supplement" means the state money payment ((with respect)) to ((individuals)) persons who, for December(,) 1973, were ((recipients)) clients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.~~

~~(b) "Optional state supplement" means the ((elected)) elective state money payment to ((individuals)) persons eligible for SSI benefits or who, except for the level of their income would be eligible for such benefits.~~

~~((66)) (62) "Supplemental security income (SSI) program, Title XVI," means the federal grant program ((of supplemental security income)) for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).~~

~~((67)) (63) "SSI-related" means an aged, blind, or disabled person.~~

(64) "Third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of ~~((an applicant or recipient of Medicaid.~~

~~(68) "Washington state professional standards review organization" (WSPSRO) is the state level organization responsible for determining whether health care activities are medically necessary, meet professionally acceptable standards of health care, and are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and recipients of Medicaid and maternal and child health)) a federal Medicaid or state medical care client.~~

(65) "Title XIX" is the portion of the Federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

(66) "Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

(a) An intentional act or transfer; or

(b) Failure to act to preserve title to the resource.

(67) "Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

(68) "Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

(69) "Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

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 92-16-057
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed August 3, 1992, 11:19 a.m.]

Date of Adoption: July 23, 1992.

Purpose: To explain the increased flexibility allowed in providing the ten extra days to Schools for the 21st Century staff pursuant to legislative mandate.

Citation of Existing Rules Affected by this Order:
Amending WAC 180-110-035.

Statutory Authority for Adoption: RCW 28A.630.140 and 28A.630.210.

Other Authority: Chapter 112, Laws of 1992.

Pursuant to notice filed as WSR 92-13-058 on June 12, 1992.

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

August 3, 1992
Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending Order 6-88, filed 2/19/88)

WAC 180-110-035 Application contents. Applications for pilot project approval and state funding shall comply with each of the following content requirements:

(1) Project activities and objectives. The application shall specify and explain each of the following:

(a) The activities to be carried out as part of the pilot project, including the nature and extent of proposed changes in, or the restructuring of, existing school operations.

(b) The nature of the improvement in student performance sought to be achieved.

(2) Technical resources. The application shall identify the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services.

(3) Budget plan. The application shall contain a budget plan for the pilot project and additional anticipated sources of funding, including private grants and contributions, if any.

(4) Staff incentive pay system. The application shall identify a staff incentive pay system. Implementation of the staff incentive pay system is not required.

(5) Evaluation and accountability processes. The application shall specify and explain the evaluation and accountability processes to be used to measure pilot project-wide performance, including student performance. The processes shall include features designed to provide information capable of establishing the nature and the extent of any improvement in student performance attributable to the pilot project.

(6) Collective bargaining contract modifications. The application shall include a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the pilot project.

(7) Modification or waiver of school district rules. The application shall include a written statement that school directors and administrators are willing to exempt the pilot project from specifically identified local rules, as needed.

(8) Modification or waiver of state rules. If the application requests the modification or waiver of a rule of either the state board of education or the superintendent of public instruction, the application shall include each of the following:

(a) Identification of the state board of education or superintendent of public instruction rule relating to the length of the school year, teacher contact hour requirements, program hour offerings, student to teacher ratios, salary lid compliance requirements, the commingling of funds appropriated by the legislature on a categorical basis, or another subject matter which the school district requests be modified or waived.

(b) The reason or reasons the school district believes the requested modification or waiver is warranted.

(9) Supplemental contracts for project related instructional employees. The application shall provide for the employment of one or more certificated school building staff, including certificated administrative staff and classified school building staff, whose primary duties consist of the daily educational instruction of students, pursuant to a

supplemental contract that provides for each of the following:

(a) ~~((No less than))~~ An average of ten additional days above and beyond the minimum one hundred and eighty day school year for the participating employees.

(b) Services or staff development, or both, in support of the pilot project.

(c) Additional compensation for such additional services and staff development funded with moneys made available pursuant to this chapter.

(10) Assurances of cooperation and support. The application shall contain each of the following types of assurances of cooperation and support:

(a) Written statements from the board of directors of the school district, the district superintendent, the principals, and the instructional staff involved in the pilot project that they have worked cooperatively in developing the application, they support the pilot project, and they will work cooperatively during the term of the pilot project.

(b) Written statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

(11) Summary or abstract. The application shall contain a one page abstract of the nature and objectives of the pilot project.

(12) Duration of pilot project. The application shall specify the school years, not exceeding six school years, for which approval and funding is requested.

request the state board of education to approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. If the state board of education concurs that such information is incomplete or the state study and survey is out of date, the state board of education shall approve such request unless the state board of education determines there is no possibility that the district will be eligible for state assistance within the next ~~((six years))~~ seventy-two months. Such assistance shall be based on a ~~((variable))~~ minimum flat grant for each enrollment category plus a variable ~~((per pupil))~~ allocation based on the district's ~~((headcount enrollment (kindergarten students counted one half) as reported annually on the first day of October))~~ estimated gross square footage of existing school facilities and in accordance with the following schedule:

Headcount Enrollment Categories

Enrollment of 1 to 500--Minimum grant plus ~~((per pupil))~~ square footage allocation

Enrollment of 501 to 3,000--Minimum grant plus ~~((per pupil))~~ square footage allocation

Enrollment of 3,001 to 10,000--Minimum grant plus ~~((per pupil))~~ square footage allocation

Enrollment of above 10,000--Minimum grant plus ~~((per pupil))~~ square footage allocation

The dollar amount for the minimum grants and the ~~((per pupil))~~ square footage allocations for these categories shall be established annually by the state board of education.

NEW SECTION

WAC 180-25-032[✓] State study and survey--Special state assistance for building condition surveys. If, as of May 22, 1992, a district is actively conducting a state study and survey or has a current study and survey on file at the superintendent of public instruction, the district may make application to the superintendent of public instruction for special state assistance to conduct a standardized building condition analysis as required by WAC 180-27-535 to determine state funding priority rankings. This special assistance shall not be available to districts which receive a study and survey grant after July 1, 1992. The grant amount shall not exceed four hundred dollars per active school facility and will be paid only on actual incremental direct costs. The superintendent of public instruction shall report to the state board of education on grant requests and payments made under this section on an annual basis until July 1, 1995.

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-056^d Funding during the period of a priority approval process order by state board of education. During the period of a priority approval process imposed by order of the state board of education school construction projects shall receive final approval pursuant to WAC 180-29-107 as follows:

(1) On or after July 1 following the state board of education order for the implementation of a priority approval

WSR 92-16-058
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed August 3, 1992, 11:24 a.m.]

Date of Adoption: July 23, 1992.

Purpose: To implement a new school construction priority system as required by section 24(8), chapter 233, Laws of 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 180-25-030, 180-27-056, 180-27-058, and 180-29-085.

Statutory Authority for Adoption: RCW 28A.525.020.
 Other Authority: Section 24(8), chapter 233, Laws of 1992.

Pursuant to notice filed as WSR 92-13-059 on June 12, 1992.

Effective Date of Rule: Thirty-one days after filing.
 August 3, 1992
 Monica Schmidt
 Executive Director/Secretary

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-030[✓] State study and survey--Local involvement. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction shall

PERMANENT

process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 180-29-107 as per the applicable priority list in WAC 180-27-058 or 180-27-500. Only school construction projects with state board of education approval under WAC 180-25-045 and secured local capital funds by December 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 180-29-107 by June 30 of the previous state fiscal year shall be placed on that priority list; PROVIDED, That for the state fiscal year beginning July 1, 1992, the December 31, 1991, cutoff date is extended to March 27, 1992.

(2) Based on a ceiling of one and one-half times the amount of the estimated revenue available for the state fiscal year plus fund balance for the state fiscal year minus outstanding encumbrances for the state fiscal year or as close thereto as is reasonably practical, the superintendent of public instruction shall give final approval pursuant to WAC 180-29-107 during the state fiscal year to school construction projects on the priority list. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the state board of education does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 180-29-107 shall be combined with new school construction projects that have secured local capital funds by December 31 of the state fiscal year and that are eligible, pursuant to WAC 180-29-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending WSR 91-12-059, filed 6/5/91, effective 7/6/91)

WAC 180-27-058/ State assistance--Priorities. The priority system for the funding of school construction projects that have secured local capital funds and state board of education project approval per WAC 180-25-045 as of January 26, 1991, during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction projects in districts with unhoused students other than those in priority two. Projects within this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest--i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(2) Priority two: New construction projects in districts with unhoused students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide abatement procedure and order to vacate, such related space requirement shall be treated as unhoused students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(3) Priority three: All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985: *PROVIDED*, That the authority to proceed pursuant to WAC 180-25-040 and the priority three ranking of any such project shall lapse and be null and void as of July 2, 1991, unless approval to open bids for the project has been granted pursuant to WAC 180-29-107 prior to that date.

(4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible projects in priorities one and two or for one vocational-technical institute or interdistrict skill center project, whichever is greater.

(5) Priority five: Modernization projects in districts with no unhoused students and not funded under priority three. Projects within this priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highest--i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and interdistrict cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects: *PROVIDED*, That under no circumstances should this priority receive less than sixty percent of funds available for priorities four and five.

(6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of

application received in the office of superintendent of public instruction shall be ranked the highest.

(7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-016 Rules determining eligibility and timing of state assistance. The eligibility for and the amount of state assistance shall be determined as outlined in WAC 180-27-020. The prioritization and timing for receipt of state assistance for eligible projects shall be determined by WAC 180-27-058 or 180-27-500, as applicable.

NEW SECTION

WAC 180-27-052 Order of funding under dual priority systems. During a priority approval process imposed by order of the state board of education, projects which secured local capital funds and state board of education project approval under WAC 180-25-045 as of January 26, 1991, and which continue to remain eligible under WAC 180-25-040 and 180-26-060, shall be prioritized under WAC 180-27-058 and funded prior to other projects. All other projects shall then be prioritized under WAC 180-27-500 and funded to the extent state construction assistance moneys remain available.

NEW SECTION

WAC 180-27-500 State assistance--Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, that are not subject to the priority system under WAC 180-27-058 shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the following several factors and formulas contained in WAC 180-27-505 through 180-27-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, and are otherwise eligible for state funding assistance. The following factors are divided into three groups:

- (1) Common factors;
- (2) New construction for growth factors; and
- (3) Modernization or new-in-lieu of modernization factors.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project: *PROVIDED*, That all related priority scores for projects that are front funded by the district under the provisions of WAC 180-27-057 shall be determined and the project shall take its place on the priority funding list as if it had not been completed.

NEW SECTION

WAC 180-27-505 State assistance--Common priority factors. The three priority factors that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category one is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for category one, seven for category two, and four for category three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority - Five possible points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of the construction or improvement of space which is not eligible for state assistance.

Total Project Cost Up to \$1,000,000	Required Joint Funding 25% of total project cost (\$250,000 at \$1,000,000)
Between \$1,000,000 and \$ 2,000,000	\$275,000
Between \$2,000,000 and \$ 3,000,000	\$300,000
Between \$3,000,000 and \$ 4,000,000	\$325,000
Between \$4,000,000 and \$ 5,000,000	\$350,000
Between \$5,000,000 and \$ 6,000,000	\$375,000
Between \$6,000,000 and \$ 7,000,000	\$400,000
Between \$7,000,000 and \$ 8,000,000	\$425,000
Between \$8,000,000 and \$ 9,000,000	\$450,000
Between \$9,000,000 and \$10,000,000	\$475,000
\$10,000,000 and over	\$500,000

The scores in this group will be determined after district compliance with the requirements of WAC 180-29-107.

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 180-27-035 recognize for state assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for instruction in the year. The enrollment percentage shall be

PERMANENT

calculated on the same grade span groupings as for eligibility in WAC 180-27-050.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

NEW SECTION

WAC 180-27-510 State assistance--New construction for growth priority factors. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused - Fifty-five possible points. The district percent unhoused five years in the future is based on the projection of enrollment per WAC 180-27-045 for two grade categories, including preschool special education, compared to the formula capacity of existing space based on WAC 180-27-035 as computed per WAC 180-27-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection - Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., $(43.57 \times .091) \times (24 \text{ percent}/30 \text{ percent}) = 3.17$).

(3) Number of years unhoused - Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then most current enrollment projections and facts. A district may request a redetermination of scores at any time.

NEW SECTION

WAC 180-27-515 Modernization factors or new-in-lieu of modernization priority factors. The three factors that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. Sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 180-27-535) and are awarded as follows:

15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 -29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

Two points if school does not meet seismic code requirements.

Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the building condition evaluation form (WAC 180-27-535) analysis for all categories other than handicapped access. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 180-25-045. These scores shall be carried until the district requests a redetermination.

NEW SECTION

WAC 180-27-525 State assistance--Priorities for coops. For cooperative projects approved by the state board of education under the authority of chapters 180-31 and 180-32 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict Cooperative Facility	Priority Score
Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

PERMANENT

NEW SECTION

WAC 180-27-530¹ Type of school space--Determination. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC 180-27-305, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

NEW SECTION

WAC 180-27-535² Existing building condition--Evaluation. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipage, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the state board of education. The information provided by the district on these forms shall be subject to review by the state board of education, the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction assistance for projects approved after January 26, 1991.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-085³ Construction and other documents--Submittal. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall submit to or have on file with the superintendent of public instruction the following:

(a) One microfilm copy of the construction documents;
 (b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;

(f) One copy of the value engineering report signed by the school district board of directors. The report shall include the following:

(i) A brief description of the original design;
 (ii) A brief description of the value engineering methodology used;
 (iii) The areas analyzed;
 (iv) The design alternatives proposed;
 (v) The cost changes proposed;

(vi) The alternates accepted; and
 (vii) A brief statement by the school district board of directors explaining why each alternate not accepted was rejected;

(g) A completed standardized building inventory and condition evaluation as required by WAC 180-27-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

WSR 92-16-064**PERMANENT RULES****WILDLIFE COMMISSION**

[Order 560—Filed August 3, 1992, 4:50 p.m.]

Date of Adoption: May 26, 1992.

Purpose: To close Deep Creek to fishing for gamefish.

Citation of Existing Rules Affected by this Order:

Amending WAC 232-28-61909.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-09-136 on April 21, 1992.

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

July 31, 1992

Dean A. Lydig
Chair

NEW SECTION

WAC 232-28-61909 1992-94 WASHINGTON GAMEFISH SEASONS AND CATCH LIMITS - DEEP CREEK: Notwithstanding the provisions of WAC 232-28-619, the gamefish seasons for Deep Creek are as follows:
DEEP CREEK: CLOSED to fishing for gamefish.

WSR 92-16-081**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Order 293—Filed August 4, 1992, 1:32 p.m.]

Date of Adoption: July 24, 1992.

Purpose: To change the certificate of need concurrent review schedule for new open heart surgery services.

Citation of Existing Rules Affected by this Order:

Amending WAC 246-310-132.

Statutory Authority for Adoption: RCW 70.38.135.

Pursuant to notice filed as WSR 92-09-086 on April 17, 1992.

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

July 24, 1992

Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 188, filed 8/12/91, effective 8/28/91)

WAC 246-310-132 Open heart surgery concurrent review cycle. (1) The department shall review new open heart surgery services using the concurrent review cycle in this section.

(2) Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent shall be submitted between the first working day and last working day of ~~((April))~~ July of each year, beginning in 1992 ~~((and each year thereafter))~~.

(b) Initial applications shall be submitted between the first working day and last working day of ~~((May))~~ August of each year, beginning in 1992 ~~((and each year thereafter))~~.

(c) The department shall screen initial applications for completeness by the last working day of ~~((June))~~ September of each year, beginning in 1992 ~~((and each year thereafter))~~.

(d) Responses to screening questions shall be submitted by the last working day of ~~((July))~~ October of each year, beginning in 1992.

(e) The public review and comment period for applications shall begin on ~~((August 14,))~~ November 16 of each year, beginning in 1992 ~~((or the first working day thereafter each year thereafter))~~. In the event that November 16 is not a working day in any year, then the public review and comment period shall begin on the first working day after November 16.

(f) The public review and comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(g) The final review period shall be limited to ~~((forty-five))~~ sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(3) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

WSR 92-16-082
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Physical Therapy)

[Order 294B—Filed August 4, 1992, 1:33 p.m.]

Date of Adoption: May 12, 1992.

Purpose: Repeal exam appeal procedures under WAC 246-915-015; to amend the acceptable passing exam score under WAC 246-915-030; and to create a new section which provides for temporary licensure under WAC 246-915-075.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-915-015 and amending WAC 246-915-030.

Statutory Authority for Adoption: RCW 18.74.023.

Pursuant to notice filed as WSR 92-08-111 on April 1, 1992.

Changes Other than Editing from Proposed to Adopted Version: Under WAC 246-915-030, the acceptable passing

score was adopted at the lesser passing score of 68% to be consistent with the results of a national cut score study that was not available at the time these rules were filed.

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

July 16, 1992

Christine Larson P.T.
Chair

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-915-015 Examination appeal procedures.

AMENDATORY SECTION (Amending Order 178B, filed 6/21/91, effective 7/22/91)

WAC 246-915-030 Examination. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as reviewed and approved by the board of physical therapy. A passing score is considered to be one of the following:

(a) Not less than ~~((1.0 standard deviation below the national mean))~~ sixty-eight percent of the raw score for the examination approved by the board beginning February 28, 1991; or

(b) Not less than sixty percent raw score on each of the three examination parts for the examination approved by the board prior to February 28, 1991.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake the examination.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number."

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

NEW SECTION

WAC 246-915-075 Temporary permits--Issuance and duration. (1) Unless there is a basis for denial of a physical therapy license, an applicant who is licensed in another jurisdiction shall be issued a temporary practice permit after receipt of the following documentation by the department of health:

(a) Submission of a completed physical therapy license application on which the applicant indicates that he or she wishes to receive a temporary practice permit;

(b) Payment of the application fee and temporary practice permit fee;

(c) Submission of all required supporting documentation as described in the application forms and instructions provided by the department of health, excepting the seven hour AIDS education requirement as described in WAC 246-915-110.

(2) Applicants wishing to receive a temporary practice permit shall be granted an additional ninety days to complete the AIDS education requirement; however, issuance of a physical therapy license is contingent upon evidence of having met this requirement.

(3) The temporary permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board of the applicant; or ninety days, whichever occurs first.

(4) An applicant who receives a temporary practice permit and who does not complete the application process may not receive additional temporary practice permits even upon submission of a new application in the future.

WSR 92-16-095
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 92-17—Filed August 5, 1992, 11:06 a.m.]

Date of Adoption: August 4, 1992.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-430 Wahkiakum County shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Management Act of 1971.

Pursuant to notice filed as WSR 92-13-078 on June 16, 1992.

Changes Other than Editing from Proposed to Adopted Version: Three modifications are included. Two clarify references to other regulatory authority and one more correctly describes a map section.

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

August 4, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 85-29, filed 3/18/86)

WAC 173-19-430 Wahkiakum County. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980. Revision approved May 20, 1981. Revision approved March 12, 1986. Revision approved August 4, 1992.

WSR 92-16-100
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-375, Docket No. UG-911261—Filed August 5, 1992, 11:49 a.m.]

In the matter of chapter 480-93 WAC, rules relating to Gas companies--Safety, viz., amendment of WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230; and adoption of WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 92-06-086,

filed with the code reviser on March 4, 1992, after issuing a notice of proposed rulemaking on February 12, 1992. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment under Notice No. WSR 92-06-086, for 9:00 a.m., Wednesday, May 13, 1992, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

The notice provided interested persons the opportunity to submit initial data, information, or arguments to the commission in writing until April 17, 1992. The notice additionally provided for the submission of written reply comments until May 27, 1992. The commission provided an additional opportunity for interested persons to submit written comments until June 4, 1992.

The commission, pursuant to the notice, considered the rule change proposal for adoption at its regularly scheduled June 17, 1992, open public meeting, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A.J. Pardini. The commission at that time heard additional oral comments on the proposed rule.

During the course of the commission's consideration of the proposed rule, oral and/or written commentors included the ARCO Products Company and ARCO Western Gas Pipeline Company, Cascade Natural Gas Corporation, City of Ellensburg, City of Enumclaw, Inland Empire Paper Company, Intalco Aluminum Corporation, North Pacific Paper Corporation, Northwest Industrial Gas Users, Northwest Natural Gas Company, Public Counsel, Town of Buckley, Washington Natural Gas Company, Washington Water Power Company, and Weyerhaeuser Company.

During the period the proposed rules were under review and consideration, several versions of the draft rule were prepared and circulated to interested persons by the commission. The draft language of nearly every section of the proposed rules was modified in part (and one section deleted in its entirety) in response to the oral and written comments submitted to the commission.

The rule change affects no economic values.

After reviewing the entire oral and written record compiled in this proceeding, the commission finds that WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230 should be amended, and WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183 should be adopted as set forth in Appendix A, shown below, and by reference made a part of the commission's order.

ORDER

THE COMMISSION ORDERS That WAC 480-93-002, 480-93-005, 480-93-010, 480-93-020, 480-93-030, 480-93-110, 480-93-120, 480-93-140, 480-93-180, 480-93-185, 480-93-18601, 480-93-187, 480-93-188, 480-93-190, 480-93-200, 480-93-210, and 480-93-230 are amended, and WAC 480-93-015, 480-93-017, 480-93-018, 480-93-082, 480-93-111, 480-93-112, 480-93-115, 480-93-124, 480-93-155, 480-93-175, and 480-93-183 are adopted, as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That this order and the rule shown below, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, and effective this 4th day of July, 1992.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

Reviser's note: The material contained in this filing will appear in the 92-17 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 92-16-104
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3432—Filed August 5, 1992, 12:00 p.m.]

Date of Adoption: August 5, 1992.

Purpose: Adds magnetic resonance imaging x-ray services; adds organ transplants, home health services, pain clinic evaluations, MRI, denture services, occupational therapy, sleep studies, respiratory therapy as services requiring prior MAA approval; and deletes services that no longer require MAA approval. These amendments provide consistency with current policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-110 X-ray services and 388-87-027 Services requiring prior approval.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-14-078 on June 29, 1992.

Effective Date of Rule: Thirty-one days after filing,
August 5, 1992

Leslie F. James, Director
Administrative Services
by Rosemary Carr

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. ((H)) The following services require Medical Assistance Administration's (MAA) prior approval:

(((A))) (1) Prosthetic devices, durable medical equipment, and nonreusable 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 nonreusable medical equipment as described under WAC 388-86-100;~~

(((c))) (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;

(((d))) (6) Allergy testing;

(((e))) (7) Apnea monitoring equipment;

(((f))) (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;~~

(((k))) (10) Transportation (other than ambulance) as described under WAC 388-86-085;

(((H))) (11) Orthodontic treatment as described under WAC 388-86-020;

(((m))) (12) Out-of-state medical care not available within Washington state as described under WAC 388-86-115;

(((n))) (13) Physical medicine, rehabilitation and treatment (PM&R) as described under WAC 388-86-112;

(((o))) (14) Physical therapy services as described under WAC 388-86-090;

~~((p))~~ (15) Private duty nursing services as described under WAC 388-86-071;

~~((q))~~ (16) Speech therapy, both the initial evaluation and subsequent therapy as described under WAC 388-86-098;

~~((r))~~ (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).

PERMANENT

WSR 92-16-001
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Filed July 22, 1992, 3:03 p.m.]

Date of Adoption: July 22, 1992.

Purpose: To restrict the movement of horses from Massachusetts and New Hampshire into the state due to an outbreak of a yet undiagnosed horse disease at two racetracks in those states.

Statutory Authority for Adoption: RCW 16.36.096 and 16.36.040.

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: Some horses have died, while 55 horses have been affected at a racetrack in Salem, New Hampshire and one hundred horses affected at a racetrack at East Boston, Massachusetts.

Effective Date of Rule: Immediately.

July 22, 1992
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1778, filed 11/24/82)

WAC 16-54-071 DOMESTIC EQUINE. Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

Effective immediately by emergency rule, all equine animals from New Hampshire and Massachusetts are restricted from movement to Washington State due to an equine disease outbreak at New Hampshire and Massachusetts racetracks. All equine animals entering Washington shall be moved only on a permit issued by the office of the state veterinarian. The following certification statements should be added to the health certificate for horses imported into Washington state:

(a) "The horse has not been on any racetracks in either Massachusetts or New Hampshire since June 15, 1992";

(b) "The horse is not known to have been in contact with horses that have been on racetracks in Massachusetts or New Hampshire since June 15, 1992".

WSR 92-16-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-49—Filed July 22, 1992, 4:06 p.m., effective July 29, 1992, 12:01 a.m.]

Date of Adoption: July 22, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000W.

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: This regulation is necessary to achieve the council's management intent and maintain consistency between state and federal regulations.

Effective Date of Rule: July 29, 1992, 12:01 a.m.

July 22, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000X COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. July 29, 1992, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

- 0001 hours July 29 to 2400 hours August 11;
- 0001 hours August 12 to 2400 hours August 25;
- 0001 hours August 26 to 2400 hours September 8;
- 0001 hours September 9 to 2400 hours September 22;
- 0001 hours September 23 to 2400 hours October 6;
- 0001 hours October 7 to 2400 hours October 20;
- 0001 hours October 21 to 2400 hours November 3;
- 0001 hours November 4 to 2400 hours November 17;
- 0001 hours November 18 to 2400 hours December 1;
- 0001 hours December 2 to 2400 hours December 15;
- 0001 hours December 16 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

EMERGENCY

0001 hours July 15 to 2400 hours August 11;
 0001 hours August 12 to 2400 hours September 8;
 0001 hours September 9 to 2400 hours October 6;
 0001 hours October 7 to 2400 hours November 3;
 0001 hours November 4 to 2400 hours December 1;
 0001 hours December 2 to 2400 hours December 31;

(c) Cumulative trip limit - A cumulative trip limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week - Wednesday through the following Tuesday.

(2) Widow rockfish - Effective 12:01 a.m. August 12, 1992 until further notice no landings of more than 3,000 pounds per vessel trip. No limit on the number of vessel trip landings. No minimum size.

(3) Shortbelly rockfish - No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch - No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip. No minimum size.

(5) Sebastes complex - All other species of rockfish except widow, shortbelly, Pacific ocean perch and thorny head or idiot rockfish (*Sebastes* spp.) - Cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 6,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

(6) Deepwater complex - Sablefish, Dover sole, and thornyhead rockfish - Cumulative trip limit of 55,000 pounds per fixed two-week period. No more than 20,000 pounds of this amount may be thornyheads. No minimum size on Dover sole or thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels - Landings above 1,000 pounds of sablefish are allowed only if sablefish represent 25 percent or less of the total combined weight of the deepwater complex onboard. No more than 5,000 pounds of sablefish

may be smaller than 22 inches in length in any landing. Minimum size for dressed sablefish is 15.5 inches from the anterior insertion of the first dorsal fin to the tip of the tail. To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels - 250 pound (round weight) trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

7) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative trip limit, vessel trip limit or daily trip limit.

(8) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

REPEALER

The following section of the Washington Administration Code is repealed effective 12:01 a.m. July 29, 1992:

WAC 220-44-05000W COASTAL
 BOTTOMFISH CATCH LIMITS. (92-37)

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

WSR 92-16-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-51—Filed July 23, 1992, 4:09 p.m.]

Date of Adoption: July 23, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-350 and 220-56-380.

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: The allowable recreational harvest has been taken.

Effective Date of Rule: Immediately.

July 23, 1992
 J. Merchant
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-56-35000Q CLAM AREA CLOSURE.

Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice it is unlawful to take, dig for or possess hardshell clams from all state owned tidelands at Rendsland Creek.

NEW SECTION

WAC 220-56-38000K OYSTER AREA CLOSURE.

Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice it is unlawful to take or possess oysters from all state owned tidelands at Rendsland Creek.

**WSR 92-16-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-50—Filed July 23, 1992, 4:11 p.m., effective August 1, 1992]

Date of Adoption: July 23, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

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 coho and chinook salmon are available in the lower Columbia River for a recreational fishery.

Effective Date of Rule: August 1, 1992.

July 23, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000P COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160(8), effective August 1, 1992 through September 13, 1992, it is unlawful to fish for salmon for personal use or to possess salmon taken for personal use from the waters of the Columbia River between the Megler-Astoria Bridge and the Buoy 10 line, except:

- (1) Daily bag limit of 2 adult salmon August 1 through September 7.
- (2) Daily bag limit of 3 adult salmon September 8 through September 13.
- (3) Weekly limit of 4 salmon in seven consecutive days when any portion of Catch Record Card Area 1 is open.

**WSR 92-16-020
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-54—Filed July 24, 1992, 4:27 p.m., effective July 26, 1992, 12:01 a.m.]

Date of Adoption: July 24, 1992.

Purpose: Commercial fishing regulations.

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: Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nook-Samish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: July 26, 1992, 12:01 a.m.

July 24, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-801 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.

Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday July 26, 1992, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 8PM to 6AM nightly, Monday, and Tuesday, July 27, 28.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all fresh-water areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

**WSR 92-16-021
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-53—Filed July 24, 1992, 4:30 p.m., effective August 1, 1992]

Date of Adoption: July 24, 1992.

Purpose: Personal use rules.

EMERGENCY

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57A-183.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are not enough harvestable sockeye salmon returning to Lake Wenatchee to maintain a full season of fishing opportunity and reduction in the length of the season and bag limit is necessary.

Effective Date of Rule: August 1, 1992.

July 24, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57A-18300C LAKE WENATCHEE. Notwithstanding the provisions of WAC 220-57A-183, effective August 1, 1992 through September 7, 1992, it is unlawful to fish for salmon for personal use or to possess salmon taken for personal use from the waters of Lake Wenatchee, except:

(1) Daily bag limit of 2 sockeye salmon August 1 through August 9.

(2) Those waters within 300 feet of the Little Wenatchee and White Rivers are closed.

WSR 92-16-022

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-52—Filed July 24, 1992, 4:32 p.m., effective July 25, 1992, 12:01 a.m.]

Date of Adoption: July 24, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000M.

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: This rule is adopted at the recommendation of the Pacific Fisheries Management Council and is intended to harvest available salmon, while providing protection for coho salmon through gear and landing limitations.

Effective Date of Rule: July 25, 1992, 12:01 a.m.

July 24, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-24-02000N COMMERCIAL SALMON TROLL. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Fishing is authorized from 12:01 a.m., July 25, 1992 through 11:59 p.m. July 27, 1992 in these waters except fishing is not allowed in Washington waters within Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken in the fishery provided for herein must be sold by 11:59 p.m. July 28, 1992, and must be sold within the Salmon Management and Catch Reporting Area where taken or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(3) No vessel may land more than 44 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to four spreads per line and to plugs with a six-inch minimum size. A plug is defined as an artificial fish lure made of wood or hard plastic with one or more hooks attached. Plug length means the length of the wood or plastic portion of the lure, and is calculated independently of any hinge, attachment device or hook. Lures commonly known as "spoons", "wobblers", and "dodgers", and flexible plastic lures, including "hootchies", "skirts", and "curleytails" are not considered plugs, and may not be used. A plug may have a metal attachment affixed to the body of the plug to provide direction or stability, but may not have any metal attachment, such as a spoon, wobbler, or dodger, or any flexible plastic attachment, such as hootchies, skirts, or curleytails, that serves as an attractant.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained in the fishery provided for herein.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000M COMMERCIAL SALM-
ON TROLL. (92-45)

WSR 92-16-025
RESCISSION OF EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 24, 1992, 4:40 p.m.]

Purpose: Rescind WAC 388-96-032 Termination of contract, filed as an emergency under WSR 92-13-043 on June 10, 1992. This section was not filed as part of the permanent adoption filed July 23, 1992, under WSR 92-16-013.

Statutory Authority for Adoption: RCW 74.46.800.
July 24, 1992
Leslie F. James, Director
Administrative Services

WSR 92-16-030
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 3008—Filed July 29, 1992, 11:12 a.m.]

Date of Adoption: July 29, 1992.

Purpose: To establish standards for the certification of packers of organic food.

Statutory Authority for Adoption: Chapter 15.86 RCW, specifically RCW 15.86.060 and 15.86.070.

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;

and 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: Immediate adoption of this rule is needed in order to have organic packer certification in place for the upcoming harvest season. Certification is needed by Washington organic farmers to maintain their domestic and international markets. Amendments to chapter 15.86 RCW became effective June 11, 1992, and require the certification of packers of organic food.

Effective Date of Rule: Immediately.

July 29, 1992
Mike Schwisow
Deputy Director

Chapter 16-164 WAC
STANDARDS FOR THE CERTIFICATION OF
PACKERS OF ORGANIC FOOD

NEW SECTION

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of packers of organic food products.

NEW SECTION

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the packing of organic agricultural products.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(4) "Material" means any substance or mixture of substances that is used in the packing of organic agricultural products.

(5) "Packing facility" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(6) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(7) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(8) "Prohibited" means any material or practice which is disallowed in the packing of organic agricultural products.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

NEW SECTION

WAC 16-164-030 Organic certification of packing facilities. All packers who pack organic food products in Washington state must be certified by WSDA or through a recognized certification agency. Producers who pack or sell their own product are not required to obtain certification under this chapter. A packer seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant may be issued an organic packer certification.

NEW SECTION**WAC 16-164-040 Standards for packing facilities.**

(1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a packing facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire packing facilities are periodically fumigated, the packer must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter storage room atmosphere regarding nitrogen, oxygen, and carbon dioxide.

(3) Packing of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in packing must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

NEW SECTION**WAC 16-164-050 Post harvest materials and practices.**

(1) Approved materials and practices. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere storage.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.

(g) Natural waxes are permitted as long as they do not contain synthetic additives.

- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.
- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.

(2) Prohibited materials and practices. The post-harvest materials and practices that are prohibited for use in organic packing includes but is not limited to the following:

- (a) Antibiotics.
- (b) Artificial preservatives.
- (c) Fumigants.
- (d) Fungicides.
- (e) Irradiation.
- (f) Other pesticides not specifically approved for use in subsection (1) of this section.

NEW SECTION

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

Packers must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.

All packers of organic food products shall have available to the department the following documents and information:

(1) List of organic growers for whom it packed organic food products in the previous year with the following information for each grower:

- (a) Growers name;
- (b) Certified organic producer number;
- (c) Copy of the grower's organic food certificate;
- (d) Lot number or numbers assigned to grower;
- (e) Number of bins (flats, lbs., etc.) received;
- (f) Number of boxes (flats, lbs., etc.) packed as organic;
- (g) Number of boxes (flats, lbs., etc.) sold as organic;

and

- (h) Amount paid to grower.
- (2) Information concerning total organic sales for the facility:

- (a) Total bins (flats, lbs., etc.) received as organic;
- (b) Total boxes (flats, lbs., etc.) packed as organic;
- (c) Pounds of culls sold as organic; and
- (d) Value of organic product sold.

(3) List of organic growers for whom it will be receiving organic food products for the current year with the following information for each grower:

- (a) Growers name;
- (b) Certified organic producer number;
- (c) Copy of organic food producer certificate;
- (d) Lot number assigned to grower; and
- (e) Number of bins (flats, lbs., etc.) you expect to receive.

(4) Except for applications for organic packer certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying.

NEW SECTION

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each packer and/or each packing facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of packers with multiple facilities shall entail at least one inspection at each packing facility which handles organic food products and at least one inspection of the offices of the packer where records are kept.

This inspection may entail a survey of required records, examination of packing facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

NEW SECTION

WAC 16-164-080 Sampling. A representative sample of the product packed by the packer may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the packer's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

NEW SECTION

WAC 16-164-090 Decertification. Whenever the director finds that a packer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter; or
- (4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that packer's certification under this program or he may issue an order directing the packer to take other appropriate action to correct the violation. If appropriate action is taken, the packer may be returned to its previous status under the program.

Any packer who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be calculated based upon the previous calendar year's sales of organic food products to the first buyer after packing or repacking. First year applicants shall base gross sales on an estimate of the value of organic food products which will be packed at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the packer for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products		FEE
sales under	\$25,000	\$75
25,000 -	50,000	150
50,000 -	75,000	225
75,000 -	100,000	300
100,000 -	200,000	400
200,000 -	300,000	500
300,000 -	400,000	600
400,000 -	500,000	700
500,000 -	750,000	900
750,000 -	1,000,000	1,000
1,000,000 -	1,250,000	1,250
1,250,000 -	1,500,000	1,500
1,500,000 -	2,000,000	2,000
2,000,000 -	2,500,000	2,500
2,500,000 -	3,000,000	3,000
3,000,000 -	4,000,000	3,500
4,000,000 -	5,000,000	4,000
5,000,000 -	6,000,000	5,000
6,000,000 -	7,000,000	6,000
7,000,000 -	8,000,000	7,000
8,000,000 -	9,000,000	8,000
9,000,000 -	10,000,000	9,000
	over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the packer, shall be charged to the packer at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

WSR 92-16-034
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-55—Filed July 30, 1992, 3:40 p.m.]

Date of Adoption: July 30, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-24-02000N.

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: This rule is adopted at the recommendation of the Pacific Fisheries Management Council and is intended to harvest available salmon, while

EMERGENCY

providing protection for coho salmon through gear and landing limitations.

Effective Date of Rule: Immediately.

July 30, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-24-02000P COMMERCIAL SALMON TROLL. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Fishing is authorized from 12:01 a.m., July 31, 1992 through 11:59 p.m. August 2 in these waters except fishing is not allowed in Washington waters within Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken in the fishery provided for herein must be sold by 11:59 p.m. August 3, 1992, and must be sold within the Salmon Management and Catch Reporting Areas 1 through 5.

(3) No vessel may land more than 44 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to four spreads per line and to plugs with a six-inch minimum size. A plug is defined as an artificial fish lure made of wood or hard plastic with one or more hooks attached. Plug length means the length of the wood or plastic portion of the lure, and is calculated independently of any hinge, attachment device or hook. Lures commonly known as "spoons", "wobblers", and "dodgers", and flexible plastic lures, including "hootchies", "skirts", and "curleytails" are not considered plugs, and may not be used. A plug may have a metal attachment affixed to the body of the plug to provide direction or stability, but may not have any metal attachment, such as a spoon, wobbler, or dodger, or any flexible plastic attachment, such as hootchies, skirts, or curleytails, that serves as an attractant.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained in the fishery provided for herein.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000N COMMERCIAL SALMON TROLL. (92-52)

WSR 92-16-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-56—Filed July 30, 1992, 3:43 p.m., effective August 2, 1992, 12:01 a.m.]

Date of Adoption: July 30, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19000X.

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: Restrictions on offshore fishing areas have been revoked in Catch Areas 1, 2, and 3. This regulation is adopted to concur with the Pacific Fisheries Management Council recommendations.

Effective Date of Rule: August 2, 1992, 12:01 a.m.

July 30, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-19000Y SALTWATER SEASONS AND BAG LIMITS - SALMON Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective 12:01 a.m. August 2, 1992 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 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line. Open beginning August 15, 1992 until coho quota of 12,000 is reached.

(b) Catch Record Card Area 3 - immediately through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 3 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(c) Catch Record Card Area 2 - immediately 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. Closed to salmon angling each Friday and Saturday.

(d) Catch Record Care Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - immediately 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. 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) - 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(a) 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(a) 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 plan devices, or down riggers.

(5) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 2, 1992:

WAC 220-56-19000X SALTWATER SEASONS AND BAG LIMITS. (92-48)

**WSR 92-16-036
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 92-57—Filed July 30, 1992, 3:45 p.m.]

Date of Adoption: July 30, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500P.

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: This regulation is necessary to maintain consistency between state and federal regulations.

Effective Date of Rule: Immediately.

July 30, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-25500Q HALIBUT--SEASONS.

Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice it is unlawful to take, fish for or possess halibut taken for personal use except as follows:

(1) Those waters of Catch Areas 1, and 2, are open seven days a week.

(2) Those waters of Catch Areas 3 and 4 west of the Bonilla Tatoosh Line are open on Fridays only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500P HALIBUT--SEASONS. (92-43)

**WSR 92-16-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3430—Filed July 31, 1992, 11:36 a.m., effective August 1, 1992]

Date of Adoption: July 31, 1992.

Purpose: To implement new rate change. Establishes a new hospital payment rate for hospital services to the medically indigent component of the limited casualty program and for clients of medical care services.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-87-070 Payment--Hospital inpatient services.

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: To implement new rate change. Exempts certain psychiatric units from diagnosis-related group (DRG) payment system. Technical changes for easier reading.

Effective Date of Rule: August 1, 1992.

EMERGENCY

July 31, 1992
 Leslie F. James, Director
 Administrative Services
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 3268, filed 10/23/91, effective 11/23/91)

WAC 388-87-070 Payment--Hospital inpatient services. (1) For eligible ~~((recipients))~~ clients, the department shall pay for inpatient hospital services when:

(a) The eligible ~~((recipient))~~ client is a patient in a general hospital when the hospital meets the current criteria defined in RCW 70.41.020, or as amended in the future;

(b) The services are medically necessary as defined under WAC 388-80-005;

(c) Effective with the 1990 annual cost reporting period, in-state and border hospital providers annually shall:

(i) Submit a copy of their annual Medicare HCFA 2552 cost report, except as described under item (1)(c)(ii) of this section:

(A) According to the applicable Medicare statutes, regulation, and instructions;

(B) Within one-hundred twenty days from the end of the hospital's fiscal year; or

(C) If the hospital provider's contract is terminated, within one-hundred twenty days of the effective termination date.

(ii) Request up to a thirty-day extension of the time for submitting the cost report in writing at least ten days prior to the report due date. The extension request shall contain:

(A) The report's completion date; and

(B) The circumstances prohibiting compliance with the report due date.

(iii) Maintain adequate records for:

(A) Audit and review purposes; and

(B) Assurance of cost report accuracy.

(2) If the hospital provider improperly completes a cost report or the cost report is received after the due date or approved extension dates, the department may hold all or part of the payment due until the department receives the properly completed or late report.

(3) The department shall determine payment for hospital inpatient services according to a diagnosis related group (DRG) based formula payment system ~~((established))~~ set by the department, except for:

(a) Hospitals participating in the selective contracting program as described under WAC 388-86-051; and

(b) Services excluded from DRG-based reimbursement as prescribed in subsection ~~((5))~~ (6) of this section.

(4) The department shall base formula price payments on the methodology prescribed in the department's state plan under Title XIX of the Social Security Act, Methods and Standards Used for Establishing Payment Rates for Hospital Inpatient Services (hereafter referred to as the Title XIX state plan).

~~((4))~~ (5) The all inclusive-conversion factor of selective contracting hospitals for inpatient hospital services is identified in Appendix B of such selective contracts. The rate shall be inclusive of all inpatient services the contractor provides directly or indirectly and constitutes the

department's maximum financial obligation under the contract.

~~((5-Certain))~~ (6) The department shall exclude services ~~((are excluded))~~ from the DRG-based payment system. These exclusions shall include:

(a) Rehabilitation services provided in department-approved rehabilitation hospitals and general hospital distinct units, and services for physical medicine and rehabilitation (PM&R) patient;

(b) Pain treatment provided in department-approved pain treatment facilities;

(c) Free standing psychiatric hospitals;

(d) Medicare certified distinct-part psychiatric units within a hospital. For the purpose of this section, Medicare certified distinct part psychiatric units means certain hospital psychiatric sections that have received an exclusion from the Medicare Prospective Payment System (PPS) by the Federal Department of Health and Human Services;

(e) Alcoholism treatment and detoxification provided in a department-approved alcohol treatment center (ATC);

~~((e))~~ (f) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid ~~((recipient))~~ client at the division of alcoholism and substance abuse certified hospitals;

~~((f))~~ (g) Neonates, DRGs 385-389;

~~((g))~~ (h) Long-term hospital level care services;

~~((h))~~ (i) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program;

~~((i))~~ (j) Health maintenance organization (HMO) hospitals when providing inpatient services to HMO enrollees; ~~((and))~~

~~((j))~~ (k) Department-approved services to AIDS patients; and

(l) Peer Group A hospitals, as defined in Title XIX state plan.

~~((6))~~ (7) The department shall pay:

(a) For non-DRG-based services based on the payment methodology as prescribed in the department's Title XIX state plan.

(b) For out-of-state hospitals, ~~((the department shall apply))~~ applying the Washington state-wide weighted average method to allowable charges.

(c) Border area hospitals ~~((shall be paid))~~ in the same manner as in-state hospitals.

~~((7))~~ (8) Disproportionate share payment may contain one or more of the following components:

(a) Low-income component based on a hospital's Medicaid utilization rate, its low-income utilization rate, and its provision of obstetric services;

(b) Medicaid utilization component based on a hospital's inpatient and outpatient services to patients eligible for Medicaid;

(c) Medically indigent component based on a hospital's services to patients eligible for the Medically indigent program;

(d) State-funds component to hospitals not qualifying for federal Medicaid utilization component payments;

(e) State-funds component to hospitals not qualifying for federal medically indigent component payments; and

(f) Intergovernmental fund transfer component.

~~((8)) (9)~~ For the purposes of this section and WAC 388-87-072, the ~~((state plan method described))~~ department shall ~~((mean))~~ calculate the hospital-specific ratio ~~((calculated))~~ as described in the Title XIX state plan.

~~((9)) (10)~~ For dates of admission beginning ~~((October 1, 1985))~~ July 1, 1992, the department shall reduce the payment rates established in accordance with subsection ~~((s (2), (5), and (6) (3))~~ of this section ~~((are reduced))~~ for services provided to persons eligible for the medically indigent component of the limited casualty program and ~~((recipients))~~ clients of medical care services. ~~((Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.~~

Hospital Group	Percent Medicare, Medicaid, Bad Debt, Charity and other Contractual Adjustments of Total Rate Setting Revenue	Percentage Reduction in Payment Rate
1	60.00 or more*	20.0
2	50.00-59.99	40.0
3	less than 50.00	60.0

*Plus psychiatric hospitals)

(10) The department shall compute the reduced payment rate as follows:

(a) Hospital specific, fixed compensation care ratios are calculated;

(b) These ratios determine what portion of each hospital revenues are associated with Medicare, Medicaid, bad debt, and charity;

(c) The formula for computing the ratable is: (Medicare Revenue + Medicaid Revenue + Bad Debt + Charity) divided by (Hospital Revenue - Low Income Disproportionate Share Revenue) = Fixed Compensation Care (FCC) ratio. The FCC ratio is multiplied by a constant adjustment factor for budget neutrality; and

(d) The result in (10)(c) of this subsection shall be multiplied by each hospital's Title XIX DRG rate to determine the State DRG rate.

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 92-16-044
EMERGENCY RULES
FOREST PRACTICES BOARD**

[Filed July 31, 1992, 11:49 a.m., effective August 1, 1992]

Date of Adoption: June 26, 1992.

Purpose: To extend the term of a forest practices application to 2 years from approval and extend the term of an accepted notification to 2 years from date of receipt.

Citation of Existing Rules Affected by this Order: Amending WAC 222-20-080.

Statutory Authority for Adoption: RCW 76.09.060.

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 conform to SHB 2230, passed in the 1992 legislative session.

Effective Date of Rule: August 1, 1992.

July 31, 1992
Patricia Harper
for Brian Boyle
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-080 APPLICATION AND NOTIFICATION EXPIRATION. The approval given by the department to an application to conduct a forest practice shall be effective for a term of ~~((2))~~ two years from the date of approval. A notification is also effective for a term of ~~((2))~~ two years from the date of receipt.

**WSR 92-16-053
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 603—Filed July 31, 1992, 4:33 p.m.]

Date of Adoption: July 31, 1992.

Purpose: The rule advises the public of the meeting schedule of the Board of Natural Resources.

Statutory Authority for Adoption: RCW 43.30.150 and 42.30.070.

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: Immediate adoption is necessary to further inform the public of the meeting schedule of the Board of Natural Resources as required by RCW 42.30.070.

Effective Date of Rule: Immediately.

July 31, 1992
Brian Boyle, Chairman
Board of Natural Resources
Commissioner of Public Lands

NEW SECTION

WAC 332-10-041 Meetings of Board of Natural Resources. Regular meetings of the Board of Natural Resources shall be held on the first Tuesday of every month except August. If a regular meeting falls on a holiday, such regular meeting shall be held on the next business day. A schedule of meetings will be published in the Washington

Register in January of each year. Changes to the schedule will be published in the state register pursuant to RCW 42.30.075. Special meetings may be held pursuant to RCW 42.30.080. Any person may obtain information about locations and meeting times by contacting the Department of Natural Resources, P.O. Box 47001, Olympia, Washington 98504-7001. The public is invited to attend and comment at all meetings.

WSR 92-16-054
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-59—Filed July 31, 1992, 4:39 p.m., effective August 1, 1992]

Date of Adoption: July 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-020.

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: A reduction in the maximum size limit for white sturgeon will recruit greater numbers into the breeding pool for this species. This will increase the number of sturgeon and provide a buffer for expected increases in the harvest rate that would put harvest above a 15% utilization. Green sturgeon are not in need of such protection, as they are not exploited by the recreational fishery.

Effective Date of Rule: August 1, 1992.

July 31, 1992
Judith Merchant
Deputy Director
for Robert Turner
Director

NEW SECTION

WAC 220-20-02000W UNLAWFUL ACTS--STURGEON. Notwithstanding the provisions of WAC 220-20-020, effective August 1, 1992 until further notice it is unlawful to commercially traffic in, possess, offer for sale or barter, or receive white sturgeon greater than sixty (60) inches in length taken from the waters of Grays Harbor or Willapa Bay.

WSR 92-16-055
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 92-58—Filed July 31, 1992, 4:42 p.m., effective August 2, 1992, 12:01 a.m.]

Date of Adoption: July 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-801.

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: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery for this week has been extended by one hour from preseason plan to include one hour of fishing after sunrise. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 2, 1992, 12:01 a.m.

July 31, 1992
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-802 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 2, 1992, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 5 PM Sunday August 2 to 7 AM Monday August 3, and purse seines may fish from 8 AM to 9 PM Monday August 3.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 8 PM to 7 AM nightly, Monday, Tuesday and Wednesday nights August 3, 4 and 5.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 2, 1992:

WAC 220-47-801 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (92-54)

WSR 92-16-084
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-60—Filed August 4, 1992, 4:31 p.m.]

Date of Adoption: August 4, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-802.

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: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Fishery for this week has been extended by one hour from preseason plan to include one hour of fishing after sunrise. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks

Effective Date of Rule: Immediately.

August 4, 1992
 Robert Turner
 Director

NEW SECTION

WAC 220-47-803 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 6, 7, and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM to 7:00 AM nightly, Tuesday and Wednesday nights August 4 and 5, and purse seines may fish from 7:00 AM to 7:00 PM daily, Wednesday and Thursday, August 5 and 6.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 8:00 PM to 7:00 AM nightly, Monday, Tuesday and Wednesday nights August 3, 4 and 5.
- * Areas 4B, 5, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-802 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (92-58)

WSR 92-16-085
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 92-61—Filed August 4, 1992, 4:35 p.m.]

Date of Adoption: August 4, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-24-02000P.

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: This rule is adopted at the recommendation of the Pacific Fisheries Management Council and is intended to harvest available salmon, while providing protection for coho salmon through gear and landing limitations.

Effective Date of Rule: Immediately.

August 4, 1992
 Robert Turner
 Director

NEW SECTION

WAC 220-24-02000Q COMMERCIAL SALMON TROLL. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Fishing is authorized from 12:01 a.m., August 6, 1992 through 11:59 p.m. August 8 in these waters except fishing is not allowed in Washington waters within Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken in the fishery provided for herein must be sold by 11:59 p.m. August 9, 1992, and must be sold within Salmon Management and Catch Reporting Areas 1 through 5.

(3) No vessel may land more than 44 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to four spreads per line and to plugs with a six-inch minimum size. A plug is defined as an artificial fish lure made of wood or hard plastic with one or more hooks attached. Plug length means the length of the wood or plastic portion of the lure, and is calculated independently of any hinge, attachment device or hook. Lures commonly known as "spoons", "wobblers", and "dodgers", and flexible plastic lures, including "hootchies", "skirts", and "curleytails" are not considered plugs, and may not be used. A plug may have a metal attachment affixed to the body of the plug to provide direction or stability, but may not have any metal attachment, such as a spoon, wobbler, or dodger, or any flexible plastic attachment, such as hootchies, skirts, or curleytails, that serves as an attractant.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained in the fishery provided for herein.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000P COMMERCIAL SALMON
TROLL. (92-55)

WSR 92-16-103
RESCISSION OF EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3431—Filed August 5, 1992, 11:59 a.m.]

Purpose: Rescind WSR 92-15-142, filed July 22, 1992. Aging and adult services does not want an emergency filed on WAC 388-15-615 COPES--Program restrictions, because of a court injunction; only a permanent filing is to be filed.

Citation of Existing Rules Affected by this Order:
Rescinding WAC 388-15-615 COPES--Program restrictions.
Statutory Authority for Adoption: RCW 74.09.500.

August 5, 1992
Leslie F. James, Director
Administrative Services
by Rosemary Carr

WSR 92-16-003
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—July 21, 1992]

The August 1992 Washington State Transportation Commission meeting will be held on Thursday, August 20, 1992, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings during the afternoon of August 20.

The September 1992 Washington State Transportation Commission meeting will be held on Thursday, September 17, 1992, in Riverfront Ballroom A at Cavanaugh's Inn at the Park, Spokane, Washington. There will be subcommittee meetings on Wednesday, September 16, in the Corbin Room and Riverside Boardroom II at Cavanaugh's Inn at the Park.

WSR 92-16-005
RULES COORDINATOR
BOARD OF
PILOTAGE COMMISSIONERS
 [Filed July 23, 1992, 1:00 p.m.]

The designated rules coordinator for the Washington State Board of Pilotage Commissioners is Peggy Larson, Confidential Secretary, Board of Pilotage Commissioners, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487.

Peggy Larson
 Confidential Secretary

WSR 92-16-007
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—July 20, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Biological Structure.

Please note that the Department of Biological Structure has added one faculty meeting to those planned for fall quarter and rescheduled another. The revised schedule for the remainder of the year is:

Friday, September 25, 1992	12:00	G522 (added)
Friday, October 23, 1992	12:00	G522 (previously scheduled for October 30)
Friday, November 20, 1992	12:00	G522

WSR 92-16-008
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Noxious Weed Control Board)
 [Memorandum—July 17, 1992]

The September 16, 1992 meeting has been rescheduled for September 23, 1992, and will be held in Spokane rather than Moses Lake.

Contact the Washington State Noxious Weed Control Board office, (206) 872-6480, for specific information on location, time and agenda.

WSR 92-16-023
NOTICE OF PUBLIC MEETINGS
OFFICE OF MARINE SAFETY
 [Memorandum—July 23, 1992]

The meeting of the Oregon/Washington Columbia River Oil Spill and Marine Safety Committee (Columbia River Regional Marine Safety Committee) scheduled for December 23, 1992, at 10:00 a.m. has been changed to December 22, 1992, at 10:00 a.m. at Two World Trade Center, 26 S.W. Salmon Street, Portland, Oregon.

WSR 92-16-024
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 92-04]

STANDARDS OF ETHICAL CONDUCT FOR
EXECUTIVE BRANCH EMPLOYEES

I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, direct that the following policies, standards, and guidelines be followed as a base of professional conduct for all state agencies and their employees.

This executive order supersedes Executive Order 80-16, which is hereby rescinded.

POLICY

Employees of the executive branch are entrusted with the operation of state government by the citizens of this state. They are, therefore, obligated to treat their offices as a public trust, using their official powers, duties, and resources only to advance the public interest. This obligation requires that employees be independent and impartial in the exercise of their duties; that the public's business be conducted through open and established processes that guarantee accountability to the public; that public office or employment be used only for public purposes and not for personal gain; that employees avoid actions that create even the appearance of using their positions for personal gain or to benefit any other private interest; and that the professional conduct of employees should strengthen public confidence in the integrity of state government.

PURPOSE

It is recognized that state agencies and their employees are dedicated to providing quality public service in accordance with high ethical and professional standards. It is also recognized that citizens of this state expect and deserve state agencies and employees that are committed to preserving and protecting the public trust.

Therefore, the purpose of this executive order is:

1. To establish standards and guidelines for ethical conduct and principles of public service for employees that protect the integrity of the government of the state of Washington.
2. To provide employees with information and guidance regarding ethical conduct.
3. To ensure that agency heads establish standards of ethical conduct for their employees to protect against actual and potential conflicts of interest that may apply to their agencies.

AUTHORITY AND DEFINITIONS

This executive order is adopted pursuant to authority granted to the Governor by Chapter 42.18 RCW, the "Executive Conflict of Interest Act." Employees should not rely solely on this executive order for detailed guidance regarding ethical conduct and conflict of interest. Employees should always review the appropriate state or federal law and any agency standards, rules, and regulations that may relate to a specific activity or question regarding ethical conduct. Nothing in this executive order, including the language paraphrasing statutory provisions, is intended to alter the provisions of Chapter 42.18 RCW or other applicable statutes.

Terms used in this executive order that are defined in Chapter 42.18 RCW shall have the same meanings in this executive order as in Chapter 42.18 RCW. "Executive branch employee" or "employee" means "agency head" as defined in RCW 42.18.040 and "state employee" as defined in RCW 42.18.130.

REQUIREMENTS, STANDARDS, AND GUIDELINES FOR ETHICAL CONDUCT

1. Gifts, gratuities, and favors. RCW 42.18.200 prohibits the employee from receiving or soliciting, directly or indirectly, anything of economic value as a gift, gratuity, or favor if the employee has reason to believe that the donor would not give it except for the employee's position with the state, or if the employee has reason to believe that the donor:
 - a. Has or is seeking a contractual or business relationship with the employee's agency;
 - b. Conducts activities that are regulated by the employee's agency; or

- c. Has interests that may be substantially affected by the employee's performance or nonperformance of official duties.

RCW 42.18.230(2) prohibits anyone from giving, directly or indirectly, anything of economic value as a gift, gratuity, or favor to an employee if any of the above circumstances exist.

RCW 42.17.2415 requires elected officials and executive state officers who are required to file statements of financial affairs with the Public Disclosure Commission to also file a statement identifying each gift valued above specified dollar amounts that was received by the officials or officers or their immediate families.

Guidelines. The employee should reject gifts to himself or herself or to his or her family members that may cast doubt on the integrity, independence, and impartiality of the employee or state office. Gifts or benefits, no matter how insignificant, should be rejected if they could be reasonably construed to affect the official judgment or actions of the employee, create any sense of obligation to the giver, or if the purpose or motive for the gift could appear to be improper. Even monetarily insignificant gifts or favors may become significant if they are given with some frequency or come to be expected by the recipient.

In evaluating the propriety of gifts, the employee should, therefore, be sensitive to the source and value of the gift, the frequency of gifts from one source, the possible motives of the giver, and the perception of others regarding the gift. Since no offsetting public good is achieved by accepting gifts that may create an appearance of impropriety, unclear or questionable situations should always be decided by rejecting gifts, gratuities, or favors that may raise questions regarding the employee's integrity, independence, and impartiality.

The following types of gifts, gratuities, and favors are exceptions to the prohibitions contained in RCW 42.18.200. They may be accepted by the employee in situations where the circumstances do not lead to the inference that the official judgment or action of the employee was intended to be influenced.

- a. Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value may be accepted.
- b. Gifts, gratuities, and favors may be accepted when they stem from family relationships (such as those between parents, children, or spouse of the employee and the employee) or personal relationships that are unrelated to the employee's official duties when the circum-

stances make it clear that those relationships, rather than the business of the giver, are the motivating factors.

- c. Food and refreshment of nominal value may be accepted on infrequent occasions in the ordinary course of a breakfast, lunch, or dinner meeting or reception where the attendance of the employee is a part of the employee's official duties.
- d. With the approval of the agency head, bona fide reimbursement for travel expenses and other necessary subsistence may be accepted when the travel is related to the official duties of the employee and for which no state payment or reimbursement is made. Examples include, but are not limited to, reimbursement by other governmental entities or professional associations. Reimbursement should not exceed the amount the employee would be eligible to receive if the state were reimbursing the employee. The employee should reject payment for personal living expenses, entertainment, and travel costs in any case where acceptance may raise questions regarding the employee's integrity. The employee should, therefore, avoid situations where such expenses are paid for by any person or organization that has a substantial interest in the official duties of the employee and where acceptance might create a reasonable perception that the object of the payment is to provide a personal vacation or other benefit for the employee.
- e. Loans from banks and other financial institutions may be accepted on customary terms to finance the proper and usual activities of the employee, such as the purchase of housing or motor vehicles. Business discounts that are made available to employees as a group may be accepted. Loans and other transactions on terms and conditions not generally available to the public or other employees are prohibited gifts and should be rejected.
- f. The employee may accept unsolicited gifts of nominal value from foreign or domestic dignitaries or commemorating official occasions, where custom or etiquette so requires. Any gifts of more than nominal value received under such circumstances shall be reported to the employee's agency head, who shall direct the appropriate disposition of them.

2. Outside employment and compensation. RCW 42.18.190 prohibits the employee from engaging in outside employment and receiving compensation for his or her services from sources other than the state of Washington if: (a) the services are not actually performed by the employee; (b) the services are within the course of the employee's official duties; (c) the

services involve transactions with the state that the employee may not assist in because they relate to the employee's official state duties (see RCW 42.18.170); or (d) the employee has reason to believe that the outside employment involves a person who:

- (1) Has or is seeking to obtain a contractual or other business relationship with the employee's agency;
- (2) Conducts operations or activities that are regulated by the employee's agency; or
- (3) Has interests that may be substantially affected by the employee's performance or nonperformance of official duty.

RCW 42.18.213 prohibits the employee from asking for or receiving, directly or indirectly, any compensation, gratuity, or reward, or promise of such benefit, other than the employee's normal compensation, for performing or not performing an official duty.

RCW 42.18.215 prohibits an employee from having a direct or indirect interest in any contract, sale, lease, or purchase over which the employee has any supervision. The employee is also prohibited from accepting, directly or indirectly, any compensation, gratuity, or reward from another person who has an interest in such a contract, sale, lease, or purchase.

Guidelines. Whether a given type of outside employment is allowable depends upon the specific duties of the employee and the actual or potential relationship between the outside employer and the employee's agency. Under no circumstances may an employee use his or her agency's personnel, time, material, facilities, equipment, telephones, information, or other resources in connection with outside employment. Nor may the employee use his or her official position to influence any client of his or her agency to secure compensated services from the employee or the employee's outside employer. The employee may not engage in outside employment if the demands of such employment would detract from his or her ability to perform state duties in a satisfactory manner. The employees should not accept honoraria for services when the services are ordinarily performed in the course of his or her official duties.

Agency heads shall provide specific policies, standards, and procedures to ensure that outside employment does not conflict with the proper performance of assigned duties nor is inconsistent with Chapter 42.18 RCW and this executive order. Agency policies, standards, and procedures may be more restrictive than provisions of this executive order. Such policies, standards, and procedures may require the employee to notify his or her

agency and receive prior approval from the agency head before engaging in outside employment. Agency heads shall examine positions within their agencies to determine if such notification and prior approval of outside employment should be required. The employee should be aware that approval of outside employment is required under the circumstances set forth in RCW 42.18.190(1)(d).

The following types of outside compensation are exceptions to the prohibitions contained in RCW 42.18.190:

- a. The employee may receive compensation from another governmental entity pursuant to RCW 42.18.190(2).
- b. The employee may continue in a bona fide pension, retirement, group life, health or accident, or other employee benefit plan maintained by a former employer if the former employer makes no contributions on behalf of the employee during the employee's state employment. However, the employee may continue in such plans and receive contributions on his or her behalf from former employers under the following conditions: (1) If the plan qualifies under the Internal Revenue Code; (2) if contributions by the former employer to a plan are not made for periods longer than five consecutive years of state employment or an aggregate of five years out of the preceding ten; or (3) if the plan is provided by a former employer who is a governmental entity.
- c. The employee may maintain his or her rights acquired under a bona fide profit-sharing or stock bonus plan maintained by a former employer and qualified under the Internal Revenue Code if no employer contributions are made on behalf of the employee based on profits attributable to any portions of the period of state employment.

3. Use of official authority for personal gain. RCW 42.18.210 prohibits an executive branch employee from using the power and authority of his or her office to induce or coerce another person to provide the employee with any thing of economic value, directly or indirectly.

4. Use of state resources for personal benefit. RCW 42.18.217 prohibits the employee from using state personnel, money, or property for private benefit of the employee or another.

Guidelines. State property, equipment, personnel, money, services, or time are for public purposes only and shall not be appropriated for personal or private use. This prohibition includes use of office space, typewriters, computers and related supplies

and systems, paper, pens and pencils, telephones, postage, stationery, photocopying, vehicles, and other state resources.

Managers and supervisors should not require or suggest that an employee under their supervision perform personal tasks for them. Not only is such use of state personnel improper, but it also demeans the importance of the employee's official duties.

5. Assisting in transactions involving the state. RCW 42.18.170 prohibits an employee from assisting another person, whether or not for compensation, in any transaction in which the employee has participated or in any transaction which is, or has been, under the employee's supervision unless the assistance is provided in the course of the employee's official duties. Transactions include any proceeding, application, submission, request for a ruling, or other determination, contract, claim, case, or other matter in which the state has a substantial proprietary interest, which will be subject to state action, or in which the state is or will be a party.

Under RCW 42.18.180, certain transactions are exempted from this prohibition, including those transactions (a) when the employee is acting as a guardian, executor, administrator, trustee, or personal fiduciary (with certain specified limitations) for family members and others, (b) when the employee is assisting another employee involved in disciplinary or other personnel proceedings, or (c) when the employee is giving testimony under oath.

6. Employment restrictions for former employees. RCW 42.18.221 prohibits a former executive branch employee from:

- a. Assisting another person in a transaction involving the state in which the employee participated during employment with the state. Exceptions to this prohibition are provided in RCW 42.18.221(6).
- b. Sharing compensation received by another person for assisting that person in rendering services that the employee is prohibited from providing.
- c. Within one year of the employee's termination date, accepting employment or receiving compensation from a private business if during the previous two years, on behalf of the state agency, the employee negotiated, administered, or had discretionary decision making influence over contracts with that business worth more than \$10,000; and the former employee's duties with the private business involve fulfilling or implementing the contracts.

MISCELLANEOUS

- d. Accepting an employment offer or receiving compensation from a private business if the employee knows or believes the offer or compensation is intended as a reward for performance or nonperformance of a state duty.

These prohibitions do not apply if a former employee works for an employee organization.

Guidelines. These prohibitions are only a summary of RCW 42.18.221. To avoid conflicts of interest, the current employee who contemplates doing business with the state after he or she leaves state employment and former employees who wish to engage in such business activity should thoroughly review RCW 42.18.221 and related statutes and seek legal advice.

7. **Use of public office for political purposes.** RCW 42.17.130 prohibits an executive branch employee from using state agency property and personnel to support the election of any individual or for the promotion or opposition of any ballot proposition. Exceptions are allowed for elected legislative bodies to express a collective position on a ballot proposition, statements by elected officials in support or opposition to ballot propositions at an open press conference, and activities that are part of the "normal and regular conduct" of the office or agency.

RCW 42.17.190 prohibits an executive branch employee from using any state facilities, directly or indirectly, to support or oppose an initiative to the legislature.

RCW 41.06.250 protects an employee from being forced to make contributions for partisan, political purposes. Also, solicitation of contributions for partisan, political purposes on state property is forbidden.

Guidelines. State offices, equipment, personnel, and other resources are to be used only for official public purposes. Use of such resources for political purposes or to influence the outcome of a ballot election is not only illegal, but also may create an unfair advantage in the election process and is a misuse of public funds. This prohibition applies to political party activities, campaigning, distribution and display of campaign material, and fund raising.

While state resources and personnel may not be used to influence an election, the employee, on his or her own time, has specific rights to engage in partisan political activities and election campaigns. Exceptions include: (a) The classified civil service employee, who may not hold part-time public office in a political subdivision of the state if such office is "incompatible with, or substantially interferes with," the discharge of official state

duties; and (b) the employee whose position is financed totally or primarily by federal grant-in-aid funds is subject to federal regulations regarding political activity. (See RCW 41.06.250)

PRINCIPLES OF PUBLIC SERVICE

1. **Duty to support open government.** To ensure public confidence in the integrity of state government, the employee must conduct the public's business in an open manner and through legally established processes that guarantee accountability and visibility. This entails an understanding of and a strict adherence to both the spirit and the letter of laws relating to the Administrative Procedure Act (Chapter 34.05 RCW), open public records (RCW 42.17.250 - 340), the Open Public Meetings Act (Chapter 42.30 RCW), the reporting of public officials' financial affairs (RCW 42.17.240 - 243), employee whistleblower protections (Chapter 42.40 RCW), and merit system employment (Chapters 41.06 and 28B.16 RCW).
2. **Avoidance and disclosure of conflicts and withdrawal in certain cases.** The employee may at times face unavoidable conflicts of interest between public duties and private interests. In these situations, the employee is responsible for protecting the integrity of the decision making process. In some cases, that may mean disclosing the conflict and, if necessary, voluntarily withdrawing from the decision. In other cases, the situation may require the employee to eliminate the interest that creates the conflict.

At times, an employee's relationship with, or position within, a private organization may be perceived as affecting the employee's independence and impartiality on the job. The employee should, therefore, examine such relationships and avoid those that involve organizations whose interests relate directly to the employee's official duties.

3. **Creating an environment of public trust.** All employees, and particularly agency heads and managers, should contribute to an ethical work place environment. This involves (a) working toward elimination of all forms of illegal discrimination in employment practices, including discrimination based on age, sex, marital status, race, creed, color, national origin, sexual orientation, or the presence of any sensory, mental or physical handicap (RCW 49.60.180 and E.O. 91-06); (b) creating a work environment free from sexual harassment (EO 89-01); and (c) informing employees of their rights under the state's whistleblower law and encouraging employees to disclose instances of waste, mismanagement, fraud, and abuse of public authority (Chapter 42.40 RCW).
4. **Adherence to public agency lobbying restrictions.** An executive branch employee is granted specific authority to engage in certain kinds of lobbying. RCW 42.17.190(3) restricts publicly funded lobbying to providing information, communicating on matters pertaining to official agency business, and advocating

the official position or interests of the agency. The employee must report certain expenditures and time dedicated to lobbying the legislature to the Public Disclosure Commission. No public funds may be spent as a direct or indirect gift or campaign contribution to an elected official, officer, or employee. An executive branch employee who lobbies is treated differently than other lobbyists under the law. As such, he or she is held to higher standards of conduct in dealings with the legislature. It is, therefore, the duty of the employee who lobbies to know what is permissible. Certain behavior that may be acceptable for private sector lobbyists may be neither appropriate nor legal for an executive branch employee.

this responsibility, the Office of the Governor shall periodically review this executive order and the standards of ethical conduct adopted by state agencies and make recommendations for changes that would strengthen the integrity of state government.

- b. Maintain and make available on request opinions and rulings relating to questions and issues regarding conflicts of interest, including Attorney General opinions, letter opinions, advisory opinions issued by agency directors and the Office of the Governor, and other formal, authoritative opinions and rulings on conflict of interest questions.
- c. Maintain a file of agency standards for conflicts of interest submitted by agency heads.

RESPONSIBILITIES OF AGENCY HEADS

1. Each agency shall:
 - a. Establish written standards for conflicts of interest that address any special responsibilities and conditions of employment that may apply to their agencies. Agency standards may provide for additional restrictions that are appropriate for the duties of the individual agency, including, but not limited to, disclosure of potential conflicts of interest. Copies of such standards and any revisions thereto shall be filed with the Office of the Governor. (See RCW 42.18.250)
 - b. Establish internal procedures so that (1) an employee may obtain advice regarding potential conflict of interest issues, and (2) complaints relating to violations of the Executive Conflict of Interest Act are reviewed, investigated, and acted upon. The procedures shall specify to whom requests for advice and complaints shall be submitted.
 - c. Take appropriate steps to inform their employees of the contents of this executive order and related statutes, standards of ethical conduct for their agency, and appropriate internal procedures. Agency managers are encouraged to discuss these standards with their employees.
2. Each agency head shall be responsible for the administration and enforcement within their agency of the Executive Conflict of Interest Act and any standards of ethical conduct adopted pursuant to that act or this executive order.

2. In those instances where a potential conflict of interest question cannot be resolved by an agency head, the Governor may use his authority to designate a panel of experts to review questions of potential conflict of interest under Chapter 42.18 RCW submitted by agency heads. Such panels may include representation from the Office of the Attorney General and the Office of the State Auditor. Agency heads should, however, make every effort to respond to and resolve conflict of interest questions relating to their employees at the agency level. Opinions issued by such panels shall be advisory and deal only with hypothetical situations. The responsibility for appropriate ethical conduct rests with the employee.
3. As provided in RCW 42.18.240, the Governor has specific responsibility to enforce the Executive Conflict of Interest law as it applies to agency heads and employees of the Office of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 21st day of July, A.D., nineteen hundred and ninety two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

RESPONSIBILITIES OF THE GOVERNOR'S OFFICE

1. The Office of the Governor has the following responsibilities:
 - a. Establish appropriate standards to protect against actual or potential conflicts of interest on the part of state employees. In carrying out

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WSR 92-16-029
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
 [Memorandum—July 28, 1992]

Notice of Special Meeting
 1:00 p.m.
 Wednesday - August 19, 1992
 Cascade 12 Room - Red Lion Inn
 18749 Pacific Highway South - SeaTac

Agenda items will include introduction of new members, election of an acting chair, review of federal and state responsibilities, development of FY 1993 meeting calendar and discussion of the FY 1993 workplan.

Call (206 753-3715) if you have questions or request special meeting accommodations.

WSR 92-16-031
NOTICE OF PUBLIC MEETINGS
MARINE OVERSIGHT BOARD
 [Memorandum—July 28, 1992]

The Marine Oversight Board, at its July 24, 1992 meeting, changed the time of their meetings scheduled for September 2, 1992, and October 16, 1992. The meetings will begin at 12 noon instead of 1:00 p.m.

WSR 92-16-045
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—July 29, 1992]

NOTICE OF REGULAR QUARTERLY MEETING -
 Revised

This notice is given pursuant to provisions of RCW 42.30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting August 12, 1992. The meeting will convene at noon, recess for executive session during lunch reconvene at 1 p.m. in the Auditorium of Office Building 2, East Capitol Campus, Olympia. A board workshop will be held in the morning, beginning at 8:30 a.m. No public comment will be received during the workshop.

Additional information may be obtained from: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, (206) 753-5315.

WSR 92-16-047
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—July 31, 1992]

The Interagency Committee for Outdoor Recreation will meet September 24-25, 1992, in House Hearing Room B, John L. O'Brien Office Building, at the State Capitol Campus in Olympia, Washington, beginning at 9 a.m. on Thursday, September 24.

WSR 92-16-059
EXECUTIVE ORDER
OFFICE OF
THE GOVERNOR
 [EO 92-05]

GOVERNOR'S ADVISORY COMMITTEE ON
ELEMENTARY AND SECONDARY EDUCATION
IMPROVEMENT

On August 13, 1988, President Bush signed into law the Elementary and Secondary Education Improvement Amendments. Chapter 2 of the Amendments provides targeted assistance to the state education agency and local school districts, effective October 1, 1988.

Pursuant to Chapter 2, the governor of each state is required to establish an advisory committee to advise the state education agency on several matters: (1) priorities for use of funds allocated to the state, including the percentage, not to exceed twenty percent, to be set aside for such use; (2) formulae for distribution of allocated funds, not less than eighty percent, to local school districts; and (3) planning, developing, implementing, supporting, and evaluating state programs financed from the funds set aside for use by the state education agency.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby order that:

I. An advisory committee be established, to be known as the Governor's Advisory Committee on Elementary and Secondary Education Improvement.

II. The function of the Committee shall be to advise the Office of the Superintendent of Public Instruction on all matters within the purview of the Committee as outlined by Chapter 2 of the Elementary and Secondary Education Improvement Amendments, and to provide such additional advice as it deems appropriate to the Office of the Superintendent and the Governor with respect to the effective use of these federal funds, appropriated for elementary and secondary educational purposes.

III. The Committee shall be composed of not more than fifteen persons appointed by the Governor for three-year terms, except that the terms of those now appointed to the Governor's Advisory Committee on Education Program Consolidation shall continue as appointed. The members

shall be representative of one or more of the following interests:

- A. Public and private elementary and secondary school children;
- B. Classroom teachers;
- C. Parents of elementary and secondary school children;
- D. Local boards of education;
- E. Local and regional school administrators, including principals, superintendents, and administrators of intermediate educational units;
- F. Institutions of higher education;
- G. The State Legislature;
- H. Elementary and secondary school librarians;
- I. School counselors and other pupil services personnel; and
- J. Ethnic and racial groups in the state.

IV. The group will elect a chairperson to service for a term of one year and such other officers as may be needed.

V. Members of the Committee shall service without salary, but shall be reimbursed for travel, lodging, and meals in accordance with state law and regulation. Such reimbursement and appropriate staff support will be provided by the Office of the Superintendent of Public Instruction, which will use Federal funds wherever possible.

VI. The Committee shall serve until dissolved upon termination or repeal of Section 1522, Chapter 2, of the Elementary and Secondary Education Improvement Amendments, or by independent action of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 31st day of July, A.D., nineteen hundred and ninety two.

Booth Gardner
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

WSR 92-16-060
ATTORNEY GENERAL OPINION
Cite as: AGO 1992 No. 17
[July 28, 1992]

GROWTH MANAGEMENT ACT--DEPARTMENT OF HEALTH--BOARD OF HEALTH--BUILDINGS--COUNTIES--STATE BUILDING CODE--WATER--Requirement of Adequate Water Supply Before a Building Permit is Issued

1. RCW 19.27.097 provides that an applicant for a building permit must provide evidence of an adequate supply of potable water. The authority to make this determination is the local agency that issues building permits.
2. The Legislature has authorized the Board of Health to establish, and the Department of Health to enforce, a comprehensive regulatory scheme for public water systems. In determining whether water to be supplied from a public water system constitutes an adequate water supply for purposes of RCW 19.27.097, the local agency issuing building permits must apply the standards set by the Board of Health.
3. If water is not supplied from a public water system, the local agency issuing building permits has more discretion to determine if the water supply is adequate for purposes of RCW 19.27.097. At a minimum, there must be sufficient quality and quantity of water for the intended purpose of the building.

Requested by:
Honorable Bob Morton
State Representative, District 7
325 John L. O'Brien Building
Post Office Box 40614
Olympia, Washington 98504

WSR 92-16-065
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—July 31, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's School of Nursing Governing Council and Appointments, Promotion and Tenure Committees:

Appointments, Promotion and Tenure Committee

Meeting Dates (Chair TBA)	Location	Time
Monday, September 15	T612	2:30
Monday, October 12	T612	2:30
Monday, November 9	T612	2:30
Monday, December 14	T612	2:30

Governing Council

Meeting Dates	Location	Time
Wednesday, September 16	T305	12
Wednesday, September 23	T305	12
Wednesday, September 30	T305	12
Wednesday, October 7	T305	12
Wednesday, October 14	T305	12
Wednesday, October 21	T305	12
Wednesday, October 28	T305	12

MISCELLANEOUS

Wednesday, November 4	T305	12
Wednesday, November 11	T305	12
Wednesday, November 18	T305	12
Wednesday, November 25	T305	12
Wednesday, December 2	T305	12
Wednesday, December 9	T305	12
Wednesday, December 16	T305	12

Faculty Meeting

Meeting Dates	Location	Time
Monday, October 26	TBA	12:30
Monday, November 23	TBA	12:30

Faculty Executive Council

Meeting Dates	Location	Time
Monday, September 21	T305	2:30
Monday, October 5	T305	2:30
Monday, October 9	T305	2:30
Monday, November 2	T305	2:30
Monday, November 16	T305	2:30
Monday, December 7	T305	2:30
Monday, December 21	T305	2:30

WSR 92-16-066
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—July 31, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's School of Music Faculty:

Faculty Committee

Meeting Dates	Location	Time
October 6	MUSIC 126, Brechemin Aud.	12:30 p.m.
November 3	MUSIC 126, Brechemin Aud.	12:30 p.m.
December 1	MUSIC 126, Brechemin Aud.	12:30 p.m.
1993:		
January 5	MUSIC 126, Brechemin Aud.	12:30 p.m.
February 2	MUSIC 126, Brechemin Aud.	12:30 p.m.
March 2	MUSIC 126, Brechemin Aud.	12:30 p.m.
April 6	MUSIC 126, Brechemin Aud.	12:30 p.m.
May 4	MUSIC 126, Brechemin Aud.	12:30 p.m.
June 1	MUSIC 126, Brechemin Aud.	12:30 p.m.

WSR 92-16-089
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—July 22, 1992]

The board of trustees of the Seattle Community College District will not meet in August. Their next regularly scheduled meeting will be at 6:00 p.m. on Tuesday, September 1, 1992, at North Seattle Community College, 9600 College Way, Seattle, WA 98103. This meeting will be preceded by a work session at 4:00 p.m.

WSR 92-16-090
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—August 5, 1992]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 20, 1992, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 92-16-067
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—July 31, 1992]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's School of Nursing Faculty and Faculty Executive Committees:

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-190	REP-W	92-03-062	16-162-070	NEW	92-11-001	16-228-410	NEW	92-07-084
16-10-010	NEW-P	92-06-084	16-162-100	NEW-P	92-07-052	16-228-420	NEW-P	92-03-133
16-10-010	NEW-W	92-10-009	16-162-100	NEW	92-11-001	16-228-420	NEW	92-07-084
16-10-020	NEW-P	92-06-084	16-164-010	NEW-P	92-13-100	16-228-430	NEW-P	92-03-133
16-10-020	NEW-W	92-10-009	16-164-010	NEW-E	92-16-030	16-228-430	NEW	92-07-084
16-10-030	NEW-P	92-06-084	16-164-020	NEW-P	92-13-100	16-228-500	NEW-P	92-15-026
16-10-030	NEW-W	92-10-009	16-164-020	NEW-E	92-16-030	16-228-900	REP-P	92-06-083
16-54-071	AMD-E	92-16-001	16-164-030	NEW-P	92-13-100	16-228-900	REP-W	92-10-008
16-103-001	NEW-E	92-14-076	16-164-030	NEW-E	92-16-030	16-228-905	NEW-P	92-06-083
16-103-001	NEW-P	92-16-088	16-164-040	NEW-P	92-13-100	16-228-905	NEW-W	92-10-008
16-103-002	NEW-E	92-14-076	16-164-040	NEW-E	92-16-030	16-228-910	NEW-P	92-06-083
16-103-002	NEW-P	92-16-088	16-164-050	NEW-P	92-13-100	16-228-910	NEW-W	92-10-008
16-103-003	NEW-E	92-14-076	16-164-050	NEW-E	92-16-030	16-228-915	NEW-P	92-06-083
16-103-003	NEW-P	92-16-088	16-164-060	NEW-P	92-13-100	16-228-915	NEW-W	92-10-008
16-141-010	NEW-E	92-07-070	16-164-060	NEW-E	92-16-030	16-228-920	NEW-P	92-06-083
16-146-100	AMD-P	92-15-060	16-164-070	NEW-P	92-13-100	16-228-920	NEW-W	92-10-008
16-146-100	AMD-E	92-16-061	16-164-070	NEW-E	92-16-030	16-228-925	NEW-P	92-06-083
16-146-110	AMD-P	92-15-060	16-164-080	NEW-P	92-13-100	16-228-925	NEW-W	92-10-008
16-146-110	AMD-E	92-16-061	16-164-080	NEW-E	92-16-030	16-228-930	NEW-P	92-06-083
16-156-001	AMD-P	92-07-052	16-164-090	NEW-P	92-13-100	16-228-930	NEW-W	92-10-008
16-156-001	AMD	92-11-001	16-164-090	NEW-E	92-16-030	16-230	AMD-C	92-07-005
16-156-003	NEW-P	92-07-052	16-164-100	NEW-P	92-13-100	16-230-290	AMD-E	92-15-051
16-156-003	NEW	92-11-001	16-164-100	NEW-E	92-16-030	16-230-640	AMD-E	92-08-028
16-156-005	AMD-P	92-07-052	16-166-010	NEW-P	92-13-099	16-230-645	AMD-E	92-08-028
16-156-005	AMD	92-11-001	16-166-020	NEW-P	92-13-099	16-230-810	AMD-P	92-03-134
16-156-010	AMD-P	92-07-052	16-166-030	NEW-P	92-13-099	16-230-810	AMD-S	92-07-059
16-156-010	AMD	92-11-001	16-166-040	NEW-P	92-13-099	16-230-810	AMD-E	92-07-060
16-156-020	AMD-P	92-07-052	16-166-050	NEW-P	92-13-099	16-230-810	RESCIND	92-08-026
16-156-020	AMD	92-11-001	16-166-060	NEW-P	92-13-099	16-230-810	AMD-E	92-08-027
16-156-030	AMD-P	92-07-052	16-166-070	NEW-P	92-13-099	16-230-810	AMD	92-13-035
16-156-030	AMD	92-11-001	16-166-080	NEW-P	92-13-099	16-230-813	NEW-P	92-03-134
16-156-035	AMD-P	92-07-052	16-166-090	NEW-P	92-13-099	16-230-813	NEW-S	92-07-059
16-156-035	AMD	92-11-001	16-212-020	AMD-P	92-11-073	16-230-813	NEW-E	92-07-060
16-156-050	AMD-P	92-07-052	16-212-020	AMD	92-15-046	16-230-813	RESCIND	92-08-026
16-156-050	AMD	92-11-001	16-212-060	AMD-P	92-11-073	16-230-813	NEW-E	92-08-027
16-162-010	NEW-P	92-07-052	16-212-060	AMD	92-15-046	16-230-813	NEW	92-13-035
16-162-010	NEW	92-11-001	16-212-070	AMD-P	92-11-073	16-230-825	AMD-P	92-03-134
16-162-025	NEW-P	92-07-052	16-212-070	AMD	92-15-046	16-230-825	AMD-S	92-07-059
16-162-025	NEW	92-11-001	16-212-080	AMD-P	92-11-073	16-230-825	AMD-E	92-07-060
16-162-030	NEW-P	92-07-052	16-212-080	AMD	92-15-046	16-230-825	RESCIND	92-08-026
16-162-030	NEW	92-11-001	16-212-082	AMD-P	92-11-073	16-230-825	AMD-E	92-08-027
16-162-031	NEW-P	92-07-052	16-212-082	AMD	92-15-046	16-230-825	AMD	92-13-035
16-162-031	NEW	92-11-001	16-228-010	AMD-P	92-03-133	16-230-835	AMD-P	92-03-134
16-162-032	NEW-P	92-07-052	16-228-010	AMD	92-07-084	16-230-835	AMD-S	92-07-059
16-162-032	NEW	92-11-001	16-228-180	AMD-P	92-03-133	16-230-835	AMD-E	92-07-060
16-162-033	NEW-P	92-07-052	16-228-180	AMD	92-07-084	16-230-835	RESCIND	92-08-026
16-162-033	NEW	92-11-001	16-228-214	NEW-P	92-11-077	16-230-835	AMD-E	92-08-027
16-162-050	NEW-P	92-07-052	16-228-214	NEW	92-15-001	16-230-835	AMD	92-13-035
16-162-050	NEW	92-11-001	16-228-400	NEW-P	92-03-133	16-230-840	AMD-P	92-03-134
16-162-060	NEW-P	92-07-052	16-228-400	NEW	92-07-084	16-230-840	AMD-S	92-07-059
16-162-070	NEW-P	92-07-052	16-228-410	NEW-P	92-03-133	16-230-840	AMD-E	92-07-060

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-230-840	RESCIND	92-08-026	16-230-870	NEW-E	92-07-060	16-316-250	AMD	92-13-027
16-230-840	AMD-E	92-08-026	16-230-870	RESCIND	92-08-026	16-316-266	NEW-E	92-06-048
16-230-840	AMD	92-13-035	16-230-870	NEW-E	92-08-027	16-316-266	NEW-P	92-09-075
16-230-845	AMD-P	92-03-134	16-230-870	NEW	92-13-035	16-316-266	NEW	92-12-025
16-230-845	AMD-S	92-07-059	16-231	REP-C	92-07-005	16-316-270	AMD-E	92-06-048
16-230-845	AMD-E	92-07-060	16-231-001	REP-P	92-03-134	16-316-270	AMD-P	92-09-075
16-230-845	RESCIND	92-08-026	16-231-001	REP-S	92-07-059	16-316-270	AMD	92-12-025
16-230-845	AMD-E	92-08-027	16-231-001	REP-E	92-07-060	16-316-280	AMD-E	92-06-048
16-230-845	AMD	92-13-035	16-231-001	RESCIND	92-08-026	16-316-280	AMD-P	92-09-075
16-230-850	AMD-P	92-03-134	16-231-001	REP-E	92-08-027	16-316-280	AMD	92-12-025
16-230-850	AMD-S	92-07-059	16-231-001	REP	92-13-035	16-316-285	AMD-E	92-06-048
16-230-850	AMD-E	92-07-060	16-231-005	REP-P	92-03-134	16-316-285	AMD-P	92-09-075
16-230-850	RESCIND	92-08-026	16-231-005	REP-S	92-07-059	16-316-285	AMD	92-12-025
16-230-850	AMD-E	92-08-027	16-231-005	REP-E	92-07-060	16-316-290	AMD-E	92-06-048
16-230-850	AMD	92-13-035	16-231-005	RESCIND	92-08-026	16-316-290	AMD-P	92-09-075
16-230-855	AMD-P	92-03-134	16-231-005	REP-E	92-08-027	16-316-290	AMD	92-12-025
16-230-855	AMD-S	92-07-059	16-231-005	REP	92-13-035	16-316-315	AMD-P	92-09-150
16-230-855	AMD-E	92-07-060	16-231-010	REP-P	92-03-134	16-316-315	AMD	92-13-027
16-230-855	RESCIND	92-08-026	16-231-010	REP-S	92-07-059	16-316-327	AMD-P	92-09-150
16-230-855	AMD-E	92-08-027	16-231-010	REP-E	92-07-060	16-316-327	AMD	92-13-027
16-230-855	AMD	92-13-035	16-231-010	RESCIND	92-08-026	16-316-340	AMD-P	92-09-150
16-230-860	AMD-P	92-03-134	16-231-010	REP-E	92-08-027	16-316-340	AMD	92-13-027
16-230-860	AMD-S	92-07-059	16-231-010	REP	92-13-035	16-316-350	AMD-P	92-09-150
16-230-860	AMD-E	92-07-060	16-231-015	REP-P	92-03-134	16-316-350	AMD	92-13-027
16-230-860	RESCIND	92-08-026	16-231-015	REP-S	92-07-059	16-316-355	AMD-P	92-09-150
16-230-860	AMD-E	92-08-027	16-231-015	REP-E	92-07-060	16-316-355	AMD	92-13-027
16-230-860	AMD	92-13-035	16-231-015	RESCIND	92-08-026	16-316-360	AMD-P	92-09-150
16-230-861	AMD-P	92-03-134	16-231-015	REP-E	92-08-027	16-316-360	AMD	92-13-027
16-230-861	AMD-S	92-07-059	16-231-015	REP	92-13-035	16-316-370	AMD-P	92-09-150
16-230-861	AMD-E	92-07-060	16-231-020	REP-P	92-03-134	16-316-370	AMD	92-13-027
16-230-861	RESCIND	92-08-026	16-231-020	REP-S	92-07-059	16-316-470	AMD-P	92-09-150
16-230-861	AMD-E	92-08-027	16-231-020	REP-E	92-07-060	16-316-470	AMD	92-13-027
16-230-861	AMD	92-13-035	16-231-020	RESCIND	92-08-026	16-316-474	AMD-P	92-09-150
16-230-862	NEW-P	92-03-134	16-231-020	REP-E	92-08-027	16-316-474	AMD	92-13-027
16-230-862	NEW-S	92-07-059	16-231-020	REP	92-13-035	16-316-525	AMD-P	92-09-150
16-230-862	NEW-E	92-07-060	16-231-025	REP-P	92-03-134	16-316-525	AMD	92-13-027
16-230-862	RESCIND	92-08-026	16-231-025	REP-S	92-07-059	16-316-622	AMD-P	92-09-150
16-230-862	NEW-E	92-08-027	16-231-025	REP-E	92-07-060	16-316-622	AMD	92-13-027
16-230-862	NEW	92-13-035	16-231-025	RESCIND	92-08-026	16-316-715	AMD-P	92-09-150
16-230-863	NEW-P	92-03-134	16-231-025	REP-E	92-08-027	16-316-715	AMD	92-13-027
16-230-863	NEW-S	92-07-059	16-231-025	REP	92-13-035	16-316-717	AMD-P	92-09-150
16-230-863	NEW-E	92-07-060	16-231-030	REP-P	92-03-134	16-316-717	AMD	92-13-027
16-230-863	RESCIND	92-08-026	16-231-030	REP-S	92-07-059	16-316-719	AMD-P	92-09-150
16-230-863	NEW-E	92-08-027	16-231-030	REP-E	92-07-060	16-316-719	AMD	92-13-027
16-230-863	NEW	92-13-035	16-231-030	RESCIND	92-08-026	16-316-727	AMD-P	92-09-150
16-230-864	NEW-P	92-03-134	16-231-030	REP-E	92-08-027	16-316-727	AMD	92-13-027
16-230-864	NEW-S	92-07-059	16-231-030	REP	92-13-035	16-316-800	AMD-P	92-09-150
16-230-864	NEW-E	92-07-060	16-231-110	AMD-E	92-08-028	16-316-800	AMD	92-13-027
16-230-864	RESCIND	92-08-026	16-231-115	AMD-E	92-08-028	16-316-810	AMD-P	92-09-150
16-230-864	NEW-E	92-08-027	16-231-119	AMD-E	92-08-028	16-316-810	AMD	92-13-027
16-230-864	NEW	92-13-035	16-231-125	AMD-E	92-08-028	16-316-815	AMD-P	92-09-150
16-230-865	REP-P	92-03-134	16-231-210	AMD-E	92-08-028	16-316-815	AMD	92-13-027
16-230-865	REP-S	92-07-059	16-231-215	AMD-E	92-08-028	16-316-820	AMD-P	92-09-150
16-230-865	REP-E	92-07-060	16-231-220	AMD-E	92-08-028	16-316-820	AMD	92-13-027
16-230-865	RESCIND	92-08-026	16-231-225	AMD-E	92-08-028	16-316-830	AMD-P	92-09-150
16-230-865	REP-E	92-08-027	16-231-315	AMD-E	92-08-028	16-316-830	AMD	92-13-027
16-230-865	REP	92-13-035	16-231-910	AMD-E	92-08-028	16-316-832	AMD-P	92-09-150
16-230-866	NEW-P	92-03-134	16-231-912	AMD-E	92-08-028	16-316-832	AMD	92-13-027
16-230-866	NEW-S	92-07-059	16-232-010	AMD-E	92-08-028	16-316-833	AMD-P	92-09-150
16-230-866	NEW-E	92-07-060	16-232-015	AMD-E	92-08-028	16-316-833	AMD	92-13-027
16-230-866	RESCIND	92-08-026	16-232-020	AMD-E	92-08-028	16-316-980	AMD-P	92-09-150
16-230-866	NEW-E	92-08-027	16-232-027	AMD-E	92-08-028	16-316-980	AMD	92-13-027
16-230-866	NEW	92-13-035	16-304-110	AMD-P	92-09-150	16-316-995	AMD-P	92-09-150
16-230-867	NEW-P	92-03-134	16-304-110	AMD	92-13-027	16-316-995	AMD	92-13-027
16-230-867	NEW-W	92-16-079	16-304-130	AMD-P	92-09-150	16-316-997	AMD-P	92-09-150
16-230-868	NEW-P	92-03-134	16-304-130	AMD	92-13-027	16-316-997	AMD	92-13-027
16-230-868	NEW-S	92-07-059	16-316-235	AMD-P	92-09-150	16-328-010	AMD-P	92-12-056
16-230-868	NEW-E	92-07-060	16-316-235	AMD	92-13-027	16-328-010	AMD	92-15-114
16-230-868	RESCIND	92-08-026	16-316-240	AMD-P	92-09-150	16-333-040	AMD-P	92-12-056
16-230-868	NEW-E	92-08-027	16-316-240	AMD	92-13-027	16-333-040	AMD	92-15-114
16-230-868	NEW	92-13-035	16-316-245	AMD-P	92-09-150	16-400-210	AMD-E	92-04-032
16-230-870	NEW-P	92-03-134	16-316-245	AMD	92-13-027	16-400-210	AMD	92-06-022
16-230-870	NEW-S	92-07-059	16-316-250	AMD-P	92-09-150	16-401-040	AMD-P	92-10-040

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-401-040	AMD	92-13-034	16-470-635	REP	92-06-023	16-561-020	AMD	92-12-003
16-403-143	NEW-P	92-11-074	16-470-900	NEW-P	92-03-104	16-570-030	AMD-P	92-08-055
16-403-143	NEW	92-15-056	16-470-900	NEW	92-07-023	16-570-030	AMD	92-11-013
16-403-160	AMD-P	92-11-074	16-470-905	NEW-P	92-03-104	16-580-010	NEW-P	92-14-117
16-403-160	AMD	92-15-056	16-470-905	NEW	92-07-023	16-580-020	NEW-P	92-14-117
16-403-190	AMD-P	92-11-074	16-470-910	NEW-P	92-03-104	16-580-030	NEW-P	92-14-117
16-403-190	AMD	92-15-056	16-470-910	NEW	92-07-023	16-580-040	NEW-P	92-14-117
16-403-200	AMD-P	92-11-074	16-470-915	NEW-P	92-03-104	16-580-041	NEW-P	92-14-117
16-403-200	AMD	92-15-056	16-470-915	NEW	92-07-023	16-580-050	NEW-P	92-14-117
16-403-220	AMD-P	92-11-074	16-470-920	NEW-P	92-03-104	16-580-060	NEW-P	92-14-117
16-403-220	AMD	92-15-056	16-470-920	NEW	92-07-023	16-580-070	NEW-P	92-14-117
16-403-240	AMD-P	92-11-074	16-494-010	AMD-E	92-06-050	16-580-080	NEW-P	92-14-117
16-403-240	AMD	92-15-056	16-494-010	AMD-P	92-09-075	16-604-010	AMD	92-06-013
16-436-100	AMD-P	92-08-106	16-494-010	AMD	92-12-025	16-604-015	NEW	92-06-013
16-436-100	AMD	92-11-076	16-494-013	AMD-E	92-06-050	16-622-050	AMD-P	92-03-069
16-436-110	AMD-P	92-08-106	16-494-013	AMD-P	92-09-075	16-622-050	AMD-E	92-03-070
16-436-110	AMD	92-11-076	16-494-013	AMD	92-12-025	16-622-050	AMD	92-07-030
16-436-130	REP-P	92-08-106	16-494-046	AMD-E	92-06-050	16-622-060	NEW-P	92-03-069
16-436-130	REP	92-11-076	16-494-046	AMD-P	92-09-075	16-622-060	NEW-E	92-03-070
16-436-140	AMD-P	92-08-106	16-494-046	AMD	92-12-025	16-622-060	NEW	92-07-030
16-436-140	AMD	92-11-076	16-494-064	AMD-E	92-06-050	16-674-002	REP-E	92-14-122
16-436-150	AMD-P	92-08-106	16-494-064	AMD-P	92-09-075	16-674-002	REP-P	92-14-123
16-436-150	AMD	92-11-076	16-494-064	AMD	92-12-025	16-674-010	AMD-E	92-14-122
16-436-166	NEW-P	92-08-106	16-494-100	NEW-E	92-06-049	16-674-010	AMD-P	92-14-123
16-436-166	NEW	92-11-076	16-494-100	NEW-P	92-09-075	16-674-020	AMD-E	92-14-122
16-436-170	REP-P	92-08-106	16-494-100	NEW	92-12-025	16-674-020	AMD-P	92-14-123
16-436-170	REP	92-11-076	16-494-110	NEW-E	92-06-049	16-674-030	AMD-E	92-14-122
16-436-185	AMD-P	92-08-106	16-494-110	NEW-P	92-09-075	16-674-030	AMD-P	92-14-123
16-436-185	AMD	92-11-076	16-494-110	NEW	92-12-025	16-674-040	AMD-E	92-14-122
16-436-186	NEW-P	92-08-106	16-494-120	NEW-E	92-06-049	16-674-040	AMD-P	92-14-123
16-436-186	NEW	92-11-076	16-494-120	NEW-P	92-09-075	16-674-055	NEW-E	92-14-122
16-436-187	NEW-P	92-08-106	16-494-120	NEW	92-12-025	16-674-055	NEW-P	92-14-123
16-436-187	NEW	92-11-076	16-494-130	NEW-E	92-06-049	16-674-060	NEW-E	92-14-122
16-436-190	AMD-P	92-08-106	16-494-130	NEW-P	92-09-075	16-674-060	NEW-P	92-14-123
16-436-190	AMD	92-11-076	16-494-130	NEW	92-12-025	16-674-070	NEW-E	92-14-122
16-436-200	AMD-P	92-08-106	16-494-140	NEW-E	92-06-049	16-674-070	NEW-P	92-14-123
16-436-200	AMD	92-11-076	16-494-140	NEW-P	92-09-075	16-674-080	NEW-E	92-14-122
16-436-210	AMD-P	92-08-106	16-494-140	NEW	92-12-025	16-674-080	NEW-P	92-14-123
16-436-210	AMD	92-11-076	16-494-150	NEW-E	92-06-049	16-752-500	NEW-P	92-03-105
16-436-220	AMD-P	92-08-106	16-494-150	NEW-P	92-09-075	16-752-500	NEW	92-07-024
16-436-220	AMD	92-11-076	16-494-150	NEW	92-12-025	16-752-505	NEW-P	92-03-105
16-436-225	NEW-P	92-08-106	16-494-160	NEW-E	92-06-049	16-752-505	NEW	92-07-024
16-436-225	NEW	92-11-076	16-494-160	NEW-P	92-09-075	16-752-505	NEW	92-07-024
16-461	AMD	92-06-085	16-494-160	NEW	92-12-025	16-752-510	NEW-P	92-03-105
16-461-006	NEW	92-06-085	16-494-170	NEW-E	92-06-049	16-752-510	NEW	92-07-024
16-461-006	AMD-E	92-13-064	16-494-170	NEW-P	92-09-075	16-752-515	NEW-P	92-03-105
16-461-006	AMD-P	92-15-117	16-494-170	NEW	92-12-025	16-752-515	NEW	92-07-024
16-461-010	AMD	92-06-085	16-495-004	AMD-P	92-09-150	16-752-520	NEW-P	92-03-105
16-461-010	AMD-E	92-13-064	16-495-004	AMD	92-13-027	16-752-520	NEW	92-07-024
16-461-010	AMD-P	92-15-117	16-495-010	AMD-P	92-09-150	16-752-525	NEW-P	92-03-105
16-469-010	REP-P	92-09-074	16-495-010	AMD	92-13-027	16-752-525	NEW	92-07-024
16-469-010	REP	92-13-050	16-495-050	AMD-P	92-09-150	16-752-600	NEW-P	92-03-106
16-469-020	REP-P	92-09-074	16-495-050	AMD	92-13-027	16-752-600	NEW	92-07-025
16-469-020	REP	92-13-050	16-495-110	AMD-P	92-09-150	16-752-605	NEW	92-07-025
16-469-030	REP-P	92-09-074	16-495-110	AMD	92-13-027	16-752-610	NEW-P	92-03-106
16-469-030	REP	92-13-050	16-520-040	AMD-P	92-15-107	16-752-610	NEW	92-07-025
16-469-040	REP-P	92-09-074	16-532-010	AMD-P	92-06-071	16-752-620	NEW-P	92-03-106
16-469-040	REP	92-13-050	16-532-010	AMD	92-09-068	16-752-620	NEW	92-07-025
16-469-050	REP-P	92-09-074	16-532-020	AMD-P	92-06-071	16-752-630	NEW-P	92-03-106
16-469-050	REP	92-13-050	16-532-020	AMD	92-09-068	16-752-630	NEW	92-07-025
16-469-060	REP-P	92-09-074	16-532-030	AMD-P	92-06-071	16-752-640	NEW-P	92-03-106
16-469-060	REP	92-13-050	16-532-030	AMD	92-09-068	16-752-640	NEW	92-07-025
16-470-500	REP	92-06-024	16-532-065	NEW-P	92-06-071	16-752-650	NEW-P	92-03-106
16-470-510	REP	92-06-024	16-532-065	NEW	92-09-068	16-752-650	NEW	92-07-025
16-470-520	REP	92-06-024	16-532-110	AMD-P	92-06-071	16-752-660	NEW-P	92-03-106
16-470-530	REP	92-06-024	16-532-110	AMD	92-09-068	16-752-660	NEW	92-07-025
16-470-600	REP	92-06-023	16-555-020	AMD-P	92-05-071	44-10-010	AMD	92-11-037
16-470-605	REP	92-06-023	16-555-020	AMD-E	92-12-004	44-10-020	NEW-W	92-11-036
16-470-610	REP	92-06-023	16-555-020	AMD	92-12-006	44-10-060	AMD	92-11-037
16-470-615	REP	92-06-023	16-555-040	AMD-P	92-05-071	44-10-205	NEW-W	92-11-036
16-470-620	REP	92-06-023	16-555-040	AMD-E	92-12-004	50-12-116	AMD	92-04-027
16-470-625	REP	92-06-023	16-555-040	AMD	92-12-006	50-14-020	NEW	92-06-041
16-470-630	REP	92-06-023	16-561-020	AMD-P	92-05-070	50-14-030	NEW	92-06-041

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #					
50-14-040	NEW	92-06-041		51-20-91231	NEW-W	92-09-110		131-28-025	AMD-E	92-10-033
50-14-050	NEW	92-06-041		51-20-91232	NEW-W	92-09-110		131-28-025	AMD-P	92-10-042
50-14-060	NEW	92-06-041		51-20-91233	NEW-W	92-09-110		131-28-025	AMD	92-14-033
50-14-070	NEW	92-06-041		51-20-91234	NEW-W	92-09-110		131-28-026	AMD-E	92-10-033
50-14-080	NEW	92-06-041		51-20-93119	AMD-P	92-16-107		131-28-026	AMD-P	92-10-042
50-14-090	NEW	92-06-041		51-20-93120	AMD-P	92-16-107		131-28-026	AMD	92-14-033
50-14-100	NEW	92-06-041		51-20-93121	NEW-W	92-05-086		131-28-028	NEW-E	92-10-033
50-14-110	NEW	92-06-041		51-24-78000	NEW-P	92-16-052		131-28-028	NEW-P	92-10-042
50-14-120	NEW	92-06-041		51-24-78201	NEW-P	92-16-052		131-28-028	NEW	92-14-033
50-14-130	NEW	92-06-041		51-24-79809	NEW-P	92-09-156		131-32-040	AMD-P	92-09-140
50-14-140	NEW	92-06-041		51-24-79809	NEW-W	92-16-049		131-32-040	AMD	92-13-020
50-14-150	NEW-W	92-14-110		51-24-79809	NEW-P	92-16-050		132B-104	NEW-C	92-07-064
50-30-010	NEW	92-02-105		51-24-79901	NEW-P	92-09-156		132B-104-010	NEW	92-08-043
50-30-020	NEW	92-02-105		51-24-79901	NEW-W	92-16-049		132B-108	NEW-C	92-07-063
50-30-030	NEW	92-02-105		51-24-79901	NEW-P	92-16-050		132B-108-010	NEW	92-09-041
50-30-040	NEW	92-02-105		51-24-99300	NEW-W	92-05-087		132B-108-020	NEW	92-09-041
50-30-050	NEW	92-02-105		51-24-99350	NEW-W	92-05-087		132B-108-030	NEW	92-09-041
50-30-060	NEW	92-02-105		51-24-99351	NEW-W	92-05-087		132B-108-040	NEW	92-09-041
50-30-070	NEW	92-02-105		51-24-99352	NEW-W	92-05-087		132B-108-050	NEW	92-09-041
50-30-080	NEW	92-02-105		51-26-1801	AMD-P	92-16-051		132B-108-060	NEW	92-09-041
50-30-090	NEW	92-02-105		51-26-1802	AMD-P	92-16-051		132B-108-070	NEW	92-09-041
50-30-100	NEW	92-02-105		51-26-1803	AMD-P	92-16-051		132B-108-080	NEW	92-09-041
50-30-110	NEW	92-02-105		51-26-1804	AMD-P	92-16-051		132B-130	NEW-C	92-07-065
50-30-110	AMD-E	92-14-062		51-26-1805	REP-P	92-16-051		132B-130-010	NEW	92-08-044
50-30-110	AMD-P	92-14-109		51-26-1810	NEW-P	92-16-051		132B-130-020	NEW	92-08-044
51-04-015	AMD-P	92-16-105		51-26-1820	NEW-P	92-16-051		132B-131	NEW-C	92-07-065
51-04-018	AMD-P	92-16-105		51-26-1830	NEW-P	92-16-051		132B-131-010	NEW	92-08-044
51-04-020	AMD-P	92-16-105		51-26-1840	NEW-P	92-16-051		132B-132	NEW-C	92-07-065
51-04-025	AMD-P	92-16-105		51-26-1845	NEW-P	92-16-051		132B-132-010	NEW	92-08-044
51-13-101	AMD-P	92-16-106		55-01-010	AMD-P	92-09-157		132B-133	NEW-C	92-07-064
51-13-202	AMD-P	92-16-106		55-01-010	AMD	92-14-088		132B-133-010	NEW	92-08-043
51-13-300	AMD-P	92-16-106		55-01-020	AMD-P	92-09-157		132B-133-020	NEW	92-08-043
51-13-302	AMD-P	92-16-106		55-01-020	AMD-E	92-14-087		132G-152-040	NEW-P	92-04-055
51-13-303	AMD-P	92-16-106		55-01-020	AMD	92-14-097		132G-152-040	NEW	92-08-040
51-13-304	AMD-P	92-16-106		55-01-030	AMD-P	92-09-157		132H-105-010	REP-E	92-07-071
51-13-401	AMD-P	92-16-106		55-01-030	AMD	92-14-088		132H-105-010	REP-P	92-09-057
51-13-402	AMD-P	92-16-106		55-01-050	AMD-P	92-09-157		132H-105-010	REP	92-13-093
51-13-502	AMD-E	92-14-002		55-01-050	AMD-E	92-14-087		132H-105-020	REP-E	92-07-071
51-13-502	AMD-P	92-16-106		55-01-050	AMD	92-14-097		132H-105-020	REP-P	92-09-057
51-13-503	AMD-P	92-16-106		55-01-060	AMD-P	92-09-157		132H-105-020	REP	92-13-093
51-20-0419	NEW-W	92-09-110		55-01-060	AMD-E	92-14-087		132H-105-030	REP-E	92-07-071
51-20-0504	NEW-W	92-09-110		55-01-060	AMD	92-14-097		132H-105-030	REP-P	92-09-057
51-20-0516	NEW-W	92-09-110		67-25-446	AMD-P	92-06-036		132H-105-030	REP	92-13-093
51-20-0554	NEW-W	92-09-110		67-25-446	AMD	92-09-090		132H-105-040	REP-E	92-07-071
51-20-0555	NEW-W	92-09-110		67-35-030	AMD-P	92-07-011		132H-105-040	REP-P	92-09-057
51-20-0610	NEW-W	92-09-110		67-35-030	AMD	92-10-024		132H-105-040	REP	92-13-093
51-20-1216	NEW-W	92-09-110		67-35-060	AMD-P	92-07-011		132H-105-050	REP-E	92-07-071
51-20-1251	NEW-W	92-09-110		67-35-060	AMD	92-10-024		132H-105-050	REP-P	92-09-057
51-20-3102	AMD-P	92-16-107		67-35-070	AMD-P	92-07-011		132H-105-050	REP	92-13-093
51-20-3103	AMD-P	92-16-107		67-35-070	AMD-E	92-07-012		132H-105-060	REP-E	92-07-071
51-20-3104	AMD-P	92-16-107		67-35-070	AMD	92-10-024		132H-105-060	REP-P	92-09-057
51-20-3105	AMD-P	92-16-107		67-35-080	REP-P	92-07-011		132H-105-060	REP	92-13-093
51-20-3106	AMD-P	92-16-107		67-35-080	REP-E	92-07-012		132H-105-070	REP-E	92-07-071
51-20-3107	AMD-P	92-16-107		67-35-080	REP	92-10-024		132H-105-070	REP-P	92-09-057
51-20-3108	AMD-P	92-16-107		67-75-040	AMD-P	92-06-036		132H-105-070	REP	92-13-093
51-20-3109	AMD-P	92-16-107		67-75-040	AMD	92-09-090		132H-105-090	REP-E	92-07-071
51-20-3110	AMD-P	92-16-107		67-75-042	NEW-P	92-06-036		132H-105-090	REP-P	92-09-057
51-20-3111	AMD-P	92-16-107		67-75-042	NEW	92-09-090		132H-105-090	REP	92-13-093
51-20-3112	AMD-P	92-16-107		67-75-044	NEW-P	92-06-036		132H-105-100	REP-E	92-07-071
51-20-3113	AMD-P	92-16-107		67-75-044	NEW	92-09-090		132H-105-100	REP-P	92-09-057
51-20-3114	AMD-P	92-16-107		67-75-070	AMD-P	92-06-036		132H-105-100	REP	92-13-093
51-20-3200	NEW-W	92-09-110		67-75-070	AMD	92-09-090		132H-105-110	REP-E	92-07-071
51-20-3207	NEW-W	92-09-110		67-75-075	AMD-P	92-06-036		132H-105-110	REP-P	92-09-057
51-20-3305	NEW-W	92-09-110		67-75-075	AMD	92-09-090		132H-105-110	REP	92-13-093
51-20-91200	NEW-W	92-09-110		131-08-005	AMD-P	92-09-138		132H-105-120	REP-E	92-07-071
51-20-91223	NEW-W	92-09-110		131-08-005	AMD	92-13-019		132H-105-120	REP-P	92-09-057
51-20-91224	NEW-W	92-09-110		131-08-007	AMD-P	92-09-138		132H-105-120	REP	92-13-093
51-20-91225	NEW-W	92-09-110		131-08-007	AMD	92-13-019		132H-105-130	REP-E	92-07-071
51-20-91226	NEW-W	92-09-110		131-08-008	AMD-P	92-09-138		132H-105-130	REP-P	92-09-057
51-20-91227	NEW-W	92-09-110		131-08-008	AMD	92-13-019		132H-105-130	REP	92-13-093
51-20-91228	NEW-W	92-09-110		131-16-060	AMD-P	92-09-139		132H-105-140	REP-E	92-07-071
51-20-91229	NEW-W	92-09-110		131-16-060	AMD-W	92-12-085		132H-105-140	REP-P	92-09-057
51-20-91230	NEW-W	92-09-110		131-16-062	AMD-P	92-09-139		132H-105-140	REP	92-13-093

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132I-128-360	REP-P	92-09-152	132I-160-035	NEW-P	92-09-152	132I-276-100	NEW	92-15-115
132I-128-360	REP	92-15-115	132I-160-035	NEW	92-15-115	132I-276-110	NEW-P	92-09-152
132I-128-800	REP-P	92-09-152	132I-160-040	REP-P	92-09-152	132I-276-110	NEW	92-15-115
132I-128-800	REP	92-15-115	132I-160-045	NEW-P	92-09-152	132I-280-010	NEW-P	92-09-152
132I-128-810	REP-P	92-09-152	132I-160-045	NEW	92-15-115	132I-280-010	NEW	92-15-115
132I-128-810	REP	92-15-115	132I-160-047	NEW-P	92-09-152	132I-280-015	NEW-P	92-09-152
132I-128-820	REP-P	92-09-152	132I-160-047	NEW	92-15-115	132I-280-015	NEW	92-15-115
132I-128-820	REP	92-15-115	132I-160-050	REP-P	92-09-152	132I-280-020	NEW-P	92-09-152
132I-130-010	NEW-P	92-09-152	132I-160-060	AMD-P	92-09-152	132I-280-020	NEW	92-15-115
132I-130-010	NEW	92-15-115	132I-160-060	AMD	92-15-115	132I-280-025	NEW-P	92-09-152
132I-130-020	NEW-P	92-09-152	132I-160-065	NEW-P	92-09-152	132I-280-025	NEW	92-15-115
132I-130-020	NEW	92-15-115	132I-160-065	NEW	92-15-115	132I-280-030	NEW-P	92-09-152
132I-131-010	NEW-P	92-09-152	132I-160-070	REP-P	92-09-152	132I-280-030	NEW	92-15-115
132I-131-010	NEW	92-15-115	132I-160-080	REP-P	92-09-152	132I-280-035	NEW-P	92-09-152
132I-132-010	NEW-P	92-09-152	132I-160-090	AMD-P	92-09-152	132I-280-035	NEW	92-15-115
132I-132-010	NEW	92-15-115	132I-160-090	AMD	92-15-115	132I-280-040	NEW-P	92-09-152
132I-133-010	NEW-P	92-09-152	132I-160-100	AMD-P	92-09-152	132I-280-040	NEW	92-15-115
132I-133-010	NEW	92-15-115	132I-160-100	AMD	92-15-115	132I-300-010	NEW-P	92-09-152
132I-134-010	NEW-P	92-09-152	132I-160-110	AMD-P	92-09-152	132I-300-010	NEW	92-15-115
132I-134-010	NEW	92-15-115	132I-160-110	AMD	92-15-115	132I-300-020	NEW-P	92-09-152
132I-136-100	REP-P	92-09-152	132I-160-120	NEW-P	92-09-152	132I-300-020	NEW	92-15-115
132I-136-100	REP	92-15-115	132I-160-120	NEW	92-15-115	132I-325-010	NEW-P	92-09-152
132I-136-110	REP-P	92-09-152	132I-168-010	REP-P	92-09-152	132I-325-010	NEW	92-15-115
132I-136-110	REP	92-15-115	132I-168-010	REP	92-15-115	132I-400-010	NEW-P	92-09-152
132I-136-120	REP-P	92-09-152	132I-168-020	REP-P	92-09-152	132I-400-010	NEW	92-15-115
132I-136-120	REP	92-15-115	132I-168-020	REP	92-15-115	132I-400-020	NEW-P	92-09-152
132I-136-130	REP-P	92-09-152	132I-168-030	REP-P	92-09-152	132I-400-020	NEW	92-15-115
132I-136-130	REP	92-15-115	132I-168-030	REP	92-15-115	132I-400-030	NEW-P	92-09-152
132I-136-140	REP-P	92-09-152	132I-168-040	REP-P	92-09-152	132I-400-030	NEW	92-15-115
132I-136-140	REP	92-15-115	132I-168-040	REP	92-15-115	132I-400-040	NEW-P	92-09-152
132I-136-150	REP-P	92-09-152	132I-168-050	REP-P	92-09-152	132I-400-040	NEW	92-15-115
132I-136-150	REP	92-15-115	132I-168-050	REP	92-15-115	132I-500-010	NEW-P	92-09-152
132I-136-160	REP-P	92-09-152	132I-168-060	REP-P	92-09-152	132I-500-010	NEW	92-15-115
132I-136-160	REP	92-15-115	132I-168-060	REP	92-15-115	132I-108-020	AMD-E	92-14-048
132I-136-170	REP-P	92-09-152	132I-168-070	REP-P	92-09-152	132I-108-020	AMD-P	92-14-118
132I-136-170	REP	92-15-115	132I-168-070	REP	92-15-115	132I-108-050	AMD-E	92-14-048
132I-140-010	NEW-P	92-09-152	132I-168-080	REP-P	92-09-152	132I-108-050	AMD-P	92-14-118
132I-140-010	NEW	92-15-115	132I-168-080	REP	92-15-115	132I-120-010	REP-E	92-14-048
132I-140-015	NEW-P	92-09-152	132I-168-090	REP-P	92-09-152	132I-120-010	REP-P	92-14-118
132I-140-015	NEW	92-15-115	132I-168-090	REP	92-15-115	132I-120-020	REP-E	92-14-048
132I-140-016	NEW-P	92-09-152	132I-168-100	REP-P	92-09-152	132I-120-020	REP-P	92-14-118
132I-140-016	NEW	92-15-115	132I-168-100	REP	92-15-115	132I-120-030	REP-E	92-14-048
132I-140-110	NEW-P	92-09-152	132I-168-110	REP-P	92-09-152	132I-120-030	REP-P	92-14-118
132I-140-110	NEW	92-15-115	132I-168-110	REP	92-15-115	132I-120-040	REP-E	92-14-048
132I-140-120	NEW-P	92-09-152	132I-168A-020	REP-P	92-09-152	132I-120-040	REP-P	92-14-118
132I-140-120	NEW	92-15-115	132I-168A-020	REP	92-15-115	132I-120-050	REP-E	92-14-048
132I-140-130	NEW-P	92-09-152	132I-168A-030	AMD-P	92-09-152	132I-120-050	REP-P	92-14-118
132I-140-130	NEW	92-15-115	132I-168A-030	AMD	92-15-115	132I-120-060	REP-E	92-14-048
132I-140-134	NEW-P	92-09-152	132I-168A-090	AMD-P	92-09-152	132I-120-060	REP-P	92-14-118
132I-140-134	NEW	92-15-115	132I-168A-090	AMD	92-15-115	132I-120-070	REP-E	92-14-048
132I-140-135	NEW-P	92-09-152	132I-168A-100	AMD-P	92-09-152	132I-120-070	REP-P	92-14-118
132I-140-135	NEW	92-15-115	132I-168A-100	AMD	92-15-115	132I-120-080	REP-E	92-14-048
132I-140-140	NEW-P	92-09-152	132I-276-010	NEW-P	92-09-152	132I-120-080	REP-P	92-14-118
132I-140-140	NEW	92-15-115	132I-276-010	NEW	92-15-115	132I-120-090	REP-E	92-14-048
132I-140-150	NEW-P	92-09-152	132I-276-015	NEW-P	92-09-152	132I-120-090	REP-P	92-14-118
132I-140-150	NEW	92-15-115	132I-276-015	NEW	92-15-115	132I-120-100	REP-E	92-14-048
132I-140-160	NEW-P	92-09-152	132I-276-020	NEW-P	92-09-152	132I-120-100	REP-P	92-14-118
132I-140-160	NEW	92-15-115	132I-276-020	NEW	92-15-115	132I-120-110	REP-E	92-14-048
132I-140-170	NEW-P	92-09-152	132I-276-030	NEW-P	92-09-152	132I-120-110	REP-P	92-14-118
132I-140-170	NEW	92-15-115	132I-276-030	NEW	92-15-115	132I-120-120	REP-E	92-14-048
132I-160-010	AMD-P	92-09-152	132I-276-045	NEW-P	92-09-152	132I-120-120	REP-P	92-14-118
132I-160-010	AMD	92-15-115	132I-276-045	NEW	92-15-115	132I-120-130	REP-E	92-14-048
132I-160-020	AMD-P	92-09-152	132I-276-050	NEW-P	92-09-152	132I-120-130	REP-P	92-14-118
132I-160-020	AMD	92-15-115	132I-276-050	NEW	92-15-115	132I-125-010	NEW-E	92-14-048
132I-160-025	NEW-P	92-09-152	132I-276-060	NEW-P	92-09-152	132I-125-010	NEW-P	92-14-118
132I-160-025	NEW	92-15-115	132I-276-060	NEW	92-15-115	132I-125-020	NEW-E	92-14-048
132I-160-030	REP-P	92-09-152	132I-276-070	NEW-P	92-09-152	132I-125-020	NEW-P	92-14-118
132I-160-031	NEW-P	92-09-152	132I-276-070	NEW	92-15-115	132I-125-030	NEW-E	92-14-048
132I-160-031	NEW	92-15-115	132I-276-080	NEW-P	92-09-152	132I-125-030	NEW-P	92-14-118
132I-160-032	NEW-P	92-09-152	132I-276-080	NEW	92-15-115	132I-125-055	NEW-E	92-14-048
132I-160-032	NEW	92-15-115	132I-276-090	NEW-P	92-09-152	132I-125-055	NEW-P	92-14-118
132I-160-033	NEW-P	92-09-152	132I-276-090	NEW	92-15-115	132I-125-060	NEW-E	92-14-048
132I-160-033	NEW	92-15-115	132I-276-100	NEW-P	92-09-152	132I-125-060	NEW-P	92-14-118

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132M-115-010	REP-P	92-04-061	132Q-04-020	AMD	92-14-038	132Q-16-036	REP-P	92-10-058
132M-115-010	REP	92-09-007	132Q-04-095	AMD-P	92-10-053	132Q-16-036	REP	92-14-043
132M-115-020	REP-P	92-04-061	132Q-04-095	AMD	92-14-038	132Q-16-039	REP-P	92-10-058
132M-115-020	REP	92-09-007	132Q-04-096	NEW-P	92-10-053	132Q-16-039	REP	92-14-043
132M-115-030	REP-P	92-04-061	132Q-04-096	NEW	92-14-038	132Q-16-042	REP-P	92-10-058
132M-115-030	REP	92-09-007	132Q-04-120	AMD-P	92-10-053	132Q-16-042	REP	92-14-043
132M-115-040	REP-P	92-04-061	132Q-04-120	AMD	92-14-038	132Q-16-045	REP-P	92-10-058
132M-115-040	REP	92-09-007	132Q-04-130	AMD-P	92-10-053	132Q-16-045	REP	92-14-043
132M-120	AMD-P	92-04-059	132Q-04-130	AMD	92-14-038	132Q-16-048	REP-P	92-10-058
132M-120	AMD	92-09-094	132Q-04-140	AMD-P	92-10-053	132Q-16-048	REP	92-14-043
132M-120-010	AMD-P	92-04-059	132Q-04-140	AMD	92-14-038	132Q-16-051	REP-P	92-10-058
132M-120-010	AMD	92-09-094	132Q-04-170	AMD-P	92-10-053	132Q-16-051	REP	92-14-043
132M-120-020	AMD-P	92-04-059	132Q-04-170	AMD	92-14-038	132Q-16-054	REP-P	92-10-058
132M-120-020	AMD	92-09-094	132Q-04-180	AMD-P	92-10-053	132Q-16-054	REP	92-14-043
132M-120-025	NEW-P	92-04-059	132Q-04-180	AMD	92-14-038	132Q-16-057	REP-P	92-10-058
132M-120-025	NEW	92-09-094	132Q-04-190	AMD-P	92-10-053	132Q-16-057	REP	92-14-043
132M-120-030	AMD-P	92-04-059	132Q-04-190	AMD	92-14-038	132Q-16-060	REP-P	92-10-058
132M-120-030	AMD	92-09-094	132Q-04-200	AMD-P	92-10-053	132Q-16-060	REP	92-14-043
132M-120-040	AMD-P	92-04-059	132Q-04-200	AMD	92-14-038	132Q-16-063	REP-P	92-10-058
132M-120-040	AMD	92-09-094	132Q-04-210	AMD-P	92-10-053	132Q-16-063	REP	92-14-043
132M-120-050	REP-P	92-04-059	132Q-04-210	AMD	92-14-038	132Q-20-020	AMD-P	92-10-051
132M-120-050	REP	92-09-094	132Q-04-250	AMD-P	92-10-053	132Q-20-020	AMD	92-14-036
132M-120-065	NEW-P	92-04-059	132Q-04-250	AMD	92-14-038	132Q-20-040	AMD-P	92-10-051
132M-120-065	NEW	92-09-094	132Q-04-260	AMD-P	92-10-053	132Q-20-040	AMD	92-14-036
132M-120-070	REP-P	92-04-059	132Q-04-260	AMD	92-14-038	132Q-20-060	AMD-P	92-10-051
132M-120-070	REP	92-09-094	132Q-04-280	AMD-P	92-10-053	132Q-20-060	AMD	92-14-036
132M-120-080	REP-P	92-04-059	132Q-04-280	AMD	92-14-038	132Q-20-090	AMD-P	92-10-051
132M-120-080	REP	92-09-094	132Q-05-050	AMD-P	92-10-052	132Q-20-090	AMD	92-14-036
132M-120-095	NEW-P	92-04-059	132Q-05-050	AMD	92-14-037	132Q-20-110	AMD-P	92-10-051
132M-120-095	NEW	92-09-094	132Q-05-060	AMD-P	92-10-052	132Q-20-110	AMD	92-14-036
132M-120-100	NEW-P	92-04-059	132Q-05-060	AMD	92-14-037	132Q-20-130	AMD-P	92-10-051
132M-120-100	NEW	92-09-094	132Q-05-070	AMD-P	92-10-052	132Q-20-130	AMD	92-14-036
132M-120-110	NEW-P	92-04-059	132Q-05-070	AMD	92-14-037	132Q-20-160	AMD-P	92-10-051
132M-120-110	NEW	92-09-094	132Q-05-080	AMD-P	92-10-052	132Q-20-160	AMD	92-14-036
132M-120-120	NEW-P	92-04-059	132Q-05-080	AMD	92-14-037	132Q-20-170	AMD-P	92-10-051
132M-120-120	NEW	92-09-094	132Q-05-090	AMD-P	92-10-052	132Q-20-170	AMD	92-14-036
132M-120-130	NEW-P	92-04-059	132Q-05-090	AMD	92-14-037	132Q-20-200	AMD-P	92-10-051
132M-120-130	NEW	92-09-094	132Q-05-100	AMD-P	92-10-052	132Q-20-200	AMD	92-14-036
132M-120-200	NEW-P	92-04-059	132Q-05-100	AMD	92-14-037	132Q-20-210	AMD-P	92-10-051
132M-120-200	NEW	92-09-094	132Q-05-120	AMD-P	92-10-052	132Q-20-210	AMD	92-14-036
132M-120-210	NEW-P	92-04-059	132Q-05-120	AMD	92-14-037	132Q-20-220	AMD-P	92-10-051
132M-120-210	NEW	92-09-094	132Q-06-020	AMD-P	92-10-057	132Q-20-220	AMD	92-14-036
132M-120-220	NEW-P	92-04-059	132Q-06-020	AMD	92-14-042	132Q-20-240	AMD-P	92-10-051
132M-120-220	NEW	92-09-094	132Q-06-025	AMD-P	92-10-057	132Q-20-240	AMD	92-14-036
132M-120-300	NEW-P	92-04-059	132Q-06-025	AMD	92-14-042	132Q-20-250	AMD-P	92-10-051
132M-120-300	NEW	92-09-094	132Q-06-030	AMD-P	92-10-057	132Q-20-250	AMD	92-14-036
132M-120-310	NEW-P	92-04-059	132Q-06-030	AMD	92-14-042	132Q-20-260	AMD-P	92-10-051
132M-120-310	NEW	92-09-094	132Q-06-040	AMD-P	92-10-057	132Q-20-260	AMD	92-14-036
132M-120-320	NEW-P	92-04-059	132Q-06-040	AMD	92-14-042	132Q-108-050	AMD-P	92-10-054
132M-120-320	NEW	92-09-094	132Q-12-010	AMD-P	92-10-056	132Q-108-050	AMD	92-14-039
132M-136-020	AMD-P	92-04-063	132Q-12-010	AMD	92-14-041	132Q-113-010	AMD-P	92-10-055
132M-136-020	AMD	92-09-009	132Q-16-003	REP-P	92-10-058	132Q-113-010	AMD	92-14-040
132M-136-060	AMD-P	92-04-063	132Q-16-003	REP	92-14-043	132R-117-010	NEW-P	92-16-006
132M-136-060	AMD	92-09-009	132Q-16-006	REP-P	92-10-058	132Y-100-008	AMD-P	92-04-067
132M-136-100	NEW-P	92-04-063	132Q-16-006	REP	92-14-043	132Y-100-008	AMD	92-09-055
132M-136-100	NEW	92-09-009	132Q-16-009	REP-P	92-10-058	132Y-100-010	REP-P	92-04-067
132M-140-010	REP-P	92-04-063	132Q-16-009	REP	92-14-043	132Y-100-010	REP	92-09-055
132M-140-010	REP	92-09-009	132Q-16-012	REP-P	92-10-058	132Y-100-028	AMD-P	92-04-067
132M-160-010	AMD-P	92-04-062	132Q-16-012	REP	92-14-043	132Y-100-028	AMD	92-09-055
132M-160-010	AMD	92-09-008	132Q-16-015	REP-P	92-10-058	132Y-100-036	REP-P	92-04-067
132M-300-001	NEW-P	92-04-064	132Q-16-015	REP	92-14-043	132Y-100-036	REP	92-09-055
132M-300-001	NEW	92-09-092	132Q-16-018	REP-P	92-10-058	132Y-100-040	REP-P	92-04-067
132M-300-010	NEW-P	92-04-064	132Q-16-018	REP	92-14-043	132Y-100-040	REP	92-09-055
132M-300-010	NEW	92-09-092	132Q-16-021	REP-P	92-10-058	132Y-100-044	AMD-P	92-04-067
132M-400-010	NEW-P	92-04-060	132Q-16-021	REP	92-14-043	132Y-100-044	AMD	92-09-055
132M-400-010	NEW	92-09-006	132Q-16-024	REP-P	92-10-058	132Y-100-048	REP-P	92-04-067
132M-400-020	NEW-P	92-04-060	132Q-16-024	REP	92-14-043	132Y-100-048	REP	92-09-055
132M-400-020	NEW	92-09-006	132Q-16-027	REP-P	92-10-058	132Y-100-066	NEW-P	92-04-067
132M-400-030	NEW-P	92-04-060	132Q-16-027	REP	92-14-043	132Y-100-066	NEW	92-09-055
132M-400-030	NEW	92-09-006	132Q-16-030	REP-P	92-10-058	132Y-100-072	AMD-P	92-04-067
132M-400-040	NEW-P	92-04-060	132Q-16-030	REP	92-14-043	132Y-100-072	AMD	92-09-055
132M-400-040	NEW	92-09-006	132Q-16-033	REP-P	92-10-058	132Y-100-100	AMD-P	92-04-067
132Q-04-020	AMD-P	92-10-053	132Q-16-033	REP	92-14-043	132Y-100-100	AMD	92-09-055

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132Y-100-104	AMD-P	92-04-067	172-65-020	AMD	92-09-103	172-124-020	AMD	92-09-105
132Y-100-104	AMD	92-09-055	172-65-030	AMD-P	92-05-054	172-124-100	REP-P	92-05-056
132Y-100-112	AMD-P	92-04-067	172-65-030	AMD	92-09-103	172-124-100	REP	92-09-105
132Y-100-112	AMD	92-09-055	172-65-040	AMD-P	92-05-054	172-124-200	REP-P	92-05-056
132Y-100-116	AMD-P	92-04-067	172-65-040	AMD	92-09-103	172-124-200	REP	92-09-105
132Y-100-116	AMD	92-09-055	172-65-050	AMD-P	92-05-054	172-124-210	REP-P	92-05-056
132Y-100-120	AMD-P	92-04-067	172-65-050	AMD	92-09-103	172-124-210	REP	92-09-105
132Y-100-120	AMD	92-09-055	172-65-060	AMD-P	92-05-054	172-124-220	REP-P	92-05-056
136-01-010	AMD-P	92-08-068	172-65-060	AMD	92-09-103	172-124-220	REP	92-09-105
136-01-010	AMD	92-13-036	172-65-070	AMD-P	92-05-054	172-136-010	AMD-P	92-16-063
136-01-020	AMD-P	92-08-068	172-65-070	AMD	92-09-103	172-136-015	NEW-P	92-16-063
136-01-020	AMD	92-13-036	172-65-080	AMD-P	92-05-054	172-136-020	REP-P	92-16-063
136-01-030	AMD-P	92-08-068	172-65-080	AMD	92-09-103	172-136-030	AMD-P	92-16-063
136-01-030	AMD	92-13-036	172-65-090	AMD-P	92-05-054	172-136-040	AMD-P	92-16-063
136-03-010	NEW-P	92-08-069	172-65-090	AMD	92-09-103	172-136-050	AMD-P	92-16-063
136-03-010	NEW	92-13-037	172-108-010	NEW-P	92-04-084	172-136-060	AMD-P	92-16-063
136-03-020	NEW-P	92-08-069	172-108-010	NEW	92-09-100	172-136-070	AMD-P	92-16-063
136-03-020	NEW	92-13-037	172-108-020	NEW-P	92-04-084	172-136-080	AMD-P	92-16-063
136-03-030	NEW-P	92-08-069	172-108-020	NEW	92-09-100	172-136-090	AMD-P	92-16-063
136-03-030	NEW	92-13-037	172-108-030	NEW-P	92-04-084	172-136-100	AMD-P	92-16-063
136-03-040	NEW-P	92-08-069	172-108-030	NEW	92-09-100	172-136-110	AMD-P	92-16-063
136-03-040	NEW	92-13-037	172-108-040	NEW-P	92-04-084	172-136-120	AMD-P	92-16-063
136-03-050	NEW-P	92-08-069	172-108-040	NEW	92-09-100	172-136-600	REP-P	92-16-063
136-03-050	NEW	92-13-037	172-108-050	NEW-P	92-04-084	172-136-610	REP-P	92-16-063
136-03-060	NEW-P	92-08-069	172-108-050	NEW	92-09-100	172-136-620	REP-P	92-16-063
136-03-060	NEW	92-13-037	172-108-060	NEW-P	92-04-084	172-139-010	NEW-P	92-15-128
136-03-070	NEW-P	92-08-069	172-108-060	NEW	92-09-100	172-139-020	NEW-P	92-15-128
136-03-070	NEW	92-13-037	172-108-070	NEW-P	92-04-084	172-139-030	NEW-P	92-15-128
136-03-080	NEW-P	92-08-069	172-108-070	NEW	92-09-100	172-139-040	NEW-P	92-15-128
136-03-080	NEW	92-13-037	172-108-080	NEW-P	92-04-084	172-144-010	AMD-P	92-05-053
136-03-090	NEW-P	92-08-069	172-108-080	NEW	92-09-100	172-144-010	AMD	92-09-102
136-03-090	NEW	92-13-037	172-108-090	NEW-P	92-04-084	172-144-020	AMD-P	92-05-053
136-03-100	NEW-P	92-08-069	172-108-090	NEW	92-09-100	172-144-020	AMD	92-09-102
136-03-100	NEW	92-13-037	172-118	AMD-P	92-15-129	172-144-030	REP-P	92-05-053
136-03-110	NEW-P	92-08-069	172-118-010	AMD-P	92-15-129	172-144-030	REP	92-09-102
136-03-110	NEW	92-13-037	172-118-020	AMD-P	92-15-129	172-144-040	AMD-P	92-05-053
136-130-030	AMD-P	92-08-070	172-118-030	AMD-P	92-15-129	172-144-040	AMD	92-09-102
136-130-030	AMD	92-13-038	172-118-040	AMD-P	92-15-129	172-144-045	NEW-P	92-05-053
136-130-050	AMD-P	92-08-070	172-118-050	AMD-P	92-15-129	172-144-045	NEW	92-09-102
136-130-050	AMD	92-13-038	172-118-060	REP-P	92-15-129	172-144-050	REP-P	92-05-053
136-130-060	AMD-P	92-08-070	172-118-070	REP-P	92-15-129	172-144-050	REP	92-09-102
136-130-060	AMD	92-13-038	172-118-080	AMD-P	92-15-129	172-168-020	AMD-P	92-14-056
136-130-070	AMD-P	92-08-070	172-118-090	AMD-P	92-15-129	172-168-060	REP-P	92-14-056
136-130-070	AMD	92-13-038	172-122-100	NEW-P	92-15-127	172-168-070	AMD-P	92-14-056
136-160-050	AMD-P	92-08-071	172-122-100	NEW-W	92-16-061	172-168-080	AMD-P	92-14-056
136-160-050	AMD	92-13-039	172-122-100	NEW-P	92-16-098	172-168-090	AMD-P	92-14-056
136-160-060	AMD-P	92-08-071	172-122-110	NEW-P	92-15-127	172-168-100	AMD-P	92-14-056
136-160-060	AMD	92-13-039	172-122-110	NEW-W	92-16-061	172-168-110	AMD-P	92-14-056
136-210-020	AMD-P	92-08-072	172-122-110	NEW-P	92-16-098	172-168-120	AMD-P	92-14-056
136-210-020	AMD-W	92-12-005	172-122-120	NEW-P	92-15-127	172-168-130	AMD-P	92-14-056
136-210-030	AMD-P	92-08-072	172-122-120	NEW-W	92-16-061	172-325-010	AMD-P	92-05-055
136-210-030	AMD-W	92-12-005	172-122-120	NEW-P	92-16-098	172-325-010	AMD	92-09-104
139-05-240	AMD-P	92-16-070	172-122-200	NEW-P	92-15-127	172-325-010	AMD-P	92-16-062
139-05-242	NEW-P	92-16-068	172-122-200	NEW-W	92-16-061	173-03-030	AMD-E	92-13-049
139-10-220	AMD-P	92-16-071	172-122-200	NEW-P	92-16-098	173-03-030	AMD-P	92-15-112
139-10-222	NEW-P	92-16-069	172-122-210	NEW-P	92-15-127	173-03-040	AMD-E	92-13-049
142-12-026	AMD-P	92-10-031	172-122-210	NEW-W	92-16-061	173-03-040	AMD-P	92-15-112
142-12-026	AMD	92-15-080	172-122-210	NEW-P	92-16-098	173-03-060	AMD-E	92-13-049
142-40-010	NEW-P	92-10-032	172-122-300	NEW-P	92-15-127	173-03-060	AMD-P	92-15-112
142-40-010	NEW	92-14-035	172-122-300	NEW-W	92-16-061	173-03-070	AMD-E	92-13-049
142-40-020	NEW-P	92-10-032	172-122-300	NEW-P	92-16-098	173-03-070	AMD-P	92-15-112
142-40-020	NEW	92-14-035	172-122-400	NEW-P	92-15-127	173-03-100	AMD-E	92-13-049
142-40-030	NEW-P	92-10-032	172-122-400	NEW-W	92-16-061	173-03-100	AMD-P	92-15-112
142-40-030	NEW	92-14-035	172-122-400	NEW-P	92-16-098	173-19-130	AMD-P	92-07-091
172-04-010	NEW-P	92-04-085	172-122-410	NEW-P	92-15-127	173-19-130	AMD	92-13-081
172-04-010	NEW	92-09-101	172-122-410	NEW-W	92-16-061	173-19-1701	AMD	92-03-132
172-06-010	NEW-P	92-04-083	172-122-410	NEW-P	92-16-098	173-19-230	AMD-P	92-04-080
172-06-010	NEW	92-09-099	172-122-500	NEW-P	92-16-098	173-19-230	AMD	92-09-135
172-65	AMD-P	92-05-054	172-124	AMD-P	92-05-056	173-19-2503	AMD-P	92-07-090
172-65	AMD	92-09-103	172-124	AMD	92-09-105	173-19-2503	AMD	92-13-080
172-65-010	AMD-P	92-05-054	172-124-010	AMD-P	92-05-056	173-19-2511	AMD-P	92-07-087
172-65-010	AMD	92-09-103	172-124-010	AMD	92-09-105	173-19-2511	AMD	92-13-082
172-65-020	AMD-P	92-05-054	172-124-020	AMD-P	92-05-056	173-19-2515	AMD-P	92-03-128

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-2515	AMD-C	92-09-131	173-175-350	NEW	92-12-055	173-183-400	NEW	92-10-005
173-19-2515	AMD	92-11-044	173-175-360	NEW-P	92-06-091	173-183-410	NEW	92-10-005
173-19-2521	AMD-P	92-07-088	173-175-360	NEW	92-12-055	173-183-420	NEW	92-10-005
173-19-2521	AMD-C	92-09-128	173-175-370	NEW-P	92-06-091	173-183-430	NEW	92-10-005
173-19-2521	AMD-C	92-13-079	173-175-370	NEW	92-12-055	173-183-440	NEW	92-10-005
173-19-2521	AMD-C	92-16-094	173-175-380	NEW-P	92-06-091	173-183-450	NEW	92-10-005
173-19-2523	AMD-P	92-09-132	173-175-380	NEW	92-12-055	173-183-450	NEW	92-13-083
173-19-2601	AMD	92-04-081	173-175-390	NEW-P	92-06-091	173-183-460	NEW	92-10-005
173-19-2602	AMD-P	92-03-129	173-175-390	NEW	92-12-055	173-183-470	NEW	92-10-005
173-19-2602	AMD-C	92-09-127	173-175-400	NEW-P	92-06-091	173-183-500	NEW	92-10-005
173-19-2602	AMD-C	92-12-054	173-175-400	NEW	92-12-055	173-183-600	NEW	92-10-005
173-19-2602	AMD	92-13-084	173-175-500	NEW-P	92-06-091	173-183-610	NEW	92-10-005
173-19-3514	AMD-P	92-15-109	173-175-500	NEW	92-12-055	173-183-620	NEW	92-10-005
173-19-360	AMD-P	92-11-042	173-175-510	NEW-P	92-06-091	173-183-700	NEW	92-10-005
173-19-360	AMD-C	92-14-120	173-175-510	NEW	92-12-055	173-183-710	NEW	92-10-005
173-19-360	AMD-P	92-15-110	173-175-520	NEW-P	92-06-091	173-183-800	NEW	92-10-005
173-19-4205	AMD-P	92-03-130	173-175-520	NEW	92-12-055	173-183-810	NEW	92-10-005
173-19-4205	AMD	92-09-134	173-175-530	NEW	92-12-055	173-183-820	NEW	92-10-005
173-19-430	AMD-P	92-07-089	173-175-600	NEW-P	92-06-091	173-183-830	NEW	92-10-005
173-19-430	AMD-C	92-13-078	173-175-600	NEW	92-12-055	173-183-840	NEW	92-10-005
173-19-430	AMD	92-16-095	173-175-610	NEW-P	92-06-091	173-183-850	NEW	92-10-005
173-19-450	AMD-P	92-15-108	173-175-610	NEW	92-12-055	173-183-860	NEW	92-10-005
173-175-010	NEW-P	92-06-091	173-175-620	NEW-P	92-06-091	173-183-865	NEW	92-10-005
173-175-010	NEW	92-12-055	173-175-620	NEW	92-12-055	173-183-870	NEW	92-10-005
173-175-020	NEW-P	92-06-091	173-175-630	NEW-P	92-06-091	173-183-880	NEW	92-10-005
173-175-020	NEW	92-12-055	173-175-630	NEW	92-12-055	173-183-890	NEW	92-10-005
173-175-030	NEW-P	92-06-091	173-180D-010	NEW-P	92-06-087	173-183-900	NEW	92-10-005
173-175-030	NEW	92-12-055	173-180D-010	NEW	92-15-035	173-183-910	NEW	92-10-005
173-175-040	NEW-P	92-06-091	173-180D-020	NEW-P	92-06-087	173-183-920	NEW	92-10-005
173-175-040	NEW	92-12-055	173-180D-020	NEW	92-15-035	173-201-010	REP-P	92-11-041
173-175-050	NEW-P	92-06-091	173-180D-030	NEW-P	92-06-087	173-201-025	REP-P	92-11-041
173-175-050	NEW	92-12-055	173-180D-030	NEW	92-15-035	173-201-035	REP-P	92-11-041
173-175-060	NEW-P	92-06-091	173-180D-040	NEW-P	92-06-087	173-201-045	REP-P	92-11-041
173-175-060	NEW	92-12-055	173-180D-040	NEW	92-15-035	173-201-047	REP-P	92-11-041
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173-175-070	NEW	92-12-055	173-180D-050	NEW	92-15-035	173-201-080	REP-P	92-11-041
173-175-100	NEW-P	92-06-091	173-180D-055	NEW-P	92-06-087	173-201-085	REP-P	92-11-041
173-175-100	NEW	92-12-055	173-180D-055	NEW	92-15-035	173-201-090	REP-P	92-11-041
173-175-110	NEW-P	92-06-091	173-180D-060	NEW-P	92-06-087	173-201-100	REP-P	92-11-041
173-175-110	NEW	92-12-055	173-180D-060	NEW	92-15-035	173-201-110	REP-P	92-11-041
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173-175-120	NEW	92-12-055	173-180D-065	NEW	92-15-035	173-201A-010	NEW-P	92-11-041
173-175-130	NEW-P	92-06-091	173-180D-070	NEW-P	92-06-087	173-201A-020	NEW-P	92-11-041
173-175-130	NEW	92-12-055	173-180D-070	NEW	92-15-035	173-201A-030	NEW-P	92-11-041
173-175-140	NEW-P	92-06-091	173-180D-075	NEW-P	92-06-087	173-201A-040	NEW-P	92-11-041
173-175-140	NEW	92-12-055	173-180D-075	NEW	92-15-035	173-201A-050	NEW-P	92-11-041
173-175-150	NEW-P	92-06-091	173-180D-080	NEW-P	92-06-087	173-201A-060	NEW-P	92-11-041
173-175-150	NEW	92-12-055	173-180D-080	NEW	92-15-035	173-201A-070	NEW-P	92-11-041
173-175-160	NEW-P	92-06-091	173-180D-085	NEW-P	92-06-087	173-201A-080	NEW-P	92-11-041
173-175-160	NEW	92-12-055	173-180D-085	NEW	92-15-035	173-201A-100	NEW-P	92-11-041
173-175-170	NEW-P	92-06-091	173-180D-090	NEW-P	92-06-087	173-201A-110	NEW-P	92-11-041
173-175-170	NEW	92-12-055	173-180D-090	NEW	92-15-035	173-201A-120	NEW-P	92-11-041
173-175-180	NEW-P	92-06-091	173-180D-098	NEW-P	92-06-087	173-201A-130	NEW-P	92-11-041
173-175-180	NEW	92-12-055	173-180D-098	NEW	92-15-035	173-201A-140	NEW-P	92-11-041
173-175-190	NEW-P	92-06-091	173-183	NEW-C	92-09-034	173-201A-150	NEW-P	92-11-041
173-175-190	NEW	92-12-055	173-183-010	NEW	92-10-005	173-201A-160	NEW-P	92-11-041
173-175-200	NEW-P	92-06-091	173-183-020	NEW	92-10-005	173-201A-170	NEW-P	92-11-041
173-175-200	NEW	92-12-055	173-183-030	NEW	92-10-005	173-201A-180	NEW-P	92-11-041
173-175-210	NEW-P	92-06-091	173-183-100	NEW	92-10-005	173-202-020	AMD-E	92-05-084
173-175-210	NEW	92-12-055	173-183-200	NEW	92-10-005	173-202-020	AMD-P	92-07-085
173-175-220	NEW-P	92-06-091	173-183-210	NEW	92-10-005	173-202-020	AMD-S	92-11-068
173-175-220	NEW	92-12-055	173-183-220	NEW	92-10-005	173-202-020	AMD	92-14-098
173-175-230	NEW-P	92-06-091	173-183-230	NEW	92-10-005	173-224-015	AMD	92-03-131
173-175-230	NEW	92-12-055	173-183-240	NEW	92-10-005	173-224-020	AMD	92-03-131
173-175-240	NEW-P	92-06-091	173-183-250	NEW	92-10-005	173-224-030	AMD	92-03-131
173-175-240	NEW	92-12-055	173-183-260	NEW	92-10-005	173-224-040	AMD	92-03-131
173-175-250	NEW-P	92-06-091	173-183-270	NEW	92-10-005	173-224-050	AMD	92-03-131
173-175-250	NEW	92-12-055	173-183-300	NEW	92-10-005	173-224-090	AMD	92-03-131
173-175-260	NEW-P	92-06-091	173-183-310	NEW	92-10-005	173-224-100	AMD	92-03-131
173-175-260	NEW	92-12-055	173-183-320	NEW	92-10-005	173-224-120	AMD	92-03-131
173-175-270	NEW-P	92-06-091	173-183-330	NEW	92-10-005	173-303-145	AMD-P	92-03-127
173-175-270	NEW	92-12-055	173-183-340	NEW	92-10-005	173-303-145	AMD-C	92-11-040
173-175-350	NEW-P	92-06-091	173-183-350	NEW-W	92-11-038	173-303-145	AMD	92-15-036

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-303-506	NEW-E	92-11-045	173-433-170	AMD-C	92-15-111	180-20-145	NEW-P	92-13-098
173-305-060	REP-P	92-05-083	173-433-170	AMD-E	92-10-022	180-20-150	NEW-P	92-13-098
173-305-060	REP	92-10-043	173-492-010	NEW-P	92-06-088	180-20-155	NEW-P	92-13-098
173-305-070	REP-P	92-05-083	173-492-010	NEW-S	92-11-043	180-20-160	NEW-P	92-13-098
173-305-070	REP	92-10-043	173-492-020	NEW-P	92-06-088	180-25-030	AMD-E	92-13-047
173-305-080	REP-P	92-05-083	173-492-020	NEW-S	92-11-043	180-25-030	AMD-P	92-13-059
173-305-080	REP	92-10-043	173-492-030	NEW-P	92-06-088	180-25-030	AMD	92-16-058
173-305-090	REP-P	92-05-083	173-492-030	NEW-S	92-11-043	180-25-031	NEW	92-04-043
173-305-090	REP	92-10-043	173-492-040	NEW-P	92-06-088	180-25-032	NEW-E	92-13-047
173-322-010	AMD-E	92-14-072	173-492-040	NEW-S	92-11-043	180-25-032	NEW-P	92-13-059
173-322-020	AMD-E	92-14-072	173-492-050	NEW-P	92-06-088	180-25-032	NEW	92-16-058
173-322-050	AMD-E	92-14-072	173-492-050	NEW-S	92-11-043	180-27-016	NEW-E	92-13-047
173-322-060	AMD-E	92-14-072	173-492-060	NEW-P	92-06-088	180-27-016	NEW-P	92-13-059
173-322-070	AMD-E	92-14-072	173-492-060	NEW-S	92-11-043	180-27-016	NEW	92-16-058
173-322-080	AMD-E	92-14-072	173-492-070	NEW-P	92-06-088	180-27-052	NEW-E	92-13-047
173-322-090	AMD-E	92-14-072	173-492-070	NEW-S	92-11-043	180-27-052	NEW-P	92-13-059
173-322-100	AMD-E	92-14-072	173-492-080	NEW-P	92-06-088	180-27-052	NEW	92-16-058
173-322-105	NEW-E	92-14-072	173-492-080	NEW-S	92-11-043	180-27-056	AMD-E	92-13-047
173-326-010	AMD-P	92-16-087	173-492-090	NEW-P	92-06-088	180-27-056	AMD-P	92-13-059
173-326-020	AMD-P	92-16-087	173-492-090	NEW-S	92-11-043	180-27-056	AMD	92-16-058
173-326-030	AMD-P	92-16-087	173-492-100	NEW-P	92-06-088	180-27-058	AMD-E	92-13-047
173-326-040	AMD-P	92-16-087	173-492-100	NEW-S	92-11-043	180-27-058	AMD-P	92-13-059
173-326-050	NEW-P	92-16-087	173-563	NEW-C	92-16-026	180-27-058	AMD	92-16-058
173-326-060	NEW-P	92-16-087	173-563-015	NEW-E	92-07-055	180-27-500	NEW-E	92-13-047
173-422-010	AMD-P	92-09-133	173-563-015	NEW-P	92-14-010	180-27-500	NEW-P	92-13-059
173-422-020	AMD-P	92-09-133	173-563-015	NEW-E	92-14-012	180-27-500	NEW	92-16-058
173-422-030	AMD-P	92-09-133	173-564	NEW-C	92-16-027	180-27-505	NEW-E	92-13-047
173-422-035	AMD-P	92-09-133	173-564-010	NEW-E	92-07-054	180-27-505	NEW-P	92-13-059
173-422-040	AMD-P	92-09-133	173-564-010	NEW-P	92-14-009	180-27-505	NEW	92-16-058
173-422-050	AMD-P	92-09-133	173-564-010	NEW-E	92-14-011	180-27-510	NEW-E	92-13-047
173-422-060	AMD-P	92-09-133	173-564-020	NEW-E	92-07-054	180-27-510	NEW-P	92-13-059
173-422-065	NEW-P	92-09-133	173-564-020	NEW-P	92-14-009	180-27-510	NEW	92-16-058
173-422-070	AMD-P	92-09-133	173-564-020	NEW-E	92-14-011	180-27-510	NEW-E	92-13-047
173-422-075	NEW-P	92-09-133	173-564-030	NEW-E	92-07-054	180-27-515	NEW-P	92-13-059
173-422-080	REP-P	92-09-133	173-564-030	NEW-P	92-14-009	180-27-515	NEW	92-16-058
173-422-090	AMD-P	92-09-133	173-564-030	NEW-E	92-14-011	180-27-525	NEW-E	92-13-047
173-422-095	NEW-P	92-09-133	173-564-040	NEW-E	92-07-054	180-27-525	NEW-P	92-13-059
173-422-100	AMD-P	92-09-133	173-564-040	NEW-P	92-14-009	180-27-525	NEW	92-16-058
173-422-110	REP-P	92-09-133	173-564-040	NEW-E	92-14-011	180-27-530	NEW-E	92-13-047
173-422-120	AMD-P	92-09-133	178-01-010	NEW-C	92-03-055	180-27-530	NEW-P	92-13-059
173-422-130	AMD-P	92-09-133	178-01-010	NEW-E	92-03-056	180-27-530	NEW	92-16-058
173-422-140	AMD-P	92-09-133	178-01-010	NEW	92-09-002	180-27-535	NEW-E	92-13-047
173-422-150	REP-P	92-09-133	180-16-200	AMD	92-05-047	180-27-535	NEW-P	92-13-059
173-422-160	AMD-P	92-09-133	180-16-200	AMD-P	92-13-075	180-27-535	NEW	92-16-058
173-422-170	AMD-P	92-09-133	180-16-205	AMD	92-05-047	180-29-085	AMD-E	92-13-047
173-422-180	REP-P	92-09-133	180-16-205	AMD-P	92-13-075	180-29-085	AMD-P	92-13-059
173-425-010	AMD-P	92-12-026	180-16-222	AMD	92-04-044	180-29-085	AMD	92-16-058
173-425-020	AMD-P	92-12-026	180-16-222	AMD	92-04-044	180-51-085	AMD-P	92-05-067
173-425-030	AMD-P	92-12-026	180-20-005	NEW-P	92-13-098	180-51-085	AMD	92-08-078
173-425-036	REP-P	92-12-026	180-20-030	NEW-P	92-13-098	180-53-065	REP-P	92-13-075
173-425-040	NEW-P	92-12-026	180-20-031	NEW-P	92-13-098	180-53-070	NEW-P	92-13-075
173-425-045	REP-P	92-12-026	180-20-034	NEW-P	92-13-098	180-75-016	NEW	92-04-044
173-425-050	NEW-P	92-12-026	180-20-035	NEW-P	92-13-098	180-75-055	AMD	92-04-044
173-425-055	REP-P	92-12-026	180-20-036	NEW-P	92-13-098	180-75-065	AMD	92-04-044
173-425-060	NEW-P	92-12-026	180-20-040	NEW-P	92-13-098	180-75-080	REP	92-04-044
173-425-065	REP-P	92-12-026	180-20-045	NEW-P	92-13-098	180-75-085	AMD	92-04-044
173-425-070	NEW-P	92-12-026	180-20-050	NEW-P	92-13-098	180-75-085	AMD-E	92-13-021
173-425-075	REP-P	92-12-026	180-20-055	NEW-P	92-13-098	180-75-085	AMD-E	92-15-038
173-425-080	NEW-P	92-12-026	180-20-060	NEW-P	92-13-098	180-75-085	AMD-P	92-15-098
173-425-085	REP-P	92-12-026	180-20-065	NEW-P	92-13-098	180-75-087	AMD	92-04-044
173-425-090	NEW-P	92-12-026	180-20-070	NEW-P	92-13-098	180-75-089	NEW	92-04-044
173-425-095	REP-P	92-12-026	180-20-075	NEW-P	92-13-098	180-75-090	AMD	92-04-044
173-425-100	AMD-P	92-12-026	180-20-080	NEW-P	92-13-098	180-75-110	NEW	92-04-044
173-425-110	NEW-P	92-12-026	180-20-090	NEW-P	92-13-098	180-77-040	AMD	92-05-039
173-425-115	REP-P	92-12-026	180-20-095	NEW-P	92-13-098	180-77-045	AMD	92-05-039
173-425-120	REP-P	92-12-026	180-20-101	NEW-P	92-13-098	180-77-050	AMD	92-05-039
173-425-130	REP-P	92-12-026	180-20-111	NEW-P	92-13-098	180-77-065	AMD	92-05-039
173-425-140	REP-P	92-12-026	180-20-115	NEW-P	92-13-098	180-77-100	NEW	92-05-039
173-433-100	AMD-P	92-09-035	180-20-120	NEW-P	92-13-098	180-77-105	NEW	92-05-039
173-433-100	AMD-C	92-15-111	180-20-125	NEW-P	92-13-098	180-77-110	NEW	92-05-039
173-433-110	AMD-P	92-09-035	180-20-130	NEW-P	92-13-098	180-78-165	AMD	92-06-027
173-433-110	AMD-C	92-15-111	180-20-135	NEW-P	92-13-098	180-78-200	NEW-W	92-09-108
173-433-170	AMD-P	92-09-035	180-20-140	NEW-P	92-13-098	180-79-045	AMD-E	92-13-021

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-79-045	AMD-E	92-15-038	192-12-405	NEW-P	92-07-104	220-40-027	AMD-P	92-10-081
180-79-045	AMD-P	92-15-098	192-12-405	NEW	92-14-047	220-44-030	AMD-P	92-03-150
180-79-047	AMD	92-04-044	192-32-120	NEW	92-05-051	220-44-030	AMD	92-07-008
180-79-049	AMD	92-04-044	192-32-125	NEW	92-05-051	220-44-04000B	NEW-E	92-10-064
180-79-060	AMD-E	92-13-021	196-24-050	AMD-P	92-04-008	220-44-050	AMD-P	92-03-150
180-79-060	AMD-E	92-15-038	196-24-050	AMD	92-09-089	220-44-050	AMD	92-07-008
180-79-060	AMD-P	92-15-098	196-24-105	AMD-P	92-12-053	220-44-05000R	REP-E	92-03-030
180-79-065	AMD-E	92-13-021	196-24-105	AMD	92-15-139	220-44-05000S	NEW-E	92-03-030
180-79-065	AMD-E	92-15-038	204-24-030	AMD	92-05-016	220-44-05000S	REP-E	92-08-007
180-79-065	AMD-P	92-15-098	204-24-040	AMD	92-05-016	220-44-05000T	NEW-E	92-08-007
180-79-075	AMD	92-04-044	204-24-050	AMD	92-05-016	220-44-05000T	REP-E	92-09-084
180-79-080	AMD	92-04-044	204-24-070	AMD	92-05-016	220-44-05000U	NEW-E	92-09-084
180-79-085	AMD-E	92-13-021	204-32	PREP	92-13-012A	220-44-05000U	REP-E	92-11-021
180-79-086	AMD	92-04-044	204-38-030	AMD-P	92-05-015	220-44-05000V	NEW-E	92-11-021
180-79-115	AMD	92-04-044	204-38-030	AMD	92-11-032	220-44-05000V	REP-E	92-12-018
180-79-115	AMD-E	92-13-021	204-38-040	AMD-P	92-05-015	220-44-05000W	NEW-E	92-12-018
180-79-115	AMD-E	92-15-038	204-38-040	AMD	92-11-032	220-44-05000W	REP-E	92-16-002
180-79-115	AMD-P	92-15-098	204-39	PREP	92-13-012A	220-44-05000X	NEW-E	92-16-002
180-79-117	AMD-E	92-13-021	204-62	PREP	92-13-012A	220-44-09000A	NEW-E	92-11-004
180-79-117	AMD-E	92-15-038	204-70	PREP	92-13-012A	220-47	AMD-C	92-11-083
180-79-117	AMD-P	92-15-098	204-74A-060	AMD	92-09-050	220-47	AMD-S	92-11-083
180-79-120	AMD	92-04-044	212-80-010	AMD-P	92-14-073	220-47-301	AMD-P	92-09-137
180-79-122	AMD-E	92-13-021	212-80-010	AMD-E	92-14-074	220-47-302	AMD-P	92-09-137
180-79-122	AMD-E	92-15-038	212-80-015	AMD-P	92-14-073	220-47-302	AMD	92-15-105
180-79-122	AMD-P	92-15-098	212-80-015	AMD-E	92-14-074	220-47-304	AMD-P	92-09-137
180-79-123	NEW	92-04-044	212-80-030	AMD-P	92-14-073	220-47-304	AMD	92-15-105
180-79-123	AMD-E	92-13-021	212-80-030	AMD-E	92-14-074	220-47-307	AMD-P	92-09-137
180-79-123	AMD-E	92-15-038	212-80-035	AMD-P	92-14-073	220-47-307	AMD	92-15-105
180-79-123	AMD-P	92-15-098	212-80-035	AMD-E	92-14-074	220-47-311	AMD-P	92-09-137
180-79-127	AMD-E	92-13-021	212-80-055	AMD-P	92-14-073	220-47-311	AMD	92-15-105
180-79-127	AMD-E	92-15-038	212-80-055	AMD-E	92-14-074	220-47-319	AMD-P	92-09-137
180-79-127	AMD-P	92-15-098	212-80-065	AMD-P	92-14-073	220-47-319	AMD	92-15-105
180-79-129	REP	92-04-044	212-80-065	AMD-E	92-14-074	220-47-401	AMD-P	92-09-137
180-79-131	AMD	92-04-044	212-80-115	AMD-P	92-14-073	220-47-401	AMD	92-15-105
180-79-136	AMD	92-04-044	212-80-115	AMD-E	92-14-074	220-47-411	AMD-P	92-09-137
180-79-230	AMD	92-04-044	212-80-125	NEW-P	92-14-073	220-47-411	AMD	92-09-105
180-79-241	AMD-P	92-08-077	212-80-125	NEW-E	92-14-074	220-47-412	AMD-P	92-09-137
180-79-241	AMD	92-15-037	220-16	AMD-C	92-11-083	220-47-412	AMD	92-15-105
180-79-310	REP	92-04-044	220-16	AMD-S	92-11-083	220-47-500	AMD-P	92-09-137
180-79-311	NEW	92-04-044	220-16-01500A	NEW-E	92-13-040	220-47-500	AMD	92-15-105
180-79-333	NEW	92-04-044	220-16-040	AMD-P	92-09-137	220-47-801	NEW-E	92-16-020
180-79-379	NEW	92-04-044	220-16-040	AMD	92-15-105	220-47-801	REP-E	92-16-055
180-85-045	AMD	92-04-044	220-16-046	NEW-P	92-09-137	220-47-802	NEW-E	92-16-055
180-85-077	NEW	92-04-044	220-16-046	NEW	92-15-105	220-47-802	REP-E	92-16-084
180-85-115	AMD	92-04-044	220-20-020	AMD-P	92-10-081	220-47-803	NEW-E	92-16-084
180-86-150	AMD-P	92-08-077	220-20-02000W	NEW-E	92-16-054	220-48-005	AMD-P	92-06-092
180-86-150	AMD	92-15-037	220-20-021	AMD-P	92-10-081	220-48-005	AMD-C	92-08-079
180-86-155	AMD-P	92-08-077	220-24-02000L	NEW-E	92-09-130	220-48-005	AMD	92-11-011
180-86-155	AMD	92-15-037	220-24-02000L	REP-E	92-15-076	220-48-00500A	NEW-E	92-09-073
180-110-035	AMD-P	92-13-058	220-24-02000M	NEW-E	92-15-076	220-48-011	AMD-P	92-06-092
180-110-035	AMD	92-16-057	220-24-02000M	REP-E	92-16-022	220-48-011	AMD-C	92-08-079
182-12-111	AMD	92-03-040	220-24-02000N	NEW-E	92-16-022	220-48-042	AMD-P	92-06-092
182-12-115	AMD-P	92-04-001	220-24-02000N	REP-E	92-16-034	220-48-042	AMD-C	92-08-079
182-12-115	AMD-C	92-07-046	220-24-02000P	NEW-E	92-16-034	220-48-042	AMD	92-11-011
182-12-115	AMD	92-08-003	220-24-02000P	REP-E	92-16-085	220-48-052	AMD-P	92-06-092
192-12-017	REP-P	92-07-104	220-24-02000Q	NEW-E	92-16-085	220-48-052	AMD-C	92-08-079
192-12-017	REP	92-14-047	220-32-05100J	REP-E	92-04-051	220-48-052	AMD	92-11-011
192-12-019	REP-P	92-07-104	220-32-05100K	NEW-E	92-04-051	220-49-02000D	NEW-E	92-08-022
192-12-019	REP	92-14-047	220-32-05100K	REP-E	92-07-007	220-52-05100J	NEW-E	92-10-002
192-12-072	AMD-P	92-07-104	220-32-05100L	NEW-E	92-07-007	220-52-05100K	NEW-E	92-10-020
192-12-072	AMD	92-14-047	220-32-05500A	NEW-E	92-09-047	220-52-05100K	REP-E	92-11-065
192-12-300	AMD-P	92-03-145	220-32-05500A	REP-E	92-09-106	220-52-05100L	NEW-E	92-11-008
192-12-300	AMD-W	92-16-078	220-32-05500B	NEW-E	92-09-106	220-52-05100M	NEW-E	92-13-040
192-12-305	AMD-P	92-03-145	220-32-05700I	NEW-E	92-03-022	220-52-07300H	NEW-E	92-06-054
192-12-305	AMD-W	92-16-078	220-32-05700I	REP-E	92-05-004	220-56-10500A	NEW-E	92-08-031
192-12-310	AMD-P	92-03-145	220-32-05700J	NEW-E	92-04-051	220-56-116	AMD-P	92-03-151
192-12-310	AMD-W	92-16-078	220-32-05700J	REP-E	92-07-007	220-56-116	AMD	92-11-012
192-12-320	AMD-P	92-03-145	220-32-05700K	NEW-E	92-08-090	220-56-145	AMD-P	92-03-151
192-12-320	AMD-W	92-16-078	220-32-05700K	REP-E	92-14-099	220-56-156	AMD-P	92-03-151
192-12-370	NEW-P	92-03-145	220-32-05700L	NEW-E	92-14-099	220-56-156	AMD	92-11-012
192-12-370	AMD-W	92-16-078	220-33-01000D	REP-E	92-05-004	220-56-15600E	NEW-E	92-09-083
192-12-400	NEW-P	92-07-104	220-33-01000E	NEW-E	92-05-004	220-56-160	AMD-P	92-03-151
192-12-400	NEW	92-14-047	220-33-03000D	NEW-E	92-11-066	220-56-160	AMD-W	92-16-077

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-56-19000S	NEW-E	92-10-017	220-57-16000M	NEW-E	92-08-059	220-110-090	REP-W	92-15-095
220-56-19000S	REP-E	92-12-013	220-57-16000N	NEW-E	92-09-083	220-110-100	AMD-P	92-11-082
220-56-19000T	NEW-E	92-12-013	220-57-16000P	NEW-E	92-16-011	220-110-100	AMD-W	92-15-095
220-56-19000U	NEW-E	92-13-071	220-57-175	AMD-P	92-03-151	220-110-110	REP-P	92-11-082
220-56-19000U	REP-E	92-15-086	220-57-175	AMD	92-11-012	220-110-110	REP-W	92-15-095
220-56-19000V	NEW-E	92-14-046	220-57-17500W	NEW-E	92-09-083	220-110-120	AMD-P	92-11-082
220-56-19000V	REP-E	92-15-106	220-57-195	AMD-W	92-04-011	220-110-120	AMD-W	92-15-095
220-56-19000W	NEW-E	92-15-086	220-57-205	AMD-P	92-03-151	220-110-130	AMD-P	92-11-082
220-56-19000X	NEW-E	92-15-106	220-57-205	AMD-W	92-04-011	220-110-130	AMD-W	92-15-095
220-56-19000X	REP-E	92-16-035	220-57-205	AMD	92-11-012	220-110-140	AMD-P	92-11-082
220-56-19000Y	NEW-E	92-16-035	220-57-210	AMD-P	92-03-151	220-110-140	AMD-W	92-15-095
220-56-195	AMD-P	92-03-151	220-57-210	AMD-W	92-04-011	220-110-150	AMD-P	92-11-082
220-56-195	AMD	92-11-012	220-57-210	AMD	92-11-012	220-110-150	AMD-W	92-15-095
220-56-205	AMD-P	92-03-151	220-57-255	AMD-P	92-03-151	220-110-160	AMD-P	92-11-082
220-56-205	AMD	92-11-012	220-57-255	AMD	92-11-012	220-110-160	AMD-W	92-15-095
220-56-235	AMD-P	92-03-151	220-57-265	AMD-W	92-04-011	220-110-170	AMD-P	92-11-082
220-56-235	AMD	92-11-012	220-57-29000M	NEW-E	92-11-020	220-110-170	AMD-W	92-15-095
220-56-23500G	NEW-E	92-09-083	220-57-31500V	NEW-E	92-08-031	220-110-180	AMD-P	92-11-082
220-56-240	AMD-P	92-03-151	220-57-385	AMD-P	92-03-151	220-110-180	AMD-W	92-15-095
220-56-240	AMD	92-11-012	220-57-385	AMD	92-11-012	220-110-190	AMD-P	92-11-082
220-56-24000G	NEW-E	92-09-083	220-57-38500T	NEW-E	92-07-035	220-110-190	AMD-W	92-15-095
220-56-24500K	NEW-E	92-10-039	220-57-405	AMD-P	92-03-151	220-110-200	AMD-P	92-11-082
220-56-24500K	REP-E	92-12-002	220-57-405	AMD	92-11-012	220-110-200	AMD-W	92-15-095
220-56-24500L	NEW-E	92-12-002	220-57-425	AMD-P	92-03-151	220-110-210	AMD-P	92-11-082
220-56-250	AMD-P	92-03-151	220-57-425	AMD	92-11-012	220-110-210	AMD-W	92-15-095
220-56-250	AMD	92-11-012	220-57-430	AMD-P	92-03-151	220-110-220	AMD-P	92-11-082
220-56-25000E	NEW-E	92-09-083	220-57-430	AMD-W	92-04-011	220-110-220	AMD-W	92-15-095
220-56-25500L	NEW-E	92-10-039	220-57-430	AMD	92-11-012	220-110-223	NEW-P	92-11-082
220-56-25500L	REP-E	92-12-002	220-57-435	AMD-P	92-03-151	220-110-223	NEW-W	92-15-095
220-56-25500M	NEW-E	92-12-002	220-57-435	AMD	92-11-012	220-110-224	NEW-P	92-11-082
220-56-25500M	REP-E	92-15-010	220-57-43500G	NEW-E	92-15-052	220-110-224	NEW-W	92-15-095
220-56-25500N	NEW-E	92-15-010	220-57-450	AMD-P	92-03-151	220-110-225	NEW-P	92-11-082
220-56-25500N	REP-E	92-15-040	220-57-450	AMD	92-11-012	220-110-225	NEW-W	92-15-095
220-56-25500P	NEW-E	92-15-040	220-57-455	AMD-P	92-03-151	220-110-250	AMD-P	92-11-082
220-56-25500P	REP-E	92-16-036	220-57-455	AMD	92-11-012	220-110-250	AMD-W	92-15-095
220-56-25500Q	NEW-E	92-16-036	220-57-460	AMD-P	92-03-151	220-110-260	REP-P	92-11-082
220-56-28000A	NEW-E	92-07-015	220-57-460	AMD	92-11-012	220-110-260	REP-W	92-15-095
220-56-282	AMD-P	92-03-151	220-57-46000Y	NEW-E	92-07-035	220-110-270	AMD-P	92-11-082
220-56-282	AMD-W	92-16-077	220-57-465	AMD-P	92-03-151	220-110-270	AMD-W	92-15-095
220-56-285	AMD-P	92-03-151	220-57-465	AMD	92-11-012	220-110-280	AMD-P	92-11-082
220-56-285	AMD	92-11-012	220-57-470	AMD-W	92-04-011	220-110-280	AMD-W	92-15-095
220-56-28500F	NEW-E	92-09-083	220-57-490	AMD-P	92-03-151	220-110-285	NEW-P	92-11-082
220-56-310	AMD-P	92-03-151	220-57-490	AMD-W	92-04-011	220-110-285	NEW-W	92-15-095
220-56-310	AMD	92-11-012	220-57-490	AMD	92-11-012	220-110-290	AMD-P	92-11-082
220-56-31000K	NEW-E	92-09-083	220-57-50500T	NEW-E	92-08-031	220-110-290	AMD-W	92-15-095
220-56-315	AMD-P	92-03-151	220-57-51500H	NEW-E	92-08-031	220-110-300	AMD-P	92-11-082
220-56-315	AMD	92-11-012	220-57A-180	AMD-P	92-03-151	220-110-300	AMD-W	92-15-095
220-56-31500A	NEW-E	92-09-083	220-57A-180	AMD	92-11-012	220-110-320	AMD-P	92-11-082
220-56-320	AMD-P	92-03-151	220-57A-18300C	NEW-E	92-16-021	220-110-320	AMD-W	92-15-095
220-56-320	AMD	92-11-012	220-69-25000A	NEW-E	92-11-004	220-110-330	AMD-P	92-11-082
220-56-32000C	NEW-E	92-09-083	220-88-010	NEW-P	92-09-129	220-110-330	AMD-W	92-15-095
220-56-32500U	NEW-E	92-10-020	220-88-020	NEW-P	92-09-129	220-110-340	AMD-P	92-11-082
220-56-32500U	REP-E	92-11-065	220-88-030	NEW-P	92-09-129	220-110-340	AMD-W	92-15-095
220-56-32500V	NEW-E	92-11-065	220-88-040	NEW-P	92-09-129	220-110-350	AMD-P	92-11-082
220-56-335	AMD-P	92-03-151	220-88-050	NEW-P	92-09-129	220-110-350	AMD-W	92-15-095
220-56-335	AMD	92-11-012	220-110	AMD-C	92-14-045	220-110-360	NEW-P	92-11-082
220-56-33500G	NEW-E	92-09-083	220-110-010	AMD-P	92-11-082	220-110-360	NEW-W	92-15-095
220-56-350	AMD-P	92-03-151	220-110-010	AMD-W	92-15-095	222-12-040	AMD-S	92-11-069
220-56-350	AMD	92-11-012	220-110-020	AMD-P	92-11-082	222-12-040	AMD	92-15-011
220-56-35000P	NEW-E	92-09-083	220-110-020	AMD-W	92-15-095	222-12-046	NEW-P	92-07-093
220-56-35000Q	NEW-E	92-16-010	220-110-030	AMD-P	92-11-082	222-12-046	NEW-S	92-11-069
220-56-360	AMD-P	92-03-151	220-110-030	AMD-W	92-15-095	222-12-046	NEW	92-15-011
220-56-360	AMD	92-11-012	220-110-035	NEW-P	92-11-082	222-12-090	AMD-P	92-07-093
220-56-380	AMD-P	92-03-151	220-110-035	NEW-W	92-15-095	222-12-090	AMD-S	92-11-069
220-56-380	AMD	92-11-012	220-110-050	AMD-P	92-11-082	222-12-090	AMD	92-15-113
220-56-38000J	NEW-E	92-09-083	220-110-050	AMD-W	92-15-095	222-16-010	AMD	92-03-028
220-56-38000K	NEW-E	92-16-010	220-110-060	AMD-P	92-11-082	222-16-010	AMD-E	92-06-004
220-56-400	AMD-P	92-03-151	220-110-060	AMD-W	92-15-095	222-16-010	AMD-P	92-07-093
220-56-400	AMD	92-11-012	220-110-070	AMD-P	92-11-082	222-16-010	AMD-S	92-11-069
220-56-40000B	NEW-E	92-09-083	220-110-070	AMD-W	92-15-095	222-16-010	AMD-E	92-12-038
220-57-160	AMD-P	92-03-151	220-110-080	AMD-P	92-11-082	222-16-010	AMD	92-15-011
220-57-160	AMD	92-11-012	220-110-080	AMD-W	92-15-095	222-16-020	AMD-P	92-07-093
220-57-16000L	NEW-E	92-04-050	220-110-090	REP-P	92-11-082	222-16-020	REP-S	92-11-069

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
222-16-020	REP	92-15-011	222-24-060	AMD-P	92-07-093	230-50-580	AMD-E	92-14-020
222-16-030	AMD-P	92-07-093	222-24-060	AMD-S	92-11-069	232-12-017	AMD-E	92-14-015
222-16-030	AMD-S	92-11-069	222-24-060	AMD	92-15-011	232-12-021	AMD-P	92-02-086
222-16-030	AMD	92-15-011	222-30-010	AMD-P	92-07-093	232-12-021	AMD-C	92-05-018
222-16-035	NEW-P	92-07-093	222-30-010	AMD-S	92-11-069	232-12-021	AMD-W	92-12-057
222-16-035	NEW-S	92-11-069	222-30-010	AMD	92-15-011	232-12-021	AMD-E	92-14-014
222-16-035	NEW	92-15-011	222-30-020	AMD-P	92-07-093	232-12-064	AMD-E	92-14-014
222-16-046	NEW-E	92-09-064	222-30-020	AMD-S	92-11-069	232-12-074	AMD-P	92-02-086
222-16-050	AMD-E	92-06-004	222-30-020	AMD	92-15-011	232-12-074	AMD-C	92-05-018
222-16-050	AMD-P	92-07-093	222-30-025	NEW-P	92-07-093	232-12-074	AMD-W	92-12-057
222-16-050	AMD-S	92-11-069	222-30-025	NEW-S	92-11-069	232-12-077	AMD-P	92-02-086
222-16-050	AMD-E	92-12-038	222-30-025	NEW	92-15-011	232-12-077	AMD-C	92-05-018
222-16-050	AMD	92-15-011	222-30-040	AMD-P	92-07-093	232-12-077	AMD-W	92-12-057
222-16-070	NEW-E	92-06-004	222-30-040	AMD-S	92-11-069	232-12-141	AMD-P	92-14-105
222-16-070	NEW-P	92-07-093	222-30-040	AMD	92-15-011	232-12-147	AMD-P	92-06-072
222-16-070	NEW-S	92-11-069	222-30-050	AMD-P	92-07-093	232-12-147	AMD-E	92-08-066
222-16-070	NEW-E	92-12-038	222-30-050	AMD-S	92-11-069	232-12-147	AMD	92-11-078
222-16-070	NEW	92-15-011	222-30-050	AMD	92-15-011	232-12-160	NEW	92-09-076
222-16-080	NEW-P	92-07-093	222-30-060	AMD-P	92-07-093	232-12-170	NEW	92-09-076
222-16-080	NEW-S	92-11-069	222-30-060	AMD-S	92-11-069	232-12-171	NEW	92-09-076
222-16-080	NEW	92-15-011	222-30-060	AMD	92-15-011	232-12-175	NEW	92-09-076
222-20-080	AMD-E	92-16-044	222-30-070	AMD-P	92-07-093	232-12-180	NEW	92-09-076
222-22-010	NEW-P	92-07-093	222-30-070	AMD-S	92-11-069	232-12-267	AMD-P	92-02-086
222-22-010	NEW-S	92-11-069	222-30-070	AMD	92-15-011	232-12-267	AMD-C	92-05-018
222-22-010	NEW	92-15-011	222-30-090	AMD-P	92-07-093	232-12-267	AMD	92-12-064
222-22-020	NEW-P	92-07-093	222-30-090	AMD-S	92-11-069	232-12-277	AMD-P	92-02-086
222-22-020	NEW-S	92-11-069	222-30-090	AMD	92-15-011	232-12-277	AMD-C	92-05-018
222-22-020	NEW	92-15-011	222-30-100	AMD-P	92-07-093	232-12-277	AMD	92-12-064
222-22-030	NEW-P	92-07-093	222-30-100	AMD-S	92-11-069	232-28-022	AMD-P	92-02-085
222-22-030	NEW-S	92-11-069	222-30-100	AMD	92-15-011	232-28-022	AMD	92-06-017
222-22-030	NEW	92-15-011	222-30-110	NEW-P	92-07-093	232-28-022	AMD-P	92-09-042
222-22-040	NEW-P	92-07-093	222-30-110	NEW-S	92-11-069	232-28-022	AMD	92-12-065
222-22-040	NEW-S	92-11-069	222-30-110	NEW	92-15-011	232-28-226	AMD-P	92-06-075
222-22-040	NEW	92-15-011	222-30-120	NEW	92-08-025	232-28-226	AMD	92-12-058
222-22-050	NEW-P	92-07-093	222-34-040	AMD-P	92-07-093	232-28-227	AMD-P	92-06-076
222-22-050	NEW-S	92-11-069	222-38-010	AMD-P	92-07-093	232-28-227	AMD	92-12-059
222-22-050	NEW	92-15-011	222-38-010	AMD-S	92-11-069	232-28-227	AMD-P	92-14-106
222-22-060	NEW-P	92-07-093	222-38-010	AMD	92-15-011	232-28-22701	NEW-E	92-12-019
222-22-060	NEW-S	92-11-069	222-38-020	AMD-P	92-07-093	232-28-228	AMD-P	92-02-087
222-22-060	NEW	92-15-011	222-38-020	AMD-S	92-11-069	232-28-228	AMD	92-06-018
222-22-070	NEW-P	92-07-093	222-38-020	AMD	92-15-011	232-28-228	AMD-P	92-06-077
222-22-070	NEW-S	92-11-069	222-38-030	NEW-P	92-07-093	232-28-228	AMD	92-12-060
222-22-070	NEW	92-15-011	222-38-030	NEW-S	92-11-069	232-28-229	REP-P	92-06-078
222-22-070	NEW-P	92-07-093	222-38-030	NEW	92-15-011	232-28-229	REP	92-12-061
222-22-080	NEW-S	92-11-069	222-38-040	NEW-P	92-07-093	232-28-229	REP-P	92-06-079
222-22-080	NEW	92-15-011	222-38-040	NEW-S	92-11-069	232-28-230	REP	92-12-062
222-22-090	NEW-P	92-07-093	222-38-040	NEW	92-15-011	232-28-230	REP-P	92-06-080
222-22-090	NEW-S	92-11-069	230-04-201	AMD-P	92-15-055	232-28-231	REP	92-12-063
222-22-090	NEW	92-15-011	230-08-010	AMD-P	92-14-018	232-28-233	NEW-P	92-06-078
222-22-100	NEW-P	92-07-093	230-08-025	AMD-P	92-14-018	232-28-233	NEW	92-12-061
222-22-100	NEW-S	92-11-069	230-08-180	AMD-P	92-14-018	232-28-234	NEW-P	92-06-079
222-22-100	NEW	92-15-011	230-08-180	AMD-W	92-14-057	232-28-234	NEW	92-12-062
222-24-010	AMD-P	92-07-093	230-08-180	AMD-P	92-15-055	232-28-235	NEW-P	92-06-080
222-24-010	AMD-S	92-11-069	230-08-240	REP-P	92-14-018	232-28-235	NEW	92-12-063
222-24-010	AMD	92-15-011	230-08-240	REP-W	92-14-057	232-28-415	REP-P	92-14-107
222-24-020	AMD-P	92-07-093	230-08-240	REP-P	92-15-055	232-28-416	NEW-P	92-14-107
222-24-020	AMD-S	92-11-069	230-20-670	AMD-P	92-15-055	232-28-512	REP-P	92-14-108
222-24-020	AMD	92-15-011	230-20-685	NEW-C	92-08-057	232-28-513	NEW-P	92-14-108
222-24-025	AMD-P	92-07-093	230-30-200	AMD-P	92-16-039	232-28-61825	NEW-E	92-03-013
222-24-025	AMD-S	92-11-069	230-50-010	AMD-P	92-14-018	232-28-61826	NEW-E	92-05-022
222-24-025	AMD	92-15-011	230-50-010	AMD-E	92-14-019	232-28-61827	NEW-E	92-05-021
222-24-030	AMD-P	92-07-093	230-50-012	AMD-P	92-14-018	232-28-61828	NEW-E	92-05-019
222-24-030	AMD-S	92-11-069	230-50-012	AMD-E	92-14-019	232-28-61829	NEW-E	92-05-024
222-24-030	AMD	92-15-011	230-50-015	NEW-P	92-14-018	232-28-61830	NEW-E	92-08-067
222-24-035	AMD-P	92-07-093	230-50-015	NEW-E	92-14-019	232-28-61831	NEW-E	92-08-064
222-24-035	AMD-S	92-11-069	230-50-018	NEW-P	92-14-018	232-28-61901	NEW-P	92-02-088
222-24-035	AMD	92-15-011	230-50-018	NEW-E	92-14-019	232-28-61901	NEW	92-07-038
222-24-040	AMD-P	92-07-093	230-50-150	AMD-P	92-14-018	232-28-61902	NEW-P	92-02-089
222-24-040	AMD-S	92-11-069	230-50-150	AMD-E	92-14-019	232-28-61902	NEW	92-07-039
222-24-040	AMD	92-15-011	230-50-235	NEW-P	92-14-018	232-28-61903	NEW-P	92-02-090
222-24-050	AMD-P	92-07-093	230-50-235	NEW-E	92-14-019	232-28-61903	NEW-W	92-07-037
222-24-050	AMD-S	92-11-069	230-50-580	AMD-E	92-06-033	232-28-61904	NEW-P	92-02-091
222-24-050	AMD	92-15-011	230-50-580	AMD-P	92-14-018	232-28-61904	NEW	92-07-040

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-28-61905	NEW-P	92-02-092	236-14-100	NEW-W	92-16-091	242-02-250	NEW-P	92-15-134
232-28-61905	NEW	92-07-041	236-14-100	NEW-P	92-16-102	242-02-260	NEW-E	92-14-001
232-28-61906	NEW-P	92-02-093	236-14-200	NEW-P	92-16-102	242-02-260	NEW-P	92-15-134
232-28-61906	NEW	92-07-042	236-14-300	NEW-P	92-16-102	242-02-270	NEW-E	92-14-001
232-28-61907	NEW-E	92-05-020	236-14-900	NEW-P	92-10-082	242-02-270	NEW-P	92-15-134
232-28-61907	NEW-P	92-06-073	236-14-900	NEW-W	92-16-091	242-02-280	NEW-E	92-14-001
232-28-61907	NEW	92-11-079	236-14-900	NEW-P	92-16-102	242-02-280	NEW-P	92-15-134
232-28-61908	NEW-P	92-06-074	236-22-010	NEW-P	92-09-155	242-02-310	NEW-E	92-14-001
232-28-61908	NEW	92-11-080	236-22-010	NEW	92-12-092	242-02-310	NEW-P	92-15-134
232-28-61909	NEW-P	92-09-136	236-22-100	NEW-P	92-09-155	242-02-320	NEW-E	92-14-001
232-28-61909	NEW-E	92-12-020	236-22-100	NEW	92-12-092	242-02-320	NEW-P	92-15-134
232-28-61909	NEW	92-16-064	236-48-190	AMD-P	92-05-042	242-02-330	NEW-E	92-14-001
232-28-61910	NEW-P	92-14-100	236-48-190	AMD	92-09-016	242-02-330	NEW-P	92-15-134
232-28-61911	NEW-P	92-14-101	240-10-040	AMD-E	92-09-096	242-02-340	NEW-E	92-14-001
232-28-61912	NEW-P	92-14-104	240-10-040	AMD-P	92-16-046	242-02-340	NEW-P	92-15-134
232-28-61913	NEW-P	92-14-102	240-15-005	AMD-P	92-08-060	242-02-410	NEW-E	92-14-001
232-28-61914	NEW-P	92-14-103	240-15-005	AMD	92-11-017	242-02-410	NEW-P	92-15-134
232-28-61915	NEW-E	92-14-013	240-15-010	AMD-P	92-08-060	242-02-420	NEW-E	92-14-001
232-28-714	REP-P	92-02-094	240-15-010	AMD	92-11-017	242-02-420	NEW-P	92-15-134
232-28-714	REP	92-06-019	240-15-015	AMD-P	92-08-060	242-02-430	NEW-E	92-14-001
236-12-001	AMD	92-04-036	240-15-015	AMD	92-11-017	242-02-430	NEW-P	92-15-134
236-12-010	REP	92-04-036	240-15-020	AMD-P	92-08-060	242-02-440	NEW-E	92-14-001
236-12-011	REP	92-04-036	240-15-020	AMD	92-11-017	242-02-440	NEW-P	92-15-134
236-12-011	AMD-W	92-11-039	240-15-025	AMD-P	92-08-060	242-02-450	NEW-E	92-14-001
236-12-012	REP	92-04-036	240-15-025	AMD	92-11-017	242-02-450	NEW-P	92-15-134
236-12-013	REP	92-04-036	240-15-030	AMD-P	92-08-060	242-02-460	NEW-E	92-14-001
236-12-014	REP	92-04-036	240-15-030	AMD	92-11-017	242-02-460	NEW-P	92-15-134
236-12-015	NEW	92-04-036	240-15-035	AMD-P	92-08-060	242-02-470	NEW-E	92-14-001
236-12-040	REP	92-04-036	240-15-035	AMD	92-11-017	242-02-470	NEW-P	92-15-134
236-12-050	REP	92-04-036	242-02-010	NEW-E	92-14-001	242-02-510	NEW-E	92-14-001
236-12-060	REP	92-04-036	242-02-010	NEW-P	92-15-134	242-02-510	NEW-P	92-15-134
236-12-061	REP	92-04-036	242-02-020	NEW-E	92-14-001	242-02-520	NEW-E	92-14-001
236-12-120	REP	92-04-036	242-02-020	NEW-P	92-15-134	242-02-520	NEW-P	92-15-134
236-12-130	REP	92-04-036	242-02-030	NEW-E	92-14-001	242-02-530	NEW-E	92-14-001
236-12-131	REP	92-04-036	242-02-030	NEW-P	92-15-134	242-02-530	NEW-P	92-15-134
236-12-132	REP	92-04-036	242-02-040	NEW-E	92-14-001	242-02-532	NEW-E	92-14-001
236-12-133	REP	92-04-036	242-02-040	NEW-P	92-15-134	242-02-532	NEW-P	92-15-134
236-12-160	NEW	92-09-076	242-02-050	NEW-E	92-14-001	242-02-534	NEW-E	92-14-001
236-12-170	NEW	92-09-076	242-02-050	NEW-P	92-15-134	242-02-534	NEW-P	92-15-134
236-12-171	NEW	92-09-076	242-02-052	NEW-E	92-14-001	242-02-540	NEW-E	92-14-001
236-12-175	NEW	92-09-076	242-02-052	NEW-P	92-15-134	242-02-540	NEW-P	92-15-134
236-12-180	NEW	92-09-076	242-02-054	NEW-E	92-14-001	242-02-550	NEW-E	92-14-001
236-12-185	NEW	92-04-036	242-02-054	NEW-P	92-15-134	242-02-550	NEW-P	92-15-134
236-12-186	NEW	92-04-036	242-02-060	NEW-E	92-14-001	242-02-552	NEW-E	92-14-001
236-12-187	NEW	92-04-036	242-02-060	NEW-P	92-15-134	242-02-552	NEW-P	92-15-134
236-12-188	NEW	92-04-036	242-02-070	NEW-E	92-14-001	242-02-554	NEW-E	92-14-001
236-12-189	NEW	92-04-036	242-02-070	NEW-P	92-15-134	242-02-554	NEW-P	92-15-134
236-12-190	NEW	92-04-036	242-02-072	NEW-P	92-15-134	242-02-556	NEW-E	92-14-001
236-12-191	NEW	92-04-036	242-02-074	NEW-E	92-14-001	242-02-556	NEW-P	92-15-134
236-12-200	AMD	92-04-036	242-02-074	NEW-P	92-15-134	242-02-558	NEW-E	92-14-001
236-12-220	AMD	92-04-036	242-02-075	NEW-E	92-14-001	242-02-558	NEW-P	92-15-134
236-12-225	REP	92-04-036	242-02-080	NEW-E	92-14-001	242-02-560	NEW-E	92-14-001
236-12-290	AMD	92-04-037	242-02-080	NEW-P	92-15-134	242-02-560	NEW-P	92-15-134
236-12-300	AMD	92-04-037	242-02-090	NEW-E	92-14-001	242-02-562	NEW-P	92-15-134
236-12-320	AMD	92-04-036	242-02-090	NEW-P	92-15-134	242-02-565	NEW-E	92-14-001
236-12-340	REP	92-04-036	242-02-110	NEW-E	92-14-001	242-02-570	NEW-E	92-14-001
236-12-350	NEW	92-04-036	242-02-110	NEW-P	92-15-134	242-02-570	NEW-P	92-15-134
236-12-351	NEW	92-04-036	242-02-120	NEW-E	92-14-001	242-02-580	NEW-E	92-14-001
236-12-360	NEW	92-04-036	242-02-120	NEW-P	92-15-134	242-02-580	NEW-P	92-15-134
236-12-361	NEW	92-04-036	242-02-130	NEW-E	92-14-001	242-02-582	NEW-P	92-15-134
236-12-362	NEW	92-04-036	242-02-130	NEW-P	92-15-134	242-02-585	NEW-E	92-14-001
236-12-365	NEW	92-04-036	242-02-140	NEW-E	92-14-001	242-02-610	NEW-E	92-14-001
236-12-370	NEW	92-04-036	242-02-140	NEW-P	92-15-134	242-02-610	NEW-P	92-15-134
236-12-371	NEW	92-04-036	242-02-150	NEW-P	92-15-134	242-02-612	NEW-P	92-15-134
236-12-372	NEW	92-04-036	242-02-210	NEW-E	92-14-001	242-02-620	NEW-E	92-14-001
236-14-010	NEW-P	92-10-082	242-02-210	NEW-P	92-15-134	242-02-620	NEW-P	92-15-134
236-14-010	NEW-W	92-16-091	242-02-220	NEW-E	92-14-001	242-02-630	NEW-E	92-14-001
236-14-010	NEW-P	92-16-102	242-02-220	NEW-P	92-15-134	242-02-630	NEW-P	92-15-134
236-14-015	NEW-P	92-10-082	242-02-230	NEW-E	92-14-001	242-02-632	NEW-P	92-15-134
236-14-015	NEW-W	92-16-091	242-02-230	NEW-P	92-15-134	242-02-634	NEW-P	92-15-134
236-14-015	NEW-P	92-16-102	242-02-240	NEW-E	92-14-001	242-02-640	NEW-E	92-14-001
236-14-050	NEW-P	92-16-102	242-02-240	NEW-P	92-15-134	242-02-640	NEW-P	92-15-134
236-14-100	NEW-P	92-10-082	242-02-250	NEW-E	92-14-001	242-02-650	NEW-E	92-14-001

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
242-02-650	NEW-P	92-15-134	246-205	AMD	92-10-027	246-215-119	REP-P	92-03-142
242-02-660	NEW-E	92-14-001	246-205-001	AMD-S	92-03-143	246-215-119	REP	92-08-112
242-02-660	NEW-P	92-15-134	246-205-001	AMD-S	92-04-071	246-215-120	NEW-P	92-03-142
242-02-670	NEW-E	92-14-001	246-205-001	AMD	92-10-027	246-215-120	NEW	92-08-112
242-02-670	NEW-P	92-15-134	246-205-010	AMD-S	92-04-071	246-215-129	REP-P	92-03-142
242-02-680	NEW-E	92-14-001	246-205-010	AMD	92-10-027	246-215-129	REP	92-08-112
242-02-680	NEW-P	92-15-134	246-205-520	NEW-S	92-03-143	246-215-130	NEW-P	92-03-142
242-02-710	NEW-E	92-14-001	246-205-520	NEW-S	92-04-071	246-215-130	NEW	92-08-112
242-02-710	NEW-P	92-15-134	246-205-520	NEW	92-10-027	246-215-139	REP-P	92-03-142
242-02-720	NEW-E	92-14-001	246-205-530	NEW-S	92-03-143	246-215-139	REP	92-08-112
242-02-720	NEW-P	92-15-134	246-205-530	NEW-S	92-04-071	246-215-140	NEW-P	92-03-142
242-02-810	NEW-E	92-14-001	246-205-530	NEW	92-10-027	246-215-140	NEW	92-08-112
242-02-810	NEW-P	92-15-134	246-205-540	NEW-S	92-03-143	246-215-149	REP-P	92-03-142
242-02-820	NEW-E	92-14-001	246-205-540	NEW-S	92-04-071	246-215-149	REP	92-08-112
242-02-820	NEW-P	92-15-134	246-205-540	NEW	92-10-027	246-215-150	NEW-P	92-03-142
242-02-830	NEW-E	92-14-001	246-205-550	NEW-S	92-03-143	246-215-150	NEW	92-08-112
242-02-830	NEW-P	92-15-134	246-205-550	NEW-S	92-04-071	246-215-159	REP-P	92-03-142
242-02-840	NEW-E	92-14-001	246-205-550	NEW	92-10-027	246-215-159	REP	92-08-112
242-02-840	NEW-P	92-15-134	246-205-560	NEW-S	92-03-143	246-215-160	NEW-P	92-03-142
242-02-850	NEW-E	92-14-001	246-205-560	NEW-S	92-04-071	246-215-160	NEW	92-08-112
242-02-850	NEW-P	92-15-134	246-205-560	NEW	92-10-027	246-215-169	REP-P	92-03-142
242-02-860	NEW-E	92-14-001	246-205-570	NEW-S	92-03-143	246-215-169	REP	92-08-112
242-02-860	NEW-P	92-15-134	246-205-570	NEW-S	92-04-071	246-215-170	NEW-P	92-03-142
242-02-870	NEW-E	92-14-001	246-205-570	NEW	92-10-027	246-215-170	NEW	92-08-112
242-02-870	NEW-P	92-15-134	246-205-580	NEW-S	92-03-143	246-215-179	REP-P	92-03-142
242-02-880	NEW-E	92-14-001	246-205-580	NEW-S	92-04-071	246-215-179	REP	92-08-112
242-02-880	NEW-P	92-15-134	246-205-580	NEW	92-10-027	246-215-180	NEW-P	92-03-142
242-02-890	NEW-E	92-14-001	246-215-001	AMD-P	92-03-142	246-215-180	NEW	92-08-112
242-02-890	NEW-P	92-15-134	246-215-001	AMD	92-08-112	246-215-189	REP-P	92-03-142
242-02-892	NEW-P	92-15-134	246-215-009	REP-P	92-03-142	246-215-189	REP	92-08-112
242-02-910	NEW-E	92-14-001	246-215-009	REP	92-08-112	246-215-190	NEW-P	92-03-142
242-02-910	NEW-P	92-15-134	246-215-010	NEW-P	92-03-142	246-215-190	NEW	92-08-112
242-02-920	NEW-E	92-14-001	246-215-010	NEW	92-08-112	246-215-199	REP-P	92-03-142
242-02-920	NEW-P	92-15-134	246-215-019	REP-P	92-03-142	246-215-199	REP	92-08-112
242-02-930	NEW-E	92-14-001	246-215-019	REP	92-08-112	246-215-200	NEW-P	92-03-142
242-02-930	NEW-P	92-15-134	246-215-020	NEW-P	92-03-142	246-215-200	NEW	92-08-112
242-04-010	NEW-E	92-14-001	246-215-020	NEW	92-08-112	246-215-209	REP-P	92-03-142
242-04-010	NEW-P	92-15-134	246-215-029	REP-P	92-03-142	246-215-209	REP	92-08-112
242-04-020	NEW-E	92-14-001	246-215-029	REP	92-08-112	246-215-210	NEW-P	92-03-142
242-04-020	NEW-P	92-15-134	246-215-030	NEW-P	92-03-142	246-215-210	NEW	92-08-112
242-04-030	NEW-E	92-14-001	246-215-030	NEW	92-08-112	246-215-219	REP-P	92-03-142
242-04-030	NEW-P	92-15-134	246-215-039	REP-P	92-03-142	246-215-219	REP	92-08-112
242-04-040	NEW-E	92-14-001	246-215-039	REP	92-08-112	246-215-220	NEW-P	92-03-142
242-04-040	NEW-P	92-15-134	246-215-040	NEW-P	92-03-142	246-215-220	NEW	92-08-112
242-04-050	NEW-E	92-14-001	246-215-040	NEW	92-08-112	246-215-229	REP-P	92-03-142
242-04-050	NEW-P	92-15-134	246-215-049	REP-P	92-03-142	246-215-229	REP	92-08-112
242-04-060	NEW-E	92-14-001	246-215-049	REP	92-08-112	246-215-230	NEW-P	92-03-142
242-04-060	NEW-P	92-15-134	246-215-050	NEW-P	92-03-142	246-215-230	NEW	92-08-112
242-04-070	NEW-E	92-14-001	246-215-050	NEW	92-08-112	246-215-239	REP-P	92-03-142
242-04-070	NEW-P	92-15-134	246-215-059	REP-P	92-03-142	246-215-239	REP	92-08-112
242-04-080	NEW-E	92-14-001	246-215-059	REP	92-08-112	246-215-240	NEW-P	92-03-142
242-04-080	NEW-P	92-15-134	246-215-060	NEW-P	92-03-142	246-215-240	NEW	92-08-112
242-04-090	NEW-E	92-14-001	246-215-060	NEW	92-08-112	246-215-250	NEW-P	92-03-142
242-04-090	NEW-P	92-15-134	246-215-069	REP-P	92-03-142	246-215-250	NEW	92-08-112
242-04-100	NEW-E	92-14-001	246-215-069	REP	92-08-112	246-215-260	NEW-P	92-03-142
242-04-100	NEW-P	92-15-134	246-215-070	NEW-P	92-03-142	246-215-260	NEW	92-08-112
242-04-110	NEW-E	92-14-001	246-215-070	NEW	92-08-112	246-215-270	NEW-P	92-03-142
242-04-110	NEW-P	92-15-134	246-215-079	REP-P	92-03-142	246-215-270	NEW	92-08-112
242-04-120	NEW-E	92-14-001	246-215-079	REP	92-08-112	246-215-280	NEW-P	92-03-142
242-04-120	NEW-P	92-15-134	246-215-080	NEW-P	92-03-142	246-215-280	NEW	92-08-112
242-04-130	NEW-E	92-14-001	246-215-080	NEW	92-08-112	246-215-290	NEW-P	92-03-142
242-04-130	NEW-P	92-15-134	246-215-089	REP-P	92-03-142	246-215-290	NEW	92-08-112
242-04-140	NEW-E	92-14-001	246-215-089	REP	92-08-112	246-215-300	NEW-P	92-03-142
242-04-140	NEW-P	92-15-134	246-215-090	NEW-P	92-03-142	246-215-300	NEW	92-08-112
242-04-150	NEW-E	92-14-001	246-215-090	NEW	92-08-112	246-215-500	REP-P	92-03-142
242-04-150	NEW-P	92-15-134	246-215-099	REP-P	92-03-142	246-215-500	REP	92-08-112
242-06-010	NEW-E	92-14-001	246-215-099	REP	92-08-112	246-215-900	REP-P	92-03-142
242-06-010	NEW-P	92-15-134	246-215-100	NEW-P	92-03-142	246-215-900	REP	92-08-112
242-06-020	NEW-E	92-14-001	246-215-100	NEW	92-08-112	246-217-030	AMD-P	92-09-144
242-06-020	NEW-P	92-15-134	246-215-109	REP-P	92-03-142	246-217-030	AMD	92-14-093
246-08-390	NEW	92-07-080	246-215-109	REP	92-08-112	246-221-090	AMD	92-06-008
246-205	AMD-S	92-03-143	246-215-110	NEW-P	92-03-142	246-225-160	NEW	92-05-011
246-205	AMD-S	92-04-071	246-215-110	NEW	92-08-112	246-232-050	AMD	92-06-008

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-235-075	NEW	92-06-008	246-358-175	AMD	92-04-082	246-816-620	NEW-W	92-05-085
246-239-010	AMD	92-06-008	246-388-070	AMD-P	92-15-085	246-816-630	NEW-W	92-05-085
246-239-015	NEW-W	92-13-074	246-388-072	NEW-P	92-15-085	246-816-640	NEW-W	92-05-085
246-239-025	NEW	92-06-008	246-390-001	NEW-P	92-07-078	246-816-650	NEW-W	92-05-085
246-240-010	NEW	92-06-008	246-390-001	NEW	92-15-152	246-816-660	NEW-W	92-05-085
246-240-015	NEW-W	92-13-074	246-390-010	NEW-P	92-07-078	246-816-670	NEW-W	92-05-085
246-240-050	NEW	92-06-008	246-390-010	NEW	92-15-152	246-816-680	NEW-W	92-05-085
246-243-050	AMD	92-06-008	246-390-020	NEW-P	92-07-078	246-816-701	NEW-W	92-06-063
246-243-190	AMD	92-06-008	246-390-020	NEW	92-15-152	246-816-701	NEW-P	92-06-064
246-290-010	AMD	92-04-070	246-390-030	NEW-P	92-07-078	246-816-701	NEW	92-09-069
246-290-300	AMD	92-04-070	246-390-030	NEW	92-15-152	246-816-710	NEW-W	92-06-063
246-290-310	AMD	92-04-070	246-390-040	NEW-P	92-07-078	246-816-710	NEW-P	92-06-064
246-290-320	AMD	92-04-070	246-390-040	NEW	92-15-152	246-816-710	NEW	92-09-069
246-290-330	AMD	92-04-070	246-390-050	NEW-P	92-07-078	246-816-720	NEW-W	92-06-063
246-290-480	AMD	92-04-070	246-390-050	NEW	92-15-152	246-816-720	NEW-P	92-06-064
246-290-990	PREP	92-10-025	246-390-060	NEW-P	92-07-078	246-816-720	NEW	92-09-069
246-310-020	AMD	92-05-057	246-390-060	NEW	92-15-152	246-816-730	NEW-W	92-06-063
246-310-132	AMD-P	92-09-086	246-390-070	NEW-P	92-07-078	246-816-730	NEW-P	92-06-064
246-310-132	AMD-E	92-09-087	246-390-070	NEW	92-15-152	246-816-730	NEW	92-09-069
246-310-132	AMD	92-16-081	246-390-100	NEW-P	92-07-078	246-816-740	NEW-W	92-06-063
246-310-135	NEW	92-05-057	246-390-100	NEW	92-15-152	246-816-740	NEW-P	92-06-064
246-310-136	NEW	92-05-057	246-390-990	NEW-P	92-15-149	246-816-740	NEW	92-09-069
246-310-250	REP	92-12-015	246-510-400	NEW-P	92-07-077	246-818-990	AMD-P	92-13-009
246-310-261	NEW	92-12-015	246-510-400	NEW	92-14-055	246-818-990	AMD-E	92-13-010
246-310-262	NEW	92-12-015	246-762-010	AMD-P	92-02-096	246-828-005	NEW-W	92-09-109
246-316-020	AMD-P	92-15-085	246-762-010	AMD	92-06-067	246-830-401	AMD-P	92-03-139
246-316-040	AMD-P	92-15-085	246-762-020	AMD-P	92-02-096	246-830-401	AMD	92-15-153
246-316-045	NEW-P	92-15-085	246-762-020	AMD	92-06-067	246-830-410	AMD-P	92-03-139
246-316-050	AMD-P	92-15-085	246-762-040	AMD-P	92-02-096	246-830-410	AMD	92-15-153
246-316-990	AMD-P	92-07-097	246-762-040	AMD	92-06-067	246-830-420	AMD-P	92-03-139
246-316-990	AMD	92-12-086	246-802-025	NEW-P	92-14-128	246-830-420	AMD	92-15-153
246-318-040	AMD-P	92-15-085	246-802-030	AMD-P	92-14-128	246-830-430	AMD-P	92-03-139
246-318-042	NEW-P	92-15-085	246-802-090	AMD-P	92-14-128	246-830-430	AMD	92-15-153
246-318-990	AMD-P	92-07-097	246-802-130	AMD-P	92-14-128	246-830-440	AMD-P	92-03-139
246-318-990	AMD	92-12-028	246-802-150	REP-P	92-14-128	246-830-440	AMD	92-15-153
246-321-018	NEW-P	92-15-085	246-802-160	AMD-P	92-14-128	246-830-450	AMD-P	92-03-139
246-322-990	AMD-P	92-07-097	246-802-240	AMD-P	92-14-128	246-830-450	AMD	92-15-153
246-322-990	AMD	92-12-028	246-802-250	AMD-P	92-14-128	246-836-210	NEW-P	92-02-097
246-322-991	AMD-P	92-07-097	246-802-990	AMD-P	92-14-128	246-836-210	NEW	92-06-020
246-322-991	AMD	92-12-028	246-806-050	REP-P	92-12-090	246-838-010	AMD-P	92-12-088
246-323-022	NEW-P	92-15-085	246-806-060	AMD-P	92-12-090	246-838-030	AMD-P	92-12-088
246-323-990	AMD-P	92-10-014	246-806-070	AMD-P	92-12-090	246-838-050	AMD-P	92-12-088
246-323-990	AMD	92-15-048	246-806-085	NEW-P	92-12-090	246-838-240	AMD-P	92-12-088
246-325-022	NEW-P	92-15-085	246-806-090	AMD-P	92-12-090	246-838-320	NEW-P	92-12-088
246-325-990	AMD-P	92-10-014	246-806-180	AMD-P	92-12-090	246-839-300	AMD-P	92-14-126
246-325-990	AMD	92-15-048	246-806-990	AMD-P	92-03-140	246-839-310	AMD-P	92-14-126
246-326-990	AMD-P	92-07-097	246-806-990	AMD	92-07-017	246-839-320	AMD-P	92-14-126
246-326-990	AMD	92-12-028	246-807-300	AMD-E	92-09-080	246-839-330	AMD-P	92-14-126
246-327-090	NEW-P	92-15-085	246-807-300	RESCIND	92-12-007	246-847-010	AMD-P	92-09-153
246-327-990	AMD-P	92-10-013	246-807-300	AMD-E	92-12-008	246-847-055	NEW-P	92-09-153
246-327-990	AMD	92-15-084	246-807-480	NEW-P	92-06-065	246-847-065	AMD-P	92-09-153
246-329-035	NEW-P	92-15-085	246-807-480	NEW-E	92-06-066	246-847-068	NEW-P	92-09-153
246-331-100	AMD-P	92-15-085	246-807-480	NEW	92-11-009	246-847-070	AMD-P	92-09-153
246-331-990	AMD-P	92-10-013	246-815-031	AMD	92-03-006	246-847-080	AMD-P	92-09-153
246-331-990	AMD	92-15-084	246-815-090	AMD-P	92-11-014	246-847-110	AMD-P	92-09-153
246-336-100	AMD-P	92-15-085	246-815-090	AMD	92-15-033	246-847-117	NEW-P	92-09-153
246-336-990	AMD-P	92-10-013	246-815-115	NEW	92-03-126	246-847-125	NEW-P	92-09-153
246-336-990	AMD	92-15-084	246-816-050	AMD	92-05-012	246-847-340	NEW-P	92-09-153
246-340-085	NEW-P	92-15-085	246-816-160	NEW-P	92-02-098	246-847-350	NEW-P	92-09-153
246-358-001	AMD	92-04-082	246-816-160	NEW-W	92-06-007	246-847-360	NEW-P	92-09-153
246-358-010	AMD	92-04-082	246-816-201	AMD	92-05-012	246-847-370	NEW-P	92-09-153
246-358-025	AMD	92-04-082	246-816-210	AMD	92-05-012	246-851-030	REP-P	92-02-095
246-358-035	AMD	92-04-082	246-816-230	AMD	92-05-012	246-851-030	REP	92-06-030
246-358-045	AMD	92-04-082	246-816-250	AMD	92-05-012	246-851-050	REP-P	92-02-095
246-358-055	AMD	92-04-082	246-816-260	AMD	92-05-012	246-851-050	REP	92-06-030
246-358-075	AMD	92-04-082	246-816-301	AMD	92-05-012	246-851-090	AMD-P	92-02-095
246-358-095	AMD	92-04-082	246-816-310	AMD	92-05-012	246-851-090	AMD	92-06-030
246-358-105	AMD	92-04-082	246-816-360	AMD	92-05-012	246-851-270	PREP	92-03-032
246-358-115	AMD	92-04-082	246-816-370	AMD	92-05-012	246-851-270	AMD-P	92-14-092
246-358-125	AMD	92-04-082	246-816-390	AMD	92-05-012	246-851-360	PREP	92-03-032
246-358-135	AMD	92-04-082	246-816-410	AMD	92-05-012	246-851-360	AMD-P	92-14-092
246-358-145	AMD	92-04-082	246-816-510	AMD	92-05-012	246-851-390	AMD-P	92-16-080
246-358-155	AMD	92-04-082	246-816-610	NEW-W	92-05-085	246-851-440	NEW-P	92-02-095

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-851-440	NEW	92-06-030	246-865-070	AMD-P	92-07-098	246-883-020	AMD-P	92-03-096
246-851-450	NEW-P	92-02-095	246-865-070	AMD	92-12-035	246-883-020	AMD	92-09-070
246-851-450	NEW	92-06-030	246-867-010	AMD-P	92-07-098	246-883-025	NEW-P	92-04-041
246-851-460	NEW-P	92-02-095	246-867-010	AMD	92-12-035	246-883-025	NEW	92-09-072
246-851-460	NEW	92-06-030	246-867-060	AMD-P	92-07-098	246-883-030	AMD-P	92-03-096
246-851-470	NEW-P	92-02-095	246-867-060	AMD	92-12-035	246-883-030	AMD-W	92-09-001
246-851-470	NEW	92-06-030	246-869-020	AMD-P	92-07-098	246-883-040	AMD-P	92-07-098
246-851-480	NEW-P	92-02-095	246-869-020	AMD	92-12-035	246-883-040	AMD	92-12-035
246-851-480	NEW	92-06-030	246-869-050	AMD-P	92-07-098	246-883-050	NEW-P	92-03-096
246-851-490	NEW-P	92-02-095	246-869-050	AMD	92-12-035	246-883-050	NEW	92-09-070
246-851-490	NEW	92-06-030	246-869-070	AMD-P	92-07-098	246-886-020	AMD-P	92-07-098
246-851-490	AMD-P	92-16-080	246-869-070	AMD	92-12-035	246-886-020	AMD	92-12-035
246-851-500	NEW-P	92-16-080	246-869-095	NEW-P	92-03-095	246-886-030	AMD-P	92-07-098
246-851-510	NEW-P	92-16-080	246-869-095	NEW	92-14-032	246-886-030	AMD	92-12-035
246-851-520	NEW-P	92-14-092	246-869-100	AMD-P	92-07-098	246-886-060	AMD-P	92-07-098
246-851-530	NEW-P	92-14-092	246-869-100	AMD	92-12-035	246-886-060	AMD	92-12-035
246-851-990	AMD	92-06-029	246-869-120	AMD-P	92-07-098	246-887-020	AMD	92-04-029
246-853-025	NEW-P	92-13-065	246-869-120	AMD	92-12-035	246-887-040	AMD	92-04-029
246-853-045	NEW-P	92-13-065	246-869-190	AMD-P	92-07-098	246-887-050	AMD-P	92-07-098
246-853-135	NEW-P	92-13-065	246-869-190	AMD	92-12-035	246-887-050	AMD	92-12-035
246-853-400	NEW-P	92-13-065	246-869-210	AMD-P	92-07-098	246-887-060	AMD-P	92-07-098
246-853-990	AMD-P	92-06-028	246-869-210	AMD	92-12-035	246-887-060	AMD	92-12-035
246-853-990	AMD	92-14-054	246-869-220	AMD-P	92-07-098	246-887-070	AMD-P	92-07-098
246-857-020	AMD-P	92-07-098	246-869-220	AMD	92-12-035	246-887-070	AMD	92-12-035
246-857-020	AMD	92-12-035	246-869-240	AMD-P	92-04-040	246-887-100	AMD	92-04-029
246-857-180	AMD-P	92-07-098	246-869-240	AMD	92-08-058	246-887-140	AMD	92-04-029
246-857-180	AMD	92-12-035	246-871-040	AMD-P	92-07-098	246-887-160	AMD	92-04-029
246-857-320	AMD-P	92-07-098	246-871-040	AMD	92-12-035	246-887-170	AMD	92-04-029
246-857-320	AMD	92-12-035	246-873-060	AMD-P	92-07-098	246-887-200	AMD-P	92-07-098
246-857-330	AMD-P	92-07-098	246-873-060	AMD	92-12-035	246-887-200	AMD	92-12-035
246-857-330	AMD	92-12-035	246-873-080	AMD-P	92-07-098	246-887-210	NEW-P	92-04-042
246-857-340	AMD-P	92-07-098	246-873-080	AMD	92-12-035	246-887-210	NEW	92-09-071
246-857-340	AMD	92-12-035	246-875-020	AMD-P	92-07-098	246-889-020	AMD-P	92-07-098
246-858-020	AMD-P	92-07-098	246-875-020	AMD	92-12-035	246-889-020	AMD	92-12-035
246-858-020	AMD	92-12-035	246-875-060	AMD-P	92-07-098	246-889-030	AMD-P	92-07-098
246-858-030	AMD-P	92-07-098	246-875-060	AMD	92-12-035	246-889-030	AMD	92-12-035
246-858-030	AMD	92-12-035	246-875-070	AMD-P	92-07-098	246-889-040	AMD-P	92-07-098
246-858-040	AMD-P	92-07-098	246-875-070	AMD	92-12-035	246-889-040	AMD	92-12-035
246-858-040	AMD	92-12-035	246-875-080	AMD-P	92-07-098	246-889-040	AMD	92-12-035
246-858-060	AMD-P	92-07-098	246-875-080	AMD	92-12-035	246-893-020	AMD-P	92-07-098
246-858-060	AMD	92-12-035	246-875-080	AMD	92-12-035	246-893-020	AMD	92-12-035
246-858-070	AMD-P	92-07-098	246-875-090	REP-P	92-07-098	246-893-030	AMD-P	92-07-098
246-858-070	AMD	92-12-035	246-875-090	REP	92-12-035	246-893-030	AMD	92-12-035
246-861-010	NEW	92-03-029	246-879-010	AMD-P	92-10-070	246-893-040	AMD-P	92-07-098
246-861-020	AMD	92-03-029	246-879-010	AMD	92-15-069	246-893-040	AMD	92-12-035
246-861-030	AMD	92-03-029	246-879-020	AMD-P	92-07-098	246-893-090	AMD-P	92-07-098
246-861-040	AMD	92-03-029	246-879-020	AMD-W	92-10-026	246-893-090	AMD	92-12-035
246-861-050	AMD	92-03-029	246-879-020	AMD-P	92-10-070	246-893-120	AMD-P	92-07-098
246-861-060	AMD	92-03-029	246-879-020	AMD	92-15-069	246-893-120	AMD	92-12-035
246-861-070	REP	92-03-029	246-879-030	AMD-P	92-07-098	246-893-130	AMD-P	92-07-098
246-861-080	REP	92-03-029	246-879-030	AMD-W	92-10-026	246-893-130	AMD	92-12-035
246-861-090	AMD	92-03-029	246-879-030	AMD-P	92-10-070	246-893-998	AMD-P	92-07-098
246-861-095	NEW	92-03-029	246-879-030	AMD	92-15-069	246-893-998	AMD	92-12-035
246-861-100	REP	92-03-029	246-879-040	AMD-P	92-07-098	246-895-020	AMD-P	92-07-098
246-861-110	REP	92-03-029	246-879-040	AMD-W	92-10-026	246-895-020	AMD	92-12-035
246-861-120	AMD	92-03-029	246-879-040	AMD-P	92-10-070	246-895-040	AMD-P	92-07-098
246-863-060	AMD-P	92-07-098	246-879-040	AMD	92-15-069	246-895-040	AMD	92-12-035
246-863-060	AMD	92-12-035	246-879-050	AMD-P	92-10-070	246-895-080	AMD-P	92-07-098
246-863-070	AMD-P	92-07-098	246-879-050	AMD	92-15-069	246-895-080	AMD	92-12-035
246-863-070	AMD	92-12-035	246-879-060	AMD-P	92-10-070	246-895-100	AMD-P	92-07-098
246-863-080	AMD-P	92-03-124	246-879-060	AMD	92-15-069	246-895-100	AMD	92-12-035
246-863-080	AMD-P	92-07-098	246-879-070	AMD-P	92-07-098	246-895-120	AMD-P	92-07-098
246-863-080	AMD-W	92-08-061	246-879-070	AMD-W	92-10-026	246-895-120	AMD	92-12-035
246-863-080	AMD	92-12-035	246-879-070	AMD-P	92-10-070	246-895-130	AMD-P	92-07-098
246-863-090	AMD-P	92-07-098	246-879-070	AMD	92-15-069	246-895-130	AMD	92-12-035
246-863-090	AMD	92-12-035	246-879-080	AMD-P	92-07-098	246-895-140	AMD-P	92-07-098
246-863-110	AMD-P	92-07-098	246-879-080	AMD-W	92-10-026	246-895-140	AMD	92-12-035
246-863-110	AMD	92-12-035	246-879-080	AMD-P	92-10-070	246-895-160	AMD-P	92-07-098
246-863-130	NEW-P	92-16-096	246-879-080	AMD	92-15-069	246-895-160	AMD	92-12-035
246-865-030	AMD-P	92-07-098	246-879-100	NEW-P	92-10-070	246-895-170	AMD-P	92-07-098
246-865-030	AMD	92-12-035	246-879-100	NEW	92-15-069	246-895-170	AMD	92-12-035
246-865-060	AMD-P	92-07-098	246-879-110	NEW-P	92-10-070	246-897-040	AMD-P	92-07-098
246-865-060	AMD	92-12-035	246-879-110	NEW	92-15-069	246-897-040	AMD	92-12-035
			246-879-120	NEW	92-15-069	246-897-050	AMD-P	92-07-098

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-897-050	AMD	92-12-035	246-918-210	REP	92-12-089	246-930-040	AMD-P	92-07-079
246-897-150	AMD-P	92-07-098	246-918-220	REP-P	92-08-063	246-930-040	AMD	92-12-027
246-897-150	AMD	92-12-035	246-918-220	REP	92-12-089	246-930-050	AMD-P	92-07-079
246-899-040	AMD-P	92-07-098	246-918-240	REP-P	92-08-063	246-930-050	AMD	92-12-027
246-899-040	AMD	92-12-035	246-918-240	REP	92-12-089	246-930-060	AMD-P	92-07-079
246-899-050	AMD-P	92-07-098	246-918-250	AMD-P	92-08-063	246-930-060	AMD	92-12-027
246-899-050	AMD	92-12-035	246-918-250	AMD	92-12-089	246-930-075	AMD-P	92-07-079
246-901-020	AMD-P	92-07-098	246-918-260	AMD-P	92-08-063	246-930-075	AMD	92-12-027
246-901-020	AMD	92-12-035	246-918-260	AMD	92-12-089	246-930-200	AMD-P	92-07-079
246-903-010	AMD-P	92-07-098	246-918-270	REP-P	92-08-063	246-930-200	AMD	92-12-027
246-903-010	AMD	92-12-035	246-918-270	REP	92-12-089	246-930-210	AMD-P	92-07-079
246-907-020	AMD-P	92-03-124	246-918-280	REP-P	92-08-063	246-930-210	AMD	92-12-027
246-907-020	AMD	92-07-099	246-918-280	REP	92-12-089	246-930-220	AMD-P	92-07-079
246-907-030	AMD-P	92-03-124	246-918-290	REP-P	92-08-063	246-930-220	AMD	92-12-027
246-907-030	AMD	92-07-099	246-918-290	REP	92-12-089	246-930-300	AMD-P	92-07-079
246-915-010	AMD	92-08-039	246-918-300	REP-P	92-08-063	246-930-300	AMD	92-12-027
246-915-015	AMD	92-08-039	246-918-300	REP	92-12-089	246-930-301	AMD-P	92-07-079
246-915-015	REP-P	92-08-111	246-918-320	REP-P	92-08-063	246-930-301	AMD	92-12-027
246-915-015	REP	92-16-082	246-918-320	REP	92-12-089	246-930-310	AMD-P	92-07-079
246-915-030	AMD-W	92-08-110	246-918-330	REP-P	92-08-063	246-930-310	AMD	92-12-027
246-915-030	AMD-P	92-08-111	246-918-330	REP	92-12-089	246-930-320	AMD-P	92-07-079
246-915-030	AMD	92-16-082	246-918-340	REP-P	92-08-063	246-930-320	AMD	92-12-027
246-915-075	NEW-P	92-08-111	246-918-340	REP	92-12-089	246-930-330	AMD-P	92-07-079
246-915-075	NEW	92-16-082	246-918-350	REP-P	92-08-063	246-930-330	AMD	92-12-027
246-915-120	AMD	92-08-039	246-918-350	REP	92-12-089	246-930-340	AMD-P	92-07-079
246-915-150	AMD	92-08-039	246-918-360	REP-P	92-08-063	246-930-340	AMD	92-12-027
246-915-180	AMD	92-08-039	246-918-360	REP	92-12-089	246-930-400	AMD-P	92-07-079
246-915-185	NEW	92-08-039	246-918-370	REP-P	92-08-063	246-930-400	AMD	92-12-027
246-915-200	AMD	92-08-039	246-918-370	REP	92-12-089	246-930-410	NEW-P	92-07-079
246-917-125	NEW	92-08-021	246-920-030	AMD-E	92-07-058	246-930-410	NEW	92-12-027
246-917-126	NEW	92-08-021	246-920-030	RESCIND	92-07-096	246-930-499	AMD-P	92-07-079
246-917-990	AMD	92-08-062	246-920-030	AMD-E	92-07-096	246-930-499	AMD	92-12-027
246-918-005	NEW-P	92-08-063	246-920-030	AMD-P	92-10-069	246-930-990	AMD-P	92-07-079
246-918-005	NEW	92-12-089	246-922-990	AMD-P	92-06-058	246-930-990	AMD	92-12-027
246-918-006	NEW-P	92-08-063	246-922-990	AMD	92-14-053	246-933-120	REP-P	92-14-127
246-918-006	NEW	92-12-089	246-924-115	NEW-P	92-15-151	246-933-170	AMD-P	92-14-127
246-918-007	NEW-P	92-08-063	246-924-115	NEW-E	92-15-154	246-933-250	REP-P	92-14-127
246-918-007	NEW	92-12-089	246-924-355	NEW-P	92-15-148	246-933-250	AMD	92-03-074
246-918-008	NEW-P	92-08-063	246-924-991	NEW-E	92-03-107	246-933-250	AMD-P	92-14-127
246-918-008	NEW	92-12-089	246-924-991	NEW-P	92-03-141	246-933-270	AMD-P	92-14-127
246-918-020	REP-P	92-08-063	246-924-991	NEW-W	92-07-016	246-933-280	AMD	92-03-074
246-918-020	REP	92-12-089	246-924-992	NEW-E	92-03-107	246-933-300	NEW	92-03-074
246-918-030	AMD-P	92-08-063	246-924-992	NEW-P	92-03-141	246-933-300	AMD-P	92-14-127
246-918-030	AMD	92-12-089	246-924-992	NEW-W	92-07-016	246-933-305	NEW	92-03-074
246-918-035	AMD-P	92-08-063	246-926-020	AMD	92-05-010	246-933-320	AMD-P	92-14-127
246-918-035	AMD	92-12-089	246-926-020	AMD	92-05-010	246-933-980	AMD-P	92-03-125
246-918-040	REP-P	92-08-063	246-926-030	AMD	92-05-010	246-933-980	AMD	92-07-036
246-918-040	REP	92-12-089	246-926-040	AMD	92-05-010	246-933-990	AMD-P	92-03-125
246-918-060	REP-P	92-08-063	246-926-060	AMD	92-05-010	246-933-990	AMD	92-07-036
246-918-060	REP	92-12-089	246-926-070	AMD	92-05-010	246-935-125	NEW-P	92-03-125
246-918-090	AMD-P	92-08-063	246-926-080	AMD	92-05-010	246-935-125	NEW	92-07-036
246-918-090	AMD	92-12-089	246-926-090	AMD	92-05-010	246-935-990	AMD-P	92-03-125
246-918-100	REP-P	92-08-063	246-926-110	AMD	92-05-010	246-935-990	AMD	92-07-036
246-918-100	REP	92-12-089	246-926-120	AMD	92-05-010	246-975-001	REP-P	92-15-034
246-918-110	AMD-P	92-08-063	246-926-130	AMD	92-05-010	246-975-010	REP-P	92-15-034
246-918-110	AMD	92-12-089	246-926-150	AMD	92-05-010	246-975-020	REP-P	92-15-034
246-918-120	AMD-P	92-08-063	246-926-160	AMD	92-05-010	246-975-030	REP-P	92-15-034
246-918-120	AMD	92-12-089	246-926-170	AMD	92-05-010	246-975-040	REP-P	92-15-034
246-918-130	AMD-P	92-08-063	246-926-180	AMD-P	92-15-150	246-975-050	REP-P	92-15-034
246-918-130	AMD	92-12-089	246-926-190	AMD	92-05-010	246-975-060	REP-P	92-15-034
246-918-140	AMD-P	92-08-063	246-926-200	AMD	92-05-010	246-975-070	REP-P	92-15-034
246-918-140	AMD	92-12-089	246-926-990	AMD	92-05-010	246-975-080	REP-P	92-15-034
246-918-160	AMD-P	92-08-063	246-928-020	AMD-P	92-10-071	246-975-090	REP-P	92-15-034
246-918-160	AMD	92-12-089	246-928-020	AMD	92-15-032	246-975-090	REP-P	92-15-034
246-918-170	AMD-P	92-08-063	246-928-085	NEW-P	92-10-071	246-975-100	REP-P	92-15-034
246-918-170	AMD	92-12-089	246-928-085	NEW	92-15-032	246-975-110	REP-P	92-15-034
246-918-180	AMD-P	92-08-063	246-928-890	AMD-P	92-10-071	246-975-120	REP-P	92-15-034
246-918-180	AMD	92-12-089	246-928-990	AMD	92-15-032	246-975-130	REP-P	92-15-034
246-918-190	REP-P	92-08-063	246-930-010	AMD-P	92-07-079	246-975-140	REP-P	92-15-034
246-918-190	REP	92-12-089	246-930-010	AMD	92-12-027	246-975-150	REP-P	92-15-034
246-918-200	REP-P	92-08-063	246-930-020	AMD-P	92-07-079	246-975-160	REP-P	92-15-034
246-918-200	REP	92-12-089	246-930-020	AMD	92-12-027	246-975-170	REP-P	92-15-034
246-918-210	REP-P	92-08-063	246-930-030	AMD-P	92-07-079	246-975-180	REP-P	92-15-034
			246-930-030	AMD	92-12-027	246-975-190	REP-P	92-15-034

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-975-200	REP-P	92-15-034	246-976-570	NEW-P	92-15-034	250-67-040	REP	92-03-002
246-975-210	REP-P	92-15-034	246-976-600	NEW-P	92-15-034	250-67-050	REP	92-03-002
246-975-220	REP-P	92-15-034	246-976-610	NEW-P	92-15-034	250-67-060	REP	92-03-002
246-975-230	REP-P	92-15-034	246-976-640	NEW-P	92-15-034	250-68-001	REP	92-03-002
246-975-240	REP-P	92-15-034	246-976-650	NEW-P	92-15-034	250-68-010	REP	92-03-002
246-975-250	REP-P	92-15-034	246-976-680	NEW-P	92-15-034	250-68-020	REP	92-03-002
246-975-260	REP-P	92-15-034	246-976-690	NEW-P	92-15-034	250-68-030	REP	92-03-002
246-975-270	REP-P	92-15-034	246-976-720	NEW-P	92-15-034	250-68-035	REP	92-03-002
246-975-280	REP-P	92-15-034	246-976-730	NEW-P	92-15-034	250-68-040	REP	92-03-002
246-975-290	REP-P	92-15-034	246-976-740	NEW-P	92-15-034	250-68-050	REP	92-03-002
246-975-300	REP-P	92-15-034	246-976-770	NEW-P	92-15-034	250-68-060	REP	92-03-002
246-975-310	REP-P	92-15-034	246-976-780	NEW-P	92-15-034	250-68-070	REP	92-03-002
246-975-320	REP-P	92-15-034	246-976-790	NEW-P	92-15-034	250-75-010	REP	92-03-002
246-975-330	REP-P	92-15-034	246-976-810	NEW-P	92-15-034	250-75-020	REP	92-03-002
246-975-340	REP-P	92-15-034	246-976-820	NEW-P	92-15-034	250-75-030	REP	92-03-002
246-975-350	REP-P	92-15-034	246-976-880	NEW-P	92-15-034	250-75-040	REP	92-03-002
246-975-360	REP-P	92-15-034	246-976-885	NEW-P	92-15-034	250-75-050	REP	92-03-002
246-975-990	REP-P	92-15-034	246-976-890	NEW-P	92-15-034	250-75-060	REP	92-03-002
246-976-001	NEW-P	92-15-034	246-976-910	NEW-P	92-15-034	250-75-070	REP	92-03-002
246-976-010	NEW-P	92-15-034	246-976-920	NEW-P	92-15-034	250-75-080	REP	92-03-002
246-976-020	NEW-P	92-15-034	246-976-930	NEW-P	92-15-034	250-76-010	NEW	92-04-018
246-976-025	NEW-P	92-15-034	246-976-940	NEW-P	92-15-034	250-76-020	NEW	92-04-018
246-976-030	NEW-P	92-15-034	246-976-950	NEW-P	92-15-034	250-76-030	NEW	92-04-018
246-976-035	NEW-P	92-15-034	246-976-960	NEW-P	92-15-034	250-76-040	NEW	92-04-018
246-976-040	NEW-P	92-15-034	246-976-970	NEW-P	92-15-034	250-76-050	NEW	92-04-018
246-976-050	NEW-P	92-15-034	246-976-990	NEW-P	92-15-034	250-76-060	NEW	92-04-018
246-976-055	NEW-P	92-15-034	246-977-001	REP-P	92-15-034	250-76-070	NEW	92-04-018
246-976-060	NEW-P	92-15-034	246-977-010	REP-P	92-15-034	250-78-010	AMD-P	92-13-077
246-976-065	NEW-P	92-15-034	246-977-020	REP-P	92-15-034	250-78-010	AMD-C	92-15-136
246-976-070	NEW-P	92-15-034	246-977-030	REP-P	92-15-034	250-78-010	AMD	92-16-037
246-976-075	NEW-P	92-15-034	246-977-040	REP-P	92-15-034	250-78-020	AMD-P	92-13-077
246-976-080	NEW-P	92-15-034	246-977-050	REP-P	92-15-034	250-78-020	AMD-C	92-15-136
246-976-085	NEW-P	92-15-034	246-977-060	REP-P	92-15-034	250-78-020	AMD	92-16-037
246-976-090	NEW-P	92-15-034	246-977-070	REP-P	92-15-034	250-78-030	AMD-P	92-13-077
246-976-110	NEW-P	92-15-034	246-977-080	REP-P	92-15-034	250-78-030	AMD-C	92-15-136
246-976-115	NEW-P	92-15-034	246-977-090	REP-P	92-15-034	250-78-030	AMD	92-16-037
246-976-120	NEW-P	92-15-034	246-977-100	REP-P	92-15-034	250-78-050	AMD-P	92-13-077
246-976-140	NEW-P	92-15-034	246-977-110	REP-P	92-15-034	250-78-050	AMD-C	92-15-136
246-976-150	NEW-P	92-15-034	248-14-120	AMD-P	92-03-015	250-78-050	AMD	92-16-037
246-976-160	NEW-P	92-15-034	248-14-120	AMD	92-08-074	250-78-060	AMD-P	92-13-077
246-976-170	NEW-P	92-15-034	248-14-250	AMD-P	92-03-015	250-78-060	AMD-C	92-15-136
246-976-180	NEW-P	92-15-034	248-14-250	AMD	92-08-074	250-78-060	AMD	92-16-037
246-976-190	NEW-P	92-15-034	248-14-285	AMD-P	92-03-015	251-01-010	REP	92-05-034
246-976-200	NEW-P	92-15-034	248-14-285	AMD	92-08-074	251-01-075	AMD-C	92-05-026
246-976-210	NEW-P	92-15-034	250-20-021	AMD-C	92-08-076	251-01-075	AMD-W	92-07-018
246-976-220	NEW-P	92-15-034	250-20-021	AMD-C	92-09-141	251-01-075	AMD-P	92-09-120
246-976-230	NEW-P	92-15-034	250-20-021	AMD	92-11-022	251-01-075	AMD-W	92-13-008
246-976-240	NEW-P	92-15-034	250-20-021	AMD-E	92-11-023	251-01-120	AMD-C	92-05-026
246-976-260	NEW-P	92-15-034	250-25-010	NEW	92-03-002	251-01-120	AMD-W	92-07-018
246-976-270	NEW-P	92-15-034	250-25-020	NEW	92-03-002	251-01-120	AMD-P	92-09-120
246-976-280	NEW-P	92-15-034	250-25-030	NEW	92-03-002	251-01-120	AMD-W	92-13-008
246-976-290	NEW-P	92-15-034	250-25-040	NEW	92-03-002	251-01-145	AMD-C	92-05-026
246-976-300	NEW-P	92-15-034	250-25-045	NEW	92-03-002	251-01-145	AMD-W	92-07-018
246-976-310	NEW-P	92-15-034	250-25-050	NEW	92-03-002	251-01-147	NEW-C	92-05-026
246-976-320	NEW-P	92-15-034	250-25-060	NEW	92-03-002	251-01-147	NEW-W	92-07-018
246-976-330	NEW-P	92-15-034	250-25-070	NEW	92-03-002	251-01-147	NEW-P	92-09-120
246-976-340	NEW-P	92-15-034	250-25-080	NEW	92-03-002	251-01-147	NEW-W	92-13-008
246-976-350	NEW-P	92-15-034	250-25-090	NEW	92-03-002	251-01-150	AMD-C	92-05-026
246-976-370	NEW-P	92-15-034	250-66-020	AMD-P	92-13-076	251-01-150	AMD-W	92-07-018
246-976-390	NEW-P	92-15-034	250-66-020	AMD-C	92-15-135	251-01-155	REP	92-05-034
246-976-400	NEW-P	92-15-034	250-66-020	AMD	92-16-038	251-01-210	AMD-C	92-05-026
246-976-420	NEW-P	92-15-034	250-66-030	AMD-P	92-13-076	251-01-210	AMD-W	92-07-018
246-976-430	NEW-P	92-15-034	250-66-030	AMD-C	92-15-135	251-01-255	AMD-W	92-03-079
246-976-440	NEW-P	92-15-034	250-66-030	AMD	92-16-038	251-01-255	AMD-P	92-05-072
246-976-450	NEW-P	92-15-034	250-66-040	AMD-P	92-13-076	251-01-255	AMD-W	92-07-019
246-976-470	NEW-P	92-15-034	250-66-040	AMD-C	92-15-135	251-01-320	REP	92-05-034
246-976-475	NEW-P	92-15-034	250-66-040	AMD	92-16-038	251-01-350	AMD-C	92-05-026
246-976-480	NEW-P	92-15-034	250-66-060	AMD-P	92-13-076	251-01-350	AMD-W	92-07-018
246-976-500	NEW-P	92-15-034	250-66-060	AMD-C	92-15-135	251-01-350	AMD-P	92-09-120
246-976-510	NEW-P	92-15-034	250-66-060	AMD	92-16-038	251-01-350	AMD-W	92-13-008
246-976-520	NEW-P	92-15-034	250-67-010	REP	92-03-002	251-01-385	REP-C	92-05-026
246-976-550	NEW-P	92-15-034	250-67-020	REP	92-03-002	251-01-385	REP-W	92-07-018
246-976-560	NEW-P	92-15-034	250-67-030	REP	92-03-002	251-01-390	AMD-C	92-05-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
251-01-390	AMD-W	92-07-018	275-16-030	AMD-P	92-06-043	284-22-020	NEW-E	92-14-085
251-01-395	AMD-W	92-03-079	275-16-030	AMD-E	92-06-044	284-22-020	NEW-P	92-16-092
251-01-395	AMD-P	92-05-073	275-16-030	AMD	92-09-118	284-22-030	NEW-E	92-14-085
251-01-395	AMD-W	92-07-019	275-16-030	AMD-P	92-14-077	284-22-030	NEW-P	92-16-092
251-01-410	AMD-C	92-05-026	275-16-030	AMD-E	92-14-080	284-22-040	NEW-E	92-14-085
251-01-410	AMD-W	92-07-018	275-25-020	AMD-P	92-06-059	284-22-040	NEW-P	92-16-092
251-04-060	AMD-P	92-09-123	275-25-020	AMD	92-09-115	284-22-050	NEW-E	92-14-085
251-04-060	AMD-W	92-13-055	275-25-530	AMD-P	92-09-045	284-22-050	NEW-P	92-16-092
251-04-060	AMD-P	92-13-061	275-25-530	AMD-E	92-09-046	284-22-060	NEW-E	92-14-085
251-04-060	AMD-C	92-14-113	275-25-530	RESCIND	92-09-051	284-22-060	NEW-P	92-16-092
251-09-025	AMD	92-05-034	275-25-530	AMD	92-13-032	284-22-070	NEW-E	92-14-085
251-09-030	AMD	92-05-034	275-27-020	AMD-P	92-06-059	284-22-070	NEW-P	92-16-092
251-09-071	NEW-P	92-05-075	275-27-020	AMD	92-09-115	284-22-080	NEW-E	92-14-085
251-09-071	NEW-W	92-07-019	275-27-026	AMD	92-04-004	284-22-080	NEW-P	92-16-092
251-10-030	AMD-C	92-05-027	275-27-219	NEW-P	92-09-113	284-22-090	NEW-E	92-14-085
251-10-030	AMD-W	92-07-018	275-27-219	NEW-E	92-09-119	284-22-090	NEW-P	92-16-092
251-10-030	AMD-P	92-09-121	275-27-219	NEW	92-13-024	284-44	PREP	92-14-129
251-10-030	AMD-W	92-13-008	275-27-220	AMD-P	92-05-076	284-44-046	NEW-P	92-13-013
251-12-072	AMD-C	92-05-028	275-27-220	AMD-E	92-05-077	284-44-046	NEW	92-16-009
251-12-072	AMD-W	92-07-018	275-27-220	AMD	92-09-114	284-44-240	NEW-P	92-06-056
251-12-072	AMD-P	92-09-126	275-27-223	AMD-P	92-05-076	284-44-240	NEW	92-09-044
251-12-072	AMD-W	92-13-008	275-27-223	AMD-E	92-05-077	284-46	PREP	92-14-129
251-12-090	REP-P	92-09-124	275-27-223	AMD	92-09-114	284-46-575	NEW-P	92-06-055
251-12-090	REP	92-13-063	275-56-005	AMD-P	92-07-033	284-46-575	NEW	92-09-044A
251-12-290	AMD-P	92-09-125	275-56-005	AMD-E	92-07-034	284-50	PREP	92-14-129
251-12-290	AMD-C	92-13-062	275-56-005	AMD	92-11-055	284-50-270	NEW-P	92-13-014
251-12-290	AMD-C	92-14-114	275-56-015	AMD-P	92-07-033	284-50-270	NEW-W	92-13-086
251-17	AMD-C	92-05-029	275-56-015	AMD-E	92-07-034	284-50-270	NEW-P	92-16-093
251-17-010	AMD-W	92-07-018	275-56-015	AMD	92-11-055	284-52	PREP	92-14-129
251-17-040	AMD-W	92-07-018	275-56-088	AMD-P	92-07-033	284-58	PREP	92-14-129
251-17-040	AMD-P	92-09-122	275-56-088	AMD-E	92-07-034	284-60	PREP	92-14-129
251-17-040	AMD-W	92-13-008	275-56-088	AMD	92-11-055	284-66-010	AMD	92-06-021
251-17-060	AMD-W	92-07-018	275-56-447	NEW-E	92-07-034	284-66-020	AMD	92-06-021
251-17-060	AMD-P	92-09-122	275-56-447	NEW	92-11-055	284-66-030	AMD	92-06-021
251-17-060	AMD-W	92-13-008	275-156-010	AMD-P	92-15-008	284-66-040	AMD	92-06-021
251-17-070	AMD-W	92-07-018	275-156-020	AMD-P	92-15-008	284-66-050	AMD	92-06-021
251-17-070	AMD-P	92-09-122	284-07-050	NEW-P	92-15-104	284-66-060	AMD	92-06-021
251-17-070	AMD-W	92-13-008	284-07-100	NEW-P	92-15-104	284-66-063	NEW	92-06-021
251-17-090	AMD-W	92-07-018	284-07-110	NEW-P	92-15-104	284-66-066	NEW	92-06-021
251-17-110	AMD-W	92-07-018	284-07-120	NEW-P	92-15-104	284-66-066	AMD-P	92-14-130
251-17-120	AMD-W	92-07-018	284-07-130	NEW-P	92-15-104	284-66-070	REP	92-06-021
251-17-160	AMD-W	92-07-018	284-07-140	NEW-P	92-15-104	284-66-073	NEW	92-06-021
251-17-160	AMD-P	92-09-122	284-07-150	NEW-P	92-15-104	284-66-077	NEW	92-06-021
251-17-160	AMD-W	92-13-008	284-07-160	NEW-P	92-15-104	284-66-080	AMD	92-06-021
251-17-165	NEW-W	92-07-018	284-07-170	NEW-P	92-15-104	284-66-090	REP	92-06-021
251-17-165	NEW-P	92-09-122	284-07-180	NEW-P	92-15-104	284-66-092	NEW	92-06-021
251-17-165	NEW-W	92-13-008	284-07-190	NEW-P	92-15-104	284-66-092	AMD-P	92-14-130
251-17-170	AMD-W	92-07-018	284-07-200	NEW-P	92-15-104	284-66-100	REP	92-06-021
251-17-170	AMD-P	92-09-122	284-07-210	NEW-P	92-15-104	284-66-110	AMD	92-06-021
251-17-170	AMD-W	92-13-008	284-07-220	NEW-P	92-15-104	284-66-120	AMD	92-06-021
251-17-190	AMD-W	92-07-018	284-07-230	NEW-P	92-15-104	284-66-130	AMD	92-06-021
251-17-200	AMD-W	92-07-018	284-16-050	REP-P	92-15-101	284-66-140	REP	92-06-021
251-17-200	AMD-P	92-09-122	284-16-060	REP-P	92-15-103	284-66-142	NEW	92-06-021
251-17-200	AMD-W	92-13-008	284-16-300	NEW-P	92-15-102	284-66-150	REP	92-06-021
251-18-180	AMD	92-05-034	284-16-310	NEW-P	92-15-102	284-66-160	AMD	92-06-021
251-22-215	REP-W	92-05-025	284-16-320	NEW-P	92-15-102	284-66-170	AMD	92-06-021
260-13-100	AMD-P	92-12-067	284-16-400	NEW-P	92-15-103	284-66-180	REP	92-06-021
260-13-100	AMD-C	92-13-088	284-16-410	NEW-P	92-15-103	284-66-190	REP	92-06-021
260-13-175	NEW-P	92-12-066	284-16-420	NEW-P	92-15-103	284-66-200	AMD	92-06-021
260-13-175	NEW-C	92-13-087	284-16-430	NEW-P	92-15-103	284-66-203	NEW	92-06-021
260-13-370	AMD-P	92-12-067	284-16-440	NEW-P	92-15-103	284-66-210	AMD	92-06-021
260-13-370	AMD-C	92-13-088	284-16-450	NEW-P	92-15-103	284-66-220	AMD	92-06-021
260-13-390	AMD-P	92-12-067	284-16-460	NEW-P	92-15-103	284-66-220	AMD-P	92-14-130
260-13-390	AMD-C	92-13-088	284-16-470	NEW-P	92-15-103	284-66-230	REP	92-06-021
260-13-400	AMD-P	92-12-067	284-16-480	NEW-P	92-15-103	284-66-232	NEW	92-06-021
260-13-400	AMD-C	92-13-088	284-16-490	NEW-P	92-15-103	284-66-240	AMD	92-06-021
260-24-280	AMD-P	92-12-068	284-16-500	NEW-P	92-15-103	284-66-243	NEW	92-06-021
260-24-280	AMD-C	92-13-089	284-16-510	NEW-P	92-15-103	284-66-250	AMD	92-06-021
260-32-400	AMD-P	92-15-097	284-16-520	NEW-P	92-15-103	284-66-260	AMD	92-06-021
260-56-065	NEW-P	92-12-066	284-16-530	NEW-P	92-15-103	284-66-270	AMD	92-06-021
260-56-065	NEW-C	92-13-087	284-16-540	NEW-P	92-15-103	284-66-300	AMD	92-06-021
260-88-010	AMD-P	92-12-068	284-22-010	NEW-E	92-14-085	284-66-310	AMD	92-06-021
260-88-010	AMD-C	92-13-089	284-22-010	NEW-P	92-16-092	284-66-320	AMD	92-06-021

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-66-323	NEW	92-06-021	296-56-60107	AMD-P	92-15-147	296-125-010	AMD-P	92-12-093
284-66-330	AMD	92-06-021	296-56-60109	AMD-P	92-15-147	296-125-010	AMD-C	92-15-100
284-66-340	AMD	92-06-021	296-56-60115	AMD-P	92-15-147	296-125-011	NEW-P	92-12-093
284-66-350	AMD	92-06-021	296-56-60123	AMD-P	92-15-147	296-125-011	NEW-C	92-15-100
284-66-400	AMD	92-06-021	296-56-60131	AMD-P	92-15-147	296-125-012	NEW-P	92-12-093
296-14-015	NEW	92-03-053	296-56-60209	AMD-P	92-15-147	296-125-012	NEW-C	92-15-100
296-17-45004	NEW-P	92-13-091	296-56-60215	AMD-P	92-15-147	296-125-015	AMD-P	92-12-093
296-17-66002	REP-W	92-06-034	296-56-60223	AMD-P	92-15-147	296-125-015	AMD-C	92-15-100
296-17-66002	AMD-P	92-13-091	296-56-60229	AMD-P	92-15-147	296-125-020	AMD-P	92-12-093
296-17-66003	NEW-W	92-06-034	296-56-60235	AMD-P	92-15-147	296-125-020	AMD-C	92-15-100
296-17-885	AMD-W	92-06-034	296-56-60237	AMD-P	92-15-147	296-125-023	REP-P	92-12-093
296-17-895	AMD-W	92-06-034	296-56-60239	AMD-P	92-15-147	296-125-023	REP-C	92-15-100
296-18A-460	AMD-P	92-14-116	296-62	PREP	92-03-135	296-125-024	NEW-P	92-12-093
296-18A-465	REP-P	92-14-116	296-62-08001	NEW-P	92-03-137	296-125-024	NEW-C	92-15-100
296-20-01002	AMD	92-05-041	296-62-08001	NEW	92-08-100	296-125-026	NEW-P	92-12-093
296-20-030	AMD-E	92-07-100	296-62-08050	NEW-P	92-03-137	296-125-026	NEW-C	92-15-100
296-20-030	RESCIND	92-08-097	296-62-08050	NEW	92-08-100	296-125-027	AMD-P	92-12-093
296-20-03001	AMD-E	92-07-100	296-62-09005	AMD-P	92-15-147	296-125-027	AMD-C	92-15-100
296-20-03001	RESCIND	92-08-097	296-67-001	NEW-P	92-12-087	296-125-028	NEW-P	92-12-093
296-20-091	AMD	92-05-041	296-67-005	NEW-P	92-12-087	296-125-028	NEW-C	92-15-100
296-23-50001	AMD	92-05-041	296-67-009	NEW-P	92-12-087	296-125-030	AMD-P	92-12-093
296-23-610	AMD-E	92-07-100	296-67-013	NEW-P	92-12-087	296-125-030	AMD-C	92-15-100
296-23-610	RESCIND	92-08-097	296-67-017	NEW-P	92-12-087	296-125-033	AMD-P	92-12-093
296-24-11001	AMD-P	92-15-147	296-67-021	NEW-P	92-12-087	296-125-033	AMD-C	92-15-100
296-24-11003	AMD-P	92-15-147	296-67-025	NEW-P	92-12-087	296-125-033	AMD-C	92-15-100
296-24-11005	AMD-P	92-15-147	296-67-029	NEW-P	92-12-087	296-125-050	AMD-P	92-12-093
296-24-11007	AMD-P	92-15-147	296-67-033	NEW-P	92-12-087	296-125-050	AMD-C	92-15-100
296-24-11009	AMD-P	92-15-147	296-67-037	NEW-P	92-12-087	296-125-055	REP-P	92-12-093
296-24-11011	AMD-P	92-15-147	296-67-041	NEW-P	92-12-087	296-125-055	REP-C	92-15-100
296-24-11013	AMD-P	92-15-147	296-67-045	NEW-P	92-12-087	296-125-060	AMD-P	92-12-093
296-24-11015	AMD-P	92-15-147	296-67-049	NEW-P	92-12-087	296-125-060	AMD-C	92-15-100
296-24-11017	AMD-P	92-15-147	296-67-053	NEW-P	92-12-087	296-125-110	REP-P	92-12-093
296-24-119	AMD-P	92-15-147	296-67-057	NEW-P	92-12-087	296-125-110	REP-C	92-15-100
296-24-19517	AMD-P	92-12-087	296-67-061	NEW-P	92-12-087	296-125-115	REP-P	92-12-093
296-24-20700	AMD-P	92-12-087	296-67-285	NEW-P	92-12-087	296-125-115	REP-C	92-15-100
296-24-20730	AMD-P	92-12-087	296-67-289	NEW-P	92-12-087	296-125-120	REP-P	92-12-093
296-24-76555	AMD-P	92-12-087	296-67-291	NEW-P	92-12-087	296-125-120	REP-C	92-15-100
296-30-081	AMD-E	92-09-149	296-67-293	NEW-P	92-12-087	296-125-125	REP-P	92-12-093
296-30-081	AMD-P	92-11-071	296-104-010	AMD-P	92-08-087	296-125-125	REP-C	92-15-100
296-30-081	AMD	92-16-033	296-104-010	AMD	92-11-070	296-125-130	REP-P	92-12-093
296-37-510	AMD-P	92-15-147	296-104-018	NEW-P	92-08-087	296-125-130	REP-C	92-15-100
296-37-515	AMD-P	92-15-147	296-104-018	NEW	92-11-070	296-125-135	REP-P	92-12-093
296-37-550	AMD-P	92-15-147	296-104-200	AMD-P	92-08-087	296-125-135	REP-C	92-15-100
296-37-560	AMD-P	92-15-147	296-104-200	AMD	92-11-070	296-125-140	REP-P	92-12-093
296-37-565	AMD-P	92-15-147	296-104-500	AMD-P	92-08-087	296-125-140	REP-C	92-15-100
296-37-570	AMD-P	92-15-147	296-104-500	AMD	92-11-070	296-125-145	REP-P	92-12-093
296-37-575	AMD-P	92-15-147	296-104-501	AMD-P	92-08-087	296-125-145	REP-C	92-15-100
296-37-580	AMD-P	92-15-147	296-104-501	AMD	92-11-070	296-125-155	REP-P	92-12-093
296-37-585	AMD-P	92-15-147	296-104-530	AMD-P	92-08-087	296-125-155	REP-C	92-15-100
296-37-590	NEW-P	92-15-147	296-104-530	AMD	92-11-070	296-125-160	REP-P	92-12-093
296-46-910	AMD-P	92-03-136	296-116-075	PREP	92-07-075	296-125-160	REP-C	92-15-100
296-46-910	AMD	92-08-102	296-116-075	AMD-P	92-12-079	296-125-165	REP-P	92-12-093
296-46-910	AMD-E	92-08-103	296-116-075	AMD	92-15-064	296-125-165	REP-C	92-15-100
296-46-915	AMD-P	92-03-136	296-116-080	AMD-P	92-08-049	296-125-170	REP-P	92-12-093
296-46-915	AMD	92-08-102	296-116-080	AMD-E	92-08-053	296-125-170	REP-C	92-15-100
296-46-915	AMD-E	92-08-103	296-116-080	AMD	92-14-070	296-125-175	REP-P	92-12-093
296-52-401	AMD-P	92-12-087	296-116-082	AMD-P	92-04-075	296-125-175	REP-C	92-15-100
296-52-461	AMD-P	92-12-087	296-116-082	AMD	92-08-051	296-127-018	NEW	92-08-101
296-52-489	AMD-P	92-12-087	296-116-082	AMD-E	92-08-054	296-131-006	NEW-P	92-10-078
296-52-493	AMD-P	92-12-087	296-116-110	AMD-E	92-03-108	296-131-006	NEW	92-15-099
296-56-60001	AMD-P	92-15-147	296-116-110	AMD-P	92-04-073	296-131-120	AMD-P	92-10-078
296-56-60005	AMD-P	92-15-147	296-116-110	AMD	92-08-050	296-131-120	AMD	92-15-099
296-56-60007	AMD-P	92-15-147	296-116-185	AMD-P	92-08-048	296-131-130	AMD-P	92-10-078
296-56-60041	AMD-P	92-15-147	296-116-185	AMD-C	92-11-035	296-131-130	AMD	92-15-099
296-56-60043	AMD-P	92-15-147	296-116-185	AMD	92-14-069	296-155-110	AMD-P	92-03-137
296-56-60053	AMD-P	92-15-147	296-116-2051	AMD-P	92-04-074	296-155-110	AMD-C	92-08-099
296-56-60057	AMD-P	92-15-147	296-116-2051	AMD	92-08-052	296-155-110	AMD	92-09-148
296-56-60073	AMD-P	92-15-147	296-116-300	AMD-P	92-07-076	296-155-48527	AMD-P	92-12-087
296-56-60079	AMD-P	92-15-147	296-116-300	AMD	92-14-007	296-155-48529	AMD-P	92-12-087
296-56-60083	AMD-P	92-15-147	296-116-300	AMD	92-14-008	296-155-48531	AMD-P	92-12-087
296-56-60085	AMD-P	92-15-147	296-125	AMD-P	92-12-093	296-155-48536	AMD-P	92-15-147
296-56-60091	AMD-P	92-15-147	296-125	AMD-C	92-14-115	296-155-650	AMD-P	92-15-147
296-56-60103	AMD-P	92-15-147	296-125	AMD-C	92-15-100	296-155-655	AMD-P	92-15-147
						296-155-657	AMD-P	92-15-147

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-155-66103	AMD-P	92-15-147	308-20-005	NEW-P	92-10-079	308-56A-040	AMD	92-15-024
296-155-66105	AMD-P	92-15-147	308-20-005	NEW	92-15-087	308-56A-140	AMD	92-03-077
296-155-66109	AMD-P	92-15-147	308-20-010	AMD	92-04-006	308-56A-250	AMD-P	92-11-048
296-155-664	AMD-P	92-15-147	308-20-020	AMD	92-04-006	308-56A-250	AMD	92-15-024
296-155-66401	NEW-P	92-15-147	308-20-030	AMD	92-04-006	308-56A-260	REP-P	92-11-048
296-155-66403	NEW-P	92-15-147	308-20-040	AMD	92-04-006	308-56A-260	REP	92-15-024
296-155-66405	NEW-P	92-15-147	308-20-045	NEW-P	92-10-079	308-56A-450	AMD-P	92-11-048
296-155-66407	NEW-P	92-15-147	308-20-045	NEW	92-15-087	308-56A-450	AMD	92-15-024
296-155-66409	NEW-P	92-15-147	308-20-050	AMD	92-04-006	308-56A-455	AMD-P	92-11-048
296-155-66411	NEW-P	92-15-147	308-20-060	AMD	92-04-006	308-56A-455	AMD	92-15-024
296-155-694	AMD-P	92-15-147	308-20-070	AMD	92-04-006	308-56A-460	AMD-P	92-11-048
296-306	PREP	92-08-098	308-20-080	AMD	92-04-006	308-56A-460	AMD	92-15-024
296-306	PREP	92-11-072	308-20-090	AMD	92-04-006	308-56A-465	AMD-P	92-11-048
296-401-175	AMD-P	92-03-136	308-20-100	AMD	92-04-006	308-56A-465	AMD	92-15-024
296-401-175	AMD	92-09-010	308-20-105	AMD	92-04-006	308-56A-470	NEW	92-03-077
296-401-175	AMD-E	92-09-011	308-20-107	AMD	92-04-006	308-57-230	AMD-P	92-11-048
304-12-030	AMD-P	92-04-076	308-20-109	AMD	92-04-006	308-57-230	AMD	92-15-024
304-12-030	AMD	92-08-023	308-20-110	AMD	92-04-006	308-57-250	NEW-P	92-16-086
306-01-010	NEW-P	92-11-064	308-20-120	AMD	92-04-006	308-58-020	AMD-P	92-11-047
306-01-010	NEW	92-15-018	308-20-130	AMD	92-04-006	308-58-020	AMD	92-15-022
306-01-020	NEW-P	92-11-064	308-20-140	AMD	92-04-006	308-58-040	AMD-P	92-11-047
306-01-020	NEW	92-15-018	308-20-150	AMD	92-04-006	308-58-040	AMD	92-15-022
306-01-030	NEW-P	92-11-064	308-20-155	AMD	92-04-006	308-72-510	AMD-P	92-16-040
306-01-030	NEW	92-15-018	308-20-171	AMD	92-04-006	308-89-020	AMD-P	92-09-145
306-01-040	NEW-P	92-11-064	308-20-172	NEW	92-04-006	308-89-020	AMD	92-12-036
306-01-040	NEW	92-15-018	308-20-175	AMD	92-04-006	308-89-040	AMD-P	92-09-145
306-01-050	NEW-P	92-11-064	308-20-180	AMD	92-04-006	308-89-040	AMD	92-12-036
306-01-050	NEW	92-15-018	308-20-205	AMD	92-04-006	308-89-050	AMD-P	92-09-145
306-01-060	NEW-P	92-11-064	308-20-208	NEW	92-04-006	308-89-050	AMD	92-12-036
306-01-060	NEW	92-15-018	308-20-210	AMD	92-04-006	308-89-060	NEW-P	92-09-145
306-01-070	NEW-P	92-11-064	308-20-210	AMD-P	92-10-079	308-89-060	NEW	92-12-036
306-01-070	NEW	92-15-018	308-20-210	AMD	92-15-087	308-90-150	AMD	92-06-009
306-01-080	NEW-P	92-11-064	308-20-310	NEW-P	92-10-079	308-93-050	AMD	92-03-075
306-01-080	NEW	92-15-018	308-20-310	NEW	92-15-087	308-93-070	AMD	92-03-075
308-10-005	AMD-P	92-05-088	308-20-500	NEW-P	92-10-079	308-93-241	NEW-P	92-11-046
308-10-005	AMD	92-09-107	308-20-500	NEW	92-15-087	308-93-241	NEW	92-15-023
308-10-010	AMD-P	92-05-088	308-20-510	NEW-P	92-10-079	308-93-242	NEW-P	92-11-046
308-10-010	AMD	92-09-107	308-20-510	NEW	92-15-087	308-93-242	NEW	92-15-023
308-10-015	AMD-P	92-05-088	308-20-520	NEW-P	92-10-079	308-93-243	NEW-P	92-11-046
308-10-015	AMD	92-09-107	308-20-520	NEW	92-15-087	308-93-243	NEW	92-15-023
308-10-020	AMD-P	92-05-088	308-20-530	NEW-P	92-10-079	308-93-244	NEW-P	92-11-046
308-10-020	AMD	92-09-107	308-20-530	NEW	92-15-087	308-93-244	NEW	92-15-023
308-10-025	AMD-P	92-05-088	308-20-540	NEW-P	92-10-079	308-93-245	NEW-P	92-11-046
308-10-025	AMD	92-09-107	308-20-540	NEW	92-15-087	308-93-245	NEW	92-15-023
308-10-030	AMD-P	92-05-088	308-20-545	NEW-P	92-10-079	308-93-295	AMD	92-03-075
308-10-030	AMD	92-09-107	308-20-545	NEW	92-15-087	308-93-295	AMD	92-06-009
308-10-040	AMD-P	92-05-088	308-20-550	NEW-P	92-10-079	308-94-030	AMD-P	92-11-049
308-10-040	AMD	92-09-107	308-20-550	NEW	92-15-087	308-94-030	AMD	92-15-021
308-10-045	AMD-P	92-05-088	308-20-560	NEW-P	92-10-079	308-94-080	AMD-P	92-11-049
308-10-045	AMD	92-09-107	308-20-560	NEW	92-15-087	308-94-080	AMD	92-15-021
308-10-050	AMD-P	92-05-088	308-20-570	NEW-P	92-10-079	308-94-200	AMD-P	92-11-049
308-10-050	AMD	92-09-107	308-20-570	NEW	92-15-087	308-94-200	AMD	92-15-021
308-10-055	AMD-P	92-05-088	308-20-590	NEW-P	92-10-079	308-96A-005	AMD	92-02-100
308-10-055	AMD	92-09-107	308-20-590	NEW	92-15-087	308-96A-005	AMD-P	92-11-050
308-10-060	AMD-P	92-05-088	308-20-600	NEW-P	92-10-079	308-96A-005	AMD	92-15-025
308-10-060	AMD	92-09-107	308-20-600	NEW	92-15-087	308-96A-026	AMD-P	92-11-050
308-10-070	AMD-P	92-05-088	308-20-610	NEW-P	92-10-079	308-96A-026	AMD	92-15-025
308-10-070	AMD	92-09-107	308-20-610	NEW	92-15-087	308-96A-035	AMD-P	92-11-050
308-11-100	AMD-P	92-09-097	308-20-630	NEW-P	92-10-079	308-96A-035	AMD	92-15-025
308-11-100	AMD	92-13-045	308-20-630	NEW	92-15-087	308-96A-040	AMD	92-02-100
308-11-130	NEW-P	92-09-097	308-20-640	NEW-P	92-10-079	308-96A-046	AMD	92-02-100
308-11-130	NEW	92-13-045	308-20-640	NEW	92-15-087	308-96A-100	AMD	92-03-076
308-13-032	AMD-P	92-05-013	308-20-670	NEW-P	92-10-079	308-96A-136	AMD	92-02-100
308-13-032	AMD	92-10-030	308-20-670	NEW	92-15-087	308-96A-161	AMD-P	92-11-050
308-13-040	AMD-P	92-05-013	308-20-680	NEW-P	92-10-079	308-96A-161	AMD	92-15-025
308-13-040	AMD	92-10-030	308-20-680	NEW	92-15-087	308-96A-162	AMD-P	92-11-050
308-13-041	REP-P	92-05-013	308-20-690	NEW-P	92-10-079	308-96A-162	AMD	92-15-025
308-13-041	REP	92-10-030	308-20-690	NEW	92-15-087	308-96A-201	NEW	92-02-100
308-13-042	REP-P	92-05-013	308-20-700	NEW-P	92-10-079	308-96A-205	AMD	92-02-100
308-13-042	REP	92-10-030	308-20-700	NEW	92-15-087	308-96A-206	NEW	92-02-100
308-20	AMD	92-04-006	308-56A-010	AMD-P	92-11-048	308-96A-207	NEW	92-02-100
308-20-001	NEW-P	92-10-079	308-56A-010	AMD	92-15-024	308-96A-208	NEW	92-02-100
308-20-001	NEW	92-15-087	308-56A-040	AMD-P	92-11-048	308-96A-210	AMD	92-02-100

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-96A-220	AMD	92-02-100	308-102-280	REP	92-08-045	315-11-770	NEW-P	92-08-093
308-96A-260	AMD	92-02-100	308-102-290	AMD-P	92-05-061	315-11-770	NEW	92-11-033
308-96A-275	AMD	92-02-100	308-102-290	AMD	92-08-045	315-11-771	NEW-P	92-03-146
308-96A-275	AMD-P	92-11-050	308-102-295	REP-P	92-05-061	315-11-771	NEW-P	92-08-093
308-96A-275	AMD	92-15-025	308-102-295	REP	92-08-045	315-11-771	NEW	92-11-033
308-96A-300	AMD	92-02-100	308-104-160	AMD-P	92-05-061	315-11-772	NEW-P	92-03-146
308-96A-306	AMD	92-03-076	308-104-160	AMD	92-08-045	315-11-772	NEW-P	92-08-093
308-96A-310	AMD	92-03-076	308-104-340	NEW-P	92-05-061	315-11-772	NEW	92-11-033
308-96A-315	AMD	92-03-076	308-104-340	NEW	92-08-045	315-11-780	NEW-P	92-08-093
308-96A-320	AMD	92-03-076	308-125-010	AMD-P	92-14-084	315-11-780	NEW	92-11-033
308-96A-325	AMD	92-03-076	308-125-020	AMD-P	92-14-084	315-11-781	NEW-P	92-08-093
308-96A-330	AMD	92-03-076	308-125-030	AMD-P	92-14-084	315-11-781	NEW	92-11-033
308-96A-335	AMD	92-03-076	308-125-070	AMD-P	92-14-084	315-11-782	NEW-P	92-08-093
308-96A-340	NEW	92-03-076	308-125-080	AMD-P	92-14-084	315-11-782	NEW	92-11-033
308-102-002	NEW-P	92-05-061	308-125-085	NEW-P	92-14-084	315-11-790	NEW-P	92-08-093
308-102-002	NEW	92-08-045	308-125-100	AMD-P	92-14-084	315-11-790	NEW	92-11-033
308-102-004	NEW-P	92-05-061	308-125-120	AMD-P	92-14-084	315-11-791	NEW-P	92-08-093
308-102-004	NEW	92-08-045	308-125-130	AMD-P	92-14-084	315-11-791	NEW	92-11-033
308-102-006	NEW-P	92-05-061	308-300-220	AMD-P	92-07-095	315-11-792	NEW-P	92-08-093
308-102-006	NEW	92-08-045	308-300-220	AMD	92-10-010	315-11-792	NEW	92-11-033
308-102-008	NEW-P	92-05-061	308-300-230	AMD-P	92-07-095	315-11-800	NEW-P	92-08-093
308-102-008	NEW	92-08-045	308-300-230	AMD	92-10-010	315-11-800	NEW	92-11-033
308-102-010	AMD-P	92-05-061	308-300-240	AMD-P	92-07-095	315-11-801	NEW-P	92-08-093
308-102-010	AMD	92-08-045	308-300-240	AMD	92-10-010	315-11-801	NEW	92-11-033
308-102-011	AMD-P	92-05-061	308-300-250	AMD-P	92-07-095	315-11-802	NEW-P	92-08-093
308-102-011	AMD	92-08-045	308-300-250	AMD	92-10-010	315-11-802	NEW	92-11-033
308-102-020	AMD-P	92-05-061	308-300-270	AMD-P	92-07-095	315-11-810	NEW-P	92-12-091
308-102-020	AMD	92-08-045	308-300-270	AMD	92-10-010	315-11-810	NEW	92-15-082
308-102-040	REP-P	92-05-061	308-300-280	AMD-P	92-07-095	315-11-811	NEW-P	92-12-091
308-102-040	REP	92-08-045	308-300-280	AMD	92-10-010	315-11-811	NEW	92-15-082
308-102-100	AMD-P	92-05-061	314-12-015	NEW-P	92-08-085	315-11-812	NEW-P	92-12-091
308-102-100	AMD	92-08-045	314-12-015	NEW	92-14-024	315-11-812	NEW	92-15-082
308-102-110	REP-P	92-05-061	314-12-090	REP-P	92-08-084	315-11-820	NEW-P	92-12-091
308-102-110	REP	92-08-045	314-12-090	REP	92-14-023	315-11-820	NEW	92-15-082
308-102-120	REP-P	92-05-061	314-16-190	AMD-P	92-08-086	315-11-821	NEW-P	92-12-091
308-102-120	REP	92-08-045	314-16-190	AMD-W	92-14-022	315-11-821	NEW	92-15-082
308-102-125	REP-P	92-05-061	314-16-196	AMD-P	92-08-088	315-11-822	NEW-P	92-12-091
308-102-125	REP	92-08-045	314-16-196	AMD	92-14-025	315-11-822	NEW	92-15-082
308-102-130	AMD-P	92-05-061	314-16-197	AMD-P	92-08-089	315-11-830	NEW-P	92-12-091
308-102-130	AMD	92-08-045	314-16-197	AMD	92-14-026	315-11-830	NEW	92-15-082
308-102-140	AMD-P	92-05-061	314-20-020	AMD	92-03-109	315-11-831	NEW-P	92-12-091
308-102-140	AMD	92-08-045	314-20-070	AMD-P	92-09-143	315-11-831	NEW	92-15-082
308-102-150	REP-P	92-05-061	314-20-070	AMD	92-14-028	315-11-832	NEW-P	92-12-091
308-102-150	REP	92-08-045	314-24-040	AMD	92-03-110	315-11-832	NEW	92-15-082
308-102-160	REP-P	92-05-061	314-60-040	AMD-P	92-09-142	315-11-840	NEW-P	92-12-091
308-102-160	REP	92-08-045	314-60-040	AMD	92-14-027	315-11-840	NEW	92-15-082
308-102-170	REP-P	92-05-061	315-04-190	AMD-P	92-16-101	315-11-841	NEW-P	92-12-091
308-102-170	REP	92-08-045	315-11-691	AMD	92-03-048	315-11-841	NEW	92-15-082
308-102-180	REP-P	92-05-061	315-11-710	NEW	92-03-048	315-11-842	NEW-P	92-12-091
308-102-180	REP	92-08-045	315-11-711	NEW	92-03-048	315-11-842	NEW	92-15-082
308-102-190	AMD-P	92-05-061	315-11-712	NEW	92-03-048	315-11-850	NEW-P	92-12-091
308-102-190	AMD	92-08-045	315-11-730	NEW	92-03-048	315-11-850	NEW	92-15-082
308-102-200	AMD-P	92-05-061	315-11-731	NEW	92-03-048	315-11-851	NEW-P	92-12-091
308-102-200	AMD	92-08-045	315-11-732	NEW	92-03-048	315-11-851	NEW	92-15-082
308-102-210	REP-P	92-05-061	315-11-740	NEW	92-03-048	315-11-852	NEW-P	92-12-091
308-102-210	REP	92-08-045	315-11-741	NEW	92-03-048	315-11-852	NEW	92-15-082
308-102-220	REP-P	92-05-061	315-11-742	NEW	92-03-048	315-11-860	NEW-P	92-16-101
308-102-220	REP	92-08-045	315-11-750	NEW-P	92-03-146	315-11-861	NEW-P	92-16-101
308-102-230	REP-P	92-05-061	315-11-750	NEW-W	92-05-069	315-11-862	NEW-P	92-16-101
308-102-230	REP	92-08-045	315-11-751	NEW-P	92-03-146	315-11-870	NEW-P	92-16-101
308-102-240	REP-P	92-05-061	315-11-751	NEW-W	92-05-069	315-11-871	NEW-P	92-16-101
308-102-240	REP	92-08-045	315-11-752	NEW-P	92-03-146	315-11-872	NEW-P	92-16-101
308-102-250	AMD-P	92-05-061	315-11-752	NEW-W	92-05-069	315-11-880	NEW-P	92-16-101
308-102-250	AMD	92-08-045	315-11-753	NEW	92-08-002	315-11-881	NEW-P	92-16-101
308-102-255	NEW-P	92-05-061	315-11-754	NEW	92-08-002	315-11-882	NEW-P	92-16-101
308-102-255	NEW	92-08-045	315-11-755	NEW	92-08-002	315-30-020	AMD-P	92-08-093
308-102-260	AMD-P	92-05-061	315-11-760	NEW-P	92-03-146	315-30-020	AMD	92-11-033
308-102-260	AMD	92-08-045	315-11-760	NEW	92-08-002	315-30-030	AMD-P	92-08-093
308-102-265	AMD-P	92-05-061	315-11-761	NEW-P	92-03-146	315-30-030	AMD	92-11-033
308-102-265	AMD	92-08-045	315-11-761	NEW	92-08-002	315-30-040	AMD-P	92-08-093
308-102-270	REP-P	92-05-061	315-11-762	NEW-P	92-03-146	315-30-040	AMD	92-11-033
308-102-270	REP	92-08-045	315-11-762	NEW	92-08-002	315-31-060	AMD-P	92-08-093
308-102-280	REP-P	92-05-061	315-11-770	NEW-P	92-03-146	315-31-060	AMD-W	92-11-010

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
315-31-060	AMD-P	92-12-091	315-41-50620	NEW	92-08-094	326-08-020	AMD	92-15-077
315-31-060	AMD	92-16-004	318-04-020	AMD-E	92-15-050	326-08-035	NEW-E	92-07-001
315-33A-010	AMD-P	92-08-093	318-04-030	AMD	92-03-061	326-08-035	NEW-P	92-11-018
315-33A-010	AMD	92-11-033	318-04-030	AMD-E	92-15-050	326-08-035	NEW-E	92-11-019
315-33A-020	AMD-P	92-08-093	326-02-010	AMD-E	92-07-001	326-08-035	NEW	92-15-077
315-33A-020	AMD	92-11-033	326-02-010	RESCIND	92-07-102	326-08-040	AMD-E	92-07-001
315-33A-060	AMD-P	92-12-091	326-02-010	AMD-E	92-07-102	326-08-040	AMD-P	92-11-018
315-33A-060	AMD-W	92-15-083	326-02-010	AMD-P	92-07-103	326-08-040	AMD-E	92-11-019
315-33B-010	NEW-P	92-03-146	326-02-010	AMD	92-11-007	326-08-040	AMD	92-15-077
315-33B-010	NEW	92-08-002	326-02-020	AMD-E	92-07-001	326-08-050	AMD-E	92-07-001
315-33B-020	NEW-P	92-03-146	326-02-020	RESCIND	92-07-102	326-08-050	AMD-P	92-11-018
315-33B-020	NEW	92-08-002	326-02-020	AMD-E	92-07-102	326-08-050	AMD-E	92-11-019
315-33B-030	NEW-P	92-03-146	326-02-020	AMD-P	92-07-103	326-08-050	AMD	92-15-077
315-33B-030	NEW	92-08-002	326-02-020	AMD	92-11-007	326-08-051	NEW-E	92-07-001
315-33B-040	NEW-P	92-03-146	326-02-030	AMD-E	92-07-001	326-08-051	NEW-P	92-11-018
315-33B-040	NEW	92-08-002	326-02-030	RESCIND	92-07-102	326-08-051	NEW-E	92-11-019
315-33B-050	NEW-P	92-03-146	326-02-030	AMD-E	92-07-102	326-08-051	NEW	92-15-077
315-33B-050	NEW	92-08-002	326-02-030	AMD-P	92-07-103	326-08-060	REP-E	92-07-001
315-33B-060	NEW-P	92-03-146	326-02-030	AMD	92-11-007	326-08-060	REP-P	92-11-018
315-33B-060	NEW	92-08-002	326-02-040	AMD-E	92-07-001	326-08-060	REP-E	92-11-019
315-33B-060	AMD-P	92-12-091	326-02-040	RESCIND	92-07-102	326-08-060	REP	92-15-077
315-33B-060	AMD-W	92-15-083	326-02-040	AMD-E	92-07-102	326-08-070	AMD-E	92-07-001
315-33B-070	NEW-P	92-03-146	326-02-040	AMD-P	92-07-103	326-08-070	AMD-P	92-11-018
315-33B-070	NEW	92-08-002	326-02-040	AMD	92-11-007	326-08-070	AMD-E	92-11-019
315-34-010	AMD-P	92-08-093	326-02-045	NEW-E	92-07-001	326-08-070	AMD	92-15-077
315-34-010	AMD	92-11-033	326-02-045	RESCIND	92-07-102	326-08-080	AMD-E	92-07-001
315-34-020	AMD-P	92-08-093	326-02-045	NEW-E	92-07-102	326-08-080	AMD-P	92-11-018
315-34-020	AMD	92-11-033	326-02-045	NEW-P	92-07-103	326-08-080	AMD-E	92-11-019
315-34-040	AMD-P	92-03-146	326-02-045	NEW	92-11-007	326-08-080	AMD	92-15-077
315-34-040	AMD	92-07-014	326-02-050	AMD-E	92-07-001	326-08-090	AMD-E	92-07-001
315-34-040	AMD-P	92-08-093	326-02-050	RESCIND	92-07-102	326-08-090	AMD-P	92-11-018
315-34-040	AMD	92-11-033	326-02-050	AMD-E	92-07-102	326-08-090	AMD-E	92-11-019
315-35	NEW-P	92-16-101	326-02-050	AMD-P	92-07-103	326-08-090	AMD	92-15-077
315-35-010	NEW-P	92-16-101	326-02-050	AMD	92-11-007	326-08-095	AMD-E	92-07-001
315-35-020	NEW-P	92-16-101	326-02-060	AMD-E	92-07-001	326-08-095	AMD-P	92-11-018
315-35-030	NEW-P	92-16-101	326-02-060	RESCIND	92-07-102	326-08-095	AMD-E	92-11-019
315-35-040	NEW-P	92-16-101	326-02-060	AMD-E	92-07-102	326-08-095	AMD	92-15-077
315-35-050	NEW-P	92-16-101	326-02-060	AMD-P	92-07-103	326-08-100	AMD-E	92-07-001
315-35-060	NEW-P	92-16-101	326-02-060	AMD	92-11-007	326-08-100	AMD-P	92-11-018
315-40-010	NEW	92-03-048	326-02-070	AMD-E	92-07-001	326-08-100	AMD-E	92-11-019
315-40-020	NEW	92-03-048	326-02-070	RESCIND	92-07-102	326-08-100	AMD	92-15-077
315-40-030	NEW	92-03-048	326-02-070	AMD-E	92-07-102	326-08-105	NEW-E	92-07-001
315-40-040	NEW	92-03-048	326-02-070	AMD-P	92-07-103	326-08-105	NEW-P	92-11-018
315-40-050	NEW	92-03-048	326-02-070	AMD	92-11-007	326-08-105	NEW-E	92-11-019
315-40-060	NEW	92-03-048	326-02-080	AMD-E	92-07-001	326-08-105	NEW	92-15-077
315-40-070	NEW	92-03-048	326-02-080	RESCIND	92-07-102	326-08-110	AMD-E	92-07-001
315-40-080	NEW	92-03-048	326-02-080	AMD-E	92-07-102	326-08-110	AMD-P	92-11-018
315-41-50100	NEW	92-03-048	326-02-080	AMD-P	92-07-103	326-08-110	AMD-E	92-11-019
315-41-50110	NEW	92-03-048	326-02-080	AMD	92-11-007	326-08-110	AMD	92-15-077
315-41-50120	NEW	92-03-048	326-02-090	AMD-E	92-07-001	326-08-120	AMD-E	92-07-001
315-41-50200	NEW	92-03-048	326-02-090	RESCIND	92-07-102	326-08-120	AMD-P	92-11-018
315-41-50210	NEW	92-03-048	326-02-090	AMD-E	92-07-102	326-08-120	AMD-E	92-11-019
315-41-50220	NEW	92-03-048	326-02-090	AMD-P	92-07-103	326-08-120	AMD	92-15-077
315-41-50300	NEW	92-03-048	326-02-090	AMD	92-11-007	326-08-130	AMD-E	92-07-001
315-41-50310	NEW	92-03-048	326-08-010	AMD-E	92-07-001	326-08-130	AMD-P	92-11-018
315-41-50320	NEW	92-03-048	326-08-010	AMD-P	92-11-018	326-08-130	AMD-E	92-11-019
315-41-50400	NEW-P	92-03-146	326-08-010	AMD-E	92-11-019	326-08-130	AMD	92-15-077
315-41-50400	NEW	92-08-094	326-08-010	AMD	92-15-077	326-08-140	NEW-E	92-07-001
315-41-50410	NEW-P	92-03-146	326-08-015	AMD-E	92-07-001	326-08-140	NEW-P	92-11-018
315-41-50410	NEW	92-08-094	326-08-015	AMD-P	92-11-018	326-08-140	NEW-E	92-11-019
315-41-50420	NEW-P	92-03-146	326-08-015	AMD-E	92-11-019	326-08-140	NEW	92-15-077
315-41-50420	NEW	92-08-094	326-08-015	AMD	92-15-077	326-20-010	AMD-E	92-07-001
315-41-50500	NEW-P	92-03-146	326-08-016	NEW-E	92-07-001	326-20-010	RESCIND	92-07-102
315-41-50500	NEW	92-08-094	326-08-016	NEW-P	92-11-018	326-20-010	AMD-E	92-07-102
315-41-50510	NEW-P	92-03-146	326-08-016	NEW-E	92-11-019	326-20-010	AMD-P	92-07-103
315-41-50510	NEW	92-08-094	326-08-016	NEW	92-15-077	326-20-010	AMD	92-11-007
315-41-50520	NEW-P	92-03-146	326-08-018	NEW-E	92-07-001	326-20-020	REP-E	92-07-001
315-41-50520	NEW	92-08-094	326-08-018	NEW-P	92-11-018	326-20-020	RESCIND	92-07-102
315-41-50600	NEW-P	92-03-146	326-08-018	NEW-E	92-11-019	326-20-020	REP-E	92-07-102
315-41-50600	NEW	92-08-094	326-08-018	NEW	92-15-077	326-20-020	REP-P	92-07-103
315-41-50610	NEW-P	92-03-146	326-08-020	AMD-E	92-07-001	326-20-020	REP	92-11-007
315-41-50610	NEW	92-08-094	326-08-020	AMD-P	92-11-018	326-20-030	AMD-E	92-07-001
315-41-50620	NEW-P	92-03-146	326-08-020	AMD-E	92-11-019	326-20-030	RESCIND	92-07-102

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
326-20-030	AMD-E	92-07-102	326-20-110	AMD-E	92-07-001	326-20-200	REP-P	92-07-103
326-20-030	AMD-P	92-07-103	326-20-110	RESCIND	92-07-102	326-20-200	REP	92-11-007
326-20-030	AMD	92-11-007	326-20-110	AMD-E	92-07-102	326-20-220	AMD-E	92-07-001
326-20-040	AMD-E	92-07-001	326-20-110	AMD-P	92-07-103	326-20-220	RESCIND	92-07-102
326-20-040	RESCIND	92-07-102	326-20-110	AMD	92-11-007	326-20-220	AMD-E	92-07-102
326-20-040	AMD-E	92-07-102	326-20-115	AMD-E	92-07-001	326-20-220	AMD-P	92-07-103
326-20-040	AMD-P	92-07-103	326-20-115	RESCIND	92-07-102	326-20-220	AMD	92-11-007
326-20-040	AMD	92-11-007	326-20-115	AMD-E	92-07-102	326-30	AMD-P	92-09-151
326-20-050	AMD-E	92-07-001	326-20-115	AMD-P	92-07-103	326-30-010	AMD-P	92-09-151
326-20-050	RESCIND	92-07-102	326-20-115	AMD	92-11-007	326-30-020	AMD-P	92-09-151
326-20-050	AMD-E	92-07-102	326-20-120	AMD-E	92-07-001	326-30-030	AMD-P	92-09-151
326-20-050	AMD-P	92-07-103	326-20-120	RESCIND	92-07-102	326-30-035	REP-P	92-09-151
326-20-050	AMD	92-11-007	326-20-120	AMD-E	92-07-102	326-30-036	REP-P	92-09-151
326-20-060	AMD-E	92-07-001	326-20-120	AMD-P	92-07-103	326-30-037	REP-P	92-09-151
326-20-060	RESCIND	92-07-102	326-20-120	AMD	92-11-007	326-30-038	REP-P	92-09-151
326-20-060	AMD-E	92-07-102	326-20-130	AMD-E	92-07-001	326-30-039	REP-P	92-09-151
326-20-060	AMD-P	92-07-103	326-20-130	RESCIND	92-07-102	326-30-03901	REP-P	92-09-151
326-20-060	AMD	92-11-007	326-20-130	AMD-E	92-07-102	326-30-03902	REP-P	92-09-151
326-20-070	AMD-E	92-07-001	326-20-130	AMD-P	92-07-103	326-30-03903	REP-P	92-09-151
326-20-070	RESCIND	92-07-102	326-20-130	AMD	92-11-007	326-30-040	REP-P	92-09-151
326-20-070	AMD-E	92-07-102	326-20-140	AMD-E	92-07-001	326-30-041	NEW-P	92-09-151
326-20-070	AMD-P	92-07-103	326-20-140	RESCIND	92-07-102	326-30-041	NEW-E	92-14-121
326-20-070	AMD	92-11-007	326-20-140	AMD-E	92-07-102	326-30-046	NEW-P	92-09-151
326-20-080	AMD-E	92-07-001	326-20-140	AMD-P	92-07-103	326-30-050	REP-P	92-09-151
326-20-080	RESCIND	92-07-102	326-20-140	AMD	92-11-007	326-30-051	NEW-P	92-09-151
326-20-080	AMD-E	92-07-102	326-20-150	AMD-E	92-07-001	326-30-060	REP-P	92-09-151
326-20-080	AMD-P	92-07-103	326-20-150	RESCIND	92-07-102	326-30-070	REP-P	92-09-151
326-20-080	AMD	92-11-007	326-20-150	AMD-E	92-07-102	326-30-080	REP-P	92-09-151
326-20-081	AMD-E	92-07-001	326-20-150	AMD-P	92-07-103	326-30-090	REP-P	92-09-151
326-20-081	RESCIND	92-07-102	326-20-150	AMD	92-11-007	326-30-100	REP-P	92-09-151
326-20-081	AMD-E	92-07-102	326-20-160	AMD-E	92-07-001	326-30-110	AMD-P	92-09-151
326-20-081	AMD-P	92-07-103	326-20-160	RESCIND	92-07-102	326-40-010	AMD-P	92-09-151
326-20-081	AMD	92-11-007	326-20-160	AMD-E	92-07-102	326-40-020	AMD-P	92-09-151
326-20-091	REP-E	92-07-001	326-20-160	AMD-P	92-07-103	326-40-030	NEW-P	92-09-151
326-20-091	RESCIND	92-07-102	326-20-160	AMD	92-11-007	326-40-040	NEW-P	92-09-151
326-20-091	REP-E	92-07-102	326-20-170	AMD-E	92-07-001	326-40-050	NEW-P	92-09-151
326-20-091	REP-P	92-07-103	326-20-170	RESCIND	92-07-102	326-40-060	NEW-P	92-09-151
326-20-091	REP	92-11-007	326-20-170	AMD-E	92-07-102	326-40-070	NEW-P	92-09-151
326-20-092	AMD-E	92-07-001	326-20-170	AMD-P	92-07-103	326-40-075	NEW-P	92-09-151
326-20-092	RESCIND	92-07-102	326-20-170	AMD	92-11-007	326-40-080	NEW-P	92-09-151
326-20-092	AMD-E	92-07-102	326-20-171	AMD-E	92-07-001	326-40-090	NEW-P	92-09-151
326-20-092	AMD-P	92-07-103	326-20-171	RESCIND	92-07-102	326-40-100	AMD-P	92-09-151
326-20-092	AMD	92-11-007	326-20-171	AMD-E	92-07-102	332-08-125	AMD-P	92-15-137
326-20-093	REP-E	92-07-001	326-20-171	AMD-P	92-07-103	332-08-315	AMD-P	92-15-137
326-20-093	RESCIND	92-07-102	326-20-171	AMD	92-11-007	332-08-405	AMD-P	92-15-137
326-20-093	REP-E	92-07-102	326-20-172	AMD-E	92-07-001	332-08-515	AMD-P	92-15-137
326-20-093	REP-P	92-07-103	326-20-172	RESCIND	92-07-102	332-08-545	AMD-P	92-15-137
326-20-093	REP	92-11-007	326-20-172	AMD-E	92-07-102	332-10-041	NEW-E	92-16-053
326-20-094	AMD-E	92-07-001	326-20-172	AMD-P	92-07-103	332-10-041	NEW-P	92-16-056
326-20-094	RESCIND	92-07-102	326-20-172	AMD	92-11-007	332-10-170	AMD-P	92-12-074
326-20-094	AMD-E	92-07-102	326-20-173	AMD-E	92-07-001	332-18-010	AMD-W	92-10-068
326-20-094	AMD-P	92-07-103	326-20-173	RESCIND	92-07-102	332-18-120	AMD-P	92-15-138
326-20-094	AMD	92-11-007	326-20-173	AMD-E	92-07-102	332-18-130	NEW-W	92-10-068
326-20-095	AMD-E	92-07-001	326-20-173	AMD-P	92-07-103	332-18-130	NEW-P	92-15-138
326-20-095	RESCIND	92-07-102	326-20-180	AMD	92-11-007	332-22-020	AMD	92-06-003
326-20-095	AMD-E	92-07-102	326-20-180	AMD-E	92-07-001	332-22-050	AMD-W	92-12-075
326-20-095	AMD-P	92-07-103	326-20-180	RESCIND	92-07-102	332-22-070	NEW-W	92-12-075
326-20-095	AMD	92-11-007	326-20-180	AMD-E	92-07-102	332-22-100	AMD-W	92-12-075
326-20-096	AMD-E	92-07-001	326-20-180	AMD-P	92-07-103	332-22-105	AMD-W	92-12-075
326-20-096	RESCIND	92-07-102	326-20-180	AMD	92-11-007	332-22-160	NEW	92-06-003
326-20-096	AMD-E	92-07-102	326-20-185	AMD-E	92-07-001	332-22-170	NEW	92-06-003
326-20-096	AMD-P	92-07-103	326-20-185	RESCIND	92-07-102	332-22-180	NEW	92-06-003
326-20-096	AMD	92-11-007	326-20-185	AMD-E	92-07-102	332-22-190	NEW	92-06-003
326-20-097	REP-E	92-07-001	326-20-185	AMD-P	92-07-103	332-22-200	NEW	92-06-003
326-20-097	RESCIND	92-07-102	326-20-185	AMD	92-11-007	332-22-210	NEW	92-06-003
326-20-097	REP-E	92-07-102	326-20-190	AMD-E	92-07-001	332-22-220	NEW	92-06-003
326-20-097	REP-P	92-07-103	326-20-190	RESCIND	92-07-102	332-22-230	NEW	92-06-003
326-20-097	REP	92-11-007	326-20-190	AMD-E	92-07-102	332-22-240	NEW	92-06-003
326-20-098	AMD-E	92-07-001	326-20-190	AMD-P	92-07-103	332-24-201	AMD-P	92-11-075
326-20-098	RESCIND	92-07-102	326-20-190	AMD	92-11-007	332-24-201	AMD	92-14-096
326-20-098	AMD-E	92-07-102	326-20-200	REP-E	92-07-001	332-24-205	AMD-P	92-11-075
326-20-098	AMD-P	92-07-103	326-20-200	RESCIND	92-07-102	332-24-205	AMD	92-14-096
326-20-098	AMD	92-11-007	326-20-200	REP-E	92-07-102	332-24-211	AMD-P	92-11-075

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-24-211	AMD	92-14-096	352-32-255	AMD-P	92-16-097	365-80-020	REP-E	92-09-147
332-24-215	REP-P	92-11-075	352-32-260	AMD-P	92-12-012	365-80-020	REP	92-15-047
332-24-215	REP	92-14-096	352-32-260	AMD	92-15-119	365-80-030	REP-P	92-09-146
332-24-217	NEW-P	92-11-075	352-32-260	AMD-P	92-16-097	365-80-030	REP-E	92-09-147
332-24-217	NEW	92-14-096	352-32-265	AMD-P	92-09-160	365-80-030	REP	92-15-047
332-24-221	AMD-P	92-11-075	352-32-265	AMD-W	92-11-081	365-80-040	REP-P	92-09-146
332-24-221	AMD	92-14-096	352-32-265	AMD-P	92-16-097	365-80-040	REP-E	92-09-147
332-24-231	REP-P	92-11-075	352-32-270	AMD-P	92-09-159	365-80-040	REP	92-15-047
332-24-231	REP	92-14-096	352-32-270	AMD-W	92-12-052	365-80-050	REP-P	92-09-146
332-24-232	REP-P	92-11-075	352-32-270	AMD-P	92-12-081	365-80-050	REP-E	92-09-147
332-24-232	REP	92-14-096	352-32-270	AMD	92-15-120	365-80-050	REP	92-15-047
332-24-234	REP-P	92-11-075	352-32-295	AMD-P	92-09-158	365-80-060	REP-P	92-09-146
332-24-234	REP	92-14-096	352-32-295	AMD-W	92-11-025	365-80-060	REP-E	92-09-147
332-24-236	REP-P	92-11-075	352-32-295	AMD-P	92-12-082	365-80-060	REP	92-15-047
332-24-236	REP	92-14-096	352-32-295	AMD	92-15-121	365-80-060	REP-P	92-09-146
332-24-238	REP-P	92-11-075	352-32-310	NEW-P	92-16-097	365-80-070	REP-E	92-09-147
332-24-238	REP	92-14-096	352-37-030	AMD-P	92-16-097	365-80-070	REP	92-15-047
332-24-240	REP-P	92-11-075	352-37-080	AMD-P	92-16-097	365-80-080	REP-P	92-09-146
332-24-240	REP	92-14-096	352-37-090	AMD-P	92-16-097	365-80-080	REP-E	92-09-147
332-24-242	REP-P	92-11-075	352-37-100	AMD-P	92-16-097	365-80-080	REP	92-15-047
332-24-242	REP	92-14-096	352-37-110	AMD-P	92-16-097	365-80-090	REP-P	92-09-146
332-24-244	REP-P	92-11-075	352-37-130	AMD-P	92-16-097	365-80-090	REP-E	92-09-147
332-24-244	REP	92-14-096	352-37-180	REP-P	92-16-097	365-80-090	REP	92-15-047
332-24-271	NEW-P	92-11-075	352-37-220	NEW-P	92-16-097	365-80-100	NEW-P	92-09-146
332-24-271	NEW	92-14-096	352-40-090	AMD-P	92-07-062	365-80-100	NEW-E	92-09-147
332-24-656	REP-P	92-11-075	352-40-090	AMD	92-10-019	365-80-100	NEW	92-15-047
332-24-656	REP	92-14-096	356-05-048	REP-P	92-16-073	365-80-100	NEW-P	92-09-146
332-26-010	NEW-E	92-14-131	356-05-214	NEW	92-03-099	365-80-110	NEW-E	92-09-147
332-26-040	NEW-E	92-14-131	356-05-275	REP-P	92-16-073	365-80-110	NEW	92-15-047
332-26-050	NEW-E	92-14-131	356-05-355	AMD-P	92-04-034	365-80-120	NEW-P	92-09-146
332-26-060	NEW-E	92-14-131	356-05-355	AMD	92-08-009	365-80-120	NEW-E	92-09-147
332-26-080	NEW-E	92-09-061	356-05-370	AMD-P	92-16-073	365-80-120	NEW	92-15-047
332-26-081	NEW-E	92-13-057	356-06-055	AMD-P	92-06-089	365-80-130	NEW-P	92-09-146
332-52-065	AMD	92-05-036	356-06-055	AMD-C	92-10-011	365-80-130	NEW-E	92-09-147
332-130-010	AMD	92-03-007	356-06-055	AMD-C	92-12-030	365-80-130	NEW	92-15-047
332-130-020	AMD	92-03-007	356-06-055	AMD	92-14-068	365-80-140	NEW-P	92-09-146
332-130-025	NEW	92-03-007	356-06-055	AMD-P	92-16-072	365-80-140	NEW-E	92-09-147
352-12-010	AMD-P	92-16-097	356-10-030	AMD-P	92-16-075	365-80-140	NEW	92-15-047
352-12-020	AMD-P	92-16-097	356-15-060	AMD-P	92-06-090	365-80-150	NEW-P	92-09-146
352-12-030	AMD-P	92-16-097	356-15-060	AMD-C	92-10-012	365-80-150	NEW-E	92-09-147
352-12-040	AMD-P	92-16-097	356-15-060	AMD-C	92-12-029	365-80-150	NEW	92-15-047
352-12-060	NEW-P	92-16-097	356-15-060	AMD	92-14-063	365-80-160	NEW-P	92-09-146
352-20-010	AMD-P	92-16-097	356-15-063	AMD-P	92-08-092	365-80-160	NEW-E	92-09-147
352-20-020	AMD-P	92-16-097	356-15-063	AMD-C	92-12-031	365-80-160	NEW	92-15-047
352-20-030	AMD-P	92-16-097	356-15-063	AMD	92-14-064	365-80-170	NEW-P	92-09-146
352-20-040	AMD-P	92-16-097	356-15-125	AMD-P	92-16-073	365-80-170	NEW-E	92-09-147
352-20-050	AMD-P	92-16-097	356-18-060	AMD	92-03-098	365-80-170	NEW	92-15-047
352-20-070	NEW-P	92-16-097	356-18-116	AMD	92-03-101	365-80-180	NEW-P	92-09-146
352-32-011	AMD	92-04-072	356-18-220	AMD-P	92-08-091	365-80-180	NEW-E	92-09-147
352-32-030	AMD-P	92-16-097	356-18-220	AMD	92-12-033	365-80-180	NEW	92-15-047
352-32-035	AMD-P	92-16-097	356-22-035	NEW-P	92-10-066	365-80-180	NEW-P	92-09-146
352-32-040	AMD-P	92-16-097	356-22-035	NEW	92-14-066	365-80-190	NEW-E	92-09-147
352-32-050	AMD-P	92-16-097	356-22-036	NEW-P	92-10-066	365-80-190	NEW	92-15-047
352-32-053	AMD-P	92-16-097	356-22-036	NEW	92-14-066	365-80-200	NEW-P	92-09-146
352-32-056	AMD-P	92-16-097	356-30-240	AMD-P	92-14-065	365-80-200	NEW-E	92-09-147
352-32-060	AMD-P	92-16-097	356-30-240	AMD-P	92-16-076	365-80-200	NEW	92-15-047
352-32-070	AMD-P	92-16-097	356-30-330	AMD-P	92-16-072	365-180-030	AMD	92-03-019
352-32-075	AMD-P	92-16-097	356-34-010	AMD-P	92-08-096	365-180-060	AMD	92-03-019
352-32-080	AMD-P	92-16-097	356-34-010	AMD-W	92-12-032	365-180-090	AMD	92-03-019
352-32-090	AMD-P	92-16-097	356-34-020	AMD-P	92-16-074	365-200-010	NEW	92-06-005
352-32-100	AMD-P	92-16-097	356-34-022	NEW-P	92-16-074	365-200-020	NEW	92-06-005
352-32-110	AMD-P	92-16-097	356-34-030	AMD-P	92-16-074	365-200-030	NEW	92-06-005
352-32-155	AMD-P	92-16-097	356-34-060	AMD-P	92-04-034	365-200-040	NEW	92-06-005
352-32-157	AMD-P	92-16-097	356-34-060	AMD	92-08-009	365-200-050	NEW	92-06-005
352-32-195	AMD-P	92-16-097	356-47-040	AMD	92-03-100	365-200-060	NEW	92-06-005
352-32-220	AMD-P	92-16-097	356-47-045	AMD-P	92-10-065	365-200-070	NEW	92-06-005
352-32-230	AMD-P	92-16-097	356-47-045	AMD	92-14-067	374-50-010	NEW-P	92-06-060
352-32-235	AMD-P	92-12-080	356-47-060	AMD-P	92-10-065	374-50-010	NEW	92-09-091
352-32-235	AMD	92-15-118	356-47-060	AMD	92-14-067	374-50-020	NEW-P	92-06-060
352-32-235	AMD-P	92-16-097	365-80-010	REP-P	92-09-146	374-50-020	NEW	92-09-091
352-32-250	AMD-P	92-07-083	365-80-010	REP-E	92-09-147	374-50-030	NEW-P	92-06-060
352-32-250	AMD	92-10-018	365-80-010	REP	92-15-047	374-50-030	NEW	92-09-091
352-32-25002	AMD	92-05-002	365-80-020	REP-P	92-09-146	374-50-040	NEW-P	92-06-060

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
374-50-040	NEW	92-09-091	388-14-275	AMD	92-13-026	388-28-475	AMD	92-16-014
374-50-050	NEW-P	92-06-060	388-14-300	AMD-P	92-08-001	388-28-481	AMD-P	92-13-031
374-50-050	NEW	92-09-091	388-14-300	AMD	92-13-026	388-28-481	AMD-E	92-13-033
374-50-060	NEW-P	92-06-060	388-14-310	AMD-P	92-08-001	388-28-481	AMD	92-16-014
374-50-060	NEW	92-09-091	388-14-310	AMD	92-13-026	388-28-482	AMD-P	92-13-031
374-50-070	NEW-P	92-06-060	388-14-415	AMD-P	92-08-001	388-28-482	AMD-E	92-13-033
374-50-070	NEW	92-09-091	388-14-415	AMD	92-13-026	388-28-482	AMD	92-16-014
374-50-080	NEW-P	92-06-060	388-14-425	AMD-P	92-08-001	388-28-483	AMD-P	92-15-131
374-50-080	NEW	92-09-091	388-14-425	AMD	92-13-026	388-28-483	AMD-E	92-15-132
374-50-090	NEW-P	92-06-060	388-14-460	NEW-P	92-08-001	388-28-484	AMD-P	92-13-031
374-50-090	NEW	92-09-091	388-14-460	NEW	92-13-026	388-28-484	AMD-E	92-13-033
383-07-020	AMD-P	92-04-077	388-14-470	NEW-P	92-08-001	388-28-484	AMD	92-16-014
383-07-020	AMD	92-09-048	388-14-470	NEW-W	92-13-025	388-28-500	AMD-P	92-16-028
383-07-030	AMD-P	92-04-077	388-14-480	NEW-P	92-08-001	388-28-535	AMD	92-03-090
383-07-030	AMD	92-09-048	388-14-480	NEW	92-13-026	388-28-570	AMD-P	92-04-013
383-07-040	AMD-P	92-04-077	388-14-490	NEW-P	92-08-001	388-28-570	AMD-E	92-04-014
383-07-040	AMD	92-09-048	388-14-490	NEW	92-13-026	388-28-570	AMD	92-08-033
383-07-045	AMD-P	92-04-077	388-15-170	AMD-E	92-08-029	388-28-575	AMD-P	92-05-005
383-07-045	AMD	92-09-048	388-15-170	AMD-P	92-08-030	388-28-575	AMD-E	92-05-008
383-07-050	AMD-P	92-04-077	388-15-170	AMD	92-11-062	388-28-575	AMD	92-09-029
383-07-050	AMD	92-09-048	388-15-615	NEW-P	92-15-130	388-28-590	AMD-P	92-13-031
383-07-060	AMD-P	92-04-077	388-15-615	NEW-E	92-15-142	388-28-590	AMD-E	92-13-033
383-07-060	AMD	92-09-048	388-15-615	RESCIND	92-16-103	388-28-590	AMD	92-16-014
383-07-070	AMD-P	92-04-077	388-22-030	AMD-P	92-07-051	388-29-001	AMD-P	92-07-050
383-07-070	AMD	92-09-048	388-22-030	AMD	92-10-050	388-29-001	AMD	92-10-048
383-07-080	AMD-P	92-04-077	388-24-044	AMD-P	92-15-143	388-29-005	REP-P	92-11-002
383-07-080	AMD	92-09-048	388-24-044	AMD-E	92-15-145	388-29-005	REP-C	92-14-050
383-07-090	AMD-P	92-04-077	388-24-074	AMD-C	92-04-024	388-29-005	REP-C	92-15-059
383-07-090	AMD	92-09-048	388-24-074	AMD	92-08-041	388-29-270	AMD-P	92-05-035
383-07-100	AMD-P	92-04-077	388-24-074	AMD-P	92-10-034	388-29-270	AMD	92-09-033
383-07-100	AMD	92-09-048	388-24-074	AMD	92-14-031	388-29-295	AMD-P	92-15-027
383-07-115	NEW-P	92-04-077	388-24-125	AMD-P	92-08-005	388-29-295	AMD-E	92-15-029
383-07-115	NEW	92-09-048	388-24-125	AMD-E	92-08-006	388-33-015	AMD-P	92-07-049
383-07-120	AMD-P	92-04-077	388-24-125	AMD	92-11-056	388-33-015	AMD	92-10-047
383-07-120	AMD	92-09-048	388-24-250	AMD-P	92-03-113	388-33-377	REP-P	92-11-002
383-07-130	AMD-P	92-04-077	388-24-250	AMD	92-09-021	388-33-377	REP-C	92-14-050
383-07-130	AMD	92-09-048	388-24-250	AMD-P	92-15-074	388-33-377	REP-C	92-15-059
388-11	AMD-C	92-04-021	388-24-252	NEW-P	92-03-114	388-33-379	NEW-P	92-11-002
388-11-015	AMD-P	92-08-001	388-24-252	NEW	92-09-022	388-33-379	NEW-C	92-14-050
388-11-015	AMD-W	92-13-025	388-24-253	AMD-P	92-03-115	388-33-379	NEW-C	92-15-059
388-11-032	NEW-P	92-08-001	388-24-253	AMD	92-09-023	388-33-389	AMD-P	92-11-002
388-11-032	NEW	92-13-026	388-24-254	AMD-P	92-03-116	388-33-389	AMD-C	92-14-050
388-11-040	AMD-P	92-08-001	388-24-254	AMD	92-09-024	388-33-389	AMD-C	92-15-059
388-11-040	AMD	92-13-026	388-24-255	AMD-P	92-03-117	388-33-460	AMD	92-03-089
388-11-043	NEW-P	92-08-001	388-24-255	AMD	92-09-025	388-33-480	REP	92-03-085
388-11-043	NEW-W	92-13-025	388-24-265	AMD-P	92-03-118	388-37-031	REP-P	92-07-048
388-11-048	NEW-P	92-08-001	388-24-265	AMD	92-09-026	388-37-031	REP	92-10-049
388-11-048	NEW	92-13-026	388-28-430	REP-P	92-13-031	388-37-038	AMD-P	92-02-102
388-11-055	AMD	92-08-034	388-28-430	REP-E	92-13-033	388-37-038	AMD-C	92-04-023
388-11-060	AMD-P	92-08-001	388-28-430	REP	92-16-014	388-37-038	AMD	92-08-036
388-11-060	AMD	92-13-026	388-28-435	AMD-P	92-13-031	388-37-039	NEW-P	92-07-048
388-11-065	AMD-P	92-08-001	388-28-435	AMD-E	92-13-033	388-37-039	NEW	92-10-049
388-11-065	AMD	92-13-026	388-28-435	AMD	92-16-014	388-37-135	AMD	92-03-047
388-11-140	AMD	92-08-034	388-28-438	AMD-P	92-13-031	388-37-300	NEW-P	92-14-094
388-11-155	AMD-P	92-08-001	388-28-438	AMD-E	92-13-033	388-37-300	NEW-E	92-14-095
388-11-155	AMD	92-13-026	388-28-438	AMD	92-16-014	388-37-310	NEW-P	92-14-094
388-11-195	REP	92-08-034	388-28-439	AMD-P	92-13-031	388-37-310	NEW-E	92-14-095
388-11-200	REP	92-08-034	388-28-439	AMD-E	92-13-033	388-37-320	NEW-P	92-14-094
388-11-205	AMD	92-08-034	388-28-439	AMD	92-16-014	388-37-320	NEW-E	92-14-095
388-11-210	AMD	92-08-034	388-28-440	AMD-P	92-13-031	388-37-330	NEW-P	92-14-094
388-14-020	AMD-P	92-08-001	388-28-440	AMD-E	92-13-033	388-37-330	NEW-E	92-14-095
388-14-020	AMD	92-13-026	388-28-440	AMD	92-16-014	388-37-340	NEW-P	92-14-094
388-14-200	AMD-P	92-08-001	388-28-450	AMD-P	92-13-031	388-37-340	NEW-E	92-14-095
388-14-200	AMD	92-13-026	388-28-450	AMD-E	92-13-033	388-37-350	NEW-P	92-14-094
388-14-203	NEW-P	92-08-001	388-28-450	AMD	92-16-014	388-37-350	NEW-E	92-14-095
388-14-203	NEW	92-13-026	388-28-473	AMD-P	92-13-031	388-37-360	NEW-P	92-14-094
388-14-205	AMD-P	92-08-001	388-28-473	AMD-E	92-13-033	388-37-360	NEW-E	92-14-095
388-14-205	AMD	92-13-026	388-28-473	AMD	92-16-014	388-37-370	NEW-P	92-14-094
388-14-270	AMD-P	92-08-001	388-28-474	AMD-P	92-13-031	388-37-370	NEW-E	92-14-095
388-14-270	AMD	92-13-026	388-28-474	AMD-E	92-13-033	388-37-380	NEW-P	92-14-094
388-14-273	NEW-P	92-08-001	388-28-474	AMD	92-16-014	388-37-380	NEW-E	92-14-095
388-14-273	NEW	92-13-026	388-28-475	AMD-P	92-13-031	388-42-020	AMD-P	92-13-041
388-14-275	AMD-P	92-08-001	388-28-475	AMD-E	92-13-033	388-42-020	AMD-E	92-13-044

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-42-020	AMD	92-16-015	388-51-123	NEW	92-08-033	388-73-143	AMD	92-08-056
388-42-025	AMD-P	92-13-041	388-51-125	NEW-P	92-04-013	388-73-144	AMD	92-08-056
388-42-025	AMD-E	92-13-044	388-51-125	NEW-E	92-04-014	388-73-146	AMD	92-08-056
388-42-025	AMD	92-16-015	388-51-125	NEW	92-08-033	388-73-202	AMD	92-08-056
388-42-030	AMD-P	92-13-041	388-51-130	NEW-P	92-04-013	388-73-208	AMD	92-08-056
388-42-030	AMD-E	92-13-044	388-51-130	NEW-E	92-04-014	388-73-210	AMD	92-08-056
388-42-030	AMD	92-16-015	388-51-130	NEW	92-08-033	388-73-210	AMD-P	92-12-009
388-42-150	AMD-P	92-13-041	388-51-132	NEW-P	92-04-013	388-73-210	AMD	92-15-043
388-42-150	AMD-E	92-13-044	388-51-132	NEW-E	92-04-014	388-73-212	AMD	92-08-056
388-42-150	AMD	92-16-015	388-51-135	NEW-P	92-04-013	388-73-212	AMD-P	92-12-009
388-47-070	AMD-P	92-15-028	388-51-135	NEW-E	92-04-014	388-73-212	AMD	92-15-043
388-47-115	AMD-P	92-09-081	388-51-135	NEW	92-08-033	388-73-213	NEW	92-08-056
388-47-115	AMD	92-12-045	388-51-140	NEW-P	92-04-013	388-73-214	AMD	92-08-056
388-49-020	AMD-P	92-08-010	388-51-140	NEW-E	92-04-014	388-73-216	AMD	92-08-056
388-49-020	AMD-E	92-08-014	388-51-140	NEW	92-08-033	388-73-216	AMD-P	92-12-009
388-49-020	AMD	92-11-059	388-73	AMD-C	92-04-035	388-73-216	AMD	92-15-043
388-49-110	AMD-P	92-05-044	388-73	AMD-C	92-06-011	388-73-302	AMD	92-08-056
388-49-110	AMD-E	92-05-046	388-73	AMD	92-15-043	388-73-304	AMD	92-08-056
388-49-110	AMD	92-09-032	388-73-012	AMD	92-08-056	388-73-306	AMD	92-08-056
388-49-180	AMD-P	92-07-047	388-73-014	AMD	92-08-056	388-73-308	AMD	92-08-056
388-49-180	AMD	92-09-116	388-73-016	AMD	92-08-056	388-73-310	AMD	92-08-056
388-49-310	AMD-P	92-10-028	388-73-018	AMD	92-08-056	388-73-312	AMD	92-08-056
388-49-310	AMD-E	92-10-029	388-73-01950	AMD-P	92-12-009	388-73-400	AMD-P	92-12-009
388-49-310	AMD	92-14-030	388-73-01950	AMD	92-15-043	388-73-400	AMD	92-15-043
388-49-330	AMD-P	92-08-012	388-73-024	AMD	92-08-056	388-73-409	AMD	92-08-056
388-49-330	AMD-E	92-08-015	388-73-026	AMD	92-08-056	388-73-414	AMD	92-08-056
388-49-330	AMD	92-11-058	388-73-028	AMD	92-08-056	388-73-420	REP-P	92-12-009
388-49-410	AMD-P	92-06-042	388-73-030	AMD	92-08-056	388-73-420	REP	92-15-043
388-49-410	AMD-E	92-06-045	388-73-034	AMD	92-08-056	388-73-422	REP-P	92-12-009
388-49-410	AMD	92-09-117	388-73-036	AMD	92-08-056	388-73-422	REP	92-15-043
388-49-470	AMD	92-03-119	388-73-038	AMD	92-08-056	388-73-423	REP-P	92-12-009
388-49-470	AMD-P	92-08-108	388-73-042	AMD	92-08-056	388-73-423	REP	92-15-043
388-49-470	AMD-E	92-08-109	388-73-052	AMD	92-08-056	388-73-424	REP-P	92-12-009
388-49-470	AMD	92-11-063	388-73-054	AMD	92-08-056	388-73-424	REP	92-15-043
388-49-500	AMD-P	92-05-043	388-73-056	AMD	92-08-056	388-73-426	REP-P	92-12-009
388-49-500	AMD-E	92-05-045	388-73-057	AMD	92-08-056	388-73-426	REP	92-15-043
388-49-500	AMD	92-09-031	388-73-060	AMD	92-08-056	388-73-428	REP-P	92-12-009
388-49-520	AMD	92-03-086	388-73-060	AMD-P	92-12-009	388-73-428	REP	92-15-043
388-49-520	AMD-P	92-13-051	388-73-060	AMD	92-15-043	388-73-450	REP-P	92-12-009
388-49-520	AMD	92-16-018	388-73-062	AMD	92-08-056	388-73-450	REP	92-15-043
388-49-530	AMD-P	92-13-052	388-73-064	AMD	92-08-056	388-73-452	REP-P	92-12-009
388-49-530	AMD	92-16-017	388-73-069	AMD-P	92-12-009	388-73-452	REP	92-15-043
388-49-560	AMD-P	92-12-041	388-73-069	AMD	92-15-043	388-73-454	REP-P	92-12-009
388-49-560	AMD	92-15-039	388-73-070	AMD	92-08-056	388-73-454	REP	92-15-043
388-49-580	AMD-C	92-04-020	388-73-077	AMD	92-08-056	388-73-458	REP-P	92-12-009
388-49-580	AMD	92-08-035	388-73-078	AMD	92-08-056	388-73-458	REP	92-15-043
388-49-590	AMD-P	92-09-066	388-73-080	AMD	92-08-056	388-73-460	REP-P	92-12-009
388-49-590	AMD	92-12-042	388-73-100	AMD	92-08-056	388-73-460	REP	92-15-043
388-49-630	AMD-P	92-13-053	388-73-102	AMD	92-08-056	388-73-504	AMD	92-08-056
388-49-630	AMD	92-16-016	388-73-102	AMD-P	92-12-009	388-73-506	AMD	92-08-056
388-49-640	AMD-P	92-09-037	388-73-102	AMD	92-15-043	388-73-512	AMD	92-08-056
388-49-640	AMD	92-12-043	388-73-103	AMD	92-08-056	388-73-602	AMD	92-08-056
388-49-660	AMD-P	92-09-028	388-73-104	AMD	92-08-056	388-73-604	AMD	92-08-056
388-49-660	AMD	92-12-044	388-73-106	AMD	92-08-056	388-73-606	AMD	92-08-056
388-49-700	AMD-P	92-09-066	388-73-108	AMD	92-08-056	388-73-608	REP	92-08-056
388-49-700	AMD	92-12-042	388-73-108	AMD-P	92-12-009	388-73-610	AMD	92-08-056
388-51-010	AMD-P	92-04-013	388-73-108	AMD	92-15-043	388-73-702	AMD	92-08-056
388-51-010	AMD-E	92-04-014	388-73-110	AMD	92-08-056	388-73-704	AMD	92-08-056
388-51-010	AMD	92-08-033	388-73-112	AMD	92-08-056	388-73-706	AMD	92-08-056
388-51-100	REP-P	92-04-013	388-73-116	AMD	92-08-056	388-73-708	AMD	92-08-056
388-51-100	REP-E	92-04-014	388-73-118	AMD	92-08-056	388-73-710	AMD	92-08-056
388-51-100	REP	92-08-033	388-73-118	AMD-P	92-12-009	388-73-712	AMD	92-08-056
388-51-110	NEW-P	92-04-013	388-73-118	AMD	92-15-043	388-73-714	AMD	92-08-056
388-51-110	NEW-E	92-04-014	388-73-120	AMD	92-08-056	388-73-716	REP	92-08-056
388-51-110	NEW	92-08-033	388-73-126	AMD	92-08-056	388-73-720	AMD	92-08-056
388-51-115	NEW-P	92-04-013	388-73-128	AMD	92-08-056	388-73-722	AMD	92-08-056
388-51-115	NEW-E	92-04-014	388-73-130	AMD	92-08-056	388-73-804	AMD	92-08-056
388-51-115	NEW	92-08-033	388-73-132	AMD	92-08-056	388-73-815	NEW	92-08-056
388-51-120	NEW-P	92-04-013	388-73-134	AMD	92-08-056	388-73-820	AMD	92-08-056
388-51-120	NEW-E	92-04-014	388-73-136	AMD	92-08-056	388-73-901	NEW	92-08-056
388-51-120	NEW	92-08-033	388-73-138	AMD	92-08-056	388-73-901	AMD-P	92-12-009
388-51-123	NEW-P	92-04-013	388-73-140	AMD	92-08-056	388-73-901	AMD	92-15-043
388-51-123	NEW-E	92-04-014	388-73-142	AMD	92-08-056	388-73-902	AMD	92-08-056

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-76-030	AMD-P	92-15-144	388-83-014	AMD-E	92-14-009	388-88-101	REP	92-08-074
388-76-040	AMD-P	92-15-144	388-83-032	AMD-P	92-08-080	388-88-102	AMD-P	92-03-015
388-76-045	AMD-P	92-15-144	388-83-032	AMD-E	92-08-081	388-88-102	AMD	92-08-074
388-76-070	AMD-P	92-15-144	388-83-032	AMD	92-11-057	388-88-125	NEW-P	92-03-015
388-76-080	AMD-P	92-15-144	388-83-033	AMD	92-03-083	388-88-125	NEW	92-08-074
388-76-085	AMD-P	92-15-144	388-83-033	AMD-P	92-08-080	388-88-130	NEW-P	92-03-015
388-76-087	AMD-P	92-15-144	388-83-033	AMD-E	92-08-081	388-88-130	NEW	92-08-074
388-76-090	AMD-P	92-15-144	388-83-033	AMD-E	92-09-019	388-88-135	NEW-P	92-03-015
388-76-100	AMD-P	92-15-144	388-83-033	AMD	92-11-057	388-88-135	NEW	92-08-074
388-76-110	AMD-P	92-15-144	388-83-036	AMD-P	92-11-054	388-88-140	NEW-P	92-03-015
388-76-130	AMD-P	92-15-144	388-83-036	AMD-E	92-12-047	388-88-145	NEW-P	92-03-015
388-76-155	AMD-P	92-15-144	388-83-036	AMD	92-14-052	388-88-145	NEW	92-08-074
388-76-160	AMD-P	92-15-144	388-83-041	AMD-P	92-05-006	388-92-025	AMD-P	92-11-053
388-76-170	AMD-P	92-15-144	388-83-041	AMD-E	92-05-007	388-92-025	AMD-E	92-12-046
388-76-180	AMD-P	92-15-144	388-83-041	AMD	92-09-030	388-92-025	AMD	92-14-051
388-76-185	AMD-P	92-15-144	388-86-005	AMD	92-03-084	388-92-034	AMD-P	92-08-011
388-76-200	AMD-P	92-15-144	388-86-00901	REP-P	92-10-074	388-92-034	AMD-E	92-08-016
388-76-220	AMD-P	92-15-144	388-86-00901	REP-E	92-10-076	388-92-034	AMD	92-11-060
388-76-240	AMD-P	92-15-144	388-86-00901	REP	92-13-029	388-92-045	AMD-C	92-04-025
388-76-250	AMD-P	92-15-144	388-86-00902	NEW-P	92-10-074	388-92-045	AMD	92-08-037
388-76-260	AMD-P	92-15-144	388-86-00902	NEW-E	92-10-076	388-95-337	AMD	92-03-088
388-76-280	AMD-P	92-15-144	388-86-00902	NEW	92-13-029	388-95-360	AMD-P	92-03-147
388-76-290	AMD-P	92-15-144	388-86-011	NEW-P	92-08-107	388-95-360	AMD-E	92-03-149
388-76-300	AMD-P	92-15-144	388-86-011	NEW	92-11-003	388-95-360	AMD-C	92-07-053
388-76-310	AMD-P	92-15-144	388-86-019	AMD	92-03-120	388-95-360	AMD	92-08-082
388-76-340	AMD-P	92-15-144	388-86-021	AMD-W	92-13-001	388-95-360	AMD-E	92-08-083
388-76-350	AMD-P	92-15-144	388-86-027	AMD-P	92-10-075	388-95-360	AMD	92-10-046
388-76-360	AMD-P	92-15-144	388-86-047	AMD-E	92-10-077	388-96-026	AMD-P	92-13-042
388-76-370	AMD-P	92-15-144	388-86-047	AMD	92-13-030	388-96-026	AMD-E	92-13-043
388-76-390	AMD-P	92-15-144	388-86-073	AMD-W	92-13-001	388-96-026	AMD	92-16-013
388-76-405	NEW-P	92-15-144	388-86-080	AMD-P	92-03-041	388-96-032	AMD-P	92-13-042
388-76-410	AMD-P	92-15-144	388-86-080	AMD-E	92-03-043	388-96-032	AMD-E	92-13-043
388-76-420	AMD-P	92-15-144	388-86-080	AMD	92-07-026	388-96-032	AMD-W	92-16-012
388-76-430	AMD-P	92-15-144	388-86-090	AMD-W	92-13-001	388-96-032	RESCIND	92-16-025
388-76-435	AMD-P	92-15-144	388-86-09601	AMD	92-03-120	388-96-101	AMD-P	92-13-042
388-76-440	AMD-P	92-15-144	388-86-09601	AMD-P	92-14-079	388-96-101	AMD-E	92-13-043
388-76-465	AMD-P	92-15-144	388-86-09601	AMD-E	92-14-081	388-96-101	AMD	92-16-013
388-76-467	NEW-P	92-15-144	388-86-098	AMD-W	92-13-001	388-96-110	AMD-P	92-13-042
388-76-475	AMD-P	92-15-144	388-86-100	AMD-W	92-13-001	388-96-110	AMD-E	92-13-043
388-76-480	AMD-P	92-15-144	388-86-110	AMD-P	92-14-078	388-96-110	AMD	92-16-013
388-76-490	AMD-P	92-15-144	388-86-110	AMD	92-16-104	388-96-113	AMD-P	92-13-042
388-76-500	AMD-P	92-15-144	388-86-120	AMD-W	92-13-001	388-96-113	AMD-E	92-13-043
388-76-520	AMD-P	92-15-144	388-87-027	AMD-P	92-14-078	388-96-113	AMD	92-16-013
388-76-530	AMD-P	92-15-144	388-87-027	AMD	92-16-104	388-96-505	AMD-P	92-13-042
388-77-256	REP	92-04-003	388-87-032	NEW-P	92-08-107	388-96-505	AMD-E	92-13-043
388-80-005	AMD-W	92-04-019	388-87-032	NEW	92-11-003	388-96-505	AMD	92-16-013
388-80-005	RESCIND	92-04-019	388-87-070	AMD-P	92-16-041	388-96-710	AMD-P	92-13-042
388-80-005	AMD-P	92-13-054	388-87-070	AMD-E	92-16-042	388-96-710	AMD-E	92-13-043
388-80-005	AMD	92-16-043	388-88-001	AMD-P	92-03-015	388-96-710	AMD	92-16-013
388-81-017	NEW	92-05-050	388-88-001	AMD	92-08-074	388-96-716	AMD-P	92-13-042
388-81-038	NEW	92-03-084	388-88-075	AMD-P	92-03-015	388-96-716	AMD-E	92-13-043
388-81-047	AMD-P	92-03-112	388-88-075	AMD	92-08-074	388-96-716	AMD	92-16-013
388-81-047	AMD-E	92-03-121	388-88-080	AMD-P	92-03-015	388-96-722	AMD-P	92-13-042
388-81-047	AMD	92-07-029	388-88-080	AMD	92-08-074	388-96-722	AMD-E	92-13-043
388-81-050	AMD-P	92-03-042	388-88-081	AMD-P	92-03-015	388-96-722	AMD	92-16-013
388-81-050	AMD-E	92-03-044	388-88-081	AMD	92-08-074	388-96-745	AMD-P	92-13-042
388-81-050	AMD	92-07-028	388-88-082	REP-P	92-03-015	388-96-745	AMD-E	92-13-043
388-82-115	AMD	92-03-046	388-88-082	AMD	92-08-074	388-96-745	AMD	92-16-013
388-82-140	AMD-P	92-08-080	388-88-083	REP-P	92-03-015	388-96-763	AMD-P	92-13-042
388-82-140	AMD-E	92-08-081	388-88-083	REP	92-08-074	388-96-763	AMD-E	92-13-043
388-82-140	AMD	92-11-057	388-88-084	REP-P	92-03-015	388-96-763	AMD	92-16-013
388-82-160	AMD-P	92-08-080	388-88-084	REP	92-08-074	388-99-030	AMD-P	92-03-111
388-82-160	AMD-E	92-08-081	388-88-095	AMD-P	92-03-015	388-99-030	AMD-E	92-03-122
388-82-160	AMD	92-11-057	388-88-095	AMD	92-08-074	388-99-030	AMD	92-07-027
388-83-010	AMD-P	92-15-007	388-88-097	AMD-P	92-03-015	388-99-060	AMD-W	92-13-001
388-83-010	AMD-E	92-14-009	388-88-097	AMD	92-08-074	388-99-060	AMD-P	92-14-079
388-83-012	AMD-P	92-08-013	388-88-098	AMD-P	92-03-015	388-99-060	AMD-E	92-14-081
388-83-012	AMD-E	92-08-017	388-88-098	AMD	92-08-074	388-100-035	AMD-W	92-13-001
388-83-012	AMD	92-11-061	388-88-099	AMD-P	92-03-015	388-100-035	AMD-P	92-14-079
388-83-013	AMD	92-03-087	388-88-099	AMD	92-08-074	388-100-035	AMD-E	92-14-081
388-83-013	AMD-P	92-15-007	388-88-100	REP-P	92-03-015	388-320-110	REP-W	92-09-038
388-83-013	AMD-E	92-14-009	388-88-100	REP	92-08-074	388-320-135	REP-W	92-09-038
388-83-014	AMD-P	92-15-007	388-88-101	REP-P	92-03-015	388-330-030	AMD-P	92-02-101

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-330-030	AMD-E	92-03-148	392-122-302	NEW	92-03-138	392-140-446	NEW	92-03-023
388-330-030	AMD-C	92-04-022	392-122-303	NEW	92-03-138	392-140-447	NEW	92-03-023
388-330-030	AMD	92-08-038	392-122-304	NEW	92-03-138	392-140-450	NEW	92-03-023
390-05-215	NEW	92-05-081	392-122-320	NEW	92-03-138	392-140-451	NEW	92-03-023
390-05-300	AMD	92-05-080	392-122-320	NEW-P	92-15-093	392-140-452	NEW	92-03-023
390-05-305	AMD	92-05-080	392-122-321	NEW	92-03-138	392-140-460	NEW	92-03-023
390-12-040	AMD-W	92-03-005	392-122-321	NEW-P	92-15-093	392-140-461	NEW	92-03-023
390-16-011	AMD-P	92-12-084	392-122-322	NEW	92-03-138	392-140-462	NEW	92-03-023
390-16-012	AMD-P	92-12-084	392-122-322	NEW-P	92-15-093	392-140-463	NEW	92-03-023
390-16-032	AMD-P	92-15-116	392-122-900	AMD-P	92-15-094	392-140-464	NEW	92-03-023
390-16-041	AMD	92-05-080	392-123-054	AMD	92-03-024	392-140-465	NEW	92-03-023
390-16-041	AMD-P	92-12-084	392-123-071	AMD	92-03-024	392-140-466	NEW	92-03-023
390-16-125	AMD	92-05-079	392-123-072	AMD	92-03-024	392-140-470	NEW	92-03-023
390-16-125	AMD-P	92-12-084	392-123-074	AMD	92-03-024	392-140-471	NEW	92-03-023
390-16-310	AMD	92-05-079	392-123-078	AMD	92-03-024	392-140-472	NEW	92-03-023
390-18-040	AMD-P	92-08-104	392-123-079	AMD	92-03-024	392-140-473	NEW	92-03-023
390-18-040	AMD	92-12-037	392-123-115	AMD	92-03-024	392-140-474	NEW	92-03-023
390-24-202	NEW-S	92-05-078	392-123-120	AMD	92-03-024	392-140-475	NEW	92-03-023
390-24-202	NEW-E	92-05-082	392-139-115	AMD-P	92-15-002	392-140-476	NEW	92-03-023
390-24-202	NEW	92-08-105	392-139-122	AMD-P	92-15-002	392-140-477	NEW	92-03-023
390-28-025	AMD	92-05-080	392-139-172	AMD-P	92-15-002	392-140-478	NEW	92-03-023
390-32-020	AMD-P	92-12-084	392-139-243	REP-P	92-15-002	392-140-480	NEW	92-03-023
392-100	AMD	92-03-138	392-139-310	AMD-P	92-15-002	392-140-481	NEW	92-03-023
392-100-100	NEW	92-03-138	392-139-674	REP-P	92-15-002	392-140-482	NEW	92-03-023
392-100-101	NEW	92-03-138	392-139-675	AMD-P	92-15-002	392-140-483	NEW	92-03-023
392-100-101	AMD-P	92-15-122	392-139-676	NEW-P	92-15-002	392-140-485	NEW	92-03-023
392-100-102	NEW	92-03-138	392-140-067	NEW	92-03-023	392-140-486	NEW	92-03-023
392-105-007	NEW-P	92-06-052	392-140-068	NEW	92-03-023	392-140-490	NEW	92-03-023
392-105-007	NEW	92-10-016	392-140-069	NEW	92-03-023	392-140-491	NEW	92-03-023
392-105-013	REP-P	92-06-052	392-140-070	NEW	92-03-023	392-140-492	NEW	92-03-023
392-105-013	REP	92-10-016	392-140-071	NEW	92-03-023	392-140-493	NEW	92-03-023
392-105-015	AMD-P	92-06-052	392-140-072	NEW	92-03-023	392-140-494	NEW	92-03-023
392-105-015	AMD	92-10-016	392-140-075	REP	92-03-023	392-140-495	NEW	92-03-023
392-105-020	AMD-P	92-06-052	392-140-076	REP	92-03-023	392-140-496	NEW	92-03-023
392-105-020	AMD	92-10-016	392-140-077	REP	92-03-023	392-140-497	NEW	92-03-023
392-105-025	AMD-P	92-06-052	392-140-078	REP	92-03-023	392-141-105	AMD-P	92-04-009
392-105-025	AMD	92-10-016	392-140-079	REP	92-03-023	392-141-105	AMD	92-08-024
392-105-030	AMD-P	92-06-052	392-140-080	REP	92-03-023	392-141-110	AMD-P	92-04-009
392-105-030	AMD	92-10-016	392-140-081	REP	92-03-023	392-141-110	AMD	92-08-024
392-105-035	AMD-P	92-06-052	392-140-082	REP	92-03-023	392-141-115	AMD-P	92-04-009
392-105-035	AMD	92-10-016	392-140-083	REP	92-03-023	392-141-115	AMD	92-08-024
392-105-040	NEW-P	92-06-052	392-140-160	REP	92-03-023	392-141-120	AMD-P	92-04-009
392-105-040	NEW	92-10-016	392-140-161	REP	92-03-023	392-141-120	AMD	92-08-024
392-105-045	NEW-P	92-06-052	392-140-162	REP	92-03-023	392-141-125	AMD-P	92-04-009
392-105-045	NEW	92-10-016	392-140-163	REP	92-03-023	392-141-125	AMD	92-08-024
392-105-050	NEW-P	92-06-052	392-140-165	REP	92-03-023	392-141-130	AMD-P	92-04-009
392-105-050	NEW	92-10-016	392-140-166	REP	92-03-023	392-141-130	AMD	92-08-024
392-105-055	NEW-P	92-06-052	392-140-167	REP	92-03-023	392-141-135	NEW-P	92-04-009
392-105-055	NEW	92-10-016	392-140-168	REP	92-03-023	392-141-135	NEW	92-08-024
392-105-060	NEW-P	92-06-052	392-140-169	REP	92-03-023	392-141-140	AMD-P	92-04-009
392-105-060	NEW	92-10-016	392-140-170	REP	92-03-023	392-141-140	AMD	92-08-024
392-122-201	NEW	92-03-045	392-140-171	REP	92-03-023	392-141-145	AMD-P	92-04-009
392-122-202	NEW	92-03-045	392-140-172	REP	92-03-023	392-141-145	AMD	92-08-024
392-122-205	AMD	92-03-045	392-140-173	REP	92-03-023	392-141-146	NEW-P	92-04-009
392-122-206	AMD	92-03-045	392-140-174	REP	92-03-023	392-141-146	NEW	92-08-024
392-122-207	NEW	92-03-045	392-140-197	AMD	92-03-023	392-141-147	NEW-P	92-04-009
392-122-210	AMD	92-03-045	392-140-198	AMD	92-03-023	392-141-147	NEW	92-08-024
392-122-211	NEW	92-03-045	392-140-199	AMD	92-03-023	392-141-148	NEW-P	92-04-009
392-122-212	NEW	92-03-045	392-140-201	AMD	92-03-023	392-141-148	NEW	92-08-024
392-122-213	NEW	92-03-045	392-140-431	NEW	92-03-023	392-141-148	NEW-P	92-15-146
392-122-214	NEW	92-03-045	392-140-432	NEW	92-03-023	392-141-150	AMD-P	92-04-009
392-122-220	NEW	92-03-045	392-140-433	NEW	92-03-023	392-141-150	AMD	92-08-024
392-122-221	NEW	92-03-045	392-140-434	NEW	92-03-023	392-141-155	AMD-P	92-04-009
392-122-225	NEW	92-03-045	392-140-435	NEW	92-03-023	392-141-155	AMD	92-08-024
392-122-230	AMD	92-03-045	392-140-436	NEW	92-03-023	392-141-156	NEW-P	92-04-009
392-122-255	AMD	92-03-045	392-140-437	NEW	92-03-023	392-141-156	NEW	92-08-024
392-122-255	AMD-P	92-15-094	392-140-438	NEW	92-03-023	392-141-157	NEW-P	92-04-009
392-122-260	AMD	92-03-045	392-140-439	NEW	92-03-023	392-141-157	NEW	92-08-024
392-122-265	AMD	92-03-138	392-140-441	NEW	92-03-023	392-141-158	NEW-P	92-04-009
392-122-270	AMD	92-03-045	392-140-442	NEW	92-03-023	392-141-158	NEW	92-08-024
392-122-275	AMD	92-03-045	392-140-443	NEW	92-03-023	392-141-159	NEW-P	92-15-146
392-122-300	NEW	92-03-138	392-140-444	NEW	92-03-023	392-141-160	AMD-P	92-04-009
392-122-301	NEW	92-03-138	392-140-445	NEW	92-03-023	392-141-160	AMD	92-08-024

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-141-165	AMD-P	92-04-009	392-163-415	AMD-P	92-10-062	392-175-001	NEW-P	92-06-053
392-141-165	AMD	92-08-024	392-163-420	AMD-P	92-10-062	392-175-001	NEW	92-15-071
392-141-170	AMD-P	92-04-009	392-163-425	AMD-P	92-10-062	392-175-005	NEW-P	92-06-053
392-141-170	AMD	92-08-024	392-163-440	AMD-P	92-10-062	392-175-005	NEW	92-15-071
392-141-175	AMD-P	92-04-009	392-163-445	AMD-P	92-10-062	392-175-010	NEW-P	92-06-053
392-141-175	AMD	92-08-024	392-163-450	AMD-P	92-10-062	392-175-010	NEW	92-15-071
392-141-180	AMD-P	92-04-009	392-163-455	AMD-P	92-10-062	392-175-015	NEW-P	92-06-053
392-141-180	AMD	92-08-024	392-163-460	AMD-P	92-10-062	392-175-015	NEW	92-15-071
392-141-185	AMD-P	92-04-009	392-163-465	AMD-P	92-10-062	392-175-020	NEW-P	92-06-053
392-141-185	AMD	92-08-024	392-163-470	NEW-P	92-10-062	392-175-025	NEW-P	92-06-053
392-141-195	AMD-P	92-04-009	392-163-475	NEW-P	92-10-062	392-175-025	NEW	92-15-071
392-141-195	AMD	92-08-024	392-163-480	NEW-P	92-10-062	392-196-005	AMD	92-05-068
392-141-200	NEW-P	92-04-009	392-163-485	NEW-P	92-10-062	392-196-045	AMD	92-05-068
392-141-200	NEW	92-08-024	392-163-490	NEW-P	92-10-062	392-196-080	AMD	92-05-068
392-141-205	NEW-P	92-15-146	392-163-495	NEW-P	92-10-062	392-196-085	AMD	92-05-068
392-141-210	NEW-P	92-15-146	392-163-500	AMD-P	92-10-062	392-196-090	REP	92-05-068
392-141-215	NEW-P	92-15-146	392-163-505	NEW-P	92-10-062	392-196-100	AMD	92-05-068
392-141-220	NEW-P	92-15-146	392-163-510	NEW-P	92-10-062	392-202-110	AMD-W	92-03-063
392-141-225	NEW-P	92-15-146	392-163-515	NEW-P	92-10-062	392-202-115	AMD-W	92-03-063
392-141-230	NEW-P	92-15-146	392-163-520	NEW-P	92-10-062	392-202-120	AMD-W	92-03-063
392-153-005	AMD	92-03-138	392-163-525	NEW-P	92-10-062	399-30-030	AMD	92-03-052
392-153-014	NEW	92-03-138	392-163-530	NEW-P	92-10-062	399-30-040	AMD	92-03-052
392-153-015	AMD	92-03-138	392-163-535	NEW-P	92-10-062	399-30-042	AMD	92-03-052
392-153-032	AMD	92-03-138	392-163-540	NEW-P	92-10-062	399-30-045	AMD	92-03-052
392-153-032	AMD-P	92-15-123	392-163-545	NEW-P	92-10-062	399-30-050	AMD	92-03-052
392-163-105	AMD-P	92-10-062	392-163-550	NEW-P	92-10-062	399-30-060	AMD	92-03-052
392-163-110	AMD-P	92-10-062	392-163-555	NEW-P	92-10-062	399-30-065	AMD	92-03-052
392-163-115	AMD-P	92-10-062	392-163-560	NEW-P	92-10-062	399-40-020	AMD	92-03-051
392-163-120	AMD-P	92-10-062	392-163-565	NEW-P	92-10-062	415-108-670	NEW-E	92-11-027
392-163-125	AMD-P	92-10-062	392-163-570	NEW-P	92-10-062	415-112-560	NEW-E	92-11-027
392-163-130	AMD-P	92-10-062	392-163-575	NEW-P	92-10-062	415-115-080	AMD-E	92-11-027
392-163-135	AMD-P	92-10-062	392-163-580	NEW-P	92-10-062	415-115-080	AMD-P	92-12-048
392-163-140	AMD-P	92-10-062	392-163-585	NEW-P	92-10-062	415-115-080	AMD	92-16-032
392-163-145	AMD-P	92-10-062	392-163-590	NEW-P	92-10-062	415-115-110	REP-E	92-11-027
392-163-150	NEW-P	92-10-062	392-163-595	NEW-P	92-10-062	415-115-110	REP-P	92-12-048
392-163-155	NEW-P	92-10-062	392-163-600	NEW-P	92-10-062	415-115-110	REP	92-16-032
392-163-160	NEW-P	92-10-062	392-163-605	NEW-P	92-10-062	434-08-060	NEW-P	92-15-141
392-163-165	NEW-P	92-10-062	392-163-610	NEW-P	92-10-062	434-08-070	NEW-P	92-15-141
392-163-170	AMD-P	92-10-062	392-163-615	NEW-P	92-10-062	434-08-080	NEW-P	92-15-141
392-163-175	AMD-P	92-10-062	392-163-620	NEW-P	92-10-062	434-08-090	NEW-P	92-15-141
392-163-180	AMD-P	92-10-062	392-163-625	NEW-P	92-10-062	434-28-012	AMD-S	92-09-112
392-163-185	AMD-P	92-10-062	392-163-630	NEW-P	92-10-062	434-28-012	AMD	92-12-083
392-163-190	AMD-P	92-10-062	392-163-635	NEW-P	92-10-062	434-28-020	AMD-S	92-09-112
392-163-195	AMD-P	92-10-062	392-163-640	NEW-P	92-10-062	434-28-020	AMD	92-12-083
392-163-200	AMD-P	92-10-062	392-163-645	NEW-P	92-10-062	434-28-050	NEW-S	92-09-112
392-163-205	AMD-P	92-10-062	392-165-105	AMD-P	92-11-028	434-28-050	NEW	92-12-083
392-163-210	AMD-P	92-10-062	392-165-115	AMD-P	92-11-028	434-28-060	NEW-S	92-09-112
392-163-215	AMD-P	92-10-062	392-165-120	AMD-P	92-11-028	434-28-060	NEW	92-12-083
392-163-220	AMD-P	92-10-062	392-165-130	AMD-P	92-11-028	434-30-010	NEW	92-10-038
392-163-225	AMD-P	92-10-062	392-165-170	AMD-P	92-11-028	434-30-020	NEW	92-10-038
392-163-230	AMD-P	92-10-062	392-165-240	REP-P	92-11-028	434-30-030	NEW	92-10-038
392-163-235	AMD-P	92-10-062	392-165-260	AMD-P	92-11-028	434-30-040	NEW	92-10-038
392-163-240	AMD-P	92-10-062	392-165-304	AMD-P	92-11-028	434-30-050	NEW	92-10-038
392-163-245	AMD-P	92-10-062	392-165-310	AMD-P	92-11-028	434-30-060	NEW	92-10-038
392-163-250	AMD-P	92-10-062	392-165-320	AMD-P	92-11-028	434-30-070	NEW	92-10-038
392-163-255	AMD-P	92-10-062	392-165-322	AMD-P	92-11-028	434-30-080	NEW	92-10-038
392-163-260	AMD-P	92-10-062	392-165-325	AMD-P	92-11-028	434-30-090	NEW	92-10-038
392-163-265	AMD-P	92-10-062	392-165-327	REP-P	92-11-028	434-30-100	NEW	92-10-038
392-163-270	AMD-P	92-10-062	392-165-330	AMD-P	92-11-028	434-30-110	NEW	92-10-038
392-163-275	AMD-P	92-10-062	392-165-332	REP-P	92-11-028	434-30-120	NEW	92-10-038
392-163-280	AMD-P	92-10-062	392-165-340	AMD-P	92-11-028	434-30-130	NEW	92-10-038
392-163-285	NEW-P	92-10-062	392-165-342	REP-P	92-11-028	434-30-140	NEW	92-10-038
392-163-290	NEW-P	92-10-062	392-165-345	AMD-P	92-11-028	434-30-150	NEW	92-10-038
392-163-295	NEW-P	92-10-062	392-165-347	NEW-P	92-11-028	434-30-160	NEW	92-10-038
392-163-300	AMD-P	92-10-062	392-165-360	AMD-P	92-11-028	434-30-170	NEW	92-10-038
392-163-305	AMD-P	92-10-062	392-165-362	NEW-P	92-11-028	434-30-180	NEW	92-10-038
392-163-310	AMD-P	92-10-062	392-165-415	NEW-P	92-11-028	434-30-190	NEW	92-10-038
392-163-315	AMD-P	92-10-062	392-165-420	NEW-P	92-11-028	434-30-200	NEW	92-10-038
392-163-320	AMD-P	92-10-062	392-165-425	AMD-P	92-11-028	434-30-210	NEW	92-10-038
392-163-325	AMD-P	92-10-062	392-165-430	AMD-P	92-11-028	434-30-220	NEW	92-10-038
392-163-400	AMD-P	92-10-062	392-165-460	AMD-P	92-11-028	434-34-010	NEW-S	92-09-112
392-163-405	AMD-P	92-10-062	392-165-500	AMD-P	92-11-028	434-34-010	NEW	92-12-083
392-163-410	AMD-P	92-10-062	392-165-510	NEW-P	92-11-028	434-34-015	NEW-S	92-09-112

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-34-015	NEW	92-12-083	434-53-160	NEW	92-12-083	434-166-060	NEW-P	92-02-104
434-34-020	NEW-S	92-09-112	434-53-170	NEW-S	92-09-112	434-166-060	NEW	92-10-023
434-34-020	NEW	92-12-083	434-53-170	NEW	92-12-083	434-166-070	NEW-E	92-02-103
434-34-025	NEW-S	92-09-112	434-53-180	NEW-S	92-09-112	434-166-070	NEW-P	92-02-104
434-34-025	NEW	92-12-083	434-53-180	NEW	92-12-083	434-166-070	NEW	92-10-023
434-34-030	NEW-S	92-09-112	434-53-190	NEW-S	92-09-112	434-166-080	NEW-E	92-02-103
434-34-030	NEW	92-12-083	434-53-190	NEW	92-12-083	434-166-080	NEW-P	92-02-104
434-34-035	NEW-S	92-09-112	434-53-200	NEW-S	92-09-112	434-166-080	NEW	92-10-023
434-34-035	NEW	92-12-083	434-53-200	NEW	92-12-083	434-166-090	NEW-E	92-02-103
434-34-040	NEW-S	92-09-112	434-53-210	NEW-S	92-09-112	434-166-090	NEW-P	92-02-104
434-34-040	NEW	92-12-083	434-53-210	NEW	92-12-083	434-166-090	NEW	92-10-023
434-34-045	NEW-S	92-09-112	434-53-220	NEW-S	92-09-112	434-166-100	NEW-E	92-02-103
434-34-045	NEW	92-12-083	434-53-220	NEW	92-12-083	434-166-100	NEW-P	92-02-104
434-34-050	NEW-S	92-09-112	434-53-230	NEW-S	92-09-112	434-166-100	NEW	92-10-023
434-34-050	NEW	92-12-083	434-53-230	NEW	92-12-083	434-166-110	NEW-E	92-02-103
434-34-055	NEW-S	92-09-112	434-53-240	NEW-S	92-09-112	434-166-110	NEW-P	92-02-104
434-34-055	NEW	92-12-083	434-53-240	NEW	92-12-083	434-166-110	NEW	92-10-023
434-34-060	NEW-S	92-09-112	434-53-250	NEW-S	92-09-112	434-166-120	NEW-E	92-02-103
434-34-060	NEW	92-12-083	434-53-250	NEW	92-12-083	434-166-120	NEW-P	92-02-104
434-34-065	NEW-S	92-09-112	434-53-260	NEW-S	92-09-112	434-166-120	NEW	92-10-023
434-34-065	NEW	92-12-083	434-53-260	NEW	92-12-083	434-166-130	NEW-E	92-02-103
434-34-070	NEW-S	92-09-112	434-53-270	NEW-S	92-09-112	434-166-130	NEW-P	92-02-104
434-34-070	NEW	92-12-083	434-53-270	NEW	92-12-083	434-166-130	NEW	92-10-023
434-34-075	NEW-S	92-09-112	434-53-280	NEW-S	92-09-112	434-166-140	NEW-E	92-02-103
434-34-075	NEW	92-12-083	434-53-280	NEW	92-12-083	434-166-140	NEW-P	92-02-104
434-34-080	NEW-S	92-09-112	434-53-290	NEW-S	92-09-112	434-166-140	NEW	92-10-023
434-34-080	NEW	92-12-083	434-53-290	NEW	92-12-083	434-166-150	NEW-E	92-02-103
434-34-085	NEW-S	92-09-112	434-53-300	NEW-S	92-09-112	434-166-150	NEW-P	92-02-104
434-34-085	NEW	92-12-083	434-53-300	NEW	92-12-083	434-166-150	NEW	92-10-023
434-34-090	NEW-S	92-09-112	434-53-310	NEW-S	92-09-112	434-166-160	NEW-E	92-02-103
434-34-090	NEW	92-12-083	434-53-310	NEW	92-12-083	434-166-160	NEW-P	92-02-104
434-34-095	NEW-S	92-09-112	434-53-320	NEW-S	92-09-112	434-166-160	NEW	92-10-023
434-34-095	NEW	92-12-083	434-53-320	NEW	92-12-083	434-166-170	NEW-E	92-02-103
434-34-100	NEW-S	92-09-112	434-53-330	NEW-S	92-12-076	434-166-170	NEW-P	92-02-104
434-34-100	NEW	92-12-083	434-53-340	NEW-W	92-12-076	434-166-170	NEW	92-10-023
434-34-105	NEW-S	92-09-112	434-61-010	NEW	92-10-038	434-166-180	NEW-E	92-02-103
434-34-105	NEW	92-12-083	434-61-020	NEW	92-10-038	434-166-180	NEW-P	92-02-104
434-34-110	NEW-S	92-09-112	434-61-030	NEW	92-10-038	434-166-180	NEW	92-10-023
434-34-110	NEW	92-12-083	434-61-040	NEW	92-10-038	434-166-190	NEW-E	92-02-103
434-34-115	NEW-S	92-09-112	434-61-050	NEW	92-10-038	434-166-190	NEW-P	92-02-104
434-34-115	NEW	92-12-083	434-61-060	NEW	92-10-038	434-166-190	NEW	92-10-023
434-40-025	NEW-P	92-15-140	434-62-150	NEW-S	92-09-112	434-166-200	NEW-E	92-02-103
434-53-010	NEW-S	92-09-112	434-62-150	NEW	92-12-083	434-166-200	NEW-P	92-02-104
434-53-010	NEW	92-12-083	434-62-160	NEW-S	92-09-112	434-166-200	NEW	92-10-023
434-53-020	NEW-S	92-09-112	434-62-160	NEW	92-12-083	434-166-210	NEW-E	92-02-103
434-53-020	NEW	92-12-083	434-62-170	NEW-S	92-09-112	434-166-210	NEW-P	92-02-104
434-53-030	NEW-S	92-09-112	434-62-170	NEW	92-12-083	434-166-210	NEW	92-10-023
434-53-030	NEW	92-12-083	434-62-180	NEW-S	92-09-112	434-166-220	NEW-E	92-02-103
434-53-040	NEW-S	92-09-112	434-62-180	NEW	92-12-083	434-166-220	NEW-P	92-02-104
434-53-040	NEW	92-12-083	434-62-190	NEW-S	92-09-112	434-166-220	NEW	92-10-023
434-53-050	NEW-S	92-09-112	434-62-200	NEW	92-12-083	434-166-230	NEW-E	92-02-103
434-53-050	NEW	92-12-083	434-62-200	NEW-S	92-09-112	434-166-230	NEW-P	92-02-104
434-53-060	NEW-S	92-09-112	434-75-240	AMD-P	92-05-023	434-166-230	NEW	92-10-023
434-53-060	NEW	92-12-083	434-75-240	AMD	92-08-032	434-166-240	NEW-E	92-02-103
434-53-070	NEW-S	92-09-112	434-75-250	AMD-P	92-05-023	434-166-240	NEW-P	92-02-104
434-53-070	NEW	92-12-083	434-75-250	AMD	92-08-032	434-166-240	NEW	92-10-023
434-53-080	NEW-S	92-09-112	434-166-010	NEW-E	92-02-103	434-166-250	NEW-E	92-02-103
434-53-080	NEW	92-12-083	434-166-010	NEW-P	92-02-104	434-166-250	NEW-P	92-02-104
434-53-090	NEW-S	92-09-112	434-166-010	NEW	92-10-023	434-166-250	NEW	92-10-023
434-53-090	NEW	92-12-083	434-166-020	NEW-E	92-02-103	434-166-260	NEW-E	92-02-103
434-53-100	NEW-S	92-09-112	434-166-020	NEW-P	92-02-104	434-166-260	NEW-P	92-02-104
434-53-100	NEW	92-12-083	434-166-020	NEW	92-10-023	434-166-260	NEW	92-10-023
434-53-110	NEW-S	92-09-112	434-166-030	NEW-E	92-02-103	434-166-270	NEW-E	92-02-103
434-53-110	NEW	92-12-083	434-166-030	NEW-P	92-02-104	434-166-270	NEW-P	92-02-104
434-53-120	NEW-S	92-09-112	434-166-030	NEW	92-10-023	434-166-270	NEW	92-10-023
434-53-120	NEW	92-12-083	434-166-040	NEW-E	92-02-103	434-166-280	NEW-E	92-02-103
434-53-130	NEW-S	92-09-112	434-166-040	NEW-P	92-02-104	434-166-280	NEW-P	92-02-104
434-53-130	NEW	92-12-083	434-166-040	NEW	92-10-023	434-166-280	NEW	92-10-023
434-53-140	NEW-S	92-09-112	434-166-050	NEW-E	92-02-103	434-166-290	NEW-E	92-02-103
434-53-140	NEW	92-12-083	434-166-050	NEW-P	92-02-104	434-166-290	NEW-P	92-02-104
434-53-150	NEW-S	92-09-112	434-166-050	NEW	92-10-023	434-166-290	NEW	92-10-023
434-53-150	NEW	92-12-083	434-166-060	NEW-E	92-02-103	434-166-300	NEW-E	92-02-103
434-53-160	NEW-S	92-09-112				434-166-300	NEW-P	92-02-104

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-166-300	NEW	92-10-023	458-16-013	PREP	92-04-069	463-06-040	AMD-P	92-02-099
434-166-310	NEW-E	92-02-103	458-16-013	AMD-P	92-04-079	463-06-040	AMD	92-09-013
434-166-310	NEW-P	92-02-104	458-16-013	AMD-E	92-06-039	463-06-050	AMD-P	92-02-099
434-166-310	NEW	92-10-023	458-16-013	AMD	92-15-058	463-06-050	AMD	92-09-013
434-166-320	NEW-E	92-02-103	458-16-020	PREP	92-04-069	463-06-070	AMD-P	92-02-099
434-166-320	NEW-P	92-02-104	458-16-020	AMD-P	92-04-079	463-06-070	AMD	92-09-013
434-166-320	NEW	92-10-023	458-16-020	AMD-E	92-06-039	463-06-150	AMD-P	92-02-099
434-166-330	NEW-E	92-02-103	458-16-020	AMD	92-15-058	463-06-150	AMD	92-09-013
434-166-330	NEW-P	92-02-104	458-18-010	PREP	92-04-068	463-26-030	REP-P	92-02-099
434-166-330	NEW	92-10-023	458-18-010	AMD-P	92-04-078	463-26-030	REP	92-09-013
434-166-340	NEW-E	92-02-103	458-18-010	AMD-E	92-06-038	463-39-005	NEW-P	92-02-099
434-166-340	NEW-P	92-02-104	458-18-010	AMD	92-15-057	463-39-005	NEW	92-09-013
434-166-340	NEW	92-10-023	458-18-020	PREP	92-04-068	463-39-010	AMD-P	92-02-099
434-166-350	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078	463-39-010	AMD	92-09-013
434-166-350	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038	463-39-030	AMD-P	92-02-099
434-166-350	NEW	92-10-023	458-18-020	AMD	92-15-057	463-39-030	AMD	92-09-013
434-166-360	NEW-E	92-02-103	458-18-220	AMD-P	92-14-086	463-39-040	REP-P	92-02-099
434-166-360	NEW-P	92-02-104	458-20-105	AMD-P	92-03-066	463-39-040	REP	92-09-013
434-166-360	NEW-W	92-15-070	458-20-105	AMD	92-06-082	463-39-050	REP-P	92-02-099
434-630-010	NEW-P	92-09-017	458-20-132	AMD	92-05-066	463-39-050	REP	92-09-013
434-630-020	NEW-P	92-09-017	458-20-164	AMD-P	92-03-067	463-39-060	REP-P	92-02-099
434-630-030	NEW-P	92-09-017	458-20-164	AMD-C	92-15-147A	463-39-060	REP	92-09-013
434-630-040	NEW-P	92-09-017	458-20-166	AMD	92-05-064	463-39-080	REP-P	92-02-099
434-630-050	NEW-P	92-09-017	458-20-17901	PREP	92-15-044	463-39-080	REP	92-09-013
434-630-060	NEW-P	92-09-017	458-20-18601	NEW-P	92-03-065	463-39-110	REP-P	92-02-099
434-635-010	NEW-P	92-09-018	458-20-18601	NEW	92-06-081	463-39-110	REP	92-09-013
434-635-020	NEW-P	92-09-018	458-20-18801	AMD	92-05-065	463-39-115	AMD-P	92-02-099
434-635-030	NEW-P	92-09-018	458-20-199	AMD	92-03-026	463-39-115	AMD	92-09-013
434-635-040	NEW-P	92-09-018	458-20-228	AMD	92-03-025	463-39-120	AMD-P	92-02-099
434-635-050	NEW-P	92-09-018	458-20-229	AMD-P	92-05-017	463-39-120	AMD	92-09-013
434-635-060	NEW-P	92-09-018	458-20-230	PREP	92-15-045	463-39-150	REP-P	92-02-099
434-640-010	NEW	92-05-060	458-20-260	NEW-E	92-04-015	463-39-150	REP	92-09-013
434-640-020	NEW	92-05-060	458-20-260	PREP	92-05-052	463-42-055	AMD-P	92-02-099
434-640-030	NEW	92-05-060	458-20-260	NEW-P	92-07-092	463-42-055	AMD	92-09-013
434-677-010	NEW-P	92-04-026	458-20-260	NEW	92-10-006	463-42-165	AMD-P	92-02-099
434-677-010	NEW	92-08-020	458-30-262	AMD	92-03-068	463-42-165	AMD	92-09-013
434-677-020	NEW-P	92-04-026	458-40-615	NEW-E	92-08-018	463-42-195	AMD-P	92-02-099
434-677-020	NEW	92-08-020	458-40-615	PREP	92-10-060	463-42-195	AMD	92-09-013
434-677-030	NEW-P	92-04-026	458-40-615	NEW-E	92-14-111	463-42-225	AMD-P	92-02-099
434-677-030	NEW	92-08-020	458-40-615	NEW-P	92-14-112	463-42-225	AMD	92-09-013
434-677-040	NEW-P	92-04-026	458-40-650	AMD-E	92-06-040	463-42-265	AMD-P	92-02-099
434-677-040	NEW	92-08-020	458-40-650	AMD-E	92-06-057	463-42-265	AMD	92-09-013
434-677-050	NEW-P	92-04-026	458-40-650	AMD-P	92-10-061	463-42-345	AMD-P	92-02-099
434-677-050	NEW	92-08-020	458-40-650	AMD	92-14-083	463-42-345	AMD	92-09-013
434-677-060	NEW-P	92-04-026	458-40-660	PREP	92-06-037	463-42-445	AMD-P	92-02-099
434-677-060	NEW	92-08-020	458-40-660	AMD-E	92-06-040	463-42-445	AMD	92-09-013
434-677-070	NEW-P	92-04-026	458-40-660	AMD-E	92-06-057	463-42-455	AMD-P	92-02-099
434-677-070	NEW	92-08-020	458-40-660	AMD-P	92-10-061	463-42-455	AMD	92-09-013
434-677-080	NEW-P	92-04-026	458-40-660	AMD	92-14-083	463-42-465	AMD-P	92-02-099
434-677-080	NEW	92-08-020	458-40-670	PREP	92-06-037	463-42-465	AMD	92-09-013
446-16	PREP	92-13-012A	458-40-670	AMD-E	92-06-040	463-42-595	AMD-P	92-02-099
446-16-025	AMD-P	92-11-051	458-40-670	AMD-E	92-06-057	463-42-595	AMD	92-09-013
446-16-025	AMD	92-15-014	458-40-670	AMD-P	92-10-061	463-42-625	AMD-P	92-02-099
446-16-030	AMD-P	92-11-051	458-40-670	AMD	92-14-083	463-42-625	AMD	92-09-013
446-16-030	AMD	92-15-014	458-40-684	AMD-P	92-10-061	463-42-685	NEW-P	92-02-099
446-16-080	AMD-P	92-11-051	458-40-684	AMD	92-14-083	463-42-685	NEW-P	92-06-070
446-16-080	AMD	92-15-014	460-33A-015	AMD-P	92-14-089	463-42-685	NEW-W	92-07-002
446-16-090	AMD-P	92-11-051	460-33A-017	AMD-P	92-14-089	463-42-685	NEW	92-10-001
446-16-090	AMD	92-15-014	460-33A-020	AMD-P	92-14-089	463-42-690	NEW-P	92-02-099
446-20-285	AMD-P	92-11-052	460-33A-025	AMD-P	92-14-089	463-42-690	NEW	92-09-013
446-20-285	AMD	92-15-015	460-33A-030	AMD-P	92-14-089	463-47-051	AMD-P	92-02-099
446-20-290	AMD-P	92-11-052	460-33A-035	AMD-P	92-14-089	463-47-051	AMD	92-09-013
446-20-290	AMD	92-15-015	460-33A-040	AMD-P	92-14-089	463-47-090	AMD-P	92-02-099
446-20-300	AMD-P	92-11-052	460-33A-050	REP-P	92-14-089	463-47-090	AMD	92-09-013
446-20-300	AMD	92-15-015	460-33A-055	AMD-P	92-14-089	468-51-010	NEW-P	92-10-041
446-20-420	AMD-P	92-11-052	460-33A-105	AMD-P	92-14-089	468-51-010	NEW	92-14-044
446-20-420	AMD	92-15-015	460-33A-115	AMD-P	92-14-089	468-51-020	NEW-P	92-10-041
446-20-440	AMD-P	92-11-052	460-33A-125	AMD-P	92-14-089	468-51-020	NEW	92-14-044
446-20-440	AMD	92-15-015	460-44A-075	AMD-P	92-14-090	468-51-030	NEW-P	92-10-041
446-20-520	AMD-P	92-11-052	463-06-020	AMD-P	92-02-099	468-51-030	NEW	92-14-044
446-20-520	AMD	92-15-015	463-06-020	AMD	92-09-013	468-51-040	NEW-P	92-10-041
446-30	PREP	92-13-012A	463-06-030	AMD-P	92-02-099	468-51-040	NEW	92-14-044
446-50	PREP	92-13-012A	463-06-030	AMD	92-09-013	468-51-050	NEW-P	92-10-041

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-51-050	NEW	92-14-044	478-160-090	REP-P	92-08-065	480-04-040	REP	92-07-006
468-51-060	NEW-P	92-10-041	478-160-090	REP	92-12-011	480-04-050	AMD	92-07-006
468-51-060	NEW	92-14-044	478-160-105	AMD-P	92-08-065	480-04-060	AMD	92-07-006
468-51-070	NEW-P	92-10-041	478-160-105	AMD	92-12-011	480-04-065	NEW	92-07-006
468-51-070	NEW	92-14-044	478-160-115	AMD-P	92-08-065	480-04-070	AMD	92-07-006
468-51-080	NEW-P	92-10-041	478-160-115	AMD	92-12-011	480-04-080	REP	92-07-006
468-51-080	NEW	92-14-044	478-160-120	AMD-P	92-08-065	480-04-090	AMD	92-07-006
468-51-090	NEW-P	92-10-041	478-160-120	AMD	92-12-011	480-04-095	NEW	92-07-006
468-51-090	NEW	92-14-044	478-160-130	AMD-P	92-08-065	480-04-110	AMD	92-07-006
468-51-100	NEW-P	92-10-041	478-160-130	AMD	92-12-011	480-04-120	AMD	92-07-006
468-51-100	NEW	92-14-044	478-160-140	AMD-P	92-08-065	480-04-130	AMD	92-07-006
468-51-110	NEW-P	92-10-041	478-160-140	AMD	92-12-011	480-09-100	AMD	92-07-006
468-51-110	NEW	92-14-044	478-160-150	AMD-P	92-08-065	480-09-140	AMD-P	92-13-101
468-51-120	NEW-P	92-10-041	478-160-150	AMD	92-12-011	480-09-210	AMD	92-07-006
468-51-120	NEW	92-14-044	478-160-155	REP-P	92-08-065	480-09-210	AMD-P	92-13-101
468-51-130	NEW-P	92-10-041	478-160-155	REP	92-12-011	480-09-400	AMD-P	92-13-101
468-51-130	NEW	92-14-044	478-160-160	AMD-P	92-08-065	480-09-420	AMD-P	92-13-101
468-51-140	NEW-P	92-10-041	478-160-160	AMD	92-12-011	480-09-425	AMD-P	92-13-101
468-51-140	NEW	92-14-044	478-160-200	REP-P	92-08-065	480-09-460	AMD-P	92-13-101
468-51-150	NEW-P	92-10-041	478-160-200	REP	92-12-011	480-09-480	AMD-P	92-13-101
468-51-150	NEW	92-14-044	478-160-205	REP-P	92-08-065	480-09-500	AMD-P	92-13-101
468-66-010	AMD-P	92-06-010	478-160-205	REP	92-12-011	480-09-700	AMD-P	92-13-101
468-66-010	AMD	92-09-043	478-160-210	AMD-P	92-08-065	480-09-735	AMD-P	92-13-101
468-66-090	AMD-P	92-06-010	478-160-210	AMD	92-12-011	480-09-780	AMD-P	92-13-101
468-66-090	AMD	92-09-043	478-160-215	REP-P	92-08-065	480-09-800	AMD-P	92-13-101
468-66-140	AMD-P	92-06-010	478-160-215	REP	92-12-011	480-09-810	AMD-P	92-13-101
468-66-140	AMD	92-09-043	478-160-216	REP-P	92-08-065	480-12-375	AMD-P	92-05-092
468-300-010	AMD-P	92-14-003	478-160-216	REP	92-12-011	480-12-375	AMD	92-09-014
468-300-010	AMD-E	92-14-004	478-160-220	REP-P	92-08-065	480-70-350	AMD	92-03-082
468-300-020	AMD-P	92-14-003	478-160-220	REP	92-12-011	480-80-047	AMD-W	92-10-067
468-300-020	AMD-E	92-14-004	478-160-225	REP-P	92-08-065	480-80-048	NEW	92-07-010
468-300-040	AMD-P	92-14-003	478-160-225	REP	92-12-011	480-80-049	NEW-P	92-05-089
468-300-040	AMD-E	92-14-004	478-160-230	AMD-P	92-08-065	480-80-049	NEW	92-08-075
468-300-070	REP-P	92-14-003	478-160-230	AMD	92-12-011	480-92-011	NEW	92-03-050
468-300-070	REP-E	92-14-004	478-160-231	AMD-P	92-08-065	480-92-021	NEW	92-03-050
468-300-410	REP-P	92-14-003	478-160-231	AMD	92-12-011	480-92-031	NEW	92-03-050
468-300-410	REP-E	92-14-004	478-160-232	REP-P	92-08-065	480-92-050	NEW	92-03-050
468-300-510	REP-P	92-14-003	478-160-232	REP	92-12-011	480-92-060	NEW	92-03-050
468-300-510	REP-E	92-14-004	478-160-240	AMD-P	92-08-065	480-92-070	NEW	92-03-050
478-138-010	AMD-P	92-09-154	478-160-240	AMD	92-12-011	480-92-080	NEW	92-03-050
478-138-010	AMD	92-14-060	478-160-246	AMD-P	92-08-065	480-92-090	NEW	92-03-050
478-138-020	AMD-P	92-09-154	478-160-246	AMD	92-12-011	480-92-100	NEW	92-03-050
478-138-020	AMD	92-14-060	478-160-256	AMD-P	92-08-065	480-92-110	NEW	92-03-050
478-138-030	AMD-P	92-09-154	478-160-256	AMD	92-12-011	480-93-002	AMD-P	92-06-086
478-138-030	AMD	92-14-060	478-160-260	AMD-P	92-08-065	480-93-002	AMD	92-16-100
478-138-040	AMD-P	92-09-154	478-160-260	AMD	92-12-011	480-93-005	AMD-P	92-06-086
478-138-040	AMD	92-14-060	478-160-265	AMD-P	92-08-065	480-93-005	AMD	92-16-100
478-138-050	REP-P	92-09-154	478-160-265	AMD	92-12-011	480-93-010	AMD-P	92-06-086
478-138-050	REP	92-14-060	478-160-270	AMD-P	92-08-065	480-93-010	AMD	92-16-100
478-138-060	NEW-P	92-09-154	478-160-270	AMD	92-12-011	480-93-015	NEW-P	92-06-086
478-138-060	NEW	92-14-060	478-160-271	NEW-P	92-08-065	480-93-015	NEW	92-16-100
478-160-020	AMD-P	92-08-065	478-160-271	NEW	92-12-011	480-93-017	NEW-P	92-06-086
478-160-020	AMD	92-12-011	478-160-275	AMD-P	92-08-065	480-93-017	NEW	92-16-100
478-160-025	AMD-P	92-08-065	478-160-275	AMD	92-12-011	480-93-018	NEW-P	92-06-086
478-160-025	AMD	92-12-011	478-160-280	AMD-P	92-08-065	480-93-018	NEW	92-16-100
478-160-030	AMD-P	92-08-065	478-160-280	AMD	92-12-011	480-93-020	AMD-P	92-06-086
478-160-030	AMD	92-12-011	478-160-285	AMD-P	92-08-065	480-93-020	AMD	92-16-100
478-160-035	AMD-P	92-08-065	478-160-285	AMD	92-12-011	480-93-030	AMD-P	92-06-086
478-160-035	AMD	92-12-011	478-160-290	AMD-P	92-08-065	480-93-030	AMD	92-16-100
478-160-040	AMD-P	92-08-065	478-160-290	AMD	92-12-011	480-93-082	NEW-P	92-06-086
478-160-040	AMD	92-12-011	478-160-295	AMD-P	92-08-065	480-93-082	NEW	92-16-100
478-160-045	AMD-P	92-08-065	478-160-295	AMD	92-12-011	480-93-110	AMD-P	92-06-086
478-160-045	AMD	92-12-011	478-160-305	AMD-P	92-08-065	480-93-110	AMD	92-16-100
478-160-050	AMD-P	92-08-065	478-160-305	AMD	92-12-011	480-93-111	NEW-P	92-06-086
478-160-050	AMD	92-12-011	478-160-310	AMD-P	92-08-065	480-93-111	NEW	92-16-100
478-160-055	AMD-P	92-08-065	478-160-310	AMD	92-12-011	480-93-112	NEW-P	92-06-086
478-160-055	AMD	92-12-011	478-160-320	AMD-P	92-08-065	480-93-112	NEW	92-16-100
478-160-060	AMD-P	92-08-065	478-160-320	AMD	92-12-011	480-93-115	NEW-P	92-06-086
478-160-060	AMD	92-12-011	479-01-020	AMD-P	92-08-095	480-93-115	NEW	92-16-100
478-160-065	AMD-P	92-08-065	479-01-020	AMD	92-12-014	480-93-120	AMD-P	92-06-086
478-160-065	AMD	92-12-011	480-04-010	REP	92-07-006	480-93-120	AMD	92-16-100
478-160-085	AMD-P	92-08-065	480-04-020	AMD	92-07-006	480-93-124	NEW-P	92-06-086
478-160-085	AMD	92-12-011	480-04-030	AMD	92-07-006	480-93-124	NEW	92-16-100

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-93-140	AMD-P	92-06-086	484-20-115	AMD-P	92-13-023	495A-120-110	NEW	92-12-017
480-93-140	AMD	92-16-100	484-20-120	AMD-P	92-13-023	495A-120-120	NEW-P	92-07-101
480-93-155	NEW-P	92-06-086	484-20-135	AMD-P	92-13-023	495A-120-120	NEW-E	92-08-004
480-93-155	NEW	92-16-100	484-20-140	AMD-P	92-13-023	495A-120-120	NEW	92-12-017
480-93-161	NEW-P	92-06-086	484-20-145	AMD-P	92-13-023	495A-120-130	NEW-P	92-07-101
480-93-175	NEW-P	92-06-086	484-20-150	AMD-P	92-13-023	495A-120-130	NEW-E	92-08-004
480-93-175	NEW	92-16-100	495A-104-010	NEW-P	92-07-101	495A-120-130	NEW	92-12-017
480-93-180	AMD-P	92-06-086	495A-104-010	NEW-E	92-08-004	495A-120-135	NEW-P	92-07-101
480-93-180	AMD	92-16-100	495A-104-010	NEW	92-12-017	495A-120-135	NEW-E	92-08-004
480-93-183	NEW-P	92-06-086	495A-104-020	NEW-P	92-07-101	495A-120-135	NEW	92-12-017
480-93-183	NEW	92-16-100	495A-104-020	NEW-E	92-08-004	495A-120-140	NEW-P	92-07-101
480-93-185	AMD-P	92-06-086	495A-104-020	NEW	92-12-017	495A-120-140	NEW-E	92-08-004
480-93-185	AMD	92-16-100	495A-104-030	NEW-P	92-07-101	495A-120-140	NEW	92-12-017
480-93-18601	AMD-P	92-06-086	495A-104-030	NEW-E	92-08-004	495A-120-150	NEW-P	92-07-101
480-93-18601	AMD	92-16-100	495A-104-030	NEW	92-12-017	495A-120-150	NEW-E	92-08-004
480-93-187	AMD-P	92-06-086	495A-108-010	NEW-P	92-07-101	495A-120-150	NEW	92-12-017
480-93-187	AMD	92-16-100	495A-108-010	NEW-E	92-08-004	495A-120-160	NEW-P	92-07-101
480-93-188	AMD-P	92-06-086	495A-108-010	NEW	92-12-017	495A-120-160	NEW-E	92-08-004
480-93-188	AMD	92-16-100	495A-108-020	NEW-P	92-07-101	495A-120-160	NEW	92-12-017
480-93-190	AMD-P	92-06-086	495A-108-020	NEW-E	92-08-004	495A-120-170	NEW-P	92-07-101
480-93-190	AMD	92-16-100	495A-108-020	NEW	92-12-017	495A-120-170	NEW-E	92-08-004
480-93-200	AMD-P	92-06-086	495A-108-030	NEW-P	92-07-101	495A-120-170	NEW	92-12-017
480-93-200	AMD	92-16-100	495A-108-030	NEW-E	92-08-004	495A-120-180	NEW-P	92-07-101
480-93-210	AMD-P	92-06-086	495A-108-030	NEW	92-12-017	495A-120-180	NEW-E	92-08-004
480-93-210	AMD	92-16-100	495A-108-040	NEW-P	92-07-101	495A-120-180	NEW	92-12-017
480-93-230	AMD-P	92-06-086	495A-108-040	NEW-E	92-08-004	495A-120-190	NEW-P	92-07-101
480-93-230	AMD	92-16-100	495A-108-040	NEW	92-12-017	495A-120-190	NEW-E	92-08-004
480-110-018	NEW-P	92-05-091	495A-108-050	NEW-P	92-07-101	495A-120-190	NEW	92-12-017
480-110-018	NEW	92-09-078	495A-108-050	NEW-E	92-08-004	495A-120-200	NEW-P	92-07-101
480-110-021	AMD-P	92-05-090	495A-108-050	NEW	92-12-017	495A-120-200	NEW-E	92-08-004
480-110-021	AMD	92-13-056	495A-108-060	NEW-P	92-07-101	495A-120-200	NEW	92-12-017
480-110-066	AMD-P	92-05-090	495A-108-060	NEW-E	92-08-004	495A-122-010	NEW-P	92-07-101
480-110-066	AMD	92-13-056	495A-108-060	NEW	92-12-017	495A-122-010	NEW-E	92-08-004
480-120-021	AMD-P	92-16-019	495A-108-070	NEW-P	92-07-101	495A-122-010	NEW	92-12-017
480-120-086	AMD-P	92-16-019	495A-108-070	NEW-E	92-08-004	495A-122-020	NEW-P	92-07-101
480-120-087	AMD-P	92-13-101	495A-108-070	NEW	92-12-017	495A-122-020	NEW-E	92-08-004
480-120-340	NEW	92-03-049	495A-108-080	NEW-P	92-07-101	495A-122-020	NEW	92-12-017
480-120-500	NEW-P	92-16-019	495A-108-080	NEW-E	92-08-004	495A-122-030	NEW-P	92-07-101
480-120-505	NEW-P	92-16-019	495A-108-080	NEW	92-12-017	495A-122-030	NEW-E	92-08-004
480-120-510	NEW-P	92-16-019	495A-120-010	NEW-P	92-07-101	495A-122-030	NEW	92-12-017
480-120-515	NEW-P	92-16-019	495A-120-010	NEW-E	92-08-004	495A-130-020	NEW-P	92-07-101
480-120-520	NEW-P	92-16-019	495A-120-010	NEW	92-12-017	495A-130-020	NEW-E	92-08-004
480-120-525	NEW-P	92-16-019	495A-120-020	NEW-P	92-07-101	495A-130-020	NEW	92-12-017
480-120-530	NEW-P	92-16-019	495A-120-020	NEW	92-12-017	495A-131-010	NEW-P	92-07-101
480-120-535	NEW-P	92-16-019	495A-120-030	NEW-P	92-07-101	495A-131-010	NEW-E	92-08-004
480-122-060	AMD-P	92-16-099	495A-120-030	NEW-E	92-08-004	495A-131-010	NEW	92-12-017
480-146-091	NEW-C	92-05-001	495A-120-030	NEW	92-12-017	495A-132-010	NEW-P	92-07-101
480-146-091	NEW	92-07-009	495A-120-040	NEW-P	92-07-101	495A-132-010	NEW-E	92-08-004
484-10-035	AMD-P	92-13-022	495A-120-040	NEW-E	92-08-004	495A-132-010	NEW	92-12-017
484-20-010	AMD-P	92-13-023	495A-120-040	NEW	92-12-017	495A-133-020	NEW-P	92-07-101
484-20-015	AMD-P	92-13-023	495A-120-045	NEW-P	92-07-101	495A-133-020	NEW-E	92-08-004
484-20-020	AMD-P	92-13-023	495A-120-045	NEW-E	92-08-004	495A-133-020	NEW	92-12-017
484-20-023	NEW-P	92-13-023	495A-120-045	NEW	92-12-017	495A-134-010	NEW-P	92-07-101
484-20-025	AMD-P	92-13-023	495A-120-050	NEW-P	92-07-101	495A-134-010	NEW-E	92-08-004
484-20-030	AMD-P	92-13-023	495A-120-050	NEW-E	92-08-004	495A-134-010	NEW	92-12-017
484-20-035	AMD-P	92-13-023	495A-120-050	NEW	92-12-017	495A-140-010	NEW-P	92-07-101
484-20-040	AMD-P	92-13-023	495A-120-060	NEW-P	92-07-101	495A-140-010	NEW-E	92-08-004
484-20-045	AMD-P	92-13-023	495A-120-060	NEW-E	92-08-004	495A-140-010	NEW	92-12-017
484-20-050	AMD-P	92-13-023	495A-120-060	NEW	92-12-017	495A-140-020	NEW-P	92-07-101
484-20-055	AMD-P	92-13-023	495A-120-070	NEW-P	92-07-101	495A-140-020	NEW-E	92-08-004
484-20-060	AMD-P	92-13-023	495A-120-070	NEW-E	92-08-004	495A-140-020	NEW	92-12-017
484-20-065	AMD-P	92-13-023	495A-120-070	NEW	92-12-017	495A-140-030	NEW-P	92-07-101
484-20-068	AMD-P	92-13-023	495A-120-080	NEW-P	92-07-101	495A-140-030	NEW-E	92-08-004
484-20-070	AMD-P	92-13-023	495A-120-080	NEW-E	92-08-004	495A-140-030	NEW	92-12-017
484-20-075	AMD-P	92-13-023	495A-120-080	NEW	92-12-017	495A-140-040	NEW-P	92-07-101
484-20-085	AMD-P	92-13-023	495A-120-090	NEW-P	92-07-101	495A-140-040	NEW-E	92-08-004
484-20-087	NEW-P	92-13-023	495A-120-090	NEW-E	92-08-004	495A-140-040	NEW	92-12-017
484-20-089	NEW-P	92-13-023	495A-120-090	NEW	92-12-017	495A-140-050	NEW-P	92-07-101
484-20-090	AMD-P	92-13-023	495A-120-100	NEW-P	92-07-101	495A-140-050	NEW-E	92-08-004
484-20-095	AMD-P	92-13-023	495A-120-100	NEW-E	92-08-004	495A-140-050	NEW	92-12-017
484-20-100	AMD-P	92-13-023	495A-120-100	NEW	92-12-017	495A-140-060	NEW-P	92-07-101
484-20-105	AMD-P	92-13-023	495A-120-110	NEW-P	92-07-101	495A-140-060	NEW-E	92-08-004
484-20-110	AMD-P	92-13-023	495A-120-110	NEW-E	92-08-004	495A-140-060	NEW	92-12-017

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
495D-276-110	NEW	92-15-081			
495D-276-120	NEW-P	92-12-049			
495D-276-120	NEW	92-15-081			
495D-276-130	NEW-P	92-12-049			
495D-276-130	NEW	92-15-081			
495D-276-140	NEW-P	92-12-049			
495D-276-140	NEW	92-15-081			
495D-280-010	NEW-P	92-12-049			
495D-280-010	NEW	92-15-081			
495D-280-015	NEW-P	92-12-049			
495D-280-015	NEW	92-15-081			
495D-280-020	NEW-P	92-12-049			
495D-280-020	NEW	92-15-081			
495D-280-030	NEW-P	92-12-049			
495D-280-030	NEW	92-15-081			
495D-280-040	NEW-P	92-12-049			
495D-280-040	NEW	92-15-081			
495D-280-050	NEW-P	92-12-049			
495D-280-050	NEW	92-15-081			
495D-280-060	NEW-P	92-12-049			
495D-280-060	NEW	92-15-081			
495D-280-070	NEW-P	92-12-049			
495D-280-070	NEW	92-15-081			
495D-280-080	NEW-P	92-12-049			
495D-280-080	NEW	92-15-081			
495D-280-090	NEW-P	92-12-049			
495D-280-090	NEW	92-15-081			
495D-280-100	NEW-P	92-12-049			
495D-280-100	NEW	92-15-081			
495D-280-110	NEW-P	92-12-049			
495D-280-110	NEW	92-15-081			
495D-280-120	NEW-P	92-12-049			
495D-280-120	NEW	92-15-081			
495D-300-010	NEW-P	92-12-049			
495D-300-010	NEW	92-15-081			
495D-300-015	NEW-P	92-12-049			
495D-300-015	NEW	92-15-081			
495D-300-020	NEW-P	92-12-049			
495D-300-020	NEW	92-15-081			
495D-300-030	NEW-P	92-12-049			
495D-300-030	NEW	92-15-081			
495D-300-040	NEW-P	92-12-049			
495D-300-040	NEW	92-15-081			
495D-325-010	NEW-P	92-12-049			
495D-325-010	NEW	92-15-081			
508-12-280	REP-P	92-06-091			
508-12-280	REP	92-12-055			
508-12-290	REP-P	92-06-091			
508-12-290	REP	92-12-055			
508-12-300	REP-P	92-06-091			
508-12-300	REP	92-12-055			
508-12-310	REP-P	92-06-091			
508-12-310	REP	92-12-055			
508-12-320	REP-P	92-06-091			
508-12-320	REP	92-12-055			
508-12-330	REP-P	92-06-091			
508-12-330	REP	92-12-055			
508-12-340	REP-P	92-06-091			
508-12-340	REP	92-12-055			
508-12-350	REP-P	92-06-091			
508-12-350	REP	92-12-055			
508-12-360	REP-P	92-06-091			
508-12-360	REP	92-12-055			
508-12-370	REP-P	92-06-091			
508-12-370	REP	92-12-055			
508-12-380	REP-P	92-06-091			
508-12-380	REP	92-12-055			
516-12-400	AMD	92-06-068			
516-12-430	AMD	92-06-068			
516-13-080	AMD	92-06-068			
516-13-090	NEW	92-06-068			

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF		small quantities sold through fruit stands and farmers' markets inspection requirements, exemption	
Experience requirement for license	92-03-062		
AGRICULTURE, DEPARTMENT OF			
Alfalfa			92-13-064
certification	92-09-150	Fryer commission meetings	92-15-117
Annual bluegrass quarantine	92-13-027	Grain and commodity inspection points	92-06-026
Apparatus display signs	92-09-150		92-11-073
Apple advertising commission meetings	92-13-027	Grass certification	92-15-046
Apples	92-11-077	sod quality standards	92-09-150
apple ermine moth quarantine	92-15-001	sudangrass certification	92-13-027
apple maggot survey and detection program funds	92-02-071	Groundwater contamination prevention	92-09-150
	92-06-024	Herbicides restrictions	92-13-027
grade standards	92-02-069	Hop commission assessments	92-09-150
Aquatic and wetland weed quarantine	92-04-032	board member activities	92-13-027
Azalea flower spot quarantine	92-06-022	meetings	92-13-027
Bean seed	92-11-074	Horses	
bean seedborne viral disease quarantine	92-15-056	restriction on movement from New Hampshire and Massachusetts	PROP 92-16-083
	92-03-105	Inspection and/or weighing fees	92-08-028
	92-07-024	Landscape applications	92-06-071
	92-09-074	apparatus display signs	92-09-068
	92-13-050		92-06-071
certification standards		Livestock markets, public brand inspection work area standards	92-09-068
Beef commission meetings	92-03-034		92-01-063
Blueberry commission meetings	92-15-049	Milk processing assessments and collections	EMER 92-16-001
Bulb commission meetings	92-04-031		92-11-073
Caneberries		Noxious weed control board meetings	92-11-077
certification fees	92-12-056	Noxious weed seed and plant quarantine	92-15-001
Corn	92-15-114	Nurseries	
negotiating session between producers and processors, recordkeeping	92-03-069	dealer license fees	92-14-076
	92-03-070	research projects, fee surcharge to support	PROP 92-16-088
	92-07-030	Organic foods	MISC 92-16-008
Egg commission meetings	92-03-123	meat and dairy products, production standards	92-03-106
Eggs	92-15-053		92-07-025
grading and packing facilities, standards	92-01-091	packers	92-10-040
Farmed salmon commission		certification standards	92-13-034
assessments and collections	92-14-117	fee schedule	92-10-040
commodity board	92-14-117	recordkeeping requirements	92-13-034
establishment	92-14-117	packing facilities	
marketing order	92-14-117	certification standards	EMER 92-16-030
Fees and charges for department services	92-03-104		92-13-100
	92-07-023	vendors	EMER 92-16-030
	92-11-073	certification standards	EMER 92-16-030
	92-15-046	fee schedule	EMER 92-16-030
Food distributors		recordkeeping requirements	EMER 92-16-030
licenses	92-07-070	packing facilities	
Food processors		certification standards	EMER 92-16-030
licenses	92-07-070		92-13-100
	92-15-060	Peaches	EMER 92-16-030
	92-15-061	grade standards	92-13-099
Fruits and vegetables		recordkeeping requirements	92-13-099
movement from production area	92-01-121	Pears	
inspection requirements	92-06-085	state restricted use pesticides	92-13-099
		ziram	92-11-076
			92-15-026

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Pesticides		Wine commission meetings	92-02-048 92-09-036
microencapsulated methyl parathion distribution	92-15-051		
penalty matrix schedule	92-03-064 92-06-083 92-10-008	Wood destroying organisms inspection and reporting criteria	92-03-133 92-07-084
restrictions	92-03-134 92-07-005 92-07-059 92-07-060 92-08-026 92-08-027 92-13-035		
	PROP 92-16-079	ASIAN AMERICAN AFFAIRS, COMMISSION ON	
violations, rights of persons aggrieved by	92-06-084 92-10-009 92-15-026 92-09-150 92-13-027	Meetings	92-02-028
ziram use on pears		Rules coordinator	92-15-124
Phytosanitary certification		ATTORNEY GENERAL'S OFFICE	
Potatoes		Motor vehicles	
negotiating session between producers and processors, recordkeeping	92-03-069 92-03-070 92-07-030	arbitration special master, powers and duties	92-11-037
Rapeseed		consumer rights notice	92-11-036
off type varieties, registration	92-08-055 92-11-013	lemon law arbitration	92-11-036
Red raspberry commission		subsequent transferee, definition	92-11-037
commodity board membership	92-05-070 92-12-003 92-05-070 92-12-003 92-03-007	Opinions	
powers and duties		city ordinances, validity (1992, No. 16)	92-15-126
meetings		collection agencies, dishonored check notice (1992, No. 2)	92-06-061
Seed potato commission		corporal punishment in public schools (1992, No. 10)	92-14-124
assessment fees	92-15-107	county board of equalization, authority (1992, No. 14)	92-15-088
Seeds		district court judges, salaries and qualifications (1992, No. 13)	92-15-016
assessment fees	92-09-150 92-13-027	district courts, municipal department termination (1992, No. 15)	92-15-125
Strawberries		launch service operations (1992, No. 7)	92-12-039
plant certification fees	92-12-056	presumptive death certificate, when authorized (1992, No. 6)	92-12-016
Strawberry commission		rent control, local government authority to impose (1992, No. 5)	92-10-035
commodity board assessments	92-05-071 92-12-004 92-12-006 92-05-071 92-12-004 92-12-006 92-03-058	school district real estate purchase (1991, No. 34)	92-02-005
term limitations		special election in newly redistricted district (1992, No. 12)	92-15-004
meetings		substitute care citizen review boards, records (1992, No. 9)	92-13-048
Tree fruit research commission		trust requirement, land granted to Washington Territory (1992, No. 3)	92-06-062
assessment rates	92-01-009	water district commissioners and employees, applicability of code of ethics (1992, No. 11)	92-15-003
Varroa mite quarantine	92-01-013 92-02-070 92-06-023	water district commissioners, insurance benefits (1992, No. 8)	92-13-012 92-13-060
Weeds		water supply required before building permit issuance (1992, No. 17)	MISC 92-16-060
aquatic and wetland, quarantine	92-03-105 92-07-024	weed control, authority of counties (1991, No. 1)	92-06-051
noxious weed seed and plant quarantine	92-03-106 92-07-025	wildlife regulations (1992, No. 4)	92-07-032
Weights and measures		BASIC HEALTH PLAN	
condemned and confiscated weights and measures, disposition	92-14-122 92-14-123	Advisory council meetings	92-12-024 92-09-157
inspection fees	92-14-122 92-14-123	Benefits schedules	92-14-087 92-14-097 92-09-157
national type evaluation program		Disenrollment	92-14-087 92-14-097
uniform regulations	92-03-018	Enrollment	92-09-157 92-14-087 92-14-097
weigher license	92-14-122 92-14-123 92-14-122	Premiums and copayments	92-09-157 92-14-088 92-14-097
weighmaster license	92-14-123		
Wetland and aquatic weed quarantine	92-03-105 92-07-024	BATES TECHNICAL COLLEGE	
		Board of trustees	92-07-101 92-08-004 92-12-017

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Debts, services withheld for outstanding	92-07-101		92-07-020
	92-08-004		92-07-082
	92-12-017		92-09-012
Discrimination	92-07-101		92-09-040
	92-08-004		92-10-059
	92-12-017		92-11-034
Facilities use	92-07-101		92-13-028
	92-08-004		92-13-066
	92-12-017		92-15-020
Financial aid	92-07-101		MISC 92-16-090
	92-08-004	BIG BEND COMMUNITY COLLEGE	
	92-12-017	Firearms and dangerous weapons	PROP 92-16-006
Grievance procedures	92-07-101		
	92-08-004	BLIND, DEPARTMENT OF SERVICES FOR THE	
	92-12-017	Administrative procedures	92-06-036
Meetings	92-01-043		92-09-090
Organization and operation	92-07-101	Eligibility for services	92-06-036
	92-08-004		92-09-090
	92-12-017	Vending facilities	
Practice and procedure	92-07-101	vendor or licensee selection	92-07-011
	92-08-004		92-07-012
	92-12-017		92-10-024
Public records, availability	92-07-101	Vocational rehabilitation	92-06-036
	92-08-004		92-09-090
	92-12-017		
Rules coordinator	92-07-101	BLIND, WASHINGTON STATE SCHOOL FOR THE	
	92-08-004	Rules coordinator	92-01-021
	92-12-017		
Scholarships	92-07-101	BOILER RULES, BOARD OF	
	92-08-004	(See LABOR AND INDUSTRIES, DEPARTMENT OF)	
	92-12-017		
State Environmental Policy Act compliance	92-07-101	BUILDING CODE COUNCIL	
	92-08-004	Barrier-free facilities	
	92-12-017	regulations	92-01-130
Student conduct code	92-07-101		92-01-145
	92-08-004		92-09-110
	92-12-017	Energy code	92-01-140
Tuition and fee schedule	92-07-101		PROP 92-16-107
	92-08-004	Fireworks	
	92-12-017	use, handling, and storage	PROP 92-16-052
		Fueling tanks	
		motor vehicle refueling	92-09-156
BELLEVUE COMMUNITY COLLEGE			PROP 92-16-049
Affirmative action policy	92-07-073		PROP 92-16-050
	92-09-060		
	92-13-096	Housing for indigent persons	
Bargaining agent selection	92-07-074	building code exemptions	92-01-069
	92-09-058	Indoor air quality	
	92-13-094	maintenance requirements	92-01-129
Bylaws and standing orders	92-07-071	ventilation and indoor air	
	92-09-057	quality code	PROP 92-16-106
	92-13-093	Meetings	92-15-155
College calendar	92-15-073	Plumbing fixtures	
Debts, services withheld for outstanding	92-15-068	water conservation performance standards	92-01-068
Financial aid	92-15-067	Policies and procedures	PROP 92-16-105
Library-media center code	92-15-066	Rules coordinator	92-12-010
Meetings	92-02-037	Tank trucks	
Organization and operation	92-15-062	motor vehicle refueling	92-09-156
	92-15-063		PROP 92-16-049
Parking and traffic rules	92-09-062		PROP 92-16-050
	92-09-063	Uniform codes	
	92-13-097	building code	92-01-145
Reduction in force policy	92-07-072		92-05-086
	92-09-059		92-09-110
	92-13-095	fire code and fire code standards	92-01-065
Scholarships	92-15-067		92-05-087
Smoking policies and regulations	92-15-065		92-09-156
Student code	92-14-061		PROP 92-16-049
	92-14-075		PROP 92-16-052
		mechanical code	92-01-064
BELLINGHAM TECHNICAL COLLEGE		plumbing code	92-01-066
Meetings	92-01-046	plumbing code standards	92-01-067
	92-03-035	Ventilation and indoor air quality code	PROP 92-16-106
	92-03-059	Water conservation performance standards	92-01-068
	92-04-016		PROP 92-16-051
	92-05-031		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Wildland/urban interface areas building and fire standards	92-01-128	COMMUNITY DEVELOPMENT, DEPARTMENT OF	Affordable housing program	92-06-005
BUSINESS ASSISTANCE CENTER (See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			Development loan fund meetings	92-03-081
CENTRAL WASHINGTON UNIVERSITY			Energy matchmakers program	92-03-019
Affirmative action grievance procedure	92-02-006		Fire protection policy board meetings	92-06-014
policy	92-02-006			92-10-003
Meetings	92-04-010		Fire protection services state facilities in cities and towns	92-09-146
Rules coordinator	92-13-092			92-09-147
	92-01-107		Fire protection sprinkler systems contractors	92-15-047
CENTRALIA COLLEGE			licensing and certification	92-14-073
Meetings	92-01-088			92-14-074
			surety bond	92-14-073
CLARK COLLEGE				92-14-074
Meetings	92-02-008		Low-income home energy assistance program	92-13-085
			Low-income weatherization assistance	92-03-019
CLEMENCY AND PARDONS BOARD			Public hearings	
Meetings	92-03-038		natural resources of state-wide significance	92-01-134
			Public works board	
CLOVER PARK TECHNICAL COLLEGE			loan and financing guarantees	92-03-052
Board of trustees	92-12-050		meetings	92-01-108
Debts, services withheld for outstanding	92-12-050			92-06-032
Facilities use	92-12-050		Radon monitoring devices	92-14-002
Financial aid	92-12-050		State Environmental Policy Act compliance	92-03-051
Grievance procedures	92-12-050		CONSERVATION AND RENEWABLE ENERGY SYSTEM	
Library use	92-12-050		Meetings	92-15-042
Meetings	92-04-038			
	92-10-037		CONVENTION AND TRADE CENTER	
Organization and operation	92-12-050		Meetings	92-01-025
Parking and traffic	92-12-050			92-02-078
Practice and procedure	92-12-050			92-03-009
Public records, availability	92-12-050			92-05-063
Rules coordinator	92-04-038			92-07-056
	92-12-050			92-09-049
Scholarships	92-12-050			92-11-029
State Environmental Policy Act compliance	92-12-050			92-13-007
Student conduct code	92-12-050			92-13-073
Tuition and fee schedule	92-12-050			92-14-059
				92-15-030
CODE REVISER'S OFFICE			COUNTY ROAD ADMINISTRATION BOARD	
Rules coordinator	92-01-001		Organization and operation	92-08-068
				92-13-036
COLUMBIA RIVER GORGE COMMISSION			Public records, availability	92-08-069
Alterations to existing structures	92-07-057			92-13-037
	92-09-020		Rules coordinator	92-02-047
Management plan amendment process	92-09-095			92-04-017
	92-11-005		Rural arterial programs	
	92-15-013		design standards	92-08-072
Urban area boundary revision				92-12-005
application procedures	92-05-009		funds allocation	92-08-071
	92-11-006			92-13-039
			project prioritization	92-08-070
				92-13-038
COMBINED FUND DRIVE COMMITTEE, WASHINGTON STATE EMPLOYEE (See GOVERNOR, OFFICE OF THE)			CRIMINAL JUSTICE TRAINING COMMISSION	
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR			Basic law enforcement academy	
Course and enrollment information, dissemination	92-09-140		readmission	PROP 92-16-068
	92-13-020		requirements	PROP 92-16-070
Meetings	92-01-054		Corrections academies	
Organization and operations	92-09-138		readmission	PROP 92-16-069
	92-13-019		requirements	PROP 92-16-071
Retirement plan			Firearms certification	
options for members terminating employment	92-09-139		instructors	92-02-042
	92-12-085		private detectives	92-02-041
Tuition and fees	92-10-033		private security guards	92-02-040
	92-10-042		records	92-02-042
	92-14-033			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

DAIRY PRODUCTS COMMISSION

Assessment rate 92-10-031
92-15-080
Promotional hosting expenditures 92-10-032
92-14-035

DEAF, WASHINGTON STATE SCHOOL FOR THE

Rules coordinator 92-01-020

EASTERN WASHINGTON UNIVERSITY

Adjudicative proceedings 92-04-084
92-05-053
92-05-056
92-09-100
92-09-102
92-09-105

Alcoholic beverages
use by students twenty-one and older in
student housing 92-05-054
92-09-103

Commercial activities on campus 92-15-128

Employees
assessed financial obligations 92-05-053
92-09-102

paycheck deductions 92-05-053
92-09-102

Facilities use **PROP 92-16-063**

General conduct code 92-15-127

PROP 92-16-061

PROP 92-16-098

Library policies 92-14-056

Meetings 92-02-031
92-04-085
92-09-101

Organization and operation 92-04-083
92-09-099

Recreational equipment restrictions 92-15-129

Rules coordinator 92-02-030
92-04-054
92-11-024

Scholarships 92-02-052

State Environmental Policy Act compliance 92-05-055
92-09-104

PROP 92-16-062

Student records, availability 92-02-053

Students
assessed financial obligations 92-05-056
92-09-105

ECOLOGY, DEPARTMENT OF

Air quality

motor vehicle emission inspection 92-09-133

open burning 92-12-026

oxygenated gasoline standards 92-06-088
92-11-043

Boatyard permit 92-07-086

Carbon monoxide emissions

oxygenated gasoline standards 92-06-088
92-11-043

Chlorofluorocarbon refrigerants

recycling requirements 92-11-045

Conservation and renewable energy system

approval of application to form 92-10-044

notice of intention to consider application

to form 92-06-046

Dairy waste general discharge permit 92-13-090

Dam safety regulations 92-06-091
92-12-055

Dangerous waste

spill and discharge reporting requirements 92-03-127
92-11-040
92-15-036

Forest practices
aquatic habitat protection 92-07-085
92-11-068
92-14-098

classification 92-05-084

water quality protection 92-07-085
92-11-068
92-14-098

wetlands protection 92-07-085
92-11-068
92-14-098

Hazardous waste
fees 92-05-083
92-10-043

water supply to areas contaminated by

remedial action grants 92-14-072

Instream resources protection program

Columbia River, main stem 92-14-010
92-14-012

PROP 92-16-026

Low-level radioactive waste

disposal sites, permit fees **PROP 92-16-087**

Mixed waste

facilities, permit fees 92-10-021

Motor vehicle emission inspection 92-09-133

Motor vehicle fuel

oxygenated gasoline standards 92-06-088
92-11-043

Oil spills

compensation schedule 92-01-095
92-09-034
92-10-005
92-11-038
92-13-083

facility oil spill prevention plan standards 92-06-087
92-15-035

natural resource damage assessment 92-01-095
92-09-034
92-10-005
92-11-038
92-13-083

Open burning

permits 92-12-026

prohibited materials 92-12-026

violations 92-12-026

Organization offices 92-13-049

Pesticide use 92-05-084

Public records

availability 92-13-049
92-15-112
92-13-049
92-15-112

fees 92-13-049
92-15-112

Refrigerants

recycling requirements 92-11-045

Rules coordinator 92-01-094
92-06-047

Rules review

small business impact 92-11-067

Shoreline master programs

Bellevue, city of 92-07-090
92-13-080
92-04-081
92-03-132
92-07-091
92-13-081
92-04-080
92-09-135
92-07-087
92-13-082
92-03-128
92-09-131
92-11-044
92-01-096
92-01-097

Bremerton, city of

Bridgeport, city of

Clallam County

Island County

Kent, city of

Mercer Island, city of

Normandy Park, city of

Pateros, city of

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Port Orchard, city of	92-03-129	EDMONDS COMMUNITY COLLEGE	
	92-09-127	Meetings	92-01-002
	92-12-054		92-05-040
	92-13-084		92-07-081
San Juan County	92-11-042		92-09-052
	92-14-120		92-12-001
	92-15-110		92-13-072
Seattle, city of	92-07-088		92-15-054
	92-09-128	Parking and traffic	92-04-067
	92-13-079		92-09-055
	PROP 92-16-094		
Snoqualmie, city of	92-09-132	EDUCATION, STATE BOARD OF	
Tacoma, city of	92-15-109	Appeal procedures	92-08-077
Tumwater, city of	92-03-130		92-15-037
	92-09-134	Certification	
Wahkiakum County	92-07-089	general requirements	92-01-126
	92-13-078		92-04-044
	PERM 92-16-095		92-13-021
	92-15-108		92-15-038
Whatcom County			92-15-098
Small business impact		vocational instructors	92-01-125
rules review	92-11-067		92-05-039
Solid fuel burning devices		Internship certificate	92-08-077
masonry fireplaces, retail sales fee	92-01-098		92-15-037
	92-09-035	Meetings	92-01-022
	92-10-022	Physical education requirement	92-05-067
	92-15-111		92-08-078
retail sales fee	92-01-098	School bus drivers	
	92-09-035	certificate issuance	92-13-098
	92-10-022	standards and qualifications	92-13-098
State/environmental protection agency agreement	92-09-054	School construction	
Storm water permit for industries and		funding assistance, priority system	92-13-047
construction	92-13-070		92-13-059
	92-14-071		PERM 92-16-058
Waste		School districts with restructuring plan	
low-level radioactive waste disposal sites		program hour requirements, waiver	92-01-124
permit fees	PROP 92-16-087		92-05-047
mixed waste facilities			92-13-075
permit fees	92-10-021	teacher contact hour requirements, waiver	92-01-124
Wastewater			92-05-047
dairy waste general discharge permit	92-13-090		92-13-075
discharge permit		Schools for the twenty-first century	
fee schedule	92-03-131	application contents	92-13-058
Water			PERM 92-16-057
boatyard permit	92-07-086	Special study activities	
hazardous waste contamination		state reimbursement	92-01-123
potable water supply to areas affected by	92-14-072		92-04-043
storm water permit for industries and		Teachers	
construction	92-13-070	certification requirements	92-01-126
	92-14-071		92-01-127
	92-11-041		92-04-044
surface water quality standards			92-06-027
Water resources management program		teacher preparation programs	92-09-108
Columbia River main stem	92-14-010		92-01-126
	92-14-012		92-01-127
	PROP 92-16-026		92-04-044
Snake River, main stem	92-14-009		92-06-027
	92-14-011		92-09-108
	PROP 92-16-027		
Water rights		Vocational instructors	
Columbia River water withdrawal	92-07-055	certification standards	92-01-125
	92-14-010		92-05-039
	92-14-012		
	PROP 92-16-026		
Snake River water withdrawal	92-07-054	EMPLOYMENT SECURITY DEPARTMENT	
	92-14-009	Employer notice and separation determination	92-03-145
	92-14-011		PROP 92-16-078
	PROP 92-16-027	Timber impact areas	
Watershed analysis implementation	92-05-084	dislocated workers	92-02-076
Woodstove regulation	92-01-098		92-05-051
	92-09-035	Unemployment insurance	
	92-15-111	benefit charge relief	92-07-104
		predecessor/successor relationship	92-07-104
			92-14-047
ECONOMIC DEVELOPMENT FINANCE AUTHORITY			
Operations and procedures	92-03-055		
	92-03-056		
	92-09-002		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

ENERGY FACILITY SITE EVALUATION COUNCIL

Air pollution sources 92-02-099
 92-07-002
 92-09-013
 Environmental regulations 92-02-099
 92-07-002
 92-09-013
 Federal, state, and local requirements 92-06-070
 92-10-001
 Organization and operation 92-02-099
 92-07-002
 92-09-013
 Site certification 92-02-099
 92-06-070
 92-07-002
 92-09-013
 92-10-001

ENERGY OFFICE

Energy efficiency services account 92-01-120

ENGINEERS AND LAND SURVEYORS

Evaluation of license candidates 92-01-101
 Examinations 92-01-100
 92-01-101
 92-04-008
 92-09-089
 92-12-053
 92-15-139
 Experience records 92-01-101
 Seals
 usage 92-01-099

ENVIRONMENTAL HEARINGS OFFICE

Rules coordinator 92-03-008

EVERETT COMMUNITY COLLEGE

Meetings 92-01-133

FAMILY INDEPENDENCE PROGRAM

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

FISHERIES, DEPARTMENT OF

Commercial

baitfish
 seasons 92-08-022
 beam trawl, definition 92-13-040
 bottomfish
 coastal bottomfish
 catch limits 92-02-058
 92-03-030
 92-03-150
 92-07-008
 92-08-007
 92-09-084
 92-11-021
 92-12-018
EMER 92-16-002
 gear 92-02-058
 92-03-150
 92-07-008
EMER 92-16-010
PROP 92-16-077
 hold inspections 92-11-004
 nontreaty fish receiving tickets 92-11-004
 seasons 92-10-064
 Puget Sound bottomfish
 catch limits and gear 92-06-092
 92-08-079
 92-09-073
 92-11-011
 commercial fisheries permits
 emerging 92-09-129
 experimental 92-09-129
 trial 92-09-129
 crabs, seasons and areas 92-01-034
 92-02-039

salmon
 Columbia River and tributaries 92-09-047
 92-09-106
 Columbia River
 above Bonneville, seasons 92-04-051
 92-07-007
 below Bonneville, seasons 92-05-004
 Puget Sound
 net fisheries 92-09-137
 92-11-083
 92-15-105
 restrictions and closures **EMER 92-16-020**
EMER 92-16-055
EMER 92-16-084
 troll, seasons and gear 92-09-130
 92-15-076
EMER 92-16-022
EMER 92-16-034
EMER 92-16-085
 Willapa Bay, seasons 92-10-081
 sea urchins, seasons and areas 92-06-054
 shad
 Columbia River, seasons and gear 92-11-066
 shrimp
 areas 92-13-040
 Hood Canal 92-10-020
 92-11-065
 Puget Sound fishery 92-10-002
 92-11-008
 sturgeon
 Columbia River
 above Bonneville, seasons 92-03-022
 92-07-007
 92-08-090
 92-14-099
 below Bonneville, seasons 92-05-004
 maximum size 92-10-081
EMER 92-16-054
 personal retention 92-10-081
 Hydraulic project regulations 92-11-082
 92-14-045
 92-15-095
Personal use
 abalone
 bag limit 92-03-151
 92-09-083
 92-11-012
PROP 92-16-077
 size limit 92-03-151
 92-09-083
 92-11-012
PROP 92-16-077
 carp
 gear 92-07-015
 clams
 areas and seasons
 hardshell 92-03-151
 92-09-083
 92-11-012
EMER 92-16-010
PROP 92-16-077
 razor 92-03-151
 92-09-083
 92-11-012
PROP 92-16-077
 crabs, areas and seasons 92-01-035
 92-03-151
 92-09-083
 92-11-012
PROP 92-16-077
 crayfish, gear 92-03-151
 92-11-012
PROP 92-16-077

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

food fish		Columbia River below Bonneville	
species identification	92-03-151	sanctuary	92-03-151
	92-11-012		92-11-012
	PROP 92-16-077		PROP 92-16-077
halibut		FOREST PRACTICES BOARD	
areas and seasons	92-10-039	Application and notification	
	92-12-002	expiration	EMER 92-16-044
	92-15-010	Archaeological and historical sites	92-11-069
	92-15-040		92-12-038
	EMER 92-16-036		92-15-011
bag limits	92-10-039	Chemical handling, storage, and application	92-07-093
	92-12-002		92-11-069
lingcod, areas and seasons	92-03-151		92-15-011
	92-09-083		92-15-113
	92-11-012		92-07-093
	PROP 92-16-077	Cumulative effects	
oysters		Environmental review	
areas and seasons	92-03-151	forest practices subject to review	92-06-004
	92-09-083		92-11-069
	92-11-012		92-12-038
	EMER 92-16-010		92-15-011
	PROP 92-16-077	"Forest trees" defined	92-03-028
river mouth definitions	92-08-031	Meetings	92-01-117
rockfish, areas and seasons	92-03-151		92-04-005
	92-09-083		92-07-013
	92-11-012		92-09-065
	PROP 92-16-077		92-10-080
salmon			92-15-031
areas and seasons	92-03-151		MISC 92-16-045
	92-11-012	Pesticides application	92-11-069
	92-12-013		92-12-038
	92-13-071		92-15-011
	92-14-046	Road construction and maintenance	92-07-093
	92-15-086		92-11-069
	92-15-106		92-12-038
	EMER 92-16-035		92-15-011
	PROP 92-16-077		92-15-113
bag limits	92-03-151	Rules coordinator	92-01-118
	92-11-012	State Environmental Policy Act	
	92-12-013	forest practices subject to review	92-06-004
	92-13-071		92-07-093
	92-14-046		92-11-069
	92-15-086		92-12-038
	92-15-106		92-15-011
	EMER 92-16-035		92-15-113
	PROP 92-16-077	Stream shade cover	92-07-093
Canadian origin	92-09-083		92-11-069
Columbia River	92-04-050		92-15-011
	92-08-059		92-15-113
	92-09-047	Timber harvest rate monitoring	92-02-055
	92-09-083		92-08-025
	EMER 92-16-011	Timber harvest size and timing	92-07-093
Cowlitz River	92-09-083		92-11-069
gear	92-03-151		92-15-011
	92-11-012		92-15-113
	PROP 92-16-077	Watershed analysis system	92-01-119
Hood Canal	92-04-011		92-07-093
Icicle River	92-11-020		92-09-064
Klickitat River	92-08-031		92-11-069
Lake Wenatchee	EMER 92-16-021		92-15-011
Little White Salmon River	92-08-031		92-15-113
Quillayute River	92-07-035	Wetlands typing system	92-07-093
Skykomish River	92-15-052		92-11-069
Soleduck River	92-07-035		92-15-011
Strait of Juan de Fuca	92-10-017		92-15-113
Wind River	92-08-031	Wildlife	
shellfish		critical wildlife habitats	92-11-069
gear	92-09-083	tree and log retention for habitat	92-15-011
shrimp			92-11-069
Hood Canal	92-11-065		92-15-011
sturgeon		GAMBLING COMMISSION	
areas and seasons	92-09-083	Adjudicative proceedings	
		discovery limitations	92-14-018
			92-14-019

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

forms	92-06-033 92-14-018 92-14-020	Executive branch employees ethical conduct standards Intergovernmental review process Log export regulations	MISC 92-16-024 92-13-006 92-08-060 92-11-017
hearings	92-14-018 92-14-019 92-14-020	Support enforcement office criminal justice agency, limited designation	92-13-005
Amusement games	92-15-055	GRAYS HARBOR COLLEGE	
annual activity reports	92-15-055	Adjudicative proceedings	92-01-056 92-07-063 92-09-041
fees	92-15-055	Board of trustees	92-01-057 92-07-064 92-08-043
licenses	92-15-055	Financial aid	92-01-058 92-07-065 92-08-044
fees	92-15-055	Meetings	92-01-047 92-01-057 92-07-064
suspension	92-14-018 92-14-019	Organization and operation	92-01-057 92-07-064 92-08-043
operating requirements	92-15-055	Scholarships	92-01-058 92-08-044
recordkeeping requirements	92-14-018 92-14-057	Tuition and fees	92-01-058 92-07-065 92-08-044
wager and prize limitations	92-08-057	GREEN RIVER COMMUNITY COLLEGE	
Meetings	92-03-037	Meetings	92-02-033 92-14-048 92-14-118
Punchboards and pulltabs	92-03-037	Student code of conduct	
lease, rent and rent-to-own equipment	PROP 92-16-039	GROWTH PLANNING HEARINGS BOARDS	
Rules coordinator	92-03-036	Practice and procedure	92-12-023 92-14-001 92-15-134
GENERAL ADMINISTRATION, DEPARTMENT OF		Public records, availability	92-14-001 92-15-134
Banking, division of		Rules coordinator	92-12-022 92-15-133
check cashiers and sellers regulation	92-02-105 92-14-062 92-14-109	State Environmental Protection Act compliance	92-14-001 92-15-134
investment in investment companies	92-01-092 92-04-027	HARDWOODS COMMISSION (See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
mutual holding companies establishment and operation	92-01-093 92-06-041 92-14-110	HEALTH, BOARD OF (See HEALTH, DEPARTMENT OF)	
Capitol grounds		HEALTH CARE AUTHORITY	
parking fee payments	92-01-143 92-04-037	Eligibility	92-04-001 92-07-046 92-08-003
skateboarding prohibited on	92-01-144 92-09-076 92-11-039	employees, retirees, and dependents	92-03-040 92-06-001 92-07-061
traffic and parking regulations	92-01-142 92-04-036	Eligible entities	92-03-040
Local governments		Rules coordinator	92-06-001 92-07-061
self-insurance	92-09-155 92-12-092	HEALTH, DEPARTMENT OF	
Office facilities, state-owned		Abortion facilities	
parking fees	92-10-082	criminal history, disclosure, and background inquiries	92-15-085
Rules coordinator	PROP 92-16-091	Acupuncture advisory committee	
Self-insurance	PROP 92-16-102	AIDS prevention and information certification	92-14-128
local government entities	92-05-037	application	92-14-128
Skateboarding on state capitol grounds	92-09-155 92-12-092 92-01-144 92-09-076 92-11-039	inactive status	92-14-128
State-owned office facilities		department investigation	92-14-128
parking fees	92-10-082	examinations	92-14-128
Surplus property	PROP 92-16-091	fees	92-14-128
disposal priorities	PROP 92-16-102	HEALTH, DEPARTMENT OF	
GOVERNOR, OFFICE OF THE		Acupuncture advisory committee	
Combined fund drive committee	92-09-096	AIDS prevention and information certification	92-14-128
public nonprofit charities, inclusion	PROP 92-16-046	application	92-14-128
Drug-free work place policy	92-10-036	inactive status	92-14-128
Electronic message systems	92-01-109	department investigation	92-14-128
Elementary and secondary education improvement, advisory committee on	MISC 92-16-059	examinations	92-14-128
		fees	92-14-128

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Adult residential rehabilitation centers		requirements	92-03-006
criminal history, disclosure, and background		practical examination review procedures	92-11-014
inquiries	92-15-085		92-15-033
fees	92-10-014	Dentists	
	92-15-048	University of Washington residents	
Alcoholism treatment facilities		licensing fees	92-13-009
fee schedule	92-07-097		92-13-010
	92-12-028	Drinking water certification	92-07-078
Boarding homes		fees	92-15-152
criminal history, disclosure, and background		Drug manufacturing or storage sites, illegal,	92-15-149
inquiries	92-15-085	contractor certification for decontamination of	92-02-017
fee schedule	92-07-097		92-03-143
	92-12-086		92-04-071
Cancer cases			92-10-027
identifying and reporting, criteria and		Emergency medical services and trauma care systems	
procedures	92-01-050	administration	92-15-034
information access standards	92-01-050	certification	92-15-034
Certificate of need		continuing education	92-15-034
open heart surgery services review	92-09-086	definitions	92-15-034
	92-09-087	facilities	92-15-034
	92-12-015	licensure	92-15-034
	PERM 92-16-081	training	92-15-034
Childbirth centers		trauma registry	92-15-034
criminal history, disclosure, and background		verification of trauma care services	92-15-034
inquiries	92-15-085	Health, board of	
Chiropractic disciplinary board		drug manufacturing or storage sites, illegal,	
meetings	92-03-097	contractor certification for decontamination of	92-02-017
peer review	92-01-070		92-03-143
peer review committee			92-04-071
fees	92-06-065		92-03-142
	92-06-066	food service rules and regulations	92-08-112
	92-11-009		
meetings	92-04-049	food worker permits	
	92-05-058	fees	92-09-144
rules coordinator	92-01-048		92-14-093
scope of practice	92-09-080	local health officers	
	92-12-007	drug manufacturing or storage sites	
	92-12-008	contractor certification for decontamination	92-03-143
Chiropractic examiners, board of			92-04-071
chiropractic x-ray technicians			92-10-027
preceptorship program	92-02-022	responsibilities	92-03-143
reciprocity	92-02-022	public water systems	
regulation	92-02-022	coliform monitoring and follow-up	92-04-070
temporary permits	92-02-022	rules coordinator	92-01-048
continuing education	92-12-090	rules, housekeeping changes	92-02-019
examinations	92-12-090		92-02-021
fees	92-03-140	temporary worker housing standards	92-04-082
	92-07-017	water recreation facilities	92-02-020
meetings	92-01-008	water safety teaching stations	92-02-020
preceptor or supervisory doctor	92-12-090	Health care information	
rules coordinator	92-01-048	acquisition, retention, and security	92-01-061
temporary permits	92-12-090		92-01-062
Community health clinics			92-07-080
eligibility determination and funds		Hearing aid council	
distribution	92-07-077	licenses	
	92-14-055	activities requiring	92-09-109
Criminal history, disclosure, and background		rules coordinator	92-01-048
inquiries	92-15-085	Home care agencies	
Dental disciplinary board		criminal history, disclosure, and background	
amalgam restoration practice standards	92-02-044	inquiries	92-15-085
	92-02-098	licensing fees	92-10-013
	92-06-007		92-15-084
infection control in dental offices	92-06-063	Home health agencies	
	92-06-064	criminal history, disclosure, and background	
	92-09-069	inquiries	92-15-085
mandatory reporting requirements	92-05-085	licensing fees	92-10-013
rules coordinator	92-01-048		92-15-084
rules update	92-05-012	Hospice agencies	
Dental examiners, board of		criminal history, disclosure, and background	
examinations	92-01-122	inquiries	92-15-085
licensure	92-01-122	licensing fees	92-10-013
rules coordinator	92-01-048		92-15-084
Dental hygienists		Hospitals	
expanded functions education program		criminal history, disclosure, and background	
application procedures	92-03-126	inquiries	92-15-085

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

fee schedules	92-07-097	Nursing homes	
Housing	92-12-028	ethnic minority nursing home beds	
temporary worker housing standards	92-04-082	certificate of need review	92-01-110
Mammography			92-05-057
quality assurance standards	92-05-011	Occupational therapy practice board	
Massage board		examinations	92-09-153
educational institutions		licenses	
approval	92-03-139	applicants licensed in other states	92-09-153
	92-15-153	continuing competency	92-09-153
curriculum	92-03-139	exemptions	92-09-153
	92-15-153	expired license, reinstatement	92-09-153
national educational institutions	92-03-139	inactive status	92-09-153
	92-15-153	initial applicants	92-09-153
educational requirements	92-03-139	rules coordinator	92-01-048
	92-15-153	substance abuse monitoring programs	92-09-153
rules coordinator	92-01-048	temporary practice permits	92-09-153
Medical disciplinary board		Open heart surgery services, certificate of need	
cooperation with investigation	92-07-058	review	92-09-086
	92-07-096		92-09-087
	92-10-069		92-12-015
	92-01-048	Optometry board	PERM 92-16-081
rules coordinator		contact lens	
Medical examiners, board of		identification on prescriptions	92-14-092
meetings	92-02-045	"prescription" defined	92-03-032
physicians and surgeons			92-14-092
temporary permits		records retention	92-03-032
fees	92-01-072		92-14-092
	92-08-062	specifications	92-14-092
issuance and duration	92-01-049	continuing education	92-02-095
	92-08-021		92-06-030
recognized jurisdictions	92-01-049	fees	92-01-071
	92-08-021		92-06-029
physicians assistants		licensure	
adjudicative proceedings	92-08-063	credentialing by endorsement	PROP 92-16-080
	92-12-089	qualifications	PROP 92-16-080
AIDS prevention and information education	92-08-063	reinstatement of lapsed license	PROP 92-16-080
	92-12-089	prescriptions	
certified physician assistants	92-08-063	identification	92-03-032
	92-12-089	rules coordinator	92-01-048
continuing medical education	92-08-063	substance abuse monitoring programs	92-02-095
	92-12-089		92-06-030
disciplinary actions	92-08-063	temporary practice permit	92-02-095
	92-12-089		92-06-030
licensure	92-08-063	trade name use	PROP 92-16-080
	92-12-089	Osteopathic medicine and surgery, board of	
prescriptions	92-08-063	examination and licensure	92-02-095
	92-12-089		92-13-065
supervision or sponsorship	92-08-063	licenses	
	92-12-089	denials	92-13-065
utilization	92-08-063	fees	92-06-028
	92-12-089		92-14-054
rules coordinator	92-01-048	inactive and reactivation	92-13-065
surgical assistants		permits	
duties	92-08-063	temporary practice	92-13-065
	92-12-089	rules coordinator	92-01-048
supervision	92-08-063	Pharmacy, board of	
	92-12-089	anabolic steroids	92-04-029
utilization	92-08-063	authority to order medications for	
	92-12-089	administration	PROP 92-16-096
Naturopathic physicians		continuing education requirements	92-03-029
medications, authority to use, prescribe,	92-02-097	controlled substances	
dispense, and order	92-06-020	anabolic steroids	92-04-029
		registration, recordkeeping, and storage	
Nursing, board of		requirements	92-04-029
advanced registered nurse practitioners		schedule	92-04-029
certification	92-14-126	facsimile prescription order transmission	92-03-095
definition	92-14-126		92-14-032
neonatal nurse practitioners	92-14-126	legend drugs	
catheterization in the schools	92-01-023	identification	92-03-096
rules coordinator	92-01-048		92-09-001
supervision of care and delegation of tasks	92-02-023		92-09-070
Nursing home administrators, board of examiners for		restrictions	92-03-096
rules coordinator	92-01-048		92-09-001
			92-09-070

Subject/Agency Index
(Citation in bold type refer to material in this issue)

samples			92-07-016
distribution	92-04-041	release	92-03-107
	92-09-072		92-03-141
distribution reports	92-04-042		92-07-016
	92-09-071	meetings	92-03-144
licenses			92-09-088
fees	92-03-124		92-14-091
	92-07-099	parenteral procedures	92-15-150
	92-08-061	rules coordinator	92-01-048
renewal	92-03-124	Radiation protection, general provisions	92-06-008
	92-07-099		92-13-074
	92-08-061	Radiologic technologists	
nonnarcotic stimulant drugs	92-04-029	x-ray technicians, registration	92-05-010
pharmaceutical wholesalers		Residential treatment facilities for psychiatrically	
licenses	92-10-070	impaired children and youth	
	92-15-069	criminal history, disclosure,	
record retention requirements	92-10-070	and background inquiries	92-15-085
	92-15-069	fees	92-10-014
regulation	92-10-070		92-15-048
	92-15-069	Respiratory care practitioners	
standards	92-10-070	educational programs	92-10-071
	92-15-069		92-15-032
pharmacist's professional responsibilities	92-04-040	fees	92-10-071
	92-08-058		92-15-032
practice and procedure	92-07-098	temporary practice permits	92-10-071
	92-10-026		92-15-032
	92-12-035	Rules coordinator	92-01-048
record retention requirements	92-07-098	Rules, housekeeping changes	92-02-018
	92-10-026	Rural health care facilities	
	92-12-035	criminal history, disclosure,	
rules coordinator	92-01-048	and background inquiries	92-15-085
rules update	92-07-098	Scoliosis screening	92-02-096
	92-10-026		92-06-067
	92-12-035	Sex offender treatment providers	
State Environmental Policy Act compliance	92-07-098	continuing education requirements	92-07-079
	92-12-035		92-12-027
Physical therapy, board of		Veterinary board of governors	
aide supervision ratio	92-08-039	animal technicians	
examination appeal procedures	92-08-039	applications	92-02-057
	92-08-111	examination eligibility	92-02-056
	PERM 92-16-082	post high school courses	92-02-056
		registration	
examination scores	92-08-110	fees	92-03-125
	92-08-111		92-07-036
	PERM 92-16-082	renewal	92-03-125
meetings	92-01-078		92-07-036
professional conduct	92-08-039	supervision of	92-02-057
records, requirements	92-08-039	board investigations	92-02-056
rules coordinator	92-01-048		92-03-074
standards for appropriateness of care	92-08-039		92-14-127
temporary permits	92-08-111		92-03-074
	PERM 92-16-082	examinations	92-14-127
unapproved schools, applicants from	92-08-039		
Podiatric medical board		facilities	
fees	92-06-058	recordkeeping requirements	92-14-127
	92-14-053	licenses	
rules coordinator	92-01-048	fees	92-03-125
Practical nursing board			92-07-036
approved substance abuse monitoring program	92-02-046	renewal	92-03-125
curriculum standards in approved program	92-02-046		92-07-036
	92-12-088	retired active	92-03-074
definitions	92-02-046	speciality	92-03-074
	92-12-088		92-14-127
discipline, standards of conduct	92-02-046	rules coordinator	92-01-048
	92-12-088	Water, drinking water certification	92-07-078
documents indicating authorization to practice	92-02-046	Water recreation facilities	92-02-020
examinations	92-12-088	Water safety teaching stations	92-02-020
executive secretary, qualifications	92-12-088	Water system evaluation and project review and approval	
rules coordinator	92-01-048	fees	92-10-025
Psychology, examining board of		X-ray technicians	
adjudicative proceedings	92-15-151	registration	92-05-010
	92-15-154		
ethical conduct	92-15-148	HIGHER EDUCATION COORDINATING BOARD	
health care information		American Indian endowed scholarship program	92-04-018
acquisition and retention	92-03-107		
	92-03-141		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Award for excellence in education academic grant program	92-13-077 92-15-136 PERM 92-16-037	Supervisor, definition	92-01-028 92-01-081 92-02-024 92-02-065 92-03-079 92-05-073 92-07-019 92-05-075 92-07-019
Health professional loan repayment and scholarship program	92-03-002		
State need grant program cost of attendance	92-08-076 92-09-141 92-11-022 92-11-023	Supervisor, premium pay	
Washington state scholars program	92-13-076 92-15-135 PERM 92-16-038	HIGHLINE COMMUNITY COLLEGE	
HIGHER EDUCATION PERSONNEL BOARD		Administrative procedures	92-09-152 92-15-115 92-09-152 92-15-115
Appeals		Admission and registration	
certified records' transmission to superior court	92-09-125 92-13-062 92-14-114 92-09-124 92-13-063 92-02-062 92-05-028 92-07-018 92-09-126 92-13-008	Athletes, loss of eligibility for unlawful drug use, procedure	92-09-152 92-15-115 92-09-152 92-15-115 92-09-152 92-15-115 92-09-152 92-15-115
receipt procedure	92-09-124 92-13-063 92-02-062 92-05-028 92-07-018 92-09-126 92-13-008	Board of trustees	92-09-152 92-15-115 92-09-152 92-15-115
rights of applicants	92-09-123 92-13-055 92-13-061 92-14-113	Debts, services withheld for outstanding	92-09-152 92-15-115
Director's responsibilities	92-09-123 92-13-055 92-13-061 92-14-113	Disciplinary hearings	92-09-152 92-15-115
Eligible lists	92-01-028 92-01-081 92-02-025 92-05-034 92-02-060 92-02-063 92-05-026 92-05-029 92-07-018 92-09-120 92-09-122 92-13-008	Discrimination	92-09-152 92-15-115
Examination process	92-02-061 92-05-027 92-07-018 92-09-121 92-13-008 92-02-059 92-02-064 92-03-079 92-05-072 92-07-019	Facilities use	92-09-152 92-15-115
Layoff options	92-02-066 92-05-025	Financial aid	92-09-152 92-15-115
Lead employee, definition	92-01-029 92-01-028 92-01-081 92-02-025 92-05-034 92-02-060 92-07-018 92-01-031 92-01-030 92-06-069 92-01-028 92-01-081 92-02-025 92-05-034	Meetings	92-15-115 92-09-079 92-09-152 92-15-115
Leave of absence without pay, excepted work period		Organization	92-09-152 92-15-115
Meetings		Parking and traffic rules	92-09-152 92-15-115
Overtime		Policies and procedures	92-09-152 92-15-115
Position requirements		Public records, availability	92-09-152 92-15-115
Reemployment, reasonable accommodation		Rules coordinator	92-09-152 92-15-115
Rules coordinator		Scholarships	92-09-152 92-15-115
Schedule changes		Sexual harassment	92-09-152 92-15-115
		State Environmental Policy Act compliance	92-09-152 92-15-115
		Student records	92-09-152 92-15-115
		Student rights and responsibilities	92-09-152 92-15-115
		Tuition and fee schedule	92-09-152 92-15-115
		HISPANIC AFFAIRS, COMMISSION ON	
		Meetings	92-03-014 92-08-046
		HORSE RACING COMMISSION	
		Appeals	92-12-068 92-13-089
		Jockey agents powers and duties	92-15-097
		Racing facility applicant, defined	92-12-066 92-13-087 92-12-067 92-13-088 92-12-067 92-13-088 92-12-067 92-13-088
		license applications	
		management, disclosure	
		Stewards decisions	92-12-066 92-13-087 92-12-068 92-13-089
		punishment, authority to award	

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

HUMAN RIGHTS COMMISSION		entry and inspection, department authority	92-10-078
Meetings	92-01-075		92-15-099
	92-01-076	Agricultural safety standards	92-08-098
	92-02-077		92-11-072
	92-05-074	Boiler rules, board of definitions	92-08-087
	92-06-031		92-11-070
	92-07-094	meetings	92-01-006
	92-09-082		92-14-029
	92-10-073	new construction standards	92-08-087
	92-12-077		92-11-070
	92-13-067	nonnuclear repairs and alterations	92-08-087
	92-15-092		92-11-070
INDUSTRIAL INSURANCE APPEALS, BOARD OF		rule interpretation and revision	92-08-087
Rules coordinator	92-04-002		92-11-070
INFORMATION SERVICES, DEPARTMENT OF		Chiropractic services treatment limitation	92-07-100
Information services board meetings	92-02-004		92-08-097
Rules coordinator	92-01-039	Commercial diving operations safety standards	92-15-147
INSURANCE COMMISSIONER, OFFICE OF		Construction safety standards	92-03-137
Disability insurance			92-08-099
minimum reserve standards	92-15-103		92-09-148
Hazardous condition of insurers			92-12-087
authority of commissioner	92-15-102		92-15-147
standards for determining	92-15-102	Crime victim compensation	
Health care service contractors		allowed charges for hospital services	92-09-149
participating provider contracts	92-06-056		92-11-071
	92-09-044		PERM 92-16-033
Health insurance		Electrical inspections	
solicitation of preproposal comment	92-14-129	fees	92-03-136
Health maintenance organizations			92-08-102
participating provider contracts	92-06-055		92-08-103
	92-09-044A		92-09-010
			92-09-011
Insurers		Electricians	
financial reports		contractor licensing fees	92-03-136
annual audits	92-15-104		92-08-102
hazardous condition			92-08-103
authority of commissioner	92-15-102		92-09-010
standards for determining	92-15-102		92-09-011
Longshore and harbor workers		fees	92-03-136
assigned risk plan	92-14-085		92-08-102
	PROP 92-16-092		92-08-103
Mammograms			92-09-010
coverage requirements and exceptions	92-13-013		92-09-011
	92-13-014		
	92-13-086	Explosives	
	PERM 92-16-009	safety standards	92-12-087
	PROP 92-16-093	Hazardous chemicals	
Medicare supplement insurance		safety standards	92-12-087
benefit plans	92-14-130	Indoor air quality standards	
standardized policy forms	92-01-045	solicitation of preproposal comment	92-03-135
	92-06-021	Longshore, stevedore, and waterfront operations	92-15-147
	92-01-032	Medical services	
Rules coordinator		nursing services and attendant care	92-05-041
Salvage and subrogation recoveries		Minors	
annual statement	92-15-101	nonagricultural employment	92-12-093
			92-14-115
INTEREST RATES			92-15-100
(See inside front cover)		Nonagricultural employment of minors	92-12-093
			92-14-115
INVESTMENT BOARD			92-15-100
Meetings	92-01-090	Occupational health standards	
	92-12-051	general	92-03-137
			92-08-100
JUDICIAL CONDUCT, COMMISSION ON			92-15-147
Meetings	92-03-020	Prevailing wages	
	92-09-056	terms and procedures used to determine for public	
Rules coordinator	92-02-029	works projects	92-01-104
			92-08-101
LABOR AND INDUSTRIES, DEPARTMENT OF		Rules coordinator	92-05-038
Agricultural labor		Safety and health standards	
emancipated minors	92-10-078	commercial diving operations	92-15-147
	92-15-099		

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

construction work	92-12-087	Auctioneers	
explosives	92-15-147	records requirements	92-09-097
general	92-12-087		92-13-045
	92-12-087	suit or complaint notification	92-09-097
	92-15-147		92-13-045
hazardous chemicals	92-12-087	Business license services	
longshore, stevedore, and waterfront operations	92-15-147	trade name searches, fees	92-07-095
Vocational rehabilitation providers			92-10-010
audits	92-14-116	Cosmetology, barbers, manicurists, and estheticians	92-04-006
Workers' compensation			92-10-079
labor/management cooperation program	92-03-053	Disabled persons	92-15-087
reforestation industry	92-13-091	parking privileges	92-03-076
rules, classifications, rates, and rating system		Financial Responsibility Act	
revisions	92-06-034	administrative procedures	92-05-061
			92-08-045
LAKE WASHINGTON TECHNICAL COLLEGE		For hire vehicles	
Board of trustees	92-12-049	permits and certificates, fees	92-09-145
	92-15-081		92-12-036
Debts, services withheld for outstanding	92-12-049	Franchises	
	92-15-081	accredited investor, defined	92-02-054
Facilities use	92-12-049	selling agent record requirements	92-02-054
	92-15-081	uniform franchise offering circular	92-02-054
Financial aid	92-12-049	Fuel tax	
	92-15-081	property assignments in lieu of bond	PROP 92-16-040
Grievance procedures	92-12-049	Landscape architects	
	92-15-081	examinations	92-05-013
Library use	92-12-049		92-10-030
	92-15-081	Master license application	
Meetings	92-02-034	trade name searches, fees	92-07-095
Organization and operation	92-12-049		92-10-010
	92-15-081	Motor vehicles	
Parking and traffic	92-12-049	certificate of title	92-11-048
	92-15-081		92-15-024
Practice and procedure	92-12-049	destroyed vehicle rebuilt	92-11-047
	92-15-081		92-15-022
Public records, availability	92-12-049	destroyed vehicle reporting	92-11-047
	92-15-081		92-15-022
Rules coordinator	92-12-049	disabled persons, parking privileges	92-03-076
	92-15-081	fleet vehicles	
Scholarships	92-12-049	license fee and excise tax abatement	92-11-048
	92-15-081		92-15-024
State Environmental Policy Act compliance	92-12-049	registration	92-11-050
	92-15-081		92-15-025
Student conduct code	92-12-049	for hire vehicles	
	92-15-081	permits and certificates, fees	92-09-145
Tuition and fee schedule	92-12-049		92-12-036
	92-15-081	gross weight license	92-02-100
		license fees	
		monthly abatement	92-02-100
		license renewals	92-11-050
			92-15-025
LAW REVISION COMMISSION		off-road and nonhighway vehicle use permits	92-11-049
Meetings	92-11-064		92-15-021
	92-15-018	registration	92-02-100
	92-15-078		92-11-048
Membership and duties	92-11-064		92-15-021
	92-15-018	rental cars	
Organization and operation	92-11-064	excise tax abatement	PROP 92-16-086
	92-15-018	snowmobiles	
Public records, availability	92-11-064	registration	92-11-049
	92-15-018		92-15-021
Research projects	92-11-064	temporary permits, departmental	92-03-077
	92-15-018	transit permits	92-11-050
			92-15-025
		travel trailers and campers title purpose	
LEGAL FOUNDATION OF WASHINGTON		only documents	
Meetings	92-08-008	issuance	92-11-048
	92-11-031		92-15-024
	92-15-072	veterans	
		free license	92-02-100
LICENSING, DEPARTMENT OF		Motorcycle safety advisory board	
Administrative procedures	92-05-061	meetings	92-01-011
	92-08-045		
Aircraft fuel tax			
mitigation of penalties and interest	92-01-015		
Architects, board of registration for meetings	92-01-019		
	92-05-062		

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

Public records disclosure	92-05-088 92-09-107	LOTTERY COMMISSION Beat the State definitions	92-03-146 92-05-069 92-08-002
Real estate appraisers certification application	92-14-084	drawings	92-03-146 92-05-069 92-08-002
Real estate appraisers definitions	92-14-084		92-12-091 92-15-083
Real estate appraisers examinations	92-14-084	play	92-03-146 92-05-069 92-08-002
Real estate appraisers experience requirements	92-14-084	price	92-03-146 92-05-069
Real estate appraisers fees	92-14-084	prizes	92-03-146 92-05-069 92-08-002
Real estate appraisers temporary practice	92-14-084	purchases	92-03-146 92-05-069 92-08-002
Real estate commission meetings	92-03-016 92-03-033	suspension or termination	92-03-146 92-05-069 92-08-002
Rules coordinator	92-03-001		
Securities division appraisals	92-14-089	Daily 80 definitions	PROP 92-16-101
Securities division escrow accounts	92-14-089	drawings	PROP 92-16-101
Securities division offering circulars	92-14-089	play	PROP 92-16-101
Securities division real estate mortgages when offered or sold as a unit	92-14-090	price	PROP 92-16-101
Securities division recordkeeping requirements	92-14-089	prizes	PROP 92-16-101
Securities division registration requirements	92-14-089	ticket purchases	PROP 92-16-101
Special fuel tax mitigation of penalties and interest	92-01-016	Daily Game drawings	92-08-093 92-11-033 92-12-091 92-15-082
Special fuel tax user license	92-01-014		PERM 92-16-004
Title and registration advisory committee meetings	92-13-046 92-14-049		
Vessel registration confidential vessel registration	92-11-046 92-15-023		
Vessel registration exemptions	92-03-075		
Vessel registration ownership transfer	92-03-075		
Vessel registration temporary permit to operate	92-06-009		
Vessel registration title or registration application	92-03-075		
Vessel registration title transfer	92-06-009		
LIQUOR CONTROL BOARD			
Alcohol raffle permit	92-01-079	<u>Instant game number 69 - Gold Rush</u>	
Bad order claims, procedures	92-09-143 92-14-028	criteria	92-03-048
Banquet permit functions liquor sources, purchase, and delivery	92-01-080	<u>Instant game number 71 - Lucky 7's II</u>	
Beer bad order claims, procedures	92-09-143 92-14-028	criteria	92-03-048
Beer label approval	92-03-109	definitions	92-03-048
Conduct on licensed premises, regulation	92-01-105	ticket validation	92-03-048
Licensed premises conduct on, regulation managers	92-01-105 92-08-084 92-14-023	<u>Instant game number 73 - Whirlwin</u>	
Licenses applicant certification	92-08-085 92-14-024	criteria	92-03-048
Licenses class A and/or D criteria	92-08-089 92-14-026	definitions	92-03-048
Licenses class H criteria	92-08-086 92-08-088 92-14-022	ticket validation	92-03-146 92-05-069
Meetings	92-14-025 92-09-142 92-14-027	<u>Instant game number 75 - Wildcard</u>	
Operations and procedure	92-09-142 92-14-027	criteria	92-08-002
Rules coordinator	92-03-017	definitions	92-08-002
Wholesalers stock movement	92-02-014	ticket validation	92-08-002
Wine label approval	92-03-110	<u>Instant game number 76 - Gold & Glory</u>	
		criteria	92-03-146 92-08-002
		definitions	92-03-146
		ticket validation	92-03-146
		<u>Instant game number 77 - Wildcard</u>	
		criteria	92-03-146
		definitions	92-03-146
		ticket validation	92-03-146

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<u>Instant game number 77 - Three Cards Up</u>		On-line games	
criteria	92-08-093	criteria	92-08-093
	92-11-033		92-11-033
definitions	92-08-093	definitions	92-08-093
	92-11-033		92-11-033
ticket validation	92-08-093	drawings	92-08-093
	92-11-033		92-11-010
			92-11-033
<u>Instant game number 78 - Applebucks</u>		<u>Instant game number 86 - Card Sharks</u>	
criteria	92-08-093	criteria	PROP 92-16-101
	92-11-033	definitions	PROP 92-16-101
definitions	92-08-093	ticket validation	PROP 92-16-101
	92-11-033		
ticket validations	92-08-093	<u>Instant game number 87 - Double Dribble</u>	
	92-11-033	criteria	PROP 92-16-101
		definitions	PROP 92-16-101
<u>Instant game number 79 - Movie Money</u>		ticket validation	PROP 92-16-101
criteria	92-08-093		
	92-11-033	<u>Instant game number 88 - Money Tree</u>	
definitions	92-08-093	criteria	PROP 92-16-101
	92-11-033	definitions	PROP 92-16-101
ticket validation	92-08-093	ticket validation	PROP 92-16-101
	92-11-033		
<u>Instant game number 80 - Bowling for Bucks</u>		<u>Paper scratch game number 501 - Jackpot</u>	
criteria	92-08-093	criteria	92-03-048
	92-11-033	definitions	92-03-048
definitions	92-08-093	ticket validation	92-03-048
	92-11-033		
ticket validation	92-08-093	<u>Paper scratch game number 502 - Lucky Charm</u>	
	92-11-033	criteria	92-03-048
		definitions	92-03-048
<u>Instant game number 81 - Joker Poker</u>		ticket validation	92-03-048
criteria	92-12-091		
	92-15-082	<u>Paper scratch game number 503 - Jacks-R-Better</u>	
definitions	92-12-091	criteria	92-03-048
	92-15-082	definitions	92-03-048
ticket validation	92-12-091	ticket validation	92-03-048
	92-15-082		
		<u>Paper scratch game number 504 - Treasure Hunt</u>	
<u>Instant game number 82 - 10th Anniversary Game</u>		criteria	92-03-146
criteria	92-12-091		92-08-094
	92-15-082	definitions	92-03-146
definitions	92-12-091		92-08-094
	92-15-082	ticket validation	92-03-146
ticket validation	92-12-091		92-08-094
	92-15-082		
		<u>Paper scratch game number 505 - Rooster Tail</u>	
<u>Instant game number 83 - Surprise Package</u>		criteria	92-03-146
criteria	92-12-091		92-08-094
	92-15-082	definitions	92-03-146
definitions	92-12-091		92-08-094
	92-15-082	ticket validation	92-03-146
ticket validation	92-12-091		92-08-094
	92-15-082		
		<u>Paper scratch game number 506 - Criss Cross</u>	
<u>Instant game number 84 - Fat Cat</u>		criteria	92-03-146
criteria	92-12-091		92-08-094
	92-15-082	definitions	92-03-146
definitions	92-12-091		92-08-094
	92-15-082	ticket validation	92-03-146
ticket validation	92-12-091		92-08-094
	92-15-082		
		Paper scratch games	
<u>Instant game number 85 - 7-11-21</u>		authorization	92-03-048
criteria	92-12-091	criteria	92-03-048
	92-15-082	definitions	92-03-048
definitions	92-12-091	retailer settlement	92-03-048
	92-15-082	ticket validation	92-03-048
ticket validation	92-12-091		
	92-15-082	Quinto	
		definitions	92-08-093
Lotto			92-11-033
definitions	92-08-093	drawings	92-12-091
	92-11-033		92-15-083
play prize	92-08-093	play price	92-08-093
	92-11-033		92-11-033
prizes	92-03-146	Retailers	
	92-07-014	compensation	PROP 92-16-101
	92-08-093		
	92-11-033	LOWER COLUMBIA COLLEGE	
		Adjudicative proceedings	92-04-058
			92-09-005
		Admission, registration and graduation	92-04-062
			92-09-008

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Athletes, loss of eligibility for unlawful drug use	92-04-060	Land descriptions, guidelines	92-03-007
	92-09-006	Leasing of state-owned lands	
Discrimination, grievance procedure	92-04-064	geothermal resources development	92-06-003
	92-09-092	performance security	92-06-003
Facilities use	92-04-063	procedure	92-12-075
	92-09-009	Milwaukee Road corridor, recreational use	92-05-036
Grievance procedure for discriminatory conduct	92-04-064	Natural heritage advisory council	
	92-09-092	meetings	92-10-072
Records index	92-04-057	Natural resources, board of	
	92-09-004	meetings	92-03-054
Sexual harassment, grievance procedure	92-04-064		92-13-004
	92-09-092		92-15-019
Student records access	92-04-065		EMER 92-16-053
	92-09-093		PROP 92-16-056
Student rights and responsibilities	92-04-059	Outdoor burning	
	92-09-094	suspension	92-13-057
Tenure	92-04-061	Public records	
	92-09-007	copying fees	92-12-074
MARINE OVERSIGHT BOARD		Rules coordinator	92-01-026
Meetings	92-12-069	Surface mining	
	MISC 92-16-031	reclamation obligations	
		performance securities	92-15-138
		"segment" defined	92-10-068
MARINE SAFETY, OFFICE OF		NOXIOUS WEED CONTROL BOARD	
Regional marine safety committees		(See AGRICULTURE, DEPARTMENT OF)	
meetings	92-12-070		
	92-12-071	OLYMPIC AIR POLLUTION CONTROL	
	92-12-072	AUTHORITY	
	92-12-073	Solid fuel burning devices	
	92-13-068	requirements if failure to meet attainment	92-03-012
	92-13-069	Violations	
	MISC 92-16-023	civil penalties	92-05-048
Rules coordinator	92-05-014	notice and hearing	92-09-079
			92-05-048
MARITIME COMMISSION			92-09-079
Assessments		Woodstoves requirements if failure to meet	
rates and terms	92-03-061	attainment	92-03-012
	92-15-050		
Meetings	92-02-027	OUTDOOR RECREATION, INTERAGENCY	
	92-08-073	COMMITTEE FOR	
Rules coordinator	92-05-003	Meetings	92-01-005
			92-04-052
MINORITY AND WOMEN'S BUSINESS			92-04-053
ENTERPRISES, OFFICE OF			92-05-030
Adjudicative proceedings	92-11-018		92-12-078
	92-11-019		MISC 92-16-047
	92-15-077		
Administrative procedures	92-07-001	PARKS AND RECREATION COMMISSION	
	92-07-102	Environmental learning centers	92-07-083
	92-07-103		92-10-018
	92-11-007	Field operations	
Bid specifications	92-09-151	staff dress standards	92-01-106
Contract substitutions	92-09-151		92-04-072
Goals and goal setting	92-09-151	Fort Worden	
	92-14-121	reservation system	92-01-038
Joint ventures	92-09-151		92-05-002
Meetings	92-02-084	Land exchange	
Reporting requirements	92-09-151	fee	92-09-158
			92-11-025
NATURAL RESOURCES, DEPARTMENT OF			92-12-082
Adjudicative proceedings	92-01-027		92-15-121
	92-15-137	Marine facilities	
Burning permit program		moorage	PROP 92-16-097
requirements and exceptions	92-11-075	use	PROP 92-16-097
	92-14-096	Meetings	92-01-036
Fees		Metal detectors	
public records, copying	92-12-074	use in state parks	92-12-080
Forest closures			92-15-118
closed season	92-09-061	Motor vehicles	
	92-14-131	use in state parks	PROP 92-16-097
Forest practices board		Ocean beaches	
see FOREST PRACTICES BOARD		permitted activities	
Geothermal resources development	92-06-003	violations	PROP 92-16-097
Land boundary surveys and geodetic control			
surveys, standards	92-03-007		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Parks		Reinstatement following appeal	92-04-034
permitted activities			92-08-009
violations	PROP 92-16-097	Salary schedule	
Public records		assignment pay	PROP 92-16-073
copying fees	92-07-062	range	PROP 92-16-073
	92-10-019	reduction in salary	PROP 92-16-074
Rules coordinator	92-01-037	Shift premium provisions and compensation	92-06-090
Sno-park permit			92-08-092
decals display	92-09-160		92-10-012
	92-11-081		92-12-029
	92-12-012		92-12-031
	92-15-119		92-14-063
fees	92-09-159		92-14-064
	92-12-052	Sick leave, paid	
	92-12-081	family care requirements	92-03-098
	92-15-120	Suspension	PROP 92-16-074
		Unauthorized leave	
		presumption of abandonment, procedures	92-04-034
PERSONNEL APPEALS BOARD			92-08-009
Briefing schedules	92-05-049		
Motions		PERSONNEL, DEPARTMENT OF	
filing deadlines	92-05-049	Rules coordinator	92-01-087
Rules coordinator	92-03-027		
Service requirements	92-05-049	PIERCE COLLEGE	
PERSONNEL BOARD		Meetings	92-01-003
Career executive program			92-15-075
employee selection	92-10-065	Personnel rules	92-01-085
	92-14-067		92-03-031
position nomination procedures	92-03-100	Rules coordinator	92-01-004
removal from program	92-10-065		
	92-14-067	PILOTAGE COMMISSIONERS, BOARD OF	
Certification		Licenses	
errors and correction	92-02-009	pilots	92-08-049
Classified and exempt service, movement between	92-06-089		92-08-053
	92-10-011		92-14-070
	92-12-030	reinstatement	92-08-050
	92-14-068	renewal	92-03-108
	PROP 92-16-072		92-04-073
College recruitment program	92-10-066		92-08-050
	92-14-066	retired pilots	92-03-108
Demotion	PROP 92-16-074	New pilots	
	PROP 92-16-076	licensing	92-08-049
Disciplinary actions	92-08-096		92-08-053
	92-12-032		92-14-070
Dismissal		limitations	92-04-075
unauthorized leave, procedures	92-04-034		92-08-051
	92-08-009	qualifications	92-08-054
Elevation, qualification	92-14-065		92-07-075
	PROP 92-16-076		92-12-079
Exempt and classified service, movement between	92-06-089		92-15-064
	92-10-011	Pilotage tariff rates	
	92-12-030	Grays Harbor pilotage district	92-08-048
	92-14-068		92-11-035
	PROP 92-16-072		92-14-069
Family care requirements	92-03-098	Puget Sound pilotage district	92-07-076
	92-03-101		92-14-007
Leave			92-14-008
family care needs	92-03-098	Rules coordinator	MISC 92-16-005
	92-03-101	Vessel certification form	92-04-074
without pay, effects	92-08-091		92-08-052
	92-12-033		
"Manager" defined	92-03-099	POLLUTION LIABILITY INSURANCE AGENCY	
Nurses		Eligibility assessment reimbursement	92-06-060
shift premium provisions	92-08-092		92-09-091
	92-12-031	Rules coordinator	92-04-033
	92-14-064		
Paid sick leave	92-03-098	PROFESSIONAL ATHLETIC COMMISSION	
Part-time employees, promotional rights	92-02-010	Rules coordinator	92-14-021
Position allocation and reallocation	PROP 92-16-075		
Promotional rights, part-time employees	92-02-010	PUBLIC DISCLOSURE COMMISSION	
Reduction in force		Advertising	
exempt and classified service, movement		"reelect," "retain," or "return" used in	
between	PROP 92-16-072	political advertising	92-08-104
reasons, regulations, and procedure	PROP 92-16-072		92-12-037

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Auctions			
items donated and sold, report form	92-15-116		
Campaigns			
contributions and expenditures form	92-12-084		
filing	92-12-084		
registration statements	92-12-084		
reporting, abbreviated	92-05-079		
	92-12-084		
Compensation			
sales commissions, reporting	92-05-078		
	92-05-082		
	92-08-105		
Contributions			
contribution and expenditure form	92-01-131		
	92-05-080		
	92-12-084		
limitations	92-05-079		
"receipt" defined	92-05-081		
Disclosure petition form	92-01-131		
	92-05-080		
Organization	92-03-005		
Redistricting			
"reelect," "retain," or "return" used in	92-08-104		
political advertising	92-12-037		
Reporting requirements			
hearing to modify	92-01-131		
	92-05-080		
suspension of	92-01-131		
	92-05-080		
Sales commissions			
reporting requirements	92-05-078		
	92-05-082		
	92-08-105		
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Allocations, 1991-93			
early intervention services	92-02-026		
special	92-03-023		
Budget extension, filing deadline	92-03-024		
Early intervention services			
allocations	92-02-026		
Elementary and secondary school amendments of			
1988 compliance	92-11-028		
Excellence in education awards	92-03-063		
Financial assistance to local school districts			
compliance with federal regulations	92-10-062		
	92-11-028		
Institutional education program	92-03-045		
	92-15-094		
Learning assistance programs			
waiver of regulations	92-06-053		
	92-15-071		
Local school districts financial assistance,			
state compliance with federal regulations	92-10-062		
Low-income student eligibility			
documentation	92-15-122		
Maintenance and operation levies	92-15-002		
Public records, availability	92-06-052		
	92-10-016		
Special education			
waiver of regulations	92-06-053		
	92-15-071		
Teacher assistance program	92-01-082		
	92-05-068		
Traffic safety education program			
allocation procedures	92-15-093		
low-income student tuition assistance	92-03-138		
minimum hour requirements	92-03-138		
program requirements	92-15-123		
Transportation			
allocations for operations	92-04-009		
	92-08-024		
	92-15-146		
		PUBLIC WORKS BOARD	
		(See COMMUNITY DEVELOPMENT, DEPARTMENT OF)	
		PUGET SOUND AIR POLLUTION CONTROL AGENCY	
		Acceptable source impact levels	92-03-092
		Aerators and sterilizers	
		ethylene oxide emission control	92-03-091
		Chromic acid plating and anodizing	92-03-091
		Civil penalties	PROP 92-16-048
		Compliance dates	92-03-102
		Definitions	92-03-092
			92-03-102
			92-01-089
		Fees	PROP 92-16-048
		Gasoline	
		loading terminals	92-03-073
		stations	92-03-073
		Mandatory training programs	
		surcharge	PROP 92-16-048
		Outdoor fires	
		exemptions from prohibitions	92-04-056
			92-09-098
			92-14-119
		prohibited areas	92-04-056
			92-09-098
			92-14-119
		prohibited types	92-04-056
			92-09-098
		Perchloroethylene dry cleaner	92-03-092
		Registration program, fee schedule	92-01-089
		Sterilizers and aerators	
		ethylene oxide emission control	92-03-091
		PUGET SOUND WATER QUALITY AUTHORITY	
		Meetings	92-07-004
			92-09-015
			92-15-017
		Water quality management plan programs	92-01-141
		RENTON TECHNICAL COLLEGE	
		Meetings	92-13-003
		Rules coordinator	92-13-003
		RETIREMENT SYSTEMS, DEPARTMENT OF	
		Early retirement	92-11-027
		Fees	
		untimely or inaccurate reports by employers	92-11-027
			92-12-048
			PERM 92-16-032
		Rules coordinator	92-01-077
			92-11-026
		REVENUE, DEPARTMENT OF	
		Accounting	
		accrual method, tax reporting duties	92-03-026
		cash receipts reporting	92-03-026
		Agricultural land valuation	92-03-068
		Business and occupation tax	
		life insurance agents, brokers, and solicitors,	
		definition	92-02-002
			92-03-067
		Cigarette vendor licenses	92-02-003
			92-03-065
			92-06-081
		Computer software	
		definitions	92-01-132
		valuation and taxation	92-01-132
		Cosmetologists, barbers, and manicurists	
		"engaging in business" defined	92-03-066
			92-06-082
		Employees distinguished from persons engaging	
		in business	92-02-001
			92-03-066
			92-06-082

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Hotels and motels		RULES COORDINATORS	
telephone service, taxation on	92-01-041	Asian American affairs, commission on	92-15-124
	92-05-064	Bates Technical College	92-07-101
Interest and penalties	92-03-025	Blind, Washington state school for the	92-01-021
Life insurance agents, brokers, and solicitors		Building code council	92-12-010
"employee" defined	92-03-066	Central Washington University	92-01-107
	92-03-067	Chiropractic disciplinary board	92-01-048
	92-06-082	Chiropractic examining board	92-01-048
taxability of amounts received by	92-02-002	Clover Park Technical College	92-04-038
	92-15-147A		92-12-050
Lodging, persons selling		Code reviser's office	92-01-001
services and other business activities,		County road administration board	92-02-047
taxation on	92-01-041		92-04-017
	92-05-064	Deaf, Washington state school for the	92-01-020
Oil spill response and administration tax offloading		Dental disciplinary board	92-01-048
crude oil or petroleum product from vessel	92-04-015	Dental examining board	92-01-048
	92-07-092	Eastern Washington University	92-02-030
	92-10-006		92-04-054
solicitation of preproposal comment	92-05-052	Ecology, department of	92-11-024
Penalties and interest	92-03-025		92-01-094
Persons engaging in business, definition	92-02-001	Environmental hearings office	92-06-047
	92-03-066	Forest practices board	92-03-008
	92-06-082	Gambling commission	92-01-118
Property tax		General administration, department of	92-03-036
deferral of assessments and/or tax	92-04-068	Growth planning hearings boards	92-05-037
	92-04-078		92-12-022
	92-06-038	Health, board of	92-15-133
	92-15-057	Health care authority	92-01-048
disabled persons, exemption	92-04-069		92-06-001
	92-04-079	Health, department of	92-07-061
	92-06-039	Hearing aids council	92-01-048
	92-15-058	Higher education personnel board	92-01-030
refunds			92-06-069
rate of interest	92-14-086	Highline Community College	92-09-152
senior citizens, exemption	92-04-069	Industrial insurance appeals, board of	92-04-002
	92-04-079	Information services, department of	92-01-039
	92-06-039	Insurance commissioner, office of	92-01-032
	92-15-058	Judicial conduct, commission on	92-02-029
Public utility tax		Labor and industries, department of	92-05-038
energy conservation and cogeneration		Lake Washington Technical College	92-12-049
deductions	92-15-044	Licensing, department of	92-03-001
Refunds for overpayment of taxes	92-05-017	Liquor control board	92-03-017
Rules coordinator	92-01-055	Marine safety, office of	92-05-014
Sales tax		Maritime commission	92-05-003
legend drugs, exemption	92-01-042	Massage board	92-01-048
	92-05-065	Medical disciplinary board	92-01-048
prosthetic and orthotic devices, ostomic items,		Medical examiners, board of	92-01-048
and medically prescribed oxygen, exemption	92-01-042	Natural resources, department of	92-01-026
	92-05-065	Nursing, board of	92-01-048
Special assessments		Nursing home administrators, board of	
deferral	92-04-068	examiners for	92-01-048
	92-04-078	Occupational therapy practice, board of	92-01-048
	92-06-038	Optometry board	92-01-048
Statute of limitations on assessments	92-15-045	Osteopathic medicine and surgery board	92-01-048
Timber excise tax		Parks and recreation commission	92-01-037
stumpage sales reporting	92-10-060	Personnel appeals board	92-03-027
	92-14-111	Personnel, department of	92-01-087
	92-14-112	Pharmacy, board of	92-01-048
stumpage values	92-02-067	Physical therapy, board of	92-01-048
	92-06-037	Pierce College	92-01-004
	92-06-040	Pilotage commissioners, board of	MISC 92-16-005
	92-06-057	Podiatric medical board	92-01-048
	92-08-018	Pollution liability insurance agency	92-04-033
	92-10-061	Practical nursing, board of	92-01-048
	92-14-083	Professional athletic commission	92-14-021
Use tax		Psychology, examining board of	92-01-048
automobile dealers		Renton Technical College	92-13-003
demonstrator and executive vehicles	92-01-044	Retirement systems, department of	92-01-077
	92-05-066		92-11-026
legend drugs, exemption	92-01-042	Revenue, department of	92-01-055
	92-05-065	Shoreline Community College	92-02-043
prosthetic and orthotic devices, ostomic items,		Skagit Valley College	92-03-060
and medically prescribed oxygen, exemption	92-01-042	Social and health services, department of	92-03-072
	92-05-065	South Puget Sound Community College	92-15-006

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Tax appeals, board of	92-01-060	SKAGIT VALLEY COLLEGE	
Trade and economic development, department of	92-03-071	Meetings	92-01-102
Traffic safety commission	92-04-066		92-05-032
Transportation commission	92-03-003	Rules coordinator	92-03-060
Transportation improvement board	92-05-059		
Transportation, department of	92-03-004	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
University of Washington	92-02-036	Adult family homes	
Utilities and transportation commission	92-01-113	allocation of income	PROP 92-16-028
Veterinary board of governors	92-01-048	licensing requirements	92-04-035
Washington state library	92-14-034		92-06-011
Washington state patrol	92-01-010		92-08-056
Washington State University	92-06-016		92-12-009
Whatcom Community College	92-03-011		92-15-043
Wildlife, department of	92-12-021		92-15-144
		Aid to families with dependent children	
SEATTLE COMMUNITY COLLEGES		child day care services	92-08-029
Meetings	92-02-032		92-08-030
	92-04-012		92-11-062
	92-06-025	consolidated emergency assistance program	
	92-08-019	eligibility	92-08-005
	92-09-003		92-08-006
	92-14-006		92-10-034
	92-15-005		92-11-056
	MISC 92-16-089		92-14-031
			92-15-074
SECRETARY OF STATE		emergent situations	
Absentee ballot procedures	92-05-023	requirements	92-05-035
telephone requests	92-15-140		92-09-033
Archives and records management, division of		fair hearing process	92-11-002
archives/public records access	92-12-076		92-14-050
local records, disposition authorization	92-09-018		92-15-059
local records committee, membership and duties	92-09-017	income and resources disregard	92-05-005
public records, disposal methods	92-02-068		92-05-008
	92-05-060		92-09-029
recycling, disposal of records by	92-02-068	income assistance child care program	92-01-136
	92-05-060	income budgeting practices	92-15-131
security microfilm storage	92-04-026		92-15-132
	92-08-020	JOBS program participation	92-10-034
			92-14-031
Elections		mandatory monthly reporting requirements	92-15-143
absentee ballot procedures	92-05-023		92-15-145
telephone requests	92-15-140	medical programs eligibility	92-05-006
electronic facsimile documents			92-05-007
filing procedures	92-15-141		92-09-030
presidential preference primary	92-05-023	quarter of work, definition	92-02-072
	92-08-032		92-02-074
procedures	92-09-112		92-04-024
	92-10-038		92-08-041
	92-12-083	registration with public employment agency	92-10-034
International student exchange agencies			92-14-031
registration	92-02-103	Alcohol or drug addiction	
	92-02-104	program eligibility	92-03-047
	92-10-023	referral criteria	92-03-047
	92-15-070	Child care	
Local records committee		day care	
membership and duties	92-09-017	general and seasonal services	92-08-029
records, disposition authorization	92-09-018		92-08-030
Presidential preference primary			92-11-062
absentee ballot procedures	92-05-023	licensing requirements	92-04-035
	92-08-032		92-06-011
Productivity board			92-08-056
teamwork incentive program	92-04-077		92-12-009
	92-09-048		92-15-043
Security microfilm storage		disqualification from authority to	
	92-04-026	care for children	92-02-101
	92-08-020		92-04-022
			92-08-038
SHORELINE COMMUNITY COLLEGE		providers	
Hepatitis B immunization for health occupations students	92-04-055	criminal history inquiry	92-03-148
	92-08-040	Child support	
Immunization for health occupations students		assignment of support rights	92-08-001
	92-04-055		92-13-025
	92-08-040		92-13-026
Meetings	92-03-057		
Rules coordinator	92-02-043		

Subject/Agency Index
(Citation in bold type refer to material in this issue)

eligibility for services	92-08-001	retrospective	92-13-052
	92-13-025		PERM 92-16-017
enforcement	92-13-026	income exclusions	92-03-119
	92-08-001		92-08-108
	92-13-025		92-08-109
obligations	92-13-026	income reporting	92-11-063
	92-02-049		92-13-053
	92-02-050		PERM 92-16-016
	92-04-021	intentional program violations	92-09-028
	92-08-001		92-12-044
responsibilities of office of support enforcement	92-08-034	monthly reporting	92-09-066
	92-13-025		92-12-042
	92-13-026	overissuances	92-09-037
			92-12-043
	92-08-001	prospective income budgeting	92-13-051
	92-13-025		PERM 92-16-018
	92-13-026	resources exemptions	92-06-042
Civil commitment cost reimbursement			92-06-045
sexually violent predator		retrospective income budgeting	92-09-117
law enforcement costs	92-15-008		92-13-052
Community options program entry system (COPES)			PERM 92-16-017
program restrictions	92-15-130	"student" defined	92-08-010
	92-15-142		92-08-014
	EMER 92-16-103	student eligibility	92-11-059
Developmentally disabled			92-08-012
eligibility for services	92-04-004		92-08-015
family support services	92-05-076		92-08-108
	92-05-077		92-08-109
	92-09-113		92-11-058
	92-09-114		92-11-063
	92-09-119	General assistance	
	92-13-024	alcoholism or drug addiction	
funds distribution to counties	92-09-045	program eligibility	92-03-047
	92-09-046	assistance units	
	92-09-051	composition	92-07-048
	92-13-032		92-10-049
plan development and submission	92-06-059	definitions	92-07-050
	92-09-115		92-07-051
service need levels	92-05-076		92-10-048
	92-05-077		92-10-050
	92-09-114	persons included	92-07-049
Drug or alcohol addiction			92-10-047
program eligibility	92-03-047	eligibility	92-13-031
referral criteria	92-03-047		92-13-033
Family independence program			PERM 92-16-014
employability reassessment	92-04-003	fair hearing process	92-11-002
medical programs eligibility	92-05-006		92-14-050
	92-05-007	food stamps, categorical eligibility	92-07-047
	92-09-030		92-09-116
meetings	92-01-138	general assistance unemployable	
Food stamp program		community work experience program	92-14-094
alien eligibility	92-10-028		92-14-095
	92-10-029	incapacity, waiver of medical documentation	92-02-102
	92-14-030		92-04-023
benefits, restoration of lost	92-01-139	income budgeting practices	92-08-036
	92-04-020		92-15-131
	92-08-035	resource eligibility	92-15-132
coupons			92-13-031
issuance	92-12-041		92-13-033
	92-15-039		PERM 92-16-014
food coupon authorization		Income assistance	
use during validity period	92-12-041	child care program	92-01-136
	92-15-039		92-04-013
general assistance clients, categorical			92-04-014
eligibility	92-07-047	consolidated emergency assistance program	92-08-033
	92-09-116	assistance units	
homeless shelter deduction	92-05-043		92-03-118
	92-05-044	benefit amounts	92-09-026
	92-05-045		92-03-117
	92-05-046	eligibility	92-09-025
	92-09-031		92-03-113
	92-09-032	exempt income and resources	92-09-021
income budgeting			92-03-115
prospective	92-13-051		92-09-023
	PERM 92-16-018		

Subject/Agency Index
(Citation in bold type refer to material in this issue)

income determination	92-03-116	medical care programs	
	92-09-024	definitions	92-04-019
persons included in grant	92-03-114		92-13-054
	92-09-022		PERM 92-16-043
direct rental payments to landlords, pilot program	92-03-085	eligibility	92-05-006
earned income disregards	92-03-090		92-05-007
funeral and interment expenses	92-13-041		92-08-080
	92-13-044		92-08-081
	PERM 92-16-015		92-09-019
prospective income budgeting	92-03-086		92-11-053
standards of assistance	92-15-027		92-11-057
	92-15-029		92-14-051
Index of interpretive and policy statements	92-09-038	excluded resources	92-15-007
Job opportunities and basic skills training program (JOBS)			92-15-009
aid to families with dependent children employable parent, JOBS participation	92-10-034		92-02-073
	92-14-031	podiatric services	92-02-075
	92-09-081		92-04-025
funding approval priority groups	92-12-045	services provided	92-08-037
	92-15-028		92-14-079
priority of services			92-14-081
Medicaid			92-01-137
advance directives	92-05-050		92-08-107
children to eighteen years of age, eligibility	92-03-083	services requiring prior approval	92-11-003
cooperation in securing medical support	92-03-087		92-13-001
restitution	92-03-042	x-ray services	92-14-079
	92-03-044		PERM 92-16-104
	92-07-028	medical services requests	PERM 92-16-104
Medical assistance		medically indigent	92-03-084
advance directives	92-05-050	scope of care	92-01-137
advanced registered nurse practitioners			92-03-120
services provided	92-08-107		92-13-001
	92-11-003		92-14-079
allocation of excess income, spenddown	92-03-111	medically needy	92-14-081
	92-03-122	scope of care	92-13-001
	92-07-027		92-14-079
allocation of income			92-14-081
institutionalized recipient	92-03-147	monthly maintenance standard for client not in own home	92-11-054
	92-03-149		92-12-047
	92-07-053		92-14-052
	92-08-082	oxygen service	92-03-041
	92-08-083		92-03-043
assignment of rights	92-10-046		92-07-026
	92-08-013	recovery from estates	92-03-112
	92-08-017		92-03-121
	92-11-061		92-07-029
availability of resources	92-03-088	Mental health	
	92-08-011	definitions	92-07-033
	92-08-016		92-07-034
	92-11-060		92-11-055
categorically needy, eligibility	92-03-046	employment services	92-07-033
definitions	92-04-019		92-07-034
	92-13-054		92-11-055
	PERM 92-16-043	facilities	
financial responsibility of relatives	92-11-053	fees	92-06-043
	92-12-046		92-06-044
	92-14-051	schedule of charges	92-09-118
hospice services			92-14-077
eligibility	92-10-075	regional support networks	92-14-080
	92-10-077	community support services	92-07-033
	92-13-030		92-07-034
hospital inpatient services			92-11-055
payment rate	PROP 92-16-041	Nursing facilities	
	EMER 92-16-042	admission and screening	92-03-015
Kitsap Physicians Service--Sound Care Plan	92-10-074		92-08-074
	92-10-076	contract noncompliance	92-03-015
	92-13-029		92-08-074
mandatory prepaid health care plans			92-03-015
eligibility	92-10-074		92-08-074
	92-10-076		
	92-13-029		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

contractors		Parking and traffic	92-10-051
projected budget	92-13-042		92-14-036
	92-13-043	Students	
	PERM 92-16-013	records, availability	92-10-057
reimbursement rate	92-13-042		92-14-042
	92-13-043	rules of conduct	92-10-053
	PERM 92-16-013		92-14-038
reports	92-13-042	suspension	92-10-052
	92-13-043		92-14-037
	PERM 92-16-013		
termination of contract	92-13-042	SPOKANE COUNTY AIR POLLUTION	
	92-13-043	CONTROL AUTHORITY	
	PROP 92-16-012	Air pollution sources	
placement	EMER 92-16-025	categories, registration required	92-14-125
	92-03-015	Confidential information	92-04-046
	92-08-074		92-07-067
resident assessment	92-03-015	Penalties	92-04-048
	92-08-074		92-07-069
utilization review	92-03-015	Policy	92-04-045
	92-08-074		92-07-066
Nursing homes		Violations	92-04-047
pharmaceutical services	92-03-015		92-07-068
	92-08-074		
physician services	92-03-015	SUPREME COURT	
	92-08-074	Admission to practice	
residential care units	92-03-015	APR 6(a)	92-06-002
	92-08-074	Arrest without warrant	92-13-016
Public records		Bar examination qualification	92-13-017
availability	92-09-038	Cameras in the courtroom (GR 16)	92-01-040
disclosure exemptions	92-09-038	Civil rules, application of	92-14-082
fees	92-09-038	Continuing education (APR 12)	92-13-018
Rules coordinator	92-03-072	Courts of limited jurisdiction	
Special commitment center		infraction rules	92-13-015
sexually violent predator		Criminal traffic offense cases	92-13-018
reimbursement for law enforcement cost	92-15-008	Evidence	
Supplemental security income		admissibility	92-13-017
medical programs eligibility	92-05-006	Justice court	
	92-05-007	traffic infraction rules	92-13-015
	92-09-030	Law clerk program fee schedule (APR 6(a))	92-07-021
Support enforcement, office of		Lawyer discipline	92-13-017
assignment of support rights	92-08-001	Limited practice board	
eligibility for services	92-08-001	Rule 19 for APR 12	92-07-022
enforcement	92-08-001	Probable cause determination	92-13-016
responsibilities of office	92-08-001	Procedures	92-13-017
support obligation	92-02-049	Professional conduct	92-13-017
	92-02-050	Trial, extensions of time for	92-13-016
	92-04-021		
	92-08-001	TACOMA COMMUNITY COLLEGE	
	92-08-034	Meetings	92-01-007
Vendor payments	92-03-089		
SOUTH PUGET SOUND COMMUNITY COLLEGE		TAX APPEALS, BOARD OF	
Meetings	92-07-003	Meetings	92-01-059
	92-07-044	Rules coordinator	92-01-060
	92-11-016		
	92-14-017	TRADE AND ECONOMIC DEVELOPMENT,	
Rules coordinator	92-15-006	DEPARTMENT OF	
		Business assistance center	
SOUTHWEST AIR POLLUTION CONTROL AUTHORITY		meetings	92-03-080
Fee schedules	92-03-078		92-08-047
	92-04-030	Child care facility fund	92-12-040
	92-06-015	Community economic revitalization board	92-02-015
		meetings	92-07-043
SPOKANE, COMMUNITY COLLEGES OF		Hardwoods commission	
Adjudicative procedures	92-10-054	meetings	92-06-012
	92-14-039		92-09-067
Employees, classified			92-11-015
employment and dismissal	92-10-056		92-13-002
	92-14-041	Rules coordinator	92-03-071
Employer-employee relations			
representing organization, election	92-10-058	TRAFFIC SAFETY COMMISSION	
	92-14-043	Rules coordinator	92-04-066
Legislative liaisons	92-10-055		
	92-14-040		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

TRANSPORTATION COMMISSION

Meetings
 92-01-018
 92-01-103
 92-02-011
 92-02-012
 92-04-028
 92-06-035
 92-10-015
 92-12-034
 92-14-016
MISC 92-16-003
 92-03-003

Rules coordinator

TRANSPORTATION, DEPARTMENT OF

Billboard relocation
 92-06-010
 92-09-043

Bridge tolls
 92-14-003
 92-14-004

Ferry tolls
 92-14-003
 92-14-004

Highway access management
 access permits
 92-10-041
 92-14-044

Highway advertising control
 92-06-010
 92-09-043

Rules coordinator
 92-03-004

TRANSPORTATION IMPROVEMENT BOARD

Meetings
 92-02-051
 92-07-031
 92-08-095
 92-09-027
 92-10-063
 92-12-014
 92-13-011
 92-15-012
 92-05-059

Rules coordinator

UNIVERSITY OF WASHINGTON

Admission and registration procedures
 92-08-065
 92-12-011

Meetings
 92-01-074
 92-02-038
 92-02-079
 92-03-021
 92-03-093
 92-03-094
 92-03-103
 92-08-042
 92-14-005
 92-15-089
 92-15-090
 92-15-091
MISC 92-16-007
MISC 92-16-065
MISC 92-16-066
MISC 92-16-067

Registration and admission procedures
 92-08-065
 92-12-011

Rules coordinator
 92-02-036

Stadium boat moorage facilities
 92-09-154
 92-14-060

USURY RATES

(See inside front cover)

UTILITIES AND TRANSPORTATION COMMISSION

Address of commission
 92-07-006

Administrative hearing guidelines
 92-01-135

Affiliated transactions, reporting of
 92-02-080
 92-05-001
 92-07-009

Auto transportation companies
 92-02-082

Brokers and forwarders
 bond requirements
 92-05-092
 92-09-014

Contract carriers
 new contracts with shippers
 92-01-053

Electrical companies
 affiliated transactions, reporting of
 92-02-080
 92-05-001
 92-07-009

Forwarders and brokers
 bond requirements
 92-05-092
 92-09-014

Gas companies
 affiliated transactions, reporting of
 92-02-080
 92-05-001
 92-07-009
 92-06-086
PERM 92-16-100

gas safety rules

Local exchange companies
 affiliated transactions, reporting of
 92-02-080
 92-05-001
 92-07-009

Log shipments, intrastate rates
 92-01-051

Low-level radioactive waste
 disposal sites and site operators
 92-03-050

Meetings
 92-01-112

Motor carriers
 regulations
 92-01-116
 92-02-016

Passenger charter carriers
 92-02-082

Procedures
 92-13-101

Public records, availability
 92-07-006

Public service companies
 construction budget
 92-02-083

Refusal of service
 92-01-115

Rules coordinator
 92-01-113

Solid waste
 accounts, uniform system of
 92-03-082

annual reports
 92-03-082

collection companies
 92-01-052
 92-02-081

Telecommunications
 access charges
 92-07-010
 92-10-067

automatic dialing and announcing devices
 92-13-101

caller identification service
 92-05-089
 92-08-075

enhanced 911 services
 92-03-049

interexchange telecommunications companies
 deposit or security
 92-01-114

quality of service
 standards
PROP 92-16-019

telephone assistance excise tax
PROP 92-16-099

Water companies
 "control" defined
 92-05-091
 92-09-078

service installations and connections
 92-05-090
 92-13-056

VETERANS' AFFAIRS, DEPARTMENT OF

Advisory committee
 92-13-022

Washington soldiers home and colony
 administration
 92-13-023

admission eligibility
 92-13-023

policies and procedures
 92-13-023

resident income and assets
 92-13-023

resident rights
 92-13-023

Washington veterans home
 administration
 92-13-023

admission eligibility
 92-13-023

policies and procedures
 92-13-023

resident income and assets
 92-13-023

resident rights
 92-13-023

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

VOCATIONAL EDUCATION, COUNCIL ON		Fishing	
Meetings	92-09-077	bass daily catch limits	92-05-020
	92-10-007		92-06-073
	MISC 92-16-029		92-11-079
WALLA WALLA COMMUNITY COLLEGE		game fish seasons and catch limits	
Meetings	92-02-007	adoption of 1992-94 regulations	92-01-084
		repeal of 1990-92 regulations	92-01-083
WASHINGTON STATE LIBRARY		game fish seasons and catch limits, 1990-92	
Continuing education, council on membership	92-04-076	Big White Salmon River	92-05-022
	92-08-023	Carbon River	92-05-024
Library commission meetings	92-05-033	Cascade River	92-02-035
	92-09-085	Cedar River	92-02-013
	92-10-045	Deep Creek	92-05-021
	92-14-034	Green River	92-02-013
			92-05-019
			92-08-067
WASHINGTON STATE PATROL		Hamilton Creek	92-05-022
Approved traction tires	92-05-016	Lake Sammamish	92-02-013
Conviction records fees	92-11-052	Lake Washington	92-02-013
	92-15-015	Lake Washington Ship Canal	92-02-013
Deceleration warning lamps	92-13-012A	Lewis River	92-05-022
Fingerprint background checks fees	92-11-052	Nisqually River	92-03-013
	92-15-015	Nooksack River	92-05-019
Hazardous materials response teams vehicles flashing amber lights	92-05-015	Puyallup River	92-05-019
	92-11-032	Rock Creek	92-05-022
Hazardous materials transportation Identification section	92-13-012A	Salmon Bay	92-02-013
	92-11-051	Salmon Creek	92-05-022
	92-13-012A	Samish River	92-02-013
	92-15-014		92-05-019
Private carrier buses	92-13-012A	Sammamish River	92-02-013
Rules coordinator	92-01-010	Sauk River	92-02-035
School buses			92-05-019
hazard strobe lamp use	92-09-050	Skagit River	92-02-035
Snow removal vehicles			92-05-019
traction tire use exemption	92-05-016		92-08-067
Towing devices and methods	92-13-012A	Skykomish River	92-02-013
Traction tires, approved	92-05-016	Snohomish River	92-05-019
Trailer tongue lamps	92-13-012A	Snoqualmie River	92-05-019
Vehicle disposition	92-13-012A	Stillaguamish River	92-05-019
		Tokol Creek	92-02-013
			92-05-019
		Washougal River	92-05-022
WASHINGTON STATE UNIVERSITY		game fish seasons and catch limits, 1992-94	
Meetings	92-01-086	Ancient Lake	92-14-104
	92-09-111	bass	92-06-073
	92-10-004		92-11-079
Rules coordinator	92-06-016	Big White Salmon River	92-14-101
		Bingen Lake	92-14-104
		Buck Lake	92-14-104
		Burke Lake	92-14-102
		Caliche Lake	92-14-103
		Carbon River	92-05-024
		Clear Lake	92-02-090
WESTERN WASHINGTON UNIVERSITY			92-07-037
Bicycles	92-01-073	Columbia River	92-08-064
dismount zone, enforcement	92-06-068	Cowlitz River	92-14-100
Meetings	92-06-006	Deep Creek	92-09-136
	92-07-045		92-12-020
			PERM 92-16-064
WHATCOM COMMUNITY COLLEGE		Echo Lake	92-02-090
Meetings	92-03-010		92-07-037
	92-04-039	Green River	92-05-019
	92-09-039		92-08-067
	92-15-041	H Lake	92-14-104
Rules coordinator	92-03-011	Kettle River	92-06-074
			92-11-080
WILDLIFE, COMMISSION AND DEPARTMENT		Koeneman Lake	92-14-104
Field identification		Lake Desire	92-02-088
game species and sex evidence	92-02-086		92-07-038
	92-05-018	Lawrence Lake	92-14-104
	92-12-057	McIntosh Lake	92-14-104
	92-12-064	Morton Lake	92-02-090
taxidermists and furdealers, records	92-02-086		92-07-037
	92-05-018	Nooksack River	92-05-019
	92-12-057		
	92-12-064		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Pipers Creek	92-02-089	special closure areas, 1991-92, 1992-93	92-06-078
	92-07-039		92-12-061
Puyallup River	92-05-019	special species, 1991-92, 1992-93	92-06-080
Quincy Lake	92-14-102		92-12-063
Samish River	92-05-019	turkey seasons	
Sauk River	92-05-019	1991 spring season	92-02-094
Serene Lake	92-02-090		92-06-019
	92-07-037	1992-94 seasons	92-02-087
Skagit River	92-05-019		92-06-018
	92-08-067	Rules coordinator	92-12-021
Skykomish River	92-02-092	Taxidermists	
	92-07-041	identification of game species and sex	92-02-086
Snohomish River	92-05-019		92-05-018
Snoqualmie River	92-05-019		92-12-057
Stan Coffin Lake	92-14-104		92-12-064
Stillaguamish River	92-05-019	import and retention of game and nonresident	
Tokul Creek	92-02-093	wildlife	92-02-086
	92-05-019		92-05-018
	92-07-042		92-12-057
Tucannon River	92-14-013		92-12-064
walleye	92-02-091	records	92-02-086
	92-07-040		92-05-018
lines and hooks, maximum number	92-06-072		92-12-057
	92-08-066		92-12-064
	92-11-078	Trapping	
snagging and gaffing	92-06-072	regulations	92-14-105
	92-11-078	seasons, 1992-93, 1993-94	92-14-108
steelhead fishing regulations	92-05-019	Wildlife	
	92-05-022	possession, transfer, or release prohibited	
	92-05-024	certain species	92-14-014
	92-08-064	deleterious exotic wildlife	92-14-015
	92-08-067		
Furdealers		WINE COMMISSION	
records	92-02-086	(See AGRICULTURE, DEPARTMENT OF)	
	92-05-018		
	92-12-057	WORKFORCE TRAINING AND EDUCATION	
	92-12-064	COORDINATING BOARD	
Game		Meetings	92-03-039
deleterious exotic wildlife			92-09-053
possession, transfer, or release prohibited	92-14-015		92-11-030
import and retention of game and nonresident			92-14-058
wildlife	92-02-086		92-15-096
	92-05-018		
	92-12-057		
	92-12-064		
	92-14-014		
possession, transfer, or release of certain			
wildlife species	92-14-014		
	92-14-015		
taxidermists and furdealers, records	92-02-086		
	92-05-018		
	92-12-057		
	92-12-064		
Game management units			
boundary descriptions	92-02-085		
	92-06-017		
	92-09-042		
	92-12-065		
Hunting seasons			
bear, 1991-92, 1992-93, 1993-94	92-06-075		
	92-12-058		
Canada goose season, early closure	92-01-012		
deer, 1991-92, 1992-93, 1993-94	92-06-075		
	92-06-079		
	92-12-058		
	92-12-062		
elk, 1991-92, 1992-93, 1993-94	92-06-076		
	92-06-079		
	92-12-019		
	92-12-059		
	92-12-062		
	92-14-106		
migratory waterfowl, 1992-93	92-14-107		
small game, 1991-92, 1992-93, 1993-94	92-06-077		
	92-12-060		

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