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DENNIS W. COOPER  
Code Reviser

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### 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 December 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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# WASHINGTON STATE REGISTER

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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 OR DELETED MATERIAL

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

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

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

**1993 - 1994**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> 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>
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
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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
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94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
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<sup>1</sup>All 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.

<sup>2</sup>A 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.

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

## **Regulatory Fairness Act**

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that 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).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

### **AN SBEIS IS REQUIRED**

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule **IMPOSES** costs to business that are not minor and negligible.

### **AN SBEIS IS NOT REQUIRED**

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

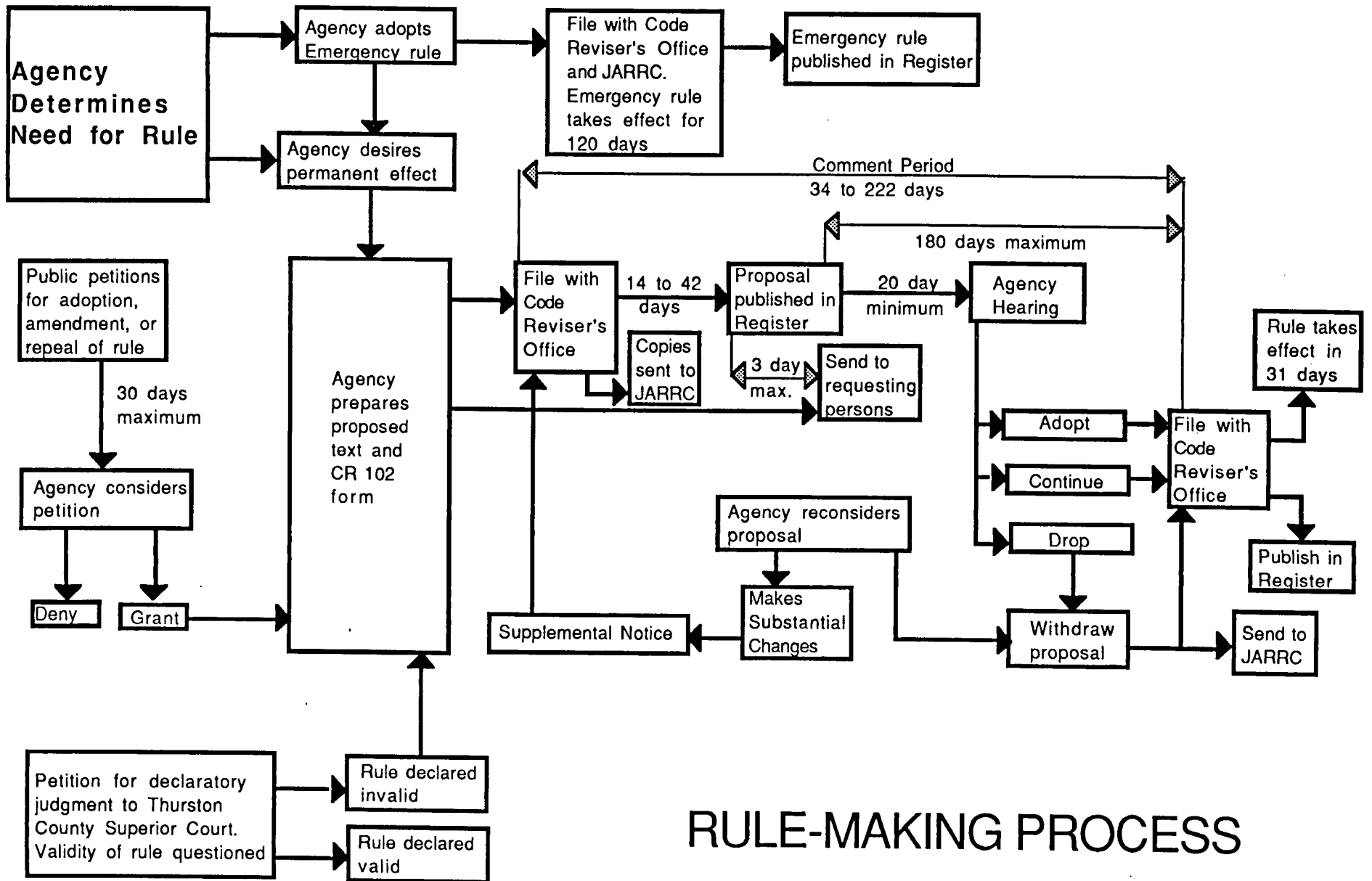
There is no economic impact on business;

The rule **REDUCES** costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.



# RULE-MAKING PROCESS

**WSR 93-23-048**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**  
 [Filed November 12, 1993, 3:50 p.m.]

Original Notice.

Title of Rule: Amendment to forest practices rules, Title 222 WAC.

Purpose: To modify provisions of forest practices rules to protect public resources while maintaining a viable timber industry.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.060, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: The proposed rules protect the marbled murrelet by defining options for "suitable marbled murrelet habitat" and by identifying critical wildlife habitat (state) for this species.

Reasons Supporting Proposal: To modify forest practice rules to provide protection for the marbled murrelet, which was listed as a threatened species by the United States Fish and Wildlife Service in October 1992.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA, (206) 902-1412; Implementation and Enforcement: Jack Hulse, 1111 Washington Street S.E., Olympia, WA, (206) 902-1400.

Name of Proponent: State of Washington Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal provides definitions that relate to marbled murrelet activity periods, nesting season, occupied sites, and suitable habitat. It also explains critical wildlife habitat (state) for the species and places specific types of forest practices into the Class IV-Special category.

Proposal Changes the Following Existing Rules: Two options are provided for review and comments by the public: (1) The "occupied stand approach" and (2) the marbled murrelet watershed administrative unit (MM- WAU) approach. The Forest Practices Board solicits public comment on both of these approaches.

Small Business Economic Impact Statement: The Forest Practices Board (FPB) is considering rules to protect the critical wildlife habitat (state) of the marbled murrelet, a federal and state listed threatened species. Surveys indicate the upland critical wildlife habitat may be five to 25 acre stands or larger of old growth timber within 50+ miles of marine waters. Suitable habitat is scarce because much of the state and private old growth conifer forests below 3,200' elevation have been harvested and most of the remnant old growth forests fragmented.

The proposed rules contain detailed descriptions of habitat, habitat buffers, nesting season, and the forest practices that may impact the marbled murrelet. There is a provision for a site specific special wildlife management plan developed by the landowner as a preferred alternative to the rules.

There are two proposed rule approaches, the occupied stand approach, and the marbled murrelet-watershed administrative unit approach (MM-WAU). The rules are very similar for both approaches, but the MM-WAU approach

designates as Class IV Special forest practices (those subject to environmental review) harvesting that would impact a marbled murrelet site, including any harvest of suitable marbled murrelet habitat within the same WAU.

The landowner proposing Class IV Special forest practices must complete an environmental review prior to approval. Unless identified environmental impacts are adequately mitigated the proposal may be issued a Declaration of Significance and an environmental impact statement (EIS) required before further processing of the forest practices application. Compilation of data and information and the preparation of an EIS may result in substantial costs and there is no certainty the forest practices would be approved.

There are provisions in both approaches for removal of down trees or road construction outside the critical nesting season, April 1 to August 15 or where a current survey does not detect use of the habitat by marbled murrelet.

Both approaches are the same on a number of other Class IV Special forest practices that impact occupied sites. Delays and increased operational and capital outlay costs may occur from regulation of forest practices during the critical nesting season, April 1 to August 15 and during the daily peak activity periods of the nesting season near sunrise and sunset.

Significant economic costs could result from the regulated harvest of standing timber in the occupied marbled murrelet site and reduced harvest within the managed buffer zone of the site.

Neither approach requires the landowner to conduct marbled murrelet surveys to determine the presence of the bird. However, within a MM-WAU, additional costs could result from delayed Department of Wildlife surveys and the need for landowner marbled murrelet surveys verifying the absence of the bird to allow forest practices in the unoccupied suitable habitat of the MM-WAU.

Both approaches state the preferred option of a landowner developed site specific special management plan. However, the plan may require surveys and other administrative and management expense with only a potential of increased operational freedom or certainty of forest practices application approval of operations within or near marbled murrelet habitat.

Characteristics of suitable marbled murrelet habitat are the same for both approaches: Old growth timber within 40 miles of marine water in stands (5, 10, 25) acres in extent and composed of 40% or more, Douglas fir, western hemlock, western red cedar or Sitka spruce with 8 trees/acre or more that are 32" dbh or larger. There are other characteristics, and there are provisions for the Department of Wildlife to identify other occupied marbled murrelet sites.

Both approaches have regulated buffer zones averaging 300' width that surround occupied marbled murrelet sites. Where the trees exist, the buffer is to have a minimum of 75 trees/acre composed of 5 trees/acre 20" dbh or larger, and 25 trees/acre 12" dbh or larger, and 45 trees/acre over 6" dbh.

Occupied sites of 5 acres with a minimum buffer of 18 acres affects 23 acres.

Occupied sites of 10 acres with a minimum buffer of 23 acres affects 33 acres.

Occupied sites of 25 acres with a minimum buffer of 32 acres affects 57 acres.

Buffer acreages were calculated for a uniform circle, the minimum possible size. The actual acreage in a buffer would usually exceed the minimums shown in the comparison.

According to data based on 1988 satellite imagery and classification of probable marbled murrelet habitats in Washington state by Eby and Snyder, there are about: 610,000 acres of suitable habitat on federal lands; 57,000 acres of habitat on state lands, and 50,000 acres of habitat on private lands. The classification included forest lands less than 3,200' elevation within 50 miles of marine waters. (All detected marbled murrelets have been within 52.25 miles of marine waters with 98.5% of all detections within 40 miles of marine waters, Hamer, et al., 1992, in preparation.)

The March 1993 report by the Washington Department of Wildlife listed 148 marbled murrelet status 1-3 sites (nests and occupation sites) with 114 on federal land, 19 on private land and 15 on state lands. There were an additional 278 sightings that could not be assigned a status. If these are all assumed to be status 1-3 sites there would be 331 on federal land, 61 on private land and 34 on state lands for a total of 426 sites.

Average timber volume was estimated at 30,000 bf/acre (net) on federal and private forest lands, and 40,000 bf/acre (net) on state lands. The required buffer strip leave trees and timber volume was estimated at an average volume of 7,000 bf/acre. The habitat sites are assumed to be decadent or remnant old growth, and average stand volume and quality was assumed to be only fair with the average stumpage value estimated at \$800 Mbf.

Marbled murrelet habitat on private forest lands has an estimated value of \$24,000/acre, times 61 status 1-4 sites, times 5 acres (minimum size), totalling about \$7.3 million. Marbled murrelet site buffers on private forest lands have an estimated value of \$2,100/acre at \$300 Mbf, times 18 acres (minimum size), totalling about \$2.3 million. The combined total is \$9.6 million for the estimated minimum cost to private landowners from the occupied site approach.

The MM-WAU approach would cost more if the landowner performed surveys to allow operations in survey determined nonoccupied habitat. There could be increased losses if additional marbled murrelet sites were discovered.

The landowner may elect to develop a specific site management plan or pursue forest practices application approval through environmental review and the potential cost of preparing an environmental impact statement. Costs or losses of these alternatives have not been estimated.

Volumes and values cannot be determined accurately with available data and information, and buffer strip economic impacts would vary with the number, size and condition of trees in the existing timber stand.

Estimating the regulatory impacts on small business, costs, profits, hourly wages, \$100 of sales, etc. is impractical. The economic impacts on small forest landowners with marbled murrelet sites on their lands would vary with the size and conditions of the ownership. A disproportionate economic impact to the small landowner could occur if the land had suitable habitat and an occupied marbled murrelet site.

However, the marbled murrelet is sensitive to disturbance, both visual and noise, and prefers large habitat areas for nest sites. Most small forest landowners holdings are

second or third growth forests near roads and areas of human activity, locations and timber stands that are not suitable for marbled murrelet habitat.

References on the number of occupied sites, the acreage and landownership of suitable habitat were: The March 1993, Washington Department of Wildlife Draft, Status of the Marbled Murrelet (*Brachyramphus marmoratus*) in Washington and the Report of the Science Advisory Group to the Forest Practices Board on marbled murrelet rule making, 1993, Marbled Murrelet Protection on Nonfederal Forest Lands in Washington. Reference for average old growth and mature timber volume/acre by ownership was Timber Resources Statistics for Western Washington; C. D. MacLean, P. M. Bassett, G. Yearly; 1993; United States Forest Service; PNW-RB-191.

Additional information on volume and timber stumpage values were personal communications, Charles J. Chambers, Biometrician, Department of Natural Resources, Olympia, Washington and The Yield of Douglas Fir in the Pacific Northwest, R. E. McArdle, 1949, United States Forest Service, Tech. Bull. No. 201.

Prepared by Dan Bigger, Forest Practices Specialist, Department of Natural Resources, November 12, 1993.

Hearing Location: Natural Resources Building, Conference Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on May 10, 1994, at 7 p.m. The Forest Practices Board will hold additional hearings in Western Washington on this proposal. Hearing locations may include Grays Harbor County and the Olympic Peninsula. Dates, times and specific locations will be published in the Washington State Register well in advance of the hearings.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, by June 30, 1994.

Date of Intended Adoption: August 10, 1994.

November 12, 1993

Jennifer M. Belcher

Commissioner of Public Lands

Option 1

Occupied Stand Option

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except



over bedrock); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce and may be associated with open water.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of the completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"**Conversion to a use other than commercial timber operation**" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"**Critical habitat (federal)**" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under

Sections 3(5)(A) and 4(a)(3) of the Federal Endangered Species Act.

"**Critical nesting season**" means: for marbled murrelets - April 1 to August 15th.

"**Critical wildlife habitat (state)**" means those habitats designated by the board in accordance with WAC 222-16-080.

"**Cultural resources**" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"**Cumulative effects**" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"**Daily peak activity period**" means: for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"**Debris**" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"**Department**" means the department of natural resources.

"**Eastern Washington**" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were

planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means a stand of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

(1) Stands where a nest is located; or

(2) Stands where downy chicks or eggs or egg shells are found; or

(3) Stands where marbled murrelets are detected flying below, through, into or out of the forest canopy within or adjacent to a stand; or

(4) Birds calling from a stationary location within the stand; or

(5) Birds circling above the canopy.

The department shall rely upon the department of wildlife for the determination of location of these occupied marbled murrelet sites.

**"Operator"** shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

**"Ordinary high-water mark"** means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

**"Other forest chemicals"** means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

**"Park"** means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

**"Partial cutting"** means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

**"Pesticide"** means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Suitable marbled murrelet habitat" means:

(1) Timber stands with all of the following characteristics:

(a) Within 40 miles of marine waters;

(b) Containing at least 8 trees per acre equal to or greater than 32 inches dbh;

(c) At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and

(d) Containing at least 2 nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than 7 inches in diameter and 50 feet or more in height above the ground; or

(2) Any stand identified as an occupied marbled murrelet site documented by the Department of Wildlife.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral

domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.** (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - harvesting, road construction, or aerial application of pesticides on the 500 acres of suitable nesting, breeding, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of wildlife.

(1) Critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated as Class IV-Special are as follows:

(j) Marbled murrelet

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site;

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to maximum of 400 feet as long as an average of 300 feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled Murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner is preferred and shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

This rule is intended to be interim and will expire on February 9, 1994. Prior to the above expiration date the forest practices board will reconsider the protection of spotted owls based on consideration of advancing science and increased data analysis, as well as the board's landscape planning for wildlife and would be influenced by the completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.

The department shall rely upon the department of wildlife for the determination of status based on the following definitions:

- Status 1 Pair or reproductive - the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.
- Status 2 Two birds, pair status unknown - the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.
- Status 3 Resident territorial single - the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., 2 responses in year one and 1 response in year two, for the same general area).

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

(3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the

United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).

(6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:

(a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or

(b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

**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.

Option 2                      MM-WAU Option

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce and may be associated with open water.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will

not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"**Conversion to a use other than commercial timber operation**" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"**Critical habitat (federal)**" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3(5)(A) and 4(a)(3) of the Federal Endangered Species Act.

"**Critical nesting season**" Means: for marbled murrelets - April 1 to August 15.

"**Critical wildlife habitat (state)**" means those habitats designated by the board in accordance with WAC 222-16-080.

"**Cultural resources**" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"**Cumulative effects**" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"**Daily peak activity period**" means: for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"**Debris**" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"**Department**" means the department of natural resources.

"**Eastern Washington**" means the lands of the state lying east of an administrative line which approximates the

change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being



actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and

Stream bank and bed stability.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**Marbled murrelet - Watershed Administrative Units (MM-WAU)** means those watershed administrative units containing an occupied marbled murrelet site or in which a marbled murrelet has been detected and documented by the Department of Wildlife.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means a stand of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

(1) Stands where a nest is located; or

(2) Stands where downy chicks or eggs or egg shells are found; or

(3) Stands where marbled murrelets are detected flying below, through, into or out of the forest canopy within or adjacent to a stand; or

(4) Birds calling from a stationary location within the stand; or

(5) Birds circling above the canopy.

The department shall rely upon the department of wildlife for the determination of location of these occupied marbled murrelet sites.

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Suitable marbled murrelet habitat" means:

(1) Timber stands with all of the following characteristics:

(a) Within 40 miles of marine waters;  
 (b) Containing at least 8 trees per acre equal to or greater than 32 inches dbh;

(c) At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and

(d) Containing at least 2 nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or defogntiy equal to or greater than 7 inches in diameter and 50 feet or more in height above the ground;

(e) At least options: (5) (10) (25) acres in size; or

(2) Any stand identified as an occupied marbled murrelet site documented by the Department of Wildlife.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.** (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - harvesting, road construction, or aerial application of pesticides on the 500 acres of

suitable nesting, breeding, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of wildlife.

(j) Marbled murrelet

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction in suitable marbled murrelet habitat within a MM-WAU, provided that, marbled murrelet critical wildlife habitat (state) shall not include suitable marbled murrelet habitat within a MM-WAU where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of wildlife.

(iii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iv) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(v) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to maximum of 400 feet as long as an average of 300 feet is maintained.

(vi) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1,300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner is preferred and shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

This rule is intended to be interim and will expire on February 9, 1994. Prior to the above expiration date the forest practices board will reconsider the protection of spotted owls based on consideration of advancing science and increased data analysis, as well as the board's landscape planning for wildlife and would be influenced by the

completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.

The department shall rely upon the department of wildlife for the determination of status based on the following definitions:

Status 1 Pair or reproductive - the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.

Status 2 Two birds, pair status unknown - the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.

Status 3 Resident territorial single - the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., 2 responses in year one and 1 response in year two, for the same general area).

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

(3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department

shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).

(6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:

(a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or

(b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

**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 93-24-002**  
**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed November 18, 1993, 1:42 p.m.]

Original Notice.

Title of Rule: New WAC 390-17-071 Collective bargaining association—Definition; amending WAC 390-12-

010 Public Disclosure Commission—Regular meetings, 390-14-040 Review of denials of public records requests, 390-24-160 Definition—Professional staff member, 390-37-070 Enforcement procedures—Complaints dismissible by executive director, 390-37-105 Prehearing conference—Rule, and 390-37-142 Brief enforcement hearing—Procedure; and repealing WAC 390-24-030 and 390-24-031 (because of changes in Initiative 134).

Purpose: Adopt new rule pursuant to Initiative 134 and amend language from chairman to chair in others.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Initiative 134 and chapter 42.17 RCW.

Summary: New WAC 390-17-071, defines collective bargaining association. To implement Initiative 134; WAC 390-12-010, 390-14-040, 390-24-160, 390-37-070, 390-37-105 and 390-37-142, language in rules need amending to change chairman to chair; and repealing WAC 390-24-030 and 390-24-031, dealt with the public office fund report. Initiative 134 repealed the public office fund.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: For WAC 390-17-071, Roselyn Marcus, Attorney General's Office, Olympia, 586-1913 and David R. Clark, Acting Public Disclosure Commission Executive Director, Olympia, 753-1111; and for WAC 390-12-010, 390-14-040, 390-24-160, 390-37-070, 390-37-105, and 390-37-142, David R. Clark, Acting Public Disclosure Commission Executive Director, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-17-071, defines the terms "collective bargaining association" and "collective bargaining organization" used in RCW 42.17.660; and WAC 390-12-010, 390-14-040, 390-24-160, 390-37-070, 390-37-105, 390-37-142, various rules describing public disclosure requirements. Changing the word "chairman" to "chair" is needed to bring the language up to date.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, on January 25, 1994, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by January 10, 1994.

Date of Intended Adoption: January 25, 1994.

November 17, 1993

David R. Clark  
Acting Executive Director

NEW SECTION

**WAC 390-17-071 Collective bargaining association—**  
**Definition.** "Collective bargaining association" and "collective bargaining organization" as those terms are used in RCW 42.17.660 means any organization which negotiates,

on behalf of labor or management, with respect to wages, hours or conditions of employment.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

**WAC 390-12-010 Public disclosure commission—Regular meetings.** Pursuant to RCW 42.30.075, regular meetings of the public disclosure commission shall be held on the fourth Tuesday of each calendar month at 9:00 a.m. except November and December when they shall be held on the third Tuesday. The meetings shall be held in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the ~~((chairman))~~ chair of the commission.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

**WAC 390-14-040 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the ~~((chairman))~~ chair of the commission. The ~~((chairman))~~ chair shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

**WAC 390-24-160 Definition—Professional staff member.** (1) A professional staff member of the office of the governor and of the legislature includes all individuals retained on a full or part-time basis whose primary responsibilities require the exercise of judgment and discretion in policy related matters, including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) To insure that the provisions of Referendum 36 and this rule are properly and fairly administered and to provide guidance to affected individuals, the commission, through its ~~((chairman))~~ chair and executive director, shall confer annually in December with the governor, the secretary of the senate and the clerk of the house regarding the specific professional staff members believed to fall within the criteria set forth in subsection (1) of this section. The executive director shall submit a report of those conferences to the commission at its December meeting for approval, disapproval or modification, or other determination. Each

determination shall be based on an annual review of the positions and personnel to be retained by the affected governmental bodies during the ensuing year and shall constitute the commission's administrative interpretation of the term "professional staff member" in RCW 42.17.240 (2) and (3) and its application to such positions and personnel.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

**WAC 390-37-070 Enforcement procedures—Complaints dismissible by executive director.** The executive director, with the concurrence of the ~~((chairman))~~ chair, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of chapter 42.17 RCW has occurred.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-105 Prehearing conference—Rule.** (1) In any proceeding, the ~~((chairman))~~ chair upon his/her own motion or upon request by one of the parties or their qualified representative, may direct the parties to appear at a specified time and place for a conference to consider:

- (a) Simplification of issues;
- (b) The necessity of amendments to the hearing notice;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) Limitation on the number of witnesses; and
- (e) Procedural and such other matters as may aid in the disposition of the proceeding.

(2) Prehearing conferences may be presided over by the ~~((chairman))~~ chair or his/her designee.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference. If no objection to the order is filed with the presiding officer within seven days after the date the order is mailed, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(5) When the ~~((chairman))~~ chair or his/her designee presides over a prehearing conference, he or she is acting as a quasi-judicial body which relates to a quasi-judicial matter between named parties. Therefore, a prehearing conference is not subject to chapter 42.30 RCW, Open Public Meetings Act.

AMENDATORY SECTION (Amending WSR 93-15-004, filed 7/7/93, effective 8/7/93)

**WAC 390-37-142 Brief enforcement hearing—Procedure.** (1) A brief enforcement hearing may be presided over by the ~~((chairman))~~ chair, or a member of the commission designated by the ~~((chairman))~~ chair.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

- (a) Alleged violation~~((+ +))~~;

(b) The maximum amount of the penalty which can be imposed at the hearing and the amount of any proposed fine((~~+~~)); and

(c) Person's right to respond, within ten days, either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an enforcement hearing by the full commission.

(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to request review by the commission at the next scheduled commission meeting.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 390-24-030 Forms for reports of public office fund.
- WAC 390-24-031 Public office fund—Establishment and use.

**WSR 93-24-013  
PROPOSED RULES  
SOUTHWEST AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed November 19, 1993, 10:21 a.m.]

Original Notice.

Title of Rule: SWAPCA 492-110 Contingency Provision for Southern Clark County Carbon Monoxide Nonattainment area.

Purpose: To adopt regulations that will allow the Southwest Air Pollution Control Authority to comply with the Federal Clean Air Act's requirement that contingency measures be in effect and in the state implementation plan should southern Clark County be in nonattainment after the statutory deadline.

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

Summary: The Federal Clean Air Act requires that contingency measures be in place that would automatically be triggered if an area failed to meet the statutory deadline for attainment. This regulation will be placed in the state implementation plan.

Reasons Supporting Proposal: Mandated by Federal Clean Air Act to have a contingency measure for carbon monoxide in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA 98685, (206) 574-3058.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed regulation specifies requirements that will be implemented if southern Clark County is still nonattainment after December 31, 1995. Higher oxygenate levels in gasoline will be required to be provided during the control period.

Proposal does not change existing rules.

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

Hearing Location: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, on January 18, 1994, at 3:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747, by January 14, 1994.

Date of Intended Adoption: January 18, 1994.

November 16, 1993

Robert D. Elliott  
Executive Director

**NEW SECTION**

**SWAPCA 492-110 Contingency Provision for Southern Clark County Carbon Monoxide Nonattainment Area.**

- (1) Upon determination by SWAPCA, or written notification to SWAPCA by the Department of Ecology or EPA Administrator, that the southern Clark County carbon monoxide nonattainment area fails to meet an applicable Clean Air Act deadline for attainment of the National Ambient Air Quality Standard for carbon monoxide, the following provisions shall become applicable in the nonattainment area within eight months of such determination:
  - (a) Oxygenates shall be supplied at maximum EPA approve oxygen content levels during the control period (e.g., 3.5% for gasoline oxygenated with ethanol and 2.7% for gasoline oxygenated with MTBE);
  - (b) Compliance calculations shall be based on the per gallon oxygen content supplied by each control area responsible party (CAR) or blender CAR party during the control period;
- (2) At the end of each control period during which fuel meeting the requirements of section (1) of this rule is supplied, SWAPCA will evaluate control area oxygenate mix information which is submitted by CARs and blender CARs in accordance with the following requirements.
  - (a) Each CAR or blender CAR shall submit the information specified in SWAPCA 492-040(3) after the first half of the control period and at the end of the control period. Reports are due to SWAPCA on the 30th day of the month following the end of each two month segment of the control period.
  - (b) If SWAPCA projects, based on the data in section (2)(a), that the average oxygen content of gasoline supplied in the control area will be less than 3.1%

in the next control season, SWAPCA shall notify affected parties no later than March 1 and the following additional requirements shall become effective in subsequent control periods:

- (i) The average oxygen content standard of gasoline for CARs or blender CARs using the Average Oxygen Content Standard Compliance Option, shall be increased to a minimum of 2.9%;
  - (ii) The oxygen content standard of gasoline for CARs and blender CARs using the Per Gallon Oxygen Content Standard Compliance Option, shall be increased to a minimum of 2.9%;
  - (iii) Compliance calculations and the calculation of oxygen credit units, where applicable, shall be based on an oxygen content of 2.9%.
  - (c) Federal standards for percent by volume oxygenate content may not be exceeded and shall not be affected by any requirement of this rule;
  - (d) This rule shall be applicable during the control period specified in SWAPCA 492-070.
- (3) SWAPCA may authorize the implementation of an equivalent alternative program to achieve necessary carbon monoxide emission reductions as a substitute for measures outline in sections (1) and (2) of this rule. An alternative carbon monoxide contingency plan which is authorized by SWAPCA shall not become effective until approved by the EPA as a SIP revision.

**WSR 93-24-022**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**  
 [Filed November 19, 1993, 2:01 p.m.]

Original Notice.

Title of Rule: WAC 260-72-020 Transmission of race results.

Purpose: To ensure that the signal being satellited into an approved satellite facility is encrypted thereby ensuring that the signal is picked up by only those facilities which have been approved in advance by the Washington Horse Racing Commission and that no other facility will be able to bring down this signal illegally.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Ensure that the signal is received by only those facilities which the Washington Horse Racing Commission has investigated and approved to receive this signal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (206) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To ensure the signal received by a satellite site is encrypted and that only those facilities approved by the

Washington Horse Racing Commission is able to receive such signal.

Proposal Changes the Following Existing Rules: Addition of the language specifically stating that the signal must be encrypted (masked by the sending location) to enable only those facilities approved to receive such signal.

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

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on January 12, 1994, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, by January 11, 1994.

Date of Intended Adoption: January 12, 1994.

November 19, 1993  
 Bruce Batson  
 Executive Secretary

**AMENDATORY SECTION** (Amending Rule 385, filed 4/21/61)

**WAC 260-72-020 Transmission of race results.** (1) No association licensed by this commission shall knowingly transmit or allow to be transmitted by telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, manual or visual communication from the enclosure of its track the result of any race until at least fifteen minutes after said race is declared official, with the exception of the final race of the program: Provided, however, associations licensed by this commission may allow radio or television broadcasts of racing programs upon approval of the commission, as stipulated in WAC 260-72-030.

(2) A racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

**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 93-24-026**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Optometry)  
 [Filed November 22, 1993, 10:42 a.m.]

Original Notice.

Title of Rule: WAC 246-851-110 Courses presumed to qualify for credit, 246-851-540 Prescriptions authorizing contact lens fitting, and 246-851-550 Sexual misconduct.



Purpose: WAC 246-851-110, adds a national certifying body to the list of approved organizations that offer continuing education courses; WAC 246-851-540, defines a prescription which authorizes a contact lens fitting; and WAC 246-851-550, sexual misconduct prohibits sexual contact or activity with a current patient.

Statutory Authority for Adoption: RCW 18.54.070.  
 Statute Being Implemented: RCW 18.54.070.

Summary: Expands organizations offering continuing education courses, defines a contact lens fitting prescription and prohibits sexual contact with a patient.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince, P.O. Box 47863, Olympia, WA 98504-7863, (206) 753-4614.

Name of Proponent: Private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-851-110, adds a national certifying body to the list of approved organizations that offer continuing education courses; WAC 246-851-540, defines a prescription which authorizes a contact lens fitting; and WAC 246-851-550, sexual misconduct prohibits sexual contact or activity with a current patient.

Proposal Changes the Following Existing Rules: Expands list of approved organizations that offer continuing education courses.

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

Hearing Location: Radisson Hotel, Phoenix Room, 17101 Pacific Highway South, Seattle, WA 98188, on January 21, 1994, at 1:30 p.m.

Submit Written Comments to: Judy Haenke, 1300 S.E. Quince Street, Olympia, WA 98504-7863, by January 20, 1994.

Date of Intended Adoption: January 21, 1994.  
 November 4, 1993  
 Judy Haenke  
 Program Manager

AMENDATORY SECTION (Amending Order 393B, filed 9/1/93, effective 10/2/93)

**WAC 246-851-110 Courses presumed to qualify for credit.** Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Association of Optometric Physicians.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists in Vision Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.
- (13) The Council on Optometric Practitioner Education.

NEW SECTION

**WAC 246-851-540 Prescriptions authorizing contact lens fitting.** A prescription authorizing a contact lens fitting shall be in writing and signed by the doctor performing the eye examination and is subject to the following conditions:

- (1) It shall be based upon a refraction and a comprehensive vision and eye health examination and shall contain the spectacle prescription.
- (2) It shall contain a statement that the patient is acceptable for a contact lens fitting.
- (3) It shall authorize the fitter of the contact lens to select the physical characteristics of the contact lens, perform a trial evaluation, and suggest a wearing schedule and a care system.
- (4) It shall carry a date, not exceeding ninety days for initiation of a fitting and trial evaluation and 180 days from the date of the eye examination, for completion of the fitting and evaluation.
- (5) It shall contain a directive notifying the patient to return to the prescribing doctor for a final evaluation of the lens on the eye. If the patient does not return to the prescribing doctor for final evaluation of the lens on the eye, the prescription, as it relates to contact lens fitting, will expire at 180 days from the eye examination date.
- (6) Following the final evaluation of the contact lens on the eye by the prescribing doctor, the prescribing doctor shall write a contact lens prescription and release it to the fitter and to any Washington licensed vision care provider designated by the patient who is present in Washington at the place of contact lens dispensing. Provided, however, in emergency cases, if the contact lenses are delivered to a patient outside the state of Washington the contact lens prescription may be released directly to any qualified vision care provider in another jurisdiction.

NEW SECTION

**WAC 246-851-550 Sexual misconduct.** (1) An optometrist shall not engage in sexual contact or sexual activity with a current patient.

- (a) A current patient is a patient who has received professional services from the optometrist within the last three years and whose patient record has not been transferred to another optometrist or health care professional.
- (b) A referral of the patient record must be in writing and with the knowledge of both the patient and the optometrist or health care practitioner to whom the record is transferred.

(2) The optometrist shall never engage in sexually harassing or demeaning behavior with current or former patients.

**WSR 93-24-027**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Podiatric Medical Board)  
[Filed November 22, 1993, 10:46 a.m.]

Continuance of WSR 93-19-150.

Title of Rule: WAC 246-922-032 Postgraduate podiatric medical training defined, 246-922-033 Eligibility for licensure, 246-922-100 Acts that may be delegated to an unlicensed person, 246-922-120 General provisions, 246-922-260 Maintenance of patient records, 246-922-300 Podiatric continuing education required, and 246-922-310 Categories of creditable podiatric continuing education activities; and repealing WAC 246-922-110 Acts that may not be performed by unlicensed persons, 246-922-220 Exercise of professional judgment and skills, and 246-922-250 Excessive fees.

Purpose: To implement 1993 legislation relative to postgraduate training requirements by establishing approved postgraduate training programs and eligibility for licensure. Modifies rules regulating unlicensed practice and continuing education. Includes other housekeeping changes.

Statutory Authority for Adoption: RCW 18.22.015.

Statute Being Implemented: Chapter 18.22 RCW.

Summary: Implementation of legislative changes and modification of existing rules regarding unlicensed practice and continuing education.

Reasons Supporting Proposal: Identified approved postgraduate training programs and establishes licensing requirements. Modifies and clarifies other rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, Program Manager, 1300 Quince Street, Olympia, 586-8438.

Name of Proponent: Washington State Podiatric Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implementation of legislative changes and modification of existing rules to clarify unlicensed practice and continuing education.

Proposal Changes the Following Existing Rules: Modifies and clarifies rules relative to unlicensed practice and continuing education.

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

Hearing Location: University Plaza Hotel, 400 N.E. 45th Street, Seattle, WA, on January 21, 1994, at 8:30 a.m.

Submit Written Comments to: Arlene Robertson, Program Manager, Health Professions Quality Assurance Division, P.O. Box 47868, Olympia, WA 98504-7868, by January 20, 1994.

Date of Intended Adoption: January 21, 1994.

November 19, 1993  
Arlene Robertson  
Program Manager

NEW SECTION

**WAC 246-922-032 Postgraduate podiatric medical training defined.** (1) For the purposes of this chapter, postgraduate podiatric medical training shall be considered to mean clinical training that meets the educational standards established by the profession. The training must be acquired after satisfactory completion of a course in an approved school of podiatric medicine and surgery as specified in RCW 18.22.040. Clinical performance shall be deemed satisfactory to fulfill the purposes of this requirement. This definition shall be considered to include, but not be limited to, rotating podiatric residency, podiatric orthopedic residency, and podiatric surgical residency.

(2) The board approves the following postgraduate clinical training courses: Programs approved by the American Podiatric Medical Association Council on Podiatric Medical Education which are listed in the 1992-1993 directory of *Approved Residencies in Podiatric Medicine*, and programs approved by the Council on Podiatric Medical Education at the time the postgraduate training was obtained.

NEW SECTION

**WAC 246-922-033 Eligibility for licensure.** An applicant for licensure or limited licensure must file a completed application and applicable fee, which shall include information and documentation relative to education and training, past practice performance, licensure history, and a record of all adverse or correctional actions taken by another state or appropriate regulatory body, ability to safely practice podiatric medicine with reasonable skill and safety to the consumer, and other relevant documentation or information as the board may require to determine fitness or eligibility for licensure.

(1) Applicants requesting a license to practice podiatric medicine shall have completed one year postgraduate podiatric medical training in a program approved by the board as defined in WAC 246-922-032, provided that applicants graduating before July 1, 1993, shall be exempt from the postgraduate training requirement.

(2) Applicants requesting a limited license to practice in an approved postgraduate podiatric medical training program shall have graduated from an approved school of podiatric medicine and surgery.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-100 Acts that may be delegated to an unlicensed person.** A podiatric physician and surgeon may allow an unlicensed person to perform the following acts under the podiatric physician and surgeon's supervision((-)) limited to the following:

- (1) Patient education in foot hygiene.
- (2) Deliver a sedative drug in an oral dosage form to patient.
- (3) Give preoperative and postoperative instructions.
- (4) Assist in administration of nitrous oxide analgesia or sedation, but the unlicensed person shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the podiatric physician and surgeon. Patients must never be left unattended

while nitrous oxide analgesia or sedation is administered to them. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

- (5) Take health histories.
- (6) Determine rate and quality of patient's radial pulses.
- (7) Measure the patient's blood pressure.
- (8) Perform a plethysmographic or doppler study.
- (9) Observe the nature of the patient's shoes and hose.
- (10) Observe and report wearing patterns on the patient's shoes.
- (11) Assist in obtaining material for a culture-sensitivity test.
- (12) Take scrapings from the skin or nails of the feet, prepare them for microscopic and culture examination.
- (13) Perform weightbearing and nonweightbearing x-rays.
- (14) Photograph patient's foot disorder.
- (15) Debride hyperkeratotic lesions of the foot.
- (16) Remove and apply dressing and/or padding.
- (17) Make necessary adjustments to the biomechanical device.
- (18) Produce impression casting of the foot.
- (19) Produce the following:
  - (a) Removable impression insoles and modifications.
  - (b) Protective devices for alleviating or dispersing pressure on certain deformities or skin lesions such as ulcers, corns, calluses, digital amputation stumps (e.g., latex shields).
- (20) Apply strap and/or pad to the foot and/or leg.
- (21) Prepare the foot for anesthesia as needed.
- (22) Know the indications for and application of cardiopulmonary resuscitation (CPR).
- (23) Prepare and maintain a surgically sterile field.
- (24) Apply flexible cast (e.g., Unna Boot).
- (25) Apply cast material for immobilization of the foot and leg.
- (26) Remove sutures.
- (27) Debride nails.
- (28) Administer physical therapy as directed by the podiatric physician and surgeon.
- (29) Counsel and instruct patients in the basics of:
  - (a) Their examination, treatment regimen and prophylaxis for a problem.
  - (b) Patient and family foot health promotion practices.
  - (c) Patient and family care of specific diseases affecting the foot (e.g., diabetes, cerebrovascular accident, arthritis).
  - (d) Performing certain exercises and their importance.
- (30) Give patient or family supplementary health education materials.

**AMENDATORY SECTION** (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-120 General provisions.** (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" shall mean any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" shall mean any health care institution which comes under chapter 18.51 RCW.

(4) "Board" shall mean the Washington state podiatric medical board, whose address is:

Department of Health  
Professional Licensing Services  
1300 Quince St., (~~MS: EY-23~~)  
P.O. Box 47868  
Olympia, WA 98504-7868

(5) "Podiatric physician and surgeon" shall mean a person licensed pursuant to chapter 18.22 RCW.

(6) "Mentally or physically disabled podiatric physician and surgeon" shall mean a podiatric physician and surgeon who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice podiatric medicine and surgery with reasonable skill and safety to patients by reason of any mental or physical condition.

**AMENDATORY SECTION** (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-260 Maintenance of patient records.**

Any podiatric physician and surgeon who treats patients in the state of Washington shall maintain complete and legible treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the podiatric physician and surgeon in an orderly, accessible file and shall be readily available for inspection by the Washington state podiatric medical board or its authorized representative. Complete patient treatment records shall be maintained for a minimum of seven years after treatment is rendered.

**AMENDATORY SECTION** (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-300 Podiatric continuing education required.** The podiatric medical board encourages licensees to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board encourages participation in podiatric continuing education as a mechanism to maintain and enhance competence.

(1) Twenty-five contact hours of scientific podiatric continuing education shall be required annually to maintain a current license.

Five credit hours may be granted for one hour of course instruction. A maximum of five hours may be claimed per renewal period.

(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.

(a) Risk management courses related directly to patient care, (e.g., understanding of and proper documentation of complications), is considered to be an acceptable course for continuing education credit.

(b) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for licensure renewal.

(c) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.

(3) In case a licensee fails to meet the requirements due to illness, retirement (with no further provision of podiatric services being provided consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of permanent retirement or illness, the board may grant indefinite waiver of podiatric continuing education as a requirement for relicensure, provided an affidavit is received indicating the podiatric physician and surgeon is not providing podiatric services to consumers. If such permanent retirement or illness status is changed or podiatric services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

AMENDATORY SECTION (Amending Order 158B, filed 4/25/91, effective 5/26/91)

**WAC 246-922-310 Categories of creditable podiatric continuing education activities.** The following categories of creditable podiatric continuing education activities sponsored by the following organizations are approved by the board. The credits must be earned in the twelve-month period preceding application for renewal of licensure. One contact hour is defined as a typical fifty-minute classroom instructional session or its equivalent.

(1) Scientific courses or seminars approved by the American Podiatric Medical Association and its component societies and affiliated and related organizations.

(2) Scientific courses or seminars offered by accredited, licensed, or otherwise approved hospitals, colleges, and universities and their associated foundations and institutes offering continuing education programs in podiatric medicine.

(3) Scientific courses or seminars offered by recognized nonpodiatric medical and health-care related societies (e.g., the American Medical Association, the American Physical Therapy Association) offering continuing education programs related to podiatric medicine.

(4) Scientific courses or seminars offered by other nonprofit organizations, other proprietary organizations, and individuals offering continuing education in podiatric medicine.

(5) A post-graduate residency training program accredited by the council on podiatric medical education.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-922-110 Acts that may not be performed by unlicensed persons.
- WAC 246-922-220 Exercise of professional judgment and skills.
- WAC 246-922-250 Excessive fees.

**WSR 93-24-037  
PREPROPOSAL COMMENTS  
DEPARTMENT OF REVENUE**

[Filed November 22, 1993, 4:21 p.m.]

Subject of Possible Rule Making: Amending WAC 458-53-160 Indicated personal property ratio-computation.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX # (206) 664-0972. Public meeting scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on December 10, 1993, at 9:30 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: This rule is being amended to correct the computation used to calculate the personal property ratio that is, in turn, used to calculate the state levy. A copy of rule draft is available upon request. Contact Pat Baxter, (206) 753-1382.

November 22, 1993  
William N. Rice  
Assistant Director  
Property Tax

**WSR 93-24-040  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(General Provisions)

[Filed November 23, 1993, 10:47 a.m.]

Continuance of WSR 93-18-008.

Title of Rule: Chapter 440-22 WAC, Certification requirements for chemical dependency treatment service providers.

Purpose: Repeals chapter 275-19 WAC and creates new chapter 440-22 WAC. Establishes the current level of quality care standards for alcohol and drug treatment, addresses patient needs and services and outcomes, reorganizes format and wording to be user-friendly, promotes compatibility with national and state funding sources and trends, addresses newly-recognized needs of priority populations, and promotes compliance with related state laws.

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

Date of Intended Adoption: December 22, 1993.

November 23, 1993  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

**WSR 93-24-044  
PREPROPOSAL COMMENTS  
BUILDING CODE COUNCIL**

[Filed November 23, 1993, 2:41 p.m.]

Subject of Possible Rule Making: Update of the Uniform Building, Plumbing, Fire, and Mechanical Codes,

as adopted by the State Building Code Council, to the 1994 editions.

Persons may Comment on this Subject in the Following Ways: Submit nominations for membership on the Building Code Technical Advisory Group (TAG), Plumbing Code TAG, Fire Code TAG, Mechanical Code TAG; and submit names for inclusion on the mailing list for each TAG.

Meeting locations and dates will be determined. All interested parties will receive notification of TAG membership, meeting schedule, agendas, minutes, and any additional information when the TAGs are formally established.

Other Information or Comments by Agency at this Time, if any: The State Building Code Council is establishing technical advisory groups (TAGs) for the Uniform Building Code, Uniform Plumbing Code, Uniform Fire Code, and Uniform Mechanical Code. In accordance with RCW 19.27.074, each TAG will review code changes adopted by the model code groups during the 1991, 1992, and 1993 code cycles; existing state code amendments; and proposed code changes submitted during the 1994 code submission period. The TAGs will make recommendations on code adoption to the Uniform Codes Committee by June 1, 1994.

Each TAG shall adopt a meeting schedule, including a time frame for completion, at their organizational meeting that sets up a schedule for review of the appropriate code sections.

TAGs shall be responsible for identifying the following areas where effects may be associated with code changes: Effect on construction; effect on affordable housing as defined by the state Commission on Affordable Housing; effect on code enforcement; and effect on small businesses.

Individuals or organizations wishing to submit nominations for membership on any of the TAGs should submit a nominating letter, including qualifications of the nominated individual, to: Russ Smith, Chair, Uniform Codes Committee, Washington State Building Code Council, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

Nominations should be submitted no later than January 1, 1994. Formal appointments to the TAGs will be made by January 15, 1994. If you wish additional information, or would like to be placed on a TAG mailing list, please contact the Uniform Codes Committee staff, Al Rhoades, at (206) 586-8999.

November 19, 1993  
Gene Colin  
Council Chairman

**WSR 93-24-046**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF ECOLOGY**  
[Filed November 23, 1993, 4:19 p.m.]

Subject of Possible Rule Making: Used oil management standards: The design and maintenance of used oil collection and storage sites, and the collection, transporting, processing, recycling, and disposal of used oil, including recordkeeping, reporting, financial assurances, etc.

Persons may comment on this subject in writing to William Green, Solid Waste Services, Department of

Ecology, P.O. Box 47600, Olympia, WA 98504-7600, until noon on January 18, 1994.

Other Information or Comments by Agency at this Time, if any: Comments may be related to any of the following: 40 CFR Part 279 and related regulations; the requirements of RCW 70.95I.060 and [70.95I].070; and other issues related to used oil management.

November 22, 1993  
Daniel Silver  
Assistant Director

**WSR 93-24-066**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
[Filed November 29, 1993, 11:10 a.m.]

Original Notice.

Title of Rule: WAC 180-40-235 Discipline—Conditions and limitations.

Purpose: To prohibit the use of corporal punishment except under certain conditions.

Statutory Authority for Adoption: RCW 28A.410.010.  
Statute Being Implemented: RCW 28A.410.010.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, 753-2298; Implementation: John Pearson, Office of Superintendent of Public Instruction, Old Capitol Building, 753-1545; and Enforcement: Barbara Mertens, Office of Superintendent of Public Instruction, Old Capitol Building, 753-1142.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: Educational Service District 113, Thurston Room, 601 McPhee Road S.W., Olympia, WA 98502, on January 13, 1994, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by January 11, 1994.

Date of Intended Adoption: January 14, 1994.

November 24, 1993  
Dr. Monica Schmidt  
Executive Director/Secretary

**AMENDATORY SECTION** (Amending WSR 93-01-077, filed 12/14/92, effective 1/14/93)

**WAC 180-40-235 Discipline—Conditions and limitations.** Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC 180-40-225, subject to the

following limitations and conditions and the grievance procedure set forth in WAC 180-40-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment (~~consisting of spanking or striking a student shall be administered only in an office or some other area outside the view of other students and only by an authorized employee in the presence of and witnessed by another school district employee. Such witness shall be informed beforehand and in the student's presence of the reason(s) for the infliction of the corporal punishment. For the purpose of this subsection the term "authorized employee" means either:~~

(a) ~~The student's teacher who holds a valid Washington state teaching certificate and provides instruction to the student; or,~~

(b) ~~Any other certificated employee who has been authorized in advance by the student's parent or guardian to inflict corporal punishment consisting of spanking or otherwise striking the student.~~

(4) ~~No cruel and unusual form of corporal punishment shall be inflicted upon any student.~~

(5) ~~Only reasonable and moderate force shall be applied to a student and no form of corporal punishment shall be inflicted upon the head of a student.~~

(6) ~~Parents or guardians shall be notified of each instance of the infliction of corporal punishment within two school business days after the date the punishment was inflicted. Notice shall be provided either orally or by depositing written notice in the United States Mail, and shall include the name and phone number of the person who may be contacted for further information.~~

(7) ~~Parents or guardians, upon their request, shall be provided a written explanation of the reason(s) for the infliction of corporal punishment consisting of spanking or otherwise striking a student and the name of the witness who was present at the time the corporal punishment was administered.~~

~~COMMENT: This section is not intended to authorize the use of any particular form of discipline or to authorize any particular person to impose discipline; that is the regulatory responsibility of each school district. What this section does consistent with the general purpose of this chapter is impose conditions upon the use of such disciplinary measures as are otherwise authorized or permitted by a school district's rules.~~

~~Note also that this section does not completely address the law governing the use or infliction of corporal punishment or physical discipline. For additional information your attention is invited to the following: The case of Simmons v. Vancouver School Dist., 41 Wn. App. 365, 704 P.2d 648~~

~~(1985) (the term "corporal punishment" is not limited to spanking a student; it includes any number of forms of physical or bodily punishment); RCW 9A.16.100 (only parents, guardians, and teachers, and such other persons as have been authorized in advance by a child's parent or guardian may lawfully inflict physical discipline upon a child for purposes of restraining or correcting the child; only reasonable and moderate discipline or force may be inflicted; and, certain specified actions are presumed unreasonable and thus unlawful including throwing, kicking, burning, cutting, striking with a closed fist, shaking a child under three, interfering with breathing, threatening with a deadly weapon, and causing greater than transient pain or minor temporary marks.)) which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited. This prohibition shall take effect in all school districts September 1, 1994.~~

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

(d) Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

**WSR 93-24-070**  
**PROPOSED RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**  
 [Filed November 29, 1993, 2:43 p.m.]

Original Notice.

Title of Rule: WAC 326-30-041 Annual goals.

Purpose: To implement RCW 39.19.030(4) and encourage Minority and Women's Business Enterprises participation in state contracting and procurement.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.030(4).

Summary: The Office of Minority and Women's Business Enterprises reevaluates minority and women's business enterprises participation goals on an annual basis. This proposed rule sets goals for different classes of contracts, to be flexibly implemented on a contract-by-contract basis during 1993-1994.

Reasons Supporting Proposal: The Office of Minority and Women's Business Enterprises' review of reasonably obtainable information indicates that the goals should remain at the same level.

Name of Agency Personnel Responsible for Drafting: Juan Huey-Ray, 406 South Water, 586-1228; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule implements chapter 39.19 RCW by promoting minority and women's business participation in state contracting opportunities. Goals are reviewed and implemented annually, to ensure that they are consistent with current information about contracting opportunities and availability of Minority and Women's Business Enterprises. Anticipated effect is increased awareness by contractors and agencies about the benefits of utilizing qualified Minority and Women's Business Enterprises for various classes of contracts.

Proposal does not change existing rules.

Small Business Economic Impact Statement: This rule affects small business, as it is designed to assist small businesses seeking contracting opportunities with state agencies. Any impact will be negligible, because the goals proposed for 1993-94 are the same as those implemented during 1992-93. analysis is inappropriate under RCW 19.85.040, because the Office of Minority and Women's Business Enterprises does not have data from which to make comparison of costs, and because the effect, if any, is negligible.

Hearing Location: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-1160, on January 4, 1994, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-1160, by January 4, 1994.

Date of Intended Adoption: January 4, 1994.

November 23, 1993

James A. Medina

Director

AMENDATORY SECTION (Amending WSR 92-20-079, filed 10/6/92)

**WAC 326-30-041 Annual goals.** The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:

July 1, ~~1992~~ 1993, through June 30, ~~1993~~ 1994,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

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 93-24-072**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
[Filed November 29, 1993, 3:01 p.m.]

Original Notice.

Title of Rule: WAC 308-93-073 New vessels; 308-93-280 Procedure when hull identification number altered or obliterated; 308-93-330 Certificate of title application; and 308-93-630 Assignment of hull identification number.

Purpose: To set forth acceptable documentation for ownership of used vessels not previously titled. To set forth applicable fees for inspection of vessels.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

Statute Being Implemented: RCW 88.02.070 and 88.02.190.

Summary: WAC 308-93-073, authorize vessel dealers to accept bill of sale from previous owner of untitled vessel; WAC 308-93-330 and 308-93-630, authorize assignment of hull number and assessment of fees.

Name of Agency Personnel Responsible for Drafting: Jack Lince, General Administration Building, Olympia, (206) 753-7379; Implementation: Nancy Kelly, General Administration Building, Olympia, (206) 753-6920; and Enforcement: Jim Booker, General Administration Building, Olympia, (206) 753-0554.

Name of Proponent: Department of Licensing, governmental.

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

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

Proposal Changes the Following Existing Rules: Amending WAC 308-93-073, provides for the use of alternate documents when transferring or applying for original certificate of ownership on used vessels, WAC 308-93-280, establishes a fee for the assignment of a hull identification number. The new fee is compatible with the fee required for assignment of a VIN, and WAC 308-93-330, authorizes a fee for inspection whenever a physical examination of the vessel is required; and repealing WAC 308-93-630, this section is duplicated in WAC 308-93-280.

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

Hearing Location: Room 3B, General Administration Building, 210 11th Avenue S.W., Olympia, WA, on January 6, 1994, at 9:30 a.m.

Submit Written Comments to: Nancy Kelly, Administrator, Title and Registration Services, P.O. Box 2957, Mailstop 48022, Olympia, WA 98507-2957, by December 27, 1993.

Date of Intended Adoption: January 11, 1994.

November 17, 1993

Nancy Kelly

Administrator

Title and Registration Services

PROPOSED

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

**WAC 308-93-073 New vessels.** (1) Application for certificate of ~~((title))~~ ownership to a new vessel never before licensed or titled ~~((or sold by an in state or out of state dealer or manufacturer))~~ must be accompanied by a manufacturer's statement of origin, carpenters certificate, or a copy of the factory invoice(-

~~If the date of sale shown on the manufacturer's statement of origin, carpenters certificate, or factory invoice was prior to July 1, 1985, a UCC search with appropriate releases must also accompany the application.~~

~~The manufacturer's statement of origin, carpenters certificate, or factory invoice must reflect~~ reflecting the model year, make and hull identification number of the vessel.

~~((+))~~ (a) No manufacturer's statement of origin, carpenters certificate, or factory invoice ~~((can))~~ may be accepted for the issuance of a ~~((title))~~ certificate of ownership unless all interested persons named thereon, including dealers, ~~((on the manufacturers statement of origin))~~ have released or assigned their interest ~~((thereon))~~. Interests may be assigned or released on the document or on a department provided release of interest form.

~~((2))~~ (b) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the manufacturers statement of origin, carpenters certificate, or factory invoice, or by a department provided release of interest form. A complete chain of ownership must be reflected from the original dealer named on the manufacturers statement of origin to the retail selling dealer making the application.

~~((3))~~ (c) A copy of the factory invoice may be used in lieu of the manufacturers statement of origin or carpenters certificate only when ~~((such))~~ the latter documents are not available and obtaining a replacement from the manufacturer would cause an undue ~~((amount of))~~ delay in titling the vessel. An affidavit of fact describing why the statement of origin or carpenters certificate is not available must be attached to the ~~((photocopy of the))~~ factory invoice.

(2) Application for a certificate of ownership to a used vessel that has never been titled in this state or any other jurisdiction must be accompanied by documents acceptable to the department which constitute proof of ownership. Acceptable documents include but are not limited to, certificate of registration from a nontitling jurisdiction, vessel dealer purchase agreement, bill of sale from a private party and other similar records evidencing acquisition of ownership interest. All acceptable documents must include thereon the vessel hull identification number and other available descriptions required for processing a certificate of ownership.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-280 Procedure when hull identification number altered or obliterated.** Before the department shall issue a certificate of ~~((title))~~ ownership, or reissue such a certificate covering any vessel, the hull identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vessel shall file an application with the department, accom-

panied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for ~~((such))~~ the vessel. Upon receipt of ~~((such))~~ the application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special hull identification number for ~~((such))~~ the vessel, which shall be noted ~~((upon the application therefor, and likewise))~~ upon a suitable record ~~((of the authorization of the use thereof, to be))~~ kept by the department. This assigned hull identification number shall be placed upon the vessel in the manner prescribed by the department. Upon receipt by the department of an application for a certificate of ~~((title))~~ ownership or application for reissue of such certificate and the required fee therefor, the department shall use ~~((such))~~ the assigned number as the ~~((numerical or alpha numerical))~~ hull identification ~~((marks))~~ number for the vessel ~~((in))~~ on any certificate of registration or certificate of ~~((title))~~ ownership that may thereafter be issued therefor.

The director shall forward all fees accrued under the provisions of this section to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund as provided in RCW 46.65.020.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-330 Certificate of title—Application.** ~~((The))~~ A certificate of ownership to a vessel may be obtained by forwarding the completed certificate of ownership application ~~((accompanied by cash, a draft, money order, or certified bank check for))~~, all appropriate fees ~~((together with))~~ and the last preceding certificate or other satisfactory evidence of ownership ~~((shall be forwarded))~~ to the ~~((director))~~ department.

The certificate of ~~((title shall))~~ ownership is not ~~((be))~~ required to be renewed annually, or at any other time, except as by law provided.

In addition to the certificate of ownership application fee and any other fee for license registration of a vessel, there shall be collected from the applicant an inspection fee whenever a physical examination of the vessel is required as a part of the vehicle licensing or titling process.

For vessels previously registered in any other state or country, the inspection fee shall be fifteen dollars and shall be deposited in the motor vehicle fund. For all other vessels requiring a physical inspection, the inspection fee shall be twenty dollars and shall be deposited in the motor vehicle fund.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-630 Assignment of hull identification number.



**WSR 93-24-073**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF LICENSING**  
 (Vehicle Services Division)  
 [Filed November 29, 1993, 3:03 p.m.]

Subject of Possible Rule Making: Adoption of definition for "private investigator" as used in RCW 46.12.380.

Persons may comment on this subject in writing or by telephone. Comments should be addressed to: Jack Lince, Licensing Services Manager, Title and Registration Services, P.O. Box 2957, Mailstop 48021, Olympia, WA 98507-2957, (206) 753-7379. Comments will be accepted until close of business, January 4, 1994.

November 22, 1993  
 Nancy Kelly, Administrator  
 Title and Registration Services

**WSR 93-24-074**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF LICENSING**  
 (Vehicle Services Division)  
 [Filed November 29, 1993, 3:04 p.m.]

Subject of Possible Rule Making: Amend rule concerning determining model year on motor homes.

Persons may comment on this subject in writing or by telephone. Comments should be addressed to: Jack Lince, Licensing Services Manager, Title and Registration Services, P.O. Box 2957, Mailstop 48021, Olympia, WA 98507-2957, (206) 753-7379. Comments will be accepted until close of business, January 4, 1994.

November 22, 1993  
 Nancy Kelly, Administrator  
 Title and Registration Services

**WSR 93-24-075**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF LICENSING**  
 (Vehicle Services Division)  
 [Filed November 29, 1993, 3:05 p.m.]

Subject of Possible Rule Making: Amend rules concerning passenger motor vehicle used as a ride-sharing vehicle.

Persons may comment on this subject in writing or by telephone. Comments should be addressed to: Debra McCurley, Licensing Services Manager, Title and Registration Services, P.O. Box 9043, Mailstop 48021, Olympia, WA 98507-9043, (206) 753-0265. Comments will be accepted until close of business, January 4, 1994.

Other Information or Comments by Agency at this Time, if any: Support administration of SSB 5876.

November 22, 1993  
 Nancy Kelly, Administrator  
 Title and Registration Services

**WSR 93-24-076**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF LICENSING**  
 (Vehicle Services Division)  
 [Filed November 29, 1993, 3:08 p.m.]

Subject of Possible Rule Making: Adopt procedure for collection of excise tax on large trucks/overweight permits for trucks.

Persons may comment on this subject in writing or by telephone. Comments should be addressed to: Marlene Epp, Vehicle Services Liaison Officer, Title and Registration Services, P.O. Box 9037, Mailstop 48033, Olympia, WA 98507-9037, (206) 586-7044. Comments will be accepted until close of business, January 4, 1994.

Other Information or Comments by Agency at this Time, if any: Support implementation of SSB 5535 and SB 5426.

November 22, 1993  
 Nancy Kelly, Administrator  
 Title and Registration Services

**WSR 93-24-077**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed November 30, 1993, 8:51 a.m.]

Original Notice.

Title of Rule: WAC 314-60-010 Purpose—Washington state liquor control board; 314-60-020 Definitions—Public records—Writing; 314-60-030 Description of central and field organization of Washington state liquor control board; 314-60-080 Requests for public records; 314-60-105 General guidelines—Exempt records; and 314-60-110 Review of denials of public records requests.

Purpose: The overall purpose of this filing is to bring various rules pertaining to the board's public records into compliance with statutory changes. Specifically, changes are being proposed to: WAC 314-60-010, reflect the change from nine years to six years for terms for board members; WAC 314-60-020, include motion picture film, video recordings, diskettes, sound recordings and existing data compilations from which information may be obtained or translated as being public records by definition; WAC 314-60-030, more clearly define stores and agencies as being places where liquor is sold under the state's control; WAC 314-60-080, remove a designated person for maintenance of an index to give the board more flexibility in assigning this responsibility; WAC 314-60-105, make several changes to reflect current statute and existing board policy as to what constitutes an exempt record; and WAC 314-60-110, clarify when a decision shall be returned following a request for review of a denial of disclosing public records. Changes being proposed will improve and enhance the board's response to public records requests. Elimination of conflicting and/or archaic language will make it easier for people to understand the board's policy towards public records.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: M. Carter Mitchell, 1025 East Union, Olympia, WA, 753-

6276; Implementation and Enforcement: Liquor Control Board, 1025 East Union, Olympia, WA, 753-6276.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Hearing Location: Liquor Control Board, Fifth Floor Board Room, Capitol Plaza Building, 1025 East Union, Olympia, WA, on January 5, 1994, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Information Officer, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 664-9689, by January 4, 1994.

Date of Intended Adoption: January 5, 1994.

November 29, 1993  
Joseph L. McGavick  
Chairman

AMENDATORY SECTION (Amending Order 56, filed 5/31/77, effective 7/1/77)

**WAC 314-60-010 Purpose—Washington state liquor control board.** (1) The purpose of this chapter is to comply with the provisions of chapter 42.17 RCW dealing with public records.

(2) The "Washington state liquor control board," pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of ~~((nine))~~ six years that are staggered so that an appointment or reappointment is made every ~~((three))~~ two years. The "Washington state liquor control board" shall sometimes hereinafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board.

AMENDATORY SECTION (Amending Order 22, filed 4/17/73, effective 5/18/73)

**WAC 314-60-020 Definitions—Public records—Writing.** (1) "Public records" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds~~((s))~~, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

AMENDATORY SECTION (Amending Order 259, Resolution No. 268, filed 7/27/88)

**WAC 314-60-030 Description of central and field organization of Washington state liquor control board.** The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW).

(1) The board's major areas of activity are:

(a) Purchase, distribution and sale of liquor in the original package through its stores and agencies.

(i) All spirituous liquor in the original package is exclusively sold by the board.

(ii) Wines and malt beverages in the original package are sold by the board, and wines and beer can, under appropriate license, be sold by licensees.

(b) The licensing of the manufacture, distribution and sale of liquor. Licenses to retailers involve many different classifications and categories for the sale of liquor for on-premises and off-premises consumption. Licenses are also issued to manufacturers, breweries, wholesalers, importers, etc.

(c) The inspection of the activities and operations of liquor licensees and the enforcement of the liquor laws of the state of Washington and the rules and regulations of the board.

(2) The administrative offices of the Washington state liquor control board and its staff are located at:

(a) Main office, Capital Plaza Building, 1025 East Union Avenue, Olympia.

(b) Distribution center and stores and agencies division, 4401 East Marginal Way South, Seattle.

(c) Enforcement offices are maintained in major cities throughout the state.

(d) Stores and agencies where liquor is sold are maintained in cities, towns, and areas throughout the state.

AMENDATORY SECTION (Amending Order 56, filed 5/31/77, effective 7/1/77)

**WAC 314-60-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the main office of the board upon compliance with the following procedures:

(1) A request ~~((shall))~~ may be made in writing. A form prescribed by the board shall be available at its main office. The written request or prescribed form shall be submitted or presented to the public records officer, or to any member of the board's staff, ~~if~~ the public records officer is not available, at the main office of the board during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the main office of the board.

(c) The nature of the request.

(d) If the matter requested is referenced within the current index maintained by the ~~((records officer))~~ board, a

reference to the requested record as ~~((it is))~~ described ~~((in such current index))~~.

(e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

**AMENDATORY SECTION** (Amending Order 56, filed 5/31/77, effective 7/1/77)

**WAC 314-60-105 General guidelines—Exempt records.** The following general guidelines relate to the board's records, or portions thereof, that are, or may be, considered as exempt from public disclosure under the provisions of the Public Disclosure Law, chapter 42.17 RCW.

A general rule in connection with the application of any of the exemptions ~~((hereinbelow))~~ set forth below is that such exemptions shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption will be construed to permit the non-disclosure of statistical information which is not descriptive of any readily identifiable person or persons.

The list of records and material generally considered exempt from disclosure by the board includes, but is not limited to, the following:

(1) Personal information of the board members and its entire staff as may be contained in the personnel records of each member or employee, including all applications for public employment, resumes, and other materials submitted relating to the applicant, and residential addresses of members, employees or volunteers, with the exception that the employee's name, job title, and rate of pay for said job title, will be furnished. (See RCW 42.17.310 (1)(b), (t) and (u).)

(2) Audits of, and investigation reports concerning, individual licensees, except when cited by the board as the basis for disciplinary action taken against the licensee. (See RCW 42.17.310 (1)(d).)

(3) Intelligence information and investigative data and reports pertaining to the enforcement of the liquor laws and the board's regulations, the non-disclosure of which is essential to law enforcement or to the protection of any person's right to privacy. (See RCW 42.17.310 (1)(d).)

~~(4) ((Current personal and/or financial information furnished by or pertaining to licensees. The board may determine in particular cases that it intends to and will, if not restrained by court order, disclose requested information after having first given notice to affected parties and thereafter affording any such parties a reasonable time to seek a protective order pursuant to the provisions of RCW 42.17.330.~~

~~(5))~~ Special order requests and records of purchases by any person or persons, including class H licensees. (See RCW 66.16.090.)

~~((6))~~ (5) The board's records during the process of lease negotiations, when it would be both unfair and inequi-

table to disclose to contending parties what another party may have bid or offered. (See RCW 42.17.310 (1)(g).)

~~((7) Names of protestors and/or endorsers on matters pertaining to license applications, and))~~ (6) The names of complainants in connection with alleged liquor violations, if disclosure would endanger any person's life, physical safety, or property except when the ~~((protestor, endorser, or))~~ complainant authorizes the release of his or her name at the time the ~~((protest, endorsement, or))~~ complaint is submitted. (See RCW 42.17.310 (1)~~((d) and))~~ (e).)

~~((8))~~ (7) Computer program and research data of the board within five years of the request for disclosure when disclosure would produce private gain and public loss. (See RCW 42.17.310 (1)(h).)

~~((9))~~ (8) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the board in connection with board action. (See RCW 42.17.310 (1)(i).)

**AMENDATORY SECTION** (Amending Order 22, filed 4/17/73, effective 5/18/73)

**WAC 314-60-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the board chairman, or in his absence, a member of the board. The board chairman or member, as the case may be, shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the receipt of the request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

WSR 93-24-078

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed November 30, 1993, 9:49 a.m.]

Original Notice.

Title of Rule: Repealing chapter 356-09 WAC, Affirmative action program.

Purpose: This chapter ensures the Personnel Resources Board comply with chapter 41.06 RCW and executive orders.

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

Summary: The proposal will repeal the entire chapter.

Reasons Supporting Proposal: The rules in this chapter are being combined with similar rules in Title 251 WAC and will be merged into a new Title 359 WAC.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; and Implementation: Department of Personnel, 521 Capitol Way South, Olympia, 753-0468.

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: The adoption of ESHB 2054 directed the merging of the higher education system under the Personnel Resources Board. This proposal will repeal the existing chapter 356-09 WAC. These rules will then be combined with similar rules from Title 251 WAC and proposed as new rules in Title 359 WAC.

Proposal Changes the Following Existing Rules: The proposal repeals the entire chapter 356-09 WAC.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 13, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, Washington 98504-7500, by January 11, 1994.

Date of Intended Adoption: January 13, 1994.  
November 30, 1993  
Dennis Karras  
Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

356-09 Affirmative action program.

**WSR 93-24-079  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed November 30, 1993, 9:55 a.m.]

Original Notice.

Title of Rule: Repealing chapter 251-23 WAC, Affirmative action.

Purpose: This chapter ensures the Personnel Resources Board comply with chapter 41.06 RCW and executive orders.

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

Summary: The proposal will repeal the entire chapter.

Reasons Supporting Proposal: The rules in this chapter are being combined with similar rules in Title 251 WAC and will be merged into a new Title 359 WAC.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 753-0468; and Implementation: Department of Personnel, 521 Capitol Way South, Olympia, 753-0468.

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: The adoption of ESHB 2054 directed the merging of the higher education system under the Personnel Resources Board. This proposal will repeal the existing chapter 251-23 WAC. These rules will then be combined with similar rules from Title 356 WAC and proposed as new rules in Title 359 WAC.

Proposal Changes the Following Existing Rules: The proposal repeals the entire chapter 251-23 WAC.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 13, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by January 11, 1994.

Date of Intended Adoption: January 13, 1994.  
November 30, 1993  
Dennis Karras  
Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

251-23 Affirmative action.

**WSR 93-24-080  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed November 30, 1993, 9:58 a.m.]

Original Notice.

Title of Rule: New chapter 359-09 WAC, Affirmative action.

Purpose: This proposal will ensure compliance by state agencies and higher education institutions and related boards with the provisions of chapter 41.06 RCW and executive orders.

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

Summary: The existing rules in separate titles of WAC will be abolished and this proposal will establish a new chapter of rules for this purpose.

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

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 proposal will establish new rules to comply with chapter 41.06 RCW and executive orders. This chapter

will be a combination of rules previously found in Titles 356 and 251 WAC.

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 Personnel, 521 Capitol Way South, Olympia, WA, on January 13, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by January 11, 1994.

Date of Intended Adoption: January 13, 1994.

November 30, 1993

Dennis Karras

Secretary

#### NEW SECTION

##### **WAC 359-09-010 Affirmative action program—**

**Purpose.** The purpose of this chapter is to ensure compliance by state agencies and higher education institutions and related boards with the provisions of chapter 41.06 RCW and executive orders, which provide for affirmative action and equal employment opportunity in appointment, promotion, transfer, recruitment, training and career development, development and implementation of affirmative action goals and timetables, and monitoring of progress toward achieving those goals and timetables. Affirmative action is a good faith effort designed to correct the effects of past discrimination.

#### NEW SECTION

##### **WAC 359-09-012 Affirmative action program—**

**Guidelines.** (1) Reference to guidelines in this chapter, unless noted differently, means state agency or higher education affirmative action guidelines established by the department of personnel.

(2) State agencies, higher education institutions, and related boards will use the applicable guidelines in the development and implementation of their affirmative action policies, plans, and programs.

#### NEW SECTION

##### **WAC 359-09-015 Affirmative action rules—**

**Noncompliance.** Noncompliance with the rules contained in this chapter is within the jurisdiction of the Washington state human rights commission in accordance with RCW 49.74.020 through 49.74.040.

#### NEW SECTION

##### **WAC 359-09-020 Affirmative action plans—**

**Policies—Requirements.** (1) Each agency, higher education institution, and related board shall publish, endorse, and submit to the department of personnel an annual equal employment opportunity and affirmative action policy statement that reflects its policy of equal opportunity with respect to race, creed, color, national origin, sex, age, marital status, veteran status, sexual orientation, or the presence of any sensory, mental, or physical disability. Other elements of the statement will be in accordance with the affirmative action guidelines. Such policy statements may be included

in the affirmative action plan as provided by WAC 359-09-020 (4) and (5).

(2) Each agency is required to maintain current policy statements on sexual harassment and reasonable accommodation, and provide updates to the department of personnel.

(3) Each agency with 25-49 employees (FTE's) must submit to the department of personnel an annual EEOC profile of its workforce in accordance with the affirmative action guidelines.

(4) Each higher education institution and related board must submit to the department of personnel an annual affirmative action plan.

(5) In 1993 and thereafter, each agency with 50 or more employees (FTE's) must submit to the department of personnel an affirmative action plan every three years. Each agency must also submit an update report each interim year.

#### NEW SECTION

##### **WAC 359-09-030 Affirmative action plans—Content.**

Each agency, higher education institution, and related board must annually submit to the department of personnel an affirmative action plan or update. All plans and updates shall comply with department of personnel affirmative action guidelines and applicable state and federal laws and guidelines. Each affirmative action plan shall address recruitment, appointment, promotion, transfer, and training and career development, and shall include, but not be limited to, the following:

(1) An equal employment opportunity and affirmative action policy statement endorsed by the head of the agency, higher education institution, or related board.

(2) Provisions for the internal and external communication and dissemination of the affirmative action plan, program, and policy.

(3) Identification of the individual responsible for implementing the affirmative action plan and program and the specific responsibilities of that individual.

(4) A comparison of the current workforce profile to the available workforce. The profile will categorize the workforce by race or ethnic origin, sex, age, disability, Vietnam-era and disabled veteran status, and job class or category. The availability will be determined by using multi-factor availability analysis.

(5) Goals based on availability statistics compared to the workforce profile and the utilization analyses.

(6) A determination of the causes of underutilization and problem areas related to underutilization.

(7) Implementation of specific programs to correct the identified causes of underutilization and problem areas, and to achieve goals. Such programs include, but are not limited to, the following:

(a) Supplemental certification of underutilized groups from existing registers or eligible lists, except layoff lists or reduction in force registers.

(b) Underutilized applicants who meet the minimum qualifications for a class where underutilization exists, may be admitted to the examination at any time. Those who pass the examination for the class shall be placed on an established register or eligible list.

(8) A system for internally reporting, monitoring, and evaluating progress under the affirmative action plan and program.

#### NEW SECTION

**WAC 359-09-040 Affirmative action program—Responsibilities—Department of Personnel.** The department of personnel is responsible for administering the state's affirmative action program. It provides technical assistance in the development and implementation of affirmative action plans and programs to state agencies, higher education institutions, and related boards. In keeping with these responsibilities, the department of personnel will accomplish the following:

(1) Publish guidelines to assist in developing and implementing affirmative action plans and programs.

(2) Provide the data required to develop and implement affirmative action goals and timetables.

(3) Review equal employment opportunity and affirmative action policy statements, and plans, and updates for technical compliance with applicable rules and affirmative action guidelines, and recommend appropriate changes.

(4) Provide technical approval of policy statements, plans, and updates. Submit approved plans to the governor's affirmative action policy committee.

(5) To the extent possible, monitor recruitment, testing, appointment, promotion, transfer, termination, formal disciplinary actions, and career development practices for adverse impact.

(6) With the assistance of state agencies, initiate the recruitment of protected group members, including target recruitment when the representation of protected group members is less than their availability.

(7) Review the progress of agencies, higher education institutions, and related boards, in meeting goals and addressing problems identified in affirmative action plans and programs. These reviews will be conducted in accordance with the established affirmative action guidelines.

(8) Monitor items submitted to the Washington personnel resources board for possible negative effects on affirmative action.

#### NEW SECTION

**WAC 359-09-050 Affirmative action program—Testing.** (1) The department of personnel will make reasonable accommodations for persons with disabilities during test procedures.

(2) Members of underutilized groups may be added at anytime to all registers and eligible lists, except layoff lists and reduction in force registers, in accordance with affirmative action plans and programs, provided:

(a) Such persons meet the minimum qualifications and pass the examination for the class;

(b) Affirmative action goals have not been met for that class or job category;

(c) The person has not been tested under the same recruitment announcement within the past thirty calendar days; and

(d) The test has not been taken more than three times within a twelve-month period unless the examination content has been substantially changed.

#### NEW SECTION

**WAC 359-09-070 Affirmative action—Supplemental certification.** Additional names shall be added to the certification to ensure a total of three underutilized group members, or more than three when the lowest certified score is tied, are certified when:

(a) An agency, higher education institution, or related board is utilizing an affirmative action plan and program approved by the governor's affirmative action policy committee; and

(b) The initial certification process for a class or job category that is underutilized does not include at least three names of underutilized protected group(s) members; and

(c) Such additional certifications are made in strict order of standing on the register or eligible list.

**WSR 93-24-081  
PROPOSED RULES  
SPOKANE COUNTY AIR  
POLLUTION CONTROL AUTHORITY**

[Filed November 30, 1993, 11:54 a.m.]

Original Notice.

Title of Rule: Solid Fuel Burning Device Standards Regulation I, Article VIII.

Purpose: To amend an existing regulation, governing the air emissions, sale, and use of solid fuel burning devices.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: Amendments clarify criteria for temporary curtailment, reinstate the exemption program, replace permanent ban with a procedure for making findings, and adopt state and federal requirements.

Reasons Supporting Proposal: An enforceable program is a requirement of the Federal Clean Air Act. Experience with and new developments relative to the existing regulation necessitate changes for an effective program.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, Washington, (509) 456-4727 x 121; Implementation and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727 x 120.

Name of Proponent: Spokane County Air Pollution Control Authority, 1101 West College, Suite 403, Spokane, WA 99201, governmental.

Rule is necessary because of federal law, 42 USC 7410 and 42 USC 7502.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule regulates air emissions from and the sale and use of solid fuel burning devices. The amendments will clarify the procedure used to determine when the use of solid fuel burning devices must be curtailed to protect air quality. The amendments also replace an automatic, permanent ban on the use of uncertified solid fuel burning devices with a procedure to phase out their use only when findings of significant air quality impacts are made. Finally, the amendments adopt state and federal requirements and reinstate exemptions.

Proposal Changes the Following Existing Rules: The amendments are described in the above paragraph.

PROPOSED

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

Chapter 19.85 RCW applies to agencies of state government. The Spokane County Air Pollution Control Authority is not an agency of state government.

Hearing Location: Spokane County Public Works Building, West 1026 Broadway, Hearing Room, Lower Level, Spokane, WA, on January 6, 1994, at 9:30 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, 1101 West College, Suite 403, Spokane, WA 99201, by January 4, 1994.

Date of Intended Adoption: January 6, 1994.  
November 24, 1993  
Eric Skelton  
Director

ARTICLE VIII

SOLID FUEL BURNING DEVICE STANDARDS

ADOPTED: April 7, 1988

REVISED: July 12, 1990  
January 6, 1994

AMENDATORY SECTION

SECTION 8.01 PURPOSE

This article establishes emission standards, certification standards and procedures, curtailment rules, and fuel restrictions for solid fuel burning devices in order to ~~((comply with the requirements of))~~ attain the ~~((NAAQS))~~ National Ambient Air Quality Standards for ~~((the control of))~~ fine particulate matter (PM10) and to further the policy of the authority as stated in Article I, Section 1.01 of this Regulation.

SECTION 8.02 APPLICABILITY

The provisions of this article apply to solid fuel burning devices in all areas of Spokane County.

AMENDATORY SECTION

SECTION 8.03 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning ~~((, general terms common with other articles as defined in article I, Section 1.04 and Chapter 173-403 WAC, and terms specific to solid fuel burning devices as defined below))~~:

A. Adequate Source of Heat means a permanently installed furnace or heating system, connected or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane and to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence or commercial establishment.

B. Certified means:

- 1. ~~((that))~~ a ~~((woodstove))~~ solid fuel burning device, other than a fireplace, has received certification or an exemption certificate from the United States Environmental Protection Agency ~~((according))~~ pursuant to Title 40, Part 60, Subpart AAA of the Code of Federal Regulations, "Standards of Performance for New Residential Wood Heaters"; or
- 2. a solid fuel burning device has been determined by Ecology to meet emission performance standards, pursuant to RCW 70.94.457.

C. Coalstove means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking, which has substantially all the following characteristics:

- 1. An opening for loading coal which is located near the top or side of the appliance;
- 2. An opening for emptying ash which is located near the bottom or the side of the appliance;
- 3. A system which admits air primarily up and through the fuel bed;
- 4. A grate or other similar device for shaking or disturbing the fuel bed; and
- ~~((5. Installation instructions which state that the use of wood in the stove except for coal ignition is prohibited by law; and))~~
- 6 5. ~~((The model is listed))~~ Listing by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

D. Cookstove means an appliance designed with the primary function of cooking food and containing an integrally built in oven, with an internal temperature indicator and over rack, around which the fire is vented, as well as a shaker grate ashpan and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.

E. Ecology means the Washington State Department of Ecology.

F. Fireplace means a permanently installed masonry fireplace; or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.

G. Furnace means a device which is designed and installed to heat an entire multiple room structure by forcing heated air through permanently installed ducts or by forcing heated water or steam through pipes which result in convective or direct radiation of heat into the rooms.

H. Seasoned Wood means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.

H I. Solid Fuel Burning Device (same as solid fuel heating device) means a device that is designed to burn((s)) wood, coal, or any other nongaseous or nonliquid fuels, and includes woodstoves, coalstoves, cookstoves and fireplaces, or any similar device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.

I J. Spokane Smoke Control Zone means the geographic area, impacted by solid fuel combustion smoke, surrounding the Spokane/Spokane Valley Metropolitan area and, after consideration of the contribution of noncertified (~~woodstoves~~) solid fuel burning devices, population density and urbanization, and impact to the public health (RCW 70.94.477 (2)(a), (b) and (c)), is defined as follows:

Sections 1 through 6, Township 24 N, Range 42 E; Townships 25 and 26 N, Range 42 E; Sections 1 through 24, Township 24 N, Range 43 N; Townships 25, 26 and 27 N, Range 43 E; Sections 19 through 36, Township 28 N, Range 43 E; Sections 1 through 24, Township 24 N, Range 44E; Township 25 N, Range 44 E; Sections 19 through 36, Township 26 N, Range 44 E; Township 25 N, Range 45 E; Sections 1 through 4, 9 through 16 and 19 through 36, Township 26 N, Range 45 E; Sections 33 through 36, Township 27 N, Range 45 E; Sections 6, 7, 18, 19, 30, and 31, Township 25N, Range 46 E; Sections 6, 7, 18, 19, 30 and 31, Township 26 N, Range 46 E; Section 31, Township 27 N, Range 46 E.

K. Substantially Remodeled means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period (RCW 70.94.455).

J L. Treated Wood means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, fungus or weathering.

K M. Woodstove means a wood fueled appliance other than a cookstove with a closed fire chamber which maintains an air-to-fuel ratio of less than thirty-five to one during the burning of ninety percent or more of the fuel mass consumed at the minimum burn rate achievable. Any combination of parts, typical-

ly consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

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

**SECTION 8.04 EMISSION PERFORMANCE STANDARDS**

The Authority adopts section WAC 173-433-100 "Emission Performance Standards" and Title 40, Part 60, Subpart AAA of the Code of Federal Regulations "Standards of Performance for New Residential Wood Heaters" by reference.

AMENDATORY SECTION

**SECTION 8.05 OPACITY STANDARDS**

~~((A. Phase 1 opacity level. A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of forty percent opacity for six consecutive minutes in any one-hour period.))~~

~~B A.~~ ((Phase 2 opacity level. After July 1, 1990, a) A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes ~~((and~~) in any one-hour period.

~~C B.~~ Test method and procedures. EPA reference method 9 - Visual Determination of Opacity of Emissions from Stationary Sources shall be used to determine compliance with ~~((subs))~~ Section(s) 8.05.A. ~~((and B. of this section.))~~

~~D C.~~ Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

AMENDATORY SECTION

**SECTION 8.06 PROHIBITED FUEL TYPES**

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:



- A. Garbage;
- B. Treated wood;
- C. Plastic products;
- D. Rubber products;
- E. Animals;
- F. Asphaltic products;
- G. Waste petroleum products;
- H. Paints; ~~((or))~~
- I. Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors~~((:))~~;
- J. Paper, other than an amount of non-colored paper necessary to start a fire.

- 3. Whenever Ecology or the Authority has declared curtailment under a second stage of impaired air quality for the Smoke Control Zone or other geographical area. A second stage of impaired air quality is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of one hundred five micrograms per cubic meter of air by a method which has been determined by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

## AMENDATORY SECTION

### SECTION 8.07 CURTAILMENT

- A. Except as provided in Section 8.08, no ((Any)) person ((in a residence or commercial establishment with an adequate source of heat other than the burning of solid fuel)) shall operate a ((not burn solid fuel in any)) solid fuel burning device within a defined geographical area under any of the following conditions:

- 1. Whenever Ecology has declared curtailment under an air pollution episode for the geographical area pursuant to chapter 173-435 WAC and RCW 70.94.715~~((or))~~,
- 2. Whenever Ecology or the Authority has declared curtailment under a first stage of impaired air quality for the Smoke Control Zone or other geographical area, ((except when:)) and the solid fuel burning device is not a certified device.

~~((a. The solid fuel burning device is certified under WACT 173-433-100, RCW 70.94.457 or Title 40 Part 60 Subpart AAA of the Code of Federal Regulations; or;~~

~~b. Is a pellet stove either certified or issued an exemption certificate by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations; or,~~

~~e. A written exemption has been issued for the device under Article VIII, Section 8.08 B, C or D, but not Section 8.08 A "Low Income Eligibility";.)~~

A first stage of impaired air quality is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

- B. 4. ((If on or a) After July 1, 1995, if the Authority exercises the limitation in RCW 70.94.477(2), following the procedure in Section 8.09, and Ecology or the Authority has declared curtailment under a single stage of impaired air quality for the Smoke Control Zone or other geographical area. ((Spokane County is not in attainment of the particulate standards as specified in Title 40 section 50.6 of the Code of Federal Regulations any person in a residence or commercial establishment within the Spokane Smoke Control Zone shall not, at any time, burn solid fuel in any solid burning device, except:

~~1. fireplaces as defined in Section 8.03F of this article and RCW 70.94.453(3); or,~~

~~2. wood stoves meeting the standards set forth in RCW 70.94.457 or CFR 40 Part 60; or,~~

~~3. pellet stoves issued an exemption certificate by the United States Environmental Protection Agency in accordance with Title 40, part 60 of the Code of Federal Regulations; or,~~

~~4. obtain a Low Income Exemption as specified in section 8.08A of this article.~~

- C. 1. When the authority exercises the limitation on solid fuel burning devices specified under Section 8.07 B of this article, a) A single stage of impaired air quality ((applies to the Spokane Smoke Control Zone and)) is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of ninety micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

- 5. After July 1, 1995, if the Authority exercises the limitation in RCW 70.94.477(2), following the procedure in Section 8.09, and the solid fuel burning device is not a certified device or a fire-place.

B. In consideration of declaring curtailment under a stage of impaired air quality, the Authority shall consider the anticipated beneficial effect on ambient levels of particulates ten microns and smaller in diameter (PM10), taking into account meteorological factors, the contribution of emission sources other than solid fuel burning devices, and any other factors deemed to have an impact.

~~E~~ C. Any person responsible for a solid fuel burning device which is subject to curtailment and is already in operation at the time curtailment is declared under an episode, ~~((second))~~ or a stage of impaired air quality, ~~((or single stage impaired air quality within the Spokane Smoke Control Zone after July 1, 1995 is is declared))~~ shall extinguish that device by withholding new solid fuel for the duration of the episode or impaired air quality. ~~((A person responsible for a solid fuel burning device that is not certified under WAC 173-433-100 RCW 70.94.457 or CFR 40 Part 60 Subpart AAA already in operation at the time the first stage of impaired air quality is declared shall extinguish that device by withholding new solid fuel for the duration of the impaired air quality.))~~ Smoke visible from a chimney, flue or exhaust duct after a time period of three hours has elapsed from the time of declaration of curtailment under an ~~((the))~~ episode or a stage of impaired air quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that smoke was not caused by an applicable solid fuel burning device.

E D. The Authority, Ecology, ~~((health department))~~ Spokane County Health District, fire departments, fire districts, Spokane County Sheriff's Department, or local police ~~((fores))~~ having jurisdiction in the area may enforce compliance with ~~((the above))~~ solid fuel burning device curtailment ~~((rules))~~ after a time period of three hours has elapsed from the time of declaration of curtailment under an ~~((the))~~ episode or a stage of impaired air quality.

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

Reviser's note: The spelling 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

SECTION 8.08 EXEMPTIONS PERMITS

A. ~~((Low Income Eligibility))~~ The provisions of Section 8.07 shall not apply to any person who possesses a valid written exemption, issued by the Authority. The Authority may issue written ex-

emptions to any person who demonstrates any of the following to the satisfaction of the Authority:

1. ~~((A person who demonstrates a))~~ An economic need to burn solid fuel for residential space heating purposes by qualifying for energy assistance according to economic guidelines established by the U.S. Office of Management and Budget under the low income energy assistance program (L.I.E.A.P.) ~~((as administered in Spokane County by the Spokane Neighborhood Centers, is eligible for a written solid fuel burning device special need exemption which shall be issued by the Authority.~~

2. Application for a solid fuel burning device special need exemption may be made to the Authority at any time and shall be valid for a period of not more than one (1) year from the date of issue. Exemptions may be renewed providing the applicant meets the applicable guidelines at the time of application renewal. Exemptions shall be issued at no cost to the applicant. Special need exemption permits are non-transferable and are valid only at the location and for the person to whom the permit is issued.))

~~B. 2.~~ ~~((Emergency Exemption. In a emergency situation the Authority may issue a written solid fuel burning device emergency exemption. An emergency situation shall include but is not limited to a situation where a person demonstrates t))~~ That his/her heating system, other than a solid fuel heating device, is inoperable for reasons other than his/her own actions ~~((or a situation where the heating system has been involuntarily disconnected by a utility company or other fuel supplier. An emergency exemption shall be valid for a period determined by the Authority, but shall not exceed one (1) year.~~

~~C. 3.~~ Residential inadequate alternate source of heat. ~~Written exemptions may be issued by the Authority if a person can demonstrate t))~~ That there is no ~~((alternate source of heat or that any alternate source will not meet the criteria under the definition of))~~ adequate source of heat and the structure was constructed or substantially remodeled prior to July 1, 1992. ~~((Exemptions will be valid only until the following July 1st.~~

1. Residential inadequate alternate source of heat exemption permits may be renewed after July 1st of each year until July 1, 1990.

2. After July 1, 1990 inadequate alternate source of heat exemption permits will be renewed only if:

a. the solid fuel burning device is located outside of the Spokane Smoke Control Zone; or

- ~~b. the solid fuel burning device is not a woodstove as defined in section 8.03L in this article; or,~~
- ~~c. the woodstove is certified as defined in section 8.03B of this article; or~~
- ~~d. the person requesting the exemption qualifies as low income as specified in part A of this section.~~

~~D. Commercial inadequate alternate source of heat. Written exemptions may be issued by the Authority if a person can demonstrate that there is no alternate source of heat or that any alternate source will not meet the criteria under the definition of adequate source of heat. Exemptions will be valid only until the following July 1st.~~

- ~~1. Commercial inadequate alternate source of heat exemptions may be renewed after July 1st of each year until July 1, 1990.~~
- ~~2. After July 1, 1990 no inadequate alternate source of heat exemption permits will be issued to commercial establishments.~~

- ~~a. the solid fuel burning device is not a woodstove as defined in section 8.03K in this article; or,~~
- ~~b. the woodstove is certified as defined in Section 8.03B of this article.)~~

~~4. That there is no adequate source of heat and the structure was constructed or substantially remodeled after July 1, 1992 and is outside an urban growth area, as defined in RCW 36.70A, and is outside an area designated nonattainment for particulates ten microns and smaller in diameter (PM10) in accordance with CFR Title 40, Part 50.6.~~

B. Written exemptions shall be valid for a period determined by the Authority, which shall not exceed one (1) year from the date of issuance. Exemptions may be renewed, provided the applicant meets the applicable requirements at the time of exemption renewal.

C. The provisions of Section 8.07 and the requirement in Section 8.08.A. to obtain a written exemption shall not apply to any person who operates a furnace that is designed to burn wood, coal, or any other nongaseous or nonliquid fuels.

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

### SECTION 8.09 PROCEDURE TO GEOGRAPHICALLY LIMIT SOLID FUEL BURNING DEVICES

A. After July 1, 1995, if the Spokane PM10 Nonattainment Area, as defined in CFR Title 40, Part 81, exceeds a National Ambient Air Quality Standard for particulates ten microns and smaller in diameter (PM10), as defined in CFR title 40, Part 50.6, more than once in any calendar year during the months of January, February, March, October, November, and December, then within 90 days of the first such occurrence, the Board of the Authority shall hold a public hearing to consider geographically limiting the use of solid fuel burning devices not meeting the standards set forth in RCW 70.94.457, to areas outside the Smoke Control Zone and other geographical areas as appropriate. In consideration of this limitation, the Board shall consider the following factors:

1. The contribution of solid fuel burning devices, not meeting the standards set forth in RCW 70.94.457, to nonattainment of National Ambient Air Quality Standards.
2. The population density of geographical areas within the Authority's jurisdiction, giving greater consideration to urbanized areas.
3. The public health effects of use of solid fuel burning devices, not meeting the standards set forth in RCW 70.94.457.

B. If the Board, in consultation with Ecology, determines that solid fuel burning devices cause or contribute significantly to exceedance of a National Ambient Air Quality Standard for particulates ten microns and smaller in diameter (PM10), then the Board shall establish, by regulation, a schedule for prohibition, within the Smoke Control Zone and other geographical areas as appropriate, of the use of solid fuel burning devices, not meeting the standards set forth in RCW 70.94.457.

C. Nothing in Section 8.09 shall apply to the use of fireplaces or to persons who have obtained an exemption pursuant to Section 8.08.A.1

## NEW SECTION

### SECTION 8.10 RESTRICTIONS ON INSTALLATION OF SOLID FUEL BURNING DEVICES

A. After July 1, 1992, no person shall install a solid fuel burning device that is not a certified device in any new or existing building or structure unless the device is a cookstove, a fireplace, a furnace, or a device which has been rendered permanently inoperable.

- B. After July 1, 1992, no person shall sell, offer for sale, advertise for sale, or otherwise transfer a solid fuel burning device, that is not a certified device to another person unless the device is a cookstove, a fireplace, a furnace, or a device which has been rendered permanently inoperable.
- C. After January 1, 1997, no person shall sell, offer for sale, advertise for sale, or otherwise transfer a fireplace to another person, except masonry fireplaces, unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule (RCW 70.94.457 (1)(b)).

AMENDATORY SECTION

SECTION 8-09 8.11 REGULATORY ACTIONS AND PENALTIES

A person in violation of this article may be subject to the provisions of Article II, Section 2.11, Penalties.

**WSR 93-24-083**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Filed November 30, 1993, 1:07 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61940 1992-94 and 1994-95 Washington game fish seasons and catch limits—Columbia River.

Purpose: Establishes wild steelhead release regulations on the Columbia River below Bonneville Dam.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Eliminate the current harvest of depressed wild stocks in the Columbia River below Bonneville Dam. All winter-run hatchery steelhead in Oregon and Washington are now marked which will allow the sport fishery to selectively target on abundant hatchery stocks.

Reasons Supporting Proposal: Increase spawning escapements of depressed wild steelhead stocks. Rebuild depressed stocks to healthy fishable levels.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-5713; and Enforcement: Tony De La Torre, A.D., Enforcement Division, Olympia, (206) 753-5713.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Eliminate the harvest of depressed winter run steelhead stocks below Bonneville Dam and increase spawning escapement. Resource impacts: The average five year harvest on wild fish in Washington below Bonneville Dam is 165 fish. Spawning escapement will increase for

depressed wild stocks by approximately the same amount. Sport catch by Washington anglers will be decreased by an average of 165 fish. Financial impacts: Statement of finding: An effective date of January 25, which is earlier than the 31 days after filing is necessary because the time requirements would be contrary to the public interest. Wild winter run steelhead will begin entering the lower Columbia River in late January. Waiting 31 days to implement this regulation will make them vulnerable to harvest. Also, the Oregon Wildlife Commission adopted this regulation effective January 1. Implementing this regulation as soon as possible will limit the time period when regulations for the two states are inconsistent.

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: Best Western Inn, 8726 South Hosmer, Tacoma, WA 98444, on January 22, 1994, at 8:00 a.m.

Submit Written Comments to: Richard J. Poelker, 600 Capitol Way North, Olympia, WA 98501, by January 12, 1994.

Date of Intended Adoption: January 22, 1994.

November 30, 1993

Richard J. Poelker

Administrative Regulations Officer

NEW SECTION

**WAC 232-28-61940 1992-94 and 1994-95 Washington game fish seasons and catch limits — Columbia River.** Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to the Columbia River.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region 2.

Columbia River, from the Megler-Astoria Bridge to the I-5 Bridge: Year around season. Wild steelhead release and wild cutthroat release. Closed to fishing for steelhead April 1 - May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake: Year around season. Wild steelhead release. Closed to fishing for steelhead April 1 - June 15.

All other provisions of WAC 232-28-619 related to the Columbia River remain in effect and unchanged.

**WSR 93-24-084**  
**PROPOSED RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Filed November 30, 1993, 1:09 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61941 1994-95 Washington game fish seasons and catch limits—Lake Roosevelt.

Purpose: To provide additional recreational harvest of trout on all inlet streams that feed Lake Roosevelt with the exception of those tributaries as listed under regional regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This regulation would establish a five fish limit with no size restrictions for trout on all inlet streams that feed Lake Roosevelt with the exceptions of those tributaries as listed under regional regulations.

Reasons Supporting Proposal: This was an amendment to the 1994-95 game fishing regulations as requested by Commissioner Kelly White.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-5713; and Enforcement: Tony De La Torre, A.D., Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will provide additional recreational harvest opportunities on some tributaries that feed Lake Roosevelt as discussed at the October 1, 1993 commission meeting. Resource impacts: None. Financial impacts: None.

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: Best Western Inn, 8726 South Hosmer, Tacoma, WA 98444, on January 22, 1994, at 8:00 a.m.

Submit Written Comments to: Richard J. Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by January 12, 1994.

Date of Intended Adoption: January 22, 1994.

November 30, 1993

Richard J. Poelker

Administrative Regulations Officer

## NEW SECTION

**WAC 232-28-61941 1994-95 Washington game fish seasons and catch limits - Lake Roosevelt.** Notwithstanding the provisions of WAC 232-28-619, the following game fish regulations apply to Lake Roosevelt.

ROOSEVELT LAKE (Columbia River): TROUT - no more than 2 over 20". TROUT - CLOSED Mar. 1 - May 31 in San Poil arm upstream from mouth of Manilla Creek. WALLEYE - catch limit - 8, no more than 1 over 20". Only walleye less than 16" or over 20" may be kept; CLOSED Apr. 1 - May 31 in Spokane arm upstream from SR25 Bridge; in Kettle arm upstream from Burlington Northern Railroad Bridge at Twin Bridges; in San Poil arm upstream from mouth of Manilla Creek.

With the exception of those tributaries listed under Regional Regulations; all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: TROUT - catch limit - 5, no minimum size.

**WSR 93-24-085**

**PROPOSED RULES**

**DEPARTMENT OF WILDLIFE**

[Filed November 30, 1993, 1:11 p.m.]

Original Notice.

Title of Rule: WAC 232-28-61942 1992-94 and 1994-95 Washington game fish seasons and catch limits—Lakes Washington and Sammamish.

Purpose: Extends the emergency closure adopted November 29, 1993, by the Washington Wildlife Commission through May 31, 1994, on Lake Washington and Lake Sammamish.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: These areas must be closed to protect the Lake Washington winter steelhead run which is severely depressed. Lake Washington wild steelhead stock has not met its escapement goal since 1986 due primarily to predation by sea lions at the Ballard Locks. Escapements averaged 48 percent of the escapement goal from 1987 to 1992 and dipped to only 11 percent in 1993. The stock status is rated as depressed in the 1992 SASSI report.

Reasons Supporting Proposal: The system is currently under wild steelhead release regulations from December 1 to the end of February to harvest hatchery fish. However, no hatchery smolts were stocked in 1992 and the predicted hatchery return this season is less than 100 steelhead. Given the extremely depressed status of the wild stock and the lack of hatchery fish the system should be closed to maximize escapement and spawning success of wild fish by reducing hooking mortality, poaching and harassment.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-5713; and Enforcement: Tony De La Torre, A.D., Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Closes Lake Washington and Lake Sammamish March 1 through May 31 to fishing for steelhead to protect a severely depressed stock. Resource impacts: Increase steelhead spawning success. Financial impacts: Unknown.

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: Best Western Inn, 8726 South Hosmer, Tacoma, WA 98444, on January 22, 1994, at 8:00 a.m.

Submit Written Comments to: Richard J. Poelker, 600 Capitol Way North, Olympia, WA 98501, by January 12, 1994.

Date of Intended Adoption: January 22, 1994.

November 30, 1993

Richard J. Poelker

Administrative Regulations Officer

NEW SECTION

**WAC 232-28-61942 1992-94 and 1994-95 Washington game fish seasons and catch limits — Lakes Washington and Sammamish.** Notwithstanding the provisions of WAC 232-28-619, the following waters are CLOSED to fishing for steelhead:

Effective 12:01 a.m., March 1, 1994 to 11:59 p.m., May 31, 1994:

Lake Washington and Lake Sammamish.

This amends and supersedes certain provisions of the corresponding information shown in the 1993-94 and 1994-95 Washington Game Fish Regulations pamphlet editions for these waters. All other provisions of WAC 232-28-619 relating to the above waters remain in effect.

**WSR 93-24-086****PROPOSED RULES****DEPARTMENT OF WILDLIFE**

[Filed November 30, 1993, 1:13 p.m.]

## Original Notice.

Title of Rule: WAC 232-12-168 Fishing contests.

Purpose: Allows a limited number of walleye tournaments for unlimited prize value under at least 90 percent live release requirements and participants in bass contests to exceed catch and size limits under new and more restrictive rules. Provides definition of fishing contest; improved format of the WAC; and grammatical corrections. Requires contest anglers to release all nontarget fish species; the permittee and contest participants to both be responsible for compliance with WAC 232-12-168 and any special stipulations of the contest permit; contest anglers to release all live target fish alive at the end of the contest, and immediately terminate the contest if the mortality of fish at any point exceeds 10 percent; contestants to use artificial lures only in bass fishing contests; contestants to have a minimum size of livewell during walleye contests; and contestants in bass fishing contests to all have boats clearly marked with a method described by the state.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Many members of constituent groups have asked for more flexibility during bass fishing contests. The state has found few problems with bass tournaments under present contest regulations, and analysis indicates there would probably be no additional problems under these proposed rules. In addition, walleye anglers around the state have asked for rules which would allow walleye tournaments for large prize values, similar to bass contests. The state has had less experience with walleye tournaments, but feels contests for walleye could take place without harm or public conflict, if conducted under these proposed regulations.

Reasons Supporting Proposal: Many members of constituent groups have asked for more flexibility during bass fishing contests. The state has found few problems with bass tournaments under present contest regulations, and analysis indicates there would probably be no additional problems under these proposed rules. In addition, walleye anglers around the state have asked for rules which would allow walleye tournaments for large prize values, similar to

bass contests. The state has had less experience with walleye tournaments, but feels contests for walleye could take place without harm or public conflict, if conducted under these proposed regulations.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Crawford, A.D., Fisheries Management, Olympia, (206) 753-5713; and Enforcement: Tony De La Torre, A.D., Enforcement Division, (206) 753-5740.

Name of Proponent: Washington Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change would help accomplish three things: Improve enforceability of tournament rules; allow the flexibility requested by advocates of bass and walleye fishing contests; and establish tighter rules governing the care of fish caught in fishing contests to help assure their survival. Resource impacts: There will probably be no resource impacts - positive or negative - as a result of changes affecting bass tournaments, because the records indicate virtually all fish caught in bass tournaments are released now. The changes do close one loophole which could potentially impact bass caught in tournaments, where live release is not required in bass tournaments now if prize value is less than \$400. However, there have been no tournaments in this category in Washington for many years to the state's knowledge. The potential resource impacts due to walleye tournaments are expected to be minor, due to safeguards built into the proposed law (requirement of total live release of walleye; termination of the contest if mortality exceeds 10%; and minimum size of walleye livewells during contests). Similar to bass tournaments, one potential loophole is closed, and that is that under present law, live release of walleye is not required if prize value does not exceed \$400. Financial impacts: There will probably be no financial impacts as a result of this proposed WAC as it affects bass tournaments, because that category of tournament is well established in Washington now. The economic benefit from bass contests to communities throughout Washington is already substantial, and undoubtedly is a significant part of the estimated \$100 million that warmwater fisheries contribute annually to the economy of Washington now. The financial impacts of proposed WAC changes affecting walleye tournaments would be very positive, due to the fact that walleye tournaments for prizes more than \$400 are not presently allowed in Washington. There are in fact contests for large prizes now conducted partly on Washington walleye resources (Columbia River in that area adjacent to Oregon), but these contests must be based out of Oregon due to Washington's prohibition on large prize values for walleye tournaments. The Chambers of Commerce and business interests in Oregon eagerly propose tournaments due to economic benefits derived. Proposed changes to WAC 232-12-168 would likely benefit Washington "border" communities such as Plymouth, Goldendale, Wishram, Bingen, White Salmon, Stevenson, North Bonneville, Camas, Washougal, and/or Vancouver, if they want to propose and support walleye contests. In addition, other "non-border" communities throughout Washington with significant walleye populations nearby are likely to benefit economically. The

Kettle Falls Chamber of Commerce has already applied for a \$40,000 walleye tournament on Lake Roosevelt next summer, in hopes that the law will be changed to allow this tournament.

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: Best Western Inn, 8726 South Hosmer, Tacoma, WA 98444, on January 22, 1994, at 8:00 a.m.

Submit Written Comments to: Richard J. Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by January 12, 1994.

Date of Intended Adoption: January 22, 1994.  
 November 30, 1993  
 Richard J. Poelker  
 Administrative Regulations Officer

**AMENDATORY SECTION** (Amending Order 577, filed 10/21/92)

**WAC 232-12-168 Fishing contests.** (1) Contest defined: By definition, a fishing contest exists when 6 or more persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) ((+)) Fishing contest permit applications should be submitted to the Department by December 1 of each year for contests that are to take place the following calendar year. After December 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) ((2)) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

(3) Approval:

(a) ((6)) Fishing contests which may adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) ((7)) Contests will not be allowed on sea-run cutthroat trout, ((+))Dolly ((+))Varden or bull trout.

(c) ((+0)) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director.

(4) Prize value: ((8)) Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish, grayling, or kokanee(~~(- walleye or bass)~~) are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are ((required to be)) released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) ((3)) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) ((4)) Contests are restricted to the species and water approved on the permit. Only those species listed as a target of the contest may be retained by contest participants.

(c) ((5)) Sponsors must report contest information requested by the Department within 10 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) ((+1)) Contest participants may not restrict public access at boat launches.

(e) ((9)) Contests where all participants expect to fish at the same time from boats on a body of water will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	CONTESTS PER MONTH*	CONTESTS PER YEAR	BOATS PER CONTEST DAY
			<u>BASS</u>	<u>WALLEYE</u>
Less than 300	1	1	5	0 15
301 - 3,000	1	2	10	2 35
3,001 - 6,000	1	3	15	2 60
6,001 - 10,000	1	4	25	2 125
More than 10,000**	2	5	35	2 300

\* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

\*\* Two separate contest permits may be issued with no more than 150 boats per contest.

(f) ((+2)) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit((-)), or of general fishing rules not specifically exempted by this permit.

(6) Special regulations, bass and walleye contests:

(a) ((+0)) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass contests only, participants may continue to fish while holding a daily catch limit of bass in possession for the particular water being fished, as long as one fish is released immediately upon catching a fish which would make the angler in excess of the daily catch limit if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than a daily limit in the livewell.

(c) During bass contests, only artificial lures may be used while fishing.

(d) During bass contests held on waters managed under statewide "standard" regulations, participants may retain a daily catch limit of bass of any size to be weighed in. However, if the contest is on waters managed by "nonstandard" (exception) regulations, no deviations to size limits are allowed. Regardless of whether the contest is on a water managed by "standard" or "exception" regulations, tournament anglers may not be in possession of more than the

daily catch limit for the water being fished, except as authorized under 6 "f", below.

(e) During walleye contests, all bag and size limits listed in the fishing pamphlet remain in effect. No size or number limit exceptions are allowed for walleye contests except as authorized under 6 "f", below.

(f) ((43)) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(g) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches long and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

(h) Boat identification: All boats fishing in bass contests must be clearly identified according to criteria established by the Department.

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

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

**WSR 93-24-088**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Filed November 30, 1993, 2:07 p.m.]

Continuance of WSR 93-23-078.

Title of Rule: Chapter 275-56 WAC (new sections WAC 275-56-600 through 275-56-720); and amending WAC 275-56-015 Definitions.

Purpose: Allows implementation of the federally mandated waiver of the Title XIX program. Creates rules for managed care prepaid health care plans in accordance with federally approved Title XIX waiver, including client eligibility, enrollment, disenrollment, exceptions, grievances, ombuds services, quality assurance, and payment.

Date of Intended Adoption: December 10, 1993.

November 30, 1993  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

**WSR 93-24-089**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed November 30, 1993, 2:42 p.m.]

Original Notice.

Title of Rule: New WAC 356-05-477, 356-05-479, 356-06-045, 356-30-285, 356-30-315, and 356-30-328.

Purpose: These proposals will allow, in rule, employee movements between the Washington management service and Washington general service.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.500.

Summary: Proposals allow employee movement between the general service and Washington management service, reversion, completing trial or probationary service simultaneously with the review period, and reduction in force. Washington general service and Washington management service are defined.

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

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal provides movement of employees between the general service and the Washington management service. General service and Washington management service are defined.

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 Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA 98504, on January 13, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by January 11, 1994.

Date of Intended Adoption: January 13, 1994.

November 30, 1993

Dennis Karras  
Secretary

NEW SECTION

**WAC 356-05-477 Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapters 41.06 RCW and those chapters of WAC that are adopted by the Washington personnel resources board.

NEW SECTION

**WAC 356-05-479 Washington management service.** The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.500 and those chapters of 356 WAC that are adopted by the director of personnel.

NEW SECTION

**WAC 356-06-045 Movement between Washington general service and Washington management service positions.** (1) Employees who have attained, or who are within two months of attaining, permanent status in the Washington management service are eligible to compete



under promotional recruitments for Washington general service positions.

(2) When an agency chooses to limit recruitment to promotional candidates, employees who have attained, or who are within two months of attaining, permanent status in the Washington general service are eligible to compete.

(3) Permanent employees may transfer from the Washington management service to Washington general service positions if their salary is within the salary range of the general service position.

(4) Permanent employees may transfer from Washington general service to Washington management service positions if their salary is within the salary level of the Washington management service position.

(5) Permanent employees may voluntarily demote between Washington management service and Washington general service positions at a lower pay level than their current permanent positions.

NEW SECTION

**WAC 356-30-285 Probationary period or trial service period—Appointment to higher position in Washington management service.** When a probationary or trial service employee is appointed to a higher position in the Washington management service, the probationary period or trial service period shall overlap the new review period for the Washington management service position, provided that the Washington management service higher position and the class which the employee left are in the same or a closely related occupational field. The employee shall complete the terms of the original probationary period or trial service period and be given permanent status in the class.

NEW SECTION

**WAC 356-30-315 Reversion from Washington management service.** Permanent employees who are appointed to a Washington management service position and who do not successfully complete the review period will retain the following rights.

(1) A permanent employee who is appointed from the general service to a Washington management service position within the same agency, will retain reversion rights to the class in which he/she held permanent status prior to the appointment.

(2) A permanent employee who is appointed from the general service to a Washington management service position in another agency and is reverted retains the right to return to a vacant position in the class and agency in which he/she held permanent status prior to the appointment to the Washington management service. If no vacant position is available, the employee may request to be placed on the reversion register as provided in WAC 356-26-030 (3) and (5) and 356-30-320.

(3) An employee may voluntarily revert to the position, if vacant, held prior to the employee's first Washington management service appointment within the first six months of the review period. If no vacancies are available, the employee may request to be placed on the reversion registers for the general service class in which the employee held status prior to the first Washington management service appointment.

(4) Reversion of employees appointed from the general service will be carried out as provided in WAC 356-30-320.

(5) Nothing in this reversion section shall preclude agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the Washington management service or within the general service if permitted by the general service rules.

NEW SECTION

**WAC 356-30-328 Reduction in force - Return to general service from Washington management service.** Permanent Washington management service employees, who also hold permanent status in the general service, and who are subject to reduction in force, will be afforded reduction-in-force rights per Chapter 356-30-330 WAC when the employees have no option for same or similar positions in the Washington management service, or only have Washington management service options which would create a greater decrease in salary than the general service class in which they held permanent status.

**WSR 93-24-090  
PROPOSED RULES  
DEPARTMENT OF  
VETERANS AFFAIRS**  
[Filed November 30, 1993, 2:54 p.m.]

Original Notice.

Title of Rule: WAC 484-20-065 Use of residents' income and resources.

Purpose: This subsection defines how residents' income and resources are utilized.

Statutory Authority for Adoption: RCW 43.60A.070.

Statute Being Implemented: RCW 72.36.120.

Summary: Adds sections which define the use of resident income and resources under Medicaid.

Reasons Supporting Proposal: Portions of the state veterans homes are Medicaid certified. Rules must be changed to comply with Medicaid guidelines.

Name of Agency Personnel Responsible for Drafting: Sherri Madison, 505 East Union, Olympia, WA 98507, (206) 753-4527; Implementation and Enforcement: Beau Bergeron, 505 East Union, Olympia, WA 98507, (206) 753-4522.

Name of Proponent: Department of Veterans Affairs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes guidelines which direct how a resident's income and resources are to be used under Medicaid. Changes were made to allow the state veterans homes to implement Medicaid rules related to use of income and resources.

Proposal Changes the Following Existing Rules: The subsection which increased the personal needs allowance each year is deleted. Increases are not allowed under ESSB 5966.

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

Hearing Location: Washington Veterans Home, Retsil, WA 98378, on January 5, 1994, at 9:00 a.m.; and at Washington Soldiers Home, Orting, WA 98360, on January 6, 1994, at 9:00 a.m.

Submit Written Comments to: Sherri Madison, 505 East Union, Olympia, WA 98507, by January 5, 1994.

Date of Intended Adoption: January 10, 1994.

November 30, 1993

Beau Bergeron  
Director

AMENDATORY SECTION (Amending WSR 92-17-046, filed 8/14/92, effective 9/14/92)

**WAC 484-20-065 Use of residents' income and ~~((assets))~~ resources.** (1) Residents shall ~~((relinquish))~~ pay on a monthly basis, within time limits established by ~~((WDVA))~~ department policy, all income in excess of ~~((their))~~ the established personal needs allowance to the ~~((veterans' home or soldiers'))~~ state veterans' home ~~((revolving fund))~~ except as outlined in subsections (2) and (5) of this section. The amount ~~((relinquished))~~ paid shall not exceed the total cost of care ~~((of the resident determined consistent with subsection (8) of this section)).~~ ~~((The superintendent))~~

(2) Residents may ~~((make exceptions for))~~ also retain the following:

(a) Income of individuals on approved rehabilitation furlough who are attempting to reestablish residency within the community ~~((and for));~~

(b) Earnings of residents in an approved vocational rehabilitation program which has reemployment in the community as a primary rehabilitation goal; and

(c) Earnings of residents participating in therapeutic employment programs ~~((indicated))~~ as documented in their ~~((patient care))~~ plan of care.

~~((2))~~ (3) Couples residing in ~~((the home(s)))~~ a state veterans' home shall each be allowed ~~((maximum))~~ the established personal needs ~~((allowances as provided in this chapter))~~ allowance as long as each individual's income equals or exceeds the ~~((maximum))~~ established personal needs allowance. Should one of the individual's income fall below the ~~((maximum))~~ established personal needs allowance, his/her personal needs allowance shall be limited to the income to which (s)he has an individual right.

~~((3))~~ The personal needs allowance shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. The increase will be determined by the formula P times A/12 rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase.)

(4) Residents shall be required to apply for any and all entitlements or benefits as soon as they become eligible ~~((home)).~~ Facility staff are available to assist with applications for entitlements and benefits.

(5) A resident may contribute toward the necessary support of a nonresident spouse, dependent children or a dependent parent. For residents in a Medicaid funded program, the contribution will not exceed ~~((the family member's personal income and/or))~~ limits established under medical assistance eligibility rules (chapter 388-95 WAC).

For residents in non-Medicaid funded programs, the contribution will not exceed any spousal/dependent benefit(s) included in the resident's benefits. The spouse's/dependent's personal income shall not be considered as an available resource when calculating the resident's contribution toward cost of care. An additional contribution from the resident's personal needs allowance may be considered.

~~((6))~~ ~~((Computation of the amount owed by the resident to have towards the cost of care shall be computed on the basis of the resident's actual entitlement.~~

~~((7))~~ Subsection (4) of this section applies to residents of the colony at the Washington soldiers' home. The ~~((provisions))~~ remaining subsections of this section do not apply to residents of the colony at the soldiers' home.

~~((8))~~ (7) A resident who receives or accumulates funds equal to or greater than ~~((three months' cost of his/her care must relinquish the excess assets to the revolving fund));~~

(a) The established Medicaid resource limit—For Medicaid eligible residents;

(b) The federal Department of Veterans Affairs resource limit—For any resident who has a fiduciary assigned by the federal Department of Veterans Affairs; and

(c) Three months cost of care—For non-Medicaid residents without a federally assigned fiduciary will be billed at the facility's private rate until such time as accumulated funds are reduced to established limits or request voluntary discharge ~~((, unless such resident is admitted under the provisions of WAC 484-20-030(1))).~~

(8) Provisions of this ~~((paragraph))~~ subsection shall apply ~~((only))~~ to all current residents ~~((admitted after adoption of this section))~~ of the two state veterans' homes thirty days after final rule adoption.

(9) Residents whose resource level exceeds established limits shall receive the necessary assistance to reduce their resources below established limits. Assistance shall occur concurrent with the rule adoption process and the resource reduction process shall be completed within the thirty-day period following final rule adoption.

(a) For Medicaid eligible residents, Medicaid rules for disposal of excess resources shall apply.

(b) For residents with a federal Department of Veterans Affairs fiduciary assigned, federal Department of Veterans Affairs guidelines shall apply.

(c) For non-Medicaid residents without a federally assigned fiduciary, subsection (7)(c) of this section shall apply.

(d) Staff shall assist residents as requested with the resource reduction process.

(e) Any resident with excess resources at the end of a thirty-day period shall be billed at the private rate until the applicable resource level is reached.

(10) In the event funds received are a back award of benefits; despite the source:

(a) Medicaid eligible residents shall be required to report the back award to the appropriate community service office and have a new award letter issued.

(b) Non-Medicaid program residents shall have the funds counted as available resources and subsection (9)(a) through (e) of this section shall apply.

(11) The estate of any individual who is a resident at the time of death will be charged for the balance of any cost of care which the resident did not pay during his/her

~~((residence))~~ residency in the ~~((home))~~ facility. Reasonable allowances will be made for funeral costs.

~~((9))~~ (12) Residents and their spouses are required to disclose to the department all income and assets ~~((at least annually, or whenever there is a change in family income or assets))~~. For residents in Medicaid funded programs, disclosure will be accomplished following medical assistance rules. For residents in non-Medicaid funded programs and the colony at the Washington soldiers' home, disclosure will be done at least annually or when there is a change in income and/or assets, using forms provided by the facility.

(13) The resident's contribution for cost of care shall be applied first as payment for partial months of residency.

#### WSR 93-24-094

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed November 30, 1993, 3:01 p.m.]

Effective immediately, the Department of Agriculture, Food Safety and Animal Health Division, wishes to rescind the proposed rule which establishes requirements for smoked fish and seafood plants.

Washington State Register number is WSR 93-20-036 filed on September 28, 1993.

John Daly  
Assistant Director  
Food Safety and Animal Health

#### WSR 93-24-097

#### PROPOSED RULES DEPARTMENT OF WILDLIFE

[Filed November 30, 1993, 4:45 p.m.]

Original Notice.

Title of Rule: New section WAC 232-28-239 1993 Bighorn sheep auction permit.

Purpose: To adopt a hunting season (time, place, and manner) for one bighorn sheep auction permit.

Statutory Authority for Adoption: RCW 77.12.040 and 77.12.700.

Statute Being Implemented: RCW 77.12.040 and 77.12.700.

Summary: A conservation organization will be awarded one bighorn sheep permit to auction according to agency policy and procedures. This rule will establish the season dates, geographic area, and any other restrictions of the permit hunt.

Reasons Supporting Proposal: The auction permit will generate revenue for wildlife management of bighorn sheep. The adoption of a hunting season will ensure proper management of the resource.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, AD, Wildlife Management Division, Olympia, (206) 753-5728; and Enforcement: Tony De La Torre, AD, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: [Department of Wildlife], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adopts a bighorn hunting season for one permit hunter. The purpose is to generate revenue without detracting from other hunting opportunities. We anticipate generating several thousand dollars for bighorn management programs.

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: Best Western Tacoma Inn, 82726 [8726] South Hosmer, Tacoma, WA 98444, on January 22, 1994, at 8:00 a.m.

Submit Written Comments to: Rich Poelker, 600 Capitol Way North, Olympia, WA 98501-1091, by January 12, 1994.

Date of Intended Adoption: January 22, 1994.

November 30, 1993

Richard J. Poelker  
Administrative Rules Officer

#### NEW SECTION

#### WAC 232-28-239 1993 Bighorn sheep auction permit

##### AUCTIONING OF PERMIT

The Director will select a conservation organization to conduct the 1994 bighorn auction. Selection of the conservation organization will be based on criteria developed by the Washington Department of Wildlife. The organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

##### AUCTION PERMIT HUNT

##### SPECIES - BIGHORN SHEEP

Hunting Season Dates: September 1 - October 31.

Hunt Area: Any sheep unit open in 1994.

Bag Limit: 1 Bighorn Ram

##### WHO MAY BID:

Anyone except those who have received a special bighorn sheep permit in Washington and were successful in taking a mountain sheep. A person who received a special permit for mountain sheep and were unsuccessful in taking a sheep may bid after a five year waiting period.

##### AUCTION HUNT PERMITTEE RULES

(1) The permittee must purchase a Washington State hunting license and bighorn sheep tag before participating in the hunt.

(2) The permittee may transfer the permit to another person one time within 30 days of the auction. The permit shall not be transferred for financial gain.

(3) Permittee shall contact the appropriate regional office of the Department of Wildlife when entering the designated hunt area.

(4) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

- (5) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (6) If requested by the Department, the permittee is required to accompany wildlife officials to the site of the kill.
- (7) The permittee will present the head and carcass of any game animal killed to any wildlife office within 72 hours of date of kill.

**WSR 93-24-098**  
**PROPOSED RULES**  
**LOTTERY COMMISSION**  
 [Filed November 30, 1993, 4:49 p.m.]

Original Notice.

Title of Rule: New WAC 315-11A-114 Instant Game Number 114 ("Wildcard"), 315-11A-115 Instant Game Number 115 ("Cash Roulette"), 315-11A-116 Instant Game Number 116 ("Fortune") and 315-11A-117 Instant Game Number 117 ("Cash Crop"); amending WAC 315-04-180 Obligations of lottery retailers, 315-04-210 Procedure if license is suspended or revoked, 315-06-035 Instant ticket purchase price and conditions, 315-06-170 Deposits of lottery revenues, 315-06-190 Erroneous or mutilated tickets, 315-10-030 Instant games criteria, 315-10-060 Official end of game, 315-10-080 Retailer settlement and 315-30-030 On-line games criteria; and repealing WAC 315-02-120 Depository defined, 315-06-140 Lottery accounts and depositories, 315-06-150 Assignment of depository, 315-06-160 Lottery retailer's identification card and 315-06-180 Stolen or lost tickets.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 114 (Wildcard), 115 (Cash Roulette), 116 (Fortune), and 117 (Cash Crop); to amend WAC 315-04-180, 315-04-210, 315-06-035, 315-06-170, 315-06-190, 315-10-030, 315-10-060, 315-10-080 and 315-30-030; and to repeal WAC 315-02-120, 315-06-140, 315-06-150, 315-06-160, and 315-06-180.

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 315-11A-114, 315-11A-115, 315-11A-116, and 315-11A-117, 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.

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-04-180, 315-04-210, 315-06-035,

315-06-170, 315-06-190, 315-10-030, 315-10-060, 315-10-080, and 315-30-030; and repeals WAC 315-02-120, 315-06-140, 315-06-150, 315-06-160, and 315-06-180. These amendments and repealers are all due to the establishment of the lottery's instant ticket validation and accounting system which will change the method of accounting for instant tickets between retailers and the lottery, and will enable players to redeem winning tickets of \$600 or less at any lottery retailer in the state.

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. 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, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on January 7, 1994, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by January 6, 1994.

Date of Intended Adoption: January 7, 1994.

November 30, 1993  
 Evelyn P. Yenson  
 Director

NEW SECTION

**WAC 315-11A-114 Instant Game Number 114 ("Wildcard"). (1) Definitions for Instant Game Number 114.**

(a) Play symbols: The following are the "play symbols": "9," "10," "J," "Q," "K," "A," and "♠ ." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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 three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 114, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
9	NIN
10	TEN
J	JAC
Q	QUE
K	KNG
A	ACE
♠	JKR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$4.00," "\$7.00," "\$11.00," "\$21.00," "\$40.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 114, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 7.00	SVN DOL
\$ 11.00	ELV DOL
\$ 21.00	TTN DOL
\$ 40.00	\$FORTY\$
\$ 10,000	TENTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11400001-000 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 114 constitute the "pack number" which starts at 11400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) 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 less than \$600.00. For Instant Game Number 114, 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
THR	\$ 3.00 (\$1, \$1, AND \$1; \$3)
SVN	\$ 7.00 (\$3, \$3, AND \$1; \$4, \$1, \$1, AND \$1; \$7)
ELV	\$ 11.00 (\$7, \$3, AND \$1; \$4, \$3, \$3, AND \$1)
TTN	\$ 21.00 (\$11, \$7, AND \$3; \$21)
FRY	\$ 40.00
ETY	\$ 80.00 (\$40 AND \$40)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 114.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has a ~~☞~~ play symbol shall be entitled to the prize shown below the ~~☞~~ play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 114 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 114; and/or

(ii) Vary the number of tickets sold in Instant Game Number 114 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 114.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 114 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each

of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-115 Instant Game Number 115 ("Cash Roulette"). (1) Definitions for Instant Game Number 115.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," and "6." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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 three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 115, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$6.00," "\$12.00," "\$18.00," "\$50.00," "\$500.00," and "\$2,500." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 115, 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
\$ 6.00	SIX DOL
\$ 12.00	TLV DOL
\$ 18.00	EGN DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND
\$ 2,500	TWFHUND

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11500001-000 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 115 constitute the "pack number" which starts at 11500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) 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 less than \$600.00. For Instant Game Number 115, 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 (\$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2, AND \$2; \$2, \$2, \$1, AND \$1; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$6, \$2, \$2, AND \$2; \$12)
EGN	\$ 18.00 (\$12 AND \$6; \$6, \$6, AND \$6; \$18)
FTY	\$ 50.00
FVH	\$ 500.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 115.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 115 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 115; and/or

(ii) Vary the number of tickets sold in Instant Game Number 115 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 115.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

Instant Game Number 115 all of the following validation requirements apply:

- (i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.
- (iv) 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:

4	FOR
5	FIV
6	SIX
\$\$	DLRS

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

- (v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.
- (vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.
- (vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.
- (b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$3.00," "\$7.00," "\$12.00," "\$19.00," "\$50.00," and "\$500.00." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 116, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 3.00	THR DOL
\$ 7.00	SVN DOL
\$ 12.00	TLV DOL
\$ 19.00	NIT DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND

- (e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.
- (f) Pack-ticket number: The eleven-digit number of the form 11600001-000 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 116 constitute the "pack number" which starts at 11600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) 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 less than \$600.00. For Instant Game Number 116, 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
THR	\$ 3.00 (\$1, \$1, AND \$1; \$3)
SVN	\$ 7.00 (\$3, \$3, AND \$1; \$7)
TLV	\$ 12.00 (\$7, \$3, \$1, AND \$1; \$12)
NIT	\$ 19.00 (\$12 AND \$7; \$19)
FTY	\$ 50.00
FVH	\$ 500.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 116.**

- (a) The price of each instant game ticket shall be \$1.00.

**NEW SECTION**

**WAC 315-11A-116 Instant Game Number 116 ("Fortune"). (1) Definitions for Instant Game Number 116.**

- (a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "\$\$." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."
- (b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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 three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 116, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has a \$\$ play symbol shall be entitled to the \$500 prize shown below the \$\$ play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 116 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 116; and/or

(ii) Vary the number of tickets sold in Instant Game Number 116 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 116.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 116 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.









(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.








(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

**WAC 315-11A-117 Instant Game Number 117 ("Cash Crop"). (1) Definitions for Instant Game Number 117.**

(a) Play symbols: The following are the "play symbols": "  , "  , "  , "  , "  , "  , "  , and "  . One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the five play spots shall be labeled "winning crop."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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 three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 117, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	LEMN
	CORN
	TREE
	APPL
	CHRS
	GRPS
	STBR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$4.00," "\$8.00," "\$12.00," "\$20.00," "\$40.00," "\$80.00," and "\$8,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning crop."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 117, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 12.00	TLV DOL



\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 80.00	\$EIGHTY
\$ 8,000	EGTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 11700001-000 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 117 constitute the "pack number" which starts at 11700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) 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 less than \$600.00. For Instant Game Number 117, 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	
FOR	\$ 4.00	(\$1, \$1, \$1, AND \$1; \$4)
EGT	\$ 8.00	(\$4 AND \$4; \$8)
TLV	\$ 12.00	(\$8 AND \$4; \$12)
TWY	\$ 20.00	(\$12 AND \$8; \$12, \$4, AND \$4; \$20)
FRY	\$ 40.00	
ETY	\$ 80.00	

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 117.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the three play symbols matches exactly one of the play symbols labeled "winning crop," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 117 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 117; and/or

(ii) Vary the number of tickets sold in Instant Game Number 117 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 117.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 117 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending Order 83, filed 12/16/85)

**WAC 315-04-180 Obligations of lottery retailers.** (1) ~~((All tickets accepted by the lottery retailer from its assigned depository shall be considered sold to the lottery retailer (unless returned to the depository from which they were obtained within the time specified and as permitted by the director). The purchase price shall be paid to the depository, less the value of lower tier prizes in each book and any discount authorized by these rules.~~

~~(2) After acceptance, the lottery retailer is responsible for the condition and security of the tickets and for any losses resulting from tickets which become lost, stolen, mutilated, damaged or otherwise unsaleable. The director shall not reimburse the lottery retailer for any losses which occur after acceptance of the tickets or for which the lottery has no duty or responsibility.))~~ (a) The method of accounting

for a retailer's payment to the lottery for instant ticket packs received prior to February 9, 1994 shall be governed by Title 315 Washington Administrative Code and other applicable law as it was in effect before February 9, 1994.

(b) The method of accounting for a retailer's payment to the lottery for instant ticket packs received on or after February 9, 1994 shall be governed by Title 315 Washington Administrative Code and other applicable law as it was in effect on February 9, 1994.

(c) The director, acting in the best interests of the Washington State Lottery, shall have the discretion to stay the effectiveness of amendments scheduled to take effect on February 9, 1994 to Title 315 Washington Administrative Code as filed with the state of Washington Office of the Code Reviser. A stay executed under this section shall be in writing and signed by the director, and shall be placed on file with all other rule making orders kept by the Washington State Lottery. The director shall have the sole authority to lift any stay imposed under this subsection when it is deemed in her best judgment to be appropriate. The lifting of any imposed stay shall be in writing and shall be placed on file with the document imposing the stay. In the event that a stay under this section is imposed, all references to "February 9, 1994" in subsections (1)(a) and (1)(b) of this section shall be read to be the date that the director lifts any stay imposed hereunder.

(2)(a) Upon acceptance of instant tickets from the lottery, the retailer shall be responsible for the condition and security of the tickets. In the event that instant tickets accepted by the retailer are lost, stolen or in any way unaccounted for prior to their being placed in "activated" status on the lottery's instant ticket validation and accounting system (ITAS), the retailer shall upon discovery of their disappearance immediately notify the lottery of each pack or portion of a pack so unaccounted for, lost or stolen. The retailer shall be charged \$25 for each pack or portion of a pack so reported.

(b) A retailer may return an unopened pack at no charge to the lottery at any time prior to the pack having been placed in "activated" status. Upon announcement of the official end of an instant game, a retailer shall return to the lottery all unactivated packs in that game. Retailers shall be charged \$25 for each pack or portion thereof which was not returned to the Lottery and not activated.

(c) Immediately prior to making a pack of instant tickets available for sale, the retailer shall place the pack in "activated" status on the lottery's instant ticket validation and accounting system (ITAS). The lottery shall not reimburse the retailer for any ticket losses which occur after activation of the pack from which the tickets came or for which the lottery has no duty or responsibility.

(d) Upon placement of a pack in activated status, the retailer shall be liable to the lottery for payment for the pack, in the amount calculated under section 315-06-035 of this code. Payment for a pack shall be due to the lottery twenty calendar days after the pack has been placed in activated status.

(e) All lottery retailers and lottery license applicants shall sign and comply with a lottery instant retailer agreement. Failure to sign or to comply shall result in revocation or denial of a retailer's lottery license.

(3) Each lottery retailer shall abide by the law, these rules and all other directives or instructions issued by the director.

(4) Each lottery retailer grants to the director and the commission and employees of the commission an irrevocable license to enter upon the premises of the lottery retailer in which tickets may be sold or any other location under the control of the lottery retailer where the director may have good cause to believe lottery materials and/or tickets are stored or kept in order to inspect said lottery materials and/or tickets and the licensed premises.

(5) All property given, except tickets, to a lottery retailer remains the property of the director, and, upon demand, the lottery retailer agrees to deliver forthwith the same to the director.

(6) All books and records pertaining to the lottery retailer's lottery activities shall be made available for inspection and copying, during the normal business hours of the lottery retailer and between 8:00 a.m. and 5:00 p.m., Monday through Friday, upon demand by the director or employees of the commission.

(7) All books and records pertaining to the lottery retailer's lottery activities shall be subject to seizure by the director or employees of the commission without prior notice.

(8) No lottery retailer shall advertise or otherwise display advertising in any part of the lottery retailer's premises as a licensed location which may be considered derogatory or adverse to the operations or dignity of the lottery and the lottery retailer shall remove any advertising forthwith if requested by the director.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-04-210 Procedure if license is suspended or revoked.** Upon revocation or suspension of a lottery retailer's license for any reasons whatsoever, the lottery retailer must ~~((appear at its assigned depository or before the director or his or her designee, by a date designated by the director for the purpose of rendering)),~~ by a date designated by the director, render a final lottery accounting ~~((, the))~~ and surrender ~~((of the lottery retailer's license, his or her identification card and other))~~ all lottery property to the director or designee. ~~((Upon the lottery retailer's failure to appear by the designated date to render a final accounting, or otherwise to surrender the license, identification card and other lottery property as instructed, the depository shall immediately notify the director by telephone and confirm in writing:))~~

AMENDATORY SECTION (Amending Order 114, filed 2/09/89)

**WAC 315-06-035 Instant ticket purchase price and conditions.** (1) The lottery retailer's purchase price for each pack of instant tickets shall be the retail price of the pack ~~((less the value of the pack's low-tier prizes))~~ less the retailer discount authorized pursuant to WAC 315-04-190. ~~((Lottery retailers shall reimburse the lottery for each low-tier prize payment made by the lottery for winning tickets purchased from the lottery retailer.))~~

(2) Lottery retailers shall make payment to the lottery by ~~((business check, cashier's check, certified check, money order or))~~ electronic funds transfer (EFT). ~~((The director may designate the form of payment.))~~

(3) The director shall establish payment terms for purchase of instant tickets and shall issue instructions for such payments to lottery retailers.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-06-170** ~~((Deposits of lottery revenues. (1) Each lottery retailer shall purchase the tickets distributed to it and the monies for payment of these tickets shall be deposited to the credit of the state lottery account in a designated depository. Deducted from the total purchase cost to the lottery retailer, in such manner as the director may require, shall be the amount, if any, which the lottery retailer may pay as prizes and which it may retain as compensation for its services in accordance with these rules. The lottery))~~ **Filing of reports.** Lottery retailers ~~((shall))~~ may be required to file with the director periodic reports of their respective receipts and transactions in the sale of tickets in such form as approved by the director.

~~((2) Each lottery retailer shall account to its assigned depository for all proceeds resulting from its sales of tickets within such time as may be specified by the director for any particular type or kind of lottery which may be authorized 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 errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

**WAC 315-06-190** **Erroneous or mutilated tickets.**

(1) Tickets erroneously made out or in any way mutilated when received by a lottery retailer are to be returned by the lottery retailer immediately to the ~~((depository serving said))~~ lottery ~~((retailer))~~. Credit may be allowed for said tickets but only ~~((at the point of original sale to))~~ the lottery retailer. ~~No credit shall be allowed~~ if the authenticity of the tickets can ~~((not))~~ be reasonably determined by the director.

(2) Unless the director is satisfied that a mutilated ticket is authentic, no credit or prize will be issued to the holder of said ticket.

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

AMENDATORY SECTION (Amending WSR 89-21-029, filed 10/10/89, effective 11/10/89)

**WAC 315-10-030** **Instant games criteria.** (1) The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00, except for those tickets used in

authorized media promotions and authorized retailer incentive programs.

(2) Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and/or any other means as specified by the director.

(3) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(4) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of \$25.00 or less. Higher tier prizes are of more than \$25.00. The director shall determine the number of lower and higher tier prizes.

(5) The start date and closing date of the instant game shall be publicly announced. Lottery retailers shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. Lottery retailers may continue to sell tickets for each instant game for up to 14 days after the official end of game as authorized by WAC 315-10-060.

(6) There is no required frequency of drawing or method of selection of a winner in an instant game.

(7) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from redeemed tickets meeting the criteria stated in specific game rules as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection (3) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

(8) Procedures for claiming instant game prizes are as follows:

~~((a) To claim an instant game prize of \$25.00 or less, the claimant shall present the apparent winning ticket to the lottery retailer from whom the ticket was purchased. The lottery retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. In the event the lottery retailer cannot verify the claim, the claimant shall fill out a claim form, as provided in WAC 315-06-120, which shall be obtained from the lottery retailer and present the completed form, together with the disputed ticket to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the~~

~~director, the claim shall be denied and the claimant shall be promptly notified.~~

(b)) To claim an instant game prize of ~~((more than \$25.00 through))~~ \$600.00 or less the claimant either may present the apparent winning ticket to ~~((a) any lottery retailer ((included in the computer validation system;))~~ regardless of where the ticket was purchased, or may ~~((complete a claim form, as provided in WAC 315-06-120, which is obtained from a lottery retailer or the director and mail the completed form together with))~~ present the apparent winning ticket to the director. When ~~((the))~~ a retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the ~~((computer validation))~~ lottery's instant ticket validation and accounting system (ITAS). The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account. In the event the retailer cannot verify the claim, the claimant shall present a claim to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(c) To claim an instant prize of more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the director and mail the completed form together with the apparent winning ticket to the director. Upon validation by the director, a check shall be forwarded to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(d) To claim an instant prize pursuant to WAC 315-10-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to the one hundred eighty-first day following the official end of that instant game. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(e) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

AMENDATORY SECTION (Amending Order 115, filed 4/10/89)

**WAC 315-10-060 Official end of game.** (1) The director shall announce the official end of each instant game. A player may submit a ~~((low tier))~~ winning ticket ~~((to the lottery retailer from whom the ticket was purchased or the lottery and a high tier winning ticket to the lottery))~~ for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) ~~((At the discretion of the director, a lottery retailer may return to the lottery unsold lottery tickets for each game. Lottery retailers who are permitted by the director to return tickets within thirty days after the official end of that game will receive full credit for the tickets returned from the lottery. Lottery retailers who are permitted by the director to return tickets between thirty one and ninety days after the official end of game will be charged a fifteen percent restocking fee.))~~ The lottery has no obligation to grant credit for tickets returned more than ninety days after the official end of game.

(4)) Return of tickets by state liquor control board outlets shall be governed by the interlocal cooperative agreement between the lottery and the state liquor control board.

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

AMENDATORY SECTION (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

**WAC 315-10-080 Retailer settlement.** (1) Each retailer licensed with the lottery ~~((after May 31, 1991;))~~ to sell instant tickets shall establish an account for deposit of moneys derived from instant game sales with a financial institution that has the capability of electronic funds transfer (EFT) and shall make payment of all monies due the lottery through the EFT account. Funds generated from the sale of instant tickets ~~((shall be))~~ are held in trust by the retailer ~~((for))~~ until transfer to the lottery.

(2) ~~((Each))~~ All retailers ~~((required to establish an account pursuant to this section))~~ shall make deposits periodically to that account sufficient to cover moneys due the lottery. The director shall specify the days on which moneys due shall be withdrawn by EFT. Moneys not deposited by a specified day of withdrawal shall be overdue and delinquent.

AMENDATORY SECTION (Amending WSR 92-11-033, filed 5/15/92, effective 6/15/92)

**WAC 315-30-030 On-line games criteria.** (1) The base price of an on-line play shall not be less than \$.50 and not more than \$5.00.

(2) On the average the total of all prizes available to be won in an on-line game shall not be less than forty-five percent of the on-line game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of game's projected revenue.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer claiming a prize shall submit the apparent winning ticket as specified by the director. The ticket must be validated pursuant to WAC 315-30-050 by the lottery or an on-line retailer through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming on-line prizes are as follows:

(a) To claim an on-line game prize of \$600.00 or less the claimant shall present the winning on-line ticket to any on-line retailer or to the lottery.

(i) If the claim is presented to an on-line retailer, the on-line retailer shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. If the on-line retailer cannot validate the claim, the claimant may (~~obtain and complete a claim form, as provided in WAC 315-06-120, and~~) submit (~~it with~~) the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a nonwinning ticket the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(ii) If the claim is presented to the lottery, the claimant shall (~~complete a claim form, as provided in WAC 315-06-120, and~~) submit (~~it with~~) the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(b) To claim an on-line prize of more than \$600.00, the claimant shall obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 315-02-120      Depository defined.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 315-06-140      Lottery accounts and depositories.
- WAC 315-06-150      Assignment of depository.
- WAC 315-06-160      Lottery retailer's identification card.
- WAC 315-06-180      Stolen or lost tickets.

**WSR 93-24-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed November 30, 1993, 4:56 p.m.]

Original Notice.

Title of Rule: Proposed rule relating to the licensing, operation, and enforcement of the Washington Mortgage Brokers Practices Act.

Purpose: To implement a new act, Mortgage Brokers and Loan Originators—Licensing, passed by the 1993 legislature.

Statutory Authority for Adoption: Chapter 468, Section 9, Laws of 1993.

Statute Being Implemented: Chapter 468, Laws of 1993.

Summary: The proposed rule interprets and administers provisions of the new Washington Mortgage Brokers Practices Act.

Reasons Supporting Proposal: Implements the new act.

Name of Agency Personnel Responsible for Drafting: Mark Thomson, 1400 South Evergreen Park Drive S.W., #120, Olympia, 664-8615; Implementation and Enforcement: Ed Burgert, 1400 South Evergreen Park Drive S.W., #120, Olympia, 664-8615.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule clarifies application, licensing, operational, and enforcement procedures under the new act for mortgage brokers. The Mortgage Brokerage Commission provided recommendations for the proposed rules.

Proposal does not change existing rules.

Small Business Economic Impact Statement: Mortgage brokers and loan originators—Licensing rule, chapter 50-60 WAC, provides the requirements for licensing and rules of practice and conduct for mortgage brokers. The licensing fee in this rule has been reviewed and found to be the only part of the rule which imposes costs upon small businesses beyond those established in the statute. The Regulatory Fairness Act, chapter 19.85 RCW, requires a small business economic impact statement (SBEIS) if rules have an effect on more than 20% of all industry members or more than 10% of any three digit standard industrial classification (SIC) industry. The license fee affects SIC code #616 Mortgage Brokers and Bankers. It is impossible to tell exactly what

November 30, 1993

John L. Bley

Director

proportion of these entities are impacted by the act, since mortgage brokers approved by the U.S. Department of Housing and Urban Development (HUD), the Federal National Mortgage Association (FNMA), Government National Mortgage Association (GNMA) and Federal Home Loan Mortgage Corporation (FHLMC) are exempt from licensing under the act, and those mortgage bankers who are not approved by any of these entities and conduct mortgage brokering activities would be covered under the licensing criteria. We have no idea at the present time how many of each fit in these categories. However, assuming that all listed mortgage brokers are required to be licensed under that act, and that all mortgage bankers are exempt from the act, 49% (472 out of 963) of the #616 industry code are affected by the licensing fees established by these rules. Of the total shown in SIC code #616, 51% are mortgage bankers and would be exempt from licensing. RCW 19.146.205(2) requires, at the time of filing an application for a license under this chapter, that each applicant pay to the director the appropriate license fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to be sufficient to cover, but not exceed, the department's costs in administering this chapter. The license fee of \$500.00 was set by the department after receiving legal advice from our assistant attorney general that the statute only allowed the department to set a single license fee for all applicants, and that only a license fee could be levied to support the costs of administering the program. The fee of \$500.00 was arrived at by dividing the estimated number of mortgage brokers applications expected under the act (375) into the appropriated expenditure level for this one year program (\$187,000). The bill passed during the last session, which requires licensing and the promulgation of these rules, sunsets on October 31, 1994. The mortgage brokerage commission, established by the act, has been meeting since August to recommend new legislation to provide for a continuing program of licensing and regulation. Under the current proposal to be put forward by this commission, the department will be given authority to fund this program from three sources, and application fee, a hourly fee for investigations of complaints, and an annual fee. Assuming passage of this bill in the upcoming session, the issue of the impact of these fees upon small business will be revisited. If not, and no bill is passed, the current rules will become ineffective as of October 1, 1994. Since the current statute limits the department's ability to charge different fees to different licensees, since it sunsets next year, and since the department consulted with the mortgage brokerage commission in setting the current fee, the department believes it has taken all possible steps to mitigate the impact of this license fee on small business. In addition, an attempt is being made to change the existing statutory language to allow for a broader range of fee options. If this effort is successful, this issue will be revisited and the department will take all practical measures to mitigate the impact of the fees on small businesses.

Hearing Location: General Administration Building, Auditorium, First Floor, 11th and Columbia, Olympia, Washington 98504, on January 4, 1994, at 10:00 a.m.

Submit Written Comments to: Mark Thomson, P.O. Box 41200, Olympia, WA 98504-1200, by January 3, 1994.

Date of Intended Adoption: January 4, 1994.

## Chapter 50-60 WAC MORTGAGE BROKERS AND LOAN ORIGINATORS—LICENSING

### NEW SECTION

**WAC 50-60-010 Definitions.** (1) "Material litigation" is defined as any past or pending litigation which would be relevant to the director's ruling on an application for a mortgage brokerage license, including but not limited to the following types of litigation:

(a) Any previous convictions for a felony in the last seven years or currently pending felony charges.

(b) Any previous or pending civil actions involving financial misconduct, including but not limited to violations of the Mortgage Brokers Practices Act, the Consumer Protection Act, or state or federal securities laws.

(2) A "branch office" is defined as a fixed physical location such as an office, separate from the principal place of business of the licensed mortgage broker, where a licensee holds itself out to the public as acting as a mortgage broker. "Hold out to the public" means advertising or otherwise informing the public that mortgage loans are made or negotiated at that location, or listing that location on business cards, stationery, brochures, rate lists or other promotional items, but does not include listing a home or mobile telephone number on business cards or stationery in addition to listing the telephone number of a licensed place of business.

(3) A "principal" of any partnership, company, association or corporation is defined as any person who owns a ten percent interest or more in the partnership, company, association or corporation.

### NEW SECTION

**WAC 50-60-020 Statutory exemptions.** (1) The following are exempt from all provisions of these rules, with the exception of those who must comply with RCW 19.146.0201 according to RCW 19.146.020(2):

(a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

(b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(c) Any person doing any act under order of any court;

(d) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

(e) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance

of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

(f) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(g) Any mortgage broker approved by the United States Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended;

(h) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality or any of the entities in this subsection (1)(h); and

(i) A real estate broker who provides information only in connection with a CLO system, who may receive a fee for such information in an amount approved by the director and who conforms to all rules of the director with respect to the providing of such service.

(2) Those persons otherwise exempt under subsection (1)(f), (g), and (i) of this section must comply with RCW 19.146.0201.

**NEW SECTION**

**WAC 50-60-030 Application procedure for mortgage broker license.** Each person, as defined in RCW 19.146.010(8), desiring to obtain licensure as a mortgage broker shall apply to the director by submitting the following:

(1) An application shall be made in the form prescribed by the director.

(2) The applications described in subsection (1) of this section must be accompanied by:

(a) A surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).

(b) Payment to the director of five hundred dollars for each application as a license fee to cover the costs of investigation and processing of the application, and otherwise enforcing this chapter.

(3) Each principal of an applicant that is a corporation or a partnership, or the owner if the applicant is unincorporated, shall complete and submit the following with the application:

(a) Biographical information including complete and accurate employment history and a description of any material litigation for the preceding seven years.

(b) An independent credit report obtained from a recognized credit reporting agency.

(c) A signed authorization for a background investigation.

(d) A completed fingerprint card accepted by the Washington state patrol.

(4) Notwithstanding any other provision of these rules, the director may deny an application as incomplete if the applicant fails within ten business days to meet a second request from the director for information, except that the director may grant an extension to the applicant when good cause is shown. An example of good cause may include, but

shall not be limited to, death or incapacitating illness of the preparer, or other catastrophic occurrence. Denial under such circumstances shall not affect new applications filed after the denial. Following denial on such grounds and upon submission of an additional license fee, an applicant may reapply.

**NEW SECTION**

**WAC 50-60-040 Experience requirements.** (1) An applicant who has two years of experience in the following categories shall be judged to meet the experience requirements for licensing as expressed in RCW 19.146.210 (1)(e):

(a) Mortgage broker, or responsible individual or branch manager;

(b) Mortgage banker, or responsible individual or branch manager;

(c) Loan officer, with responsibility primarily for loans secured by lien interests on real estate;

(d) Branch manager of lender, with responsibility primarily for loans secured by lien interest on real estate.

(e) Mortgage broker with license from another state whose licensing standards are determined by the director to be substantially similar to this state.

(2) An applicant who is currently active and licensed as a real estate broker in Washington or a state with similar licensing requirements, and who has at least two years of experience as a real estate broker, and who has completed a training course approved by the director covering all laws and regulations applicable to the business of mortgage brokering will be judged to meet the experience requirements as expressed in RCW 19.146.210 (1)(e).

**NEW SECTION**

**WAC 50-60-050 Access to criminal history information.** (1) The director may review the criminal conviction record that is maintained by any federal, state or local law enforcement agency relating to:

(a) An applicant for a license under this article; or

(b) Any principal of a partnership, company, association or corporate applicant for a license under this article.

(2) The director may refuse to grant a license or may suspend or revoke a license if the applicant, licensee, or any principal of a partnership, company, association or corporate applicant, fails to provide a complete set of fingerprints and a recent photograph on request.

**NEW SECTION**

**WAC 50-60-060 License fee.** New license.

(1) For each application for a Washington mortgage broker license, the director shall receive and there shall be paid to the director prior to issuance of the license a nonrefundable license fee of five hundred dollars to cover the license period stated on the license.

(2) For each application for a Washington mortgage broker branch office license, the director shall receive and there shall be paid to the director prior to issuance of the license a nonrefundable license fee of one hundred dollars to cover the license period as stated on the license.

NEW SECTION

**WAC 50-60-070 Branch office application procedure.** Application may be made for branch office licenses in a form specified by the director. However, the branch manager of each branch office must be a licensed mortgage broker, and therefore must complete a separate application for a mortgage broker license as required by WAC 50-60-030 if he or she is not already licensed. This will require surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).

NEW SECTION

**WAC 50-60-080 Surety bond for applicants engaging in the business of a mortgage broker.** (1) A licensee engaged in the business of a mortgage broker shall obtain and file with the director prior to licensing a surety bond in the amount of forty thousand dollars issued by a bonding company or insurance company authorized to do business in this state.

(2) In lieu of such surety bond, the applicant may deposit with the director a certificate of deposit or other time deposit properly assigned to the director for an amount equal to the required bond. The depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the director, to substitute other qualified deposits, and shall be required to do so on written order of the director made for good cause shown.

(3) In lieu of such surety bond, the applicant may deposit with the director an irrevocable letter of credit drawn in favor of the director for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, savings and loan association, or credit union as such applicant may designate and the director may approve.

(4) The surety bond or approved equivalents listed in subsections (1), (2), and (3) of this section are subject to the provisions of RCW 19.146.240.

NEW SECTION

**WAC 50-60-090 License standards for applicants licensed in other jurisdictions.** An applicant licensed in other jurisdictions is required to follow the application procedure as stated in WAC 50-60-030.

NEW SECTION

**WAC 50-60-100 License standards for associations.** Since all members of an association are legally responsible for actions of an association, all members of an association must complete an application for licensing and must meet the criteria for licensing as set forth in chapter 19.146 RCW and chapter 50-60 WAC.

NEW SECTION

**WAC 50-60-110 Sale, transfer, or change of control of a licensed mortgage broker agency or business.** (1) A Washington state mortgage broker license is not transferable or assignable.

(2) Whenever a licensee who is a sole proprietorship intends to sell or otherwise transfer their interest in a

licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.

(b) Stipulation that the buyer (transferee) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.

(c) Clear assignment of the responsibility for all payments due to customers and third party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferee).

(d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50-60-140 to either the seller (transferor) or the buyer (transferee).

(e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.

(f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third-party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(3) Whenever a licensee that is a partnership or corporation intends to sell or otherwise transfer a controlling interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.

(b) Stipulation that the buyer (transferee) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.

(c) Clear assignment of the responsibility for all payments due to customers and third-party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferee).

(d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50-60-140 to either the seller (transferor) or the buyer (transferee).

(e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.

(f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification



tion of the sale or transfer to all of the seller's (transferor's) clients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third-party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.

(4) Whenever there is a change in a principal of a licensee that is a corporation or partnership, the licensee must provide the director with all information required of a principal when an application is made for a mortgage brokers license as specified in WAC 50-60-030. The director shall make a determination, prior to completion of the sale, whether the proposed new principal in the licensee meets the requirements which must be met to be licensed as a mortgage broker as specified in RCW 19.146.210.

#### NEW SECTION

**WAC 50-60-120 Employees of licensed mortgage broker.** RCW 19.146.200 prohibits a person from engaging in the business of a mortgage broker without first obtaining and maintaining a mortgage broker license, except as an employee of a person licensed or exempt from licensing. For the purpose of licensing of mortgage brokers, an employee is defined as any individual who has an employment relationship, acknowledged by both the employee and the licensee, where the individual is treated as an employee by the licensee for purposes of compliance with federal income tax laws.

#### NEW SECTION

**WAC 50-60-130 Disclosures required to borrower.** Disclosures required by RCW 19.146.030 (1), (2)(c), (d), (e), and (f) shall be made in the form approved by the director.

#### NEW SECTION

**WAC 50-60-140 Recordkeeping requirements.** Each mortgage broker required to be licensed by chapter 468, Laws of 1993, shall retain the original contract for the broker's compensation, an accounting of all funds received in connection with the loan, a copy of the settlement statement as provided to the borrower if the loan closed, a record of any fees refunded to the applicant if the loan did not close, copies of the good faith estimate and all other written disclosures, and all other correspondence, papers or records relating to the loan application for a minimum of six years after a mortgage application is received. These records shall be retained in all cases where a mortgage application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed.

#### NEW SECTION

**WAC 50-60-150 Disclosure of significant developments.** (1) A licensee shall be required to notify the director in writing within thirty days of the occurrence of any of the following significant developments:

- (a) Licensee filing for bankruptcy or reorganization.

(b) Notification of license revocation procedures in any state against the licensee.

(c) The filing of a felony indictment related to mortgage brokering activities of licensee, officer, director, or principal.

(d) A licensee, officer, director, or principal being convicted of a felony.

(e) Notification of cancellation of the licensee's surety bond as required for licensing, or any significant decline in value of any alternative to the surety bond held by the director.

(f) The filing of any material litigation against the licensee.

(g) A sale, transfer, or change of control of a licensed mortgage broker agency or business.

(2) A licensee shall be required to notify the director in writing ten days prior to a change of business location.

#### NEW SECTION

**WAC 50-60-160 License denial.** (1) The director may deny, suspend or condition a license if the licensee, any principal of any corporate or partnership licensee, or the owner if the applicant is unincorporated:

(a) Has not paid the required license fee;

(b) Has not posted the required bond or otherwise complied with RCW 19.146.205;

(c) Has had any license issued under chapter 468, Laws of 1993, or any similar statute of this or any other state suspended, revoked, or restricted within five years of the filing of the present application;

(d) Has been convicted of a felony within seven years of the filing of this application;

(e) Has failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter;

(f) Has misrepresented or concealed material facts in obtaining a mortgage brokers license or in reinstatement thereof;

(g) Has violated the provisions of the Mortgage Broker Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act;

(h) Has had the surety bond required for licensure canceled;

(i) Has allowed the licensed mortgage brokerage business to deteriorate into a condition which would result in denial of a new application for a license;

(j) Has aided or abetted an unlicensed person to practice if a license is required;

(k) Has demonstrated incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(l) Is insolvent in the sense that the value of the applicant's or licensee's liabilities exceed their assets or in the sense that the applicant or licensee cannot meet their obligations as they mature;

(m) Has failed to comply with an order issued by the director, or his or her designee, or an assurance of discontinuance entered into with the director, or his or her designee;

(n) Has performed an act of misrepresentation or fraud in any aspect or the conduct of the mortgage brokerage business or profession;

(o) Has failed to cooperate with the director, or his or her designee, by:

(i) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary actions or denial, suspension, or revocation of a license under this chapter;

(ii) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director;

(iii) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; or

(p) Has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or authorized representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action.

(2) The director may deny, suspend or condition a license if the owner, if the applicant is a sole proprietorship; the general partner(s), if the applicant is a partnership; or the chief executive officer, if the applicant is a corporation; does not have the required two years of experience in the residential mortgage loan industry as defined in WAC 50-60-040.

(3) The director may not issue a license if he or she finds that the applicant, or any person who is a director, officer or principal of the applicant, has within the previous seven years been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this rule, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty or no contest or nolo contendere or stipulated to facts sufficient to justify a finding of guilt to a charge thereof before a court or federal magistrate, or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such pleas of guilty, or such decision, judgment, or verdict, shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefore from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the state board of pardons and paroles pursuant to the provisions of the executive law to remove the disability under this subsection because of such conviction.

(4) The director may find that a person has failed to demonstrate financial responsibility, character and general fitness such as to warrant a belief that the business will be operated honestly, fairly and efficiently within the purposes of chapter 468, Laws of 1993, whenever:

(a) The person is or has been subject to an injunction issued pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act, or rules promulgated thereunder, or chapter 19.86 RCW, the Consumer Protection Act;

(b) The person has had a license to engage in a similar business suspended or revoked within the previous seven years by any local, state or federal agency within the United States, and that license has not been reinstated without restriction;

(c) The person has had a surety bond or an equivalent form of business insurance canceled or revoked for cause in the previous two years;

(d) The person is a defendant in pending material litigation;

(e) The person's independent credit report issued by a recognized credit reporting agency indicates a substantial history of unpaid debts;

(f) The applicant is insolvent in the sense that the value of the applicant's liabilities exceed the value of their assets, or in the sense that the applicant cannot meet their obligations as they mature;

(g) The person has not demonstrated an acceptable level of knowledge of all laws and regulations applicable to the business of mortgage brokering through compliance with the experience and educational requirements set forth in WAC 50-60-040; or

(h) The applicant has violated the requirements of the Mortgage Brokers Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act.

NEW SECTION

**WAC 50-60-170 Transitional rule.** Pursuant to the authority granted under RCW 19.146.210(3), the director declares the effective date of the licensing requirement expressed in RCW 19.146.200 to be extended to November 30, 1993. Businesses engaged in mortgage brokering and required to be licensed under chapter 468, Laws of 1993, may file an application with the director and obtain, upon acceptance of the application as complete and a determination by the director that the applicant meets the verifiable requirements for licensing, an interim license. This interim license shall expire on February 28, 1994, unless extended by the director. This section shall be void after July 1, 1994.

NEW SECTION

**WAC 50-60-180 Licensing of independent contractors to conduct mortgage brokering.** A person may be licensed as an independent contractor to conduct the business of mortgage brokering provided that:

(1) The person meets all requirements for licensing as a mortgage broker under chapter 19.146 RCW or any rule adopted thereunder, with the exception that a surety bond or equivalent in the amount of five thousand dollars shall meet the bonding requirement; and

(2) The person is an independent contractor for a licensed mortgage broker that has accepted responsibility under its license for any and all violations of chapter 19.146 RCW or rules adopted thereunder that the independent contractor may commit and the person has on file with the

director a binding written agreement with the licensed mortgage broker to that effect; and

(3) The surety bond or equivalent posted by the licensed mortgage broker with which the person contracts runs to the benefit of the state and any person or persons who suffer loss by reason of the independent contractor's violation of any provision of this chapter or rules adopted thereunder.

The license to conduct business as an independent contractor under a licensed mortgage broker shall state the names of both the independent contractor and the licensed mortgage broker with which the contractor has contracted. This license shall permit the independent contractor to perform mortgage brokering business under the named licensed mortgage broker only. An independent contractor must obtain a separate license for each licensed mortgage broker under which the contractor contracts to conduct the business of mortgage brokering.

### WSR 93-24-100

#### PROPOSED RULES

### STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed December 1, 1993, 8:04 a.m.]

Original Notice.

Title of Rule: Special service programs—Running start program, chapter 131-46 WAC.

Purpose: To provide administrative rules for the operation of the running start program, to reflect legislation passed during the 1993 legislative session. The program allows certain high school students to concurrently enroll in community or technical colleges while completing high school diploma requirements.

Other Identifying Information: Consistent arrangements have been made for reimbursement between each school district sending a student and each community or technical college receiving a student.

Statutory Authority for Adoption: RCW 28A.600.390.

Statute Being Implemented: RCW 28A.600.340-28A.600.395.

Summary: Provides administrative rules for the operation of the running start program. The rules have been jointly developed with the Superintendent of Public Instruction's Office and the Higher Education Coordinating Board (each agency will file their own rules, which should be identical). The joint agency rules will result in more efficient and effective administration of the program.

Name of Agency Personnel Responsible for Drafting: Ron Crossland, State Board for Community and Technical Colleges, Olympia, 753-3674; Implementation: Rich Montecucco, Attorney General's Office, and Ron Crossland, State Board for Community and Technical Colleges, 586-1197; and Enforcement: Rich Montecucco, Attorney General's Office, Olympia, 586-1197.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides for efficient operation of the running start program. The authorization is for the State Board for

Community and Technical Colleges, Higher Education Coordinating Board, and Superintendent of Public Instruction to jointly develop and adopt rules governing the program.

Proposal Changes the Following Existing Rules: The rules address funding procedures for high school students in running start programs as mandated in SB 5883 (1993 legislative session).

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

Hearing Location: State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, on January 27, 1994, at 10:00 a.m.

Submit Written Comments to: Ron Crossland, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA 98504, by January 15, 1994.

Date of Intended Adoption: Thursday, January 27, 1994.

December 1, 1993

Claire C. Krueger

Executive Assistant

Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-010 Authority.** The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies. The rules may be modified only by agreement of all three agencies.

#### DEFINITIONS OF TERMS

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-020 Running start program—**  
**Definition.** As used in this chapter, the terms "running start" and "running start program" mean((s)) the ~~((enrollment of an eligible student under this chapter simultaneously in school district and community college or technical college courses, or both, or solely in community college or technical college courses, or both;))~~ part-time to full-time equivalent enrollment of an eligible eleventh and twelfth grade high school student in a community college or technical college for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level academic and college level vocational credit as may be awarded by ((\*) the community college or technical college.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-025 Eligible student—Definition.** As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age ~~((at the beginning))~~ as of September 1 of the school year ~~((September 1 through August 31))~~.

(2) The person is eligible by reason of his or her residence ~~((or admission under the))~~ or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See((;)) RCW 28A.175.090 ("at risk" students), RCW 28A.225.160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian reservations), RCW 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, following enrollment in running start, solely for the purpose of attending college under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

(4) ~~((The person has not as of the beginning of the school year received a high school diploma or its equivalent, excluding a general education development certificate.~~

~~((;)))~~ The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable eleventh or twelfth grade running start enrollment limitation established under WAC 392-169-055.

NEW SECTION

**WAC 131-46-027 Running start student—Definition.** For the purposes of this chapter and chapter 392-121 WAC. The term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with chapter;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other

instructional activities) on at least one college day during the current college quarter since the last enrollment count date.

NEW SECTION

**WAC 131-46-029 College day—Definition.** For the purposes of this chapter, the term "college day" means a day on which running start students are afforded the opportunity to be engaged in instructional activity which is planned and conducted by or under the supervision of college instructional staff, and on which day all or any portion of the enrolled running start students actually participate in such instructional activity.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-030 Full-time equivalent ~~((high school student))~~ (FTE) running start enrollment—Definition.** ~~((The definition of a "full-time equivalent high school student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter means and includes, each eligible student enrolled in a school district high school program as of the fourth school day of the school year (September 1 through August 31) and/or as of the first school day of eight subsequent months, for not less than twenty five hours each week, or five hours (three hundred minutes) each scheduled school day.))~~ For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) For college courses denominated in college quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen up to a maximum of 1.00 FTE.

(2) For college courses not denominated in college quarter credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five up to a maximum of 1.00 FTE. Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-035 Annual average full-time equivalent ~~((community college and technical college student))~~ (AAFTE) running start enrollment—Definition.** ~~((The definition of a "full-time equivalent community college student" and "full-time equivalent technical college student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter means and includes each eligible student enrolled in a community college or a technical college as of the fourth college day of the school year (September 1 through August 31) and/or as of the first college day of eight subsequent months, for not less than fifteen quarter credit hours.))~~ For purposes of this chapter and chapter 392-121 WAC, "annual average full-time equivalent (AAFTE) running start enrollment" means the sum of the AAFTE of all running start students for a school

year when each running start student's AAFTE equals the sum of the student's running start FTE enrollment on the nine running start count dates divided by nine.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-040 ((Annual average full-time equivalent student)) Community and technical colleges—Definition. ((The definition of "annual average full-time equivalent student" for purposes of the generation of basic education allocation moneys and enrollment limitations under this chapter, means and includes the quotient obtained by dividing the annual total of an eligible student's full-time running start program enrollment counts reported under WAC 392-169-100 by nine.)) As used in this chapter, the terms "community college" and "technical college" means a Washington public two-year institution of higher education established under chapter 28B.50 RCW.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-045 ((Community college and technical college)) School district((s))—Definition. ((As used in this chapter, the terms "community college district" and "technical college district" mean the appointed board of trustees of a Washington public community college district or technical college districts and the territory, facilities, and educational programs under the jurisdiction of the board of trustees.)) As used in this chapter, the term "school district" means a Washington public school district established under Title 28A RCW.

## ENROLLMENT RIGHTS, REQUIREMENTS AND LIMITATIONS

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-050 ((Community and technical colleges—Definition)) Enrollment—General requirements and conditions. ((As used in this chapter, the terms "community college" and "technical college" mean a Washington public two-year institution of higher education under the jurisdiction of a community college district or technical college district.)) The enrollment of an eligible student in the running start program shall be governed as follows:

(1) An eligible student is responsible for applying for and pursuing admission to a community college or technical college on or before the deadline for enrollment established by the college.

(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in any community college or technical college.

(3) An eligible student is entitled to enroll in any community college and any technical college in the state for running start program purposes subject to each of the following conditions and limitations:

(a) Enrollment is limited to college level academic and college level vocational courses.

(b) Prior confirmation pursuant to WAC 392-169-050 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded on or before the deadline for enrollment established by the college.

(c) Acceptance of the student by the community college or technical college subject to generally applicable admission and enrollment requirements and limitations established by the community college or technical college, including a determination that the student is competent to profit from the college level academic or vocational course(s) the student seeks to enroll in: *Provided*, That a technical college shall not deny admission or continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

(d) The limitations upon the duration and extent of community college and technical college course enrollment set forth in WAC 392-169-055 and 392-169-057.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-055 ((School district—Definition)) Enrollment—High school credit—Prior confirmation. ((As used in this chapter, the term "school district" means the elected board of directors of a Washington public school district and the territory, facilities, and educational programs under the jurisdiction of the board of directors.)) As a condition to an eligible student's enrollment in community college or technical college courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific community college and technical college courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college course is not comparable to a school district course required for high school graduation, the school district superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a community college or technical college representative designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school required or elective credit, or combination thereof which shall be awarded upon successful completion of the courses.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

~~WAC 131-46-060 ((Annual notice to students and parents-)) Enrollment—Extent and duration. ((Each school district shall annually provide general information respecting the running start program to all tenth and eleventh grade students of the school district and their parents and guardians-)) Running start program enrollment under this chapter is limited as follows:~~

~~(1) An eligible student who enrolls in grade eleven may enroll in a community or technical college while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college quarters as a full-time equivalent community college student or nine months as a full-time equivalent technical college student).~~

~~(2) An eligible student who enrolls in grade twelve may enroll in a community or technical college while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college quarters as a full-time equivalent community college student or nine months as a full-time technical college student).~~

~~(3) Enrollment in a community college or technical college is limited to the fall, winter and spring quarters.~~

~~(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in a community college or technical college to the full extent permitted by subsections (1) and (2) of this section: *Provided*, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September-June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.~~

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

~~WAC 131-46-065 Enrollment—((General requirements and conditions)) Extent and duration of combined high school and running start enrollment. ((The enrollment of an eligible student in the running start program shall be governed as follows:~~

~~(1) An eligible student is responsible for applying for and pursuing admissions to a community college or technical college.~~

~~(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in any community college or technical college.~~

~~(3) An eligible student is entitled to enroll in any community college and any technical college in the state for running start program purposes subject to each of the following conditions and limitations:~~

~~(a) Enrollment is limited to college level academic or vocational courses.~~

~~(b) Prior conformation pursuant to WAC 392-169-065 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded.~~

~~(c) Acceptance by the community college or technical college subject to generally applicable admission and enrollment requirements and limitations established by the community college or technical college, including a determination that the student is competent to profit from the college level academic or vocational course(s) the student seeks to enroll in: *Provided*, That a technical college shall not deny admission or continued attendance to a student under twenty two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.~~

~~(d) The limitations upon the duration and extent of community college and technical college course enrollment set forth at WAC 392-169-070.~~

~~(4) An eligible student shall not be required by a community college or technical college to pay any tuition or other fee as a condition to the student's full participation in community college and technical college course work and related activities, or as a condition to the award of credit therefor: *Provided*, That requiring a student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this subsection.~~

~~(5) Once an eligible student has been enrolled in a community college or technical college course or program, the student shall not be displaced by another student: *Provided*, That the student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the community college or technical college: *Provided further*, That a technical college shall not deny continued attendance to a student under twenty two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the student's disability-)) Concurrent or combined regular high school program and running start program enrollment is governed as follows:~~

~~(1) An eligible student's concurrent enrollment in the regular high school program, and running start or college under this chapter, may exceed the equivalent of full-time enrollment: *Provided*, That a school district representative and a college representative may jointly limit a student's concurrent high school and college enrollment to not less than the equivalent of full-time enrollment for bona fide academic reasons based upon a joint evaluation of the student's capabilities and the total course work the student seeks to enroll in.~~

~~(2) For purposes of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours shall constitute full-time community college enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a community college for ten quarter credit hours (two-third FTE) is enrolled the equivalent of full-time.~~

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-070 Enrollment—((High school credit—Prior confirmation)) Exception from tuition and fees.** ((As a condition to an eligible student's enrollment in community college or technical college courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific community college and technical college courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish in accordance with chapter 180-51 WAC the amount of high school required or elective credit that shall be awarded for each course successfully completed by the student.

(3) If no comparable course is offered by the school district, the school district superintendent shall determine the amount of high school credit which shall be awarded, if any, following consultation with a community college or technical college representative designated for that purpose.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school credit which shall be awarded upon successful completion of the courses.) A running start student shall not be required by a community college or technical college to pay any tuition or other fee as a condition to the student's full participation in running start community college and technical college course work and related activities, or as a condition to the award of credit therefore: *Provided*, That requiring a running start student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this subsection: *Provided further*, That this limitation on the assessment of tuition and fees does not apply to a student's college enrollment above and beyond running start program enrollment under this chapter (i.e., college enrollment in excess of one FTE and college summer quarter enrollment may be conditioned upon the payment of regular tuition and fees).

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-075 Enrollment—((Extent and duration)) Continuing eligibility.** ((The extent and duration of an eligible student's enrollment in the running start program shall be limited as set forth in subsections (1) through (5) of this section: **PROVIDED**, That a school district and a community college district or technical college district may mutually agree to allow eligible students to exceed the one full-time equivalent student enrollment limitation established by subsection (1) so long as the enrollment claimed for basic education allocation purposes does not exceed the WAC 392-169-105 full-time equivalent student claim limitations.

(1) The combined enrollments of an eligible student in a high school and in a community college or technical college, or any combination thereof, under this chapter shall not concurrently exceed one full-time equivalent student. Accordingly, an eligible student must elect to enroll in high school for less than twenty-five hours per week in order to concurrently enroll in a community college or technical college.

(2) A student who enrolls in grade eleven may enroll in a school district, community college, technical college, or any combination thereof, for no more than the course work equivalent to two regular academic years of attendance as an annual average full-time equivalent student, (i.e., six college quarters as a full-time equivalent community college or technical college student, two one hundred eighty-day or more regular school years as a high school full-time equivalent student, or a combination thereof not to exceed two annual average full-time equivalent enrollment(s).

(3) A student who enrolls in grade twelve may enroll in a school district, community college, technical college, or any combination thereof, for no more than the course work equivalent to one regular academic year of attendance as an annual average full-time equivalent student.

(4) A student who becomes eligible during the regular school year for the award of a high school diploma by the school district through which the student seeks the award of running start program high school credit shall nevertheless continue subject to the restrictions of subsections (1) and (2) of this section to be eligible for enrollment in the running start program through the last day of the regular one hundred eighty-day or more school year of the school district at which time the student's entitlement to enroll under this chapter shall terminate.

(5) A student whose twenty-first birthday occurs during the regular school year shall nevertheless continue subject to the restrictions of subsections (1) and (2) of this section to be eligible for enrollment in the running start program through the last day of the regular one hundred eighty-day or more school year of the school district through which the student seeks to obtain running start program high school credit at which time the student's entitlement under this chapter to enroll shall terminate.) Once an eligible student has been enrolled in a community college or technical college course or program, the student shall not be displaced by another student: *Provided*, That a student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the community college or technical college: *Provided further*, That a technical college shall not deny continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

## MISCELLANEOUS

### NEW SECTION

**WAC 131-46-077 Annual notice to students and parents.** Each school district shall annually provide general information respecting the running start program to all tenth

and eleventh grade students of the school district and their parents and guardians.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-080 Academic standards and discipline—Jurisdiction of educational agencies.** Each school district, community college district, and technical college district shall have and exercise exclusive jurisdiction over academic and discipline matters involving an eligible student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district, the community college district, and the technical college district.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-085 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements.** As a general rule, a school district, a community college district, and a technical college district are independently responsible for assuring compliance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district, community college district, or technical college district under this chapter. If, however, the individualized education program of an eligible student established under chapter 392-171 WAC provides for such enrollment in a community college or a technical college, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's enrollment in the community college or technical college. School districts, community college districts, and technical college districts shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state special education funding.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-090 High school credit—Award by school districts.** Upon confirmation by a community college or technical college of ~~((an eligible))~~ a student's successful completion of running start program courses, under this chapter, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC ~~((392-169-065))~~ 392-169-050, together with a notation that the courses were taken at a community college or technical college. ~~((See WAC 180-51-050 which provides for the conversion of college credits to high school credits at the rate of one high school credit for five college quarter or three college semester hour credits.))~~

**FINANCIAL REPORTS, CLAIMS, AND PAYMENTS**

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-095 Finance—Generation and apportionment of state ~~((and federal))~~ basic education moneys.** (1) Each ~~((eligible))~~ running start student shall generate state ~~((and federal))~~ running start basic education moneys based upon the student's enrollment under this chapter in ~~((school district))~~ community college~~((;))~~ or technical college courses or programs, or any combination thereof, in accordance with the definitions of ~~((full-time equivalent))~~ FTE and AAFTE students set forth in WAC 392-169-025 ~~((through 392-169-035))~~ and 392-169-030, the enrollment and enrollment count limitations set forth in WAC ~~((392-169-070 and 392-169-105))~~ 392-169-055 and 392-169-115, rules of the superintendent of public instruction set forth ~~((at))~~ in Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

(2) The superintendent of public instruction shall apportion running start basic education moneys to school districts reporting running start enrollments based upon AAFTE nonvocational and vocational running start enrollments and uniform state-wide rates for nonvocational and vocational students as determined pursuant to WAC 392-169-095.

(3) School districts may retain and expend for running start program counseling or other school district purposes up to seven percent of the running start basic education moneys apportioned by the superintendent of public instruction.

(4) School districts shall apportion each community and technical college district's share of running start basic education moneys received under this chapter to each college district on at least a modified quarterly basis on or before December 31, March 31, June 30, and August 31 each school year.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

**WAC 131-46-100 ~~((Finance—Community college and technical college reporting requirements.))~~ Determination of uniform state-wide rates for nonvocational and vocational students.** ~~((Each community college and technical college that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:~~

(1) ~~Within ten calendar days of acceptance of the student, provide written notice to the student, superintendent of public instruction, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional clock hours of enrollment.~~

(2) ~~On a monthly basis, provide such enrollment information to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim basic education allocation moneys under this chapter and chapter 392-121 WAC including, but not limited to, notice of termination of the student's enrollment in a course due to absence, withdrawal, suspension, or expulsion.)~~ Prior to September 1 of each school year, the superintendent of public instruction shall calculate uniform state-wide rates for allocating state basic education moneys for nonvocational



and vocational running start enrollment in consultation with state board for community and technical college staff. Calculations shall be based on assumptions used in the state Operating Appropriations Act for the school year. Rates shall equal the average basic education formula generated amount per nonvocational and vocational AAFTE ninth through twelfth grade student for the school year excluding enhancements provided for small schools.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-105 ((Finance—School district reporting requirements.)) **Running start enrollment count dates.** ((Each school district through which an eligible student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of basic education allocation moneys based upon the student's high school, community college, and technical college enrollment under this chapter. Eligible students shall be so reported as full-time equivalent students, or fractions thereof, in accordance with the definitions of full-time equivalent students set forth at WAC 392-169-025 through 392-169-035.)) **Enrollment count dates for the running start program shall be the first college day of each of the months of October through June.**

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-110 ((Finance—Limitations on enrollment counts.)) **Finance—Community college and technical college reporting requirements.** ((No eligible student enrolled in a high school, community college, technical college, or any combination thereof, reported under WAC 392-169-095 and 392-169-100 shall be counted as more than one full-time equivalent student for any single month or more than one annual average full-time equivalent student in any school year. *Provided*, That an eligible student who enrolls in grade eleven and elects to enroll in a summer community college or technical college program that school year in order to accelerate his or her high school graduation may be counted as more than one annual average full-time equivalent student for that school year. *Provided further*, That the student shall not be counted the succeeding school year as more than one annual average full-time equivalent student less that portion of the prior school year count which exceeded one annual average full-time equivalent student count.)) **Each community college and technical college that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:**

(1) Within ten calendar days of enrollment of the student, provide written notice to the student, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

(2) After each monthly count date the college shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim

state running start basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date; (see the definitions of an eligible "running start student" in WAC 131-46-025.)

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

WAC 131-46-115 ((Finance—Apportionment and payment of basic education allocation moneys to community college districts and technical college districts.)) **Finance—School district reporting requirements.** ((School districts and community or technical college districts may enter into agreements which provide for and govern the apportionment and payment of basic education allocation moneys generated by running start program students. In the absence of such an agreement to the contrary, the school district through which an eligible student seeks to obtain running start program high school credit shall apportion such moneys and make payment on not less than a quarterly basis to the community college or technical college district serving the student under this chapter as follows:

(1) If an eligible student is enrolled exclusively in a community college or a technical college, all basic education moneys generated by the student shall be paid to the community college district or technical college of enrollment. *Provided*, That in such cases the school district through which the student seeks to obtain running start program high school credit may retain up to five percent of such moneys to offset costs incurred in evaluating and granting high school credit and processing basic education allocation claims and payments.

(2) If an eligible student is enrolled simultaneously in the school district through which the student seeks to obtain running start program high school credit and a community college or a technical college, the school district through which the student seeks such high school credit shall retain that portion of the basic education allocation moneys generated by the student based upon the student's high school enrollment, and shall pay to the community college district or technical college district the balance consisting of that portion of such moneys generated by the student based upon the student's community college or technical college enrollment (e.g., in the case of an eligible student enrolled five hours a week in a high school (one-fifth of an FTE) and five quarter credit hours in a community college (one-third of an FTE), the school district would retain an amount equal to one-fifth of a full basic education allocation and pay to the community college district an amount equal to one-third of a full basic education allocation).

~~(3) Notwithstanding subsections (1) and (2) of this section, small high school districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students and college districts shall negotiate in good faith with the objective of mutually establishing the reasonable amount payable to a college district. If good faith negotiations fail to establish agreement, the amount payable by such a small high school district to a college district shall be the incremental amount per full-time equivalent community college or technical college student that is or would be generated for student enrollments in excess of sixty annual full-time equivalent students.)~~ Each school district through which a running start student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of moneys based upon the student's community college and technical college enrollment under this chapter. Running start students shall be so reported as full-time equivalent vocational and nonvocational students, or fractions thereof, in accordance with the definitions of full-time equivalent student set forth in WAC 392-169-025.

AMENDATORY SECTION (Amending WSR 93-01-014, filed 12/4/92, effective 1/4/93)

~~WAC 131-46-120 ((Current and future community college and technical college enrollment alternatives not affected.))~~ Finance—Limitations on enrollment counts. ((This chapter shall not affect the alternative enrollment, and arrangements therefor, of a secondary student in a community college or technical college pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (contracting with an educational institution other than a school district.)) No running start student enrolled in a community college or technical college, or any combination thereof, reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time running start equivalent student on any enrollment count date or more than one annual average full-time equivalent student in any school year.

#### NEW SECTION

**WAC 131-46-125 Finance—Documentation requirements.** School districts and colleges shall maintain documentation supporting running start student enrollment and state funding claims, inclusive of the following:

(1) Colleges documentation shall show each student's college enrollment status on each enrollment count date and evidence of the student's participation in college instruction or activities on at least one day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school graduation credit for running start enrollment reported for state funding.

## ALTERNATIVE CONTRACTUAL ARRANGEMENTS

### NEW SECTION

**WAC 131-46-130 Current and future community college and technical college enrollment alternatives not affected.** This chapter shall not affect the alternative enrollment, and arrangements therefor, of a secondary student in a community college or technical college pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with an educational institution other than a school district).

**WSR 93-24-105**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Filed December 1, 1993, 8:59 a.m.)

Original Notice.

Title of Rule: Chapter 246-11 WAC, Model procedural rules for boards.

Purpose: To amend the WAC chapter providing additional standardization of processes and to implement changes to the Uniform Disciplinary Act enacted by the legislature during the 1993 session.

Statutory Authority for Adoption: RCW 18.130.050(1) and 18.130.060(3).

Statute Being Implemented: Chapter 18.130 RCW as amended.

Summary: Same as above.

Name of Agency Personnel Responsible for Drafting: Margaret Gilber [Gilbert], Attorney, 2413 Pacific Avenue, Olympia, 586-0961; Implementation and Enforcement: Bonnie King, 2413 Pacific Avenue, Olympia, 664-8881.

Name of Proponent: Department of Health Senior Assistant Attorney General, Bill Williams, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes adjudicative proceedings for the regulatory boards. The amendments provide additional standardization of processes and implement changes to the Uniform Disciplinary Act enacted by the legislature during the 1993 session.

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: Fir Grove Business Park, 2413 Pacific Avenue, 1st Floor Training Room, Olympia, WA 98504-7872, on January 5, 1994, at 10 a.m.

Submit Written Comments to: Ann Foster, P.O. Box 47902, Olympia, WA 98504-7902, by January 4, 1993 [1994].

Date of Intended Adoption: January 11, 1994.

November 29, 1993

Bruce Miyahara  
Secretary

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-010 Definitions.** As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the board prior to the entry of a final order under this chapter.

"Board" shall mean a disciplining authority under RCW 18.130.040 (2)(b) and (3).

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health or the secretary's designee.

"Filing" shall mean receipt by the office of ~~((professional standards))~~ the board.

~~("Hearings officer" shall mean a person appointed by the board to preside over some proceedings as permitted by this chapter.)~~

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license and which creates the right to an adjudicative proceeding. It may be ~~((denominated))~~ entitled a statement of charges, notice of intent to deny, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010 and includes license to practice the profession for which the board is the disciplining authority and any approval of school or curriculum required by law or rule to be obtained from the board.

"Office of professional standards" shall mean the unit ~~((responsible for prehearing adjudicative proceedings,))~~ whose address is:

Department of Health  
Office of Professional Standards  
2413 Pacific Avenue  
PO Box 47872  
Olympia, WA 98504-7872

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding and who may either be a member of the board an individual appointed pursuant to RCW 18.130.095(3), or an administrative law judge employed by the office of administrative hearings.

"Presiding officer for brief adjudicative proceedings" shall mean an employee of the department authorized by the board to conduct brief adjudicative proceedings.

"Program" shall mean the administrative unit within the department responsible for implementation of that chapter of Title 18 RCW establishing the board or its powers and responsibilities.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license

holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Respondent" shall mean a license holder or applicant for license under the jurisdiction of the board who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-020 Signature authority.** (1) A person designated by the board shall sign all initiating documents ~~((and orders))~~ issued under this chapter.

(2) All final orders shall be signed by a member of the panel of board members who heard the matter.

(3) All other orders shall be signed by the presiding officer conducting the proceeding.

(4) Authority to sign shall be indicated by designation of the title of the person signing and shall not require any other affirmation, affidavit, or allegation.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-030 Appearance of parties.** If a respondent requests an adjudicative proceeding to contest the action, that party shall appear at all stages of the proceeding except as otherwise provided in this section.

(1) If the respondent is represented as provided in this chapter, the respondent shall appear personally at the hearing and at any scheduled settlement conference but need not appear at the prehearing conference or at presentation of motions.

(2) Parties may be represented by counsel at all proceedings.

(3) The respondent may appear by telephone at any portion of the proceedings conducted by telephone, in the discretion of the presiding officer ~~((or hearings officer))~~ following reasonable advance notice to the presiding officer ~~((or hearings officer))~~ and to the opposing party.

(4) The requirement of personal appearance may be waived for good cause in the discretion of the presiding officer ~~((or hearings officer))~~.

(5) Failure to appear as provided in this chapter shall be grounds for taking final action by default.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-050 Notarization, certification, and authentication.** (1) A person's sworn written statement, declaration, verification, certificate, oath, or affidavit may be

authenticated by an unsworn written statement which is executed in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

\_\_\_\_\_  
(date and place)

\_\_\_\_\_  
(Signature)

(2) Documents or records may be authenticated by a certification, as provided in subsection (1) of this section, from the custodian of the records or other qualified person that the documents or records are what they purport to be.

(3) Signature of any attorney shall be accompanied by and authenticated by that attorney's Washington State Bar Association number.

(4) Documents prepared and submitted by a party who is not represented by an attorney shall be signed and dated by that party and shall include that party's current address.

(5) Signature by a party or an attorney on a document shall constitute a certificate by the party or attorney that he/she has read the document, believes there are grounds to support it, and has not submitted the document for the purpose of delay, harassment, or needless increase in the cost of a proceeding.

(6) Compliance with certification requirements of subsections (1) and (2) of this section creates a rebuttable presumption that a document is authentic.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-060 Current address.** Each license holder and applicant shall provide a current mailing address and all subsequent address changes to the program. Whenever service upon any such person is required by these rules, the most recent address provided may be used unless the program has actual knowledge that the person resides at a different address.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-080 Service and filing.** (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; first class, registered, or certified mail(~~or commercial parcel delivery company~~).

(3) Filing shall be complete upon actual receipt during normal business hours at the board's office, unless filing is directed in writing to be made to another address.

(4) Service shall be complete when personal service is made; mail is properly stamped, addressed, and deposited in the United States mail(~~or a parcel is delivered to a parcel delivery company with charges prepaid~~).

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

- (a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

- (i) Personal service; or

(ii) Mailing in the United States mail (~~or shipping by commercial parcel service~~) a copy properly addressed with postage and fees prepaid to each party and each designated representative.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-090 Jurisdiction.** (1) The board has jurisdiction over all licenses issued by the board and over all holders of and applicants for licenses as provided in RCW 18.130.040 (2)(b) and (3). Such jurisdiction is retained even if an applicant requests to withdraw the application, or a licensee surrenders or fails to renew a license.

(2) The department has jurisdiction over unlicensed practice of any activity for which a license is required.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-100 Telephone proceedings.** (1) The presiding officer (~~or hearings officer~~) may conduct all or part of the proceedings or permit a party or witness to appear by telephone or other electronic means if each participant in the proceedings has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place. Cost of such appearance may be assessed to the party so appearing or on whose behalf the witness appears.

(2) If all or part of the proceedings is conducted as provided in subsection (1) of this section, the parties shall file and serve copies of all documentary evidence no less than three days prior to the proceeding. The presiding officer (~~or hearings officer~~) may, for good cause, allow exceptions to this requirement.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-110 Hearing location.** The presiding officer (~~or hearings officer~~) shall designate sites for the conduct of proceedings taking into account accessibility, efficiency, and economy.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-130 Public records.** (1) All papers, exhibits, transcripts, and other materials required by or submitted in accordance with this chapter shall be considered public records.

(2) Release of information on a request for public records shall be subject to the following limitations:

(a) Release of health care information shall comply with chapter 70.02 RCW and rules promulgated thereunder;

(b) Protective orders issued pursuant to WAC 246-11-400 shall prevail; and

(c) (~~Initiating documents may be released after service upon the license holder or applicant but no other records~~)

~~shall be released until a final order is entered and served; and~~

~~(d))~~ Chapter 42.17 RCW shall govern the release of records.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-140 Expenses and witness fees.** (1) Fees and expenses shall be paid at the following rates to witnesses appearing under subpoena by the party requesting the appearance:

(a) Fees shall be paid at the daily rate established for jurors in ~~((superior))~~ district court of Thurston County; and

(b) Expenses shall be paid at the rate established for employees of the state of Washington, or as otherwise required by law.

(2) Fees for an expert witness shall be negotiated by and paid by the party requesting services of the expert.

(3) All expenses incurred in connection with proceedings under this chapter shall be paid by the party incurring the expense.

(4) The program shall pay expenses associated with:

(a) The facility in which proceedings are conducted; and

(b) Recording of the proceedings.

(5) Expenses related to preparation and distribution of the transcript of proceedings shall be paid by the party filing a motion or request for review of an initial order or petition for reconsideration, appealing a final order, or otherwise requesting the transcript.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-160 Official notice and agency expertise.** (1) Official notice may be taken as provided in RCW 34.05.452(5).

(2) The board ~~((, through its designated presiding officer or hearings officer,))~~ may use its expertise and specialized knowledge to evaluate and draw inferences from the evidence presented to it.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-180 Intervention.** (1) The presiding officer ~~((or hearings officer))~~ may grant a petition for intervention pursuant to RCW 34.05.443.

(2) A request to intervene shall be handled as a prehearing motion and shall be subject to the dates contained in the scheduling order. Within the sound exercise of discretion, the presiding officer may allow intervention if:

(a) The intervenor is not a party to the matter but has a substantial interest in outcome of the matter and the interest of the intervenor is not adequately represented by a party, or other good cause exists; and

(b) Any representative of the intervenor meets the requirements of WAC 246-11-070.

(3) A person shall not be allowed to intervene if that person had notice of the board's decision and, upon timely application, would have been able to appear as a party in the matter in which intervention is sought, but failed to make such timely application.

(4) If intervention is granted, the intervenor shall be subject to these rules on the same basis as the other parties to the proceeding, unless otherwise limited in the order granting intervention.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-220 Subpoenas.** (1) The board, through the presiding officer ~~((, hearings officer))~~, or other designated person, and attorneys for parties may issue subpoenas to residents of the state of Washington, to license holders and applicants for license, and to other persons or entities subject to jurisdiction under RCW 4.28.185.

(2) The presiding officer ~~((or hearings officer))~~ shall issue subpoenas pursuant to RCW 34.05.446(1) for parties not represented by counsel upon request of the party and upon a showing of relevance and reasonable scope of the testimony or evidence sought. Requests for issuance of subpoenas must be made in writing to the presiding officer stating the relevance and the scope of testimony or evidence sought.

(3) The person on whose behalf the subpoena is issued shall pay any witness fees and expenses as provided in WAC 246-11-140 or costs for interpreters for such witnesses as provided in WAC 246-11-210.

(4) Attendance of persons subpoenaed and production of evidence may be required at any designated place in the state of Washington.

(5) Every subpoena shall:

(a) Comply with WAC 246-11-190;

(b) Identify the party causing issuance of the subpoena;

(c) State the title of the proceeding; and

(d) Command the person to whom the subpoena is directed to attend and give testimony and/or produce designated items under the person's control at a specified time and place.

(6) A subpoena may be served by any suitable person eighteen years of age or older by:

(a) Giving a copy to the person to whom the subpoena is addressed;

(b) Leaving a copy at the residence of the person to whom the subpoena is addressed with a person of suitable age and discretion;

(c) Sending a copy by mail to the current address on file with the program if the person is licensed by the board or has filed an application for a license with the board; or

(d) Sending a copy by certified mail with proof of receipt if the person is neither licensed by nor has applied for a license with the board.

(7) Proof of service may be made by:

(a) Affidavit of personal service;

(b) Certification by the person mailing the subpoena to a license holder or applicant; or

(c) Return or acknowledgment showing receipt by the person subpoenaed or his/her representative. Any person accepting certified or registered mail at the last known address of the person subpoenaed shall be considered an authorized representative.

(8) The presiding officer ~~((or hearings officer))~~, upon motion made promptly and before the time specified for compliance in the subpoena, may:

(a) Quash or modify the subpoena if the subpoena is unreasonable or requires evidence not relevant to any matter at issue; or

(b) Condition denial of the motion upon just and reasonable conditions, including advancement of the reasonable cost by the person on whose behalf the subpoena is issued of producing the books, documents, or tangible things; or

(c) Issue a protective order under RCW 34.05.446.

(9) The board may seek enforcement of a subpoena under RCW 34.05.588(1) or proceed in default pursuant to WAC 246-11-280.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-230 ((Hearings)) Presiding officer and panel members.** (1) The board may appoint one or more persons as ~~((hearings officer to preside over some or all proceedings under this chapter not required by statute to be conducted by the presiding officer.~~

~~(2) Any person appointed as hearings officer shall be an employee of the department.~~

~~(3) Decisions and rulings of the hearings officer shall become final rulings unless appealed to the presiding officer as provided in WAC 246-11-550))~~ presiding officer for brief adjudicative proceedings as provided in WAC 246-11-430(1).

(2) The board shall authorize one of the following to serve as presiding officer for adjudicative proceedings:

(a) A board member; or

(b) An individual appointed pursuant to RCW 18.130.095(3); or

(c) An administrative law judge employed by the office of administrative hearings.

(3) The board may designate certain of its members to hear a matter as a hearing panel as provided by law.

(4) Any party may move to disqualify the presiding officer, or a member of the board hearing the matter, as provided in RCW 34.05.425(3).

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-250 Form and content of initiating documents.** (1) Initiating documents shall include a clear and concise statement of the:

(a) Identity and authority of the person issuing the document;

(b) Factual basis for the action or proposed action set forth in the document;

(c) Statutes and rules alleged to be at issue;

(d) Identity of the party against whom the action is taken or proposed to be taken;

(e) Action or proposed action or penalties, including the statutory or rule authority for those actions or penalties; and

(f) Signature of the person issuing the document and the date signed; and

(g) Method by which an adjudicative proceeding may be requested.

(2) Initiating documents shall be accompanied by the following documents:

(a) Notice that the respondent may defend against the action or proposed action; and

(b) Form for requesting adjudicative proceeding.

(3) Initiating documents shall be served as described in WAC 246-11-080.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-260 Amendment of initiating documents.** (1) Prior to the hearing date, initiating documents may be amended subject to the following conditions:

(a) Amended initiating documents shall meet the requirements of WAC 246-11-250(1);

(b) Amended initiating documents shall be accompanied by the documents described in WAC 246-11-250(2);

(c) Whenever amended initiating documents are issued, a new interval for response will begin, as described in WAC 246-11-270, unless the ~~((amendment benefits the))~~ respondent requests the time periods set by the original initiating document; and

(d) Issuance of amended initiating documents ends all obligations of the parties under the prior initiating documents.

(2) On the hearing date, the initiating documents may be amended subject to the following conditions:

(a) The documents may be amended upon motion of the state;

(b) The documents may not be amended without the approval of the presiding officer; and

(c) Upon motion of a party or upon his/her own initiative, the presiding officer may grant a continuance on all or part of the matter if necessary to afford the respondent an opportunity to prepare a defense to the amended documents.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-270 Request for adjudicative proceeding.** A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

(a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents unless and extension has been granted as provided in subsection (3) of this section; and

(ii) For all other matters, within ~~((twenty-eight))~~ twenty days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made on the Request for Adjudicative Proceeding form accompanying the initiating documents or by a written document including substantially the same information.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-11-130(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied or not contested, and responses shall be subject to the following conditions:

(i) Once admitted or not contested, an allegation may not be denied; and

(ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-11-070 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the board's office.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

(3) For matters under chapter 18.130 RCW, if the twenty-day limit for filing an application for adjudicative proceeding results in a hardship to the respondent, the respondent may request an extension of not more than sixty days upon a showing of good cause.

(a) The request for extension shall be filed within the twenty-day limit and shall include:

(i) The reason for the request and the number of days for which the extension is requested; and

(ii) Documentation of the circumstances creating the hardship.

(b) The request shall be granted for a period not to exceed sixty days upon showing of:

(i) Illness of the respondent; or

(ii) Absence of the respondent from the county of residence or employment; or

(iii) Emergency in the respondent's family; or

(iv) Other good cause as determined by the presiding officer.

(c) If a request for extension is denied, the respondent shall have ten days from service of the order denying the extension or twenty days from service of the initiating documents, whichever is longer, to file an application for adjudicative proceeding.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-280 Default.** (1) If a party fails to respond to initiating documents according to WAC 246-11-270, that party will be deemed to have waived the right to a hearing, and the board shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled

~~((settlement or))~~ prehearing conference, the presiding officer ~~((or hearings officer))~~ may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3). Unless vacated, a default order under this subsection shall be grounds for the board to proceed to decide the matter in the absence of the respondent and without additional notice to the respondent and to issue a final order.

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) Proof of service of or a good faith attempt to serve initiating documents and appropriate notices;

(c) A finding that there is no reason to believe that the party in default is in active military service;

~~((e))~~ (d) The penalties or conditions imposed by the order; and

~~((d))~~ (e) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-11-080.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-290 Scheduling orders.** (1) Within thirty days after receipt of the application for adjudicative proceeding, the board or designee thereof, shall:

~~((a) Examine the application;~~

~~(b) Notify the respondent of any obvious errors or omissions;~~

~~(c) Request any additional information the board or designee wishes or is permitted by law to require; and~~

~~(d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.~~

~~(2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the board or designee shall:))~~

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a ~~((notice of the date, time, and place of the hearing))~~ scheduling order or other scheduling mechanism establishing timelines for discovery, settlement, and scheduled hearings; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

~~((3) The presiding officer or hearings officer may issue a scheduling order governing the course of the proceeding and))~~ (2) If a scheduling order is issued:

(a) The scheduling order shall specify:

(i) The date, time, and place of a settlement conference, a prehearing conference, and the hearing;

(ii) The deadlines for completion of discovery and submission of prehearing motions; and

(iii) The name, address, and telephone number of the assistant attorney general or other department representative who will represent the state in the matter.

(b) The scheduling order may be modified by order of the presiding officer (~~or hearings officer~~) upon his/her own initiative or upon motion of a party. Any request for change of the scheduling mechanism or order shall be made by motion as provided in WAC 246-11-380.

(c) The presiding officer may waive establishing dates for the settlement conference, completion of discovery, submission of prehearing motions, and the prehearing conference, if, in the discretion of the presiding officer, those proceedings are not necessary or appropriate in a particular matter or type of case. However, either party may request by motion to the presiding officer that any or all of the dates be set.

(d) Dates contained in the scheduling order may be changed by the office of the board upon written request of either party made within fifteen days of issuance of the first scheduling order. All other changes must be made by motion pursuant to WAC 246-11-380.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-300 Conduct of emergency adjudicative proceedings.** (1) Summary action may be taken only after a review by the board (~~or designee~~) of such evidence, including affidavits, if appropriate, to establish:

(a) The existence of an immediate danger to the public health, safety, or welfare;

(b) The board's ability to address the danger through a summary action, and

(c) The summary action necessary to address the danger.

(2) No notice to any person potentially affected by a summary action shall be required prior to issuance of a summary action.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-320 Form and content of summary actions.** (1) A summary action shall be entered in the form of an order containing findings of fact, conclusions of law, and the summary action imposed, as well as a statement of (~~policy reasons~~) the basis for the decision.

(2) A summary action imposed by emergency adjudicative proceeding shall be limited to those actions necessary to alleviate an immediate danger to the public health, safety, or welfare.

(3) Initiating documents, and all other documents required by WAC 246-11-250 shall accompany a summary action order when served.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-330 Adjudicative proceedings upon summary action.** Following summary action taken by the board, the respondent may:

(1) Request a prompt adjudicative proceeding conducted in accordance with this chapter; or

(2) Waive the prompt adjudicative proceeding and request (~~an~~) a regularly scheduled adjudicative proceeding conducted in accordance with this chapter;

(3) Waive the right to an adjudicative proceeding and submit a written statement to be considered prior to the entry of the final order; or

(4) Waive the opportunity to be heard.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-340 Opportunity for prompt adjudicative proceeding.** (1) Any respondent affected by a summary action shall be provided the opportunity to request a prompt adjudicative proceeding. Notice of the opportunity shall be provided in the notice of opportunity to defend against the allegations that are the basis for the summary action. The form for requesting an adjudicative proceeding shall include the option of requesting a prompt adjudicative proceeding.

(2) Any respondent affected by a summary action may request an prompt adjudicative proceeding, may elect a regularly scheduled adjudicative proceeding (~~in lieu~~) instead of a prompt adjudicative proceeding, or may waive the opportunity for adjudicative proceeding in accord with WAC 246-11-270.

(3) Any request for a prompt adjudicative proceeding must be filed within ten days of the service of the summary action.

(4) If requested by the respondent, a prompt adjudicative proceeding shall be conducted within twenty days of service of a summary action.

(5) Regardless whether a prompt adjudicative proceeding is requested, the matter shall be resolved as quickly as feasible in accordance with all other applicable rules.

#### SECTION IV SETTLEMENT AND PREHEARING (~~PROCEDURE~~) PROCEEDINGS

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-360 Settlement conference.** (1) Following a request for an adjudicative proceeding, (~~the presiding officer or hearings officer may schedule a settlement conference. The parties shall be notified of the date, time, and place of the settlement conference~~) a settlement conference shall be conducted if provided in the scheduling order. If another scheduling mechanism is issued, a settlement conference may be scheduled and held at the discretion of the board or other settlement processes may be utilized at the discretion of the board.

(2) The purpose of the settlement conference or other settlement process shall be to attempt to reach agreement on the issues and (~~the~~) on a proposed order to be entered.



Any agreement of the parties is subject to final approval by the board.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-11-070. Representatives of the board and/or department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the board prior to the settlement conference, all subsequent (~~scheduled~~) dates set in the scheduling order or other scheduling mechanism are continued pending final review of the settlement by the board.

**AMENDATORY SECTION** (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-370 Discovery.** The parties are encouraged to exchange information and documents related to the case prior to the adjudicative proceeding. Formal discovery (~~may be had at the discretion of the presiding officer~~) is obtained as follows:

(1) Methods, scope and limits:

(a) Parties may obtain discovery by production of records or things; deposition upon oral examination; requests for admission; or, if ordered by the presiding officer, written interrogatories.

(b) Unless otherwise limited by order of the presiding officer in accord with these rules, the scope of discovery shall be as follows:

(i) Parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter in the pending action. It is not grounds for objection that the information sought will be inadmissible at the adjudicative proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(ii) The frequency or extent of use of the discovery methods set forth in these rules shall be limited by the presiding officer if the presiding officer determines that:

(A) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive; or

(B) The party seeking discovery has had an ample opportunity by discovery to obtain the information sought;  
or

(C) The discovery is unduly burdensome or expensive, taking into account the needs of the case, limitations of the parties' resources, and the importance of the issues at stake.

(iii) The presiding officer may limit discovery upon his or her own initiative after reasonable notice or pursuant to a motion submitted by a party.

(2) Production of records, documents, or things:

(a) Upon written request of a party the opposing party shall identify experts and other witnesses to be called at the

hearing and shall provide other information necessary to enable the party to conduct depositions of the witnesses.

(b) Any party may serve on any other party a request, which must be signed by the party or designated representative:

(i) To produce and permit the party making the request or designee to inspect and copy any designated documents, or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of discovery and which are in the possession, custody or control of the party upon whom the request is served; or

(ii) To permit entry onto designated land or other property which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or designated object or operation thereon which is within the scope of discovery.

(c) Any party who produces documents for inspection shall produce them as they are kept in the usual course of business or may, if the parties agree, organize and label them to correspond with the categories in the request.

(d) The party upon whom a request is made may, by motion to the presiding officer, move for an order denying the request to produce or modify the conditions of the request. Denial of the request of change in the conditions of the request shall be within the discretion of the presiding officer and shall be made by written order.

(3) Depositions may be taken subject to the following conditions:

(a) Within the United States or a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the state of Washington or of the place where the examination is held. A presiding officer may, in his or her discretion or following motion of a party, preside at the deposition. Within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice-consul or consular agent of the United States, or a person designated by the presiding officer or agreed upon by the parties by stipulation in writing filed with the presiding officer, if any, and otherwise with the disciplining authority. Except by stipulation, no deposition shall be taken before any person who is a party or a privy of a party, or a privy of a representative of a party, or who is financially interested in the proceeding.

(b) A party desiring to take the deposition of a person upon oral examination shall give reasonable notice of not less than five days in writing to the person to be deposed and to the opposing party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify the person to be examined or the particular class or group to which the person to be examined belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, lengthen or shorten the time.

(c) After notice is served for taking a deposition, upon his/her motion or upon motion reasonably made by any party or by the person to be examined, and upon notice and for good cause, the presiding officer may issue an order that the deposition shall not be taken or that it be taken subject to specified restrictions, conditions, or limitations.

(d) Depositions shall be recorded.

(i) The officer before whom the deposition is taken shall put the witness on oath or affirmation and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony.

(ii) The officer or person acting under the officer's direction shall transcribe the testimony at the request of any party, provided that any expenses shall be paid by the requesting party.

(iii) The transcribed testimony shall be submitted to the person deposed for review and signature, unless review and signature are waived by that person. The officer shall append to the transcript any changes in form or substance that may be submitted by the parties.

(iv) Copies of the transcribed and, unless review and signature has been waived, signed testimony shall be served upon the person deposed and upon the parties.

(e) If the parties so stipulate in writing or on the record, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken, may be used as any other deposition.

(4) Following motion of a party and opportunity for response by the opposing party, the presiding officer may order a party to respond to written interrogatories and may order that the interrogatories be subject to specified restriction, condition, or limitation.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-380 Motions.** (1) The presiding officer shall rule on motions (~~(or may appoint a hearings officer to rule on motions)~~). The presiding officer (~~(or hearings officer)~~) may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing (~~(to the presiding officer or hearings officer)~~) and filed prior to the dates set in the scheduling order. Filing shall be at the board's office, unless filing is directed in writing to be made at another address.

(3) Motions for continuance must be made in writing (~~(within forty five days following service of)~~) and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than (~~(forty-five)~~) twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. (~~(In no event shall a motion for continuance be made fewer than five days prior to the hearing)~~) Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer (~~(or hearings officer)~~) may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section (~~(in a bona fide emergency)~~) for good cause.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-390 Prehearing conference.** (1) (~~The presiding officer or hearings officer may schedule a prehearing conference to be held prior to the hearing.~~) If a scheduling order is issued, the parties shall be notified of the time and place of the first prehearing conference in the scheduling order. If another scheduling mechanism is issued, a prehearing conference will be held upon motion of either party, unless board policy provides otherwise.

(2) The presiding officer shall determine whether the prehearing conferences will be conducted in person or by telephone conference call.

(3) The presiding officer (~~(or hearings officer)~~) shall conduct the prehearing conference and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.

~~((3))~~ (4) The prehearing conference (~~(shall)~~) may be recorded (~~(unless recording is waived by the parties)~~) as ordered by the presiding officer. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.

~~((4))~~ (5) Following the final prehearing conference, the presiding officer (~~(or hearings officer)~~) shall issue a written prehearing order which will:

(a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues;

(b) Specify the facts which are admitted or not contested by the parties;

(c) Identify those documents and exhibits that will be admitted at hearing and those which may (~~(, by agreement,)~~) be distributed prior to hearing;

(d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;

(e) Rule on motions;

(f) Accept amendments to the pleadings;

(g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and

(h) Rule on objections made in any preserved testimony.

~~((5))~~ (6) Following the prehearing conference, the presiding officer (~~(or hearings officer)~~) may issue an order directing that the matter be heard as a brief adjudicative proceeding, pursuant to WAC 246-11-420 through 246-11-450.

~~((6))~~ (7) Documentary evidence not offered in the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the offering party had good cause for failing to produce the evidence at the prehearing conference.

~~((7))~~ (8) Witnesses not identified during the prehearing conference shall not be allowed to testify at the adjudicative proceeding in the absence of a clear showing that the party offering the testimony of such witness had good cause for failing to identify the witness at the prehearing conference.

~~((8))~~ (9) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic.

However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.

~~((9))~~ (10) Nothing in these rules shall prohibit the presiding officer ~~((or hearings officer))~~ from conducting a conference at any time, including during the hearing. The presiding officer ~~((or hearings officer))~~ shall state on the record the results of such conference.

~~((10))~~ (11) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:

(a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and

(b) The withdrawal will not unjustly prejudice the rights of the other parties.

~~((11))~~ (12) In an appeal to superior court involving issues addressed in the prehearing order, the record of the prehearing conference, written motions and responses the prehearing order and any orders issued by the presiding officer pursuant to WAC 246-11-380, shall be the record.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-400 Protective orders.** The presiding officer ~~((or hearings officer))~~ may issue a protective order at his or her discretion:

(1) To protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense;

(2) To preserve confidentiality related to health care records or provider-client information;

(3) To protect examination processes;

(4) To protect the identity of a person supplying information to the department or board where the person indicates a desire for nondisclosure unless that person testifies or has been called to testify at an adjudicative proceeding; or

(5) To comply with applicable state or federal law.

## SECTION V

### BRIEF ADJUDICATIVE ~~((PROCEDURES))~~ PROCEEDINGS

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-420 Application of brief adjudicative proceedings.** (1) If an adjudicative proceeding ~~((has been))~~ is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination ~~((of))~~ whether an applicant for a license meets the minimum criteria for an unrestricted license and the board proposes to deny such a license or to issue a restricted license;

(b) A determination ~~((as to))~~ whether a person is in compliance with the terms and conditions of a final order previously issued by the board; ~~((and))~~

(c) Any approval of a school or curriculum when such approval by the board is required by statute or rule; and

(d) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal.

(2) If an adjudicative proceeding ~~((has been))~~ is requested in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted ~~((at))~~ in the discretion of the presiding officer when it appears that:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding; and

(c) The protection of the public interest does not require that the board provide notice and an opportunity to participate to persons other than the parties.

### NEW SECTION

**WAC 246-11-425 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a license or for approval of a school or curriculum shall consist of:

(a) The application for the license or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application; and

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order shall consist of:

(a) The previously issued final order;

(b) All reports or other documents submitted by the license holder, or at the direction of the license holder, in full or partial fulfillment of the terms of the final order; and

(c) All correspondence between the license holder and the program regarding compliance with the final order.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-430 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer ~~((or hearings officer))~~ for brief adjudicative proceedings designated by the board. The presiding officer ~~((or hearings officer))~~ for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer ~~((or hearings officer))~~ for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer ~~((or hearings officer))~~ for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer ~~((or hearings officer may consider health care))~~ for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within fifteen days of the final date for submission of materials or oral argument, if any, the presiding officer ~~((or hearings officer))~~ for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-11-540.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-440 Effectiveness of orders on brief adjudicative proceedings.** (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the initial order unless:

(a) Administrative review has been requested pursuant to WAC 246-11-550; or

(b) On its own initiative, the board determines to review the matter and, within twenty-one days of service of the initial order, provides notice to the parties of the date by which a determination shall be made.

(2) If review is taken under subsection (1) of this section, each party shall be provided an opportunity to state its view of the matter, and a written order containing findings of fact, conclusions of law, and order shall be entered and served upon the parties within twenty days of service of the initial order or the request for review, whichever is later.

(3) A request for review is deemed to be denied if the board does not act on the request within twenty days after the request is submitted.

(4) If administrative review is taken under subsection (1) of this section, the presiding officer may convert the matter to a full adjudicative proceeding.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-450 Agency record in brief proceedings.** The agency record of brief adjudicative proceedings shall consist of:

(1) The preliminary record as set forth in WAC 246-11-425;

(2) All initiating documents including the notice of opportunity to defend;

~~((2))~~ (3) The request for adjudicative proceeding;

~~((3))~~ (4) All documents submitted in the proceeding;

~~((4))~~ (5) Any transcript or recording of any testimony or arguments presented; and

~~((5))~~ (6) All orders issued in the case.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-480 Conduct of adjudicative proceeding.** (1) The adjudicative proceeding shall be conducted as provided in RCW 34.05.449 through 34.05.455.

(2) The presiding officer may take the following actions to the extent not already determined in a prehearing order:

(a) Conduct the hearing de novo;

(b) Determine the order of presentation of evidence;

(c) Administer oaths and affirmations;

(d) Issue subpoenas;

(e) Rule on procedural matters, objections, motions, and offers of proof;

(f) Receive relevant evidence;

(g) Interrogate witnesses called by the parties in an impartial manner to develop any facts necessary to fairly and adequately decide the matter;

(h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and

receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(i) Take any appropriate action necessary to maintain order during the adjudicative proceeding;

(j) Determine whether to permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Permit photographic and recording equipment at hearing subject to conditions necessary to preserve confidentiality and prevent disruption;

(l) Permit a person to waive any right conferred upon that person by chapter 34.05 RCW or this chapter, except as precluded by law; and

(m) Take any other action necessary and authorized by applicable law or rule.

(3) The presiding officer shall:

(a) Apply as the first source of law governing an issue those statutes and rules deemed applicable to the issue;

(b) If there is no statute or rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington Constitutions, statutes, rules, and court decisions; and

(c) Not declare any statute or rule invalid.

(4) If the validity of any statute or rule is raised as an issue, the presiding officer may permit arguments to be made on the record concerning the issue for the purpose of subsequent review.

(5) Members of the board hearing the matter may ask questions of any witness and may call additional witnesses.

(6) A party may move to disqualify the presiding officer or any member of the board pursuant to RCW 34.05.425(3).

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-500 Proposed order.** At the conclusion of the hearing or by a date specified by the presiding officer, the presiding officer may require each party ((shall)) to submit to the presiding officer proposed findings of fact and conclusions of law and a proposed order((, except as may be ordered by the presiding officer)).

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-510 Issuance of final order.** If the adjudicative proceeding is ~~((conducted by a presiding officer authorized to make the final decision,))~~ heard by the board or a panel of the board the presiding officer and board or panel of the board shall:

(1) Issue a final order containing findings of fact and conclusions of law and an order; and

(2) Serve a copy of the order on each party and any designated representative of the party.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-530 Consolidated proceedings.** (1) When two or more applications for adjudicative proceeding involve a similar issue, the applications may be consolidated by the presiding officer ~~((or hearings officer))~~ and the

hearings conducted together. The presiding officer or hearings officer may consolidate on his/her own motion or upon the request of a party.

(2) A party scheduled for a consolidated proceeding may request to withdraw from the consolidated proceeding in favor of an individual proceeding. ~~((A request to withdraw from a consolidated proceeding shall be granted if the motion is filed before the presiding officer or hearings officer has made any discretionary ruling in the matter and before the hearing date.))~~ The presiding officer ~~((or hearings officer))~~ may grant a motion to withdraw from a consolidated proceeding at any time when good cause is shown.

(3) Each respondent in a consolidated proceeding shall retain the right to representation.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-540 Initial order.** ~~(1) If the adjudicative proceeding is ((conducted by a presiding officer who is not authorized to make the final decision,))~~ not heard by the board or panel of the board the presiding officer shall:

- ~~((1))~~ (a) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;
- ~~((2))~~ (b) Serve a copy of the initial order on each party and any designated representative of a party; and
- ~~((3))~~ (c) Forward the initial order and record of the adjudicative proceeding to the office of the board.

(2) Initial orders on brief adjudicative proceedings shall become final orders as provided in WAC 246-11-540.

(3) Following receipt of initial orders in matters other than brief adjudicative proceedings, the board shall review the initial order and the record as provided in RCW 34.05.464, and issue a final order as provided in WAC 246-11-560.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-560 Final orders.** (1) The form and content of final orders shall be as follows:

(a) Final orders shall contain findings of fact, conclusions of law, and an order ~~((, and shall be signed by the presiding officer)).~~ All final orders shall be signed by a member of the panel of board members who heard the matter.

(b) Final orders may adopt by reference the initial order in whole or in part.

(c) Final orders may modify or revise the initial order in whole or in part.

(2) Final orders shall be served upon the parties and their representatives as provided in WAC 246-11-080.

(3) Final orders shall be issued following:

- (a) A review of the record;
- (b) A review of the initial order, if any;
- (c) A review of any request for review of the initial order and any response thereto; and

(d) Consideration of protection of the public health and welfare.

(4) Unless a later date is stated in the final order, final orders shall be effective when entered but a party shall not be required to comply with a final order until the order is served upon that party.

(5) Final orders may contain orders that specified portions of the agency record shall not be disclosed as public records if necessary to protect privacy interests, the public welfare, or vital governmental functions. Such orders shall include but are not limited to protective orders issued during the proceeding or pursuant to WAC 246-11-400.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-580 Reconsideration of final orders.**

(1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

- (a) Specific errors of fact or law; or
- (b) Implementation of the final order would require department activities inconsistent with current department practice; or

(c) Specific circumstances render the person requesting the reconsideration unable to comply with the terms of the order.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the office of the board within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the request for reconsideration shall contain specific reference to the testimony. The presiding officer may require that the party requesting ((consideration shall)) reconsideration submit a copy of the transcript of the adjudicative proceeding ((or shall specify the date by which the transcript will be submitted, and shall submit specific reference to the transcript by a date determined by the presiding officer)) and provide specific reference to the transcript.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the presiding officer:

- (a) Denies the petition;
- (b) Does not act upon the petition; or
- (c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the presiding officer determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

AMENDATORY SECTION (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-590 Agency record of adjudicative proceedings.** (1) The department shall maintain an official record of each adjudicative proceeding.

- (2) The record shall include:
  - (a) Notices of all proceedings;
  - (b) Any prehearing order;

- (c) Any motions, pleadings, briefs, petitions, and requests filed, and rulings thereon;
  - (d) Evidence received or considered;
  - (e) A statement of matters officially noted;
  - (f) Offers of proof and objections and rulings thereon;
  - (g) Any proposed findings, requested orders, and exceptions;
  - (h) Any recording of the (~~hearing~~) adjudicative proceeding and any transcript of all or part of the (~~hearing~~) adjudicative proceeding considered before final disposition of the matter;
  - (i) Any final order, initial order, or order on reconsideration; and
  - (j) Matters placed on the record following an ex parte communication, if any.
- (3) The record shall be subject to disclosure as provided by RCW 42.17.250 through 42.17.340, and by WAC 246-11-130, except as limited by protective orders and (~~orders~~) provisions contained in the final order.

**AMENDATORY SECTION** (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-600 Judicial review.** (1) Judicial review of actions taken under this chapter shall be as provided in RCW 34.05.510 et seq.

(2) Notice of the opportunity for judicial review shall be provided in all final orders.

(3) Following a request for judicial review, the record forwarded to the reviewing court shall be those portions of the agency record designated by the parties within the time period set by the board.

**AMENDATORY SECTION** (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-610 Vacating an order for reason of default or withdrawal.** (1) A party against whom an order is entered for reason of default (~~is entered~~) for failure to attend or participate in a hearing in an adjudicative proceeding requested by that party shall have the right to file a written petition requesting that the order be vacated.

(2) The petition to vacate shall state the grounds relied upon.

(3) The petition shall be filed at the office of the board within seven days of service of the default order.

(4) If, in the opinion of the presiding officer, good cause to grant the motion to vacate is shown, the presiding officer shall grant the motion and reinstate the application for adjudicative proceeding and may impose conditions on licensure pending final adjudication of the matter.

**WSR 93-24-106**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed December 1, 1993, 9:03 a.m.]

Original Notice.

Title of Rule: Chapter 246-10 WAC, Administrative procedures—Adjudicative proceedings; and WAC 246-08-450 Final orders, declaratory orders, interpretive statements and policy statements—Indexes.

Purpose: Amendments to chapter 246-10 WAC provide additional standardization of processes. Amendments to WAC 246-08-450 set out requirements for indexing final orders, and corrects the Office of Professional Standards address.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 34.05.220 (1)(a) and chapter 18.130 RCW as amended.

Summary: Same as above.

Name of Agency Personnel Responsible for Drafting: Margaret Gilbert, Attorney, 2413 Pacific Avenue, Olympia, 586-0961; Implementation and Enforcement: Bonnie King, 2413 Pacific Avenue, Olympia, 664-8881.

Name of Proponent: Department of Health Senior Assistant Attorney General, Bill Williams, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes adjudicative proceedings for the secretary professions and programs. The amendments are to provide additional standardization of processes and to implement changes to the Uniform Disciplinary Act enacted by the legislature during the 1993 session. Changes to WAC 246-08-450 are not substantive, provide a nomination process for orders to be added to the index kept by the Office of Professional Standards. The change also includes an address change for Office of Professional Standards.

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: Fir Grove Business Park, 2413 Pacific Avenue, 1st Floor Training Room, Olympia, WA 98504-7872, on January 5, 1994, at 10 a.m.

Submit Written Comments to: Ann Foster, P.O. Box 47902, Olympia, WA 98504-7902, by January 4, 1993 [1994].

Date of Intended Adoption: January 11, 1994.

November 29, 1993  
 Mimi Fields, MD, MPH  
 for Bruce Miyahara  
 Secretary

**AMENDATORY SECTION** (Amending Order 346, filed 3/24/93, effective 4/24/93)

**WAC 246-08-450 Final orders, declaratory orders, interpretive statements and policy statements—Indexes.**

(1) In accordance with RCW 42.17.260, the department shall index:

(a) Final orders that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and contain an analysis or decision of substantial importance to the department in carrying out its duties;

(b) Declaratory orders that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(c) Interpretive statements as defined in RCW 34.05.010(8); and

(d) Policy statements as defined in RCW 34.05.010(14).

(2) The department shall maintain indexes of:

(a) Final orders meeting the criteria in subsection (1)(a) of this section, issued by the department and the disciplining authorities identified in RCW 18.130.040;

(b) Declaratory orders meeting the criteria in subsection (1)(b) of this section issued by the department and the state board of health; and

(c) Interpretive and policy statements issued by the department and state board of health.

(3) The indexes shall, at a minimum, contain the case or document number; type of document; name of parties, if applicable, unless such names are exempt from public disclosure; brief description of subject, program; pertinent legal citation; and location of the document.

(4) Any person may nominate a final adjudicative order or declaratory order to be evaluated for indexing by ~~((writing to the administrative hearings unit, 1300 S.E. Quince Street, P.O. Box 47851, Olympia, WA 98504-7851, and attaching))~~ completing an Order Index Nomination Request Form which can be obtained from and returned to the Office of Professional Standards, PO Box 47872, Olympia, WA 98504-7872, along with a copy of the nominated order. The department shall make a final decision as to whether to index the nominated order, and that decision is not appealable.

(5) The department shall update the indexes on an ongoing basis and conduct an annual review to verify that the indexed documents continue to meet the criteria in subsection (1) of this section. The department may, at any time, delete a document from an index. Pursuant to RCW 42.17.260(6), a public record may not be cited in a proceeding if it has not been indexed.

(6) The indexes are public records and are available for public inspection and copying in accordance with WAC 246-08-420 and 246-08-440. Indexes are located ~~((at 1300 Quince Street, Olympia, WA,))~~ as follows:

(a) The index of final adjudicative orders is located in the ~~((administrative hearings unit))~~ Office of Professional Standards, 2413 Pacific Avenue, Olympia, WA; and

(b) The index of declaratory orders, interpretive and policy statements issued by the department and the state board of health is located in the management services division, 1300 Quince Street, Olympia, WA.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-102 Definitions.** As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of a final order under this chapter.

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health or the secretary's designee.

"Filing" shall mean receipt by the office of professional standards.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license or recipient of benefits and which creates the right to an adjudicative proceeding. It may be ~~((denominated))~~ entitled a statement of charges, notice of intent to deny, order, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010, and includes any license, certification, registration, permit, approval, or any similar form of authorization required by law to be obtained from the department.

"Office of professional standards" shall mean the unit responsible for ~~((prehearing))~~ conducting adjudicative proceedings, whose address is:

Department of Health  
Office of Professional Standards  
2413 Pacific Avenue  
~~((P.O.))~~ PO Box 47872  
Olympia, WA 98504-7872

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding. The presiding officer may be an employee of the department who is authorized to issue a final decision as designee of the secretary, or an administrative law judge employed by the office of administrative hearings.

"Presiding officer for brief adjudicative proceedings" shall mean an employee of the department who is authorized to conduct brief adjudicative proceedings.

"Program" shall mean the administrative unit within the department responsible for implementation of a particular statute or rule.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Recipient of benefits" shall mean an individual who has qualified for benefits administered by the department.

"Respondent" shall mean a person eligible to request an adjudicative proceeding in a program under the jurisdiction of the department who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-103 Signature authority.** (1) A person designated by the program shall sign all initiating documents ~~((and orders))~~ issued under this chapter.

(2) The presiding officer shall sign all orders issued under this chapter.

(3) Authority to sign shall be indicated by designation of the title of the person signing and shall not require any other affirmation, affidavit, or allegation.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-107 Persons who may request adjudicative proceedings.** The persons indicated may request an adjudicative proceeding under this chapter.

(1)(a) With respect to the denial of applications made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140, the ~~((aggrieved))~~ denied applicant may request an adjudicative proceeding.

(b) A person whose application for the approval of a new public water system is denied under WAC 246-293-190, a purveyor whose license is adversely affected by a departmental decision under WAC 246-293-190 or the county legislative authority having jurisdiction in the area affected by the decision may request an adjudicative proceeding under this chapter.

(c) A purveyor affected by the decision of the department under WAC 246-293-430 or the county legislative authority having jurisdiction in the area may request an adjudicative proceeding with respect to a decision made under WAC 246-293-430.

(2) With respect to all other matters involving the issuance, denial of, or adverse action against, a license, the applicant or licensee ~~((+))~~ may request an adjudicative proceeding.

(3) With respect to matters involving receipt of benefits or application therefor, the recipient of or applicant for the benefits may request an adjudicative proceeding.

(4) With respect to an application for approval of a school or curriculum, the person or authority that applied for such approval may request an adjudicative proceeding.

(5) With respect to the department's final threshold determination that an environmental impact statement (EIS) is or is not necessary and with respect to the adequacy of a final EIS, any person may request an adjudicative proceeding who:

(a) Is seeking to protect an interest within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question; and

(b) Will be specifically and perceptibly harmed by the proposed action.

(6) Any application for an adjudicative proceeding that on its face demonstrates that the person making the application does not have standing under this rule may be summarily dismissed by entry of a decision pursuant to RCW 34.05.416. A motion to dismiss a matter for lack of standing may be made at any time prior to entry of the final order.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-109 Service and filing.** (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of

the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; by first class, registered, or certified mail; or ~~((commercial parcel delivery company))~~ by electronic telefacsimile transmission (FAX) where copies are mailed simultaneously.

(3) Filing shall be complete upon actual receipt during normal business hours at the office of professional standards ~~((when filing is with the office of professional standards)).~~

(4) Service shall be complete when personal service is made; or mail is properly stamped, addressed, and deposited in the United States mail; or ~~((a parcel is delivered to a parcel delivery company with charges prepaid))~~ FAX transmission is completed and copies are deposited in the United States mail properly stamped and addressed.

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

(i) Personal service; or

(ii) Mailing in the United States mail ~~((or shipping by commercial parcel service))~~ a copy properly addressed with postage and fees prepaid to each party and each designated representative.

(6) For the purpose of service on a licensee or a person requesting an adjudicative proceeding, service shall be made at the last known address provided to the department in accordance with WAC 246-01-100, unless the program has actual knowledge of a different correct address for the person being served.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-110 Jurisdiction.** (1) The department has jurisdiction over all licenses issued by the department and over all holders of and applicants for licenses. Such jurisdiction is retained even if an applicant requests to withdraw the application, or a licensee surrenders or fails to renew a license.

(2) The department has jurisdiction over unlicensed practice of any activity for which a license is required unless otherwise prohibited by law.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-114 Public records.** (1) All papers, exhibits, transcripts, and other materials required by or submitted in accordance with this chapter shall be considered public records.

(2) Release of information upon request for public records shall be subject to the following limitations:

(a) Release of health care information shall comply with chapter 70.02 RCW and rules promulgated thereunder;

(b) Protective orders issued pursuant to WAC 246-10-405 shall prevail; and



~~(c) (Initiating documents may be released after service upon the person eligible to request an adjudicative proceeding but no other records shall be released until a final order is entered and served; and~~

~~(d)) Chapter 42.17 RCW shall govern the release of records.~~

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-115 Expenses and witness fees.** (1)

Fees and expenses shall be paid at the following rates to witnesses appearing under subpoena by the party requesting the appearance:

(a) Fees shall be paid at the daily rate established for jurors in ~~((superior))~~ district court of Thurston County; and

(b) Expenses shall be paid at the rate established for employees of the state of Washington, or as otherwise required by law.

(2) Fees for an expert witness shall be negotiated by and paid by the party requesting services of the expert.

(3) All expenses incurred in connection with proceedings under this chapter shall be paid by the party incurring the expense.

(4) The ~~((program))~~ department shall pay expenses associated with:

(a) The facility in which proceedings are conducted; and

(b) Recording of the proceedings.

(5) Expenses related to preparation and distribution of the transcript of proceedings shall be paid by the party filing a motion or request for review of an initial order or petition for reconsideration, appealing a final order, or otherwise requesting the transcript.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-123 Subpoenas.** (1) The presiding

officer, the secretary or designee, and attorneys for parties may issue subpoenas to residents of the state of Washington, to license holders and applicants for license, and to other persons or entities subject to jurisdiction under RCW 4.28.185.

(2) The presiding officer shall issue subpoenas pursuant to RCW 34.05.446(1) for parties not represented by counsel upon request of the party and upon a showing of relevance and reasonable scope of the testimony or evidence sought. Requests for issuance of subpoenas must be made in writing to the presiding officer stating the relevance and the scope of testimony or evidence sought.

(3) The person on whose behalf the subpoena is issued shall pay any witness fees and expenses as provided in WAC 246-10-115 or costs for interpreters for such witnesses as provided in WAC 246-10-122.

(4) Attendance of persons subpoenaed and production of evidence may be required at any designated place in the state of Washington.

(5) Every subpoena shall:

(a) Comply with WAC 246-10-120;

(b) Identify the party causing issuance of the subpoena;

(c) State the title of the proceeding; and

(d) Command the person to whom the subpoena is directed to attend and give testimony and/or produce

designated items under the person's control at a specified time and place.

(6) A subpoena may be served by any suitable person eighteen years of age or older by:

(a) Giving a copy to the person to whom the subpoena is addressed;

(b) Leaving a copy at the residence of the person to whom the subpoena is addressed with a person of suitable age and discretion;

(c) Sending a copy by mail to the current address on file with the department if the person is licensed by the department or has filed an application for a license with the department; or

(d) Sending a copy by certified mail with proof of receipt if the person is neither licensed by nor has applied for a license with the department.

(7) Proof of service may be made by:

(a) Affidavit of personal service;

(b) Certification by the person mailing the subpoena to a license holder or applicant; or

(c) Return or acknowledgment showing receipt by the person subpoenaed or his/her representative. Any person accepting certified or registered mail at the last known address of the person subpoenaed shall be considered an authorized representative.

(8) The presiding officer, upon motion made promptly and before the time specified for compliance in the subpoena, may:

(a) Quash or modify the subpoena if the subpoena is unreasonable or requires evidence not relevant to any matter at issue; or

(b) Condition denial of the motion upon just and reasonable conditions, including advancement of the reasonable cost by the person on whose behalf the subpoena is issued of producing the books, documents, or tangible things; or

(c) Issue a protective order under RCW 34.05.446.

(9) The department may seek enforcement of a subpoena under RCW 34.05.588(1) or proceed in default pursuant to WAC 246-10-204.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-124 Preliminary requirements.** (1) An

~~((aggrieved))~~ applicant for an initial license or renewal of an existing license shall not be entitled to an adjudicative proceeding unless the applicant has submitted:

(a) A completed initial application or renewal application, as appropriate; and

(b) All applicable application, examination, or renewal fees payable in connection with such application or license.

(2) An aggrieved applicant shall not be entitled to an adjudicative proceeding with respect to the denial of an application submitted under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, or 246-290-140 unless the applicant has submitted to the district engineer or other departmental employee responsible for reviewing the submittal, a certification that, to the best of the applicant's knowledge and belief, the submittal is complete and demonstrates compliance with the state's drinking water regulations. Certification with respect to water system plans,

project reports, construction documents and other submittals requiring preparational review by a licensed professional engineer shall be provided on behalf of the applicant by the licensed professional engineer preparing or reviewing the submittal. Failure to comply with these preliminary requirements shall result in the denial of the application for adjudicative proceeding without further review.

(3) An affected party shall not be entitled to an adjudicative proceeding with respect to a decision made under WAC 246-293-190 unless:

(a) Except with respect to a county legislative authority, the applicant shall have complied with all preliminary requirements established under the coordinated water system plan approved by the county legislative authority and the department or, if the critical water supply service area's external boundaries have been approved but a coordinated water system plan has not been approved and adopted, then with any interim requirements imposed by the county legislative authority; and

(b) Within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant submits copies of the complete record of all proceedings conducted under the applicable coordinated water system plan or interim requirements. If such proceedings were taped or otherwise recorded, the record submitted to the department shall include a transcript of the hearing or hearings which shall be prepared and certified as correct by a registered professional court reporter.

(c) Failure to comply with the preliminary requirements outlined herein shall result in a denial of the hearing application without further review.

(4) WAC 246-293-430.

(a) An adjudicative proceeding shall not be conducted with respect to a departmental decision made under WAC 246-293-430 unless, within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant has, at his or her own expense, submitted a transcript of the hearing conducted under WAC 246-293-430 from tapes or other record of the hearing which the department shall make available for that purpose. The transcript shall be prepared and certified as correct by a registered professional court reporter. Failure to comply with preliminary requirements established under this section shall result in the dismissal of the hearing application without further review.

(b) If a request for an adjudicative proceeding has been timely filed under this section and a transcript of the record has been timely submitted, the department shall promptly provide the presiding officer with copies of all documents and exhibits admitted at the hearing conducted under WAC 246-293-430.

(c) The departmental employee responsible for the department's decision under WAC 246-293-430 shall provide a copy of his or her decision to the presiding officer and may submit documents or evidence not made part of the record at the hearing conducted under WAC 246-293-430. Copies of all such documents shall be provided to all other parties involved in the proceeding.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-201 Form and content of initiating documents.** (1) Initiating documents shall include a clear and concise statement of the:

(a) Identity and authority of the person issuing the document;

(b) Factual basis for the action or proposed action set forth in the document;

(c) Statutes and rules alleged to be at issue;

(d) Identity of the party against whom the action is taken or proposed to be taken;

(e) Action or proposed action or penalties, including the statutory or rule authority for those actions or penalties; ~~((and))~~

(f) Signature of the person issuing the document and the date signed; and

(g) Method by which an adjudicative proceeding may be requested.

(2) Initiating documents shall be accompanied by the following documents:

(a) Notice that the respondent may defend against the action or proposed action; and

(b) Form for requesting adjudicative proceeding.

(3) Initiating documents shall be served as described in WAC 246-10-109.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-202 Amendment of initiating documents.** (1) Prior to the hearing date, initiating documents may be amended subject to the following conditions:

(a) Amended initiating documents shall meet the requirements of WAC 246-10-201(1);

(b) Amended initiating documents shall be accompanied by the documents described in WAC 246-10-201(2);

(c) Whenever amended initiating documents are issued, a new interval for response will begin, as described in WAC ~~((246-110-203))~~ 246-10-203, unless the ~~((amendment benefits the))~~ respondent requests the time periods set by the original initiating document; and

(d) Issuance of amended initiating documents ends all obligations of the parties under the prior initiating documents.

(2) On the hearing date, the initiating documents may be amended subject to the following conditions:

(a) The documents may be amended upon motion of the state;

(b) The documents may not be amended without the approval of the presiding officer; and

(c) Upon motion of a party or upon his/her own initiative, the presiding officer may grant a continuance on all or part of the matter if necessary to afford the respondent an opportunity to prepare a defense to the amended documents.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-203 Request for adjudicative proceeding.** A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

(a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents unless an extension has been granted as provided in subsection (3) of this section; and

(ii) For all other matters in which the program proposes to deny, suspend, revoke or modify a license or proposes to impose a civil fine, within twenty-eight days of ~~((service))~~ receipt of the initiating documents, unless otherwise provided by statute; and

(iii) For all other matters, within twenty days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made either on the Request for Adjudicative Proceeding Form accompanying the initiating documents or by a written document ~~((including substantially the same information))~~ containing at least the following information:

(i) Name and address of the party requesting an adjudicative proceeding;

(ii) Name and address of the attorney representing the party, if any;

(iii) Identification of the portion or portions of the initiating documents contested;

(iv) Summary of the party's position on the portion or portions contested;

(v) Statement of the party's standing to request an adjudicative proceeding under WAC 246-10-107; and

(vi) For matters not under chapter 18.130 RCW and in which the department proposes to deny, suspend, revoke or modify a license or proposes to impose a civil fine, the application shall include a copy of the initiating document containing the adverse notice.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-10-104(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied, or not contested, and responses shall be subject to the following conditions:

(i) Once admitted or not contested, an allegation may not be denied; and

(ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-10-108 and any request for interpreter. The

responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the office of professional standards at the address specified in WAC 246-10-102.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

(3) For matters under chapter 18.130 RCW, if the twenty-day limit for filing an application for adjudicative proceeding results in a hardship to the respondent, the respondent may request an extension of not more than sixty days upon a showing of good cause.

(a) The request for extension shall be filed within the twenty day limit and shall include:

(i) The reason for the request and the number of days for which the extension is requested; and

(ii) Documentation of the circumstances creating the hardship.

(b) The request shall be granted for a period not to exceed sixty days upon showing of:

(i) Illness of the respondent; or

(ii) Absence of the respondent from the county of residence or employment; or

(iii) Emergency in the respondent's family; or

(iv) Other good cause as determined by the presiding officer.

(c) If a request for extension is denied, the respondent shall have ten days from service of the order denying the extension or twenty days from service of the initiating documents, whichever is longer, to file an application for adjudicative proceeding.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-204 Default.** (1) If a party fails to respond to initiating documents according to WAC 246-10-203, that party will be deemed to have waived the right to a hearing, and the secretary shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled ~~((settlement or))~~ prehearing conference, the presiding officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3). Unless vacated, a default order under this subsection shall be grounds for the presiding officer to proceed to decide the matter in the absence of the respondent and without additional notice to the respondent and to issue a final order.

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall meet the requirements of WAC 246-10-702 and shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) Proof of service of or a good faith attempt to serve initiating documents and appropriate notices;

(c) A finding that there is no reason to believe that the party in default is in active military service;

~~((e))~~ (d) The penalties or conditions imposed by the order; and

~~((d))~~ (e) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-10-109.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-205 Scheduling orders.** (1) Within thirty days after receipt of the application for adjudicative proceeding, the ~~((department))~~ office of professional standards shall:

~~((a) Examine the application;~~  
~~(b) Notify the respondent of any obvious errors or omissions;~~

~~(c) Request any additional information the department wishes or is permitted by law to require; and~~

~~(d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.~~

~~((2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the office of professional standards shall:))~~

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a ~~((notice of the date, time, and place of the hearing))~~ scheduling order specifying the course of the proceeding; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

~~((3) The presiding officer may issue a scheduling order governing the course of the proceeding and))~~ (2) For matters under chapter 18.130 RCW, the scheduling order shall contain:

(a) The date, time, and place of a settlement conference, a prehearing conference, and the hearing;

(b) The deadlines for completion of discovery and submission of prehearing motions; and

(c) The name, address, and telephone number of the assistant attorney general or other department representative who will represent the state in the matter.

(3) The scheduling order may be modified by order of the presiding officer upon his/her own initiative or upon motion of a party. Any request for a change in the scheduling order shall be made by motion as provided in WAC 246-10-403.

(4) The presiding officer may waive establishing dates for the settlement conference, completion of discovery, submission of prehearing motions, and the prehearing conference, if, in the discretion of the presiding officer, those proceedings are not necessary or appropriate in a particular matter or type of case. However, either party may request by motion to the presiding officer that any or all of the dates be set.

(5) Dates contained in the scheduling order may be changed by the office of professional standards upon written request of either party made within fifteen days of issuance of the first scheduling order. All other changes must be made by motion pursuant to WAC 246-10-403.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-303 Form and content of summary actions.** (1) A summary action shall be entered in the form of an order containing findings of fact, conclusions of law, and the summary action imposed, as well as a statement of ~~((policy reasons))~~ the basis for the decision.

(2) A summary action imposed by emergency adjudicative proceeding shall be limited to those actions necessary to alleviate an immediate danger to the public health, safety, or welfare.

(3) Initiating documents, and all other documents required by WAC 246-10-201, shall accompany a summary action order when served.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-304 Adjudicative proceedings upon summary action.** Following summary action taken by the department, the respondent may:

(1) Request a prompt adjudicative proceeding conducted in accordance with this chapter; or

(2) Waive the prompt adjudicative proceeding and request ~~((an))~~ a regularly scheduled adjudicative proceeding conducted in accordance with this chapter;

(3) Waive the right to an adjudicative proceeding and submit a written statement to be considered prior to the entry of the final order; or

(4) Waive the opportunity to be heard.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-305 Opportunity for prompt adjudicative proceeding.** (1) Any respondent affected by a summary action shall be provided the opportunity to request a prompt adjudicative proceeding. Notice of the opportunity shall be provided in the notice of opportunity to defend against the allegations that are the basis for the summary action. The form for requesting an adjudicative proceeding shall include the option of requesting a prompt adjudicative proceeding.

(2) Any respondent affected by a summary action may request a prompt adjudicative proceeding, may elect a regularly scheduled adjudicative proceeding ~~((in lieu))~~ instead of a prompt adjudicative proceeding, or may waive the opportunity for adjudicative proceeding in accordance with WAC 246-10-203.

(3) Any request for a prompt adjudicative proceeding must be filed within ten days of the service of the summary action.

(4) If requested by the respondent, a prompt adjudicative proceeding shall be conducted within twenty days of service of a summary action.

(5) Regardless of whether a prompt adjudicative proceeding is requested, the matter shall be resolved as quickly as feasible in accordance with all other applicable rules.

#### SECTION IV SETTLEMENT AND PREHEARING ((~~PROCEDURE~~)) PROCEEDINGS

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-401 Settlement conference.** (1) Following a request for an adjudicative proceeding, the office of professional standards may schedule a settlement conference as provided in WAC 246-10-205. The parties shall be notified of the date, time, and place of the settlement conference.

(2) The purpose of the settlement conference shall be to attempt to reach agreement on the issues and ~~((the))~~ on a proposed order to be entered. Any agreement of the parties is subject to final approval by the ~~((secretary or designee))~~ presiding officer.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-10-108. Representatives of the department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the office of professional standards prior to the settlement conference, all subsequent ~~((scheduled))~~ dates set in the scheduling order are continued pending final review of the settlement by the ~~((secretary or designee))~~ presiding officer.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-402 Discovery.** The parties are encouraged to exchange information and documents related to the case prior to the adjudicative proceeding. Formal discovery ~~((may be had at the discretion of the presiding officer))~~ is obtained as follows:

(1) Methods, scope and limits:

(a) Parties may obtain discovery by production of records or things; deposition upon oral examination; requests for admission; or, if ordered by the presiding officer, written interrogatories.

(b) Unless otherwise limited by order of the presiding officer in accord with these rules, the scope of discovery shall be as follows:

(i) Parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter in the pending action. It is not grounds for objection that the information sought will be inadmissible at the adjudicative proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(ii) The frequency or extent of use of the discovery methods set forth in these rules shall be limited by the presiding officer if the presiding officer determines that:

(A) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive; or

(B) The party seeking discovery has had an ample opportunity by discovery to obtain the information sought; or

(C) The discovery is unduly burdensome or expensive, taking into account the needs of the case, limitations of the parties' resources, and the importance of the issues at stake.

(iii) The presiding officer may limit discovery upon his or her own initiative after reasonable notice or pursuant to a motion submitted by a party.

(2) Production of records, documents or things:

(a) Upon written request of a party the opposing party shall identify experts and other witnesses to be called at a hearing and shall provide other information necessary to enable the party to conduct depositions of the witnesses.

(b) Any party may serve on any other party a request, which must be signed by the party or designated representative:

(i) To produce and permit the party making the request or designee to inspect and copy any designated documents, or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of discovery and which are in the possession, custody or control of the party upon whom the request is served; or

(ii) To permit entry onto designated land or other property which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or designated object or operation thereon which is within the scope of discovery.

(c) Any party who produces documents for inspection shall produce them as they are kept in the usual course of business or may, if the parties agree, organize and label them to correspond with the categories in the request.

(d) The party upon whom a request is made may, by motion to the presiding officer, move for an order denying the request to produce or modifying the conditions of the request. Denial of the request or change in the conditions of the request shall be within the discretion of the presiding officer and shall be made by written order.

(3) Depositions may be taken subject to the following conditions:

(a) Within the United States or a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the state of Washington or of the place where the examination is held. A presiding officer may, in his or her discretion or following motion of a party, preside

at the deposition. Within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice-consul or consular agent of the United States, or a person designated by the presiding officer or agreed upon by the parties by stipulation in writing filed with the office of professional standards. Except by stipulation, no deposition shall be taken before any person who is a party or a privy of a party, or a privy of any representative of a party, or who is financially interested in the proceeding.

(b) A party desiring to take the deposition of a person upon oral examination shall give reasonable notice of not less than five days in writing to the person to be deposed and to the opposing party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify the person to be examined or the particular class or group to which the person to be examined belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, lengthen or shorten the time.

(c) After notice is served for taking a deposition, upon his/her motion or upon motion reasonably made by any party or by the person to be examined, and upon notice and for good cause, the presiding officer may issue an order that the deposition shall not be taken or that it be taken subject to specified restrictions, conditions, or limitations.

(d) Depositions shall be recorded.

(i) The officer before whom the deposition is taken shall put the witness on oath or affirmation and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony.

(ii) The officer or person acting under the officer's direction shall transcribe the testimony at the request of any party, provided that any expenses shall be paid by the requesting party.

(iii) The transcribed testimony shall be submitted to the person deposed for review and signature, unless review and signature are waived by that person. The officer shall append to the transcript any changes in form or substance that may be submitted by the parties.

(iv) Copies of the transcribed and, unless review and signature has been waived, signed testimony shall be served upon the person deposed and upon the parties.

(e) If the parties so stipulate in writing or on the record, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken, may be used as any other deposition.

(4) Following motion of a party and opportunity for response by the opposing party, the presiding officer may order a party to respond to written interrogatories and may order that the interrogatories be subject to specified restriction, condition, or limitation.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-403 Motions.** (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing ~~((to))~~ and filed with the presiding officer prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing ~~((within forty five days following service of))~~ and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than ~~((forty-five))~~ twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section ~~((in a bona fide emergency))~~ for good cause.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-404 Prehearing conference.** (1) As provided in WAC 246-10-205, the presiding officer may schedule a prehearing conference to be held prior to the hearing. Parties shall be notified of the time and place of the first prehearing conference in the scheduling order.

(2) The presiding officer shall conduct ~~((the))~~ prehearing conferences and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.

(3) The prehearing conference ~~((shall))~~ may be recorded ~~((unless recording is waived by the parties))~~ as ordered by the presiding officer. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.

(4) Following the final prehearing conference, the presiding officer shall issue a written prehearing order which will:

(a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues;

(b) Specify the facts which are admitted or not contested by the parties;

(c) Identify those documents and exhibits that will be admitted at hearing ~~((and those which may, by agreement, be distributed prior to hearing));~~

(d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;

(e) Rule on motions;

(f) Accept amendments to the pleadings;

(g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and

(h) Rule on objections made in any preserved testimony.

(5) Following the prehearing conference, the presiding officer may issue an order directing that the matter be heard as a brief adjudicative proceeding, pursuant to WAC 246-10-501, et seq.

(6) Documentary evidence not offered in the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the

offering party had good cause for failing to produce the evidence at the prehearing conference.

(7) Witnesses not identified during the prehearing conference shall not be allowed to testify at the adjudicative proceeding in the absence of a clear showing that the party offering the testimony of such witness had good cause for failing to identify the witness at the prehearing conference.

(8) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.

(9) Nothing in these rules shall prohibit the presiding officer from conducting a conference at any time, including during the hearing. The presiding officer shall state on the record the results of such conference.

(10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:

(a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and

(b) The withdrawal will not unjustly prejudice the rights of the other parties.

(11) In an appeal to superior court involving issues addressed in the prehearing order, the record of the prehearing conference, written motions and responses, the prehearing order, and any orders issued by the presiding officer pursuant to WAC 246-10-403, shall be the record.

## SECTION V BRIEF ADJUDICATIVE (~~PROCEDURES~~) PROCEEDINGS

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-501 Application of brief adjudicative proceedings.** (1) If an adjudicative proceeding (~~has been~~) is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination (~~of~~) whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license;

(b) An application to approve a water system plan under WAC 246-290-100;

(c) An application to approve a project report under WAC 246-290-110;

(d) An application for source approval under WAC 246-290-130;

(e) An application to approve construction documents under WAC 246-290-120;

(f) An application to approve an existing water system under WAC 246-290-140;

(g) (~~An application to approve a new public water system within a critical water supply service area~~) A decision under WAC 246-293-190;

(h) A decision with respect to service area conflicts under WAC 246-293-430;

(i) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department;

(j) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule;

(k) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for license renewal; or

(l) A decision to deny, modify, or impose conditions upon an operating permit under WAC 246-294-050.

(2) If an adjudicative proceeding (~~has been~~) is requested, in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted (~~at~~) in the discretion of the presiding officer when it appears that protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties and:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-502 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a professional, business, or facility license (~~shall consist of the following~~), or for approval of a school or curriculum shall consist of the following:

(a) The application for the license or approval and all associated documents;

(b) All documents relied on by the program in proposing to deny the application;

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) Preliminary record.

(a) The preliminary record with respect to decisions made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140 shall consist of the decision document, all documents constituting the applicant's submittal and such other documents as the applicant or the departmental employee reviewing the submittal may wish to include in the preliminary record.

(b) WAC 246-293-190.

(i) If proceedings are required and have been conducted by local agencies under the applicable (~~CWSP~~) coordinated water system plan, the preliminary record shall consist of the record submitted to the department under WAC 246-10-124(3).

(ii) If hearings are not required or have not been conducted by local agencies under the applicable (~~CWSP~~) coordinated water system plan or if the external boundaries of the coordination act area have been approved but a (~~CWSP~~) coordinated water system plan has not been adopted, then the preliminary record shall consist of such documents as the presiding officer may solicit from the affected parties.

(c) The preliminary record with respect to a decision made under WAC 246-293-430 shall consist of the record submitted to the presiding officer under WAC 246-10-124(4).

(d) The preliminary record with respect to a decision under WAC 246-294-050 shall consist of:

(i) The permit, if any;

(ii) All documents relied upon by the program in proposing to deny, modify, or impose conditions upon the permit; and

(iii) The decision document.

(3) The preliminary record with respect to compliance with prior department orders shall consist of:

(a) The official department file of the proceeding in which the order was issued;

(b) All matters submitted by the person to whom the order is directed purporting to demonstrate compliance with the order;

(c) All documents relied on by the department in asserting noncompliance; and

(d) All correspondence between the department and the person to whom the order is directed respecting compliance.

(4) The preliminary record with respect to matters submitted to a brief adjudicative proceeding under WAC 246-10-501(2) shall be as agreed by the parties.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-503 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the assistant secretary having responsibility for the program that issued the initiating document that is the subject of the proceeding. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation in addition to the preliminary record. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives, at a time and place designated by the presiding officer for brief adjudicative proceedings.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may ~~((consider))~~ employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within fifteen days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-10-608.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-504 Effectiveness of orders on brief adjudicative proceedings.** (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the initial order unless:

(a) Administrative review has been requested pursuant to WAC 246-10-701; or

(b) On his or her own initiative, a designee of the secretary authorized to issue final orders determines to review the matter and, within twenty-one days of service of the initial order, provides notice to the parties of the date by which a determination shall be made.

(2) If administrative review is taken under subsection (1) of this section, each party shall be provided an opportunity to state its view of the matter, and the presiding officer shall issue a written order containing findings of fact, conclusions of law, and order which shall be entered and served upon the parties.

(3) A request for review is deemed to be denied if the board does not act on the request within twenty days after the request is submitted.

(4) If administrative review is taken under subsection (1) of this section, the presiding officer may convert the matter to a full adjudicative proceeding.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-604 Proposed order.** At the conclusion of the hearing or by a date specified by the presiding officer, the presiding officer may require each party ((shall)) to submit to the presiding officer proposed findings of fact and conclusions of law and a proposed order((~~except as may be ordered by the presiding officer~~)).

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-607 Consolidated proceedings.** (1) When two or more applications for adjudicative proceeding involve a similar issue, the applications may be consolidated by the presiding officer and the hearings conducted together. The presiding officer may consolidate on his/her own motion or upon the request of a party.

(2) A party scheduled for a consolidated proceeding may request to withdraw from the consolidated proceeding in favor of an individual proceeding. ~~((A request to withdraw from a consolidated proceeding shall be granted if the motion is filed before the presiding officer has made any discretionary ruling in the matter and before the hearing date.))~~ The presiding officer may grant a motion to withdraw from a consolidated proceeding at any time when good cause is shown.

(3) Each respondent in a consolidated proceeding shall retain the right to representation.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-701 Appeal from initial order.** (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-10-503 or 246-10-608 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the office of professional standards within twenty-one days of service of the initial order.



(3) The opposing party may file a response to a petition for administrative review filed as provided in this section. The response shall be filed at the ~~((place specified in subsection (2) of this section))~~ office of professional standards. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-10-503, the response shall be filed within ten days of service of the petition. In all other matters, the response shall be filed within twenty days of service of the petition.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-702 Final orders.** (1) The form and content of final orders shall be as follows:

(a) Final orders shall contain findings of fact, conclusions of law, and an order, and shall be signed by the ~~((secretary or by a designee of the secretary))~~ presiding officer.

(b) Final orders may adopt by reference the initial order in whole or in part.

(c) Final orders may modify or revise the initial order in whole or in part.

(2) Final orders shall be served upon the parties and their representatives as provided in WAC 246-10-109.

(3) Final orders shall be issued following:

(a) A review of the record;

(b) A review of the initial order, if any;

(c) A review of any request for administrative review of the initial order and any response thereto; and

(d) Consideration of protection of the public health and welfare.

(4) Unless a later date is stated in the final order, final orders shall be effective when entered but a party shall not be required to comply with a final order until the order is served upon that party.

(5) Final orders may contain orders that specified portions of the agency record shall not be disclosed as public records if necessary to protect privacy interests, the public welfare, or vital governmental functions. Such orders shall include but are not limited to protective orders issued during the proceeding or pursuant to WAC 246-10-405.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-704 Reconsideration of final orders.**

(1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

(a) Specific errors of fact or law; or

(b) Implementation of the final order would require department activities inconsistent with current department practice; or

(c) Specific circumstances render the person requesting reconsideration unable to comply with the terms of the order.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the office of professional standards within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the request for reconsideration shall contain specific reference to the testimony. The presiding officer may require that the party requesting ~~((consideration shall))~~ reconsideration submit a copy of the transcript of the adjudicative proceeding ~~((or shall specify the date by which the transcript will be submitted, and shall submit specific reference to the transcript by a date determined by the presiding officer))~~ and provide specific reference to the transcript.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the ~~((secretary or designee))~~ presiding officer:

(a) Denies the petition;

(b) Does not act upon the petition; or

(c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the ~~((secretary or designee))~~ presiding officer determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition, and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

**AMENDATORY SECTION** (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-705 Agency record of adjudicative proceedings.** (1) The department shall maintain an official record of each adjudicative proceeding.

(2) The record shall include:

(a) Notices of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions, and requests filed, and rulings thereon;

(d) Evidence received or considered;

(e) A statement of matters officially noted;

(f) Offers of proof and objections and rulings thereon;

(g) Any proposed findings, requested orders, and exceptions;

(h) Any recording of the ~~((hearing))~~ adjudicative proceeding and any transcript of all or part of the ~~((hearing))~~ adjudicative proceeding considered before final disposition of the matter;

(i) Any final order, initial order, or order on reconsideration; and

(j) Matters placed on the record following an ex parte communication, if any.

(3) The record shall be subject to disclosure as provided by chapter 42.17 RCW, the Public Records Act, and by WAC 246-10-114, except as limited by protective orders and ~~((orders))~~ provisions contained in the final order.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-706 Judicial review.** (1) Judicial review of actions taken under this chapter shall be as provided in RCW 34.05.510, et seq.

(2) Notice of the opportunity for judicial review shall be provided in all final orders.

(3) Following a petition for judicial review, the record forwarded to the reviewing court shall be those portions of the agency record designated by the parties within the time period set by the secretary.

AMENDATORY SECTION (Amending Order 369, filed 6/3/93, effective 7/4/93)

**WAC 246-10-707 Vacating an order for reason of default or withdrawal.** (1) A party against whom an order is entered for reason of default (~~is entered~~) for failure to attend or participate in a hearing in an adjudicative proceeding requested by that party shall have the right to file a written petition requesting that the order be vacated.

(2) The petition to vacate shall state the grounds relied upon.

(3) The petition shall be filed at the office of professional standards within seven days of service of the default order.

(4) If, in the opinion of the presiding officer, good cause to grant the motion to vacate is shown, the presiding officer shall grant the motion and reinstate the application for adjudicative proceeding and may impose conditions on licensure pending final adjudication of the matter.

**WSR 93-24-112  
PROPOSED RULES  
STATE BOARD OF EDUCATION**

[Filed December 1, 1993, 10:52 a.m.]

Original Notice.

Title of Rule: Chapter 180-96 WAC, Certificate of educational competence.

Purpose: To limit State Board of Education GED test rule making authority to the eligibility of 16 to 19 years old who have a substantial and warranted reason for leaving the regular high school program, or who have been home schooled, and granted the balance of GED rule making authority to the State Board for Community and Technical Colleges.

Statutory Authority for Adoption: RCW 28A.305.190.

Statute Being Implemented: Chapter 218, Laws of 1993.

Summary: See above.

Reasons Supporting Proposal: The proposed amendments, new sections, and repealed sections are necessary to meet the requirements of chapter 218, Laws of 1993.

Name of Agency Personnel Responsible for Drafting: Robert Patterson, Old Capitol Building, Olympia, Washington, 753-2298; Implementation and Enforcement: Linda Byrnes, Old Capitol Building, Olympia, Washington, 753-6710.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: Educational Service District 113, Thurston Room, 601 McPhee Road S.W., Olympia, WA 98502, on January 13, 1994, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by January 11, 1994.

Date of Intended Adoption: January 14, 1994.

November 29, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-96-005 Authority.** The authority for this chapter is RCW 28A.305.190 which authorizes the state board of education to adopt regulations governing the ~~((conditions by and under which a certificate of educational competence may be issued))~~ eligibility of a person sixteen years of age and under nineteen years of age to take the general educational development test if the child provides a substantial and warranted reason for leaving the regular high school education program, or if the child was home-schooled.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

**WAC 180-96-010 Purpose.** ~~((The purpose of this chapter is to set forth policies and procedures governing the issuance of certificates of educational competence to persons who have not completed requirements for a regular high school diploma.))~~ Persons who are sixteen years of age and under nineteen years of age must have a substantial and warranted reason for leaving the regular high school program, or have completed a program of home-based instruction, as a condition to taking the general educational development test and receiving a certificate of educational competence. The purpose of these state board of education rules is to establish the process and criterion for determining whether a person within that age range has such a substantial and warranted reason or has completed a program of home-based instruction. Once such a person establishes that he or she has met either one of the two conditions, he or she is eligible to pursue taking the general educational development test in accordance with rules of the state board for community and technical colleges which are codified at chapter 131-48 WAC.

AMENDATORY SECTION (Amending Order 21-88, filed 12/14/88)

**WAC 180-96-035 Designated employee—Definition.** As used in this chapter "designated employee" means that individual or individuals empowered by the board of

directors of ~~((the))~~ a school district to determine ~~((eligibility to take the GED test))~~ whether a person who is sixteen years of age and under nineteen years of age has a substantial and warranted reason for leaving the regular high school program.

**AMENDATORY SECTION** (Amending Order 21-88, filed 12/14/88)

**WAC 180-96-045 Substantial and warranted reason for leaving the regular high school education program—**

**Definition.** As used in this chapter, the term "substantial and warranted reason for leaving the regular high school education program" means one or more of the following:

(1) Personal problems which seriously impair the student's ability to make reasonable progress toward high school graduation.

(2) A financial crisis which directly affects the student and necessitates the student's employment during school hours.

(3) The lack of curriculum and instruction which constitutes appropriate learning experiences for the student.

(4) The inability or failure of the school of attendance to adjust its program for the individual or otherwise make arrangements for enrollment in an educational program in a manner which enables the student to advance toward graduation with reasonable progress and success.

(5) A determination by the designated employee that it is in the "best interest" of the student to drop the regular high school program for one of the following purposes:

(a) Enter a postsecondary institution.

(b) Enter the military.

(c) Engage in employment.

(6) *Provided*, That no person under eighteen years of age (i.e., minor), shall be adjudged to have a substantial and warranted reason for leaving ~~((school))~~ the regular high school education program unless the minor's parents, guardian, or legal custodian, if available, agrees that dropping school is in the best interest of the minor.

**NEW SECTION**

**WAC 180-96-048 Applications for a determination of substantial and warranted reason for leaving the regular high school program.** Application for a determination that the applicant has a substantial and warranted reason for leaving the regular high school education program shall be made to a designated employee of either the last Washington school district the applicant attended or the Washington school district in which the applicant currently resides. A designated employee of the school district shall evaluate the facts presented by the applicant and determine whether the applicant has a substantial and warranted reason for leaving the regular high school education program as defined at WAC 180-96-045. The determination of the designated employee shall be in writing and signed by the employee.

**AMENDATORY SECTION** (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

**WAC 180-96-050 Right to appeal.** The following shall govern the finality of decisions of the designated employee:

(1) If the decision of the designated employee is that the applicant has a substantial and warranted reason for leaving the regular high school education program, the decision of such designated employee shall be final.

(2) If the decision of the designated employee is to deny the existence of a substantial and warranted reason for leaving the regular high school education program, the applicant shall have the right to appeal the decision to ~~((such))~~ the board of directors of the school district in accordance with procedures adopted by the board of directors. The board of directors shall issue a decision within thirty calendar days of receipt of any appeal.

(3) If a decision has been made by the board of directors of the district, such decision shall be final subject to an appeal to a court of law pursuant to RCW 28A.645.010.

**NEW SECTION**

**WAC 180-96-053 Certification of completion of a program of home-based instruction.** The parent(s) or legal guardian(s) who provided home-based instruction to a person who is sixteen years of age and under nineteen years of age is responsible for determining and certifying in writing that the person has completed a program of home-based instruction. The written certification shall be signed by the parent(s) or legal guardian(s) and the signature(s) shall be notarized by a Notary Public.

**NEW SECTION**

**WAC 180-96-058 Presentation of determinations of substantial and warranted reason and home schooling to official testing centers.** Written determinations made in accordance with this chapter that a person has a substantial and warranted reason for leaving the regular high school education program, or has completed a program of home-based instruction, shall be presented by the person to an official general educational development testing center as partial evidence of the person's eligibility to take the general educational development test.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 180-96-015	Certificate of educational competence—Definition.
WAC 180-96-025	Minimum proficiency level—Definition.
WAC 180-96-030	Official GED testing center—Definition.
WAC 180-96-055	Eligibility to take GED test.
WAC 180-96-060	Eligibility for award of certificate of educational competence.
WAC 180-96-065	Identification necessary to take the GED exam.
WAC 180-96-070	Application form for certificate of educational competence.
WAC 180-96-075	Effect of certificate of educational competence.

**WSR 93-24-113  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed December 1, 1993, 11:02 a.m.]

Original Notice.

Title of Rule: WAC 296-15-02606 Self-insured employee rights (new section); 296-15-020 Certification to self-insure; 296-15-030 Surety requirement; and 296-15-170 Cessation of business—Change of status.

Purpose: To respond to legislation passed last session and to clarify that surety provided by self-insurers is for the sole purpose of paying workers' compensation benefits and related assessments.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.04.020, 51.14.020, 51.14.030, 51.14.050, 51.14.060, 51.14.073, 51.14.120, 51.14.130, and 51.14.140.

Summary: The new section responds to recent legislation which requires self-insurers to provide the first copy of the worker's claim file free of charge within 15 days, forward protests or appeals to the department within 5 working days and request allowance or denial of a claim (other than medical only) within 60 days. Additional amendments clarify that the sole purpose of surety provided by self-insurers is for paying workers' compensation benefits and related assessments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Georgia C. Moran, Olympia, 956-6907.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new section responds to recent legislation which requires self-insurers to: Provide the first copy of the worker's claim file free of charge within 15 days; forward protests or appeals to the department within 5 working days and request allowance or denial of a claim (other than medical only) within 60 days. Should a self-insurer fail in these provisions, the department has the authority to assess a monetary penalty against it. This section requires a specific level of customer service for the benefit of the injured workers. Other amendments clarify that the surety provided by self-insurers is for the sole purpose of paying workers' compensation benefits and related assessments. The amendments will further define the self-insurer's financial responsibility for the payment of benefits following surrender or withdrawal of certification, as well as the requirements for release of surety.

Proposal Changes the Following Existing Rules: See above.

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

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not because the rules do not impact any small businesses. In order to qualify to self-insure, a firm must demonstrate the financial ability to make certain the prompt payment of all foreseeable compensation and assessments

required under the law. As such, only large firms are certified.

Hearing Location: Labor and Industries Auditorium, 7273 Linderson Way, Tumwater, on January 5, 1994, at 10:00 a.m.

Submit Written Comments to: Georgia C. Moran, Assistant Director of Self Insurance, P.O. Box 44890, Olympia 98504-4890, by January 5, 1994.

Date of Intended Adoption: February 9, 1994.

December 1, 1993

Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 90-14-036, filed 6/29/90, effective 7/30/90)

**WAC 296-15-020 ((Application-)) Certification to self-insure.** (1) The application for certification to self-insure will be made only by those firms who have been in business for a minimum of three years, on a form prescribed by the department which will elicit necessary information as to an employer's qualifications for self-insurance. The application form must be accompanied by independently audited financial statements for the most recent three years of the applicant firm's operation. Provided that, in cases where the majority of employees of a currently certified self-insurer purchase the controlling interest in that business or a portion of that business pursuant to an employees' stock ownership plan (ESOP), the three-year requirement of this subsection shall not apply. In these instances, an ESOP may apply for certification to self-insure on a form prescribed by the department, which must be accompanied by an independently audited financial statement covering a minimum of one year of the new entity's operation. Any such new entity must meet all other qualifications and requirements to obtain and maintain certification, provided that, until such time that independently audited financial statements covering three years of the applicant firm's operation are provided, such entities shall provide surety at a level equal to one hundred twenty-five percent of the amount which would otherwise be required by the department as specified in WAC 296-15-030.

(2) The application shall be supplied by the department to an employer upon the employer's request. It shall be completely and accurately filled out by the employer, and forwarded, with all necessary supporting documents, to the director.

(3) The director shall consider all matters relating to the applicant's qualifications to perform as a self-insurer, and shall advise the employer of the action taken on the application thirty days before the requested certification date. If deemed necessary for obtaining further information, the director may extend the time for acting on the application. Employers who are denied certification due to deficient accident prevention programs may be required to wait six months before being considered for certification again.

(4) An employer granted approval to self-insure will be required to acknowledge, in writing, its responsibility for the payment of benefits on all claims occurring during its period of self-insurance. This obligation will continue whether the employer voluntarily surrenders its certificate to self-insure or the certificate is withdrawn by the department.

NEW SECTION**WAC 296-15-02606 Self-insured employee rights.**

(1) The self-insured employer shall provide a copy of the claim file within fifteen days of receipt of a written request from the worker or his/her representative.

(a) If the self-insurer determines the release of the file to an unrepresented worker, in whole or in part, may not be in the worker's interest, a denial request shall be submitted to the self-insurance section of the department pursuant to WAC 296-14-970.

(b) The self-insurer shall provide the first copy of the claim file free of charge. Unless a particular portion of a file is requested, the self-insurer shall supply a copy of the entire file. Upon request, any additional material added to the claim file after the initial release shall also be made available free of charge.

(c) If a second request for a copy of the claim file or a second request for material previously supplied is received from the worker and/or any representative of the worker, a reasonable fee may be charged.

(2) The self-insurer shall forward to the department, within five working days of receipt, any protest or appeal by a worker related to his/her industrial insurance claim. The date that the protest or appeal is received by the self-insurer shall be deemed to be the date the protest is received by the department for the purpose of RCW 51.52.050.

(3) Within sixty days from the date a claim is filed, the self-insurer shall request allowance or denial of the claim.

(a) Exceptions to this requirement are allowance and closure of medical only claims which qualify for action pursuant to the provisions of RCW 51.32.055(8).

(b) Upon request of the self-insurer, an interlocutory order pursuant to WAC 296-15-160 may be issued.

(c) If the self-insurer fails to request allowance or denial within sixty days, the department shall promptly intervene and adjudicate the claim. In the department's intervention, the department is not precluded from obtaining the information necessary to properly adjudicate the self-insured claim. During this period, the claim shall remain in a provisional status.

(4) Failure of the self-insurer to comply with subsections (1) through (3) of this section shall subject the self-insurer to a penalty under RCW 51.48.080 which shall accrue for the benefit of the worker. In cases where the worker has submitted a written request for the department to determine whether a violation has occurred under this rule, the department shall issue an order conforming to RCW 51.52.050 within thirty days.

AMENDATORY SECTION (Amending WSR 93-11-064, filed 5/14/93, effective 6/14/93)

**WAC 296-15-030 Surety requirement.** Subsections (2) through (7) and (10) through (12) of this section shall apply only to individual self-insurers and joint ventures and shall not apply to counties, cities, school districts, municipal corporations, and individual accounts participating in group self-insurance programs. Subsection (9) of this section shall apply only to counties, cities, municipal corporations, and school districts not participating in group self-insurance programs. Group self-insurance programs are subject to subsection (8) of this section and reserve requirements set

forth in WAC 296-15-02601(3) and 296-15-02605. Subsections (1) and (13) of this section apply to all self-insurers.

(1) For the purposes of this section, the following definitions apply:

(a) "Default" means the financial inability to continue the payment of benefits and assessments. A default results in a payment stoppage which is not due to a claims administration decision.

(b) "Developed reserves" means an estimate of the total remaining cost of the claims of an accident year made by use of development factors.

~~((b))~~ (c) "Development factor" means an actuarially determined factor which expresses the changes in either incurred or paid liability from one year to the next.

~~((e))~~ (d) "Incurred liability" means the total cumulative amount paid plus the total amount reserved for future payments on all claims of an accident year.

~~((d))~~ (e) "Loss development" means the historical change in the incurred or paid liability of an accident year due to the additional payment of benefits or the revaluation of claim reserves as a result of changes in the claimant's condition, the reopening of claims, or the opening of claims incurred but not previously reported.

~~((e))~~ (f) "Loss development analysis" means the actuarial projection of ultimate claim liability which a self-insured employer may expect to pay for all claims reported to the department each year as of December 31 based on the historical development of liability.

~~((f))~~ (g) "Paid liability" means the total cumulative amount paid on the claims of an accident year.

~~((g))~~ (h) "Reported reserves" means the estimated dollar amount adequate to cover claim costs through closure.

(2) The surety required of self-insurers is for the sole purpose of providing for the payment of benefits and assessments in the event of a default under Title 51 RCW, as defined in subsection (1)(a) of this section. Surety is not considered to be an asset of the estate of the debtor and will not be released by the department in the event the self-insurer files or has filed a petition for dissolution or relief under bankruptcy laws. Upon approval of an application for certification to self-insure, the director shall review the matter and notify the employer of the amount of surety which must be provided ~~((to secure the payment of compensation and assessments.))~~ pursuant to RCW 51.14.020 as now or hereafter amended. This amount as so established may be satisfied by the employer's supplying of cash, corporate or governmental securities approved by the director, or a bond, written by a company admitted to transact surety business in this state, in favor of the department. A self-insurer with a net worth of not less than five hundred million dollars may also provide surety in the form of an irrevocable standby letter of credit issued by a federally or state chartered commercial bank authorized to conduct business in this state. Cash and securities of a self-insurer shall be deposited with an escrow agent approved by the director and administered pursuant to a written agreement between the department, the self-insurer and the escrow agent. Cash and securities shall be registered in the name of the escrow agent on behalf of the self-insurer. Securities which represent cash deposited in a bank with which the self-insurer has a borrowing relationship shall not be an asset available to that bank in the event of a default on any

obligation to that bank by the self-insurer. The originals of all surety documents submitted by self-insurers after acceptance by the director will be kept on file in the department.

(3) The minimum amount of surety required for initial certification as a self-insurer shall be the projected average current cost of a permanent total disability claim including medical, time-loss, pension reserve, and any other miscellaneous claim costs paid prior to award of the pension. This average cost shall be calculated by the department on an annual basis.

The surety required for initial certification as a self-insurer may be greater than the minimum amount described above. In establishing such surety requirements, the department shall estimate the following amounts:

(a) The estimated amount of accident and medical aid fund premium that the self-insurer would have paid to the state fund during the first year of self-insurance, if it had remained in the state fund.

(b) The estimated amount of incurred benefits for the first year of self-insurance, based on past experience with the state fund, adjusted for intervening changes in benefit schedules and exposure.

If either or both of the above amounts exceed the minimum surety requirement described in this section, the department will require the larger of (a) or (b) of this subsection as the surety requirement for initial certification as a self-insurer.

(c) Provided that, the initial surety requirement for a self-insurer may be based on an estimate of the expected average annual incurred losses, made by an independent qualified actuary.

(d) The surety required in accordance with the above procedures may be adjusted by the department if there are other known conditions which may alter the self-insurer's potential claim costs and/or its ability to pay them.

(4) The surety requirement for each self-insurer will be subject to review and increased or decreased at such times as the director deems necessary to maintain the adequacy of these requirements. To facilitate this review a self-insurer's annual report (SIF #7) shall be required in the form prescribed by the director and supplied to all self-insurers.

Surety requirements shall not be increased unless and until one or more of the following conditions are met:

(a) An estimate of the self-insurer's outstanding claim liabilities, made by either the self-insured employer or the department, exceeds the amount of surety in force; or

(b) The projected average current cost of a permanent total pension claim including medical, time-loss, pension reserve, and any other miscellaneous claim costs paid prior to award of the pension, exceeds the surety in force for the employer by twenty-five thousand dollars or more.

(5) In determining the surety requirement after the initial three years of certification, the department will make an analysis of the self-insurer's loss development using both incurred and paid methods. The analysis will result in factors for each period of loss development.

(a) These factors will be used to estimate the developed reserves within each method, as follows:

(i) The reported incurred liability for each accident year will be multiplied by its development factor resulting in the developed incurred liability after any appropriate subtraction

of amounts for secured pensions and anticipated recoveries from excess insurance.

(ii) The reported paid liability for each accident year, without these subtractions, will be multiplied by its development factor resulting in the developed paid liability.

(iii) The developed reserve estimates made by the incurred and paid methods will be the result of subtracting the amount of benefits paid to date from the developed liability estimated by the respective methods.

(b) The surety required to secure the self-insurance reserves reported at the end of each calendar year will be determined by the percent of difference between the developed reserves estimated by the incurred method and the developed reserves estimated by the paid method. Whether the paid estimate is higher or lower than the incurred estimate, the paid estimate will be subtracted from the incurred estimate. The resulting difference will be divided by the incurred estimate to determine the percent of difference. The surety requirement will then be established as follows:

(i) In cases where the difference between the estimates is less than twenty-five percent, the surety will be established at the level of the incurred estimate.

(ii) In cases where the difference between the estimates is twenty-five percent or more but less than forty percent, the surety will be established at the average of the two estimates.

(iii) In cases where the difference between the estimates is forty percent or more, the department will make such adjustments to its procedure for estimating developed reserves as necessary. The surety will be established at the resulting estimate.

(iv) The surety required of a self-insurer will not be less than the current minimum surety requirement, with the exception that surety will not be required to increase to the minimum level unless the conditions indicated in subsection (4) of this section are met.

(c) The following special considerations shall apply in adjusting surety requirements for a self-insurer:

(i) Pension claims - Reserve amounts attributable to death or permanent total disability claims independently secured by means of a bond or assignment of account, and which are included in estimates of outstanding claim liabilities as shown on the self-insurer's annual report (SIF #7), shall be deducted from estimates of outstanding claim liabilities made in accordance with other provisions of this section.

(ii) Reinsurance - Anticipated recoveries under reinsurance policies held by a self-insurer must be documented by the self-insurer and reported to the department to qualify for consideration in establishing surety requirements. Such anticipated recoveries shall be applied to either the self-insurer's estimate of outstanding claim liabilities as shown on the most current self-insurer's annual report (SIF #7) or the department's estimate of the self-insurer's outstanding liabilities made in accordance with this rule, whichever is greater. If the resulting estimate of claim liabilities net of reinsurance recoveries is less than the surety requirement imposed by this rule without adjustment for reinsurance, the surety requirement shall be reduced accordingly; provided, that surety requirement imposed upon initial certification of a self-insurer or the minimum surety requirement may be

retained by the department regardless of other estimates of claim liabilities for the self-insurer.

(iii) Strict application of loss development factors based upon the loss development analysis presumes a consistency of reserving methodology and results for the self-insurer. If the department determines that an employer has changed its reserving methodology in such a way as to invalidate loss development factors based upon past experience, then the department shall make such adjustments to the procedure as it may deem appropriate under the circumstances.

(iv) The department will give due consideration to any estimate of the self-insured employer's outstanding claim liabilities made by an independent qualified actuary. Such independent actuarial estimates are optional and not required by this rule.

(v) The department may allow a cap to the surety required of a self-insurer for each policy period in which there has been aggregate excess workers' compensation insurance. The cap will be equal to the dollar amount resulting by subtraction of the total benefits paid for the period from the policy retention amount.

(A) This cap shall be allowed only if the following criteria have been met prior to the annual determination of the surety requirement:

(I) The excess insurance company shall specify in writing that it will reimburse the department for any claims costs the department may incur if the self-insurer defaults and the department has paid the benefits.

(II) The self-insurer shall provide, in addition to its regular annual report (SIF-7), a report showing the claims costs and reserves by policy period for the time there is aggregate excess insurance.

(III) Any change in the retention amount for a policy period shall be communicated in writing to the department by the excess insurance company.

(B) The department will compare its estimate of the self-insurer's developed reserves for each policy period to the policy retention amount for that period less the benefits paid to date. The cap will be allowed if the developed reserves are greater. A reduction in a self-insurer's surety requirement will not be allowed for an anticipated recovery from specific excess insurance if a cap is allowed for aggregate excess insurance. The self-insurer shall provide surety for the amount of developed reserves exceeding any limit of the excess insurance coverage for a policy period.

(d) Any changes to the existing surety required by the department based on the loss development analysis shall be due by July 1 of each year, or an authorized extension date, and such changes shall provide adequate surety for all self-insured workers' compensation liabilities of the employer, regardless of when those liabilities were incurred.

(6) Surety must be submitted on a department-approved form. This form requires coverage of all past, present, and future liabilities. The only exceptions which would allow coverage from the effective date forward are the self-insurer's initial surety or surety which continues coverage provided by other cancelled surety. If a bond is provided in an amount equal to the self-insurer's current surety requirement, on a department-approved form covering all liabilities, all other surety will be released. The department will have sole authority to determine in which order surety is used in the event of a default.

(7) When an employer surrenders its certificate to self-insure or its certificate is withdrawn by the department, it must continue to provide for the payment of benefits on claims occurring during its period of self-insurance and to provide surety at the level determined by the department. Surety shall not be reduced from the level last required until three full calendar years after the date of surrender of certificate. The Annual Report of Self-Insured Business (SIF #7) must continue to be filed as long as quarterly reporting is required. A bond existing at the time of surrender of certificate may be cancelled, but it continues to provide surety for claims occurring prior to its cancellation. Any increase in surety required must be in the form of cash or securities deposited into an escrow account if a bond or letter of credit cannot be provided. ~~((All surety will be held until there is no further possibility of benefit payments.))~~ The department will consider release of surety to the self-insurer or its successor when all of the following have occurred:

(a) All claims against the self-insurer are closed; and

(b) The self-insurer has been released from quarterly reporting of claims costs as required by WAC 296-15-060; and

(c) Ten years have passed from the date of release from reporting requirements. Claims reopened, or new filings for occupational diseases which occurred during the period of self-insurance, after release of surety shall be the obligation of the former self-insurer. Any benefits paid by the department as a result of a default by the former self-insurer after the release of surety shall be recovered by assessment against all self-insurers through the self-insurers' insolvency trust.

(8) A self-insurer's annual report (SIF #7) shall be required of group self-insurance programs on the form supplied by the department.

(9) The surety requirement for counties, cities, school districts, and municipal corporations shall provide for sufficient revenues to satisfy one hundred percent of the estimated claims for the succeeding fiscal period. The minimum security requirement shall be one hundred thousand dollars. In addition, a cumulative reserve of not less than twenty-five percent of the surety requirement must also be established. This cumulative reserve may be in the form of a bond, cash or securities in an escrow account, or any acceptable legal source of funding.

By July 1 of each year, each county, city, school district, or municipal corporation shall certify, on a form supplied by the department, its estimated claims liability and the revenues to meet those obligations. Documentation must be provided showing the estimated claims liabilities, the source(s) of revenues, and detailing accounts identified for the self-insurance obligations. Documentation of the cumulative reserve must specify the type of funding and reflect the account balance. Surety requirements for governmental units shall be subject to a periodic review by the department.

(10) An employer meeting the financial requirements specified in RCW 51.14.020(2) may provide the department with an irrevocable standby letter of credit to satisfy the surety requirement specified for its self-insurance obligations. An employer using a letter of credit must provide the department with a memorandum of understanding, on a form

supplied by the department, agreeing to the following conditions:

(a) The letter of credit providing surety for the self-insurer's workers' compensation claims liability will cover all past, present, and future liability of the self-insurer regardless of any date of injury.

(b) Unless the department is notified otherwise, by registered mail at least sixty days prior to its expiration date, the letter of credit will be automatically extended without amendment for an additional one-year period.

(c) The self-insurer may substitute a bond and/or cash or securities deposited into an escrow account, in an amount designated by the department, as replacement for the letter of credit.

(d) If the department is notified that the letter of credit will not be renewed and no acceptable replacement surety is provided within thirty days of receipt of such notice, the department will draw the full value of the letter of credit. All proceeds of the letter of credit will be deposited with the accident fund under a subsidiary ledger account. Accrued interest in excess of the self-insurer's surety requirement will be returned semiannually. If the self-insurer provides acceptable replacement surety at a later date, the proceeds will be returned.

(e) If, in addition to not providing replacement surety for a nonrenewed letter of credit, the self-insurer then defaults on payment of its workers' compensation liabilities, the proceeds of the letter of credit previously deposited with the accident fund and the accrued interest will be used to provide for payment of the self-insurer's workers' compensation liabilities.

(f) If the self-insurer's letter of credit remains in force and the self-insurer defaults on the payment of its workers' compensation liabilities, the department will draw the full value of the letter of credit. The proceeds will be deposited and accounted for as indicated in (d) of this subsection and, with the accrued interest, used to provide for payment of the self-insurer's workers' compensation liabilities.

(g) Legal proceedings initiated by any party with respect to the letter of credit shall be subject to the courts and laws of the state of Washington.

(11) Letters of credit provided by self-insurers as surety are subject to acceptance by the department. Acceptance will include, but not be limited to, approval of the financial condition of the banking institution issuing the letter of credit.

(a) A bank must provide to the department an audited financial statement or call report made to the banking regulatory agencies for the most recent fiscal year. The financial information from such banks must be provided with the first letter of credit issued and annually during the period that any letter of credit is in effect.

(b) A letter of credit will not be accepted if the amount of the credit exceeds the legal limit allowed to the bank.

(c) A letter of credit will not be accepted unless the issuing bank is able to accept presentment of drawings on the credit at an office in this state.

(12) Letters of credit and any amendments to letters of credit must be on forms supplied by the department. The department's interest in a letter of credit will be released if the self-insurer provides a bond or acceptable cash or

securities deposited into an escrow account in the amount required by the department.

(13) Failure to provide active surety in the amount required by the department will result in the withdrawal of certification.

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

**WAC 296-15-170 Cessation of business—Change of status.** (1) A self-insurer that proposes to cease doing business entirely, or proposes to cease doing business in Washington, or proposes to dispose of, by sale or otherwise, the controlling interest of the business for which the certificate was issued shall immediately notify the department in writing of such proposed action and shall, upon request, surrender ~~(their)~~ its certificate for cancellation.

(2) A self-insurer that amends its articles, charter or agreement of incorporation, association, copartnership or sole proprietorship so as to change its identity or business structure or in any manner so as to materially alter its status as a self-insured employer as it existed at the time of the issuance of its certificate shall, within thirty days, notify the department, in writing, of such action and provide the department with information regarding any change in the status of such self-insured employer. The department may, at its discretion, ask for copies of any documents deemed necessary regarding such transactions.

(3) When a self-insurer sells, divests, or spins off a part of itself, self-insurance coverage for the separated part ends with the date of separation from the self-insurer. The selling self-insurer remains responsible for the liability for claims against the separated part occurring up to the date of the separation unless the department approves an alternative. If the separating part desires to be a self-insurer, an application for certification must be received by the department thirty days before the date of certification. If certification cannot be granted before the date of separation, industrial insurance coverage must be purchased effective with the date of separation.

(4) An employer which voluntarily surrenders its certificate to self-insure or which has had its certificate withdrawn by the department must continue to provide for the payment of benefits on all claims occurring during its period of self-insurance.

**WSR 93-24-115**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
(Filed December 1, 1993, 11:11 a.m.)

Original Notice.

Title of Rule: Amend, repeal, and add new sections to: Chapter 458-61 WAC, Real estate excise tax rules. Amending WAC 458-61-030 Definitions, 458-61-050 Payment of tax—County treasurer as agent for the state, 458-61-060 Disposition of proceeds, 458-61-070 Affidavit batch transmittal, 458-61-080 Affidavit requirements, 458-61-090 Interest and penalties—Date of sale (new title—formerly: Timing of payment—Late payment penalty), 458-61-100 Refunds of tax paid, 458-61-120 Evasion penalty (new



title—formerly: Fraud), 458-61-130 Department audit responsibility, 458-61-150 Supplemental statements, 458-61-200 Apartments, 458-61-210 Assignments—Purchasers, 458-61-220 Assignments—Sellers, 458-61-230 Bankruptcy, 458-61-250 Cemetery lots or graves, 458-61-290 Contract, 458-61-300 Contractor, 458-61-330 Foreclosure—Deeds in lieu of foreclosure (new title—formerly: Court order—Transfer pursuant to), 458-61-335 Easements, development rights, water rights and air rights (new title—formerly: Development rights and air rights), 458-61-340 Community property—Dissolution of marriage/divorce, 458-61-370 Exchanges—Trades, 458-61-400 Creation, assignment and release of security interests (new title—formerly: Fulfillment deed), 458-61-410 Gifts, 458-61-420 Government transfers (new title—formerly: Government, transfers to or from), 458-61-425 Growing crops, 458-61-430 Sale of improvements to land (new title—formerly: Improvements sold on leased land), 458-61-470 Irrigation equipment, 458-61-480 IRS "tax deferred" exchange, 458-61-510 Leases (new title—formerly: Lease with option to purchase), 458-61-520 Mineral rights and mining claims (new title—formerly: Mineral rights), 458-61-540 Mobile and floating home sales (new title—formerly: Mobile home sales), 458-61-545 Mortgage insurers, 458-61-550 Nominee, 458-61-555 Option to purchase, 458-61-590 Rescission of sale, 458-61-600 Relocation service, 458-61-610 Rerecord, 458-61-640 Sheriff's sale, 458-61-650 Tenants in common and joint tenants (new title—formerly: Tenants in common), 458-61-660 Timber, standing and 458-61-670 Trade-in credit; and new sections WAC 458-61-015 General information, 458-61-025 Taxability of the transfer or acquisition of the controlling interest of an entity with an interest in real property located in this state, 458-61-225 Assumption of debt, 458-61-235 Boundary line adjustments, 458-61-255 Clearing title, 458-61-374 Exemption—Transfers made "subject to", 458-61-375 Exemption—Mere change identity or form—Family corporations and partnerships, 458-61-376 Exemption—Transfers where gain is not recognized under the Internal Revenue Code, 458-61-411 Exemption—Irrevocable trusts, 458-61-412 Exemption—Inheritances, 458-61-548 Native American and 458-61-553 Nonprofit organizations; and repealing the sections listed below.

Purpose: To implement statutes and clarify language relating to the administration of the real estate excise tax.

Statutory Authority for Adoption: RCW 82.32.300, chapter 25, Laws of 1993 sp. sess.

Statute Being Implemented: Chapter 82.45 RCW.

Summary: These rules implement the statutes relating to the application of the real estate excise tax.

Name of Agency Personnel Responsible for Drafting: Laurel Costen, 711 Capitol Way, #303, Olympia, (206) 664-0057; Implementation: Les Jaster, 711 Capitol Way, #303, Olympia, (206) 586-7150; and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement the statutes relating to the application of the real estate excise tax.

Proposal Changes the Following Existing Rules: Effective date of new provisions of law regulating real estate excise tax were effective July 1, 1993. Emergency rules have been in effect since that time. These rules have been refined from those emergency rules and govern procedures required by taxpayers to comply and by Department of Revenue to administer the tax.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required because there is no identifiable impact on small business.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on January 7, 1994, at 10:00 a.m.

Submit Written Comments to: Laurel Costen, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0972, by January 7, 1994.

Date of Intended Adoption: February 1, 1994.

December 1, 1993

Gary K. O'Neil

Assistant Director  
Special Programs

#### REPEALER

The following sections of chapter 458-61 Washington Administrative Code are hereby repealed:

WAC 458-61-010	Authority.
WAC 458-61-020	General provisions pursuant to chapter 82.32 RCW.
WAC 458-61-040	Tax imposed.
WAC 458-61-110	Tax appeals.
WAC 458-61-140	Compliance.
WAC 458-61-240	Care, comfort and support.
WAC 458-61-270	Community property—To establish or separate.
WAC 458-61-280	Condemnation.
WAC 458-61-310	Corporation—Family.
WAC 458-61-320	Corporation—Nonfamily.
WAC 458-61-360	Easement, sale of.
WAC 458-61-380	Federal housing agencies.
WAC 458-61-390	Foreclosure of mortgage, deed in lieu of.
WAC 458-61-440	Improvements sold to be removed from the land.
WAC 458-61-450	Indian (American), transfers to or from.
WAC 458-61-460	Inheritance.
WAC 458-61-490	Joint tenancy.
WAC 458-61-500	Leasehold interest.
WAC 458-61-530	Mining claims.
WAC 458-61-560	Partnership—Family.
WAC 458-61-570	Partnership—Nonfamily.
WAC 458-61-620	Sales made before imposition of tax.
WAC 458-61-630	Security documents.
WAC 458-61-680	Trust.

WAC 458-61-690 Trustee sale pursuant to deed of trust (nonjudicial).

#### NEW SECTION

**WAC 458-61-015 General information.** (1) **Background.** Chapter 82.45 RCW imposes an excise tax on every sale of real estate in this state at the rate of one and twenty-eight one-hundredths percent of the selling price. Unless otherwise specifically exempt from tax, all sales of real property are subject to the real estate excise tax. Chapter 82.46 RCW authorizes counties, cities and towns to impose additional taxes on sales of real property based on the same incidences, collection and reporting methods, as applicable under chapter 82.45 RCW. The taxes imposed are due at the time the sale occurs and are to be collected by the county treasurer upon presentation of the documents of sale for recording in the public records, or by the department in the case of a transfer of a controlling interest in an entity which owns real property located in this state. This chapter provides applicable definitions, describes tax payment, collection and reporting procedures, explains the imposition of penalties and interest on late payment, describes available exemptions from tax, and provides procedures for refunds of overpaid taxes and appeals from assessments of tax.

(2) **References.** The general provisions for the administration of the state's excise taxes contained in chapter 82.32 RCW apply to the real estate excise tax, except for the following: RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140 and 82.32.270, and the penalties and limitations imposed by RCW 82.32.090.

#### NEW SECTION

**WAC 458-61-025 Taxability of the transfer or acquisition of the controlling interest of an entity with an interest in real property located in this state.** (1) **Introduction.** Chapter 25, Laws of 1993 1st ex. sess., effective July 1, 1993, enacted a provision where the transfer of the controlling interest in an entity which has an interest in real property in this state is considered a taxable sale of the entity's real property for purposes of the real estate excise tax. This tax was enacted to equalize the excise tax burdens between other sales of real property and transfers of entity ownership essentially equivalent to sales of real property by extending the real estate excise tax to transfers of a controlling interest in an entity which has an interest in real property located in this state. This section explains the application of those provisions.

#### (2) **Definitions.**

(a) "Transfer of a controlling interest in an entity" means the transfer or acquisition for a valuable consideration within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place.

(b) "Controlling interest" means:

(i) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of

the capital, profits, or beneficial interest in the voting stock of the corporation; and

(ii) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

(iii) Example 1. A and B each own 40% of the voting shares of a corporation. C, D, E and F each own 5% voting shares. C acquires B's 40% interest, and D's and E's 5% interests. This is a taxable acquisition because a controlling interest (50% or more) was acquired by C (40% from B plus 5% from D and 5% from E). However, if C, D and E were to transfer their shares (totaling 15%) to A, those transfers would not be taxable. Although A would own 55% of the corporation, only a 15% interest was transferred and acquired, so the acquisition by A is not taxable.

(iv) Example 2. Consider a limited partnership consisting of a general partner and three limited partners, each possessing a 25% interest. Even though the general partner controls the management and day to day operations, a 25% interest is not a controlling interest. Here, only if someone were to acquire at least a 50% interest from at least two of the partners would the taxable acquisition of a controlling interest occur. If one partner acquires an additional 25% interest from another partner for a total of a 50% interest, no transfer or acquisition of a controlling interest occurs because less than 50% is transferred and acquired.

(v) Example 3. A, B, C and D each own 25% of the voting shares of a corporation. The corporation redeems the shares of B, C and D. A now owns all the outstanding shares of the corporation. A taxable transfer occurred when the corporation redeemed the shares of B, C and D. The measure of the tax is the value of the property owned by the corporation. B, C and D are liable for payment of the real estate excise tax.

(vi) Example 4. A owns 75% of the voting shares of a corporation. A transfers 25% portions of the shares in three separate and unrelated transactions to B, C and D, who are not acting in concert. A taxable transfer of a controlling interest occurs when A transfers 75% of the voting shares of the corporation, even though no one has subsequently acquired a controlling interest. The taxable event occurs upon the transfer of the controlling interest.

(vii) Example 5. Corporation XRAY has 2 stockholders, A and B. A owns 90 shares of stock (90%) and B owns 10 shares of stock (10%). XRAY owns 60% of the stock of Corporation YANKEE, which owns real property. A, by virtue of owning 90% of the XRAY's stock, has a 54% interest in YANKEE (90% interest in XRAY multiplied by the 60% interest XRAY has in YANKEE equals the 54% interest A has in YANKEE). A sells his 90 shares of stock in XRAY to B. A, by selling his 90 shares of XRAY stock, has transferred a controlling interest (54%) in an entity that owns real property (YANKEE). This transfer is subject to the real estate excise tax. The real estate excise tax due is computed on the true and fair value of the real property owned by YANKEE.

(viii) Example 6. Assume the same facts as in Example 3 in (b)(v) of this subsection, except that XRAY owns only 50% of YANKEE's stock. Since A has not transferred and B has not acquired a controlling interest in YANKEE (90% X 50% = 45%), the real estate excise tax does not apply. If,

however, XRAY had transferred its 50% interest in YAN-KEE, that would have been the transfer of a controlling interest and would be subject to the real estate excise tax.

(c) The terms "person" or "company" mean any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state of Washington or any political subdivision thereof, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any agency or instrumentality thereof.

(d) "True and fair value" means market value, which is the amount of money which a willing, but unobliged, buyer would pay a willing, but unobligated, owner for real property, taking into consideration all reasonable, possible uses of the property.

(e) "Twelve-month period" is any period of twelve consecutive months and may span two calendar years.

(f) "Acting in concert" occurs:

(i) When one or more persons have a relationship with each other such that one person influences or controls the actions of another through common ownership. For example, if a parent corporation and a wholly-owned subsidiary each purchase a 25% interest in an entity, the two corporations have acted in concert and acquired a controlling (i.e., at least 50%) interest in the entity.

(ii) Where individuals or entities are not commonly controlled or owned but the unity of purpose with which purchasers have negotiated and will consummate the acquisition of ownership interests indicates that they are acting together. For example, three separate individuals who decide together to acquire control of a company jointly through separate purchases of 20% interests in the company act in concert when they acquire the interests.

(3) **In general.** In order for the tax to apply when the controlling interest in an entity which has an interest in real property in this state has been transferred, the following must have occurred:

(a) The transfer or acquisition of the controlling interest occurred within a twelve-month period;

(b) The controlling interest was acquired in a single transaction or series of transactions by a single person or a group of persons acting in concert;

(c) The entity has an interest in real property located in this state;

(d) The transfer is not otherwise exempt under chapter 82.45 RCW and chapter 458-61 WAC; and

(e) The transfer was made for valuable consideration.

(4) **Measure of the tax.** The measure of the tax is the selling price of the real property in this state owned by the entity whose controlling interest has been acquired. See WAC 458-61-030(9) for a definition of selling price.

(a) If the price paid does not accurately reflect the true and fair value of the property, one of the following methods may be used to determine the true and fair value:

(i) A fair market value appraisal of the property; or

(ii) An allocation of assets by the seller and the buyer made pursuant to section 1060 of the Internal Revenue Code of 1986, as amended.

(b) If the true and fair value of the property to be valued at the time of the sale cannot reasonably be deter-

mined by either of the methods in (a) of this subsection, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

(5) **Persons acting in concert.** This tax applies to acquisitions, but not transfers, made by persons acting in concert, as defined in subsection (2)(f) of this section.

(a) Where persons are not commonly controlled or influenced, factors that each indicate whether persons are acting in concert include:

(i) A close relation in time of the transfers or acquisitions;

(ii) Small number of purchasers;

(iii) Mutual terms contained in the contracts of sale; and

(iv) Additional agreements to the sales contract which bind the purchasers to a course of action with respect to the transfer or acquisition.

(b) If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(c) **Example 1.** A owns 100% of Corporation, which owns real property. As a group, B, C, D, and E negotiate to acquire all of A's interest in Corporation. B, C, D, and E each acquire 25% of A's interest. The contracts of B, C, D, and E are identical and the purchases occur simultaneously. B, C, D, and E also negotiated an agreement binding themselves to a course of action with respect to the acquisition of Corporation and the terms of the shareholders agreement which will govern their relationship as owners of Corporation. B, C, D, and E are acting in concert and their acquisitions from A are treated as a single acquisition of a controlling interest which is subject to the real estate excise tax.

(d) **Example 2.** A partnership owns real property and consists of two partners, A and B. Each has a 50% partnership interest. In August of 1993, A and B decide together to transfer a percentage of their partnership interests. On August 20, 1993, A and B each transfer 12 1/2 percent of their respective partnership interests to C (who thereby acquires a 25% partnership interest). On June 27, 1994, A and B each transfer a 15% partnership interest to D (who thereby acquires a 30% partnership interest). Although A and B have acted in concert, they are the transferors of the interest. Only the activities of those persons acquiring the interest are aggregated. Because C and D did not act in concert, their acquisitions cannot be aggregated, and because neither C nor D individually acquired a controlling interest as a result of the transfers, the transfers are not subject to the real estate excise tax.

(6) **Date of sale.** When the controlling interest is acquired in one transaction, the actual date control is transferred shall be considered the date of sale. Examples of when an interest in an entity is transferred include when payment is received by the seller and the shares of stock are delivered to the buyer, or, when payment is received by the seller and partnership documents are signed, etc.

(a) When the acquisition of a controlling interest involves the aggregation of interests of persons acting in concert, the selling price of each transfer or acquisition shall be determined as of the actual date of that transfer or acquisition. The actual date control is transferred, not the

date of the contract arranging the transfer, determines whether the transaction falls within the twelve-month period. However, if it can be shown that the sole reason for the delay in transferring control is the avoidance of the tax, then the date of the contract arranging the transfer may determine if the transaction falls within the twelve-month period.

(b) Example 1. A acquires a 10% interest in an entity which owns an apartment building under construction worth \$500,000 from X on January 30. On July 30, A acquires a 30% interest in the same entity from Y, but the building is now worth \$900,000. On September 30, A acquires a 10% interest in the same entity from Z, but the building is now worth \$1,000,000. The final transfer allows A to acquire, within twelve months, a controlling interest in an entity which owns real property. September 30 is the date of sale.

(i) To determine the sellers' proportional tax liability in the example above, view the series of transactions as a whole. Note both the individual and the total interests transferred. Here, X and Z each conveyed 10% interests, while Y conveyed a 30% interest, with a total of a 50% interest being conveyed. To determine the liability percentage for each seller, divide the interest each conveyed by the total interest conveyed (Here, X and Z:  $10/50 = 20\%$ ; Y:  $30/50 = 60\%$ ). This results in tax liability percentages here for X and Z of 20% each and for Y, 60%. (ii) To determine the amount of tax owed, apply the percentage to the value of the property at the time of conveyance. In the example above, the value of the property to which the percentage applies is dependent on the time of each transfer (i.e., X's 20% on the \$500,000; Y's 60% on the \$900,000; Z's 20% on the \$1,000,000).

(7) **Tax liability.** When there is a transfer or acquisition of a controlling interest in an entity that has an interest in real property, on or after July 1, 1993, the seller of the interest is generally liable for the tax.

(a) When the seller has not paid the tax by the due date and neither the buyer nor the seller has notified the department of the sale within thirty days of the sale, the buyer is also liable for the tax.

(b) When the buyer has notified the department of the sale within thirty days of the sale, the buyer is absolved from liability for any tax due.

(c) When a controlling interest is transferred by a series of sales, each seller is liable for its proportional share of tax based on the value of the property on the date of sale as provided in subsection (6)(b) of this section.

(8) **Filing of returns.** The transfer of a beneficial interest in real property shall be reported to the department when no instrument is recorded in the official real property records of the county in which the property is located. If the transfer is not taxable due to an exemption, that exemption should be stated on the affidavit.

(a) The sale shall be reported by the seller to the department within five days from the date of the sale on the department of revenue affidavit form, DOR Form 84-0001B. The affidavit form shall be signed by both the seller and the buyer and shall be accompanied by payment of the tax due.

(b) The affidavit form may also be used to disclose the sale, in which case:

(i) It shall be signed by the person making the disclosure; and

(ii) It shall be accompanied by payment of the tax due only when submitted by a seller reporting a taxable sale.

(c) Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter shall be guilty of perjury.

(9) **Due date, interest and penalties.** The tax imposed is due and payable immediately on the date of sale. If not paid within thirty days of the date of sale, it shall bear interest at the rate of one percent per month from the date of sale until the date of payment.

(a) In addition to the interest, if the payment of any tax is not received by the department:

(i) Within thirty days of the date due, there shall be assessed a total penalty of five percent of the amount of the tax;

(ii) Within sixty days of the date due, there shall be assessed a total penalty of ten percent of the amount of the tax; and

(iii) Within ninety days of the date due, there shall be assessed a total penalty of twenty percent of the amount of the tax.

(b) The payment of the penalty described in this subsection shall be collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(10) **Transfers after tax has been paid.** When there is a transfer or acquisition of a controlling interest in an entity on or after July 1, 1993, and the real estate excise tax is paid on the transfer and there is a subsequent acquisition of an additional interest in the same entity within the same twelve-month period by a person acting in concert with the previous buyer(s), the subsequent seller is liable for its proportional portion of the tax. After payment by the proportional seller of its proportional share, the person(s) who previously paid the tax may apply to the department for a refund of the amount overpaid because of the new proportional amount paid as a result of the subsequent transfer or acquisition.

(11) **Exemptions.** As the transfer and acquisition of a controlling interest in an entity which owns real estate in this state is statutorily defined as a "sale" of the real property owned by the entity, the exemptions of chapter 82.45 RCW also apply to the sale of a controlling interest.

(a) Example 1. The merger of a wholly owned subsidiary containing real property located in this state with another subsidiary wholly owned by the same parent is a transfer of a controlling interest. However, this transfer is exempt from taxation on two grounds. First, it is exempt because it is a mere change in form or identity (see WAC 458-61-375). Second, it is exempt because it qualifies under the nonrecognition of gain or loss provisions of the Internal Revenue Code for entity formation, liquidation and dissolution, and reorganization (see WAC 458-61-376).

(b) Example 2. X owns 100% of a corporation. X wants child, C, and corporate manager, M, to be co-owners with X in the corporation. X gives 50% of the voting stock to C and sells 33 1/3% to M. While a controlling interest in the corporation has been transferred to and acquired by C, it is not taxed because generally a gift is an exempt transfer not to be counted for purposes of determining whether a controlling interest has transferred. The sale of the 33 1/3%

to M is not a sufficient interest to transfer control, and is not taxed.

(c) Example 3. D owns 75% of the voting stock of a corporation which owns real estate located in this state. D pledges all of its corporate stock to secure a loan with a bank. When D defaults on the loan and the bank forecloses on D's stock in the corporation, the transfer and acquisition of control of the entity is not a taxable transaction because foreclosures of mortgages and other security devices are exempt transfers.

(12) **Transition rules.** Transactions occurring prior to July 1, 1993, are exempt from inclusion in any determination of whether a transfer or acquisition of a controlling interest occurred within a twelve-month period. Only transactions occurring on July 1, 1993, or later, may be used to determine whether a transfer or acquisition of a controlling interest occurred within a twelve-month period.

**AMENDATORY SECTION** (Amending Order PT 87-4, filed 5/27/87)

**WAC 458-61-030 Definitions.** (1) This section defines terms for the purposes of chapter 458-61 WAC, unless otherwise required by the context((:)).

((1)) (2) "Affidavit" ((shall)) means the real estate excise tax affidavit, DOR Form 84-0001A, which the department shall prescribe and furnish to the county treasurer. ~~(Such affidavit shall require the following information:~~

(a) Identification of the seller and purchaser, including their current mailing addresses;

(b) Legal description of the property transferring, including the tax parcel or account numbers;

(c) Date of sale;

(d) Type of instrument of sale;

(e) Nature of transfer;

(f) Gross sales price;

(g) Value of personal property involved in the transfer;

(h) Taxable sales price;

(i) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW;

(j) Whether or not the land is classified as open space land, farm and agricultural land, or timber land under chapter 84.33 RCW;

(k) Whether or not the property is exempt from property tax under chapter 84.36 RCW, at the time of sale;

(l) Whether or not the property is:

(i) Land only;

(ii) Land with new building; or

(iii) Land with a previously used building;

(m) A notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33.180) (RCW 84.33.130) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be signed for those affidavits conveying land subject to the provisions of chapters 84.33 and 84.34 RCW, if the new owner desires to continue said classification or designation. The county assessor shall determine from information provided by the grantor or grantee if the land qualifies for continued classification or designation and shall so note this determination on the affidavit prior to the acceptance of the affidavit by the county treasurer;

(n) The affidavit shall list the following questions, the responses to which are not required:

(i) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(ii) Does any building have a heat pump or solar heating or cooling system?

(iii) Does this transaction divide a current parcel of land?

(iv) Does this transaction include current crops or merchantable timber?

(v) Does this transaction involve a trade, or partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(vi) Is the grantee acting as a nominee for a third party?

(vii) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

(o) The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapter 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information)) for use by taxpayers in reporting transfers of real property. Both the grantor and grantee or agents of each shall sign the affidavit under penalty of perjury. See WAC 458-61-080 for further information. See WAC 458-61-025(8) for filing requirements pertaining to the transfers and acquisitions of a controlling interest in an entity owning real property in the state of Washington.

((2)) (3) "Consideration" ((shall)) means money or anything of value, either tangible or intangible, paid or delivered, or contracted to be paid or delivered, or services performed or contracted to be performed in return for ((real property or estate or interest in real property. The term shall further include the market value of real property transferred to a corporation by its shareholders, officers, or corporate affiliates so as to increase the assets of the grantee corporation.

(3) "Court decree" and "court order" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the judgment of a court of competent jurisdiction.

(4) "Date of taxability" shall mean the date of transfer as defined in subsection (15) of this section)) the sale and includes the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale.

(a) "Consideration" includes the issuance of an ownership interest in any entity in exchange for a transfer of real property to the entity. In the case of partnerships, consideration includes the increase in the capital account of the partner made as a result of the partner's transfer of real property to the partnership, but notwithstanding the presence of consideration, such a transfer may not be taxable if it is specifically exempt under WAC 458-61-375 or 458-61-376.

(b) "Consideration" does not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for taxes, special benefits, or improvements.

~~((5))~~ (4) "Department" (~~shall~~) means the Washington state department of revenue.

~~((6))~~ "Mining property" shall mean property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

(7) "Mobile home" shall mean a mobile home as defined by RCW 46.04.302, as now or hereafter amended. (RCW 82.45.032)

~~((8))~~ (5) "Mortgage" (~~shall have~~) has its ordinary meaning and shall include a "deed of trust" for the purposes of these rules, unless the context clearly indicates otherwise.

~~((9))~~ "Nominal sales prices" shall mean sales prices stated on the real estate excise tax affidavit that are so low in comparison to the actual value of the real estate as to cause disbelief by a reasonable person.

(10) "Nonsale" as defined by RCW 82.45.010 includes those real property transfers which, by their nature, are exempt from the real estate excise tax (see WAC 458-61-080: Affidavit requirements):

(a) Gift, device or inheritance (see WAC 458-61-410 and 458-61-460);

(b) Leasehold interest, other than option to purchase real property, including timber (see WAC 458-61-500);

(c) Cancellation or forfeiture of a vendee's interest in a real estate contract, whether or not such contract contains a forfeiture clause (Note: Tax exemption applies only to transfer back to original vendor or contract holder and is not the basis for refund of tax paid on original transfer—See WAC 458-61-210(1); see also WAC 458-61-330);

(d) Deed in lieu of foreclosure of a mortgage (where no consideration passes otherwise. See WAC 458-61-210(1));

(e) Assumption of mortgage, deed of trust, or real estate contract where no consideration passes otherwise (see WAC 458-61-210(1));

(f) Deed in lieu of forfeiture of a real estate contract, where no consideration passes otherwise (see WAC 458-61-210(1));

(g) Partition of property by tenants in common, whether by agreement or court decree (see WAC 458-61-650);

(h) Divorcee decree or property settlement incident thereto (see WAC 458-61-340);

(i) Seller's assignment (see WAC 458-61-220);

(j) Condemnation by governmental body (see WAC 458-61-280);

(k) Security documents (mortgage, real estate contract, or other security interests apart from actual title) (see WAC 458-61-630);

(l) Court ordered sale or execution of judgment (see WAC 458-61-330);

(m) Transfer prior to imposition of this tax under chapter 82.45 RCW or previous chapter 28A.45 RCW;

(n) The transfer of any grave or lot in an established cemetery (see WAC 458-61-250); and

(o) A transfer to or from the United States, the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (See WAC 458-61-420)

~~((11))~~ (6) "Real estate" (~~shall~~) or "real property" means (real property, including improvements the title to which is held separately from the title to the land to which the improvements are affixed,) any interest, estate or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term also includes used mobile homes and used floating homes and improvements constructed upon leased land. (RCW 82.45.032)

~~((12))~~ (7) "Real estate contract" or "contract" means any written agreement for the sale of real property in which legal title to the property is retained by the seller as security for the payment of the purchase price. The terms "real estate contract" or "contract" do not include earnest money agreements or options to purchase real property.

(8) "Sale" (~~shall have~~) has its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, exchange, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration (~~and~~).

(a) "Sale" also includes any contract for such conveyance, grant, assignment, quitclaim, exchange, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person (~~by his/her~~) at the purchaser's direction, (~~which~~) and title to the property is retained by the vendor as security for the payment of the purchase price. (RCW 82.45.010)

~~((13))~~ (b) "Sale" also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(c) "Sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for valuable consideration. For purposes of this chapter, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place.

(d) "Sale" does not include those real property transfers which are excluded from the definition of "sale" and exempted from the real estate excise tax by RCW 82.45.010 and this chapter, including transfers where no valuable consideration is present. See also WAC 458-61-225, Assumption of debt, and WAC 458-61-374, Exemption—Transfers "subject to."

(9) "Seller" (~~shall~~) means any individual, receiver, assignee, trustee for a deed of trust, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, limited liability company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; but it shall not include the United States or the state of Washington or any political subdivision thereof, or a municipal corporation of this state. The term "grantor" is used interchangeably with the term "seller" in this chapter and has the same meaning provided in this subsection for purposes of the real estate excise tax. (RCW 82.45.020)

~~((14)) (10) "Selling price" ((shall)) means ((consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale: *Provided*, That when the sale is that of a fractional interest in real property, the principal balance of any such debt remaining unpaid at the time of sale shall be multiplied by that same fraction and the result added as a component of the total sales price. The term shall not include the amount of any outstanding lien or encumbrance in favor of the United States, the state of Washington or a municipal corporation for the taxes, special benefits, or improvements. The value maintained on the county assessment rolls at the time of the transaction will be used for the sales price if such cannot otherwise be ascertained. In the event that the property is under current use assessment, the market value assessment maintained by the county assessor shall be used for the sales price. (RCW 82.45.030)) the true and fair value of the property conveyed. A rebuttable presumption exists that the true and fair value is equal to the total consideration paid or contracted to be paid to the transferor or to another for the transferor's benefit.~~

~~(a) When the price paid does not accurately reflect the true and fair value of the property, one of the following methods may be used to determine the true and fair value:~~

~~(i) A fair market value appraisal of the property; or~~

~~(ii) An allocation of assets by the seller and the buyer made pursuant to section 1060 of the Internal Revenue Code of 1986, as amended.~~

~~(b) When the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined by either of the methods in (a) of this subsection, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price. (RCW 82.45.030)~~

~~(c) When the sale is that of a fractional interest in real property, the principal balance of any such debt remaining unpaid at the time of sale shall be multiplied by that same fraction and the result added as a component of the total sales price.~~

~~((15)) (11) "Date of transfer," "date of sale," "conveyance date" and "transaction date" ((shall)) all have the same meaning and may be used interchangeably ((for the purposes of these rules)) in this chapter. ((This shall be)) These terms refer to the date ((shown on the instrument of conveyance or sale.~~

~~(16) "Used mobile home" shall mean a mobile home which has been previously sold at retail and a previous sale has already been subject to the retail sales tax under chapter 82.08 RCW, or which has been previously used and a previous use has already been subject to the use tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities. (RCW 82.45.032)~~

~~(17) "Wilful fraud" shall mean knowingly making false statements or taking actions so as to intentionally underpay or not pay the proper real estate excise tax due on the transfer of real estate.~~

~~(18) "Used floating home" shall mean a building on a float used in whole or in part for human habitation as a single family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.~~

~~(19) "Reversed transfer" shall mean a real property transfer wherein both grantor and grantee have been restored to their original positions. In such case, title to the real property has been reconveyed to the grantor and all valuable consideration paid toward the sales price principal has been returned to the grantee.~~

~~(20) "Air rights" shall mean the exclusive undisturbed use and control of a designated air space within the perimeter of a stated land area and within stated elevations.~~

~~(21) "Development rights" shall mean those rights that are subject to conveyance and are the unused development which is the difference between the density allowed by zoning and that which exists on a parcel of land)) (normally shown on the instrument of conveyance or sale) when ownership of or title to real property, or control of the controlling interest in an entity which has a beneficial interest in real property, is delivered to the transferee in exchange for valuable consideration. This is the date on which the real estate excise tax is due.~~

AMENDATORY SECTION (Amending Order PT 87-1, filed 1/16/87)

**WAC 458-61-050 Payment of tax—County treasurer as agent for the state.** (1) This section applies only to sales of real property which are evidenced by conveyance, deed, grant, assignment, quitclaim, or transfer of the ownership of or title to real property. See WAC 458-61-025 for procedures pertaining to the transfers and acquisitions of a controlling interest in an entity owning real property in the state of Washington.

(2) The real estate excise tax ((imposed by RCW 82.45.060 and herein shall)) is to be paid to and collected by the treasurer of the county ((within which is located)) where the real property ((which was sold.

(2) The county treasurer shall act as agent for the department in carrying out the provisions of chapter 82.45 RCW and these rules.

(3)) is located. The law requires the county treasurer to act as the department's agent in carrying out the provisions of chapter 82.45 RCW and these rules.

(3) The tax is computed by multiplying the combined state and local tax rates in effect at the time of sale by the selling price.

(4) The county treasurer shall ((cause a) stamp ((evidencing satisfaction of the tax lien to be affixed to)) the instrument of sale or conveyance ((prior to its recording)), or ((to)) the real estate excise tax affidavit in the case of used mobile home sales, prior to its recording as evidence of the payment of the tax imposed or entitlement to exemption. However, a stamp indicating payment of tax or entitlement

to exemption will not be conclusive as to the taxpayer's liability and will be subject to audit by the department. ~~((Such))~~ The stamp shall ~~((bear reference))~~ refer to the affidavit number, date and amount of the payment and shall be initiated by the person ~~((affixing said stamp))~~ stamping the instrument or affidavit. The county treasurer shall not ~~((affix such))~~ stamp ~~((to))~~ the instrument of sale or conveyance unless one of the following criteria is met:

(a) Continuance of use has been approved by the county assessor under chapter 84.33 or 84.34 RCW;

(b) Compensating or additional taxes have been collected as required by RCW 84.33.120 (5)(b) and (e), 84.33.140 (1)(c), 84.34.108 (1)(c), 84.36.812, or 84.26.080; or

~~((Property is not so classified, designated, exempted or specially valued.))~~ The transfer is not subject to the compensating or additional taxes referred to in (b) of this subsection.

~~((5))~~ Delay in either securing the approval of continuance of use or payment of the compensating tax ~~((does not forestall the real estate excise tax))~~ will not prevent the imposition of interest or penalties for delinquent ~~((penalty imposed by WAC 458-61-090))~~ payment imposed by RCW 82.45.100. However, ~~((the taxpayer may pay the real estate excise tax and thus preclude any furtherance of the real estate excise tax delinquent penalty. (See WAC 458-61-030 (1)(m).))~~ payment of the real estate excise tax will stop the accrual of additional delinquent interest and penalties.

~~((4))~~ (6) A receipt issued by the county treasurer for the payment of the tax shall be evidence of the satisfaction of the lien imposed under RCW 82.45.070 ~~((and these rules))~~ and may be recorded in the manner prescribed for recording the satisfaction of mortgages.

~~((5))~~ (7) No ~~((lease, assignment of lease nor memorandum of either lease or assignment of lease, nor))~~ instrument ~~((of sale or conveyance))~~ evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax ~~((shall have))~~ has been paid and the stamp has been affixed ~~((thereto))~~ as provided in this section. ~~((In the case the))~~

(a) When no tax is ~~((not))~~ due on the transfer, the instrument shall not be ~~((so))~~ accepted until suitable notation of such fact has been made on the instrument by the county treasurer.

(b) In addition, unless the compensating or additional tax has been paid, or the new owner has signed a notice of continuance which is stated on or attached to the excise tax affidavit, no instrument of conveyance shall be filed or recorded by the county auditor or recorder if such property is:

(i) Classified or designated as forest land under chapter 84.33 RCW~~((;))~~;

(ii) Classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW; or

(iii) Receiving a special valuation as historic property under chapter 84.26 RCW ~~((unless the compensating or additional tax has been paid, or the new owner shall have signed a notice of continuance which shall either be on the excise tax affidavit or attached thereto)).~~

AMENDATORY SECTION (Amending Order PT 84-3, filed 8/2/84)

**WAC 458-61-060 Disposition of proceeds.** (1) The county treasurer shall place one percent of the proceeds of the tax imposed by chapter 82.45 RCW exclusive of any delinquent interest and/or penalties in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. (RCW 82.45.180)

(2) Any requests from county treasurers for adjustments to the funds which have been distributed to the state treasurer must be sent to the department for approval or denial. The department will forward all such requests which it approves to the state treasurer and return the requests it denies to the county treasurers along with an explanation for such denial.

(3) Tax payments made directly to the department shall be remitted to the state treasurer who shall deposit the proceeds of any state tax in the general fund for the support of the common schools. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-070 Affidavit batch transmittal.** (1) By the fifth business day following the close of the month in which the tax was received, the county treasurers shall send to the department the department's copies of the real estate excise tax affidavits for the entire month. This affidavit batch shall include all affidavits received during the month, plus copies of any ~~((voided affidavits which represent))~~ documents related to refunds made by the county treasurers.

(2) County treasurers will complete the affidavit batch transmittal form, supplied by the department, and send one copy with the affidavit batch to the department. The county treasurer will send a second copy of the affidavit batch transmittal with the monthly cash receipts journal summary to the state treasurer's office as documentation for the remittance of the real estate excise tax deposit. County treasurers shall use the adjustment area provided on the batch transmittal form to reflect any refunds made during the month and shall attach all refund documentation to the batch transmittal form that accompanies the affidavit batch.

AMENDATORY SECTION (Amending Order PT 87-1, filed 1/16/87)

**WAC 458-61-080 Affidavit requirements.** (1) This section applies only to sales of real property which are evidenced by conveyance, deed, grant, assignment, quitclaim, or transfer of the ownership of or title to real property. See WAC 458-61-025(8) for filing requirements pertaining to the transfers and acquisitions of a controlling interest in an entity owning real property in the state of Washington.



(2) The law requires the department to prescribe a form of real estate excise tax affidavit to be completed by taxpayers and filed with the county treasurer of the county where the transferred property is located. Affidavit forms will be furnished by the department to the county treasurers for this purpose.

(a) Each county shall use the affidavit form prescribed and furnished by the department.

(b) The affidavit shall be signed by both the grantor and the grantee, or the agent of either, under oath attesting to all required information.

(3) When affidavit is required. Except for the transfers listed under subsection ~~((2))~~ (4) of this section, the real estate excise tax affidavit ~~((shall be))~~ is required for all transfers of real property including, but not limited to, the following:

(a) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage, or in fulfillment of a ~~((property))~~ settlement agreement incident ~~((thereto))~~ to a divorce;

(b) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or for the execution of a judgment;

(c) Conveyance made pursuant to the provisions of a deed of trust;

(d) Conveyance of an easement ~~((in))~~ which ~~((consideration passes))~~ is taxable;

(e) A deed in lieu of foreclosure of mortgage;

(f) A deed in lieu of forfeiture of a real estate contract;

(g) Conveyance to the heirs in the settlement of an estate;

(h) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of this state;

(i) A declaration of forfeiture of a real estate contract;

(j) Conveyance of development rights, water rights, or air rights;

(k) A lease of real property that transfers lessee-owned improvements;

(l) A boundary line adjustment; and

(m) A rerecording of a document.

~~((2))~~ (4) When affidavit is not required. The real estate excise tax affidavit ~~((shall))~~ is not ((be)) required for the following and county treasurers shall not take affidavits for these specific types of transactions:

(a) Conveyance of cemetery lots or graves;

(b) Conveyance for security purposes only and the instrument states on the face of it:

(i) For security only;

(ii) To secure a debt;

(iii) Assignment of a debt;

(iv) For collateral purposes only;

(v) Release of collateral; or

(vi) To release security;

(c) A lease of real property that ~~((does not contain an option to purchase, or))~~ does not transfer lessee-owned improvements;

(d) A mortgage or deed of trust or a satisfaction ~~((thereof))~~ of mortgage or reconveyance of a deed of trust;

(e) Conveyance of an easement ~~((in))~~ which ~~((no consideration passes or an easement to the United States, the state of Washington, or any political subdivision or municipi-~~

~~pal corporation of this state))~~ is not taxable (see WAC 458-61-335);

~~((A recording of a contract that changes only the contract terms and not the legal description, purchaser, or sales price, if the affidavit number of the previous transaction is reported;~~

~~((g))~~ (g)) A seller's assignment of deed and contract;

~~((h))~~ (g) A fulfillment deed pursuant to a real estate contract;

(h) A community property agreement under RCW 26.16.120;

(i) Options to purchase; and

(j) An earnest money agreement.

~~((3))~~ County treasurers shall not accept incomplete affidavits. It is the taxpayers' responsibility to furnish complete documentation for claimed tax exemptions. It is the county treasurers' responsibility and authority to require that such documentation, as required by this chapter, shall be furnished by the taxpayers or their agents.

~~((a))~~ Among other requirements set forth in WAC 458-61-030(1),)

(5) Claims of exemption from the real estate excise tax must be specific. All affidavits which state claims for tax exemption must show:

~~((i))~~ (a) Current assessed values of parcels involved as of ~~((transaction))~~ the date of sale; and

~~((ii))~~ (b) Complete reasons for exemptions, including reference to the specific tax exemption in this chapter, ~~((in all cases where the exemption is based upon a prior payment of the tax, the prior payment date, amount and affidavit number must be provided on the current affidavit))~~ citing the specific WAC section and subsection providing the exemption as well as a brief description of the exemption.

(i) Example 1. A quitclaim deed is a conveyance instrument. It is not, in itself, a reason for tax exemption. A valid ~~((reason for the))~~ tax exemption must be shown on the affidavit. ((Likewise statements such as "to clear title only" and "no consideration" are not complete reasons for tax exemption.)) Consider a developer who deeds a street in the development to the homeowners association upon the completion of the development. The developer gives the development a quitclaim deed to the street in order to clear title. WAC 458-61-255 (3)(b) should be cited as the exemption, which could be briefly described as "clearing title." An explanatory narrative, as provided for in that section, should be attached to the affidavit.

(ii) Example 2. A corporation transfers its interest in real property to a wholly owned subsidiary. WAC 458-61-375 (2)(c) should be cited as the exemption, which could be briefly described as "no beneficial ownership change."

~~((b))~~ (6) When the transfer of property is to two or more grantees, the affidavit must clearly state the relationship between them such as joint tenants, tenants in common, partners, etc., and the form and proportion of interest that they are each acquiring.

~~((e))~~ (7) In the case of a used mobile home that is sold with the land upon which it is located, the county treasurer may require the completion of either two affidavits, both real and mobile home, or a single real property affidavit. At the county treasurer's option, a separate mobile home affidavit may not be required if the real property affidavit lists the make, model, year, size and serial number of the unit. Such

information should be contained as a separate item within the legal description portion of the affidavit.

(8) County treasurers shall not accept incomplete affidavits. Taxpayers must furnish complete and accurate information on affidavits as well as complete documentation for claimed tax exemptions.

(a) The county treasurers have the responsibility to require that taxpayers or their agents furnish proper documentation.

(b) An affidavit is incomplete if any required information is omitted or obviously incorrect, such as the use of a nominal selling price. A nominal selling price is an amount stated on the affidavit which is so low in comparison with the fair market value assessment stated on the property tax rolls so as to cause disbelief by a reasonable person. In the case of a nominal selling price, the county assessed value shall be used as the selling price.

(9) To accommodate the requirement that the affidavit be signed by both the grantor and grantee or agents of each, identical affidavits may be submitted for a transaction, one bearing the grantor's signature or that of their agent and one bearing the grantee's signature or that of their agent. Both affidavits must be complete and have identical information. The county treasurer will receipt the affidavit signed by the taxpayer (grantor or grantee) and the other affidavit will not be receipted but will become an attachment to the first.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-090 ((Timing of payment—Late payment penalty)) Interest and penalties—Date of sale.

(1) The tax imposed under ((RCW 82.45.070)) chapter 82.45 RCW is due and payable to the county treasurer as of the ((transaction)) date of sale, whether or not the contract of sale or instrument of conveyance is recorded at that time.

(2) If the tax is paid within thirty days ((of the transaction)) following the date of sale, ((the late payment penalty is)) interest will not be applied. If the tax is not paid ((more than)) within thirty days ((after)) following the ((transaction)) date of sale, ((a one percent penalty is applied to the amount of unpaid tax for)) the amount of unpaid tax shall bear interest in the amount of one percent per each thirty-day period, or part thereof, beginning with the ((transaction)) date of sale to the date of ((final and complete)) full payment.

(3) ((The tax is due as of the transaction date whether or not the contract or conveyance documents are recorded at that time. If the tax is not paid within thirty days of the transaction date, the late payment penalty in subsection (2) of this section, is applicable for the period which the tax remains unpaid.)) In addition to the interest described in subsection (2) of this section, if the payment of any tax is not received by the county treasurer:

(a) Within thirty days of the date of sale, a penalty of five percent of the amount of the tax will be added to the tax due;

(b) Within sixty days of the date of sale, a total penalty of ten percent shall be added to the tax due; and

(c) Within ninety days of the date of sale, a total penalty of twenty percent will be added to the tax due.

(4) Penalties shall be assessed only against the grantor and shall not be included in the lien arising under RCW 82.45.070. See RCW 82.45.100.

(5) When an instrument of sale or conveyance is signed and delivered by the grantor to an escrow agent licensed under chapter 18.44 RCW, a title company, a title insurance company, or an attorney at law acting as an escrow agent, with instructions to deliver the instrument to the grantee upon the fulfillment of one or more conditions, the date of sale will be presumed to be the date that the instrument is presented for recording, subject to the following:

(a) A statement, as provided by WAC 458-61-150, signed by the escrow agent, the title company agent, the title insurance company agent, or attorney, is attached to the affidavit indicating that the instrument was delivered to such person in the capacity of an escrow agent; and

(b) The date shown on the instrument is not more than ninety days prior to the date the affidavit is presented to the county treasurer for filing.

(6) In all other cases the date of sale will be presumed to be the date shown on the instrument. A taxpayer alleging a date of sale other than the instrument date has the burden of proving that delivery of title or ownership of the property in exchange for consideration occurred on the date alleged.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-100 Refunds of tax paid. (1) Taxpayers ((seeking)) who have paid the real estate excise tax or who have received a notice of assessment of tax and who wish to contest the application of the real estate excise tax ((upon)) to a particular transfer ((of real property must pay the tax prior to)) may file a petition for refund or correction of assessment as provided in this section. Only the taxpayer or the taxpayer's authorized agent may petition for a refund of tax.

(2) ((Taxpayers shall obtain copies of the "Petition for real estate excise tax refund" form from)) Any person who has overpaid any tax, interest, or penalty, may apply for a refund within four years from the date of sale by petitioning in writing for a refund of the amount overpaid. Claims for refund are to be made on forms prescribed by the department and made available at the county treasurers' offices ((as provided by)) and at the department. ((After completing the form,))

(a) The taxpayer shall submit the completed form and all documentation supporting the claim for refund to the county treasurer's office in the county where the tax was originally paid.

(b) If the taxpayer originally paid the tax directly to the department, the form and supporting documentation shall be submitted to the department in accordance with the requirements of WAC 458-20-100, appeal procedures.

(3) If the taxpayer submits the petition for refund before the county treasurer has sent to the department the copy of the affidavit which receipted the tax payment now in question, the county treasurer is authorized to void the receipted affidavit copies, based upon the criteria listed in subsection (5) of this section, and issue the refund. If the county treasurer authorizes and issues such refund, the voided copy of the affidavit, with a copy of the refund

petition attached, must be included in the monthly affidavit batch sent to the department. If the county treasurer does not authorize such refund, the treasurer shall send the petition for refund, along with a copy of the affidavit and all supporting records, to the department. The procedure for petitions sent to the department shall follow subsection (4) of this section.

(4) If the taxpayer submits the petition for refund after the county treasurer has sent to the department the copy of the affidavit which receipted the payment now in question, the county treasurer shall verify the information on the petition and forward it to the department with a copy of the affidavit and any other supporting records furnished by the taxpayer. The department shall approve or deny the refund. ~~(If denied, the petition for refund shall be returned to the petitioner with the reason for denial.)~~ The taxpayer may then appeal the imposition of the tax under the appeal procedures. See WAC ~~((458-61-110: Tax appeals))~~ 458-61-100, appeals procedures. If such petition is denied, the department will return to the petitioner all supporting documents which are submitted with the petition for refund.

(5) The authority ~~((of the department))~~ to issue tax refunds under this chapter is limited to ~~((the following))~~:

(a) Transactions that are completely rescinded as defined in WAC ~~((458-61-030(19)))~~ 458-61-590;

(b) Sales rescinded by court order. In such case a copy of the court decision must be attached to the department's affidavit copy by the county treasurer (see also WAC 458-61-330 ~~((Court order Transfer pursuant to))~~: Foreclosure—Deeds in lieu of foreclosure);

(c) Double payment of the tax;

(d) Overpayment of the tax through error of computation; and

(e) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;

(f) Nonpayment of valuable consideration by grantee.

(5) The authority of the county treasurers to issue tax refunds under subsection (2) of this section is limited to the following reasons:

(a) Double payment of the tax;

(b) Overpayment of tax through error of computation;

(c) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;

(d) Rescission of sale prior to closing; or

(e) Nonpayment of valuable consideration by grantee.

(6) Only the taxpayer or authorized agent may petition for a refund of tax.

(7) Refunds approved by the county treasurer or by the department shall be paid to the petitioner:

(a) After the real estate excise tax receipt stamp has been voided on the conveyance instrument provided that this conveyance instrument has not been recorded; or

(b) In the case where the conveyance instrument was recorded, after a second conveyance instrument has been recorded to reverse the effect of the original conveyance instrument.

In either of the above procedures (a) or (b), the county treasurer or department shall advise the petitioner of the approval of the refund and the necessity to provide the unrecorded conveyance instrument or a reversing conveyance instrument. The county treasurer shall note the issuance of

~~the refund on the affidavit copy maintained in county files and shall notify the county assessors office of the refund).~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-120 ((Fraud) Evasion penalty. (1) The department shall apply a penalty of fifty percent of the proper tax due, or remaining due after insufficient payment, ((is to be applied by the department)) to taxable real estate transfers involving ((wilful fraud with intent to evade the tax)) an intent to evade the payment of tax. For this purpose, intent to evade means knowingly making false statements or taking actions so as to intentionally fail to pay the proper real estate excise tax due.

(2) ~~((Wilful fraud with))~~ Intent to evade the tax is illustrated by, but not limited to, the following examples:

(a) Knowingly stating a false ~~((sales))~~ selling price;

(b) Knowingly stating a sale as a gift; or

(c) Knowingly claiming a false reason for tax exemption.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-130 Department audit responsibility. ~~((RCW 82.45.150))~~ (1) The department shall conduct audits of transactions and ~~((real estate excise tax affidavits and shall))~~ determine any underpayment of tax ((payment deficiency where such exists)). If the department discovers an underpayment, it shall notify taxpayers ((and appropriate county treasurers of tax payment deficiencies. Such)) and assess the additional tax due as well as all applicable interest and penalties. Deficiency notices ((shall)) will inform taxpayers ((as to the tax payment required from them)) of the amount owing and set forth reasons ((why such deficient tax amount has been assessed against them by the department)) for the assessment.

(2) If the taxpayer receiving ~~((such))~~ a notice of ~~((tax payment))~~ deficiency has not answered ~~((the same))~~ it within thirty days after ~~((its being mailed by))~~ the department mailed it, the department shall enforce the collection of ((such)) the deficient tax through the administrative provisions ((set forth)) in chapter 82.32 RCW.

(3) ~~((In its audits of the taxability of real estate transactions, the department will generally rely upon, but not be limited to, information:~~

~~((a) The real estate excise tax affidavits, including the entire affidavit file at the county treasurer's office;~~

~~((b) Documents recorded by the county auditor;~~

~~((c) The assessment rolls and in the field books in the county assessor's office; and~~

~~((d) Records supplied by the taxpayer.))~~ Any person may request from the department a predetermination of real estate excise tax liability pertaining to any proposed transfer of real property or to any proposed transfer or acquisition of the controlling interest of an entity with an interest in real property. Requests for predetermination of liability should be accompanied by sufficient facts to enable the department to ascertain the proper tax liability. The department shall advise the taxpayer in writing of its opinion. The opinion shall be binding upon both the taxpayer and the department under the facts presented in accordance with WAC 458-20-

100(9), appeals, small claims and settlements. Address predetermination requests to:

Department of Revenue  
Taxpayer Information & Education  
P.O. Box 47478  
Olympia, WA 98504-7478

AMENDATORY SECTION (Amending Order PT 87-1, filed 1/16/87)

**WAC 458-61-150 Supplemental statements.** (1) The department shall provide the county treasurer offices with a uniform multi-use supplemental statement ((as required by)) form for use in meeting the requirements of the following sections of this chapter:

- ~~((1))~~ WAC 458-61-210, Assignments—Purchasers
- ~~((2))~~ WAC 458-61-230, Bankruptcy
- ~~((3))~~ WAC 458-61-320, Corporation—Nonfamily
- ~~((4))~~ (a) WAC 458-61-090(4), Interest and penalties—

Date of sale

~~((b))~~ WAC 458-61-410(1), Gifts

~~((5))~~ (c) WAC 458-61-375 (2)(g)(iii), Exemption—

Mere change in identity or form—Family corporations and partnerships (cited subsection only)

~~((d))~~ WAC 458-61-480, IRS "tax deferred" exchange

~~((e))~~ WAC 458-61-550, Nominee

(2) The supplemental statements shall be completed as required by the instructions ((therein)) contained on the form and by each of the sections listed in subsections (1)(a) through ((5)) (e) of this section.

(3) The county treasurer shall distribute the supplemental statement as follows:

(a) Original attached to original of affidavit;

(b) First copy attached to the department's copy of the affidavit;

(c) Second copy attached to the assessor's copy of the affidavit; and

(d) Third copy attached to the taxpayer's copy of the affidavit.

(4) Except for the notary requirements of WAC ((458-61-320(4)) 458-61-375 (2)(g) and 458-61-550, ((such)) supplemental statements ((shall)) are to be unsworn written statements which meet the requirements set forth in RCW 9A.72.085.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-200 Apartments.** The real estate excise tax applies to the sales of ((an)) individual apartments by the owner of an apartment building which entitles the ((purchaser)) grantee to a warranty deed upon completion of payments ((is a "sale" within the meaning of RCW 82.45.010; therefore, the sale is subject to the real estate excise tax)).

AMENDATORY SECTION (Amending Order PT 87-1, filed 1/16/87)

**WAC 458-61-210 Assignments—Purchasers.** (1) The real estate excise tax does not apply to ((the following types of purchaser's assignments, provided that no consideration passes to the grantor:

(a) Cancellation or forfeiture of the vendee's interest in a contract of sale, deed in lieu of foreclosure of mortgage or deed in lieu of forfeiture of a real estate contract all of which are being conveyed to the lien holder as the result of default of the obligation;

(b) Assumption by a grantee of the balance owing on an existing obligation which is secured by a mortgage, deed of trust or real estate contract where the grantee has become personally and principally liable for payment of that obligation.

The real estate excise tax affidavit is required for each of the above. If the transfer is an assumption under (b) of this subsection, the grantor must furnish the supplemental statement, as provided by WAC 458-61-150, signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor. (See WAC 458-61-150)

The tax exemption provided in (b) of this subsection does not apply to the following transfers:

(i) Between a corporation and its stockholders, officers, or affiliated corporations (except that tax exemption contained in WAC 458-61-320(3));

(ii) Between a partnership and its members or another partnership or corporation owned by the same members;

(iii) Between joint venturers;

(iv) Between joint tenants;

(v) Between tenants in common; or

(vi) During the conversion of a joint or common tenancy, a joint venture, partnership, or corporation from one form of ownership to another form of ownership)) assignments of a purchaser's interest in an earnest money agreement when neither the earnest money agreement nor its assignment effect a present transfer of the title to or ownership of real property.

(2) The real estate excise tax applies to transfers ((where)) when the purchaser of real property under a real estate contract assigns ((his/her)) the purchaser's interest in ((such property)) the contract and receives valuable consideration for that interest.

(3) The ((measure of the real estate excise tax is the sum of the)) taxable value is all consideration paid or contracted to be paid to the grantor of such assignment ((plus the)), including any unpaid principal balance due on the assigned ((mortgage or)) real estate contract. ((Note: The consideration passing to the assignor of such interest in real property nullifies the exemptions granted in subsection (1) of this section, because each of these exemptions is granted upon the condition that no consideration passes to the transferee of the interest of real property.))

AMENDATORY SECTION (Amending Order PT 84-3, filed 8/2/84)

**WAC 458-61-220 Assignments—Sellers.** (1) The real estate excise tax does not apply ((where the vendor)) when a seller of real property under a real estate contract assigns ((his/her)) any interest in the contract to a third party. The real estate excise tax affidavit is not required.

(2) The instrument of assignment must be stamped by the county treasurer as required by ((RCW 82.45.090)) WAC 458-61-050. ((Such)) The stamp shall ((show)) cross-reference the number of the affidavit ((number on)) relating

to the ~~((prior sale for which the current assignment is made))~~ contract being assigned.

#### NEW SECTION

**WAC 458-61-225 Assumption of debt.** (1) The real estate excise tax applies to transfers of real property when an underlying debt on the property is assumed by the grantee.

(2) The measure of the tax is the combined amount of the debt and any other additional consideration.

(3) See WAC 458-61-374 for the transfers made when the grantor has no personal liability for the underlying debt.

**AMENDATORY SECTION** (Amending WSR 90-01-003, filed 12/7/89, effective 1/7/90)

**WAC 458-61-230 Bankruptcy.** ~~((A))~~ (1) The real estate excise tax applies to conveyances of real property by a trustee in bankruptcy (is subject to the real estate excise tax whether made by a trustee conducting the business of the bankrupt or by a trustee liquidating the bankrupt's estate. However, such a conveyance is) when made under either a chapter 7 plan or chapter 13 plan, but not ((taxable) when made under a ((post-petition)) chapter 11 plan or chapter 12 plan ((per 11 USC 1146 or 11 USC 1231 respectively)).

(2) The court case and bankruptcy chapter number must be cited on the affidavit when claiming this exemption.

#### NEW SECTION

**WAC 458-61-235 Boundary line adjustments.** (1) The real estate excise tax does not apply to a boundary line adjustment between contiguous parcels of real property if no substantial amount of property is exchanged and no other consideration, other than resolution of the actual or potential boundary dispute, is given for the transfer.

(2) The real estate excise tax applies if a substantial amount of property is exchanged. See WAC 458-61-370, Exchanges—Trades.

(3) An affidavit is required for any transfer evidenced by a conveyance instrument whether or not consideration is present.

**AMENDATORY SECTION** (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-250 Cemetery lots or graves.** The real estate excise tax does not apply to the sale of lots or graves in an established cemetery ((is not subject to the real estate excise tax)). An established cemetery is one which meets the requirements for ad valorem property tax exemption under RCW 84.36.020. ((RCW 82.32.010))

#### NEW SECTION

**WAC 458-61-255 Clearing title.** (1) **In general.** The real estate excise tax does not apply to quitclaim deeds given for the purpose of clearing title only when no consideration passes otherwise. When any consideration is given for the clearance of title, the real estate excise tax applies to the transaction. A deed given to add a person to title for any purpose does not qualify for treatment under this section.

(2) **Documentation.** A narrative which explains the nature of the clearance of title must be signed by both

grantor and grantee, or agents of either, and attached to the real estate excise tax affidavit. The original narrative will be retained with the original affidavit at the county treasurer's office and a copy of the narrative will be attached to the department's affidavit copy.

(3) **Examples.** Real estate excise tax would not apply in the following situations:

(a) An exiting minority partner gives the partnership a quitclaim deed for the purpose of removing any presumptive interest; or

(b) A developer deeds greenbelts, streets or common areas in a development to the homeowners association upon completion of the development and under the terms and covenants of the development.

(c) Parents, who have been on title as co-signors for their child's loan, are now issuing a quitclaim deed to exit title. The narrative accompanying the affidavit for this transfer must state that the co-signor was not a co-purchaser of the property and did not make payments toward the repayment of the loan.

**AMENDATORY SECTION** (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-290 Contract.** An owner of real property is subject to payment of the real estate excise tax upon the entry of each successive contract for the sale of the same piece of real property~~((s))~~. Each such contract ~~((constituting))~~ constitutes a "sale" of real property subject to the tax. (See also WAC 458-61-100: Refunds of tax paid.)

**AMENDATORY SECTION** (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-300 Contractor.** (1) If land is deeded to a contractor with an agreement to reconvey the property after construction of an improvement, the real estate excise tax does not apply to either the first conveyance or to the reconveyance~~((—In this case))~~ when:

(a) The land is deeded for the sole purpose of enabling the contractor to obtain financing for the construction of the improvement on the property conveyed; and

(b) The agreement to reconvey is contained in a written statement made prior to the original conveyance.

(2) When the requirements of subsection (1) of this section have been met, the deed to the contractor, although absolute on its face, ((has simply created a security interest because of the requirement to reconvey the property after construction of the improvement.)) will be treated as creating a security interest only. However, the sales price of the improvement is subject to retail sales tax under chapter 82.08 RCW and business and occupation tax under chapter 82.04 RCW (see Excise Tax Bulletin 275.08.170). Real estate excise tax affidavits are ~~((nevertheless))~~ required for both the original conveyance and the reconveyance ~~((but))~~. The affidavit must contain wording to the effect that the purpose of the transfers is for construction and security purposes only. The affidavit for reconveyance must refer to the date and number of the original affidavit.

~~((2) Where))~~ (3) If a contractor, acting under the terms of a contract, purchases land on behalf of a customer for the purposes of constructing an improvement, the later conveyance of the property to the customer is not subject to the real

estate excise tax provided the requirements of WAC 458-61-550, Nominee, are met. The sales price of the improvement is subject to retail sales tax under chapter 82.08 RCW and business and occupation tax under chapter 82.04 RCW.

(4) When the owner of a lot contracts to have an improvement built upon the lot and retains title to the land, or when a lessee contracts to have an improvement built upon the lot and retains the leasehold interest, the real estate excise tax does not apply to the purchase of the improvement.

~~((3) Where))~~ (5) When a ((contractor)) speculative builder owns a lot and builds an improvement upon it, the subsequent sale of land and improvement is subject to the real estate excise tax. When a speculative builder sells a parcel of property with a partially constructed improvement on the understanding that the builder will complete the improvement, the real estate excise tax applies to the percentage of the project complete at the time of transfer. The retail sales tax applies to that portion of the selling price representing the construction to be completed after transfer.

~~((4) The real estate excise tax applies to both conveyances where an owner desiring a new home conveys his existing home to a contractor who first uses that home as collateral to secure a loan under FHA to finance the construction of the new home and then conveys the old home to a third person.))~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

~~WAC 458-61-330 ((Court order—Transfer pursuant to))~~ **Foreclosure—Deeds in lieu of foreclosure.** (1) The real estate excise tax does not apply to any transfer or conveyance made pursuant to an order of sale by ((the)) a court in any mortgage or lien foreclosure proceeding or upon execution of a judgment. This exemption includes ((the)) a court ordered sale of real property by a trustee under the terms of a deed of trust ((by the trustee acting on behalf of the beneficiary to the deed of trust)). ((Note:)) Real estate excise tax affidavits which state claims for this tax exemption must cite the ((court decision)) cause number of the foreclosure proceeding on the affidavit and the conveyance document. A copy of the court decision must be attached to the department's affidavit copy by the county treasurer. ((See also: WAC 458-61-280, Condemnation and WAC 458-61-650, Tenants in common, partition by.))

(2) The real estate excise tax does not apply to the following transfers where no additional consideration passes:

(a) A transfer of real estate by deed from a mortgagor to the mortgagee in lieu of foreclosure; or

(b) A transfer from a contract purchaser to the contract holder in lieu of forfeiture of a contract of sale upon default of the underlying obligation; or

(c) A transfer occurring through the cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, such as a declaration of forfeiture made under the provisions of RCW 61.30.070.

(3) The real estate excise tax does not apply to the foreclosure sale of real property by the trustee under the terms of a deed of trust, whether to the beneficiary listed on that deed or to a third party.

(4) A copy of the recorded original mortgage, deed of trust or contract of sale must be attached to the real estate excise tax affidavit provided to the department.

AMENDATORY SECTION (Amending Order PT 87-1, filed 1/16/87)

~~WAC 458-61-335 ((Development rights and air rights.))~~ **Easements, development rights, water rights and air rights.** (1) The real estate excise tax applies to the conveyance of an easement for the use of real property in return for valuable consideration. A taxable sale has not occurred if valuable consideration does not pass, if the easement is transferred to a governmental entity under the threat of exercise of eminent domain, or if any other exemption applicable under this chapter applies. An affidavit is required only if the transfer is taxable. No affidavit is required when the transfer is exempted from the tax.

(2) The real estate excise tax applies to the sale of ((both)) development rights, water rights and air rights. The real estate excise tax affidavit must be completed for the transfer of development rights, water rights and air rights whether or not a taxable sale has occurred.

(3) "Development rights" means transferable rights to the unused development on a parcel of land measured by the difference between the existing development density on the parcel and the density allowed by applicable zoning laws.

(4) "Water rights" means transferable rights to the diversion, extraction or use of water arising by virtue of the ownership of land located contiguous to surface water or the issuance of a water permit by the department of ecology.

(5) "Air rights" means the exclusive undisturbed use and control of a designated air space within the perimeter of a stated land area and within stated elevations.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-340. **Community property—Dissolution of marriage/divorce.** (1) Transfers from one spouse to the other which either establish or separate community property are not subject to the real estate excise tax.

(2) The real estate excise tax does not apply to any transfer, conveyance, or assignment of property or interest in property from one spouse to the other ((in accordance with the terms of a decree of divorce or)) in fulfillment of a ((property)) settlement agreement incident ((thereto)) to a divorce. (RCW 82.45.010)

(3) The real estate excise tax applies to a sale of real property by either one or both spouses to a third party regardless of whether the sale is in accordance with the terms of a decree of divorce or settlement agreement.

(4) The real estate excise tax applies to transfers between ex-spouses which are independent of any settlement agreement incident to a divorce.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-370 **Exchanges—Trades.** (1) The real estate excise tax applies when real property is exchanged for other real property or any other valuable property, either tangible or intangible. ((In the case where)) When real

property is exchanged for other real property, the transfer of each property is individually subject to the tax.

(2) The gross taxable value of each property is the fair market value of each property at the time of transfer - not the equity that each owner has vested in the properties. ~~((RCW 82.45.010 and 82.45.030))~~ When the true and fair value of a parcel of property is not reasonably ascertainable, the assessed value of the property on the assessment rolls of the county assessor may be used.

#### NEW SECTION

**WAC 458-61-374 Exemption—Transfers made "subject to."** (1) A transfer of real property subject to an underlying debt when the grantor is not personally liable for the debt and when no other consideration is given for the transfer is exempt from the real estate excise tax.

(a) Example 1. Y purchases Oakacre with funds obtained from YES Corporation and secured only by Oakacre. Y has no personal liability for this debt. If Y fails to make payments on the debt, YES may foreclose on Oakacre, but it may not obtain any judgment against Y because Y has no personal liability for the debt. Y transfers Oakacre to Z subject to the underlying debt owed by Y to YES. Z gives no other consideration for Oakacre. Z takes Oakacre subject to the underlying debt but has no personal liability for the debt. If Z fails to make payments, YES may foreclose on Oakacre, but it may not obtain a judgment against Z (who, like Y before, has no personal liability for the debt). Because Y is not personally liable for the debt, Z's payments on the underlying debt to YES do not relieve Y of any liability for the debt. The real estate excise tax does not apply to this transfer.

(b) Example 2. Y transfers Oakacre to Z subject to an underlying mortgage owed to Bank. Y is personally liable for the mortgage to Bank. If the mortgage payments are not made, Bank may foreclose on Oakacre and obtain a judgment against Y if the value of the property is insufficient to pay the mortgage. Z gives no other consideration for Oakacre, but Z agrees with Y to make all future payments on the underlying mortgage. The real estate excise tax applies to this transfer for two reasons: First, Y remains personally liable for the mortgage. Second, Z's payments on the underlying mortgage relieve Y's debt obligation each time a payment is made. Note that even if Z were to assume the loan, the real estate excise tax would apply because an assumption of debt is included in the definition of consideration (see subsection (3) of this section) and a transfer for consideration is subject to the real estate excise tax (see WAC 458-61-225).

(2) A copy of the debt instrument verifying the debt's character and the absence of any personal liability of the grantor shall be provided by the taxpayer as an attachment to the department's copy of the real estate affidavit.

(3) See WAC 458-61-225 for transfers when the grantor does have personal liability for the underlying debt on the property transferred.

#### NEW SECTION

**WAC 458-61-375 Exemption—Mere change in identity or form—Family corporations and partnerships.**

(1) **Introduction.** Any transfer of real property is exempt from the real estate excise tax if it consists of a mere change in identity or form of ownership of an entity. This exemption is not limited to transfers involving corporations and partnerships and includes transfers of trusts, estates, associations and other entities. Except as provided in subsection (3) of this section, this exemption is limited to those transfers where no change in beneficial ownership interest is made.

(2) **Exempt transactions.** A mere change in form or identity where no change in beneficial ownership has occurred includes, but is not limited to:

(a) The transfer by tenants-in-common of their interest in real property to a partnership or a corporation with the partnership or corporation interests received being in the same pro rata shares as the tenants-in-common held prior to the transfer. (See also: WAC 458-61-376, Exemption—Transfers where gain is not recognized under the Internal Revenue Code.)

(b) The transfer by a corporation of its interest in real property to its shareholders who will hold the real property either as individuals or as tenants-in-common in the same pro rata share as they owned the corporation.

(c) The transfer by a corporation of its interest in real property to its wholly owned subsidiary, the transfer of real property from a wholly owned subsidiary to its parent, or the transfer of real property from one wholly owned subsidiary to another.

(d) The transfer by a corporation of its interest in real property to its sole owner or the transfer by a sole incorporator of the incorporator's interest in real property to the incorporator's corporation.

(e) A transfer of real property to a corporation or a partnership in exchange for stock in the corporation or a partnership interest would qualify under this section and WAC 458-61-376, Exemption—Transfers where gain is not recognized under the Internal Revenue Code, if the transferor received all of the stock in the corporation or a pro rata partnership interest. However, if a nonfamily member receives 5% or more of the stock in the corporation, or, if the transferor does not receive a pro rata partnership interest, the transfer may continue to qualify under WAC 458-61-376, but would not qualify under this section because a change in beneficial ownership has been made.

(f) Corporate mergers and consolidations which are accomplished by transfers of stock or membership, and, mergers between corporations and limited partnerships as provided in chapters 25.10 and 24.03 RCW.

(g) A transfer of real property to a newly-formed, beneficiary corporation from an incorporator to the newly-formed corporation, subject to the following:

(i) The proper real estate excise tax was paid on the original transfer to the incorporator;

(ii) It was documented on or before the original transfer that the incorporator was receiving title to the property on behalf of that corporation during its formation process; and

(iii) A notarized statement, as provided in WAC 458-61-150, is attached to the affidavit for the second transaction. This tax exemption does not apply where a real

property owner had acquired title in his or her own name and later transferred title to the corporation upon formation.

(h) The distribution of partnership real property to the partners so long as the property distributed vests in each of the partners in proportion to the partner's interest in the partnership. The tax will apply to the extent a distribution of any real property is disproportionate to the interest in the partnership of a grantee partner.

(i) A transfer into any revocable trust. The tax does not apply to a conveyance from a trustee of a revocable trust to the original grantor because there is no change in the beneficial ownership. The tax does not apply to a conveyance from a trustee of a revocable trust to a beneficiary where no valuable consideration passes or the gift or inheritance exemption applies. The real estate excise tax applies to the sale of real property by the trustee to a third party or a beneficiary for valuable consideration. For transfers to irrevocable trusts, see WAC 458-61-411, Irrevocable trusts.

(3) **Family corporations and partnerships.** Notwithstanding a change in beneficial ownership, the exemption includes transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: *Provided*, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than:

(a) The transferor and/or the transferor's spouse or children;

(b) A trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust; or

(c) A corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

## NEW SECTION

**WAC 458-61-376 Exemption—Transfers where gain is not recognized under the Internal Revenue Code.** (1)

**Introduction.** An exemption from the real estate excise tax is allowed for a transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368 (a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

(2) **Internal Revenue Code sections.**

(a) Section 332 - Corporate liquidations - Complete liquidations of subsidiaries.

(b) Section 337 - Corporate liquidations - Nonrecognition for property distributed to parent in complete liquidation of subsidiary.

(c) Section 351 - Corporate organizations and reorganizations - Transfer to corporation.

(d) Section 368 (a)(1) - Corporate organizations and reorganization - Definitions relating to corporate reorganizations - Reorganizations - In general.

(e) Section 721 - Partners and Partnerships - Nonrecognition of gain or loss on contribution.

(f) Section 731 - Partners and Partnerships - Extent of recognition of gain or loss on distribution.

(3) **Extent of exemption.** The exemption applies only to transfers which qualify as nonrecognition of gain or loss transactions under the Internal Revenue Code for entity formation, liquidation or dissolution, and reorganization.

(a) The exemption does not apply to transactions under Internal Revenue Code section 1031 - Exchange of property held for productive use or investment. This Internal Revenue Code section does not deal with entity formation, liquidation or dissolution, or reorganization. (See: WAC 458-61-480, IRS "tax deferred" exchanges.)

(b) The exemption does not apply to sales under Internal Revenue Code section 1034 - Rollover of gain on sale of principal residence. This Internal Revenue Code section does not deal with entity formation, liquidation or dissolution, or reorganization.

(4) **Treatment when gain is partially recognized in an otherwise exempt transaction.** In the event a transaction qualifies for the exemption under this section as a nonrecognition of gain or loss transaction for entity formation, liquidation or dissolution, or reorganization, but gain is partially recognized under the Internal Revenue Code provisions, the real estate excise tax applies to the amount of the transaction for which gain is recognized.

(a) Example 1. In an otherwise nontaxable Internal Revenue Code section 351 transaction, A transfers to ZULU Corporation real property which has a true and fair value of \$100,000 (in which A has a basis of \$50,000 for federal income tax purposes). A receives, in exchange, ZULU stock worth \$80,000, cash of \$10,000 and a promissory note from ZULU to pay A \$10,000, payable monthly, starting at closing, for 36 months at 6% interest. The \$10,000 cash received and the \$10,000 promissory note constitute "boot" under the provisions of Sec. 351 and gain is recognized to the extent of the "boot." For real estate excise tax purposes, the nonexempt portion is 20% (\$20,000/\$100,000) and the real estate excise tax applies to 20% of the true and fair value of the real property transferred, \$20,000, with 80% or \$80,000 of the true and fair value of the property being exempt.

(b) Example 2. In an otherwise nontaxable Internal Revenue Code section 351 transaction, B transfers real property with a true and fair value of \$50,000, machinery worth \$250,000, to ECHO Corporation. In exchange, B receives ECHO stock worth \$275,000 and cash of \$25,000. The cash received constitutes "boot" and gain is recognized. For real estate excise tax purposes, the nonexempt portion of the transaction is 8.3% (\$25,000/\$300,000). The nonexempt percentage (8.3%) is applied to the true and fair value of the real property (\$50,000) to arrive at the amount (\$4,167) to which the real estate excise tax is applied.

(c) Example 3. A and B are partners in LIMA Partnership. In a nontaxable Internal Revenue Code section 721 transaction, C transfers real property to LIMA Partnership in exchange for a partnership interest in LIMA partnership. No consideration, other than the partnership interest in LIMA



partnership, is given to C in exchange for C's transfer of real property. Because the transfer is exempt under Code section 721, the real estate excise tax does not apply to C's transfer of real property to LIMA partnership.

(d) Example 4. A and B are partners in GOLF Partnership. In a nontaxable Internal Revenue Code Section 721 transaction, C contributes cash to GOLF Partnership in exchange for a 60% partnership interest in GOLF Partnership. The cash is used by the Partnership to develop real property owned by the GOLF Partnership. Because the transfer is exempt under Internal Revenue Code Section 721, the real estate excise tax does not apply to C's acquisition of a partnership interest in GOLF Partnership.

(5) **Rules of construction.** In determining whether a transfer qualifies as an exemption under this section, the law, regulations, bulletins, technical memoranda, letter rulings, etc., of the Internal Revenue Code and the Internal Revenue Service, as interpreted by the courts, shall be considered by the department. If a transfer has been determined under this chapter and the same transfer is examined and determined for federal tax purposes with the determination becoming fixed under federal law either by agreement with the taxpayer or through final determination in the federal court, then the determination as fixed under this chapter shall be the same as the final federal tax determination.

**AMENDATORY SECTION** (Amending Order PT 84-3, filed 8/2/84)

**WAC 458-61-400** (~~(Fulfillment deed)~~) **Creation, assignment and release of security interests.** (1) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment of the security interest, is not a taxable transaction and completion of the affidavit is not necessary.

(2) A deed given (the vendee in) to a purchaser under a real estate contract upon fulfillment of the terms of (the mortgage or) the contract is not subject to the real estate excise tax, provided that the proper tax was paid on the original transaction. Similarly, the real estate excise tax is not due upon the delivery of a release of security interest, satisfaction of mortgage, or reconveyance under the terms of a mortgage or deed of trust. The real estate excise tax affidavit is not required for any of the preceding transfers. The fulfillment deed must be stamped by the county treasurer as required by ((RCW 82.45.090. Such)) WAC 458-61-050. In the case of a fulfillment deed, the stamp shall show the affidavit number ((on)) of the sale which ((this)) the deed is fulfilling.

**AMENDATORY SECTION** (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-410 Gifts.** (1) In general. Transfers of real property as gifts are not subject to the real estate excise tax provided that the transfer is without consideration or that love and affection is the only consideration. ((Completion of the real estate excise tax affidavit is required and the supplemental statement as provided by WAC 458-61-150 shall be furnished with both grantor and grantee signatures unless the parties are family related or the grantee is a tax exempt organization under chapter 84.36 RCW. In such case no separate statement is required to be attached to the

affidavit but the nature of the family relationship or the fact that the grantee is a tax exempt organization under chapter 84.36 RCW must be stated on the affidavit and the grantor or grantee must sign the affidavit.))

(2) **Consideration.** When any consideration other than love and affection is present in the transfer, the transaction is taxable to the extent of the consideration present. Consideration includes the indebtedness balance of any real property transferred which is encumbered by a lien securing an indebtedness. See WAC 458-61-030(3) for the full definition of "consideration."

(a) **Examples.** Mother, A, conveys lakefront cabin valued at \$200,000 to daughter, B. The tax consequences will vary dependent on whether B tenders consideration and the amount and the extent of A's equity. Consider:

(i) Example 1. No consideration given by B and A owns property outright. This is a gift by A to B of \$200,000 and exempt from the real estate excise tax.

(ii) Example 2. No payment given to A by B. A has \$175,000 equity and an underlying mortgage of \$25,000. The \$175,000 in equity is a gift, but the real estate excise tax applies to the \$25,000 owing on the mortgage.

(iii) Example 3. No consideration is given by B. A has \$175,000 equity and an underlying mortgage of \$25,000, on which A continues to make the payments. This is a gift by A to B of the \$175,000 and the payments on the underlying debt. It is exempt from the real estate excise tax.

(iv) Example 4. B gives A \$10,000 and A owns property outright. A has made a gift of \$190,000 in equity and real estate excise tax applies only to the \$10,000 paid by B for the property.

(v) Example 5. B gives A \$10,000 and A has \$175,000 in equity and an underlying mortgage of \$25,000. A has made a gift of \$165,000 in equity, but the real estate excise tax applies only to \$35,000: The \$10,000 paid by B to A for the property and the \$25,000 remaining on the mortgage.

(3) **Documentation.** Completion of the real estate excise tax affidavit is required for transfers by gift.

(a) A supplemental statement (see WAC 458-61-150) shall be signed by both grantor and grantee and attached to the real estate excise tax affidavit. The statement shall attest to the existence or absence of underlying debt on the property transfers made by gift.

**NEW SECTION**

**WAC 458-61-411 Exemption—Irrevocable trusts.**

(1) **Introduction.** The real estate excise tax applies to the transfer of real property to an irrevocable trust when the transfer results in a change in beneficial interest and not a mere change in identity or form and valuable consideration is present in the transfer.

(a) Example 1. Husband and wife as grantors transfer real property having a true and fair value of \$500,000 with a deed of trust indebtedness of \$300,000 to an irrevocable trust. The trustee is required to pay all the income annually to the grantors or the surviving grantor should one die. Upon the death of both grantors, the property is to be divided equally between the grantors' children. The real estate excise tax does not apply to the transfer to the irrevocable trust, even if the trust pays the indebtedness, because the transfer has no present change in beneficial

interest, and the grantors have not received consideration in the form of a relief of the liability.

(b) Example 2. Upon the death of a spouse, the deceased spouse's 1/2 interest in real property is transferred to a testamentary trust. The trustee has the sole discretion to either accumulate income or pay the income to the surviving spouse and/or children and/or grandchildren. Real estate excise tax does not apply to this transfer. Assume the surviving spouse makes a gift of the remaining 1/2 interest in the real property, valued at \$150,000 with a \$30,000 indebtedness for which the surviving spouse is personally liable, to the testamentary trust of the deceased spouse, and the trust pays or is obligated to pay the indebtedness. The real estate excise tax applies to this transfer because a present change in beneficial interest in the property has occurred and the surviving spouse has received consideration in the form of the relief of liability from the payment of the indebtedness. \$30,000 is the taxable value for real estate excise tax purposes. Note that when the property transferred by the surviving spouse has no underlying debt for which the surviving spouse has a personal liability, the real estate excise tax would not apply because no consideration for the transfer would be received. Instead, the transfer would be a gift and exempt from the real estate excise tax as explained in WAC 458-61-410, Gifts.

(2) **Documentation.** A copy of the trust instrument must be attached to the real estate excise tax affidavit provided to the department if an exemption from the real estate excise tax is claimed.

(3) **Revocable trusts.** For the taxability of transfers into a revocable trust, see WAC 458-61-375 (2)(i), Exemption—Mere change in identity or form—Family corporations and partnerships.

**NEW SECTION**

**WAC 458-61-412 Exemption—Inheritances.** (1) **Introduction.** Transfers of real property by inheritance are not subject to the real estate excise tax.

(2) **Nonpro rata distributions.** A nonpro rata distribution by a personal representative of a probate estate or by the trustee of a trust is not taxable so long as the transfer is authorized under the nonintervention powers of a personal representative pursuant to RCW 11.68.090 or under the nonpro rata distribution powers of a trustee pursuant to RCW 11.98.070(15), and no consideration passes between the grantee beneficiary and the personal representative or trustee.

(3) **Consideration.** If consideration is given by the grantee beneficiary, the transfer will be taxable to the extent of the consideration. For purposes of this subsection, consideration shall not include the indebtedness balance of any real property transferred which is encumbered by a lien securing an indebtedness.

(4) **Documentation.** Completion of the real estate excise tax affidavit is required for transfers by inheritance.

A copy of the trust instrument, will, or court order must be attached to the real estate excise tax affidavit provided to the department if an exemption from the real estate excise tax is claimed.

**AMENDATORY SECTION** (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-420 Government((s)) transfers ((to or from)).** (1) The real estate excise tax does not apply to transfers ((to or from)) of real property from the United States, any agency or instrumentality thereof, the state of Washington, any political subdivision thereof, or municipal corporation of this state. Furthermore, the tax does not apply to ((transfer to or from any federally chartered credit union)).

(a) Transfers to the federal housing administration or veteran's administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veteran's administration.

(b) Transfers for a public use in connection with the development of real property by a developer when such transfer is required for plat approval and when made to: The United States, the state of Washington or any political subdivision thereof, or a municipal corporation.

(c) Transfers to the United States, the state of Washington or any political subdivision thereof, or a municipal corporation, either under threat of the exercise of eminent domain or as a result of the actual exercise of eminent domain.

(i) The threat of exercise of eminent domain by a government or political subdivision must be imminent in order to exempt a transfer from the real estate excise tax. To be imminent, the power must not only be available for immediate use, but the appropriate situation to allow for its use must also be in place. If the government or political subdivision does not yet have the authority to exercise eminent domain at the time of the transfer, the transfer cannot be exempt under the threat of eminent domain.

(ii) Example 1. A school district wishes to purchase land for a new school. The election has been held to authorize the use of public funds for the purchase and the general area has been chosen. The district has been granted authority to use eminent domain to obtain the land if required. So long as the land transferred to the district is in the authorized area and will be used for building the school, the transfer will be exempt from the real estate excise tax because it was made "under threat of eminent domain."

(iii) Example 2. A state agency is authorized by statute to use powers of eminent domain as required to obtain oceanfront property to build parks. It may not simply condemn all oceanfront property under its powers. The state must act in accordance with a plan or other documentation outlining the reasons for acquiring specific areas in order to exempt a transfer made to the agency from real estate excise tax as having been made under the threat of exercise of eminent domain. The plan shall be made available to the department upon request.

(2) The tax applies to sales of real property to governmental entities from nongovernmental entities except as provided in subsections (1)(a) through (c) of this section. (RCW 82.45.010)

**AMENDATORY SECTION** (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-425 Growing crops.** The real estate excise tax applies to the value of growing crops when sold with the land upon which they are growing. ~~((Thus,))~~ The

value of the growing crops is not a deduction from the sales price of the real property.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-430 ((Improvements sold on leased))  
Sale of improvements to land. (1) ~~((The real estate excise tax applies to the sale of improvements on leased land held in private ownership if the terms of the sales contract do not require that the improvements be removed from the land.~~

~~(2)) The sale of an improvement constructed on real property is subject to the real estate excise tax if the contract of sale does not require that the improvements be removed at the time of sale.~~

~~(2) The transfer of a lessee's interest in a leasehold for a valuable consideration is taxable to the extent the transfer includes any improvement constructed on leased land.~~

~~(3) If the selling price of an improvement is not separately stated, or cannot otherwise be reasonably determined, the assessed value of the improvement as entered on the assessment rolls of the county assessor will be used. See WAC 458-61-030(2).~~

~~(4) The real estate excise tax does not apply to the sale of improvements ((on leased land held in private ownership)) if the terms of the sales contract require that the improvements be removed from the land. In this case the improvements are considered personal property and their ((sale)) use by the purchaser is subject to the use tax under chapter 82.12 RCW.~~

~~((3) The real estate excise tax applies to the sale of improvements on leased land held in public ownership. However, if the sale price includes a valuable leasehold estate, the value of the leasehold estate must be deducted from the sales price before application of the tax.~~

~~(Note:)) (5) Completion of the affidavit is required for all of the above transfers except a transfer described in subsection (4) of this section in which case the purchaser must file a use tax return with the department. ((Affidavits for sales under subsection (2) of this section should show the improvement's sales price as "gross sales price" and deduct this same amount under "deduct personal property." The result will be net taxable sales price of zero.))~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-470 Irrigation equipment. (1) Any part of a center pivot irrigation system, or any part of an irrigation system that is underground, is considered real property and its sale is subject to the real estate excise tax.

(2) Any irrigation equipment that is above ground, other than a center pivot irrigation system, is considered personal property and its sale is not subject to the real estate excise tax, but is subject to the use tax.

(3) The transfer of irrigation equipment constituting personal property which accompanies a sale of real property should be listed separately as personal property on the real estate excise tax affidavit.

AMENDATORY SECTION (Amending Order PT 82-10, filed 12/28/82)

WAC 458-61-480 IRS "tax deferred" exchange. (1) The real estate excise tax applies to the transfer or exchange of real property whether or not federal income tax or capital gains tax is "deferred" or "exempted" under ((the)) Internal Revenue ((Service codes:)) Code section 1031. The real estate excise tax applies to each property transferred in a section 1031 exchange, see WAC 458-61-370, Exchanges—Trades).

(2) Acquisition of property by an exchange facilitator in connection with a section 1031 tax deferred exchange is subject to the real estate excise tax. The later transfer of the property by the facilitator in completion of the exchange will also be subject to the real estate excise tax unless the following requirements are met:

(a) The proper tax was paid on the initial transaction;  
(b) A supplemental statement signed by the exchange facilitator, as provided by WAC 458-61-150, is attached to the real estate excise tax affidavit indicating that the facilitator originally took title to the property for the sole purpose of effecting a section 1031 federal tax deferred exchange; and

(c) The funds used by the exchange facilitator to acquire the property were provided by the grantee and/or received from the proceeds of the sale of real property owned by the grantee. If the deeds for both transactions to and from the facilitator are being recorded at the same time, the proper tax can be paid on either the first or the second transaction at the discretion of the facilitator;

(3) A real estate excise tax affidavit is required for each transfer in a section 1031 exchange including the transfers to and from an exchange facilitator. The affidavit reflecting the claim for tax exemption must show the affidavit number and date of the tax payment, and have attached the supplemental statement as provided by WAC 458-61-150 and subsection (2)(b) of this section.

AMENDATORY SECTION (Amending Order PT 84-3, filed 8/2/84)

WAC 458-61-510 ((Lease with option to purchase.))  
Leases. (1) The real estate excise tax ((shall apply)) applies to a lease with option to purchase ((when)) at the time the purchase option is exercised((:

(1) If the option to purchase must be exercised within a period no longer than two years after the original commencement of the lease and the amount of lease payments will not exceed half of the purchase price; or

(2) If none of the lease payments apply toward the ultimate sales price.

Transactions lacking the above criteria are taxable at the time that the lease with option to purchase agreement originates. The sales price shall be considered to be the purchase price stated in the lease option agreement. If the selling price is not stated in the instrument, the grantor, grantee or the agent of either shall, by affidavit, state the option price intended and the tax levied hereunder shall be on such stated option price. *Provided,* That upon execution and delivery of the instrument of conveyance or transfer pursuant to such option a second affidavit stating the actual consideration shall be filed with the county treasurer. If the

~~actual consideration passing is greater than the option price stated in the affidavit filed at the time the lease option was executed, there shall be collected the tax on such additional amounts prior to the time the deed is accepted for recording. If the actual consideration is the same as the option price originally stated, no additional tax will be collected. If the actual consideration is less than the option price stated, refund of excess tax shall be made)) and the property is transferred.~~

The measure of the tax is the true and fair value of the property conveyed at the time the option is exercised.

(2) The real estate excise tax does not apply to the assignment of the lessee's interest in the leasehold except to the extent that the assignment includes the grant, assignment, quitclaim, sale or transfer of improvements constructed upon leased land. See WAC 458-61-430.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-520 Mineral rights and mining claims.

~~(1) The real estate excise tax applies to the sale of mineral rights in private property. ((A quitclaim deed, in itself, is not a valid reason for tax exemption.)) "Mining property" is property containing or believed to contain metallic or nonmetallic minerals and sold or leased under terms which require the grantee or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)~~

(2) A conditional sale of mining property in which the ((buyer)) grantee has the right to terminate the contract at any time, and a lease and option to buy mining property in which the lessee-((buyer)) grantee has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the ((seller)) grantor or lessor for execution of such contract. The tax due on any additional consideration paid by the ((buyer)) grantee and received by the ((seller)) grantor shall be paid to the county treasurer at the first time any event below occurs:

(a) ((at)) The time of termination((,-of));

(b) ((at)) The time that all of the consideration due to the ((seller)) grantee has been paid and the transaction is completed except for the delivery of the deed to the ((buyer-)) grantee; or

(c) ((at)) The time when the ((buyer)) grantee unequivocally exercises an option to purchase the property((-which-ever of the three events occurs first)).

(3) A mining lease which grants the lessee the right to conduct mining exploration upon or under the surface of real property and to remove minerals from the property in exchange for a royalty is not subject to the real estate excise tax when the lease does not transfer ownership of the minerals to the lessee prior to severance from the real property.

(4) Patented mining claims are real property and their sale is subject to the real estate excise tax.

(5) Unpatented mining claims are intangible personal property and therefore not subject to the real estate excise tax.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-540 Mobile and floating home sales.

(1) The application of the real estate excise tax versus retail sale or use tax upon the transfer of a mobile home is dependent on the characteristics of the transfer, not the classification of a mobile home as real or personal property on the assessment rolls. "Mobile home" means a mobile home as defined by RCW 46.04.302.

(2) The real estate excise tax applies to transfers of used mobile homes. Used mobile homes are mobile homes that:

(a) Have become affixed to land by being placed upon a foundation (post or blocks) with fixed pipe connections with sewer, water, and other utilities;

(b) The mobile home's removal from the land is not a condition of sale; and

(c) The retail sales or use tax has been paid on a previous sale or use of the home.

~~((2))~~ (3) The retail sales or use tax applies to any of the following mobile home sales:

(a) Initial retail sale;

(b) Sale from a dealer's lot of either a new or used unit;

(c) Sale conditional on removal of the unit from its fixture to land; or

(d) Sale of a unit that is not affixed to land by virtue of its placement upon a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

~~((3))~~ (4) The sale of a new or used mobile home is subject either to the real estate excise tax as set forth in subsection ((4)) (2) of this section, or to the retail sales or use tax as set forth in subsection ((2)) (3) of this section. A single sale of a mobile home is not subject to both taxes.

~~((4) The decision whether to apply the real estate sales tax versus the retail sales or use tax should be made without considering the mobile home's status as real or personal property on the assessment rolls. Both taxes are upon transfers of property and it is the characteristics of the transfer, not the classification, that determines which tax to apply.~~

~~(5) A separate mobile home affidavit is not necessary when the primary affidavit lists the make, model, year and serial number of the mobile home. This information should be listed as a separate item in the legal description portion of the affidavit.)~~ (5) Floating homes. The real estate excise tax applies to sales of used floating homes. A used floating home is a building which is:

(a) Constructed on a float used in whole or in part for human habitation as a single-family dwelling;

(b) Not designed for self propulsion by mechanical means or for propulsion by means of wind; and

(c) Listed on the real property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-545 Mortgage insurers. (1) The real estate excise tax does not apply to the conveyance of real property from the mortgage lender to ((a governmental or quasi-governmental)) the veterans administration or the federal housing authority as a mortgage insurer or guarantor.

(2) The tax does apply to the conveyance of real property from the mortgage lender to ~~((a-private))~~ any other mortgage insurer or guarantor in settlement of the insurance claim.

#### NEW SECTION

**WAC 458-61-548 Native American.** (1) **Introduction.** Certain exemptions from the real estate excise tax exist when the transfers involve Native Americans. See WAC 458-20-192 for the general rule on taxation of Native Americans.

#### (2) **Definitions.**

(a) "Native American reservation" means the area set aside by the United States for a Native American tribe by treaty, law, or executive order and which is an area recognized as a "reservation" by the United States Department of the Interior. The following Native American tribes in Washington have reservations which are currently recognized by the United States Department of the Interior: Chehalis, Colville, Hoh, Jamestown S'Klallam, Kalispel, Elwha S'Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S'Klallam, Puyallup, Quileute, Quinault, Saux-Suiattle, Shoalwater, Skokomish, Spokane, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit and Yakima. Should any additional Native American tribes be recognized by the Department of the Interior subsequent to the adoption of this rule, their reservations would also be subject to its provisions.

(b) "Native American" means any Native American nation, tribe, band, or community recognized as such by the United States Department of the Interior.

(c) "Tribal member" means a Native American individual enrolled on the tribal membership roll of a federally recognized Native American tribe (see (a) of this subsection).

#### (3) **In general.**

(a) The real estate excise tax does not apply to transfers to or from Native American individuals or tribes when the United States government acts as trustee on behalf of that Native American individual or tribe.

(b) The real estate excise tax does not apply to sales of property located within the boundaries of a Native American tribe's reservation by a tribal member or by the tribe itself. The tax exemption is valid even where the buyer of the property is not a tribal member. This exemption includes sales where mobile homes are sold affixed to the land. (See also, WAC 458-61-540.)

(c) The real estate excise tax does not apply to sales of timber made by tribal members holding trust allotments or fee patented lands located within the borders of the Native American reservation of their own tribe. The tax exemption is valid even where the buyer of the timber is not a tribal member.

#### AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-550 Nominee.** (1) This section describes the operation of the real estate excise tax in transfers involving a nominee. A "nominee" is a person who acts as an agent on behalf of another person in the purchase of real property.

(2) When a nominee has received title to or interest in real property on behalf of a third-party principal, the real estate excise tax does not apply to the subsequent transfer of the property from the nominee to the third party, provided that:

~~((1))~~ (a) The proper tax was paid on the initial transaction;

~~((2))~~ (b) A notarized statement, as provided in WAC 458-61-150, is attached to the affidavit for the second transaction (such notarized statement must be dated on or prior to the first transaction);

~~((3))~~ (c) The third-party principal was in legal existence at the time of the initial transaction;

~~((4))~~ (d) The funds used by the nominee to initially acquire the property were provided by the third-party principal; and

~~((5))~~ (e) The subsequent transfer from the nominee to the third-party principal is not for a greater consideration than that of the initial acquisition, or, in the case where the nominee is a licensed contractor and the subsequent transfer to the principal (customer) reflects the completed construction contract, the retail sales tax is collected on the construction contract and remitted to the department. See also WAC 458-61-300.

(3) If property is transferred from the nominee to the third-party principal and one or more of the requirements in subsection (2) of this section are not met, the transaction is not exempt and is taxable to the extent of the entire selling price.

#### NEW SECTION

**WAC 458-61-553 Nonprofit organizations.** Transfers to or from an organization exempt from ad valorem property taxes under chapter 84.36 RCW, or from federal income tax, by virtue of the organization's nonprofit or charitable status are nevertheless subject to the real estate excise tax unless specifically exempt under chapter 82.45 RCW or these rules.

#### AMENDATORY SECTION (Amending Order PT 87-4, filed 5/27/87)

**WAC 458-61-555 Option to purchase.** (1) The real estate excise tax ~~((does not apply))~~ applies to a conveyance of real property upon the exercise of an option to purchase.

(2) The tax does not apply to ~~((a#))~~ the grant of the option ~~((to purchase real property when such option does not accompany a lease. See WAC 458-61-510:))~~ and the real estate excise tax affidavit is not required.

(3) Example 1. J takes out options at a cost of \$1000 to purchase ten parcels of land for \$10,000. As individual parcels, these plots of land are uneconomical to develop. J "packages" the land, making it economically feasible to develop by either obtaining sufficient acreage or required studies. Buildup, a real estate development and construction company, purchases J's options on the property for \$10,000 and subsequently exercises the options, paying \$10,000 for the land. The real estate excise tax does not apply to the transfer of the options. However, the real estate excise tax does apply to the exercise of the options. The measure of the tax is the \$10,000 purchase price.

(4) Example 2. Consider the same initial facts as in the example in subsection (3) of this section, but instead, J

exercises the options, then sells the land to Buildup. The real estate excise tax applies to both the transfer to J and the subsequent transfer from J to Buildup.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-590 Rescission of sale.** (1) The real estate excise tax does not apply to ~~((the reconveyance of property from vendee to vendor where no consideration passes otherwise))~~ a reconveyance of property pursuant to a rescission.

(2) In order to qualify for exemption under this section, all consideration paid toward the selling price must be returned by the grantor to the grantee.

(a) A grantor may retain interest paid by the grantee without disqualifying the rescission.

(b) The payment of a reasonable reimbursement for site improvements will not disqualify the rescission.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-600 Relocation service.** (1) The real estate excise tax applies to a deed naming no grantee which is given to a purchaser for a consideration and which vests equitable title in the purchaser.

(2) Subsequent delivery of the deed by such purchaser to a third person named as grantee in the deed for consideration is also a taxable sale.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-610 Rerecord.** (1) The real estate excise tax does not apply to the rerecording of documents to correct legal description, change of contract terms, or spelling of name of party to the transaction.

(2) An affidavit is required for the rerecording and must refer to the prior affidavit number and the recorded document number for the prior transaction and ~~((it also must furnish))~~ a complete explanation of why such rerecording is necessary must be attached to the affidavit.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-640 Sheriff's sale.** (1) The real estate excise tax does not apply to any sale of real property made by a county sheriff pursuant to a court decree. A real estate excise tax affidavit must be filed with the county treasurer. ~~((RCW 82.45.010))~~

(2) The real estate excise tax applies to a subsequent sale or assignment of the right of redemption and the certificate of purchase that result from the sheriff's sale.

In the case of a subsequent sale or assignment of right of redemption, the taxable consideration includes any payment given or promised to be given. It also includes the amount of underlying encumbrance, the payment of which is necessary for the exercise of the right of redemption.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-650 Tenants in common and joint tenants.** (1) The real estate excise tax does not apply to the transfer of real property which results in the creation of a tenancy in common when no consideration passes otherwise. Gifts are generally exempt from the real estate excise tax. Cite WAC 458-61-410, Gifts, on the real estate affidavit to claim an exemption from the real estate excise tax for such a transfer.

(a) Example 1. A owns a parcel of property outright. A creates a tenancy in common with B. B gives no consideration for the creation. A has given a gift of equity in the property to B and the real estate excise tax does not apply.

(b) Example 2. A owns a home with an underlying mortgage. A creates a tenancy in common with B. B gives no consideration for the creation, but agrees to and makes partial payments on the mortgage. A has given a gift of the equity owned, but has received a relief of debt from B to the extent B makes payments on the mortgage. Real estate excise tax applies to the relief of debt received by A. See also, WAC 458-61-410, Gifts.

(2) The partition of real property by tenants in common or joint tenants by agreement or as the result of a court decree is not a taxable transaction. A partition of property occurs upon the division of the property in proportion to the owners' interests. In order to qualify for this exemption, the partition must be in proportion to the tenants' interests in the property.

Example 1. A, B, and C own five riverfront parcels as tenants in common. One parcel is worth twice as much as any of the others, which are all equivalent in value. The property is partitioned. A receives the especially valuable parcel; B and C receive two parcels each. Because the parcels have been partitioned in accordance with their interests in the property (here, one-third), the real estate excise tax does not apply to the transfer.

(3) The real estate excise tax does not apply to the transfer of real property which results in the creation of a joint tenancy with right of survivorship when no consideration passes otherwise. Gifts are generally exempt from the real estate excise tax. Cite WAC 458-61-410, Gifts, on the real estate affidavit to claim an exemption from the real estate excise tax for such a transfer.

Example 1. Consider friends, G and H. G creates a joint tenancy with right of survivorship with H for estate planning purposes. H gives no consideration to G for the creation of the joint tenancy. The real estate excise tax does not apply to this transfer.

(4) The transfer of property upon the death of a joint tenant to the remaining joint tenants under a right of survivorship is not subject to the real estate excise tax. Transfers of real property by inheritance are not subject to the real estate excise tax. Cite WAC 458-61-412, Inheritances, on the real estate excise tax affidavit to claim an exemption from the real estate excise tax for such a transfer.

Example 1. Reconsider Example 1 in (3)(a) above. On G's death, H is the surviving joint tenant and now owns the property outright. The real estate excise tax does not apply to this transfer. See also WAC 458-61-412, Inheritances.

~~((2))~~ (5) The sale of the interest in real property from one or more joint tenants or tenants in common to remaining tenants or to a third party is a taxable transaction. The taxable amount of the sale is the total of the following:

- (a) Any consideration given;
- (b) Any consideration promised to be given ~~((plus~~ including the amount of any debt remaining unpaid on the property at the time of sale multiplied by that fraction of interest in the real property being sold.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

**WAC 458-61-660 Timber, standing.** (1) The ~~((application of the))~~ real estate excise tax applies to the sale of timber ~~((is based upon whether or not))~~ if the ownership of the timber is transferred while the timber ~~((was))~~ is standing. The tax applies to the sale of standing timber whether the sale is accomplished by deed or by contract. See WAC 458-61-548, Native American, when the timber is standing within the borders of a Native American Reservation. See also chapter 84.33 RCW and chapter 458-40 WAC for specific regulations and rules regarding the taxation of timber and forest land.

~~((1) The sale of standing timber is a taxable transaction.)~~

(2) The ~~((seller's))~~ grantor's irrevocable agreement to sell timber and pass ownership to it as it is cut is a taxable transaction if the total amount of the sale is specified in the original contract.

(3) A contract to transfer the ownership of timber after it has been cut and removed from land by the grantee is not a taxable transaction.

(4) A contract between a timber owner and a harvester ~~((where))~~ when the harvester provides the service of cutting the timber and transporting it to the mill is not subject to the real estate excise tax ~~((In this instance))~~ if the timber owner retains ownership of the timber until it is delivered to and purchased by the mill.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

**WAC 458-61-670 Trade-in credit.** (1) ~~((Where))~~ When a single family residential dwelling is being transferred as the entire or part consideration for the purchase of another single family residential dwelling and a licensed real estate broker or one of the parties to the transaction accepts transfer of said property, a credit for the amount of the tax paid at the time of the transfer to the broker or party shall be allowed toward the amount of the tax due upon a subsequent transfer of the same property by the broker or party.

(2) The subsequent transfer must be made within nine months of the original transfer for the credit to be allowed. If the tax which would be due on the subsequent transfer from the broker or party is greater than the tax paid for the prior transfer to said broker or party, the difference shall be paid, but if the tax initially paid is greater, no refund shall be allowed.

~~((2))~~ (3) The affidavit upon which the trade-in credit is claimed must show all of the following:

- (a) The prior affidavit number where the tax was paid on the original (trade-in) transaction;

(b) The county auditor's recorded document number for the original transaction, if such was recorded;

(c) The transaction date of the original transaction; and

(d) The disclosure that both properties involved in the original trade-in transaction are single family dwellings. ~~((RCW 82.45.105))~~

~~((Note:))~~ (4) The ~~((above))~~ trade-in credit is allowed toward the subsequent sale of the residence "brought in" on trade - not toward the tax liability of the sale of the residence for which it was traded. ~~((3))~~

#### WSR 93-24-117

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

(Board of Registration for Architects)

[Filed December 1, 1993, 11:29 a.m.]

The Department of Licensing hereby withdraws proposed rule WAC 308-13-150 Landscape architect fees and WAC 308-13-160 Renewal of licenses filed with your office on November 1, 1993, as part of WSR 93-22-068.

James D. Hanson  
Program Administrator

#### WSR 93-24-118

#### PROPOSED RULES HORSE RACING COMMISSION

[Filed December 1, 1993, 11:32 a.m.]

Original Notice.

Title of Rule: WAC 260-36-080 Duration of license and 260-70-040 Horses to be tested.

Purpose: WAC 260-36-080 is to clarify the exact duration of a Washington Horse Racing Commission license. WAC 260-70-040 is to preserve the integrity of the horse testing program, to be able to test horses in a more efficient manner thereby reducing costs.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: WAC 260-36-080 will enable the licensee to determine the duration of a license when a race meet encompasses two years, i.e., year end—new year. WAC 260-70-040 will enable state veterinarians to efficiently test horses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (206) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 260-36-080 explains the situation when a license would span a two year period (year-end—new-year) to give the licensee a better understanding of the duration of his/her license or when that license is expired. WAC 260-70-040 gives the state veterinarian the ability to handle the horse medication testing program in a more efficient manner thereby saving costs related to the drug testing of the horses.

Proposal Changes the Following Existing Rules: Amending WAC 260-36-080 explaining the duration of the

license to the licensee. Amending WAC 260-70-040 setting for changes to enable the state veterinarian to maintain the drug testing program in a more efficient manner.

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

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter Laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: Washington Thoroughbred Breeders Association Pavilion, 2600 S.W. Oakesdale, Seattle, WA 98188, on January 18, 1994, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, by January 14, 1994.

Date of Intended Adoption: January 18, 1994.

December 1, 1993  
Bruce Batson  
Executive Secretary

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-36-080 Duration of license. Every permit or license ~~((for a three year period shall expire on December 31st of the third year after it was issued. Every permit or license for a one year period shall expire on December 31st of the year it was issued.))~~ issued by the commission shall expire on December 31st of the year for which is was issued, Provided, However; (a) all permits or licenses shall be considered expired if the licensee is no longer performing the duties for which he or she was licensed, or, if applicable, the licensee is no longer employed by the employer who hired the licensee; (b) the commission may, at its sole discretion, reinstate an expired license in cases where the licensee is reemployed prior to December 31st of the year in which the license was issued, or extend a license in cases where a license has been issued for a single race meeting which spans two calendar years.

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 82-02, filed 3/9/82)

WAC 260-70-040 Horses to be tested. ~~The~~ ((S))stewards or commission veterinarian may, ((at any time)) at their sole discretion to preserve the integrity of the sport, order the taking of a blood, urine, or saliva specimen from any horse on the grounds of an association. Any owner or trainer may at any time request that a specimen be taken from a horse he/she owns or trains by the commission veterinarian to be tested by the commission chemist, providing the costs of such testing are borne by the owner or trainer requesting such test. In the absence of any such order or request, the commission veterinarian or his/her assistant shall take a ((urine)) sample for testing by the commission chemist from all horses which: Finish first in any race; ((finish first or second in any quinella or exacta race;)) finish first, second or third in any ((trifecta or)) stake

race; any horse selected at random, or designated from the racing program by ((any horse whose performance in a race, in the opinion of)) the stewards or commission veterinarian. ((, may have been altered by a prohibited drug.)) No owner, trainer or other person owning, in charge of, or having the care of a horse on the grounds may refuse to submit such a horse for testing when directed by a steward or the commission veterinarian.

**WSR 93-24-119**

**PROPOSED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 1, 1993, 11:38 a.m.]

Original Notice.

Title of Rule: Temporary total disability.

Purpose: To adopt a pilot rule as a new chapter to Title 192 WAC to clarify definitions used in the interpretation of the changes made to chapter 50.03 RCW, temporary total disability.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Sections 3, 4 and 5, chapter 483, Laws of 1993.

Summary: The department is proposing pilot rules as a new chapter to Title 192 WAC to provide guidelines for determining eligibility for unemployment insurance benefits for individuals who are injured in a non-work-related situation.

Reasons Supporting Proposal: The 1993 legislature amended RCW 50.06.010, [50.06.]020, and [50.06.]030 to allow individuals to become eligible for unemployment insurance benefits if they are injured in a nonwork related accident. The department is attempting to provide uniformity in the eligibility determinations in these cases.

Name of Agency Personnel Responsible for Drafting: Bob Wagner, 212 Maple Park, (206) 586-8486; Implementation and Enforcement: Marie Brillante, 212 Maple Park, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 483 § 3, 4, and 5, Laws of 1993 amended RCW 50.06.010, [50.06.]020, and [50.06.]030, temporary total disability, to include for eligibility for unemployment insurance benefits under this section of the law, individuals who are injured in nonwork related situations. The department is proposing these rules as pilot rules to provide guidelines under which an individual may be considered eligible for benefits.

Proposal does not change existing rules.

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

Hearing Location: Employment Security Department, Moses Lake Job Service Center, 1616 Pioneer Way, Moses Lake, WA 98837, on January 4, 1994, at 1:00 p.m.; and at Employment Security Department, Training Annex Room 2, 106 Maple Park Drive, Olympia, WA 98504, on January 5, 1994, at 1:00 p.m.



Submit Written Comments to: Employment Security Department, Attn: John Nemes, Rules Coordinator, OMR, P.O. Box 9046, Olympia, WA 98507-9046, by January 5, 1994.

Date of Intended Adoption: January 23, 1994.

December 1, 1993

Wendy Holden  
for Vernon E. Stoner  
Commissioner

### Chapter 192-34 Temporary Total Disability

#### NEW SECTION

**WAC 192-34-010 Definitions.** The following words and phrases as used in this chapter shall have the meanings set forth in this section unless the context otherwise requires:

(1) "Effective date of temporary total disability", for the purpose of establishing a base year, shall be Sunday of the week in which the individual:

(a) Became eligible for industrial insurance or crime victims compensation payments; or

(b) Became totally physically disabled due to a nonwork-related injury or illness.

(2) "Illness" means a condition marked by pronounced deviation from the normal healthy state, characterized by sickness, disease or disorder. The presence of alcohol abuse, drug abuse, antisocial behavior, or criminal history alone, or the commitment of an individual to a treatment program, is insufficient by itself to justify a finding of "illness" within the meaning of this chapter.

(3) "Industrial insurance" includes any program established by a public or private agency under the industrial insurance laws of this state or any other state to provide compensation to individuals who suffer an industrial disability that is total but of temporary duration.

(4) "Injury" means a trauma to the integrity or function of a tissue or organ and the physical conditions resulting therefrom.

(5) "Physician" means any person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic medicine; podiatry.

(6) "Re-entry date", as it relates to a temporary total disability resulting from a nonwork-related injury or illness, shall be the date on which a physician releases the individual to return to work.

(7) "Temporary total disability" means an injury or illness, lasting thirteen or more consecutive calendar weeks, during which an individual is unable to follow continuously a substantially gainful occupation without seriously risking his or her health, as determined by a physician.

#### NEW SECTION

**WAC 192-34-015 Exclusions.** The special provisions of Chapter 50.06 RCW will not be available to individuals when:

(1) The injury or illness results to an individual from the deliberate intention of the individual to produce such injury or illness;

(2) The injury or illness is incurred while the individual is engaged in the attempt to commit, or the commission of, a criminal act. A "criminal act" shall include any unlawful action punishable as a felony or gross misdemeanor of which the individual has been convicted or has admitted committing to a competent authority: PROVIDED, That driving under the influence of intoxicating liquor or drugs or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall constitute a criminal act for purposes of this chapter.

#### NEW SECTION

**WAC 192-34-020 Failure to apply in a timely manner.** In the event a claimant fails to apply for initial determination within the twenty-six weeks prescribed by RCW 50.06.030 (1) and (2), late filing shall be accepted for good cause shown.

#### NEW SECTION

**WAC 192-34-025 Additional injuries.** Two or more separate injuries or illnesses, resulting in two or more separate periods of temporary total disability, may not be combined or joined to establish a single base year. A unique base year and benefit year shall be established for each injury or illness pursuant to chapter 50.06 RCW.



**WSR 93-24-003**  
**PERMANENT RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed November 18, 1993, 1:46 p.m.]

Date of Adoption: October 26, 1993.

Purpose: Amend and adopt new rules (new rules WAC 390-16-034, 390-17-060, and 390-17-065).

Citation of Existing Rules Affected by this Order: Amending WAC 390-37-020, 390-37-060, and 390-37-063.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 93-19-033 on September 7, 1993; and WSR 93-19-131, on September 21, 1993.

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

November 16, 1993

David R. Clark

Acting Executive Director

**NEW SECTION**

**WAC 390-17-060 Exempt activities—Definitions, reporting.** (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.630 (5)(b)(iv) and (vi). Such contributions are required to be reported under RCW 42.17.090, are subject to the restrictions in RCW 42.17.105(8), but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities described in RCW 42.17.630 (5)(b), expenditures for which are exempt from the contribution limits of RCW 42.17.640. However, only those activities described in RCW 42.17.630 (5)(b)(iv) and (vi) as further defined in subsections (4) and (5) of this section are eligible for payment with exempt contributions.

(4)(a) If activities described in RCW 42.17.630 (5)(b)(iv) promote clearly identified candidate(s), the activities are a contribution to those candidate(s). Expenditures for these activities may not be made with exempt contributions. If more than one clearly identified candidate is promoted, the amount expended shall be allocated proportionally among those candidates. The amount expended for such activities shall be reported as a contribution to that

candidate(s). Candidate(s) shall be notified in writing of the contribution within five business days of the expenditure.

(b) A candidate is deemed to be clearly identified if: The name of the candidate is used; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

(c) An activity that benefits or opposes fewer than three individual candidates shall be presumed to be for the purpose of promoting individual candidates whether or not they are clearly identified. Such an activity does not constitute a contribution to any candidate who is not clearly identified, but the activity shall not be paid with exempt funds.

(5)(a) "Internal organization expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" described in RCW 42.17.630 (5)(b)(vi) are expenditures for fund-raising purposes, including: Facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to (a) and (b) of this subsection are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW 42.17.630 (5)(b)(iv) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

**NEW SECTION**

**WAC 390-17-065 Recordkeeping and reporting of exempt contributions accounts.** (1) Any political committee that receives exempt contributions as defined by RCW 42.17.630 (5)(b)(iv) or (vi) and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 42.17.630 (5)(b)(iv) or (vi) shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW 42.17.040.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter 42.17 RCW and file the disclosure reports required by this chapter for the account pursuant to RCW 42.17.080.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate

written instruments must be used to make contributions to an exempt contributions account.

#### NEW SECTION

**WAC 390-16-034 Additional reporting requirements.** Pursuant to RCW 42.17.090 (1)(j), each report required under RCW 42.17.080 (1) and (2) shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of one hundred dollars or more, the occupation and the name and address of the person's employer.

**AMENDATORY SECTION** (Amending Order 84-03, filed 5/25/84)

**WAC 390-37-020 Enforcement procedures—Initiation of complaint.** (1) A complaint alleging a violation of chapter 42.17 RCW may be brought to the attention of the commission staff by:

- (a) A member of the public;
- (b) The commission staff;
- (c) A commission member, who shall then be disqualified from participating in the decision of an enforcement hearing that may arise from the complaint; ~~((c))~~
- (d) Referral from the office of the attorney general or any other law enforcement agency;
- (e) A state agency, local agency or member of a state or local agency.

(2) The person or entity against whom a complaint is filed shall be known as the respondent.

**AMENDATORY SECTION** (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

**WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing.** (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an enforcement hearing whenever an investigation reveals facts which the executive director has reason to believe are a material violation of chapter 42.17 RCW and do not constitute substantial compliance.

~~((2))~~ (3) The respondent shall be notified of the date of the hearing no later than ten days before that date pursuant to WAC 10-08-040.

~~((3))~~ (4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

**AMENDATORY SECTION** (Amending Order 86-01, filed 2/5/86)

**WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas.** (1) During the course of an audit or an investigation, the executive director may issue a (~~("demand for information")~~) subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The (~~("demand for information")~~) subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will (~~(present a request to the commission, at its next regular or special meeting, to issue a subpoena for the information pursuant to RCW 42.17.370(5))~~) apply to the superior court for an appropriate order or other remedy.

The (~~("demand for information")~~) subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW 42.17.370(5) to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

~~((3) Whenever the commission will consider the issuance of a subpoena, the executive director will place the matter on the published agenda for that meeting and, in addition, give the respondent, if any, and the person to whom the subpoena would be directed, at least five days written notice of the time and place where the meeting will be held.)~~

**WSR 93-24-006**  
PERMANENT RULES  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
[Filed November 19, 1993, 10:05 a.m.]

Date of Adoption: November 18, 1993.

Purpose: To amend rule to clarify that chapter 286-20 WAC, Application procedure, does not apply to the Washington wildlife and recreation program.

Citation of Existing Rules Affected by this Order: Amending WAC 286-20-010 Scope of chapter.

Statutory Authority for Adoption: RCW 43.98A.070(5).

Pursuant to notice filed as WSR 93-20-099 on October 5, 1993.

Changes Other than Editing from Proposed to Adopted Version: The word and was inserted between wildlife and recreation in the last line of the rule.

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

November 18, 1993

Debra Wilhelmi  
Assistant Director

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

**WAC 286-20-010 Scope of chapter.** The purpose of this chapter is to set forth the requirements which must be met by any applicant in submitting an application for funds administered or granted by the interagency committee except applicants for off-road vehicle funds and Washington wildlife and recreation program funds.

**WSR 93-24-007**  
**PERMANENT RULES**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Filed November 19, 1993, 10:09 a.m.]

Date of Adoption: November 18, 1993.

Purpose: To amend the administrative regulation which addresses project conversions under the Washington wildlife and recreation program (WWRP) to eliminate the need for IAC preapproval for project conversions authorized by the National Trails System Act.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 286-27-060 Project conversions.

Statutory Authority for Adoption: RCW 43.98A.070(5).

Pursuant to notice filed as WSR 93-20-098 on October 5, 1993.

Effective Date of Rule: Thirty-one days after filing.  
 November 18, 1993  
 Debra Wilhelmi  
 Assistant Director

AMENDATORY SECTION (Amending WSR 91-17-010, filed 8/12/91, effective 9/12/91)

**WAC 286-27-060 Project conversions.** (1) Except under conditions brought about by acts of God ((~~or~~), fire, and projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), natural resources and facilities purchased with chapter 43.98A RCW funds shall not, without the approval of the committee, be converted to uses other than those for which the funds were originally approved. The committee will only approve such conversions on conditions which assure the substitution or replacement with natural resources or facilities which are of at least equal fair market value at the time of conversion. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

(2) Projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) shall convert to railroad purposes automatically upon reactivation of a line for rail purposes under an ICC order. Substitution or replacement with natural resources, facilities or moneys which are of at least equal fair market value at the time of conversion may be required. Substitution or replacement of natural resources and facilities, when required, must be of as nearly equivalent or greater usefulness and location, or

provide a public benefit, if physically, economically, and/or biologically feasible.

(3) The committee is entitled to pursue and obtain remedies which assure the substitution or replacement of natural resources or facilities in accordance with (~~WAC 286-27-060(1) for any such conversion which may occur without its proper approval~~) this section.

**WSR 93-24-014**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3671—Filed November 19, 1993, 10:28 a.m.]

Date of Adoption: November 19, 1993.

Purpose: This proposed rule will govern when the Office of Support Enforcement will review and initiate an action to modify a child support order as a result of a review, new WAC 388-11-143 Department review of support orders.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 302.70, 303.7, and 303.8

Pursuant to notice filed as WSR 93-22-010 on October 22, 1993.

Changes Other than Editing from Proposed to Adopted Version: Any changes do not affect eligibility, substance, or intent of the rules.

Effective Date of Rule: Thirty-one days after filing.  
 November 19, 1993  
 Dewey Brock, Chief  
 Office of Vendor Services

NEW SECTION

**WAC 388-11-143 Department review of support orders.** (1) When the office of support enforcement (ONE) is providing support enforcement services under Title IV-D of the Social Security Act, ONE shall:

(a) Review a superior court or administrative order for child support to determine whether ONE will petition to modify the child support provisions of the order; or

(b) Evaluate an interstate case to determine whether to refer the case to another state for review of the support order for modification.

(2) Recipients of payment services only under WAC 388-14-300(1), are not eligible for a review of their support order under this section until they have submitted an application for support enforcement services.

(3) ONE shall review orders for child support under subsection (1) of this section when:

(a) ONE has enough locate information to obtain personal service on both parties to the order; and

(b) The department is paying public assistance or has determined that the children are eligible for medical assistance, and thirty-five months have passed since:

(i) ONE last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered; or

(c) A party to the order, or another state's IV-D agency submits a request for review to ONE and thirty-five months have passed since:

(i) ONE or another state's IV-D agency last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered.

(4) ONE may refer a request for review to another state's IV-D agency for action.

(5) ONE shall:

(a) Notify recipients of support enforcement services, that the review and modification process is available; and

(b) Send notice of a pending review by regular mail to the last known address of the parties to the order thirty days before the review. The notice shall explain the parties':

(i) Rights in the review and modification process; and

(ii) Responsibility to submit:

(A) Completed Washington state child support schedule worksheets; and

(B) Income verification as required by the Washington state child support schedule, chapter 26.19 RCW.

(6) During the thirty days before conducting the review, OSE shall use all appropriate procedures to obtain up to date income and asset information.

(7) Under this section, OSE shall petition to modify the order when OSE finds during the review that each of the following conditions are present:

(a) The proposed change in child support based on the Washington state child support schedule:

(i) Is at least twenty-five percent above or below the current support obligation;

(ii) Is at least one hundred dollars per month above or below the current support obligation; and

(iii) Is at least a two thousand four hundred dollar change over the remaining life of the support order; or

(iv) Will provide enough income to:

(A) Make the family ineligible for public assistance if the responsible parent pays the full amount due under the proposed order; or

(B) Allow a family, otherwise eligible for public assistance, to remain off of assistance.

(b) The case meets the legal requirements for modification under RCW 26.09.170, RCW 74.20A.059, or WAC 388-11-140.

(8) OSE may petition to modify the order without regard to subsection (7)(a) of this section when:

(a) The order does not require the responsible parent to provide health insurance coverage for the children; and

(b) Health insurance coverage is available through the responsible parent's employer or union at a reasonable cost; or

(c) Both parties agree to an order modifying the support amount.

(9) OSE shall notify the parties of:

(a) The findings of the review by regular mail at the parties' last known address;

(b) The parties' right to challenge the review findings; and

(c) The appropriate forum and procedure for challenging the review findings.

(10) Except as provided under subsection (12) of this section, a party to the review process may contest OSE's

review findings by requesting a modification conference within 30 days of the date of the notice of review findings.

(11) The modification conference shall be conducted by:

(a) OSE when the review findings indicate that the case is not appropriate for OSE to petition for modification under subsection (7) or (8) of this section;

(b) The county prosecutor, or the attorney general's office when OSE has referred the case to the prosecutor or attorney general's office as a result of a review conducted under this section.

(12) When OSE has petitioned for modification of:

(a) A superior court order, the prosecutor or attorney general's office may, in their discretion, allow the parties to contest the review findings in the modification proceeding, rather than a modification conference. The modification proceeding shall be the sole means to contest the review findings.

(b) An administrative order, the parties may contest the review findings in the modification proceeding. In this case, the modification proceeding shall be the sole means to contest the review findings.

(13) In a modification conference, OSE, the prosecutor, or the attorney general's office:

(a) Shall review all available income and asset information to determine if the review findings are correct; and

(b) Shall advise the parties of the results of the modification conference.

(14) A modification conference is not an adjudicative proceeding under the administrative procedure act, chapter 34.05 RCW.

(15) This section does not limit the right of any party to petition for a modification of the support order independent from the review and modification process.

(16) OSE shall not review an order under this section when the CSO has notified OSE that the physical custodian has claimed good cause under WAC 388-24-111, unless one of the parties requests the review.

(17) The physical custodian's refusal to accept a proposed agreed order modifying support shall not constitute noncooperation for the purpose of WAC 388-14-200, or WAC 388-14-420.

(18) OSE shall apply the Washington state child support schedule when reviewing support orders under this section. All deviations available under RCW 26.19, are available in the review and modification process under this section.

(19) For the purpose of this section, the term "party" means party to a superior court order, a responsible parent or a physical custodian entitled to petition for modification under RCW 74.20A.059.

#### WSR 93-24-015

#### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed November 19, 1993, 1:44 p.m.]

Date of Adoption: November 18, 1993.

Purpose: To remove old language to be able to comply with the new APA mandates to conform with nongender specific and up-to-date language.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 260-08-010 through and including WAC 260-08-590.

Statutory Authority for Adoption: RCW 67.16.040.  
Pursuant to notice filed as WSR 93-20-115 on October 6, 1993.

Effective Date of Rule: Thirty-one days after filing.  
November 19, 1993  
Bruce Batson  
Executive Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 260-08-010 Appearance and practice before commission—Who may appear.
- WAC 260-08-030 Appearance and practice before commission—Solicitation of business unethical.
- WAC 260-08-040 Appearance and practice before commission—Standards of ethical conduct.
- WAC 260-08-050 Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff.
- WAC 260-08-060 Appearance and practice before commission—Former employee as expert witness.
- WAC 260-08-070 Computation of time.
- WAC 260-08-080 Notice and opportunity for hearing in contested cases.
- WAC 260-08-090 Service of process—By whom served.
- WAC 260-08-100 Service of process—Upon whom served.
- WAC 260-08-110 Service of process—Service upon parties.
- WAC 260-08-120 Service of process—Method of service.
- WAC 260-08-130 Service of process—When service complete.
- WAC 260-08-140 Service of process—Filing with commission.
- WAC 260-08-230 Depositions and interrogatories in contested cases—Right to take.
- WAC 260-08-240 Depositions and interrogatories in contested cases—Scope.
- WAC 260-08-250 Depositions and interrogatories in contested cases—Officer before whom taken.
- WAC 260-08-260 Depositions and interrogatories in contested cases—Authorization.
- WAC 260-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.

- WAC 260-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.
- WAC 260-08-290 Depositions and interrogatories in contested cases—Recordation.
- WAC 260-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.
- WAC 260-08-310 Depositions and interrogatories in contested cases—Use and effect.
- WAC 260-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.
- WAC 260-08-330 Depositions upon interrogatories—Submission of interrogatories.
- WAC 260-08-340 Depositions upon interrogatories—Interrogation.
- WAC 260-08-350 Depositions upon interrogatories—Attestation and return.
- WAC 260-08-360 Depositions upon interrogatories—Provisions of deposition rule.
- WAC 260-08-370 Official notice—Matters of law.
- WAC 260-08-380 Official notice—Material facts.
- WAC 260-08-390 Presumptions.
- WAC 260-08-400 Stipulations and admissions of record.
- WAC 260-08-410 Form and content of decisions in contested cases.
- WAC 260-08-420 Definition of issues before hearing.
- WAC 260-08-430 Prehearing conference rule—Authorized.
- WAC 260-08-440 Prehearing conference rule—Record of conference action.
- WAC 260-08-450 Submission of documentary evidence in advance.
- WAC 260-08-460 Excerpts from documentary evidence.
- WAC 260-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
- WAC 260-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
- WAC 260-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
- WAC 260-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 260-08-470 or 260-08-480.

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WAC 260-08-510	Continuances.
WAC 260-08-520	Rules of evidence— Admissibility criteria.
WAC 260-08-530	Rules of evidence—Tentative admission—Exclusion— Discontinuance—Objections.
WAC 260-08-540	Petitions for rule making, amendment or repeal—Who may petition.
WAC 260-08-550	Petitions for rule making, amendment or repeal— Requisites.
WAC 260-08-560	Petitions for rule making, amendment or repeal— Commission must consider.
WAC 260-08-570	Petitions for rule making, amendment or repeal—Notice of disposition.
WAC 260-08-580	Declaratory rulings.
WAC 260-08-590	Forms

- (1) Informal oral requests may be made to the commission's main office.
- (2) The commission may require a person who has made an informal request to submit a formal written request.
- (3) All formal requests shall be submitted by mail or personally.
- (4) Each formal request shall include the following information:
  - (a) The name of the person or persons making the request.
  - (b) The time of day and calendar date on which the request is made.
  - (c) The nature of the request, including description of the requested records by title, subject matter, date and other means of enabling the staff of the commission to identify the requested records and make them available.
  - (d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material requested.
- (5) The staff of the commission shall assist any person making a request, whether formal or informal, in identifying the requested record or records but in the case of formal request, return the formal request for resubmission with additional description of the requested records.

**WSR 93-24-016**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**  
 [Filed November 19, 1993, 1:47 p.m.]

Date of Adoption: November 18, 1993.

Purpose: To update rules to comply with APA and remove gender specific reference to commission rules.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-20-114 on October 6, 1993.

Effective Date of Rule: Thirty-one days after filing.  
 November 19, 1993  
 Bruce Batson  
 Executive Secretary

NEW SECTION

**WAC 260-08-600 Disclaimer of public liability.** No racing commissioner, employee or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon release of a public record if the commissioner, employee or custodian so releasing acted in good faith in attempting to comply with the provisions of this chapter and chapter 42.17 RCW.

NEW SECTION

**WAC 260-08-610 Public records—Officer.** A public records officer shall be appointed by the executive secretary of the commission. Such person shall maintain all records kept at the main office. For those records maintained at field offices, the public records officer shall be the presiding steward at that location.

NEW SECTION

**WAC 260-08-620 Requests for public records.** Persons requesting opportunity to copy or inspect the commission's public records shall follow these procedures:

NEW SECTION

**WAC 260-08-630 Copying fees.** No fee shall be charged for the inspection of public records. The commission may charge a fee per page for providing copies of public records and for use of the office's copy equipment, subject to a minimum charge per order of \$1.00, plus postage at actual cost. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing or transmission.

NEW SECTION

**WAC 260-08-640 Exemptions.** (1) The commission reserves the right to determine that a public record requested in accordance with WAC 260-08-620 is exempt under the provisions of RCW 47.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the commission reserves the right to delete identifying details when it makes available or publishes any record in any cases where there is a reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The commission will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

**WAC 260-08-650 Review of denials of public records.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written

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statement by the public information officer or other staff member which constituted or accompanied the denial and must be made in writing prior to the end of the second business day following the denial.

(2) After receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairperson of the commission or his or her designee. The chairperson of the commission or designee shall immediately consider the matter and either affirm or reverse such denial within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the chairperson of the commission or his or her designee has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

#### NEW SECTION

**WAC 260-08-660 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the commission.

(2) Original copies of public records shall not be removed from premises where maintained by the office.

(3) Care and safekeeping of public records of the commission, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the commission shall not be permitted.

#### NEW SECTION

**WAC 260-08-670 Proceedings before the commission—Application.** An application for a hearing or proceeding before the commission may be on a form provided by the commission for that purpose or in other writing signed by the applicant. The application for hearing should specify the issue to be brought before the commission.

#### NEW SECTION

**WAC 260-08-680 Proceedings—Notice.** (1) In any proceeding held by the commission, all parties shall be served with a notice of hearing not less than seven days before the date of the hearing. Notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

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

(3) Defects in notice may not be waived unless:

(a) The chairperson of the commission determines that the waiver has been made knowingly, voluntarily and intelligently.

(b) The party's representative, if any, consents.

(c) If a party is an impaired person, the waiver is requested through the use of a qualified interpreter.

#### **WSR 93-24-017**

#### **PERMANENT RULES**

#### **HORSE RACING COMMISSION**

[Filed November 19, 1993, 1:50 p.m.]

Date of Adoption: November 18, 1993.

Purpose: To comply with the APA to bring specific rules into conformance with nongender specific rules and to update the rules to be less ambiguous or confusing.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-20-123 on October 6, 1993.

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

November 19, 1993

Bruce Batson

Executive Secretary

#### NEW SECTION

**WAC 260-08-690 Proceedings—Notice to limited English speaking parties.** When the commission is notified or otherwise made aware that a limited-english-speaking person is a party in a proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language or the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to, if necessary, the notice.

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

#### NEW SECTION

**WAC 260-08-700 Computation of time.** In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of the time begins to run is not to be included. The last day of the period so computed is to be included.

#### NEW SECTION

**WAC 260-08-710 Continuances.** (1) Postponements, continuance, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

(2) A request for a continuance made prior to the hearing date may be oral or written and shall state that the party seeking the continuance has notified all other parties of the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

NEW SECTION

**WAC 260-08-720 Filing and service of papers.** (1) All notices, pleadings, and other papers filed with the presiding officer shall be served upon all counsel and representatives or record and upon unrepresented parties or upon their agents designated by them of law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, or by commercial parcel delivery company.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed. Service by commercial parcel delivery shall be regarded as completed upon delivery to the company with charges prepaid.

(4) Papers required to be filed with the commission shall be deemed filed upon actual receipt during office hours at the main office of the commission.

(5) Where proof of service is required by statute or rule, filing the papers with the commission, together with one of the following, shall constitute proof of service:

(a) An acknowledgement of service.

(b) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person.

(c) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

(ii) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

NEW SECTION

**WAC 260-08-730 Subpoenas.** (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446.

(2) Every subpoena shall identify the party causing the issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode with a person of suitable age and discretion of residing within. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of motion upon advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

NEW SECTION

**WAC 260-08-740 Prehearing conference.** (1) The presiding officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage on a prehearing conference or conferences to consider:

(a) Simplification of the issues.

(b) The necessity or desirability of amendments to the pleadings.

(c) The possibility of obtaining stipulations, admissions of fact and admissions of genuineness of documents which will avoid unnecessary proof.

(d) Limitations on the number and, consolidation of the examination of witnesses.

(e) Procedural matters.

(f) Distribution of written testimony and exhibits to the parties prior to the hearing.

(g) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered. If no objection to such notice is filed within ten days after the date of such notice is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

(5) Nothing in this rule shall be construed to limit the right of the commission to attempt informal settlement of a proceeding or hearing at any time.

NEW SECTION

**WAC 260-08-750 Evidence.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452.

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

(a) That all documentary evidence which is to be offered during the hearing, or portions of the hearing, be submitted to the presiding officer and to the other parties sufficiently in advance to permit study in preparation of cross-examination and rebuttal evidence.

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

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon

a clear showing of good cause for failure to have filed such written statement.

(3) No former employee of the commission shall appear except with permission of the commission, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigations as a representative of the commission.

(4) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for striking all testimony previously given by such witness on related matter.

(5) Any party bound by a stipulation or admission of record may, at any time prior to closure of the hearing, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

**WSR 93-24-018**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed November 19, 1993, 1:52 p.m.]

Date of Adoption: November 18, 1993.

Purpose: To comply with the APA to bring specific rules into conformance with nongender specific rules and to update the rules to be less ambiguous or confusing.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-20-124 on October 6, 1993.

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

November 19, 1993

Bruce Batson

Executive Secretary

**NEW SECTION**

**WAC 260-08-760 Testimony under oath or affirmation.** (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all proceedings in a language or manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the commission, in the english language, to the best of the interpreter's skill and judgement.

**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 260-08-770 Reporting-recording.** All hearings shall be recorded by manual, electronic, or other type of recording device.

**NEW SECTION**

**WAC 260-08-780 Teleconference hearings.** (1) The presiding officer, with the concurrence of the commission, may conduct all or part of a hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and if technically feasible, to see the entire proceeding while it is taking place, provided the presiding officer shall grant the motion on any person showing good cause for having the hearing conducted in person at a rescheduled time.

(2) Documentary evidence shall be submitted in advance as provided in WAC 260-08-750.

**NEW SECTION**

**WAC 260-08-790 Cameras—Recording devices.** Photographic and recording equipment shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing.

**NEW SECTION**

**WAC 260-08-800 Presiding officer.** The presiding officer shall have the authority to:

(1) Determine the order of presentation of evidence.

(2) Administer oaths and affirmation.

(3) Issue subpoenas.

(4) Rule on procedural matters, objections and motions.

(5) Rule on offers of proof and receive relevant evidence.

(6) Interrogate witnesses in an impartial manner so as to develop any facts deemed necessary to fairly and adequately decide the matter.

(7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties.

(8) Take any appropriate action necessary to maintain order during the hearing.

(9) Permit or require oral argument or briefs and determine the time limits for submission thereof.

(10) Take any other action necessary and authorized by any applicable statute or rule.

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

**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 260-08-810 Initial or final order.** Every decision and order, whether initial or final, shall:

(1) Be correctly captioned as to the name of the commission and the name of the proceeding or hearing.

(2) Designate all parties and representatives participating in the proceeding.

(3) Include a concise statement, of the nature and background of the proceeding.

(4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461.

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon.

(6) Contain an initial or final order disposing of all contested issues.

(7) Contain a statement describing post hearing remedies.

#### NEW SECTION

**WAC 260-08-820 Petition for rulemaking—Form, content and filing.** A petition for adoption, amendment or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the Washington Horse Racing Commission". On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of the petitioning party) for rulemaking." Opposite the foregoing caption shall appear the word "petition".

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of the petitioner's reason for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by the petitioner's attorney. The original and two legible copies shall be filed with the commission.

#### NEW SECTION

**WAC 260-08-830 Consideration and disposition.** (1) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the commission and the commission, in its discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

(2) If the agency denies the petition, the denial shall be served upon the petitioner.

#### **WSR 93-24-019**

##### **PERMANENT RULES**

#### **HORSE RACING COMMISSION**

[Filed November 19, 1993, 1:55 p.m.]

Date of Adoption: November 18, 1993.

Purpose: Amends the WAC to conform to up-to-date regulations and removes previous address.

Citation of Existing Rules Affected by this Order: Amending WAC 260-08-005 Horse racing commission—Composition—Duties.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 93-20-121 on October 6, 1993.

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

November 19, 1993

Bruce Batson

Executive Secretary

#### AMENDATORY SECTION (Amending § 260-08-005, filed 10/6/67)

**WAC 260-08-005 Horse racing commission—Composition—Duties.** The horse racing commission, composed of three members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission functions through periodic public meetings held throughout the state and where required, conducts hearings in accordance with ~~((WAC 260-08-010 through 260-08-580 procedural rules.))~~ this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC. The public may obtain information and make submissions at the main Commission Office ~~((, 210 East Union, Olympia, Washington 98504 (telephone 753-3741)))~~ as well as the temporary field offices at each of the several licensed tracks when operating.

#### **WSR 93-24-028**

##### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed November 22, 1993, 10:50 a.m.]

Date of Adoption: September 24, 1993.

Purpose: To provide for administration of new national examination; provides for obtaining information from other agencies; requires mailing address for documents; implements SHB 1253; implements continuing education for osteopathic physician assistants.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-854-100 Osteopathic physicians' assistants reregistration; amending WAC 246-853-020 Osteopathic medicine and surgery examination, 246-853-190 State and federal agencies, 246-854-020 Osteopathic physicians' assistants program, 246-854-030 Osteopathic physician's assistant prescriptions, 246-854-040 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability, 246-854-050 AIDS education and training, 246-854-060 Application for registration, 246-854-080 Osteopathic physicians' assistants registration, and 246-854-090 Osteopathic physicians' assistants utilization; and new sections WAC 246-853-275 Change of mailing address and notice of official documents, 246-854-110 Osteopathic physician assistant continuing education required, and 246-854-115 Categories of creditable continuing professional education activities.

Statutory Authority for Adoption: RCW 18.57.005.

Pursuant to notice filed as WSR 83-17-095 on August 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-853-190, disabled changed to impaired

to be consistent with ADA. Removed been judged to have as redundant language; WAC 246-854-020, reference current division name as: Health Professions Quality Assurance Division; WAC 246-854-080 (2)(b), change is of good moral character to has not committed unprofessional conduct as defined in RCW 18.130.180. No definition of good moral character; would not be provable in an action; WAC 246-854-080 (2)(c), delete medicine, inappropriate use in that circumstance; and WAC 246-854-090, change that is determined necessary to sufficient; clarification.

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

September 24, 1993

Bruce W. Kuhlmann, D.O.

Chairman

AMENDATORY SECTION (Amending Order 159B, filed 4/25/91, effective 5/26/91)

**WAC 246-853-020 Osteopathic medicine and surgery examination.** Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination~~(s)~~ or after December 1993 satisfactorily pass the United States Medical Licensing Examination (USMLE) with a minimum score as established by the coordinating agencies, Federation of State Medical Boards of the United States and the National Board of Medical Examiners; and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

The board shall waive the examination required under RCW 18.57.080 if the applicant has passed the FLEX examination prior to June 1985 with a FLEX weighted average of seventy-five percent, or the FLEX I and FLEX II examinations with a minimum score of seventy-five on each component and satisfactorily passes the board administered examination on the principles and practices of osteopathic medicine and surgery.

An applicant who has passed all parts of the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-853-190 State and federal agencies.** The board ~~((requests))~~ requires the assistance of executive officers of any state ~~((or))~~ and requests the assistance of executive officers of any federal program operating in the state of Washington, under which an osteopathic physician or physician's assistant is employed to provide patient care services, to report to the board whenever such an osteopathic physician or physician's assistant has ~~((been judged to have))~~ demonstrated his/her incompetency or negligence in the practice of osteopathic medicine, or has otherwise committed unprofessional conduct~~(s)~~, or is a mentally or physically ~~((disabled))~~ impaired practitioner.

## NEW SECTION

**WAC 246-853-275 Change of mailing address and notice of official documents.** (1) It shall be the responsibility of the licensee to notify the department of health of any change of mailing address. Any change of mailing address shall be furnished to the department within thirty days of the change.

(2) The board and department may rely upon the last mailing address of record for the purposes of service or delivery of all official notices or documents, including the service of adjudicative proceeding documents. Notice shall be considered to be validly given when mailed to the last address given by the licensee.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-854-020 Osteopathic physician~~(s)~~ assistant~~(s)~~ program ~~((approval))~~.** (1) Program approval required. No osteopathic physician assistant shall be entitled to ~~((register an osteopathic physicians' assistant))~~ licensure who has not successfully completed a program of training approved by the board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physician~~(s)~~ assistants to be considered for approval by the board it must meet the minimal criteria for such programs established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. All program applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at ~~((professional licensing services))~~ health professions quality assurance division in Olympia, Washington, which shall be available upon request to interested persons.

(4) Reapproval. Programs maintaining standards as defined in the "essentials" of the council of medical education of the American Medical Association will continue to be approved by the board without further review. Each approved program not maintaining the standards as defined in the "essentials" of the council of medical education of the American Medical Association will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(5) Additional skills. No osteopathic physician's assistant shall be ~~((registered))~~ licensed to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his or her application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and

the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-854-030 Osteopathic physician~~((2s))~~ assistant prescriptions.** An osteopathic physician~~((2s))~~ assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician~~((2s))~~ assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician~~((2s))~~ assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician and physician assistant. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician~~((2s))~~ assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant~~((2s registration))~~ license number or physician assistant drug enforcement administration registration number or, if none, the supervising physician's drug enforcement administration registration number, followed by the initials "P.A." and the physician assistant~~((2s registration))~~ license number issued by the board.

(c) Prescriptions for legend drugs and schedule three through five controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in subsection (5) of this section.

(2) A physician~~((2s))~~ assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his or her supervision.

(3) The ~~((registration))~~ license of a physician~~((2s))~~ assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Physician~~((2s))~~ assistants may not dispense prescription drugs to exceed treatment for forty-eight hours, except as provided in subsection (6) of this section. The medication so dispensed must comply with the state law prescription labeling requirements.

(5) Authority to issue prescriptions for legend drugs and schedule three through five controlled substances without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician~~((2s))~~ assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) A ~~((current certification))~~ certificate from the National Commission on Certification of Physician Assistants';

(c) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.

(6) A physician assistant authorized to issue prescriptions under subsection (5) of this section may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

**WAC 246-854-040 Osteopathic physician~~((2s))~~ assistant use of drugs or autotransfusion to enhance athletic ability.** (1) An osteopathic physician~~((2s))~~ assistant shall not prescribe, administer, or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician~~((2s))~~ assistant shall complete and maintain patient medical records which accurately reflect the prescription, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this section shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-854-050 AIDS education and training.** (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for ~~((registration))~~ license application, renewal, or reinstatement of any ~~((registration))~~ license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education

and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The ~~((registration))~~ license holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

AMENDATORY SECTION (Amending Order 199B, filed 9/30/91, effective 10/31/91)

**WAC 246-854-060 Application for ~~((registration))~~ licensure.** Effective January 1, 1989, persons applying for ~~((registration))~~ licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-854-050.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

**WAC 246-854-080 Osteopathic physician~~((s<sup>2</sup>))~~ assistant~~((s registration))~~ licensure.** (1) Applications. All applications shall be made to the board on forms supplied by the board. ~~((All applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.~~

~~((2) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.))~~ (2) The application shall detail the education, training, and experience of the physician assistant and provide such other information as may be required. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250. Each applicant shall furnish proof satisfactory to the board of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the National Commission on Certification of Physician Assistants examination;

(b) That the applicant has not committed unprofessional conduct as defined in RCW 18.130.180; and

(c) That the applicant is physically and mentally capable of practicing as an osteopathic physician assistant with reasonable skill and safety.

(3) The license shall be renewed on a periodic basis as determined by the secretary of the department of health under RCW 43.70.280. The renewal shall include a completed renewal application and payment of a fee, in addition to any late penalty fee, determined by the secretary as provided in RCW 43.70.250.

AMENDATORY SECTION (Amending Order 100B, filed 12/3/90, effective 1/31/91)

**WAC 246-854-090 Osteopathic physician~~((s<sup>2</sup>))~~ assistant~~((s utilization))~~ practice plan.** (1) A licensed physician assistant shall not practice except pursuant to a board approved practice arrangement plan jointly submitted by the osteopathic physician assistant and osteopathic physician or physician group under whose supervision the osteopathic physician assistant will practice. A fee as determined by the secretary of the department of health sufficient to recover the cost of administering the plan review shall accompany the practice plan.

(2) When a physician group is proposed to supervise the osteopathic physician assistant, one of the osteopathic physicians from that group shall be designated as primary responsible for the supervision of the osteopathic physician assistant and the plan shall specify how supervising responsibility is to be assigned among the remaining members of the group.

(3) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician~~((s))~~ assistant without specific authorization by the board. The board shall consider the individual qualifications and experience of the physician and physician assistant, community need, and review mechanisms available in making their determination.

~~((2))~~ (4) Authorization by board, powers. In granting authorizations for the practice plan, the board may limit the authority for utilizing an osteopathic physician assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved pursuant to WAC 246-854-020 and on file with the board.

(5) Limitations—Geographic limitations. No osteopathic physician~~((s))~~ assistant shall ~~((ordinarily))~~ be utilized in a place other than ~~((the supervising osteopathic physician's regular place for meeting patients, unless personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established))~~ that designated in the practice plan.

~~((3))~~ (6) Limitations—Remote practice. ~~((Special permission may be granted to utilize))~~ A practice plan proposing utilization of an osteopathic physician assistant ~~((in))~~ at a place remote from the physician's regular place for meeting patients may be approved only if:

(a) There is a demonstrated need for such utilization; and

(b) Adequate provision for immediate communication between the physician and his physician assistant exists; and

(c) A mechanism has been developed and specified in the practice plan to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients with ongoing medical needs who may be seen initially by the osteopathic physician assistant; and

(d) The responsible physician spends at least one-half day per week seeing patients in the remote office site; and

(e) The remote office site reflects the osteopathic physician assistant and osteopathic physician relationship by

specifying such relationship on office signs, office stationery, advertisements, billing forms, and other communication with patients or the public.

~~((4))~~ (7) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be ~~((registered))~~ licensed in the same manner as any other osteopathic physician assistant ~~((and his/her functions shall be limited to those specifically approved by the board))~~. His/her responsibilities, if any, to other physicians must be defined in the ~~((application for registration))~~ board approved practice plan.

~~((5))~~ (8) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

~~((6))~~ (9) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician~~((s))~~ assistant ~~((employed by him or her))~~ at all times when meeting or treating patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician~~((s))~~ assistant;

(b) No osteopathic physician~~((s))~~ assistant ~~((in his employ))~~ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician~~((s))~~ assistant ~~((in his or her employ))~~ performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within twenty-four hours;

(e) The charts of all patients seen by the osteopathic physician~~((s))~~ assistant shall be reviewed ~~((and))~~ countersigned and dated within one week by the supervising osteopathic physician ~~((within one week))~~ or in the case of a physician group, the designated supervising physician as outlined in the practice plan;

(f) All telephone advice given by the supervising osteopathic physician, alternate supervising physician, or member of a supervising physician group through the physician~~((s))~~ assistant shall be documented, reviewed, ~~((and))~~ countersigned, and dated by the advising physician within one week~~((:))~~;

~~((7))~~ (g) The supervising osteopathic physician shall advise the board of the termination date of the working relationship. The notification shall include a written report providing the reasons for termination and an evaluation of the osteopathic physician assistant's performance.

(10) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is ~~((registered))~~ licensed, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community or practice, the board may authorize a physician

licensed under chapter 18.71 RCW or physician group to act as the alternate physician supervisor specified on the board approved practice plan.

## NEW SECTION

**WAC 246-854-110 Osteopathic physician assistant continuing education required.** (1) The board requires fifty credit hours of continuing education every year.

(a) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty hour continuing education requirement on a form supplied by the board. The continuing education requirement shall be completed prior to issuance of the renewal license.

(b) The board reserves the right to require a licensee to submit evidence, in addition to the affidavit, to demonstrate compliance with the fifty hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(c) Certification of compliance with the requirement for continuing education of the American Osteopathic Association, Washington State Osteopathic Association, National Commission on Certification of Physician Assistants, Washington Academy of Physician Assistants, American Academy of Physician's Assistants, and the American Medical Association, or a recognition award or a current certification of continuing education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for licensure, provided an affidavit is received indicating that the osteopathic physician assistant is not providing osteopathic medical services to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

(3) Prior approval not required.

(a) The Washington state board of osteopathic medicine and surgery does not approve credits for continuing education. The board will accept any continuing education that reasonably falls within these regulations and relies upon each individual osteopathic physician assistant's integrity in complying with this requirement.

(b) Continuing education program sponsors need not apply for nor expect to receive prior board approval for continuing education programs. The continuing education category will depend solely upon the determination of the accrediting organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour.



**NEW SECTION**

**WAC 246-854-115 Categories of creditable continuing professional education activities.** The following are categories of creditable continuing education activities approved by the board. The credits must be earned in the twelve-month period preceding application for renewal of licensure. One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing education requirement.

Category 1 - A minimum of thirty credit hours are mandatory under this category.

1-A Formal educational program sponsored by nationally recognized organizations or institutions which have been approved by the American Osteopathic Association, Washington State Osteopathic Association, Washington Academy of Physician Assistants, National Commission on Certification of Physician Assistants, American Medical Association, and the American Academy of Physician's Assistants.

1-B Preparation in publishable form of an original scientific paper.

a. A maximum of five credit hours for initial presentation or publication of a paper in a professional journal.

1-C Serving as a teacher, lecturer, preceptor or a moderator-participant in a formal educational program or preparation and scientific presentation at a formal educational program sponsored by one of the organizations or institutions specified in Category 1-A. One hour credit per each hour of instruction may be claimed.

a. A maximum of five credit hours per year.

Category 2 - Home Study.

2-A A maximum of twenty credit hours per year may be granted.

a. Reading - Medical journals and quizzes.

1) One-half credit hour per issue

2) One-half credit hour per quiz

b. Listening - audio tape programs.

1) One-half credit hour per tape program

2) One-half credit hour per tape program quiz

c. Other - subject - oriented and refresher home study courses.

1) Credit hours indicated by sponsor will be accepted

2-B Preparation and presentation of a scientific exhibit at professional meetings.

a. Maximum of five credit hours per exhibit per year.

2-C Observation at medical centers; programs dealing with experimental and investigative areas of medical practice and programs conducted by nonrecognized sponsors.

a. Maximum of five credit hours per year.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-854-100 Osteopathic physicians' assistants reregistration.

**WSR 93-24-041  
PERMANENT RULES  
OFFICE OF  
FINANCIAL MANAGEMENT**

[Filed November 23, 1993, 11:13 a.m.]

Date of Adoption: October 26, 1993.

Purpose: Establish state paydates for calendar year 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Pursuant to notice filed as WSR 93-19-148 on September 22, 1993.

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

November 22, 1993

Carl Wieland

Assistant Director

**AMENDATORY SECTION** (Amending WSR 92-20-038, filed 9/29/92, effective 10/30/92)

**WAC 82-50-021 Official lagged, semimonthly pay dates established.** Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1992 and)) 1993 and 1994:

<del>((CALENDAR YEAR 1992</del>	<del>CALENDAR YEAR 1993</del>
<del>Friday, January 10, 1992</del>	<del>Monday, January 11, 1993</del>
<del>Friday, January 24, 1992</del>	<del>Monday, January 25, 1993</del>
<del>Monday, February 10, 1992</del>	<del>Wednesday, February 10, 1993</del>
<del>Tuesday, February 25, 1992</del>	<del>Thursday, February 25, 1993</del>
<del>Tuesday, March 10, 1992</del>	<del>Wednesday, March 10, 1993</del>
<del>Wednesday, March 25, 1992</del>	<del>Thursday, March 25, 1993</del>
<del>Friday, April 10, 1992</del>	<del>Friday, April 9, 1993</del>
<del>Friday, April 24, 1992</del>	<del>Monday, April 26, 1993</del>
<del>Monday, May 11, 1992</del>	<del>Monday, May 10, 1993</del>
<del>Friday, May 22, 1992</del>	<del>Tuesday, May 25, 1993</del>
<del>Wednesday, June 10, 1992</del>	<del>Thursday, June 10, 1993</del>
<del>Thursday, June 25, 1992</del>	<del>Friday, June 25, 1993</del>
<del>Friday, July 10, 1992</del>	<del>Friday, July 9, 1993</del>
<del>Friday, July 24, 1992</del>	<del>Monday, July 26, 1993</del>
<del>Monday, August 10, 1992</del>	<del>Tuesday, August 10, 1993</del>
<del>Tuesday, August 25, 1992</del>	<del>Wednesday, August 25, 1993</del>
<del>Thursday, September 10, 1992</del>	<del>Friday, September 10, 1993</del>
<del>Friday, September 25, 1992</del>	<del>Friday, September 24, 1993</del>
<del>Friday, October 9, 1992</del>	<del>Friday, October 8, 1993</del>
<del>Monday, October 26, 1992</del>	<del>Monday, October 25, 1993</del>
<del>Tuesday, November 10, 1992</del>	<del>Wednesday, November 10, 1993</del>
<del>Wednesday, November 25, 1992</del>	<del>Wednesday, November 24, 1993</del>
<del>Thursday, December 10, 1992</del>	<del>Friday, December 10, 1993</del>
<del>Thursday, December 24, 1992</del>	<del>Thursday, December 23, 1993))</del>

CALENDAR YEAR 1993

- Monday, January 11, 1993
- Monday, January 25, 1993
- Wednesday, February 10, 1993
- Thursday, February 25, 1993
- Wednesday, March 10, 1993
- Thursday, March 25, 1993
- Friday, April 9, 1993
- Monday, April 26, 1993
- Monday, May 10, 1993
- Tuesday, May 25, 1993

CALENDAR YEAR 1994

- Monday, January 10, 1994
- Tuesday, January 25, 1994
- Thursday, February 10, 1994
- Friday, February 25, 1994
- Thursday, March 10, 1994
- Friday, March 25, 1994
- Monday, April 11, 1994
- Monday, April 25, 1994
- Tuesday, May 10, 1994
- Wednesday, May 25, 1994

PERMANENT

Thursday, June 10, 1993
Friday, June 25, 1993
Friday, July 9, 1993
Monday, July 26, 1993
Tuesday, August 10, 1993
Wednesday, August 25, 1993
Friday, September 10, 1993
Friday, September 24, 1993
Friday, October 8, 1993
Monday, October 25, 1993
Wednesday, November 10, 1993
Wednesday, November 24, 1993
Friday, December 10, 1993
Thursday, December 23, 1993

Friday, June 10, 1994
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Monday, July 11, 1994
Monday, July 25, 1994
Wednesday, August 10, 1994
Thursday, August 25, 1994
Friday, September 9, 1994
Monday, September 26, 1994
Friday, October 7, 1994
Tuesday, October 25, 1994
Thursday, November 10, 1994
Wednesday, November 23, 1994
Friday, December 9, 1994
Friday, December 23, 1994

((d)) (g) Sorghum - July 15
((e)) (h) Small grains - June 1 for both winter varieties and spring varieties.
((f)) (i) After due date, an application with late application fee may be accepted for service.

- (3) Fees:
(a) Application fee per variety per grower . . . \$15.00
(b) Field inspection fee per acre except millet and hybrid sorghum . . . \$ 2.10
(c) Millet - first acre . . . \$25.00
- each additional acre . . . \$ 5.00
(d) Hybrid sorghum - first acre . . . \$25.00
- each additional acre . . . \$10.00
(e) Special field inspection fee per acre . . . \$ 2.00
((d)) (f) Late application fee . . . \$15.00
((e)) (g) Reinspection fee . . . \$30.00
minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.

((f)) (h) Final certification fee . . . \$ 0.19 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee . . . \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

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

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

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

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

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

Table with 2 columns: Kind and Variety. Rows include Barley, spring; Chickpea; Barley, winter; Buckwheat, spring; Field pea.

WSR 93-24-043
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Order 5019—Filed November 23, 1993, 2:30 p.m.]

Date of Adoption: November 23, 1993.

Purpose: To clarify small grain and other crop certification field and seed inspection rules.

Citation of Existing Rules Affected by this Order: Amending chapter 16-316 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW, Seeds.

Pursuant to notice filed as WSR 93-19-124 on September 21, 1993; and WSR 93-23-063 on November 16, 1993.

Effective Date of Rule: Thirty-one days after filing.
November 23, 1993

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

WAC 16-316-470 Buckwheat, chick pea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of buckwheat, chick pea (garbanzo beans), field pea, lentil, millet, soybean, sorghum, and small grains.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

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

- (2) Due dates:
(a) Buckwheat - June 1
(b) Field pea - June 1
((b)) (c) Chickpea - June 1
(d) Lentil - June 1
((e)) (e) Millet - June 1
(f) Soybean - July 1

PERMANENT

<u>Lentil</u>	<u>Brewer, Crimson, Red Chief</u>
Oat, spring	Monida, Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	<u>Butte 86, Centenial, Dirkwin, Edwall, Fielder, Nomad (P), Owens, Penawawa, Spillman, Treasure, Wadual, Wakanz, Wampum, WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Express (P), WestBred Sprite, Yecora Rojo</u>
Wheat, winter	Andrews, Basin (P), Batum, <u>Blizzard, Buchanan, Cashup (P), Daws, ((Dusty)) Eltan, Hatton, Hill-81, Hyak, John, Kmor, Lewjain, Madsen, Malcolm, Moro, Nugaines, Rely, Rod, Sprague, Stephens, Syringa, Tres, Tyee, Weston</u>
Triticale, spring	Juan, Victoria, Grace
Triticale, winter	Flora, XR066A (P), Stan I (P), <u>Whitman</u>

(P) means proprietary

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

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

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

**WAC 16-316-572 Certifying agency issuance of certificate.** The issuance by Washington State Crop Improvement Association, (~~Inc.~~) the certifying agency, of a certified seed label or certificate for a lot of seed affirms solely that such seed properly identified by a dealer, grower, or distributor, has been subjected to the seed certification standards and procedures implemented by (~~Washington State Crop Improvement Association, Inc.~~) the certifying agency, and that (~~Washington State Crop Improvement Association, Inc.~~) the certifying agency has acted in accordance with (~~those~~) such standards and procedures (~~established for seed certification~~).

The standards and procedures do not provide for inspection of each plant or all areas in a grower's field. Therefore, seed that is certified may contain contaminates, even though the certifying agency has properly subjected the seed to the officially accepted standards and procedures. Furthermore, during harvest, storage, transportation, and the conditioning process, activities beyond the control of the certifying agency may interfere with the seeds' purity.

The seed grower is required to have knowledge of the officially accepted standards and procedures for certification. The seed grower is responsible to maintain the purity and identity of seed harvested and/or farm stored.

The seed conditioner is responsible for and required to have knowledge of the officially accepted standards and

procedures, including the standards and procedures for conditioning, sampling, and final certification. It is the conditioner's responsibility to maintain the purity and identity of seed conditioned, stored, transhipped, or labeled.

The issuance of a certified seed label or certificate for a lot of seed neither warrants that any other person or entity has acted in accordance with such standards and procedures, nor constitutes any other warranty, express or implied, with respect to yield, quality, incidence of off-types or other contaminating seeds, or tolerance to diseases, insects, or growing conditions, or any other characteristics of the seed.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

**WAC 16-316-701 Definitions of terms for standards.**

(1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none found', or 'no' or 'zero'" means none found as determined by established inspection procedures.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

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

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

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

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

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

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

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

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

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

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a

reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

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

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

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

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

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

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

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

(5) Germination minimum refers to germination when sampled.

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

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

PERMANENT

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-717 Field pea standards.** (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None <u>found</u>	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

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

\* Also required is minimum number of years the following crop kinds were out of production.

	NUMBER OF YEARS MINIMUM
Foundation	10
Registered	10
Certified	10

\*\*\* No Austrian pea or rye is permitted.

(2) Field pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	99.00	1.00	None <u>found</u>	None <u>found</u>	85
Registered	None <u>found</u>	99.00	1.00	None <u>found</u>	0.25**	85
Certified	1	99.00	1.00	3*	0.25**	85

\* No Austrian pea or rye is permitted.

\*\* Other tolerance for weed seed:

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

PERMANENT

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-719 Lentil standards.** (1) Lentil - land, isolation, and field standards.

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	100*	None found	None found
Registered	4	100*	10	10**
Certified	3	25*	20	20**

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

\*\* Refers to barley and vetch, each.

(2) Lentil - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00*	1.00*	None found	None found	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

\* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

\*\* No vetch is permitted.

\*\*\* Other tolerance for weed seed:

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

**AMENDATORY SECTION** (Amending Order 1744, filed 7/10/81)

**WAC 16-316-721 Soybean standards.** (1) Soybean - land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM %	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	3	0.10	—
Registered	1*	3	0.01	—
Certified	1*	3	0.20	—

\* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean - seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM %	MINIMUM %	MAXIMUM %	MAXIMUM SEEDS/LB	MAXIMUM SEEDS/LB	MINIMUM %
Foundation	0.10	98.00	2.00	None found	None found	85.00
Registered	0.20	98.00	2.00	None found	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

**NEW SECTION**

**WAC 16-316-722 Hybrid sorghum standards.** (1) Hybrid sorghum - land, isolation, and field standards:

Class	Land Standards Minimum Years (b)	Isolation Standards Minimum Feet	Field Standards		Other Varieties And/Or Off-Type (a)	
			Pollen Shedding By Seed Parent Maximum At Any One Inspection			Definite
Foundation	1	990	1:3,000		1:50,000	1:20,000
Certified	1	660	1:1,500		1:20,000	1: 1,000

(2) Hybrid sorghum seed standards:

Class	Off-Type Max. Seeds/Lb.	Pure Seed Min. %	Inert Max. %	Other Crop Max. Seeds/Lb.	Weed Max. %	Germination Min. %
Foundation	2	98.00	2.00	2	0.10	85
Certified	10	98.00	2.00	10	0.10	85

(\*\*) Pollinator Lines: B = Maintainer, R = Restorer

(a) If off-type plants are found at the time of inspection, all seed heads within a radius of five feet of these plants shall be removed from the field before the field is approved.

(b) Hybrid sorghum will not be eligible for certification if planted on land which grew sorghum the previous year unless:

(i) The preceding sorghum crop was the same variety and was inspected and approved for the same or higher certification classification; or

(ii) The preceding sorghum crop was a variety which differs substantially in plant growth characteristics from the variety planted. However, grain type sorghum or sweet sorghum will not be eligible for certification if planted on land which grew grass type sorghum the previous year.

**AMENDATORY SECTION** (Amending Order 1744, filed 7/10/81)

**WAC 16-316-723 Open pollinated sorghum standards.** (1) Open pollinated sorghum - land, isolation and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS***	
			OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None found	—
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

PERMANENT

\* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

\*\* Refers to fields of other varieties or same variety which does not meet tolerance of off-types.

\*\*\* Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None <u>found</u>	None <u>found</u>	None <u>found</u>
Registered	None <u>found</u>	None <u>found</u>	None <u>found</u>
Certified	None <u>found</u>	1 head/10,000	1 head/2,500

(2) Open pollinated sorghum - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	97.00	3.00**	None <u>found</u>	0.10	80.00
Registered	None <u>found</u>	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

\* Or two seeds per pound.

\*\* Where two percent or more is cracked.

\*\*\* Or ten seeds per pound.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

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

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

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

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

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

(2) Chick pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	99.00	1.00	None <u>found</u>	None <u>found</u>	85.00
Registered	None <u>found</u>	99.00	1.00	None <u>found</u>	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

\* No vetch, Austrian pea or rye is permitted.

\*\* Other tolerance for weed seed:

OBJECTIONABLE WEED SEED  
MAXIMUM

Registered  
Certified

1/lb  
2/lb

PERMANENT

NEW SECTION

**WAC 16-316-729 Open pollinated millet standards.** (1) Open pollinated millet - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
Foundation	1*	1,320	1:3,000	None found
Registered	1*	1,320	1:2,000	1:30,000
Certified	1*	660	1:1,000	1:10,000

\* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Open pollinated millet - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.00	1.0	0.5	0.05	85
Registered	1	99.00	1.0	1	0.05	85
Certified	3	99.00	1.0	3	0.10	85

NEW SECTION

**WAC 16-316-731 Buckwheat standards.** (1) Buckwheat - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
Foundation	2*	2,640	1:10,000	None found
Registered	1*	1,320	1: 5,000	1:30,000
Certified	1*	660	1: 2,000	1:10,000

\* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Buckwheat - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.0	1.0	0.5	0.05	85
Registered	1	99.0	1.0	1	0.05	85
Certified	3	99.0	1.0	3	0.10	85

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

**WAC 16-316-724 Small grains standards.** (1) Small grains (barley, oat, rye, triticale, wheat) - land, isolation, and field standards:



CLASS	LAND STANDARDS	ISOLATION STANDARDS	OFF-TYPE	FIELD STANDARDS	WILD OAT
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	MAXIMUM PLANTS/ACRE
Foundation	1*	90**	None <u>found</u>	None <u>found</u> ***	None <u>found</u>
Registered	1*	3**	1/148,000	1/148,000***	<u>5</u>
Certified	1*	3**	1/49,000	1/49,000***	<u>5</u>

\* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

\*\* Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

\*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - seed standards:

CLASS	OTHER SMALL GRAINS AND/OR OFF-TYPE MAXIMUM (1) SEEDS/LB	PURE SEED MINIMUM (2) %	INERT MAXIMUM %	OTHER CROP MAXIMUM (3) %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None <u>found</u>	98.00	2.00	None <u>found</u>	0.01**	85.00
Registered	2	98.00	2.00	0.03(≠)	0.01**	85.00
Certified	4	98.00	2.00	0.05(≠)	0.03**	85.00

No rye, vetch, or triticale is permitted in barley, oat or wheat; no rye or vetch is permitted in triticale; no vetch or triticale is permitted in rye.

(1) Based on 500 grams examined.

(2) Based on 100 grams examined.

(3) Excluding off-types and other small grains.

NOTE: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.

\*\* Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None <u>found</u>	None <u>found</u>
Registered	None <u>found</u>	None <u>found</u>
Certified	1/lb	None <u>found</u> , except 1/lb in oat

**WSR 93-24-047**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed November 23, 1993, 4:31 p.m.]

Date of Adoption: November 19, 1993.

Purpose: Establishes the eligibility criteria for grants to local governments to provide drinking water through public water systems to areas contaminated by hazardous waste sites; increases the funding limit for site hazard assessments; allows limited funding for landfill closures; and eliminates funding for routine cleanups.

Citation of Existing Rules Affected by this Order:  
 Amending chapter 173-322 WAC, Remedial action grants.  
 Statutory Authority for Adoption: RCW 43.21A.080.  
 Pursuant to notice filed as WSR 93-12-108 on June 2, 1993.

Changes Other than Editing from proposed to Adopted Version:

**WAC 173-322-020 Definitions.**

"Safe drinking water action" means an action by a local government purveyor or other purveyor to provide safe drinking water through public water systems to areas

PERMANENT

contaminated by or threatened by contamination from hazardous waste sites.

**WAC 173-322-040 Applicant eligibility.**

(3) Safe drinking water action grants. Eligibility for safe drinking water action grants is limited to applicants who meet the following standards:

(a) The applicant must be a local government purveyor as defined in WAC 173-322-020 or be a local government applying on behalf of a purveyor.

(b) The subject water system must be in an area determined by the department of ecology to be a hazardous waste site or threatened by contamination from a hazardous waste site.

(c) The subject water system must exhibit levels of contamination which exceed the primary maximum contaminant levels (MCLs) set by WAC 246-290-310 or EPA standards as determined by the department of health, or exhibit levels of contamination which exceed the standards set by WAC 173-340-700 as determined by the department of ecology, or be certified by the state department of health that a contaminant threatens the safety and reliability of a public water system which cannot be remedied solely by operational solutions. Contaminants must include at least one hazardous substance. If the contaminant is a nitrate or a trihalomethane, it must be determined to have originated from a hazardous waste site.

(d) An order or decree must be issued to the identified potentially liable persons requiring that safe drinking water be provided to the contaminated area as part of a remedial action. The department may waive this requirement if it has determined that no viable potentially liable persons exist, or if public health would be threatened from unreasonable delays associated with potentially liable persons search, or the order or decree process.

(e) If water line extensions are included in the proposed projects, such extensions must be consistent with the coordinated water system plan and growth management plan for the geographic area containing the affected water supplies.

(f) The applicant must be in substantial compliance, as determined by the department of health, with applicable rules of the Washington state board of health or the department of health, as contained in chapter 246-290 WAC (public water supplies), chapter 246-292 WAC (water works operator certification), chapter 246-293 WAC (Water System Coordination Act), and chapter 246-294 WAC (operating permits).

**WAC 173-322-050 Project and cost eligibility.**

(2) Costs for safe drinking water actions.

(a) Eligible costs include reasonable costs, including sales tax, incurred for:

(i) Water supply source development and replacement, including pumping and storage facilities, source meters, and reasonable appurtenances.

(ii) Transmission lines between major system components, including inter-ties with other water systems.

(iii) Treatment equipment and facilities.

(iv) Distribution lines from major system components to system customers or service connections.

(v) Fire hydrants.

(vi) Service meters.

(vii) Project inspection, engineering, and administration.

(viii) Other costs identified by the state department of health as necessary to provide a system that operates in compliance with federal and state standards, or by the coordinated water system plan as necessary to meet required standards.

(ix) Other costs identified by the department of ecology as necessary to protect a public water system from contamination from a hazardous waste site or to determine the source of such contamination.

(x) Individual service connections, including any fees and charges, provided that property owners substantially participate in financing the cost of such connections.

(xi) Drinking water well abandonment for wells identified by the department as an environmental safety or health hazard according to WAC 173-160-415.

(xii) Interim financing where necessary as a prerequisite to local government issuance of revenue bonds. (vi) Service meters.

**WAC 173-322-070 Application evaluation and prioritization.**

(1) When pending grant applications or anticipated demand for site study and remediation grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:

(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priorities list ranking. Higher ranking sites will receive a higher funding priority.

(b) Evidence that the grant will expedite cleanup.

(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

(2) When pending grant applications or anticipated demand for safe drinking water action grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:

(a) Relative risk to human health as jointly determined by the department of ecology, in accordance with WAC 173-340-330, and the department of health, in accordance with WAC 246-290-310. Sites with greater risk will receive higher funding priority.

(b) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

(c) Ownership of the water system to be extended or improved. Local government-owned systems will receive higher funding priority than other systems.

(d) Number of people served by the water system and per capita cost of remediation.

(3) When pending grant applications or anticipated demand for site hazard assessment grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:

(a) Potential public health or environmental threat from the sites.

(b) Ownership of the sites. Publicly-owned sites will receive priority over privately-owned sites.

(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

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

November 22, 1993  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-010 Purpose and authority.** This chapter recognizes that the state contains hundreds of hazardous waste sites which threaten the state's water resources, including those used for public drinking water; that many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and the environment; and that the costs of eliminating these threats in many cases are beyond the financial means of local governments and ratepayers.

~~((The purpose of this chapter is to establish))~~ This chapter establishes requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.070 (3)(a) and (7). The department ((shall)) may provide grants to local governments for remedial actions including site hazard assessments, ((remedial investigations, feasibility studies, pilot studies, remedial designs, interim actions, and cleanup actions at hazardous waste sites)) site studies and remediations, and safe drinking water actions.

**AMENDATORY SECTION** (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-020 Definitions.** ~~((+))~~ Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC 173-340-200.

~~((2))~~ "Act" means the "Model Toxics Control Act," chapter 70.105D RCW.

~~((3))~~ "Agreed order" means an order issued under WAC 173-340-530.

~~((4))~~ "Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

~~((5))~~ "Consent order" means an order issued under chapter 90.48 or 70.105B RCW.

~~((6))~~ "Coordinated water system plan" means a plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible pursuant to chapter 246-293 WAC.

"Decree" means a consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

~~((7))~~ "Department" means the department of ecology.

~~((8))~~ "Enforcement order" means an order issued under WAC 173-340-540.

~~((9))~~ "Grant agreement" means a binding agreement between the local government and the department that authorizes the transfer of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.

~~((10))~~ "Hazard ranking" means the ranking for hazardous waste sites ~~((to be))~~ used by the department pursuant to chapter 70.105D RCW.

~~((11))~~ "Hazardous substances" means any substances as defined in WAC 173-340-200.

"Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

~~((12))~~ "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

~~((13))~~ "Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

~~((14))~~ "Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

~~((15))~~ "Minimum functional standards" means the requirements of chapter 173-304 WAC, the minimum functional standards for solid waste handling.

~~((16))~~ "National ~~((Priority))~~ Priorities List (NPL)" means a list of hazardous waste sites at which the United States Environmental Protection Agency intends to proceed with enforcement or cleanup action.

~~((17))~~ "Oversight costs" are remedial action costs of the department or the United States Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at a hazardous waste site.

~~((18))~~ "Pilot study" means an experiment in remedial action method, with the purpose of testing the suitability of a particular cleanup technology or process for remedial action at a particular site.

~~((19))~~ "Potentially liable person (PLP)" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

~~((20))~~ "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with such system.

"Purveyor" means an agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system, or the authorized agent of such entities.

"Remedial action" means any action or expenditure to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

~~((21))~~ "Remedial design (RD)" means an engineering study during which technical plans and specifications are

developed to guide subsequent cleanup action at a hazardous waste site.

~~((22))~~ "Remedial investigation/feasibility study (RI/FS)" means a study intended to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action.

~~((23))~~ "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

~~((24))~~ "Safe drinking water" means water meeting drinking water quality standards set by chapter 246-290 WAC.

"Safe drinking water action" means an action by a local government purveyor or other purveyor to provide safe drinking water through public water systems to areas contaminated by or threatened by contamination from hazardous waste sites.

"Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

"Site study and remediation" means remedial investigation, feasibility study, pilot study, remedial design, interim action or cleanup action at hazardous waste sites at which a local government is a potentially liable person (PLP) identified by the department.

**AMENDATORY SECTION** (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-030 Relation to other legislation and administrative rules.** (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous waste investigation and cleanup.

(2) Nothing in this chapter shall modify the legal settlements and enforcement orders the department has secured with potentially liable ~~((parties))~~ persons for remedial action. The execution of remedies pursuant to court order or decree shall in no way be contingent upon the availability of grant funding.

(3) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

**AMENDATORY SECTION** (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-040 ((General)) Applicant eligibility.** ~~((1)) Appropriation and allocation of funds. Grants will be awarded within the limits of available funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.~~

~~((2)) Remedial action grants shall be used to supplement local government funding and funding from other sources to carry out required remedial action.~~

~~((3)) The department may fund all or portions of eligible grant applications.~~ (1) All applicants must be local governments as defined in this chapter.

(2) Site study and remediation grants. Eligibility for site study and remediation grants is limited to applicants that meet the following standards:

(a) The applicant must be a local government which is a potentially liable person (PLP) at a hazardous waste site. The local government may be the sole PLP, or there may be other PLPs at the site.

(b) The local government must meet one of the following standards:

(i) The department must have required the local government to perform some phase of remedial action. That requirement may take any of the following forms, hereinafter referred to as "order or decree":

(A) A consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site; or

(B) An enforcement order or an agreed order under chapter 70.105D or 70.105B RCW prior to March 1, 1989, requiring remedial action at the site; or

(C) An enforcement order or a consent order under chapter 90.48 RCW requiring remedial action at the site or an amendment to such an order subsequent to March 1, 1989.

(ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.

(3) Safe drinking water action grants. Eligibility for safe drinking water action grants is limited to applicants who meet the following standards:

(a) The applicant must be a local government purveyor as defined in WAC 173-322-020 or be a local government applying on behalf of a purveyor.

(b) The subject water system must be in an area determined by the department of ecology to be a hazardous waste site or threatened by contamination from a hazardous waste site.

(c) The subject water system must exhibit levels of contamination which exceed the primary maximum contaminant levels (MCLs) set by WAC 246-290-310 or EPA standards as determined by the department of health, or exhibit levels of contamination which exceed the standards set by WAC 173-340-700 as determined by the department of ecology, or be certified by the state department of health that a contaminant threatens the safety and reliability of a public water system which cannot be remedied solely by operational solutions. Contaminants must include at least one hazardous substance. If the contaminant is a nitrate or

a trihalomethane, it must be determined to have originated from a hazardous waste site.

(d) An order or decree must be issued to the identified potentially liable persons requiring that safe drinking water be provided to the contaminated area as part of a remedial action. The department may waive this requirement if it has determined that no viable potentially liable persons exist, or if public health would be threatened from unreasonable delays associated with the search for potentially liable persons, or the order or decree process.

(e) If water line extensions are included in the proposed projects, such extensions must be consistent with the coordinated water system plan and growth management plan for the geographic area containing the affected water supplies.

(f) The applicant must be in substantial compliance, as determined by the department of health, with applicable rules of the Washington state board of health or the department of health, as contained in chapter 246-290 WAC (Public water supplies), chapter 246-292 WAC (Water works operator certification), chapter 246-293 WAC (Water System Coordination Act), and chapter 246-294 WAC (Drinking water operating permits).

(4) Site hazard assessment grants. The purpose of site hazard assessment grants is to involve local health districts and departments in assessing the degree of contamination at suspected hazardous waste sites according to WAC 173-340-320. While enabling local health districts or departments to participate in the scoring and ranking process, the department retains the authority to review and verify the results of a site hazard assessment and to establish the hazard ranking of the site. Eligibility for site hazard assessment grants is limited to applications that meet the following standards:

(a) The applicant must be a local health district or department.

(b) The scope of work for a site hazard assessment must conform to WAC 173-340-320 and prescribed guidelines issued by the department.

(c) The assessment must be for sites agreed to by the department.

**AMENDATORY SECTION** (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-050 ((Applicant)) Project and cost eligibility.** (((1) All applicants must be local governments as defined in this chapter.

(2) Any local government is eligible to apply for a remedial action grant, except that only a local health district may apply for a site hazard assessment grant.

(3) Eligibility for all remedial action grants except site hazard assessment grants is limited to applicants that meet the following standards:

(a) The applicant must be a local government which is a potentially liable person (PLP) at a hazardous waste site. The local government may be the sole PLP, or there may be other PLPs at the site.

(b) The local government must meet one of the following standards:

(i) The department must have required the local government to perform some phase of remedial action. That requirement may take any of the following forms, hereinafter

referred to as "order or decree": A consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or an agreed order under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or a consent order under chapter 90.48 RCW requiring remedial action at the site prior to March 1, 1989, or an amendment to such an order subsequent to March 1, 1989.

(ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.) (1) Costs for site study and remediation.

(a) Eligible costs include reasonable costs, including sales tax, incurred in performing:

(i) Remedial investigations.

(ii) Feasibility studies.

(iii) Remedial designs.

(iv) Pilot studies.

(v) Interim actions.

(vi) Landfill closures as required by chapter 173-304 WAC if included in the order or decree for remedial action, and as limited by WAC 173-322-090.

(vii) Other remedial action included in the order or decree for remedial action.

(viii) Capital costs of long-term monitoring systems.

(ix) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.

(b) Ineligible costs:

(i) Retroactive costs except as limited by WAC 173-322-100.

(ii) Legal fees and penalties.

(iii) Oversight costs.

(iv) Operating and maintenance costs after the first year of accomplishing the remedial action.

(v) Operating and maintenance costs of long-term monitoring.

(vi) Costs incurred in conducting independent remedial actions.

(vii) At sites other than landfills, additional ineligible costs will include costs incurred to meet departmental requirements for source control and prevention.

(2) Costs for safe drinking water actions.

(a) Eligible costs include reasonable costs, including sales tax, incurred for:

(i) Water supply source development and replacement, including pumping and storage facilities, source meters, and reasonable appurtenances.

(ii) Transmission lines between major system components, including inter-ties with other water systems.

(iii) Treatment equipment and facilities.

(iv) Distribution lines from major system components to system customers or service connections.

(v) Fire hydrants.

(vi) Service meters.

(vii) Project inspection, engineering, and administration.

(viii) Other costs identified by the state department of health as necessary to provide a system that operates in compliance with federal and state standards, or by the coordinated water system plan as necessary to meet required standards.

(ix) Other costs identified by the department of ecology as necessary to protect a public water system from contamination from a hazardous waste site or to determine the source of such contamination.

(x) Individual service connections, including any fees and charges, provided that property owners substantially participate in financing the cost of such connections.

(xi) Drinking water well abandonment for wells identified by the department as an environmental safety or health hazard according to WAC 173-160-415.

(xii) Interim financing where necessary as a prerequisite to local government issuance of revenue bonds.

(b) Ineligible costs include:

(i) Legal fees and penalties.

(ii) Ecology oversight costs.

(iii) Operating and maintenance costs.

(iv) Retroactive costs except as limited by WAC 173-322-100.

(3) Costs for site hazard assessments. Eligible costs include costs for activities performed pursuant to WAC 173-340-320 and enabling local health districts or departments to participate in the department's site ranking and priority-setting process.

(4) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-060 ((~~Applicant screening and evaluation~~)) Application process. (((1) Remedial action grant applications, except those for site hazard assessments, will be evaluated by the department on a first come, first served basis. If pending grant applications exceed available funding, then the department may prioritize applications in accordance with subsection (4) of this section.**

**(2) Remedial action grant applications must:**

**(a) Include a commitment by the local government for local funds to match grant funds according to the requirements of WAC 173-322-080.**

**(b) Include a scope of work which accomplishes the requirements of an order or decree with the department except for the site hazard assessments, which must include a scope of work which conforms to the requirements of WAC 173-340-320(4).**

~~(3) Routine cleanup actions must meet the criteria under WAC 173-340-130(7).~~

~~(4) When pending grant applications, except those for site hazard assessments, exceed the amount of funds available, the department may prioritize applications based upon the following criteria:~~

~~(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priority List ranking. Higher ranking sites will receive a higher funding priority, except that routine cleanup actions may have lower ranking.~~

~~(b) Continuity of commitment. Higher priority will be given to projects which continue cleanup work at a hazardous waste site where the department has previously provided grant funding assistance.~~

~~(c) Evidence that the grant will expedite cleanup.~~

~~(d) Readiness of the applicant to proceed promptly to accomplish the scope of work.~~

~~(5) Until June 30, 1991, those local governments that applied for remedial action grants during the 1988 application period, and that meet the eligibility requirements of WAC 173-322-050(3), will be given funding priority for all remedial action grants, except site hazard assessment grants.~~

~~(6) Site hazard assessment grants will be evaluated and prioritized for funding based upon the following criteria:~~

~~(a) Potential public health or environmental threat from the site.~~

~~(b) Ownership of the site. Publicly owned sites will receive priority over privately owned sites.~~

~~(c) Evidence that the assessment will expedite cleanup.~~

(1) Application period. The department shall determine appropriate application periods.

(2) Grant applications must:

(a) Include a commitment by the applicant for local funds to match grant funds according to the requirements of WAC 173-322-090.

(b) For site study and remediation projects include a scope of work which accomplishes the requirements of an order or decree.

(c) For safe drinking water action projects, include a scope of work necessary to provide safe drinking water to the area threatened or contaminated.

(d) For site hazard assessment projects, include a scope of work which conforms to the requirements of WAC 173-340-320(4).

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

**WAC 173-322-070 ((~~Eligible costs~~)) Application evaluation and prioritization. (((1) Costs for remedial action at landfills:**

**(a) Eligible costs include reasonable costs incurred in performing:**

**(i) Site hazard assessments.**

**(ii) Remedial investigations.**

**(iii) Feasibility studies.**

**(iv) Remedial designs.**

**(v) Pilot studies.**

**(vi) Interim actions.**

~~(vii) Cleanup actions required by order or decree with the department, including costs of activities to close a landfill in excess of the requirements of chapter 173-304 WAC.~~

~~(viii) Capital costs of long-term monitoring systems.~~

~~(ix) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.~~

~~(x) At a landfill which has been closed according to the requirements of chapter 173-301 WAC, costs to upgrade the landfill closure that are required by the department as part of cleanup action at the site.~~

~~(xi) For economically disadvantaged local governments, costs to close a landfill that are required for cleanup by order or decree with the department, including costs of the closure requirements of chapter 173-304 WAC.~~

~~(b) Ineligible costs:~~

~~(i) Costs to close a landfill according to the requirements of chapter 173-304 WAC, except for landfills of economically disadvantaged local governments.~~

~~(ii) Retroactive costs except as limited by WAC 173-322-110.~~

~~(iii) Legal fees and penalties.~~

~~(iv) Oversight costs.~~

~~(v) Operating and maintenance costs after the first year of accomplishing the remedial action.~~

~~(vi) Operating and maintenance costs of long-term monitoring.~~

~~(vii) Costs incurred in conducting independent remedial actions.~~

~~(2) Costs for remedial actions at sites other than landfills:~~

~~(a) Eligible costs will include, in addition to costs listed in subsection (1)(a) of this section, costs incurred to perform remedial action required by order or decree with the department.~~

~~(b) Ineligible costs will include, in addition to costs listed in subsection (1)(b) of this section, costs incurred to meet departmental requirements for source control and prevention.~~

~~(3) Costs for site hazard assessments. Eligible costs include activities performed pursuant to WAC 173-340-320.~~

~~(4) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.) (1) When pending grant applications or anticipated demand for site study and remediation grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:~~

~~(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priorities List ranking. Higher ranking sites will receive a higher funding priority.~~

~~(b) Evidence that the grant will expedite cleanup.~~

~~(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.~~

~~(2) When pending grant applications or anticipated demand for safe drinking water action grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:~~

(a) Relative risk to human health as jointly determined by the department of ecology, in accordance with WAC 173-340-330, and the department of health, in accordance with WAC 246-290-310. Sites with greater risk will receive higher funding priority.

(b) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

(c) Ownership of the water system to be extended or improved. Local government-owned systems will receive higher funding priority than other systems.

(d) Number of people served by the water system and per capita cost of remediation.

(3) When pending grant applications or anticipated demand for site hazard assessment grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on criteria identified in grant guidelines, including the following:

(a) Potential public health or environmental threat from the sites.

(b) Ownership of the sites. Publicly-owned sites will receive priority over privately-owned sites.

(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

WAC 173-322-080 ((State assistance share.)) Allocation of grant funding. ((1) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) will be considered for grant funding at up to fifty percent.

(2) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) and that are for routine cleanup actions will be considered for grant funding of up to one hundred percent for the first fifty thousand dollars of eligible costs. No grant for routine cleanup action shall exceed fifty thousand dollars.

(3) Costs for site hazard assessments which are eligible under WAC 173-322-070(3) will be considered for grant funding of up to one hundred percent for the initial twenty-five thousand dollars of costs, and up to fifty percent for the next fifty thousand dollars of eligible costs. No grant for site hazard assessment shall exceed fifty thousand dollars.

(4) In addition to grant funding under this section, economically disadvantaged local governments may apply for up to twenty five percent supplemental funding, not to exceed seventy five percent of eligible costs. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.

(5) If a decree or order requires a PLP other than a local government to conduct remedial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding.

(6) For applicants eligible under WAC 173-322-050 (3)(b)(iii), funding from either the local government or the PLP may be used to match remedial action grant funds.) In conjunction with the biennial program report and program plan required by WAC 173-340-340, the department will prepare an administrative allocation from the legislative appropriation of the local toxics control account for funding remedial action grants. Within that administrative allocation, the department will allocate subamounts for site study and remediation grants, safe drinking water action grants, and

site hazard assessment grants. The allocations shall be based on estimated costs for work on eligible sites which are identified in the program plan for the biennium.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

WAC 173-322-090 ((~~Grants to economically disadvantaged local governments.~~) State assistance share, local cash match, economic disadvantage, and role of potentially liable persons. ((1) This section authorizes a program of grants to assist economically disadvantaged local governments to pay for remedial action required by the department at landfill sites.)

(2) A local government is considered economically disadvantaged if it is a county, or a local government within a county, which meets both of the following criteria:

(a) Per capita income, as measured by the latest official estimate of the Washington state office of financial management, is in the lower twenty counties in the state; and

(b) It is economically distressed as defined by chapter 43.165 RCW.

(3) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action to be published on a biennial basis.

(4) The department will consider applications from economically disadvantaged local governments which meet the applicant eligibility requirements of WAC 173-322-050(3). (1) Costs eligible for site study and remediation and safe drinking water action grants will be considered for grant funding at up to fifty percent, except that local governments that do not qualify as economically disadvantaged shall receive no more than five hundred thousand dollars for the minimum landfill closure requirements of chapter 173-304 WAC.

(2) Costs for site hazard assessments which are eligible under WAC 173-322-050(3) will be considered for grant funding of up to one hundred percent. No grant for site hazard assessment shall exceed two hundred thousand dollars per health district or department per biennium.

(3) Grant funding for economically disadvantaged local governments.

(a) In addition to grant funding under subsection (1) of this section, economically disadvantaged local governments may apply for up to twenty-five percent supplemental funding, not to exceed seventy-five percent of eligible costs. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.

(b) A local government is considered economically disadvantaged if it is a county, or a local government within a county, which meets both of the following criteria:

(i) Per capita income, as measured by the latest official estimate of the Washington state office of financial management, is in the lower twenty counties in the state; and

(ii) It is economically distressed as defined by chapter 43.165 RCW.

(c) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action to be published on a biennial basis.

(4) For applicants eligible for site study and remediation grants, if a decree or order requires a potentially liable person (PLP) other than a local government to conduct remedial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding to the local government.

(5) For applicants eligible for safe drinking water action grants, funding from either the local government or the PLP may be used to match remedial action grant funds.

(6) As established by the Model Toxics Control Act, chapter 70.105D RCW, and implementing regulations, the potentially liable persons bear financial responsibility for remedial action costs. The remedial action grant program may not be used to circumvent the PLP responsibility.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

WAC 173-322-100 ((~~Grants for site hazard assessments.~~) Fiscal controls. ((1) This section authorizes a program of grants to local health districts to perform site hazard assessments at suspected hazardous waste sites. The purposes of this program are to supplement department efforts to rank hazardous waste sites, to encourage local government initiative in the cleanup of hazardous waste sites, and to expedite cleanup actions.)

(2) The grant may assist hazard assessment at any site, but public sites will receive priority.

(3) The scope of work for a site hazard assessment will conform to WAC 173-340-320 and prescribed guidelines issued by the department.

(4) The department retains the authority to review and verify the results of a site hazard assessment.

(5) The assessment must be for a site not previously assessed by the department or the United States Environmental Protection Agency.

(6) No local health district may receive more than one site hazard assessment grant per biennium. (1) The department will establish reasonable costs for all grants, require applicants to manage projects in a cost effective manner, and ensure that all potentially liable persons (PLPs) assume responsibility for remedial action.

(2) The department retains the authority to issue grants which reimburse the recipient for less than the maximum percentage allowable under WAC 173-322-090.

(3) Cap on site funding. After the remedial investigation and feasibility study have been completed and a final remedial action plan has been developed by an eligible applicant, the department and the applicant will establish a final cleanup budget and negotiate a grant agreement. The grant amount in this agreement will be the final department remedial action grant fund commitment for cleanup at that hazardous waste site. Grant agreements may be amended, but requests to increase the remedial action grant budget at that site will receive a lower priority than other applications.

(4) Retroactive funding. Grant funding of costs already incurred prior to the date of the grant agreement may be allowed to local government PLPs where the order or decree with the department postdates March 1, 1989, under one or more of the following circumstances:

(a) If the grant application period is closed when the order or decree becomes effective;



(b) If the department unreasonably delays the processing of a remedial action grant application;

(c) If there are inadequate funds in the local toxics control account to cover the entire scope of work required by decree or order; and/or

(d) If remedial actions not required by decree or order have proceeded, grants for this work may be made if the department later formally includes such work items in a decree or order.

(5) Reimbursement of grant funds. If the department awards remedial action funds to a local government that pursues a successful settlement action against a PLP who has not settled with the department, then the department shall be reimbursed for a proportional share of the settlement, after the local government's legal fees in pursuing such contribution have been deducted.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

WAC 173-322-110 ((Fiscal controls.)) Grant administration. ((1) Cap on site funding. After the remedial investigation and feasibility study have been completed and a final remedial action plan has been developed by an eligible applicant, the department and the applicant will establish a final cleanup budget and negotiate a grant agreement. The grant amount in this agreement will be the final department remedial action grant fund commitment for cleanup at that hazardous waste site. Grant agreements may be amended, but requests to increase the remedial action grant budget at that site will receive a lower priority than other applications.

(2) Retroactive funding. Grant funding of costs already incurred prior to the date of the grant agreement may be allowed to local governments where the order or decree with the department postdates March 1, 1989, under one or more of the following circumstances:

(a) If the grant application period is closed when the order or decree becomes effective;

(b) If the department unreasonably delays the processing of a remedial action grant application;

(c) If there are inadequate funds in the local toxics control account to cover the entire scope of work required by decree or order; and/or

(d) If remedial actions not required by decree or order have proceeded, grants for this work may be made if the department later formally includes such work items in a decree or order.

(3) Reimbursement of grant funds. If the department awards remedial action funds to a local government that pursues a successful settlement action against a PLP who has not settled with the department, then the department shall be reimbursed for a proportional share of the settlement, after the local government's legal fees in pursuing such contribution have been deducted.) (1) Local governments will be periodically informed of the availability of remedial action grant funding.

(2) A grant application package will be sent to all parties expressing interest in remedial action grants and to all local governments that have been required by decree or order to perform remedial actions. Grant application packages will include grant guidelines and application forms.

(3) Application must be made within sixty days after the date that a decree or order becomes effective.

(4) The department will prepare a guidance manual on a biennial basis to assist grant applicants and to facilitate compliance with this regulation.

(5) Appropriation and allocation of funds. Grants will be awarded within the limits of available funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the legislative appropriation of funds for the next biennium.

(6) Remedial action grants shall be used to supplement local government funding and funding from other sources to carry out required remedial action.

(7) The department may fund all or portions of eligible grant applications.

WSR 93-24-049

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed November 24, 1993, 11:12 a.m.]

Date of Adoption: November 19, 1993.

Purpose: To raise the limit for University of Washington small works projects from \$50,000 to \$100,000, to incorporate any future dollar amount increases authorized by the legislature, and to delete references to a discontinued interlocal agreement.

Citation of Existing Rules Affected by this Order: Amending WAC 478-355-010, 478-355-020, 478-355-030, and 478-355-060

Statutory Authority for Adoption: RCW 28B.10.355.

Pursuant to notice filed as WSR 93-19-160 on September 22, 1993.

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

November 22, 1993

Rebecca Goodwin Deardorff  
Administrative Procedures Officer

### Chapter 478-355 WAC Small Works Roster

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-010 Authority. This chapter is enacted by the board of regents of the University of Washington pursuant to ((RCW 39.34.080, a section of the Interlocal Cooperation Act and)) RCW 28B.10.355((;)) authorizing the university to establish a small works roster for public works projects with an estimated cost of less than ((fifty)) one hundred thousand dollars.

AMENDATORY SECTION (Amending Order 88-01, filed 9/14/88)

**WAC 478-355-020 Purpose.** To expedite the award of public work contracts at minimum cost, the University of Washington executive vice president is authorized to establish a small works roster (~~and also authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university~~).

AMENDATORY SECTION (Amending Order 88-01, filed 9/14/88)

**WAC 478-355-030 Project construction cost.** Whenever the estimated project construction cost of any University of Washington public work is less than ~~(fifty)~~ one hundred thousand dollars, the University of Washington executive vice president is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

AMENDATORY SECTION (Amending Order 88-01, filed 9/14/88)

**WAC 478-355-060 Administration.** The executive vice president is authorized to establish procedures for university use of its small works roster (~~to terminate the interlocal agreement or to approve modifications to the interlocal agreement when deemed appropriate for cooperative use of a small works roster~~).

**WSR 93-24-057  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3673—Filed November 24, 1993, 11:45 a.m.]

Date of Adoption: November 24, 1993.

Purpose: Updates the name and location of the office responsible for receiving a declaratory order or petition for rule making. Clarifies where the public may inspect and read copies of interpretive and policy statements issued by the department.

Citation of Existing Rules Affected by this Order: Amending WAC 388-320-350 Declaratory orders—Forms, content, and filing, 388-320-400 Petition for rule making—Form, content, and filing, and 388-320-450 Interpretive and policy statements roster and index.

Statutory Authority for Adoption: RCW 34.05.220, 42.17.340, chapters 17.250 and 17.260 RCW.

Pursuant to notice filed as WSR 93-21-043 on October 15, 1993.

Effective Date of Rule: Thirty-one days after filing.  
November 24, 1993  
Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

**WAC 388-320-350 Declaratory orders—Forms, content, and filing.** A petition for a declaratory order shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the state department of social and health services." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies shall be filed with the Office of ~~(Issuances)~~ Vendor Services, MS ~~((OB-33H))~~ 45811, ~~((Third))~~ Second Floor ~~((West))~~ East, Office Building 2, ~~((Twelfth))~~ Fourteenth and ~~((Franklin))~~ Jefferson, Olympia, WA 98504. Petitions shall be on white paper, 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 2999, filed 2/5/90, effective 3/1/90)

**WAC 388-320-400 Petition for rule making—Form, content, and filing.** A petition for adoption, amendment, or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the state department of social and health services." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rule making." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the Office of ~~(Issuances)~~ Vendor Services, MS ~~((OB-33H))~~ 45811, ~~((Third))~~ Second Floor ~~((West))~~ East, Office

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Building 2, (~~Twelfth~~) Fourteenth and (~~Franklin~~) Jefferson, Olympia, WA 98504. Petitions shall be on white paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 3300, filed 11/27/91, effective 12/28/91)

**WAC 388-320-450 Interpretive and policy statements roster and index.** (1) Legal authority for this rule is RCW 34.05.220 and 42.17.260 (4)(d) and (e).

(2) The department's index of interpretive and policy statements is administered by the office of (~~issuances~~) vendor services. Statements in existence July 1, 1990 were made part of the index and new statements are added to the index upon issuance. The index is revised approximately every two years.

(3) The index is available for public inspection at the Office of (~~Issuances~~) Vendor Services located in Office Building No. 2, Olympia WA.

(4) A person wishing to inspect or receive copies of interpretive and policy statements issued by the department shall submit a written request to: Office of (~~Issuances~~) Vendor Services, PO Box (~~(45805)~~) 45811, Olympia WA 98504-~~(5805)~~ 5811.

**WSR 93-24-058**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3674—Filed November 24, 1993, 11:48 a.m.]

Date of Adoption: November 24, 1993.

Purpose: New chapter 388-41 WAC, Medical audit dispute resolution. Responsibility for each type of dispute will be better clarified and the process simplified. Medical audit dispute process will be moved from medical assistance administration to the Office of Vendor Services, administrative services division.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.290.

Pursuant to notice filed as WSR 93-21-042 on October 15, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-41-020 (1), (2), and (3) was edited to clarify wording and to include issuance of the final audit report. These changes do not impact the intent of this WAC.

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

November 24, 1993  
Dewey Brock, Chief  
Office of Vendor Services

**Chapter 388-41 WAC**  
**MEDICAL AUDIT DISPUTE RESOLUTION**

NEW SECTION

**WAC 388-41-001 Authority.** These rules are promulgated under RCW 74.09.290, department audit and investigations, and RCW 74.08.090, rules and regulations.

NEW SECTION

**WAC 388-41-003 Purpose.** The purpose of this chapter is to establish within the department, an audit dispute resolution process for medical providers.

NEW SECTION

**WAC 388-41-010 Definitions.** (1) "Department" means the state department of social and health services.

(2) "Medical provider" means an institution, agency or individual who has a signed agreement with the department to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.

(3) "Sum certain" means a fixed amount of money due the department which will not change.

NEW SECTION

**WAC 388-41-020 Audit dispute conference.** (1) A medical provider may dispute findings, identified in the draft audit report, to the office of nursing home/hospital audit (ONHHA) within forty-five days of receipt of the draft report. The medical provider's request shall include a statement specifying which portions of the draft audit are disputed. Unsubstantiated verbal information or instructions allegedly given by medical assistance administration (MAA) personnel to a provider will not be considered or disputed.

(2) At the providers request, the ONHHA shall hold a post audit conference after which a written decision regarding the disputed issues will be sent to all participating parties. Subsequent to the post audit conference and issuance of a written decision regarding the outcome, the ONHHA shall issue the final audit report.

(3) Except for nursing homes governed by WAC 388-96-904, when a dispute of audit findings continues, after ONHHA has issued the final report, the medical provider may submit a request for a second level dispute conference to the department, office of vendor services (OVS), contracts section.

(4) OVS-conducted dispute conference shall be informal and shall not be governed by the hearing procedure in the Administrative Procedures Act (chapter 34.05 RCW). The OVS-conducted resolution process shall:

(a) Constitute the final administrative remedy available under the contract; and

(b) Precede any action in a judicial or quasi-judicial tribunal.

(5) A medical provider's request for a second level final audit dispute conference shall:

(a) Be in writing;

(b) Be limited to disputed issues identified under subsection (1) of this section;

(c) State the provider's name, address, and core provider agreement number; and

(d) Be mailed to Office of Vendor Services, P. O. Box 45811, Olympia, Washington 98504, within thirty calendar days from the date the final audit report was received by the provider.

(6) Unless otherwise specified the department shall not consider a request for a final audit dispute conference which

does not meet the time period specified in subsection (5)(d) of this section.

(7) Following receipt of a request for a dispute conference, OVS shall, within ninety days:

(a) Determine when the dispute conference will be held; and

(b) Notify participants of the date and time of the conference.

(8) The department may grant the following extensions:

(a) ONHHA may grant extensions of time at their discretion if requested within the forty-five day period referenced under subsection (1) of this section;

(b) OVS may grant extensions of time at their discretion if requested within the thirty calendar days referenced under subsection (5)(d) of this section.

(9) ONHHA publication of a final audit report and identification of a sum certain due the department shall constitute the department's final audit position.

**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 93-24-059**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3675—Filed November 24, 1993, 11:50 a.m.]

Date of Adoption: November 24, 1993.

Purpose: New WAC 388-81-175 and 388-81-200, establishes new rules on dispute conferences for medical assistance administration adverse action. Establishes rules on audit policy and on MAA contractor/provider adverse action appeal. Removes adverse action other than for rates from WAC 388-81-043.

Citation of Existing Rules Affected by this Order: Amending WAC 388-81-043 Administrative appeal—Rate—Contractor/provider.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-21-041 on October 15, 1993.

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

November 24, 1993

Dewey Brock, Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3021, filed 5/31/90, effective 7/1/90)

**WAC 388-81-043** (~~(Dispute conference)~~) **Administrative appeal—Rate—Contractor/provider.** (1) Right to an administrative appeal. Any enrolled contractor/provider of medical services, except nursing (~~(homes)~~) facilities governed by WAC 388-96-904, shall have a right to an administrative appeal (~~(when the department:~~

~~(a) Finds a contractor/provider liable for receipt of excess payments under RCW 74.09.220 or otherwise served with notice that repayment of excess benefits is due under the statute;~~

~~(b) Changes the contractor/provider reimbursement rate and)) anytime the contractor/provider disagrees with the ((change; and~~

~~(e) Initiates contract action, such as termination, with which the contractor/provider disagrees)) reimbursement rate.~~

(2) First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the ~~((appropriate program or audit manager))~~ medical assistance administration (MAA).

(a) ~~((Audit disputes. When the department finds a hospital contractor/provider liable for receipt of excess payments, the contractor/provider shall appeal such findings to the office of nursing home audit, administrative services. All other medical service contractors/providers shall appeal to the office of operations review, administrative services.~~

~~(i) Unless otherwise specified, the audited contractor/provider shall submit such an appeal within forty five days after receipt of the draft audit report. If the audited contractor/provider does not submit the appeal timely, the department shall not consider the appeal and the contractor/provider forfeits any right to a dispute conference.~~

~~(ii) The audited contractor/provider's appeal shall include a statement specifying which portions of the audit findings are disputed, with supporting justification. Administrative services may request additional documentation to complete their review.~~

~~(iii) Administrative services shall issue a decision or request additional information within ninety days of receipt of the appeal. When additional information is necessary, administrative services shall issue a decision within sixty days of receipt of complete information. Publication of the final audit report and identification of a sum certain due the department shall constitute the department's final audit position.~~

~~(iv) Administrative services may grant discretionary extensions of time to the audited contractor/provider. The audited contractor/provider shall request an extension within the forty five day period referenced under subsection (2)(a)(i) of this section.~~

~~(b) Rate disputes. A contractor/provider may appeal its rates by submitting a written notice of appeal to the rate analysis section, division of medical assistance (DMA).~~

~~(i)) Unless ((the)) a written rate notification specifies otherwise, the department shall make retroactive rate adjustments only when a contractor/provider ((shall)) files a rate appeal. The rate appeal requesting retroactive rate adjustment((s)) shall be made within sixty calendar days after being notified of an action or determination the contractor/provider wishes to challenge. The notification date of an action or determination ((is)) shall be the date of the written rate notification letter. The department shall not consider for retroactive adjustments, a contractor/provider rate adjustment appeal((;)) filed after the sixty-day period described in this subsection ((shall not be considered for retroactive adjustments)).~~

~~((i)) (b) The appeal shall include a statement of the specific issue being appealed, supporting documentation, and a request for recalculation of the rate. ((DMA)) MAA may request additional documentation to complete the review. ((DMA)) MAA may conduct an audit of the documentation provided in order to complete the review.~~

~~((iii)) (c)~~ When ~~((any))~~ a portion of a rate is appealed, ~~((DMA))~~ MAA may review all components of the reimbursement rate.

~~((iv) DMA)~~ (d) MAA shall issue a decision or request additional information within sixty calendar days of the receipt of the rate appeal request. When additional information is necessary, the contractor/provider shall have forty-five calendar days to submit the information. ~~((DMA))~~ MAA shall issue a decision within thirty calendar days of receipt of complete information.

~~((v))~~ (e) Unless the written rate notification specifies otherwise, increases in rates resulting from an appeal ~~((;))~~ shall be effective retroactively to the effective date of the rate change. The appeal shall be filed within sixty calendar days after the written rate notification letter that the contractor/provider is challenging ~~((; shall be effective retroactively to the effective date of the rate change as specified in the notification letter))~~. Increases in rates, resulting from a rate appeal filed after the sixty-day period described ~~((in))~~ under subsection (2)~~((b)(i))~~(a) of this section, shall be effective the date the appeal is filed with ~~((DMA))~~ MAA. Appeals resulting in rate decreases shall be effective on the date specified in the appeal decision notification. The effective date shall not be before the date of the appeal decision notification. Rate changes subject to the provisions of fraudulent practices as described under RCW 74.09.210 are exempt from these provisions.

~~((vi) DMA)~~ (f) MAA may grant extensions of time at ~~((their))~~ MAA's discretion if requested within the sixty-day period referenced under subsection (2)~~((b)(i))~~(a) of this section.

~~((c) Contract disputes. The contractor/provider may appeal contract action involving termination or nonrenewal to the medical director, DMA.~~

(i) ~~Unless otherwise specified, the contractor/provider shall submit such an appeal within thirty days of the department's notification of contract action. If the contractor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference.~~

(ii) ~~The appeal shall include a statement of the actions appealed and supporting justification.~~

(iii) ~~DMA shall issue a decision or request additional information within sixty days of receipt of the appeal. When additional information is necessary, the contractor/provider shall have forty five days to submit the information. DMA shall issue a decision within thirty days of receipt of complete information.~~

~~(iv) DMA may grant extensions of time at their discretion if requested within the thirty day period referenced under subsection (2)(c)(i) of this section.~~

(3) Second level of appeal. ~~((f))~~ When the contractor/provider disagrees with an adverse ~~((audit,))~~ rate ~~((; or contract))~~ review decision, the contractor/provider may file a request for a dispute conference with the ~~((director, DMA))~~ MAA. ~~((A))~~ "Dispute conference ((is defined as))" for this section means an informal administrative hearing for the purpose of resolving contractor/provider disagreements with any of the department actions, described under subsection (1)~~((a), (b), and (c))~~ of this section, not resolved at the first level of appeal. The dispute conference is not governed by the Administrative Procedures Act chapter 34.05 RCW.

(a) A contractor/provider shall file a request for a dispute conference within thirty calendar days following receipt of the adverse review decision. The department shall not consider dispute conference requests submitted after the thirty day~~((s))~~ period of the first level decision date.

(b) ~~((DMA))~~ MAA shall conduct the dispute conference within ninety calendar days of the receipt of request.

~~((The director, DMA, or the director's designee shall chair the conference when issues regarding medical policy, program policy, or program regulation are in dispute. A contracts officer, office of vendor services, shall chair the conference if contract compliance issues are disputed. The director, DMA, shall determine who chairs the dispute conference.~~

~~((d))~~ The conference chairperson shall issue the final decision within thirty calendar days of the conference.

~~((e) The director, DMA,))~~ (d) MAA may grant extensions of time for extenuating circumstances.

~~((f))~~ (e) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)~~((b)(v))~~(e) of this section.

~~((g))~~ (f) The dispute conference shall be the final level of administrative appeal within the department and precede judicial action.

(4) ~~((DMA))~~ MAA shall construe failure on the part of the contractor/provider to attempt to resolve disputed ~~((issues))~~ rates as provided in this section as an abandonment of the dispute.

**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 388-81-175 Audit dispute resolution.** Medical care providers may appeal audit findings as described under chapter 388-41 WAC.

#### NEW SECTION

**WAC 388-81-200 Appeal of adverse department action—contractor/provider.** (1) A medical care contractor/provider may appeal medical assistance administration (MAA) contract action involving termination, nonrenewal, or other adverse MAA action concerning the contract by filing a request for a dispute conference with the MAA. Adverse action involving medical audit disputes shall be covered under chapter 388-41 WAC and rates under WAC 388-81-043.

(2) "Dispute conference," for this section, means an informal administrative procedure, not governed by the Administrative Procedures Act, chapter 34.05 RCW. A dispute conference shall be the only and final administrative appeal level within the department and shall precede judicial action.

(3) Unless otherwise specified, the contractor/provider shall provide a written request for a dispute conference within thirty calendar days of the receipt of the department's notice.

(4) Contractor/provider request for a dispute conference shall include a statement of the actions appealed and supporting justification.

(5) The department shall not consider a contractor/provider request for a dispute conference filed after thirty calendar days of the receipt of adverse action notice. The contractor/provider shall forfeit the right to a dispute conference.

(6) MAA shall conduct the dispute conference within ninety calendar days of the receipt of dispute request.

(7) MAA may request additional information within thirty calendar days of receipt of the request for a dispute conference. When additional information is requested, the contractor/provider shall have thirty calendar days to submit the information. MAA shall schedule the conference within thirty calendar days of the receipt of the complete information.

(8) The dispute conference chairperson shall issue the final decision within thirty calendar days of the hearing.

(9) MAA may grant extensions of time for extenuating circumstances.

**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 93-24-060**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3676—Filed November 24, 1993, 11:52 a.m.]

Date of Adoption: November 24, 1993.

Purpose: Establishes payment rules to correspond with WAC 388-81-065. Clarifies how payment for co-pay is processed by providers, new WAC 388-87-300 Payment—Co-payment.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-21-040 on October 15, 1993.

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

November 24, 1993

Dewey Brock, Chief  
Office of Vendor Services

**NEW SECTION**

**WAC 388-87-300 Payment—Co-payment** (1)  
 Effective September 1, 1993, the department shall require a co-payment for selected services of the following providers:

- (a) Physicians;
- (b) Advanced registered nurse practitioners;
- (c) Health departments;
- (d) Podiatrists;
- (e) Dentists;
- (f) Dental hygienists;
- (g) Optometrists;
- (h) Opticians; and
- (i) Pharmacists.

(2) The provider shall be responsible for collecting the co-payment amount.

(3) Medical assistance administration shall deduct the co-payment amount from the provider reimbursement on the selected services as described under WAC 388-81-065.

(4) A provider may not deny services to a client unable to pay the co-payment amount, unless the client has a consistent history of not meeting co-payment responsibility. The provider's files must document such claim.

(5) A provider may not refuse to serve a medical assistance administration client subject to the co-payment requirement while continuing to serve a client who is not subject to co-payment requirements.

(6) A pharmacist shall not be subject to the reimbursement limitations in subsection (3) of this section when a client states the client is unable to pay the co-payment amount and the pharmacist documents such claim.

**WSR 93-24-064**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed November 24, 1993, 4:22 p.m.]

Date of Adoption: November 22, 1993.

Purpose: To establish and/or clarify provisions under the MTCA necessary for the department to recover costs incurred during the identification, investigation, and cleanup of sites that have been contaminated with hazardous substances, and to provide guidance on the definition of certain terms in legislation addressing private rights of action.

Citation of Existing Rules Affected by this Order: Amending WAC 173-340-550.

Statutory Authority for Adoption: RCW 70.105D.030 (1)(f), and 70.105D.040(2).

Other Authority: SB 5404 Right of contribution.

Pursuant to notice filed as WSR 93-15-125 on July 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 173-340-550(2), clarifying language was added regarding the department's invoicing practices. Language was also added to describe the basis and method of computing direct staff charges. A statement regarding the department's intent to not charge more than consultants was added. These are not changes, but clarifying statements; WAC 173-340-550 (2)(a), (b), and (c), introductory statements were eliminated. Exclusions from program support costs were described, and the department's intent to have the rate calculations audited was included; WAC 173-340-550(5), statutory language which was duplicated in the draft rule amendment was deleted. Language was moved from WAC 173-340-550 (5)(c)(iii) and clarified to reflect ecology's anticipation that the requirements of this subsection will be evaluated by the courts as a whole and that a private right of action would not be disallowed due to omissions that do not diminish the overall effectiveness of the remedial action; WAC 173-340-550 (5)(a), ecology deleted the requirement that payment of the department's remedial action costs must be paid before a person can pursue a private right of action. Ecology will ensure recovery of its remedial action costs through existing authorities; WAC 173-340-550 (5)(b)(ii), deletions and additions were made to this subsection for the purpose of general clarification; WAC 173-340-550 (5)(b)(iii), some of the language has been moved around and clarified. Language has been added stating that for the purposes of this subsection, the actions listed are deemed adequate by

ecology and supersede the public participation requirements in WAC 173-340-600. The level of effort anticipated by ecology in the notification of other potentially liable persons by the person conducting an independent remedial action was clarified. Language was also added making it a requirement that the sign posted at the site be placed at a location visible to the general public; WAC 173-340-550 (5)(b)(iv), the phrase "technical standards and procedures" has been replaced with the phrase "technical standards and evaluation criteria." Language has been added to recognize that documents prepared during an independent remedial action need not have the same title or format as those documents prepared under the applicable sections of the Model Toxics Control Act regulations. New language has also been added stating it should be recognized that there are often many alternative methods for cleanup of a facility; WAC 173-340-550 (5)(b)(v), the requirement to document where hazardous substances are treated and that the treatment was in compliance with applicable state and federal laws was deleted because of concerns stated in the responsiveness summary. Additional language was included to state the purpose of documenting where hazardous substances have been disposed of as part of an independent remedial action and that the disposal was in compliance with applicable state and federal laws; WAC 173-340-550 (7)(a) and (b), ecology decided to use the term "mechanism" instead of "fee" to allow more flexibility in determining how to collect the monies necessary to fund the program. Several commenters preferred that ecology bill an hourly rate for the actual hours spent working on each site. After evaluating the fee schedule at the end of the first year of program implementation, ecology may determine that a flat-fee system is not the most effective mechanism for ecology to use to recover the costs of providing the service; WAC 173-340-550 (7)(a)(ii), this additional language was included to make it clear that the review fee included the costs of removing a site from the hazardous sites list if ecology issued it a no further action determination; WAC 173-340-550 (7)(a)(iii), this subsection was added to make clear ecology's commitment to providing a written determination of any deficiencies in a report or remedial action performed under this program; WAC 173-340-550 (7)(c), this subsection was added to make it clear that ecology's goal in promoting independent cleanups is to facilitate the removal of sites from the hazardous sites list; and WAC 173-340-550(8), this subsection was changed so that individuals who enter into prepaid oversight agreements with the department do not have to accept their status as a potentially liable person and waive their right to notice and comment under WAC 173-340-500(5).

Effective Date of Rule: Thirty-one days after filing.  
November 22, 1993  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

**WAC 173-340-550 Payment of remedial action costs.**

(1) Policy. RCW 70.105D.050(3) requires that the state seek to recover the amounts spent by the department for investigative and remedial actions and orders. It is the

department's intention to recover those costs which are reasonably attributable to the site. Timing of cost recovery for individual sites will be considered on a case-by-case basis, however, the department may demand payment of costs as they are incurred.

(2) Costs. Each person who is liable under chapter 70.105D RCW is liable for remedial action costs incurred by the department. Remedial action costs are costs reasonably attributable to the site and may include costs of direct activities, support costs of direct activities, and interest charges for delayed payments. The department may send its request for payment to all potentially liable persons who are under an order or decree for the remedial action costs at the site. The department shall charge an hourly rate based on direct staff costs plus support costs. It is the department's intention that the resulting hourly rate charged be less than the hourly rate typically charged by a comparably sized consulting firm providing similar services. The department shall use the following formula for computing hourly rates:

Hourly Rate = DSC + DSC(ASCM) + DSC(PSCM),  
where

DSC = Direct Staff Costs defined in (a) of this subsection,

ASCM = Agency Support Cost Multiplier defined in (b) of this subsection, and

PSCM = Program Support Cost Multiplier defined in (c) of this subsection

(a) Costs of direct activities are direct staff costs and other direct costs. Direct staff costs (DSC) are the costs of hours worked directly on a contaminated site, including salaries, retirement plan benefits, Social Security benefits, health care benefits, leave and holiday benefits, and other benefits required by law to be paid to, or on behalf of, employees. Other direct costs are costs incurred as a direct result of department staff working on a contaminated site including, for example, costs of: Travel related to the site, printing and publishing of documents about the site, purchase or rental of equipment used for the site, and contracted work for the site.

(b) Agency support costs are the costs of facilities, communications, personnel, fiscal, and other state-wide and agency-wide services. The agency support cost multiplier (ASCM) used shall be the agency indirect rate approved by the agency's federal cognizant agency (which, as of July 1, 1993, was the United States Department of the Interior) for each fiscal year.

(c) Program support costs are the costs of administrative time spent by site managers and other staff who work directly on sites and a portion of the cost of management, clerical, policy, computer, financial, and other support provided by other program staff to site managers and other staff who work directly on sites. Other activities of the toxics cleanup program not included in program support costs include, for example, community relations not related to a specific site, policy development, and a portion of the cost of nonsite management, clerical, policy, computer, financial, and other support staff. The program support cost multiplier (PSCM) used shall be calculated by dividing actual program support costs by the direct staff costs of all hours charged to site related work. This multiplier shall be evaluated at least biennially and any changes published in at least two publications of the *Site Register*. The calculation

and source documents used in any revision shall be audited by either the state auditor's office or a private accounting firm. Audit results shall be available for public review. This multiplier shall not exceed 1.0 (one).

(3) Request for payment. When the department requests payment of remedial action costs it shall provide an itemized statement documenting the costs incurred.

(4) Interest charges. A minimum of twelve percent interest shall accrue on all remedial action costs not paid within ninety days of the billing date, or within another longer time period designated by the department.

(5) ~~(Contribution rights. In addition to any other action under chapter 70.105D RCW, cost recovery is available through contribution actions between potentially liable persons, unless such claims are barred by RCW 70.105D.040 (4)(d). The right to contribution furthers the purposes of chapter 70.105D RCW because it provides an incentive for potentially liable persons to work with the department in complying with chapter 70.105D RCW.)~~ Private rights of action. The purpose of this subsection is to facilitate private rights of action and minimize department staff involvement in these actions by providing guidance to potentially liable persons and the court on what remedial actions the department would consider the substantial equivalent of a department-conducted or department-supervised remedial action. In determining substantial equivalence, the department anticipates the requirements in this section will be evaluated as a whole and that a claim would not be disallowed due to omissions that do not diminish the overall effectiveness of the remedial action. For the purposes of this section, the department would consider the following remedial actions to be the substantial equivalent of a department-conducted or department-supervised remedial action.

(a) A remedial action conducted by the department;

(b) A remedial action that has been or is being conducted under an order or decree and the remedial requirements of the order or decree have been satisfied for those portions of the remedial action for which the private right of action is being sought; or

(c) A remedial action that has been conducted as an independent remedial action that includes the following elements:

(i) Information on the site and remedial actions conducted has been reported to the department in accordance with WAC 173-340-300 and 173-340-450, as applicable;

(ii) The department has not objected to the remedial action being conducted or any such objection has been cured as determined by the court;

(iii) Except for emergency remedial actions, prior to conducting an interim action or cleanup action, reasonable steps have been taken to provide advance public notice. The notice may be combined with any notices under another law. These public notice procedures apply only to interim actions or cleanup actions conducted as independent remedial actions after the effective date of this section. For interim actions or cleanup actions conducted as independent remedial actions prior to the effective date of this section, the department recognizes little or no public notification typically occurred because there were no department-specified requirements other than the reporting requirements in this chapter. For these actions, this chapter contains no other specific public notice requirements or guidance, and the court will need to

determine such requirements, if any, on a case-by-case basis. For independent remedial actions consisting of site investigations and studies, it is anticipated that public notice would not normally be done since often these early phases of work are to determine if a release even requires an interim action or cleanup action. For the purposes of this subsection only, unless the court determines other notice procedures are adequate for the site-specific circumstances, the following constitutes adequate public notice and supersedes the requirements in WAC 173-340-600:

(A) Except for emergency remedial actions, written notification has been mailed at least fifteen days prior to beginning construction of the interim action or cleanup action to the last known address of the following persons: The department which shall publish a summary of the notice in the *Site Register*; the local jurisdictional health department/district; the town, city or county with land use jurisdiction; the land owners identified by the tax assessor at the time the action is commenced for that portion of the facility where the interim action or cleanup action is being conducted; and persons potentially liable under RCW 70.105D.040 known to the person conducting the interim action or cleanup action. In identifying other potentially liable persons who are to be noticed under this provision, the person doing the remedial action need only make a reasonable effort to review information currently readily available. Where the interim action or cleanup action is complex, notification prior to beginning detailed design is recommended but not required. For emergency remedial actions, written notice should be provided as soon as practicable;

(B) The notice includes: A brief statement describing the releases being remedied and the interim actions or cleanup actions expected to be conducted; the schedule for these interim actions or cleanup actions; and, for persons potentially liable under RCW 70.105D.040 known to the person conducting the interim actions or cleanup actions, a statement that they could be held liable for the costs of remedial actions being conducted; and

(C) Posting a sign at the site at a location visible to the general public indicating what interim actions or cleanup actions are being conducted and identifying a person to contact for more information. Except for emergency remedial actions this sign should be posted not later than the beginning of construction of any interim action or cleanup action and should remain posted for the duration of the construction. For emergency remedial actions posting of a sign should be done as soon as practicable;

(iv) The remedial actions have been conducted substantially equivalent with the technical standards and evaluation criteria contained in the following sections, where applicable. Where documents are required by the following sections, the documents prepared need not be the same in title or format. Other documents can be used in place of the documents specified in these sections as long as sufficient information is included in the record to serve the same purpose. When using these sections to determine substantial equivalence it should be recognized that there are often many alternative methods for cleanup of a facility that would comply with these provisions. In applying these sections, reference should be made to the other applicable sections of this chapter, with particular attention to WAC 173-340-130



(Administrative principles), WAC 173-340-200 (Definitions) and WAC 173-340-210 (Usage):

(A) WAC 173-340-350 (State remedial investigation and feasibility study);

(B) WAC 173-340-360 (Selection of cleanup actions);

(C) WAC 173-340-400 (Cleanup actions);

(D) WAC 173-340-410 (Compliance monitoring requirements);

(E) WAC 173-340-430 (Interim actions);

(F) WAC 173-340-440 (Institutional controls);

(G) WAC 173-340-450 (Releases from underground storage tanks);

(H) WAC 173-340-700 through WAC 173-340-760 (Cleanup standards); and

(I) WAC 173-340-810 through WAC 173-340-850 (General provisions); and

(v) For facilities where hazardous substances have been disposed of as part of the remedial action, documentation is available indicating where these substances were disposed of and that this disposal was in compliance with applicable state and federal laws. It is not the intent of this provision to require extensive documentation. For example, if the remedial action results in solid wastes being transported off-site for disposal, it would be sufficient to have records indicating the wastes have been disposed of at a permitted solid waste or hazardous waste landfill.

(6) Natural resource damages. Nothing in this section shall affect the authority of the department and the office of attorney general to recover natural resource damages.

(7) Independent remedial actions.

(a) The department has established a mechanism to recover the direct and support costs associated with the review and evaluation of independent remedial action reports submitted under WAC 173-340-300(4). This enables the department to evaluate independent cleanups and facilitates the return of property to productive use. Participation in this program is voluntary, and ecology will recover only the costs of review under the independent remedial action program from those persons requesting the department's review of an independent remedial action report. Ecology shall recover its costs of providing the review of independent remedial action reports, including:

(i) Providing a written determination regarding the adequacy of the remedial actions performed at a site;

(ii) Providing a written determination regarding the adequacy of the remedial actions performed at a site and removing sites or portions of sites from the hazardous sites list if the department has sufficient information to show that the independent remedial efforts are appropriate to characterize and address contamination at the site, as provided for in WAC 173-340-330 (4)(b); or

(iii) Providing a written determination describing the deficiencies with the report or remedial action conducted at the site.

(b) The mechanism used to recover ecology's costs shall be evaluated in June 1994, and, if necessary, adjusted. The mechanism used to recover ecology's costs of review shall be evaluated every other year thereafter.

(c) It is the department's policy, in conducting reviews under this subsection, to promote independent remedial actions by delisting sites or portions of sites whenever petitions and supporting documents show that the actions

taken are appropriate to characterize and address the contamination at the site.

(8) Prepayment of costs. Persons may request the department's oversight of remedial actions through a prepayment agreement. The purpose of such an agreement is to enable department oversight of remedial actions at lower priority sites. The department shall make a determination that such an agreement is in the public interest. A prepayment agreement requires a person to pay the department's remedial action costs, in advance, allowing the department to increase staff for the unanticipated workload. Agreements may cover one or more facilities.

#### WSR 93-24-065

#### PERMANENT RULES

#### DEPARTMENT OF

#### NATURAL RESOURCES

[Order 616—Filed November 29, 1993, 10:31 a.m.]

Date of Adoption: November 19, 1993.

Purpose: Removes forest land from Department of Natural Resources protection, assigns responsibility for protection to King County Fire Protection District #45. Removes protection assessment from lands transferred to fire district protection.

Statutory Authority for Adoption: RCW 76.04.165.

Pursuant to notice filed as WSR 93-19-080 on September 15, 1993.

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

November 19, 1993

Kaleen Cottingham

Department Supervisor

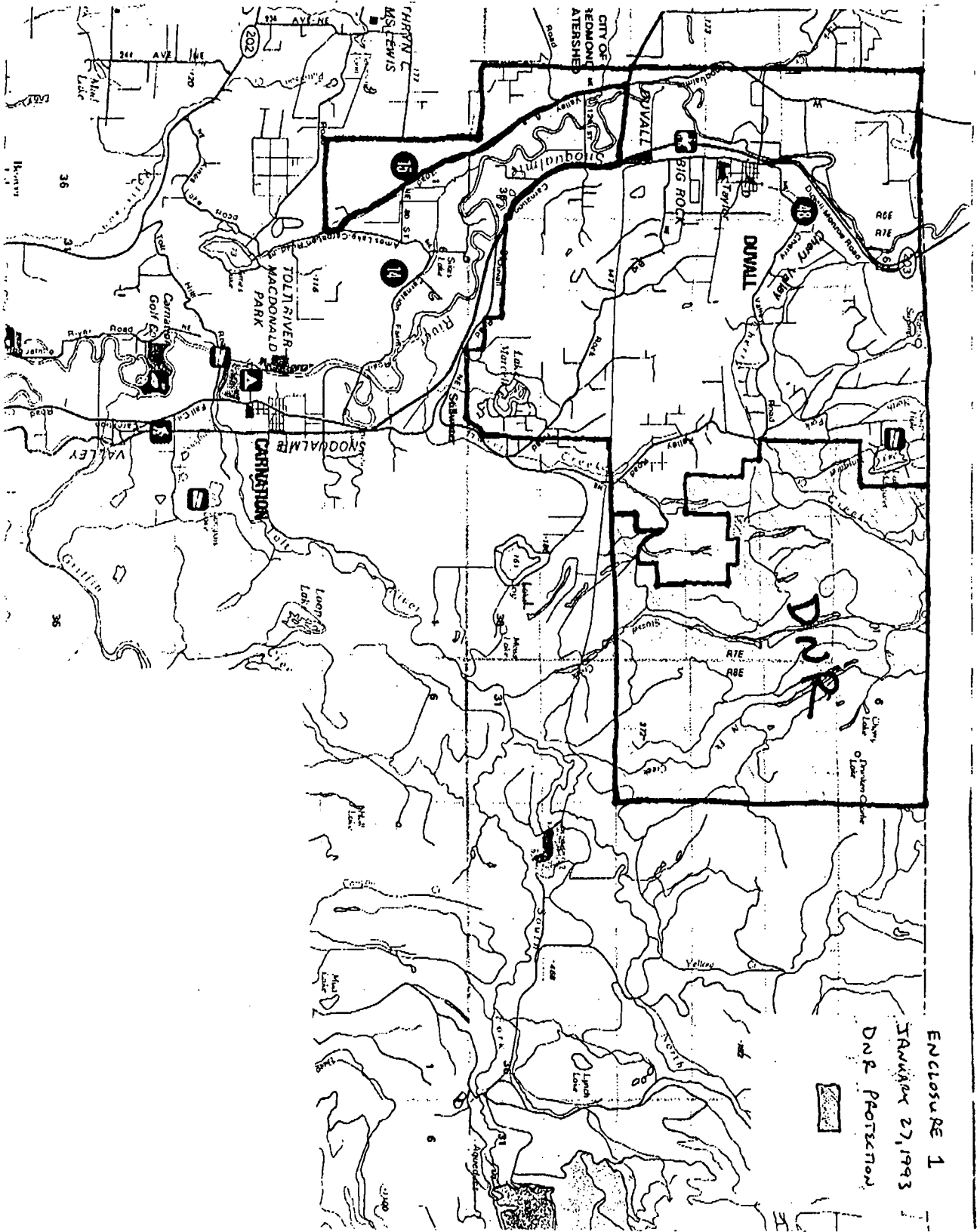
#### NEW SECTION

**WAC 332-24-735 Forest protection zone—King County fire district #45** (1) It is determined that some forest lands within King County are best protected by fire protection districts. Therefore, the forest lands, situated within the following fire protection district, are removed from the Department's forest protection zone and become the protection responsibility of the district:

(a) Fire Protection District 45. All forest lands within the legal description as follows: Township 25 North, Range 6 East W.M. Section 1, 12; Township 26 North, Range 6 East W.M. Section 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36; Township 26 North, Range 7 East W.M. Section: the N 3/4 of the W 1/2 of 3, 4, 5, 6, 7, 8, 9, the S 1/2 and the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of 14, the SW 1/4 and the S 1/2 NW 1/4 and the NW 1/4 NW 1/4 of 15, 16, 17, 18, 19, 20, 21, 22, the E 1/2 NE 1/4 and the N 3/4 W 1/2 W 1/2 and all remaining land N of Stossel Creek County Road in 23, 28, 29, 30, 31, 32, 33.

(2) Forest lands removed from the protection zone will not be assessed under RCW 76.04.610 or 76.04.630.

(3) The exchange of fire protection responsibility will be effective January 1, 1994.



ENCLOSURE 1  
 JANUARY 27, 1993  
 DNR PROTECTION

PERMANENT

**WSR 93-24-087**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed November 30, 1993, 1:21 p.m.]

Date of Adoption: November 30, 1993.

Purpose: This rule clarifies the procedures relative to obtaining court ordered refunds of property tax paid under protest.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 458-18-215.

Statutory Authority for Adoption: RCW 84.08.070.

Pursuant to notice filed as WSR 93-21-023 on October 13, 1993.

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

November 30, 1993

William N. Rice

Assistant Director

Property Tax

**NEW SECTION**

**WAC 458-18-215 Refunds—Payment under protest requirements.** (1) **Introduction.** This rule explains and implements the procedures to be followed to comply with RCW 84.68.020. This statute imposes the requirement that property taxes be paid under protest in order to preserve the taxpayer's right to bring an action in court for a refund. The intent of the rule is to clarify the rights and responsibilities of taxpayers with respect to paying taxes under protest. This rule does not explain nor apply to the provisions of chapter 84.69 RCW, which describe alternative procedures for obtaining property tax refunds in factual circumstances that do not require the tax to be paid under protest.

(2) **What constitutes a valid protest.** In order to preserve a right to bring an action in court for refund of any property tax paid, a taxpayer must at the time of payment of the tax, submit to the county treasurer a written protest setting forth all of the grounds upon which the tax, or any portion of the tax, is claimed to be unlawful or excessive. When the taxpayer pays the tax in two installments, the right to bring an action in court for refund of any property tax paid is preserved if a written protest, as provided in this section, accompanies each installment payment or if a written protest, as provided in this section, accompanies the first installment payment and indicates that the protest is a continuing protest with respect to the taxes payable for the entire year. No protest accompanying a tax payment shall be deemed to include protest of taxes due in succeeding years. A statement on a check or money order that the tax is being paid under protest is not sufficient to preserve the right to seek a refund in court. Any tax paid without a written protest, as provided in this section, is considered to be voluntarily paid and nonrefundable.

(3) **Sufficiency of protest.** The written protest is intended to provide the taxing authorities with notice that the taxpayer is disputing the right to collect the tax and also to provide notice to the taxing authorities of the grounds upon which the taxpayer bases the protest. Any written protest which clearly states that the taxpayer disputes liability for the tax or a part thereof, and states all the reasons for the dispute constitutes a sufficient notice and a sufficient written protest for the purposes of this section. When the taxpayer

submits a written protest as provided in this section, the taxpayer is thereafter prohibited from raising other or additional grounds as the basis for the dispute.

(4) **Notice to taxpayers of protest requirement.** A prominent notice of the written protest requirement shall be included as part of, or enclosed with, property tax statements. One sample notice is as follows: To preserve your right to seek a court ordered refund, you must submit a separate written statement to the county treasurer at the time you pay the tax stating: You are paying the tax or a portion of the tax under protest; and all of the reasons why you believe the tax paid is unlawful or excessive. An alternative sample notice is as follows: To preserve your right to seek a court ordered refund, you must comply with requirements of the law (RCW 84.68.020 and WAC 458-18-215). Copies are available from the county treasurer.

(5) **Effective date.** This rule is effective for 1994 tax statements and taxes due in 1994, and thereafter. This rule is not intended to impose additional administrative costs upon counties to the extent 1994 tax statements may have already been printed, as of the effective date of this rule, without containing the notice required in subsection (4) of this section.

**WSR 93-24-093**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 5021—Filed November 30, 1993, 2:58 p.m.]

Date of Adoption: November 30, 1993.

Purpose: To adopt most current edition of the pasteurized milk ordinance (PMO) including new requirements for drug testing under Appendix N.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 16-101-700.

Statutory Authority for Adoption: RCW 15.36.540 and [15.36.]550.

Pursuant to notice filed as WSR 93-20-035 on September 28, 1993.

Changes from Proposed to Adopted Version: Changed "1989" recommendation to current "1992" recommendation.

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

November 30, 1993

Jim Jesernig

Director

**AMENDATORY SECTION** (Amending Order 1706, filed 6/2/80)

**WAC 16-101-700 ((Interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk.)) Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted ((as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: *Provided*, That the following portions of Part I Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36**

RCW)) by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

~~((+)) (a) Part 1. Grade A Pasteurized Milk Ordinance: ((a) Section 1. Paragraph A through paragraph L 2, pages 19-20.~~

~~(b) Section 6. Paragraph 4, pages 24-25.~~

~~(e)) (i) Section 7. Table 1, ((line 4,)) line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page ((26)) 13.~~

~~(ii) Item 19r Cooling, page 17.~~

~~((2)) (b) Part II. Administrative Procedures:~~

~~((a) Section 1. Paragraph A through paragraph L 2, pages 35-36.~~

~~(b) Section 6. Paragraph 4, page 42.~~

~~(e) Section 7. Table 1, line 4, page 45.~~

~~(d) Item 6r Administrative Procedures #2, page 49.)~~

~~(i) Section 3, paragraphs 3 and 4, page 31.~~

~~(ii) Section 7. Table 1, line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page 42.~~

~~(iii) Section 7, Item 19r Cooling, paragraph 1, page 58.~~

~~(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page 58.~~

~~((e)) (v) Sections 9, page 105, 15, 16, and 17, page ((86)) 108.~~

~~((f)) (vi) Appendix E, pages ((131-132)) 171-172.~~

~~((g)) (vii) Appendix K, page ((183)) 241-242.~~

~~((h) Appendix L, page 185.)~~

~~(viii) Appendix N: (1/1/92 addition) Regulatory Agency Responsibilities, B. Enforcement: Penalties.~~

~~(2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.~~

~~Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve-month period, the regulatory agency shall initiate administrative procedures pursuant to revocation of the producer's permit.~~

~~As the Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

**WSR 93-24-096**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

(Real Estate Commission)

[Filed November 30, 1993, 3:19 p.m., effective January 1, 1994]

Date of Adoption: November 30, 1993.

Purpose: These amendments reflect changes in cost and technology in the examination process as a result of a recent RFP to contract for electronic testing services for real estate examinations. The other changes are to help make administration of the examination more efficient and less costly.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124A-025, 308-124A-440, 308-124A-450, and 308-12-460.

Statutory Authority for Adoption: RCW 18.85.040.

Pursuant to notice filed as WSR 93-17-099 on August 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-124A-025(4) adds personal check as an unacceptable form of payment.

Effective Date of Rule: January 1, 1994.

November 30, 1993

Kathy Baros Friedt

Director

AMENDATORY SECTION (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

**WAC 308-124A-025 Application process to take examination.** (1) Any person desiring to take an examination for a real estate salesperson license, except candidates who are actively licensed in another jurisdiction or were so licensed in the preceding six months or candidates who have received clock hours in another jurisdiction, ~~((must)) shall telephone the testing service up to three days prior to the desired test date to schedule an examination. On the day of the examination, the candidate shall~~ submit a completed examination application together with the examination fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved thirty clock hour fundamentals course, to the testing service approved by the department.

(2) Any person desiring to take an examination for a real estate broker license or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months or who has received clock hours in another jurisdiction must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the licensing division of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall telephone the testing service up to three days prior to the desired test date to schedule an examination. On the day of the examination, the candidate shall submit the completed examination application and examination fee by cashier's check, certified check, or money order to the testing service approved by the department.

(3) The applicant will be ~~((assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request))~~ able to schedule an examination date up to three days prior to their desired test date. Candidates requesting a morning or afternoon test session will be scheduled immediately for an examination and will be provided with a registration number confirming their reservation.

(4) An examination candidate who has a completed examination application with the examination ~~((walk-in))~~ fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved thirty clock hour fundamentals course for candidates for a salesperson license, ~~((may walk in to))~~ shall telephone the testing service to schedule an examination ((if there are adequate space and test booklets after accommodating all candidates who have pre-applied under subsections (1) and (2) of this section)). A candidate for a real estate broker license or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months or who has received clock hours in another jurisdiction must have his or her qualifications for the examination verified by the department as provided in subsection (2) of this section prior to ~~((walking in to))~~ scheduling an examination as permitted in this section. The examination ~~((walk-in))~~ fee shall be paid in the form of a certified check, a cashier's check, or money order made payable to the testing service approved by the department. Cash, or personal check, will not be accepted from ~~((walk-in))~~ candidates.

(5) An applicant shall ~~((forfeit all))~~ be assessed the full examination fee(s) for any examination ((or examinations for)) in which the applicant ((has applied and does not take for any reason, other than through the fault or mistake of the department of licensing)) fails to provide four days notice to the testing service for changing their examination date or for failing to arrive and take a scheduled examination at the time the examination is scheduled or rescheduled.

AMENDATORY SECTION (Amending Order PM 774, filed 9/30/88, effective 1/1/89)

**WAC 308-124A-440 Reexamination.** An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may ~~((walk in to an examination upon payment of the reexamination walk-in fee if there are adequate space and test booklets and upon presentation of the failure notice or exam admission ticket. The failure notice or exam admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance))~~ apply for reexamination by telephoning the testing service to schedule an examination. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

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

**WAC 308-124A-450 Examination procedures.** (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the department not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test ~~((booklets))~~ materials and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

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

**WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees.** The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	<del>(( \$ 85.00 ))</del> \$130.00
Reexamination	<del>(( 85.00 ))</del> 130.00
<del>((Walk-in for examination</del>	<del>25.00))</del>
Original license	160.00
License renewal	160.00
Late renewal with penalty	185.00
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00
Real estate broker - Branch office:	
Original license	\$150.00
License renewal	150.00
Late renewal with penalty	175.00
Duplicate license	25.00
Name or address change	25.00
Real estate salesperson:	
Application/examination	<del>(( \$ 85.00 ))</del> \$130.00
Reexamination	<del>(( 85.00 ))</del> 130.00
<del>((Walk-in for examination</del>	<del>25.00))</del>
Original license	100.00
License renewal	100.00

Late renewal with penalty	125.00
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00

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

Land development representative: Registration	25.00
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**WSR 93-24-101  
PERMANENT RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Order R-399, Docket No. A-930792—Filed December 1, 1993, 8:12 a.m.]

In the matter of amending WAC 480-09-760 relating to interlocutory orders.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-18-095, filed with the code reviser on September 1, 1993. 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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-18-095, for 9:00 a.m., Wednesday, October 20, 1993, 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 written comments to the commission until September 29, 1993.

Written comments were presented by the commission staff.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on October 20, 1993, before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner Richard Hemstad. Oral comments were made by C. Robert Wallis on behalf of the commission staff. After considering the written and oral comments, the commission adopted the rule as noticed.

In reviewing the entire record, the commission determines that WAC 480-09-760 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

**ORDER**

**THE COMMISSION ORDERS** That WAC 480-09-760 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

**THE COMMISSION FURTHER ORDERS** That this order and the rule shown below, after being recorded in the

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.

**THE COMMISSION** Adopts the commission staff memoranda, presented at the times the commission considered noticing and adopting this proposal, as its brief explanatory statement of the reasons for adoption under RCW 34.05.355.

DATED at Olympia, Washington, this 24th day of November 1993.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
Richard Hemstad, Commissioner

**APPENDIX A**

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-760 Interlocutory orders.** The commission has discretion to accept or decline review of interim or interlocutory orders (~~entered by an administrative law judge~~) in an adjudication.

(1) Except where otherwise provided, the commission may review such orders when it finds that:

((+)) (a) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; or

((+)) (b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

((+)) (c) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

(2) Any aggrieved party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed with the commission and served on other parties within ten days after entry of the order, stating clearly why the order is in error and citing reasons in support of the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

**WSR 93-24-102  
PERMANENT RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Order R-401, Docket No. TV-931030—Filed December 1, 1993, 8:16 a.m.]

In the matter of adopting WAC 480-12-600 relating to regulatory fees for motor carriers.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-19-162, filed with the code reviser on September 22, 1993. The commission brings this proceeding pursuant to RCW 80.01.040.

PERMANENT

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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-19-162, for 9:00 a.m., Wednesday, September 22, 1993 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 written comments to the commission until October 15, 1993. The proposed rule would implement RCW 81.80.321 by establishing a process for the calculation and collection of regulatory fees imposed by statute.

Written comments were presented by Hank Waggoner on behalf of Lakeside Hauling, Inc., and by the commission staff.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on October 27, 1993 before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner Richard Hemstad. Oral comments were made by John Nichols on behalf of Nichols Trucking and by Alan Scott and Robert Colbo on behalf of the commission staff. After considering the written and oral comment, the commission adopted the rule as noticed.

In reviewing the entire record, the commission determines that WAC 480-12-600 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

#### ORDER

THE COMMISSION ORDERS That WAC 480-12-600 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the 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.

THE COMMISSION Adopts the commission staff memoranda, presented at the times the commission considered noticing and adopting this proposal, as its brief explanatory statement of the reasons for adoption under RCW 34.05.355.

DATED at Olympia, Washington, this 30th day of November 1993.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard Hemstad, Commissioner

#### APPENDIX A

#### NEW SECTION

**WAC 480-12-600 Regulatory fee.** (1) Every common and contract motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission its annual report, including a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is modified by commission order.

#### WSR 93-24-103

#### PERMANENT RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-400, Docket No. A-930517—Filed December 1, 1993, 8:21 a.m.]

In the matter of amending WAC 480-09-120, 480-09-210, 480-09-220, 480-09-320, 480-09-330, 480-09-420, 480-09-425, 480-09-480, 480-09-500, 480-09-720, 480-09-736, 480-09-770, 480-09-780, 480-09-810 and adopting WAC 480-09-012 relating to procedures; amending WAC 480-12-033 relating to temporary motor carrier authority; amending WAC 480-80-240 relating to tariff filings; and amending WAC 480-149-230 relating to tariff filing approval on less than statutory notice.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-18-096, filed with the code reviser on September 1, 1993. 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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-18-096, for 9:00 a.m., Wednesday, October 20, 1993, 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 written comments to the commission until September 29, 1993.

Written comments were presented by US West Communications, Inc., Puget Sound Power and Light Company, Washington Natural Gas Company, Assistant Attorney General Don Trotter on behalf of public counsel, and by the commission staff. Changes recommended: The commission staff recommended a number of changes from the draft as noticed, several as a result of comments from the public and others resulting from further review by the commission staff. The following summary indicates those changes, other than changes for grammatical or punctuation reasons.

WAC 480-09-120, the word "business" would be inserted in subsection (1)(a)(i) to identify "business day" for

consistency with WAC 480-80-070, and the term tariff "revisions" added to permitted filings, for consistency with law. New subsections (1)(b)(i) and (ii) would make a general statement regarding flexibility as to number of copies and would request information on disc. A change in subsection (1)(b) would allow single- or double-sided filing at the filer's option, as double-sided pages offer a substantial reduction in costs of submission and in commission filing and storage needs.

WAC 480-09-330 Filing requirements—General rate increases. Subsection (1), a proposal would require that reports or studies mentioned in prefiled evidence be provided as workpapers. An amendment would allow inquiry prior to filing as to the number of copies actually required. A general qualifier would be added, stating that the copy requirement is subject to exemption for hardship — this is always available, and stating it specifically can ease fears of smaller firms for whom copying could be a substantial expense. Subsection (2)(b), a change would require narrative descriptions of company changes in methodology. Subsection (3)(a) requires disclosure of test year revenue generated by the company's most recent general rate increase. A proposal would replace the term "increase" with the term "change," as decreases may also be involved; a proposal would substitute "units of revenue" for "customer count," for clarity. Subsection (4) changes announcement requirement from persons on the "intervenor list" to prior intervenors, consistent with the change in another section to use of master service lists. A change would clarify that the five year period prior to filing should be reviewed for master service lists; a change would clarify that the company is responsible for mailing the notice. A provision would clarify that the rule does not create a right to notice in persons named in the rule to receive the summary, so inadvertent failure to mail the summary sheet cannot constitute lack of notice to a person failing to receive it. Subsection (5) requires filing of the company's most recent report to shareholders; a proposal would add certain regulatory forms, readily available to the company. The small burden from adding these forms could assist a speedy analysis of the filing.

WAC 480-09-420 Pleadings. Subsection (8) deletes reference to superior court motion practice. A proposed change would authorize the commission to refer to the rules as guidelines, to meet concerns stated by commentators and to preserve the commission's interest in sound process, but would not mandate reference and would not incorporate the rules by reference. Subsection (2)(d), (e) adds definitions of record requisition and bench request. A change would include oral requests at depositions within the existing "record requisition" definition. Subsection (5)(a)(ii) states process for responding to record requisitions and bench requests, and time for filing; requires notification of parties if response time may be longer. A change would delete a term for clarity. Another change would allow the assistant attorneys general representing staff to direct the destination of data responses. Finally, a change would clarify that the timing of responses to requisitions is consistent with other provisions in the same section, specifically excluding weekends and holidays. Subsection (5)(b)(ii)(C) limits corrections to deposition to actual errors in transcription. Changes timing of right to offer other materials to time of

admission of deposition excerpts. A change would allow correction of depositions, so that witnesses who have misunderstood a question or inadvertently presented incorrect facts can correct them, analogous to provisions in the civil rules. A proposal would limit the original rule proposal requiring simultaneous admission of deposition excerpts, to those excerpts that put the original submission into context or that are needed to present a balanced picture of the witness' response.

WAC 480-09-736(2) identifies motions that should be stated at the start of a hearing or a hearing day. A change would require presiding officers to set a time at the start of each hearing day to mark and distribute exhibits that will be offered during the day and for the argument of objections, and for arguing other anticipated matters. Subsection (6) updates filing requirements for pre-distributed evidence. Corrections and cross references would make this section more clearly consistent with subsection (10) of this rule. Subsection (13) filing requirements for case-related materials. A change would withdraw unclear text regarding correspondence that is not now required to be submitted in multiple copies. Subsection (16) length of briefs. Because single-issue parties may have less need for brief length, and because longer page limits may be appropriate for complex cases, a change would state specific authority for the presiding officer to vary the limits. Subsection (20) a new provision would specifically allow the presiding officer to ask generally for objections, rather than repeatedly ask whether each party objects, requiring an answer. The change can save considerable time and numerous pages in the record when several hundred exhibits are offered.

WAC 480-09-770 Briefs. A change would allow a shorter page limit for limited purpose intervenors.

WAC 480-80-240 Without statutory notice. A proposal would delete subsection (4) of this section, because it is superseded by the process of reviewing purchased gas adjustments.

Adoption, with proposed changes: The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on Wednesday, October 20, 1993, before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner Richard Hemstad. Oral comments were made by C. Robert Wallis of the commission staff. After considering the written and oral comments, the commission adopted the rules with the changes suggested in the commission staff proposal.

In reviewing the entire record, the commission determines that WAC 480-09-120, 480-09-210, 480-09-220, 480-09-320, 480-09-330, 480-09-420, 480-09-425, 480-09-480, 480-09-500, 480-09-720, 480-09-736, 480-09-770, 480-09-780, 480-09-810, 480-12-033, 480-80-240 and 480-149-120 should be amended, and that WAC 480-09-012 should be adopted, to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

#### ORDER

THE COMMISSION ORDERS That WAC 480-09-120, 480-09-210, 480-09-220, 480-09-320, 480-09-330, 480-09-420, 480-09-425, 480-09-480, 480-09-500, 480-09-720, 480-09-736, 480-09-770, 480-09-780, 480-09-810, 480-12-033, 480-80-240 and 480-149-120 are amended, and that WAC



480-09-012 is adopted, to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the 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.

THE COMMISSION Adopts the commission staff memoranda, presented at the times the commission considered noticing and adopting this proposal, as its brief explanatory statement of the reasons for adoption, and for variances between noticed and adopted versions, under RCW 34.05.355.

DATED at Olympia, Washington, this 30th day of November 1993.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard Hemstad, Commissioner

#### APPENDIX A

#### NEW SECTION

**WAC 480-09-012 Incorporated and referenced materials.** Any document that is incorporated by reference in a commission rule is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library, housed with the commission's headquarters office. The commission secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge and subject to copyright restrictions.

AMENDATORY SECTION (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

**WAC 480-09-120 Filing and service.** (1) Filing. Filing of any document (~~shall be deemed~~) is complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided (~~in WAC 480-80-070 for tariff filings and except for the filing of Form E proof of insurance when a hard copy is received within ten days~~) in this rule, receipt in the commission's telefax machine, or similar device, does not constitute filing. The following documents may be filed by telefacsimile device when a hard copy is sent by mail, postmarked on the day of filing, and received in the normal course of commerce, except as specifically noted:

(i) Tariff filings, when a hard copy is filed the next business day, as provided in WAC 480-80-070;

(ii) Form E proof of insurance, when a hard copy is filed within ten days;

(iii) Tariff filings by solid waste companies, auto transportation companies, steamboat companies and motor carriers; and

(iv) Proposals to amend commission tariffs, as provided in WAC 480-12-295.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation

matters and nineteen copies for all other matters. Documents may be submitted single sided or double sided.

(i) The number of required copies is established to meet average commission need. Parties to a proceeding may in writing ask the commission secretary whether fewer are required in a given case. Parties to whom the required number of copies would be a hardship may request exemption from the stated number of copies, describing the nature of the hardship.

(ii) The commission encourages parties submitting prefiled testimony and exhibits, briefs and other pleadings to submit the document in electronic form, with the agreed number of hard copies. In some instances electronic submissions will substitute for hard copies. Unless other arrangements are made, text files may be submitted in a format compatible with WordPerfect 5.1 or in ASCII format and data may be submitted in a format compatible with Lotus 123.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(d) The filing of a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in this rule.

#### (2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served shall be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Service by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))

Dated at . . . . . this . . . day of . . . . .  
(signature)

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-210 Rule making—Notice of proposed rule—Rules coordinator.** (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the *State Register*. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule. The commission shall submit a small business economic impact statement for publication in the *State Register* when required to do so by chapter 19.85 RCW, the Regulatory Fairness Act.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the *State Register*, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service based on the estimated actual cost of providing the service. It may decline to establish a fee for specific groupings, and it may group industries together, for efficiency or administrative convenience.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-220 Petitions for rule making, amendment, or repeal.** (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) When the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. When the petition requests the amendment

or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment, or repeal.

(3) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Within sixty days after submission of a petition, the commission shall:

(a) Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner; or

(b) Initiate rule-making proceedings in accordance with chapter 34.05 RCW.

(5) In rule-making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views, and arguments from interested persons on the economic values which may be affected by such rule making.

~~((6) The commission shall submit a small business economic impact statement when required by chapter 19.85 RCW, the Regulatory Fairness Act.))~~

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-320 Filing requirements—**~~((Intervenor list))~~ **Master service.** ~~((+))~~ The commission will maintain ~~((an intervenor list for each of the utilities under its jurisdiction))~~ a master service list for each adjudication on which a hearing is held. The list will contain the name and address of each ~~((person who intervened in the utility's latest general rate))~~ party to the proceeding.

~~((2) Public counsel designated by the attorney general shall be placed on the intervenor list maintained by the commission for each utility company.))~~

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-330 Filing requirements—General rate increases.** General rate increase filings for utility companies shall include, at a minimum, the following information:

(1) Twenty copies of all testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held. The filing shall also include three copies of supporting work papers. If the testimony, exhibits or work papers refer to a document, including but not limited to a report, study analysis, survey, article or decision, that document shall be provided as a work paper. If the document is voluminous it need not be provided with the filing but shall be made available upon request.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes. If the company proposes to calculate an adjustment in a manner differing from the method that the commission most recently accepted or authorized for the company, it shall also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and (~~measured~~) measurable changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, annualized, as applicable(±). In presenting the following information, the company shall itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. It shall include in its rate change percentage and revenue change calculations any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period units of revenue.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue (~~increase~~) change in percentage, in total and by major customer class.

(d) Requested revenue (~~increase~~) change in dollars, in total and by major customer class.

(e) Requested rate (~~increase~~) change in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) Contemporary with its filing, the company shall mail the summary document required in subsection (3) of this section (~~shall also be mailed~~) to public counsel and to all (~~persons~~) intervenors on the commission's (~~intervenor~~) master service list for the (~~utility, with~~) company's most recent general rate case and all intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits are available from the company upon request. This provision does not create a right to notice in persons named to receive the summary.

(5) The most recent annual report to shareholders, if any; the most recent FERC Form 1, if applicable; and for the most recent two years prior to the filing date, supply the company's Form 10Ks, Form 100s, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-420 Pleadings—Applications for authority—Protests.** Pleadings. Pleadings before the commission include formal complaints, petitions, answers, replies, and written motions.

(1) Legibility; size; length; service. All pleadings shall be legible and, unless a different size is required by the nature of the pleading, submitted on 8-1/2 x 11 inch paper. Pleadings shall not exceed sixty pages without permission from the commission. Unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical

errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the words (Petition, Motion, Reply, etc., of role of party: e.g., petitioner, respondent, protestant, etc., and name of the party if more than one party has the same role in the proceeding)).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies of each pleading in transportation matters except transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. ~~((Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.))~~

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) Petitions - contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) Motions. ~~((The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.))~~

Motions shall be filed separately from any other filing and will not be considered if merely stated within the text of correspondence or a different pleading. The commission may refer to the rules in the superior court of Washington as guidelines for handling of motions.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425 and 480-09-810(4), any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) Reply. The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

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

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.** (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motions. ~~((Any motion directed toward a pleading must be submitted in writing and.))~~ Unless good cause is shown for a delay, any motion directed to a pleading must be filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. ~~((Motions shall be filed separately from any other filing. Motions on procedural issues may be argued orally during a hearing pursuant to WAC 480-09-736.))~~ Filing a motion to dismiss a pleading, or seeking a similar remedy, does not stay the time for answering the pleading. Other motions shall be filed within the times specified in WAC 480-09-420 or 480-09-736.

(3) Time for answer; reply.

(a) An answer must be filed within twenty days after the service of the pleading against which it is directed. The filing of an answer is not mandatory. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) Liberal construction. All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

#### AMENDATORY SECTION (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-480 Methods for obtaining data in adjudicative proceedings.** (1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: *Provided*, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company, a solid waste company, or a segment of the ~~((motor carrier))~~ transportation industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

#### (2) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: *Provided*, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy,

position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Record requisition. A request for data made on the record during a hearing session or during a deposition.

(e) Bench request. A request for data made by or on behalf of the presiding officer.

(f) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The ~~((data))~~ requests for data and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved ~~((by an administrative law judge, and by subsequent commission order if necessary))~~. In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. ~~((Unless a different schedule is adopted, motions involving))~~ Disputes arising from use of the procedures in this section will be heard ~~((by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument))~~ at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the record or by written order. Discovery rulings are subject to review under WAC 480-09-760.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests, record requisitions, and bench request.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. ~~((Data requests may also be made on the record, at hearing or conference.))~~ Each party shall number its data requests sequentially as submitted. Record requisitions and bench requests shall each be described on the record and consecutively numbered.

(ii) ~~((Receipt of))~~ Responses. Responses to data requests and record requisitions shall be sent to the requesting party and to any other party who shall have requested a copy, so long as ~~((such))~~ responses are consistent with the terms of any protective order which may be entered in the proceeding. The commission staff copy shall be sent to the assistant attorney general representing the commission staff

unless the attorney requests an alternative method. Written responses to bench requests shall be served on all parties and filed with the commission in the same manner and quantity as predistributed exhibits.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. Responses to record requisitions and bench requests shall be submitted within ten days, excluding weekends and holidays, after the transcript is delivered to the commission unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties of the expected difficulties immediately.

No response to a data request, bench request, or record requisition shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days' notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia ~~((by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain))~~. Should all parties request ~~((the))~~ or consent to participation by an administrative law judge ((to participate)) in the deposition ~~((portion of the conference))~~, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: *Provided*, That an individual compelled to appear as an adverse witness will

not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission or by the party requesting the deposition. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence. The portions proposed to be offered shall be distributed as other predistributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

(C) Corrections in the deposition transcript may be made only by motion filed within ten days after delivery of the transcript. Corrections will be allowed only to correct transcription errors and not to modify testimony, provided that a witness has the duty to supplement her or his response immediately, upon learning that the prior response was incorrect when made or upon learning that a response, correct when made, is no longer correct.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition for the purpose of offering a complete picture of the witness' testimony. Offers for other purposes, as for impeachment or to eliminate the need to repeat questions and answers, may be made at any time. Time limits may be modified by prehearing order to the extent necessary to conform to the ~~((the))~~ commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented ~~((to an administrative law judge))~~ for resolution as provided in subsection (4) of this section.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may

be imposed or modified by ~~((prehearing order))~~ the commission or the presiding officer to the extent necessary to conform to the commission's hearing schedule.

~~((Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.~~

~~If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.))~~

If a party fails or refuses to comply with a commission order or an administrative law judge's order that is not reviewed resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-500 Brief adjudicative proceedings.**

(1) Pursuant to RCW 34.05.482, the commission may use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Review of denials or partial denials of applications that are not protested;
- (b) Contested applications for temporary authority;
- (c) Proceedings which could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents; ~~((and))~~
- (d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties; and
- (e) In addition, the commission may hear any other adjudicative matter in a brief adjudication upon the request or consent of all parties to the proceeding, when notice and an opportunity to participate need not be given to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission desires to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and

whether alternative means of resolving the issues are sufficient to satisfy the parties' and the commission's interests.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission. If it grants the request, the commission shall designate ~~((either))~~ a review judge, a hearing examiner, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. In the discretion of the commission or the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a brief written ((order)) statement, which shall be served upon all parties within ten days after ~~((entry of the order or the decision))~~ the date of the brief adjudication.

(4) The brief written statement is an initial order. If no party seeks review ~~((is taken))~~ of the initial order, it shall ~~((be))~~ become the final order only on adoption by the commission.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within ~~((thirty))~~ twenty days after the ~~((date of the initial order))~~ deadline for requesting review or of the request for review, whichever is later. The order shall include a description of any further available administrative

review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-720 Appearances—Party status.** (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the court reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1).

(2) Party status may not be accorded ~~((as a matter of right after))~~ to a person who fails to appear at the ((initial) earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, without a showing of good cause for failing to timely appear.

**AMENDATORY SECTION** (Amending Order R-362, Docket No. A-911231, filed 12/19/91, effective 1/19/92)

**WAC 480-09-736 Hearing guidelines.** These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer ~~((has discretion to))~~ may when appropriate suspend or modify the guidelines or ((to)) use measures not specified ((herein when appropriate in the circumstances of the case)) in this rule.

(1) Starting times will be strictly observed. The proceeding ~~((with))~~ may go forward in the absence of counsel who are late.

(2) Motions related to evidence or to the procedural course of the hearing, but not involving dismissal of a party or a part of the proceeding, will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. ((This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases,)) The presiding officer should be notified ~~((that a motion will))~~ no later than the start of the hearing session of any motion that may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer shall set a time prior to the start of the presentation of evidence for marking, distribution, and argument regarding exhibits to be offered during the day and for arguing other matters.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than

to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When redistribution of evidence is required, ~~((one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission))~~ each party shall file twenty copies of its evidence with the commission. For redistributed evidence only, parties need not also serve copies on the commission staff, the accounting adviser, the administrative law judge, or the assistant attorney general. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been redistributed. Counsel should not ask the witness on the stand to correct obvious typographical errors in the prefiled testimony if more than three corrections are required, but should submit an errata sheet or revised documents. The original and required number of copies of the errata sheet or corrected text shall be submitted at the hearing. Substantive revisions shall be disclosed to other parties as soon as need for the revision is discovered. Corrections and revisions should be made or attached to all ((copies)) documents distributed at the hearing before the copies are distributed. ((The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.)) Subsection (10) of this section governs other aspects of revising and offering redistributed testimony and exhibits.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex . . . . (JQW- <del>((Testimony))</del> ) T	Ex . . . . (JQW-2)
Ex . . . . (JQW-1)	Ex . . . . (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects. ~~((Twenty copies of the summary shall be filed with the secretary of the commission unless the presiding officer advises that a different number is required.))~~



(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size, reduced to that size, or folded to that size if reduction would be illegible, and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large ~~((charts))~~ documents may be used at the hearing for illustrative purposes so long as a ~~((letter-size))~~ reduction is provided ~~((or so long as the chart is foldable to 8-1/2" by 11"))~~ for inclusion in the ~~((official))~~ record.

(10) Any ~~((revised pages for))~~ revisions to predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions ~~((should))~~ shall be ~~((indicated))~~ highlighted, in legislative style or other manner clearly indicating the change for ~~((cross-reference to))~~ comparison with the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit. Counsel should identify revisions by page and date at the time an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate. Subsection (6) of this section governs other aspects of revising and presenting predistributed exhibits.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission, under ~~((existing))~~ commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. ~~((In addition, one copy should be addressed to the presiding administrative law judge at the Office of Administrative Hearings, 2420 Bristol Ct SW (3rd Floor), PO Box 42489, Olympia WA 98504-2489.))~~

(14) ~~((Petitions or motions (intended for argument or resolution at previously scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument))~~ seeking the dismissal of any party or any portion of a proceeding, or that in the moving party's judgment require the submission of a written motion, petition, brief or statement of authorities, shall be filed with the commission and served on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent, unless the commission finds that later filing is reasonable under the circumstances. Answers shall be filed with the commission and served on other parties at least three days prior to the hearing. Oral ((response will))

argument may be allowed on the record in the commission's discretion. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt ~~((three business days before argument))~~ within the required time.)

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. Briefs shall not exceed sixty pages, including appendices and attachments but excluding the cover and index pages, without permission from the presiding officer. Longer or shorter limits may be established by the presiding officer when good cause is shown. Number and complexity of the issues shall be considered in varying the allowed length of briefs. Briefs shall comply with WAC 480-09-770~~((+))~~.

(17) Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

(20) The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Instead, the presiding officer may ask generally whether there are objections, and persons having objections shall state them. Failure to respond or object means that the party does not object, and shall constitute a waiver of the right to object.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-770 Briefs.** The commission may require the parties to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions which the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies shall be clearly legible. Briefs may not exceed sixty pages without prior authorization from

the commission. Unless a different number is specified by the commission, an original and three legible copies of each brief ~~((for))~~ in transportation matters and nineteen copies ~~((for))~~ in all other matters including transportation rate cases shall be filed with the secretary of the commission and one copy shall be served on each party before the due date set for filing. Proof of service shall be furnished to the commission as provided in WAC 480-09-120(2).

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-780 Entry of initial and final orders—Administrative review.** (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party may within twenty days after entry of the initial order file a petition for administrative review.

(b) Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters other than transportation rate cases and nineteen copies in all other matters including transportation rate cases must be filed with the secretary of the commission and one copy served upon each other party. Proof of service must be made in accordance with WAC 480-09-120(2).

(3) Petitions for administrative review - length - contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, ~~((three copies of answers to petitions for review in transportation matters and nineteen copies in all other matters))~~ the original plus the number of copies required in subsection (2)(b) of this section, must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten days after the service of the petition. The

commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(5) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

**AMENDATORY SECTION** (Amending Order R-376, Docket No. 920379, filed 9/1/92, effective 10/2/92)

**WAC 480-09-810 Reconsideration.** (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies - filing - service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters other than transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: *Provided,* That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No

petition for reconsideration may stay the effectiveness of an order.

**AMENDATORY SECTION** (Amending Order R-342, Docket No. TV-2322, filed 4/15/91, effective 5/16/91)

**WAC 480-12-033 Temporary permits.** (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of up to one hundred eighty days, but only after it finds that the issuance of the temporary permit is consistent with the public interest.

(a) In determining whether the requested temporary authority is consistent with the public interest the commission will consider evidence of the following factors:

- (i) Any immediate and urgent need for the requested service;
- (ii) Any available service capable of meeting the need; and
- (iii) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers setting forth all pertinent facts relating to need for the service.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers or of the transfer of a permit.

In determining whether the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in damage to the motor carrier properties sought to be acquired, or may interfere with the future usefulness of those properties in the performance of adequate and continuous service to the public. The commission may also consider the reasons for seeking to transfer the permit, whether the permit sought to be acquired has been operated during all of the past twelve months, and the reasons for any break in operations.

(3) In all cases, the commission may consider whether the applicant has been cited for violation of motor carrier law or has been denied authority on the basis of fitness.

(4) The commission will publish notice of the issuance of temporary authority under this section in its weekly application docket. The commission shall also publish the names of the shippers which the applicant may serve under the temporary authority issued pursuant to subsection (1) of this section.

(a) Any interested carrier may, within ten days after the date of publication, file a protest to the grant of authority. A copy of the protest must also be served on the applicant and the applicant's attorney or representative if one is named in the docket. The protest and each copy must include a certificate of service in accordance with WAC 480-09-120.

(b) The protest must be accompanied by a notarized statement that the protestant has contacted the shippers supporting an application granted under subsection (1) of this section, that the protestant has discussed their shipping problems with them, and is ready, willing, and able and commits to provide service to their satisfaction on demand.

A protest to an application should contain a statement of any reasons why the protestant believes the grant of temporary authority is not consistent with the public interest.

~~(c) ((A protest filed in substantial compliance with this section will be considered an application for a brief adjudicative proceeding. Procedure thereafter is governed by WAC 480-09-500))~~ The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(5) The commission may impose special terms and conditions in connection with the grant of any temporary permit. A temporary permit may be cancelled any time within sixty days after the date of publication, if the commission determines that there is no immediate and urgent need for the service, that another carrier with authority is ready, willing and able to render satisfactory service to the shipper, or that the temporary permit was not issued in the public interest. A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation, or erroneous information from the applicant.

(6) If a valid application for motor carrier authority is filed within thirty days after the grant of a temporary permit, that temporary authority will continue in force until the commission grants or denies the application for motor carrier authority or until the temporary permit is otherwise cancelled pursuant to law, whichever event occurs first.

(7) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit. Emergency temporary authority may also be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

Emergency temporary authority may be granted after application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Proof of insurance may consist of an insurance policy or a certificate of insurance. Grants of emergency temporary authority are not subject to the provisions of this section regarding protest and cancellation.

(8) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

**AMENDATORY SECTION** (Amending Order R-263, Cause No. U-86-42, filed 7/2/86)

**WAC 480-80-240 ((Without)) Less than statutory notice.** (1) On every tariff that is to become effective on less than thirty days' statutory notice L.S.N. by permission(;) or by regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must

be made on the tariff that it is issued under special permission or by order of the commission as follows:

(a) By authority of W.U.T.C. (~~W.S.N.~~) L.S.N. Order No. . . .

(b) By authority of order of the Washington utilities and transportation commission, Cause No.U-. . .

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is filed clearly and prominently specifies that the tariff is submitted to become effective in less than thirty days.

(2) Tariffs providing (a) rates for (~~classes of~~) service, etc. not (~~heretofore~~) previously rendered and covered by the utility's tariff, (b) (~~tariff~~) revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs (~~without~~) on less than statutory notice will be granted by the commission only (~~in instances where~~) when it deems that circumstances or conditions fully justify (~~the~~) lack of notice. A complete explanation (~~giving the~~) with reasons for (~~such~~) the request (~~will be~~) is required (~~in connection~~) with the tariff revision(~~, which~~). The revision (~~will~~) shall bear an effective date not less than thirty days after the revision is filed with the commission (~~receives same and~~). All notices (~~relative thereto will~~) relating to the revision shall contain, in addition to the minimum requirements (~~hereinbefore~~) set forth above, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of (~~a W.S.N.~~) an L.S.N. Order, which date is (date sought). If (~~such permission is granted by~~) the commission grants the request, it will alter the inserted effective date (~~in keeping therewith subsequent to which~~) to conform with the authorized effective date. The utility (~~affected thereby, after receiving advice to that effect,~~) shall then alter (~~to the same extent,~~) the effective date on the tariff revision which is on file at its listed business offices in the territory affected thereby and on all posted notices relative thereto, (~~with all such alterations bearing appropriate reference to~~) to show the effective date that the commission has approved. The alterations shall cite the applicable (~~W.S.N.~~) L.S.N. Order. (~~Said~~) The altered posted notice shall remain posted (~~in that manner~~) until the date originally inserted as the revision's effective date (~~thereof~~).

(4)(a) ~~Any gas company engaged in the distribution of natural gas whereby the rates in its tariff are in part a function of purchased gas costs shall be entitled to an exemption to the thirty day statutory notice period defined in subsection (1) of this section under the following conditions:~~

(i) ~~When the federal energy regulatory commission has determined the maximum commodity rate to be charged the gas company based on prospective purchased gas costs of the pipeline supplier for the next six months, and any changes in purchased gas costs below the maximum commodity rate are authorized by tariff to take effect on one day's notice.~~

(ii) ~~The gas company maintains a separate purchased gas cost schedule as a part of its general tariff defining its~~

~~prospective maximum commodity rate for natural gas referred to in subsection (a)(i) of this subsection, and this schedule shall have a mechanism to reflect changes in purchased gas costs to any schedule that is a part of the distribution company's general tariff.~~

(iii) ~~The mechanism within the purchased gas cost adjustment schedule shall delineate the maximum commodity rate, current incremental adjustment to the maximum commodity rate, and cumulative adjustment to the maximum commodity rate during the six month period.~~

(iv) ~~Each rate schedule which is to incorporate the instant changes in purchased gas costs shall be clearly identified.~~

(b) ~~Rate changes under this section resulting from changes in purchased gas costs that occur during the six-month interval between determinations of the maximum commodity rate may take effect on a minimum of one day's notice.~~

(e) ~~The establishment of the maximum commodity rate shall not be eligible for this exemption from the thirty day statutory notice requirement).~~

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-149-120 Notice required—Less than statutory notice. (1) Unless (~~two~~) more copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is submitted or the form on which it is submitted clearly and prominently specifies that the tariff is submitted to become effective on less than statutory notice.

On every tariff or supplement that is issued on less than ~~((thirty days<sup>2</sup>))~~ statutory notice by ~~((permission or))~~ order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number . . . . of (date), or by authority of Rule . . . . W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No. . . . .

(5) Whenever a carrier files a tariff on not less than ~~((thirty))~~ forty-five days' notice, containing increased rates and charges for collection and disposal of ~~((garbage, refuse, and debris))~~ solid waste, ~~((such))~~ the carrier shall ~~((at the same time, or prior thereto,))~~ notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on ~~((a particular date))~~ the date stated in the filing and that the carrier has asked that it become effective on the date requested. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington utilities and transportation commission ~~((1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002))~~ not later than fourteen days from the date of the notice and shall state the address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

**WSR 93-24-107**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed December 1, 1993, 9:07 a.m.]

Date of Adoption: October 21, 1993.

Purpose: To adopt rules regarding mandatory reporting, sexual misconduct and clarify existing rules.

Statutory Authority for Adoption: RCW 18.26.110.

Other Authority: Chapter 18.26 RCW

Pursuant to notice filed as WSR 93-17-094 on August 17, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-807-280 Full disclosure of cost of services, was adopted as amended at its October 21, 1993, meeting; WAC 246-807-290 Improper billing practices, was adopted as amended at its October 21, 1993, meeting; WAC 246-807-320 Records and x-rays and withdrawal from practice—Maintenance and retention of patient records, (1) Any chiropractor who treats patients in the state of Washington shall maintain all treatment records regarding patients treated. These records may include, but shall not be limited to treatment plans, patient charts, patient histories, correspondence, financial data, and billing. These records shall be retained by the chiropractor for five years in an orderly, accessible file and shall be readily available for inspection by the chiropractic disciplinary board or its authorized representative: Provided, That x-rays or copies of records may be forwarded pursuant to a licensed agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs. (2) A chiropractor shall honor within fifteen days a written request from an adult patient or their legal representative or the legal representative of a minor child to release: (a) original x-rays and records to other licensed health care providers; or the chiropractor may provide (b) duplicate films or a copy of the patient records to the health care provider or the patient. The health care provider may bill the patient reasonable duplication costs. Once the original films have been loaned at patient request, the chiropractor is no longer responsible for them, nor for their retrieval or subsequent production. A chiropractor who has received original x-rays on a loan basis shall return them to the loaning chiropractor upon request within sixty days unless other arrangements are made; WAC 246-807-311 Sexual misconduct, was approved by the Chiropractic Disciplinary Board on October 21, 1993; WAC 246-807-395 State and federal agencies, was approved by the Chiropractic Disciplinary Board on October 21, 1993; WAC 246-807-396 Professional standards review organizations, was approved as amended by the Chiropractic Disciplinary Board on October 21, 1993. The substantive change is due to using the language directly from RCW 18.130.070(1). The board unanimously agreed to file the rule as follows: Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the board any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition; WAC 246-807-500 Philosophy governing voluntary substance abuse monitoring programs, was approved by the Chiropractic Disciplinary Board on October 21, 1993; WAC 246-807-510 Terms used in WAC 246-807-500 through 246-807-530, was approved by the Chiropractic Disciplinary Board on October 21, 1993; WAC 246-807-520 Approval of substance abuse monitoring programs, was approved as amended by the Chiropractic Disciplinary Board on October 21, 1993. The amendment is to change (determine) to recommend, on the first line of (5); and WAC 246-

PERMANENT

807-530 Participation in approved substance abuse monitoring program, was approved by the Chiropractic Disciplinary Board on October 21, 1993. If you have any questions, please feel free to contact me at 586-1931.

Effective Date of Rule: Thirty-one days after filing.  
October 21, 1993  
David Butters, D.C.  
Board Chairman

**AMENDATORY SECTION** (Amending Order 110B, filed 2/20/91, effective 3/23/91)

**WAC 246-807-280 Full disclosure of cost of services.**

(1) This rule will apply to all representations made in public advertising regarding the provision of chiropractic services, including x-rays or chiropractic examinations, on a free basis or at a reduced cost. This rule will also apply to all billings or other written or oral communications regarding charges for chiropractic services whether made to patients, third party health care payors, or to any other person, firm, or governmental agency.

(2) When a chiropractic service is represented in public advertising as available without cost or at a reduced cost that service must be made available to everyone who wishes to take advantage of the offer on an equal basis. No charge may be made to any individual or third party health care payor for any services which have been provided on a free basis (~~unless full disclosure is made~~).

(3) All billings to third party payors for patients who are also being treated for an unrelated condition must fully disclose the additional treatment being provided and the charges for that treatment.

(4) Billings to patients or to third party health care payors (~~should~~) shall accurately reflect the actual charge to the patient, including any discounts, reduced fees, or waiver of co-payment.

(5) Because of the potential element of fraud being present, advertising full or partial forgiveness of coinsurance is prohibited unless the insurance company is given accurate and complete information relating to the actual charge to the patient and that coinsurance has been fully or partially waived.

**AMENDATORY SECTION** (Amending Order 110B, filed 2/20/91, effective 3/23/91)

**WAC 246-807-290 Improper billing practices.**

The following acts shall constitute grounds for which disciplinary action may be taken:

(1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.

(2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

~~((3) Advertising any reduced or discounted fees for services or treatments or advertising any free services or treatments without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount or free offering.))~~

**NEW SECTION**

**WAC 246-807-311 Sexual misconduct.** (1) The chiropractor shall never engage in sexual contact or sexual activity with current clients.

(2) The chiropractor shall never engage in sexual contact or sexual activity with former clients if such contact or activity involves the abuse of the chiropractor-client relationship. Factors which the board may consider in evaluating if the chiropractor-client relationship has been abusive include but are not limited to:

(a) The amount of time that has passed since therapy terminated;

(b) The nature and duration of the therapy;

(c) The circumstances of cessation or termination;

(d) The former client's personal history;

(e) The former client's current mental status;

(f) The likelihood of adverse impact on the former client and others; and

(g) Any statements or actions made by the chiropractor during the course of treatment suggesting or inviting the possibility of a post termination sexual or romantic relationship with the former client.

(3) The chiropractor shall never engage in sexually harassing or demeaning behavior with current or former clients.

**AMENDATORY SECTION** (Amending Order 110B, filed 2/20/91, effective 3/23/91)

**WAC 246-807-320 Records and x-rays and withdrawal from practice—Maintenance and retention of patient records.**

(1) Any chiropractor who treats patients in the state of Washington shall maintain all treatment records regarding patients treated. These records may include, but shall not be limited to treatment plans, patient charts, patient histories, correspondence, financial data, and billing. These records shall be retained by the chiropractor for five years in an orderly, accessible file and shall be readily available for inspection by the chiropractic disciplinary board or its authorized representative: *Provided*, That x-rays or copies of records may be forwarded pursuant to a licensed agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

(2) A chiropractor shall honor within fifteen days a written request from an adult patient or their legal representative or ~~((that))~~ the legal representative of a minor child to release:

(a) Original x-rays ~~((on a loan basis))~~ and records to other licensed health care providers; or

(b) The chiropractor may provide duplicate films ((and may charge)) or a copy of the patient records to the health care provider or the patient. The health care provider may bill the patient reasonable duplication costs. Once the original films have been loaned at patient request, the chiropractor is no longer responsible for them, nor for their retrieval ~~((of))~~ or subsequent production.

A chiropractor who has received original x-rays on a loan basis shall return them to the loaning chiropractor upon request within sixty days unless other arrangements are made.

NEW SECTION

**WAC 246-807-395 State and federal agencies.** The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a chiropractor has been judged to have demonstrated incompetency or negligence in the practice of chiropractic, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition.

NEW SECTION

**WAC 246-807-396 Professional standards review organizations.** Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the board any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

**SUBSTANCE ABUSE MONITORING**NEW SECTION

**WAC 246-807-500 Philosophy governing voluntary substance abuse monitoring programs.** The board recognizes the need to establish a means of proactively providing early recognition and treatment options for chiropractors whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such chiropractors be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer chiropractors impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

**WAC 246-807-510 Terms used in WAC 246-807-500 through 246-807-530.** (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-807-520 which enters into a contract with chiropractors who have substance abuse problems regarding the required components of the chiropractor's recovery activity and oversees the chiropractor's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating chiropractors.

(2) "Contract" is a comprehensive, structured agreement between the recovering chiropractor and the approved monitoring program stipulating the chiropractor's consent to comply with the monitoring program and its required components of the chiropractor's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug

treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a chiropractor's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the chiropractor and the chiropractor's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which chiropractors may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(7) "Twelve step groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

(9) "Health care professional" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

NEW SECTION

**WAC 246-807-520 Approval of substance abuse monitoring programs.** The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating chiropractor.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of chiropractic as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The chiropractic work environment; and
- (f) The ability of the chiropractor to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the chiropractor and the board to oversee the chiropractor's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will recommend, on an individual basis, whether a chiropractor will be prohibited from engaging in the practice of chiropractic for a period of time and restrictions, if any, on the chiropractor's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the chiropractor as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any chiropractor who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of chiropractic for those participating in the program.

#### NEW SECTION

**WAC 246-807-530 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the chiropractor may accept board referral into the approved substance abuse monitoring program.

(a) The chiropractor shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The chiropractor shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The chiropractor will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The chiropractor will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The chiropractor must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The chiropractor must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The chiropractor will submit to random drug screening as specified by the approved monitoring program.

(vi) The chiropractor will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The chiropractor will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The chiropractor shall sign a waiver allowing the approved monitoring program to release information to the

board if the chiropractor does not comply with the requirements of this contract.

(c) The chiropractor is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The chiropractor may be subject to disciplinary action under RCW 18.130.160 if the chiropractor does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A chiropractor who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The chiropractor shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The chiropractor shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The chiropractor will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The chiropractor will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The chiropractor must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group therapy psychotherapy.

(iv) The chiropractor must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The chiropractor will submit to random drug screening as specified by the approved monitoring program.

(vi) The chiropractor will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The chiropractor will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The chiropractor shall sign a waiver allowing the approved monitoring program to release information to the board if the chiropractor does not comply with the requirements of this contract.

(c) The chiropractor is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be



subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

**WSR 93-24-111**  
**PERMANENT RULES**  
**SENTENCING GUIDELINES COMMISSION**

[Filed December 1, 1993, 10:19 a.m.]

Date of Adoption: November 12, 1993.

Purpose: To allow the director of the Office of Financial Management to appoint a voting designee to represent the director at meetings of the Sentencing Guidelines Commission. Other wording changes are intended to remove gender-specific language and to clarify reference to the original act.

Citation of Existing Rules Affected by this Order: Amending WAC 437-10-030, 437-10-040, and 437-10-060.

Statutory Authority for Adoption: RCW 9.94A.060 (2)(b).

Pursuant to notice filed as WSR 93-20-096 on October 5, 1993.

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

November 30, 1993

David L. Fallen

Executive Officer

**AMENDATORY SECTION** (Amending Order 84-01, filed 11/19/84)

**WAC 437-10-030 Absences of members from meetings.** Any member who misses three consecutive meetings will have the fact called to ~~((his))~~ that member's attention by the chair of the sentencing guidelines commission with the request that the member reconsider his or her ability to continue as a member. The chair shall also advise the governor of situations regarding absenteeism which ~~((he/she))~~ the chair deems appropriate to call to the attention of the governor and request that the governor consider a replacement for that member.

**AMENDATORY SECTION** (Amending Order 84-01, filed 11/19/84)

**WAC 437-10-040 Quorum.** A quorum for the transaction of business, except actions taken pursuant to ~~((sections 4 or 16 of the act))~~ RCW 9.94A.040, 9.94A.160, or 9.94A.165, shall constitute no fewer than a simple majority of the voting members appointed. The members present at a meeting at which a quorum is not present may elect to proceed with the business of the meeting subject to ratification of all action taken whenever a quorum is next present at a meeting.

Actions taken pursuant to ~~((sections 4 of [or] 16 of the act))~~ RCW 9.94A.040, 9.94A.160, or 9.94A.165 must be approved by an absolute majority of the voting members of the commission.

**AMENDATORY SECTION** (Amending Order 84-01, filed 11/19/84)

**WAC 437-10-060 Voting procedures.** (1) Voting during meetings of the sentencing guidelines commission shall be recorded.

(2) The chairperson shall have the same voting rights as any other member of the sentencing guidelines commission.

(3) Only duly appointed members of the sentencing guidelines commission (not designees) shall be permitted to vote on any issue before the sentencing guidelines commission except for the designee of the director of the office of financial management who shall be permitted to vote; no proxies shall be permitted to vote.

(4) Action by the sentencing guidelines commission will be determined by a simple majority vote in accordance with quorum requirements.

(5) Any member on the sentencing guidelines commission who has a direct or indirect personal interest in a contract or application before the sentencing guidelines commission will withdraw himself/herself from voting on that matter. The sentencing guidelines commission member may, however, participate in discussions and answer questions from other sentencing guidelines commission members.

**WSR 93-24-114**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 1, 1993, 11:08 a.m.]

Date of Adoption: December 1, 1993.

Purpose: This revision to the base rates is intended to recognize recent loss (claims) experience and reported exposure (hours worked) over which those losses can be spread, as well as the impacts of a legislatively-mandated increase in worker benefits. The overall average rate increase of 6 percent (which represents an increase of 6.9 percent in the average accident fund premium, 1.6 percent in the average medical aid fund premium, and 24.1 percent in the Supplemental Pension Fund assessment) will maintain the actuarial solvency of the three industrial insurance trust funds. A second purpose of this proposal is to adjust each of the individual classes to more accurately reflect that occupation's risk and anticipated losses, based on the most recent available experience and reported exposure in each class.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-855 Experience modification; 296-17-875 Table I: Primary losses for selected claim values; 296-17-880 Table II: "B" and "W" values; 296-17-885 Table III: Expected loss rates and D-ratios; 296-17-890 Table IV: Maximum experience modifications for firms with no compensable accidents; 296-17-895 Industrial insurance accident fund base rates and medical aid fund base rates by class of industry; 296-17-919 Table 1: Retrospective rating plans A, A1, A2, A3, and B; and 296-17-920 Assessment for supplemental pension fund.

Statutory Authority for Adoption: RCW 51.04.020.

Pursuant to notice filed as WSR 93-20-132 on October 6, 1993.

PERMANENT

Changes Other than Editing from Proposed to Adopted Version: The proposed changes in WAC 296-17-895 were adjusted to reflect an overall average increase of 6.9 percent in the accident fund and 1.6 percent in the medical aid fund, rather than the proposed increases of 8.1 percent and 2.8 percent, respectively. This affects each of the individual classifications proportionately. In all cases, the adopted rates represent a lower rate than that originally proposed. The proposed changes in WAC 296-17-919 have been adjusted to reflect the change made to WAC 296-17-895, already discussed. This change simply brings the retrospective rating tables in line with the lower-than-proposed base rates. The proposed supplemental pension fund assessment, found in WAC 296-17-920, was reduced from 23.8 mills (\$.0238) to 23.6 mills (\$.0236).

Effective Date of Rule: Thirty-one days after filing.  
 December 1, 1993  
 Mark O. Brown  
 Director

**AMENDATORY SECTION** (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components  $A_p$ ,  $W A_e$ , and  $(1-W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" $A_p$ " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of (~~(\$8,348)~~) \$8,809 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((20,870)) \underline{22,022}}{\text{Total loss} + ((12,522)) \underline{13,213}} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than (~~(\$8,348)~~) \$8,809 the full value of the claim shall be considered a primary loss.

" $A_e$ " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" $W$ " signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula. W values are set forth in Table II.

" $E$ " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" $E_e$ " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by " $(1-W) E_e$ " in the experience modification formula. D-Ratios are set forth in Table III.

" $B$ " signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

**AMENDATORY SECTION** (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

**WAC 296-17-875 Table I.**

**Primary Losses for Selected Claim Values**

CLAIM VALUE	PRIMARY LOSS
<del>(348)</del>	<del>8,348</del>
<del>9,494</del>	<del>9,000</del>
<del>11,520</del>	<del>10,000</del>
<del>13,956</del>	<del>11,000</del>
<del>16,941</del>	<del>12,000</del>
<del>20,684</del>	<del>13,000</del>
<del>25,518</del>	<del>14,000</del>
<del>31,998</del>	<del>15,000</del>
<del>55,006</del>	<del>17,000</del>
<del>135,092*</del>	<del>19,100</del>
<del>208,700**</del>	<del>19,689)</del>
<u>8,809</u>	<u>8,809</u>
<u>9,132</u>	<u>9,000</u>
<u>10,991</u>	<u>10,000</u>
<u>13,187</u>	<u>11,000</u>
<u>15,821</u>	<u>12,000</u>
<u>19,039</u>	<u>13,000</u>
<u>23,060</u>	<u>14,000</u>

<u>28,225</u>	<u>15,000</u>
<u>44,728</u>	<u>17,000</u>
<u>142,757*</u>	<u>20,156</u>
<u>220,220**</u>	<u>20,775</u>

\* Average death value  
 \*\* Maximum claim value

**AMENDATORY SECTION** (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

**WAC 296-17-880 Table II.**

**"B" and "W" Values**

Maximum Claim Value = ((~~\$208,700~~)) \$220,220  
 Average Death Value = ((~~\$135,092~~)) \$142,757

Expected Losses	B	W		
<del>((4,521 &amp; Under</del>	<del>39,378</del>	<del>0.00</del>		
<del>4,522</del>	<del>9,110</del>	<del>38,984</del>	<del>0.01</del>	
<del>9,111</del>	<del>13,768</del>	<del>38,590</del>	<del>0.02</del>	
<del>13,769</del>	<del>18,497</del>	<del>38,197</del>	<del>0.03</del>	
<del>18,498</del>	<del>23,297</del>	<del>37,803</del>	<del>0.04</del>	
<del>23,298</del>	<del>28,172</del>	<del>37,409</del>	<del>0.05</del>	
<del>28,173</del>	<del>33,123</del>	<del>37,015</del>	<del>0.06</del>	
<del>33,124</del>	<del>38,151</del>	<del>36,622</del>	<del>0.07</del>	
<del>38,152</del>	<del>43,260</del>	<del>36,228</del>	<del>0.08</del>	
<del>43,261</del>	<del>48,450</del>	<del>35,834</del>	<del>0.09</del>	
<del>48,451</del>	<del>53,725</del>	<del>35,440</del>	<del>0.10</del>	
<del>53,726</del>	<del>59,086</del>	<del>35,046</del>	<del>0.11</del>	
<del>59,087</del>	<del>64,536</del>	<del>34,653</del>	<del>0.12</del>	
<del>64,537</del>	<del>70,077</del>	<del>34,259</del>	<del>0.13</del>	
<del>70,078</del>	<del>75,711</del>	<del>33,865</del>	<del>0.14</del>	
<del>75,712</del>	<del>81,442</del>	<del>33,471</del>	<del>0.15</del>	
<del>81,443</del>	<del>87,271</del>	<del>33,078</del>	<del>0.16</del>	
<del>87,272</del>	<del>93,202</del>	<del>32,684</del>	<del>0.17</del>	
<del>93,203</del>	<del>99,237</del>	<del>32,290</del>	<del>0.18</del>	
<del>99,238</del>	<del>105,380</del>	<del>31,896</del>	<del>0.19</del>	
<del>105,381</del>	<del>111,634</del>	<del>31,502</del>	<del>0.20</del>	
<del>111,635</del>	<del>118,001</del>	<del>31,109</del>	<del>0.21</del>	
<del>118,002</del>	<del>124,486</del>	<del>30,715</del>	<del>0.22</del>	
<del>124,487</del>	<del>131,091</del>	<del>30,321</del>	<del>0.23</del>	
<del>131,092</del>	<del>137,820</del>	<del>29,927</del>	<del>0.24</del>	
<del>137,821</del>	<del>144,677</del>	<del>29,534</del>	<del>0.25</del>	
<del>144,678</del>	<del>151,666</del>	<del>29,140</del>	<del>0.26</del>	
<del>151,667</del>	<del>158,791</del>	<del>28,746</del>	<del>0.27</del>	
<del>158,792</del>	<del>166,057</del>	<del>28,352</del>	<del>0.28</del>	
<del>166,058</del>	<del>173,467</del>	<del>27,958</del>	<del>0.29</del>	
<del>173,468</del>	<del>181,026</del>	<del>27,565</del>	<del>0.30</del>	
<del>181,027</del>	<del>188,739</del>	<del>27,171</del>	<del>0.31</del>	
<del>188,740</del>	<del>196,612</del>	<del>26,777</del>	<del>0.32</del>	
<del>196,613</del>	<del>204,649</del>	<del>26,383</del>	<del>0.33</del>	
<del>204,650</del>	<del>212,856</del>	<del>25,989</del>	<del>0.34</del>	
<del>212,857</del>	<del>221,238</del>	<del>25,596</del>	<del>0.35</del>	
<del>221,239</del>	<del>229,802</del>	<del>25,202</del>	<del>0.36</del>	
<del>229,803</del>	<del>238,554</del>	<del>24,808</del>	<del>0.37</del>	
<del>238,555</del>	<del>247,500</del>	<del>24,414</del>	<del>0.38</del>	
<del>247,501</del>	<del>256,647</del>	<del>24,021</del>	<del>0.39</del>	
<del>256,648</del>	<del>266,003</del>	<del>23,627</del>	<del>0.40</del>	
<del>266,004</del>	<del>275,574</del>	<del>23,233</del>	<del>0.41</del>	
<del>275,575</del>	<del>285,370</del>	<del>22,839</del>	<del>0.42</del>	
<del>285,371</del>	<del>295,397</del>	<del>22,445</del>	<del>0.43</del>	
<del>295,398</del>	<del>305,666</del>	<del>22,052</del>	<del>0.44</del>	
<del>305,667</del>	<del>316,184</del>	<del>21,658</del>	<del>0.45</del>	
<del>316,185</del>	<del>326,963</del>	<del>21,264</del>	<del>0.46</del>	
<del>326,964</del>	<del>338,010</del>	<del>20,870</del>	<del>0.47</del>	
<del>338,011</del>	<del>349,339</del>	<del>20,477</del>	<del>0.48</del>	
<del>349,340</del>	<del>360,958</del>	<del>20,083</del>	<del>0.49</del>	
<del>360,959</del>	<del>372,882</del>	<del>19,689</del>	<del>0.50</del>	
<del>372,883</del>	<del>385,121</del>	<del>19,295</del>	<del>0.51</del>	
<del>385,122</del>	<del>397,689</del>	<del>18,901</del>	<del>0.52</del>	
<del>397,690</del>	<del>410,600</del>	<del>18,508</del>	<del>0.53</del>	
<del>410,601</del>	<del>423,868</del>	<del>18,114</del>	<del>0.54</del>	
<del>423,869</del>	<del>437,510</del>	<del>17,720</del>	<del>0.55</del>	
<del>437,511</del>	<del>451,542</del>	<del>17,326</del>	<del>0.56</del>	
<del>451,543</del>	<del>465,980</del>	<del>16,933</del>	<del>0.57</del>	
<del>465,981</del>	<del>480,845</del>	<del>16,539</del>	<del>0.58</del>	
<del>480,846</del>	<del>496,154</del>	<del>16,145</del>	<del>0.59</del>	
<del>496,155</del>	<del>511,930</del>	<del>15,751</del>	<del>0.60</del>	
<del>511,931</del>	<del>528,193</del>	<del>15,357</del>	<del>0.61</del>	
<del>528,194</del>	<del>544,969</del>	<del>14,964</del>	<del>0.62</del>	
<del>544,970</del>	<del>562,282</del>	<del>14,570</del>	<del>0.63</del>	
<del>562,283</del>	<del>580,159</del>	<del>14,176</del>	<del>0.64</del>	
<del>580,160</del>	<del>598,629</del>	<del>13,782</del>	<del>0.65</del>	
<del>598,630</del>	<del>617,721</del>	<del>13,389</del>	<del>0.66</del>	
<del>617,722</del>	<del>637,470</del>	<del>12,995</del>	<del>0.67</del>	
<del>637,471</del>	<del>657,911</del>	<del>12,601</del>	<del>0.68</del>	
<del>657,912</del>	<del>679,080</del>	<del>12,207</del>	<del>0.69</del>	
<del>679,081</del>	<del>701,018</del>	<del>11,813</del>	<del>0.70</del>	
<del>701,019</del>	<del>723,770</del>	<del>11,420</del>	<del>0.71</del>	
<del>723,771</del>	<del>747,382</del>	<del>11,026</del>	<del>0.72</del>	
<del>747,383</del>	<del>771,904</del>	<del>10,632</del>	<del>0.73</del>	
<del>771,905</del>	<del>797,391</del>	<del>10,238</del>	<del>0.74</del>	
<del>797,392</del>	<del>823,902</del>	<del>9,844</del>	<del>0.75</del>	
<del>823,903</del>	<del>851,502</del>	<del>9,451</del>	<del>0.76</del>	
<del>851,503</del>	<del>880,259</del>	<del>9,057</del>	<del>0.77</del>	
<del>880,260</del>	<del>910,250</del>	<del>8,663</del>	<del>0.78</del>	
<del>910,251</del>	<del>941,556</del>	<del>8,269</del>	<del>0.79</del>	
<del>941,557</del>	<del>974,267</del>	<del>7,876</del>	<del>0.80</del>	
<del>974,268</del>	<del>1,008,481</del>	<del>7,482</del>	<del>0.81</del>	
<del>1,008,482</del>	<del>1,044,306</del>	<del>7,088</del>	<del>0.82</del>	
<del>1,044,307</del>	<del>1,081,859</del>	<del>6,694</del>	<del>0.83</del>	
<del>1,081,860</del>	<del>1,121,269</del>	<del>6,300</del>	<del>0.84</del>	
<del>1,121,270</del>	<del>1,162,681</del>	<del>5,907</del>	<del>0.85</del>	
<del>1,162,682</del>	<del>1,206,252</del>	<del>5,513</del>	<del>0.86</del>	
<del>1,206,253</del>	<del>1,252,157</del>	<del>5,119</del>	<del>0.87</del>	
<del>1,252,158</del>	<del>1,300,590</del>	<del>4,725</del>	<del>0.88</del>	
<del>1,300,591</del>	<del>1,351,768</del>	<del>4,332</del>	<del>0.89</del>	
<del>1,351,769</del>	<del>1,405,933</del>	<del>3,938</del>	<del>0.90</del>	
<del>1,405,934</del>	<del>1,463,357</del>	<del>3,544</del>	<del>0.91</del>	
<del>1,463,358</del>	<del>1,524,346</del>	<del>3,150</del>	<del>0.92</del>	
<del>1,524,347</del>	<del>1,589,244</del>	<del>2,756</del>	<del>0.93</del>	
<del>1,589,245</del>	<del>1,658,442</del>	<del>2,363</del>	<del>0.94</del>	
<del>1,658,443</del>	<del>1,732,386</del>	<del>1,969</del>	<del>0.95</del>	
<del>1,732,387</del>	<del>1,811,583</del>	<del>1,575</del>	<del>0.96</del>	
<del>1,811,584</del>	<del>1,896,617</del>	<del>1,181</del>	<del>0.97</del>	
<del>1,896,618</del>	<del>1,988,162</del>	<del>788</del>	<del>0.98</del>	
<del>1,988,163</del>	<del>2,086,999</del>	<del>394</del>	<del>0.99</del>	
<del>2,087,000 &amp; Over</del>		<del>0</del>	<del>1.00</del>	
<u>4,771</u>	<u>&amp;</u>	<u>Under</u>	<u>41,550</u>	<u>0.00</u>
<u>4,772</u>	<u>-</u>	<u>9,613</u>	<u>41,135</u>	<u>0.01</u>
<u>9,614</u>	<u>-</u>	<u>14,528</u>	<u>40,719</u>	<u>0.02</u>
<u>14,529</u>	<u>-</u>	<u>19,518</u>	<u>40,304</u>	<u>0.03</u>
<u>19,519</u>	<u>-</u>	<u>24,583</u>	<u>39,888</u>	<u>0.04</u>

PERMANENT

PERMANENT

<u>24,584</u>	-	<u>29,727</u>	<u>39,473</u>	<u>0.05</u>	<u>651,819</u>	-	<u>672,657</u>	<u>13,712</u>	<u>0.67</u>
<u>29,728</u>	-	<u>34,951</u>	<u>39,057</u>	<u>0.06</u>	<u>672,658</u>	-	<u>694,226</u>	<u>13,296</u>	<u>0.68</u>
<u>34,952</u>	-	<u>40,257</u>	<u>38,642</u>	<u>0.07</u>	<u>694,227</u>	-	<u>716,564</u>	<u>12,881</u>	<u>0.69</u>
<u>40,258</u>	-	<u>45,648</u>	<u>38,226</u>	<u>0.08</u>	<u>716,565</u>	-	<u>739,713</u>	<u>12,465</u>	<u>0.70</u>
<u>45,649</u>	-	<u>51,125</u>	<u>37,811</u>	<u>0.09</u>	<u>739,714</u>	-	<u>763,721</u>	<u>12,050</u>	<u>0.71</u>
<u>51,126</u>	-	<u>56,690</u>	<u>37,395</u>	<u>0.10</u>	<u>763,722</u>	-	<u>788,636</u>	<u>11,634</u>	<u>0.72</u>
<u>56,691</u>	-	<u>62,347</u>	<u>36,980</u>	<u>0.11</u>	<u>788,637</u>	-	<u>814,511</u>	<u>11,219</u>	<u>0.73</u>
<u>62,348</u>	-	<u>68,098</u>	<u>36,564</u>	<u>0.12</u>	<u>814,512</u>	-	<u>841,405</u>	<u>10,803</u>	<u>0.74</u>
<u>68,099</u>	-	<u>73,945</u>	<u>36,149</u>	<u>0.13</u>	<u>841,406</u>	-	<u>869,380</u>	<u>10,388</u>	<u>0.75</u>
<u>73,946</u>	-	<u>79,890</u>	<u>35,733</u>	<u>0.14</u>	<u>869,381</u>	-	<u>898,503</u>	<u>9,972</u>	<u>0.76</u>
<u>79,891</u>	-	<u>85,937</u>	<u>35,318</u>	<u>0.15</u>	<u>898,504</u>	-	<u>928,848</u>	<u>9,556</u>	<u>0.77</u>
<u>85,938</u>	-	<u>92,088</u>	<u>34,902</u>	<u>0.16</u>	<u>928,849</u>	-	<u>960,494</u>	<u>9,141</u>	<u>0.78</u>
<u>92,089</u>	-	<u>98,346</u>	<u>34,487</u>	<u>0.17</u>	<u>960,495</u>	-	<u>993,528</u>	<u>8,725</u>	<u>0.79</u>
<u>98,347</u>	-	<u>104,715</u>	<u>34,071</u>	<u>0.18</u>	<u>993,529</u>	-	<u>1,028,045</u>	<u>8,310</u>	<u>0.80</u>
<u>104,716</u>	-	<u>111,197</u>	<u>33,656</u>	<u>0.19</u>	<u>1,028,046</u>	-	<u>1,064,147</u>	<u>7,894</u>	<u>0.81</u>
<u>111,198</u>	-	<u>117,796</u>	<u>33,240</u>	<u>0.20</u>	<u>1,064,148</u>	-	<u>1,101,949</u>	<u>7,479</u>	<u>0.82</u>
<u>117,797</u>	-	<u>124,515</u>	<u>32,825</u>	<u>0.21</u>	<u>1,101,950</u>	-	<u>1,141,575</u>	<u>7,063</u>	<u>0.83</u>
<u>124,516</u>	-	<u>131,357</u>	<u>32,409</u>	<u>0.22</u>	<u>1,141,576</u>	-	<u>1,183,162</u>	<u>6,648</u>	<u>0.84</u>
<u>131,358</u>	-	<u>138,326</u>	<u>31,994</u>	<u>0.23</u>	<u>1,183,163</u>	-	<u>1,226,860</u>	<u>6,232</u>	<u>0.85</u>
<u>138,327</u>	-	<u>145,427</u>	<u>31,578</u>	<u>0.24</u>	<u>1,226,861</u>	-	<u>1,272,835</u>	<u>5,817</u>	<u>0.86</u>
<u>145,428</u>	-	<u>152,663</u>	<u>31,163</u>	<u>0.25</u>	<u>1,272,836</u>	-	<u>1,321,274</u>	<u>5,401</u>	<u>0.87</u>
<u>152,664</u>	-	<u>160,038</u>	<u>30,747</u>	<u>0.26</u>	<u>1,321,275</u>	-	<u>1,372,380</u>	<u>4,986</u>	<u>0.88</u>
<u>160,039</u>	-	<u>167,556</u>	<u>30,332</u>	<u>0.27</u>	<u>1,372,381</u>	-	<u>1,426,383</u>	<u>4,570</u>	<u>0.89</u>
<u>167,557</u>	-	<u>175,223</u>	<u>29,916</u>	<u>0.28</u>	<u>1,426,384</u>	-	<u>1,483,539</u>	<u>4,155</u>	<u>0.90</u>
<u>175,224</u>	-	<u>183,042</u>	<u>29,501</u>	<u>0.29</u>	<u>1,483,540</u>	-	<u>1,544,133</u>	<u>3,739</u>	<u>0.91</u>
<u>183,043</u>	-	<u>191,018</u>	<u>29,085</u>	<u>0.30</u>	<u>1,544,134</u>	-	<u>1,608,488</u>	<u>3,324</u>	<u>0.92</u>
<u>191,019</u>	-	<u>199,157</u>	<u>28,670</u>	<u>0.31</u>	<u>1,608,489</u>	-	<u>1,676,968</u>	<u>2,908</u>	<u>0.93</u>
<u>199,158</u>	-	<u>207,464</u>	<u>28,254</u>	<u>0.32</u>	<u>1,676,969</u>	-	<u>1,749,986</u>	<u>2,493</u>	<u>0.94</u>
<u>207,465</u>	-	<u>215,945</u>	<u>27,839</u>	<u>0.33</u>	<u>1,749,987</u>	-	<u>1,828,011</u>	<u>2,077</u>	<u>0.95</u>
<u>215,946</u>	-	<u>224,605</u>	<u>27,423</u>	<u>0.34</u>	<u>1,828,012</u>	-	<u>1,911,580</u>	<u>1,662</u>	<u>0.96</u>
<u>224,606</u>	-	<u>233,450</u>	<u>27,008</u>	<u>0.35</u>	<u>1,911,581</u>	-	<u>2,001,308</u>	<u>1,246</u>	<u>0.97</u>
<u>233,451</u>	-	<u>242,486</u>	<u>26,592</u>	<u>0.36</u>	<u>2,001,309</u>	-	<u>2,097,906</u>	<u>831</u>	<u>0.98</u>
<u>242,487</u>	-	<u>251,721</u>	<u>26,177</u>	<u>0.37</u>	<u>2,097,907</u>	-	<u>2,202,199</u>	<u>415</u>	<u>0.99</u>
<u>251,722</u>	-	<u>261,161</u>	<u>25,761</u>	<u>0.38</u>	<u>2,202,200</u>	-		<u>0</u>	<u>1.00</u>
<u>261,162</u>	-	<u>270,813</u>	<u>25,346</u>	<u>0.39</u>					
<u>270,814</u>	-	<u>280,685</u>	<u>24,930</u>	<u>0.40</u>					
<u>280,686</u>	-	<u>290,785</u>	<u>24,515</u>	<u>0.41</u>					
<u>290,786</u>	-	<u>301,121</u>	<u>24,099</u>	<u>0.42</u>					
<u>301,122</u>	-	<u>311,703</u>	<u>23,684</u>	<u>0.43</u>					
<u>311,704</u>	-	<u>322,538</u>	<u>23,268</u>	<u>0.44</u>					
<u>322,539</u>	-	<u>333,637</u>	<u>22,853</u>	<u>0.45</u>					
<u>333,638</u>	-	<u>345,010</u>	<u>22,437</u>	<u>0.46</u>					
<u>345,011</u>	-	<u>356,668</u>	<u>22,022</u>	<u>0.47</u>					
<u>356,669</u>	-	<u>368,621</u>	<u>21,606</u>	<u>0.48</u>					
<u>368,622</u>	-	<u>380,882</u>	<u>21,191</u>	<u>0.49</u>					
<u>380,883</u>	-	<u>393,464</u>	<u>20,775</u>	<u>0.50</u>					
<u>393,465</u>	-	<u>406,378</u>	<u>20,360</u>	<u>0.51</u>					
<u>406,379</u>	-	<u>419,640</u>	<u>19,944</u>	<u>0.52</u>					
<u>419,641</u>	-	<u>433,264</u>	<u>19,529</u>	<u>0.53</u>					
<u>433,265</u>	-	<u>447,265</u>	<u>19,113</u>	<u>0.54</u>					
<u>447,266</u>	-	<u>461,660</u>	<u>18,698</u>	<u>0.55</u>					
<u>461,661</u>	-	<u>476,466</u>	<u>18,282</u>	<u>0.56</u>					
<u>476,467</u>	-	<u>491,701</u>	<u>17,867</u>	<u>0.57</u>					
<u>491,702</u>	-	<u>507,386</u>	<u>17,451</u>	<u>0.58</u>					
<u>507,387</u>	-	<u>523,541</u>	<u>17,036</u>	<u>0.59</u>					
<u>523,542</u>	-	<u>540,187</u>	<u>16,620</u>	<u>0.60</u>					
<u>540,188</u>	-	<u>557,348</u>	<u>16,205</u>	<u>0.61</u>					
<u>557,349</u>	-	<u>575,050</u>	<u>15,789</u>	<u>0.62</u>					
<u>575,051</u>	-	<u>593,319</u>	<u>15,374</u>	<u>0.63</u>					
<u>593,320</u>	-	<u>612,183</u>	<u>14,958</u>	<u>0.64</u>					
<u>612,184</u>	-	<u>631,672</u>	<u>14,543</u>	<u>0.65</u>					
<u>631,673</u>	-	<u>651,818</u>	<u>14,127</u>	<u>0.66</u>					

AMENDATORY SECTION (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

WAC 296-17-885 Table III.

Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Worker Hour  
for Indicated Fiscal Year

((Class	1989	1990	1991	D-Ratio
0101	1.1282	1.1107	1.0824	0.401
0102	1.0148	1.0020	0.9778	0.430
0103	1.1441	1.1340	1.1093	0.483
0104	1.5293	1.4938	1.4535	0.311
0105	0.9640	0.9562	0.9351	0.485
0106	3.3000	3.2672	3.1988	0.409
0107	1.0015	0.9855	0.9603	0.397
0108	1.0097	0.9950	0.9695	0.416
0109	3.3548	3.2949	3.2049	0.390
0201	2.0778	2.0338	1.9748	0.360
0202	2.1651	2.1385	2.0922	0.416
0206	1.5605	1.5331	1.4898	0.412
0301	0.4811	0.4796	0.4703	0.536
0302	1.4983	1.4733	1.4338	0.398
0306	0.8707	0.8598	0.8396	0.429
0307	0.6677	0.6605	0.6452	0.467
0403	1.0380	1.0307	1.0094	0.487
0502	0.9142	0.9024	0.8795	0.444
0504	1.1842	1.1661	1.1359	0.409
0506	3.1389	3.0924	3.0149	0.408
0507	2.5565	2.5227	2.4590	0.437
0508	2.6354	2.5834	2.5126	0.361

0509	1.6368	1.6091	1.5697	0.375	3303	0.1992	0.1984	0.1951	0.499
0510	1.2375	1.2236	1.1948	0.445	3304	0.5403	0.5399	0.5302	0.557
0511	1.0002	0.9922	0.9692	0.512	3309	0.2971	0.2975	0.2939	0.516
0512	1.4600	1.4379	1.4012	0.412	3401	0.3401	0.3379	0.3315	0.480
0513	0.6370	0.6312	0.6174	0.460	3402	0.3517	0.3510	0.3446	0.543
0514	1.2375	1.2236	1.1948	0.445	3403	0.1491	0.1482	0.1456	0.476
0515	1.8402	1.8086	1.7607	0.389	3404	0.3526	0.3525	0.3468	0.544
0516	1.2375	1.2236	1.1948	0.445	3405	0.2619	0.2607	0.2558	0.519
0517	1.6696	1.6499	1.6126	0.426	3406	0.1659	0.1662	0.1639	0.568
0518	1.3746	1.3517	1.3162	0.394	3407	0.2864	0.2844	0.2784	0.503
0519	1.3816	1.3664	1.3358	0.438	3408	0.0752	0.0748	0.0734	0.506
0601	0.5302	0.5253	0.5137	0.465	3409	0.0911	0.0909	0.0894	0.520
0602	0.3336	0.3312	0.3237	0.522	3501	0.7141	0.7053	0.6902	0.404
0603	0.6749	0.6654	0.6500	0.401	3503	0.2060	0.2068	0.2043	0.545
0604	0.8892	0.8827	0.8653	0.475	3506	0.6699	0.6619	0.6464	0.447
0606	0.2166	0.2172	0.2139	0.592	3509	0.3740	0.3755	0.3690	0.626
0607	0.2322	0.2321	0.2285	0.542	3510	0.3833	0.3838	0.3776	0.576
0608	0.2196	0.2191	0.2150	0.546	3511	0.5491	0.5480	0.5380	0.537
0701	1.9031	1.8559	1.7988	0.333	3512	0.3149	0.3151	0.3103	0.558
0803	0.3004	0.2989	0.2932	0.518	3602	0.0862	0.0866	0.0855	0.574
0804	0.7771	0.7670	0.7489	0.429	3603	0.3178	0.3174	0.3125	0.529
0901	1.4702	1.4429	1.4081	0.367	3604	1.0821	1.0742	1.0511	0.493
1002	0.8144	0.8072	0.7896	0.469	3605	0.3785	0.3770	0.3697	0.525
1003	0.5134	0.5089	0.4978	0.468	3701	0.2216	0.2208	0.2168	0.523
1004	0.5134	0.5089	0.4978	0.468	3702	0.4440	0.4420	0.4331	0.528
1005	3.3426	3.2925	3.2058	0.408	3707	0.3594	0.3584	0.3515	0.527
1007	0.2427	0.2416	0.2373	0.486	3708	0.2489	0.2489	0.2446	0.566
1101	0.4614	0.4594	0.4509	0.501	3801	0.1853	0.1847	0.1813	0.531
1102	1.0304	1.0164	0.9908	0.424	3802	0.1581	0.1581	0.1552	0.569
1103	0.3844	0.3824	0.3766	0.521	3808	0.2375	0.2363	0.2321	0.489
1104	0.4863	0.4846	0.4756	0.523	3901	0.1325	0.1331	0.1312	0.611
1106	0.1799	0.1808	0.1787	0.580	3902	0.4050	0.4053	0.3986	0.572
1108	0.3748	0.3731	0.3669	0.492	3903	0.9541	0.9518	0.9378	0.489
1109	0.6224	0.6217	0.6117	0.523	3905	0.1317	0.1327	0.1314	0.609
1301	0.2557	0.2545	0.2496	0.521	3906	0.4103	0.4091	0.4019	0.517
1303	0.1751	0.1742	0.1705	0.527	3909	0.2363	0.2364	0.2330	0.534
1304	0.0205	0.0205	0.0202	0.544	4002	0.5508	0.5492	0.5376	0.553
1305	0.2682	0.2683	0.2628	0.569	4101	0.1809	0.1810	0.1780	0.564
1401	0.5956	0.5937	0.5828	0.515	4103	0.2016	0.2023	0.1997	0.593
1404	0.4377	0.4350	0.4258	0.512	4107	0.1066	0.1066	0.1053	0.523
1405	0.4418	0.4397	0.4319	0.499	4108	0.1809	0.1810	0.1780	0.564
1501	0.3186	0.3173	0.3110	0.535	4109	0.1809	0.1810	0.1780	0.564
1507	0.2654	0.2651	0.2606	0.552	4201	0.2009	0.1998	0.1957	0.513
1701	1.3637	1.3344	1.2980	0.342	4301	0.6558	0.6539	0.6419	0.534
1702	1.3637	1.3344	1.2980	0.342	4302	0.5678	0.5641	0.5511	0.520
1703	0.3775	0.3738	0.3649	0.479	4304	0.5004	0.5000	0.4918	0.540
1704	0.7685	0.7583	0.7405	0.405	4305	0.9091	0.9005	0.8791	0.485
1801	0.8542	0.8413	0.8201	0.420	4401	0.4725	0.4702	0.4606	0.517
1802	0.6560	0.6528	0.6404	0.537	4402	0.5760	0.5746	0.5646	0.534
2002	0.4900	0.4885	0.4801	0.512	4404	0.4669	0.4650	0.4552	0.551
2003	0.3594	0.3593	0.3534	0.556	4501	0.1169	0.1162	0.1142	0.476
2004	0.6384	0.6348	0.6226	0.494	4502	0.0382	0.0379	0.0372	0.472
2005	0.2833	0.2843	0.2807	0.578	4504	0.0723	0.0727	0.0720	0.595
2007	0.3488	0.3482	0.3430	0.493	4601	0.5528	0.5513	0.5425	0.493
2008	0.2156	0.2138	0.2095	0.462	4802	0.2645	0.2635	0.2585	0.518
2101	0.5288	0.5257	0.5155	0.487	4803	0.2406	0.2413	0.2378	0.567
2102	0.3594	0.3593	0.3534	0.556	4804	0.4105	0.4106	0.4039	0.555
2104	0.2620	0.2626	0.2588	0.577	4805	0.2612	0.2616	0.2576	0.556
2105	0.4915	0.4870	0.4760	0.485	4806	0.0756	0.0756	0.0744	0.527
2106	0.3581	0.3565	0.3500	0.498	4808	0.3966	0.3952	0.3881	0.494
2201	0.2133	0.2127	0.2088	0.511	4809	0.2205	0.2216	0.2184	0.620
2202	0.4249	0.4256	0.4187	0.584	4810	0.1460	0.1460	0.1437	0.555
2203	0.2487	0.2478	0.2433	0.522	4811	0.2159	0.2159	0.2127	0.535
2401	0.3755	0.3753	0.3687	0.563	4812	0.3994	0.3976	0.3893	0.521
2903	0.5643	0.5636	0.5540	0.539	4813	0.2191	0.2180	0.2138	0.514
2904	0.5183	0.5165	0.5072	0.521	4901	0.0416	0.0415	0.0408	0.557
2905	0.4182	0.4188	0.4119	0.582	4902	0.0359	0.0359	0.0352	0.581
2906	0.3619	0.3590	0.3514	0.486	4903	0.0416	0.0415	0.0408	0.557
2907	0.4116	0.4115	0.4037	0.580	4904	0.0150	0.0150	0.0148	0.584
2908	0.7912	0.7888	0.7742	0.535	4905	0.2493	0.2508	0.2476	0.608
2909	0.4998	0.4985	0.4896	0.530	4906	0.0505	0.0506	0.0497	0.577
3101	0.5919	0.5855	0.5713	0.471	4907	0.0588	0.0585	0.0574	0.513
3102	0.4885	0.4830	0.4723	0.433	4908	0.0982	0.0992	0.0991	0.566
3103	0.4885	0.4830	0.4723	0.433	4909	0.0982	0.0992	0.0991	0.566
3104	0.4449	0.4418	0.4331	0.483	4910	0.3028	0.3027	0.2980	0.526
3105	0.7701	0.7634	0.7466	0.480	5001	3.9447	3.8695	3.7648	0.356

PERMANENT

5002	0.4361	0.4346	0.4257	0.546
5003	1.2577	1.2341	1.1993	0.380
5004	3.1783	3.1349	3.0584	0.412
5101	0.6030	0.6035	0.5928	0.580
5103	0.6753	0.6737	0.6617	0.538
5106	0.4483	0.4471	0.4406	0.484
5108	0.6170	0.6133	0.5998	0.518
5109	0.4381	0.4347	0.4257	0.495
5201	0.3009	0.2992	0.2936	0.490
5204	0.7958	0.7889	0.7707	0.496
5206	0.3331	0.3299	0.3227	0.470
5207	0.1142	0.1150	0.1139	0.614
5208	0.7673	0.7627	0.7472	0.503
5209	0.5736	0.5724	0.5627	0.522
5301	0.0190	0.0191	0.0188	0.576
5305	0.0335	0.0334	0.0329	0.510
5306	0.0336	0.0335	0.0329	0.529
5307	0.3119	0.3110	0.3051	0.534
6103	0.0447	0.0450	0.0446	0.598
6104	0.2176	0.2171	0.2136	0.515
6105	0.1593	0.1594	0.1569	0.555
6107	0.1060	0.1061	0.1048	0.543
6108	0.4029	0.4044	0.3982	0.592
6109	0.0367	0.0368	0.0362	0.576
6110	0.3820	0.3812	0.3745	0.523
6201	0.1455	0.1453	0.1430	0.522
6202	0.4486	0.4457	0.4373	0.477
6203	0.0688	0.0690	0.0681	0.575
6204	0.1446	0.1451	0.1434	0.571
6205	0.1446	0.1451	0.1434	0.571
6206	0.1446	0.1451	0.1434	0.571
6207	0.8494	0.8535	0.8444	0.569
6208	0.2275	0.2280	0.2249	0.574
6209	0.1750	0.1760	0.1742	0.595
6301	0.0930	0.0922	0.0903	0.452
6302	0.1326	0.1318	0.1296	0.459
6303	0.0537	0.0536	0.0528	0.508
6304	0.1271	0.1280	0.1268	0.603
6305	0.0527	0.0527	0.0520	0.529
6306	0.1953	0.1957	0.1929	0.573
6308	0.0363	0.0362	0.0355	0.535
6309	0.1068	0.1072	0.1058	0.583
6402	0.2101	0.2102	0.2065	0.577
6403	0.1660	0.1668	0.1648	0.573
6404	0.1284	0.1290	0.1275	0.594
6405	0.4646	0.4632	0.4546	0.533
6406	0.0675	0.0676	0.0668	0.552
6407	0.1570	0.1573	0.1553	0.560
6408	0.2780	0.2774	0.2730	0.531
6409	0.3674	0.3661	0.3595	0.534
6410	0.1330	0.1328	0.1309	0.515
6501	0.0674	0.0678	0.0667	0.624
6502	0.0183	0.0183	0.0180	0.552
6503	0.0603	0.0595	0.0582	0.394
6504	0.3479	0.3501	0.3465	0.577
6505	0.0925	0.0928	0.0916	0.558
6506	0.0598	0.0599	0.0591	0.543
6508	0.3045	0.3040	0.2992	0.508
6509	0.1710	0.1719	0.1698	0.610
6601	0.1670	0.1674	0.1651	0.566
6602	0.3504	0.3504	0.3447	0.546
6603	0.2341	0.2344	0.2310	0.566
6604	0.0525	0.0523	0.0513	0.506
6605	0.3090	0.3106	0.3059	0.630
6607	0.1142	0.1150	0.1139	0.614
6608	0.2157	0.2134	0.2083	0.475
6704	0.1229	0.1229	0.1210	0.534
6705	0.7317	0.7354	0.7252	0.609
6706	0.3377	0.3377	0.3330	0.530
6707	1.5350	1.5441	1.5241	0.616
6708	3.8190	3.8215	3.7847	0.469
6709	0.1568	0.1582	0.1567	0.613
6801	0.2343	0.2328	0.2280	0.505
6802	0.2622	0.2634	0.2602	0.603
6803	1.1939	1.1518	1.1114	0.254
6804	0.1704	0.1703	0.1675	0.567

6809	2.9053	2.9464	2.9457	0.632
6901	0.0231	0.0239	0.0243	0.604
6902	0.5093	0.5016	0.4888	0.413
6903	4.5534	4.4467	4.3377	0.296
6904	0.1872	0.1868	0.1832	0.555
6905	0.2150	0.2148	0.2115	0.544
6906	0.0999	0.1032	0.1054	0.651
6907	1.0154	1.0043	0.9821	0.432
6908	0.2999	0.3002	0.2952	0.583
6909	0.0564	0.0565	0.0558	0.588
7101	0.0251	0.0250	0.0245	0.476
7102	3.0438	3.0778	3.0699	0.571
7103	0.2087	0.2071	0.2028	0.484
7104	0.0211	0.0211	0.0208	0.481
7105	0.0321	0.0319	0.0314	0.492
7106	0.1805	0.1794	0.1761	0.484
7107	0.1959	0.1946	0.1908	0.477
7108	0.2028	0.2027	0.1994	0.538
7109	0.2349	0.2345	0.2306	0.523
7110	0.2831	0.2815	0.2759	0.495
7111	0.4424	0.4406	0.4313	0.529
7112	0.5298	0.5247	0.5128	0.466
7113	0.6245	0.6178	0.6033	0.461
7114	0.5453	0.5466	0.5394	0.560
7115	0.5092	0.5045	0.4934	0.466
7116	0.5441	0.5391	0.5274	0.452
7117	1.3865	1.3878	1.3695	0.504
7118	2.3889	2.3743	2.3287	0.493
7119	1.7375	1.7242	1.6867	0.484
7120	5.1963	5.1541	5.0531	0.448
7121	5.1571	5.1151	5.0148	0.448
7201	0.5910	0.5885	0.5752	0.548
7202	0.0343	0.0343	0.0338	0.558
7203	0.1133	0.1138	0.1128	0.526
7204	0.0000	0.0000	0.0000	0.604
7301	0.5279	0.5244	0.5142	0.474
7302	0.5736	0.5742	0.5659	0.532
7307	0.7430	0.7411	0.7280	0.537
7308	0.1846	0.1850	0.1829	0.543
7309	0.1568	0.1582	0.1567	0.613))

Class	1990	1991	1992	D-Ratio
0101	1.1262	1.1148	1.0609	0.400
0102	1.0577	1.0484	0.9992	0.440
0103	1.2838	1.2771	1.2205	0.477
0104	1.6247	1.6044	1.5228	0.321
0105	1.0921	1.0867	1.0388	0.479
0106	3.9080	3.9003	3.7284	0.391
0107	1.0379	1.0278	0.9789	0.435
0108	0.9759	0.9649	0.9181	0.435
0109	3.6732	3.6280	3.4472	0.403
0201	1.9883	1.9638	1.8653	0.377
0202	2.3971	2.3810	2.2724	0.444
0206	2.0032	1.9722	1.8700	0.379
0301	0.5084	0.5078	0.4872	0.541
0302	1.6674	1.6468	1.5645	0.379
0306	0.8743	0.8671	0.8267	0.435
0307	0.6730	0.6697	0.6404	0.475
0403	1.1559	1.1515	1.1018	0.490
0502	0.9532	0.9438	0.8988	0.443
0504	1.1960	1.1837	1.1267	0.416
0506	3.4745	3.4369	3.2698	0.415
0507	2.5634	2.5415	2.4227	0.442
0508	2.6035	2.5685	2.4383	0.370
0509	1.6530	1.6370	1.5579	0.381
0510	1.2340	1.2259	1.1705	0.460
0511	1.0032	0.9977	0.9544	0.530
0512	1.5130	1.4986	1.4273	0.421
0513	0.6417	0.6375	0.6085	0.442
0514	1.2340	1.2259	1.1705	0.466
0515	2.0408	2.0150	1.9145	0.398
0516	1.2340	1.2259	1.1705	0.466
0517	1.6043	1.5961	1.5248	0.451
0518	1.4748	1.4577	1.3859	0.397
0519	1.3622	1.3575	1.2978	0.430
0601	0.5440	0.5415	0.5180	0.489

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0602	0.3481	0.3465	0.3316	0.533	3410	0.1732	0.1749	0.1690	0.588
0603	0.6744	0.6690	0.6374	0.403	3501	0.7946	0.7906	0.7551	0.427
0604	0.9385	0.9363	0.8966	0.478	3503	0.2429	0.2456	0.2374	0.570
0606	0.2255	0.2270	0.2191	0.609	3506	0.6861	0.6813	0.6506	0.481
0607	0.2397	0.2408	0.2319	0.570	3509	0.3775	0.3790	0.3654	0.639
0608	0.2346	0.2350	0.2258	0.542	3510	0.3987	0.4002	0.3853	0.569
0701	1.9674	1.9328	1.8287	0.335	3511	0.5853	0.5856	0.5621	0.522
0803	0.3037	0.3033	0.2908	0.519	3512	0.3323	0.3347	0.3229	0.572
0804	0.7731	0.7671	0.7315	0.432	3602	0.0947	0.0955	0.0922	0.579
0901	1.4314	1.4185	1.3511	0.404	3603	0.3157	0.3176	0.3061	0.557
1002	0.8036	0.8001	0.7655	0.499	3604	1.1872	1.1835	1.1337	0.535
1003	0.5150	0.5122	0.4895	0.472	3605	0.3914	0.3912	0.3755	0.541
1004	0.5150	0.5122	0.4895	0.472	3701	0.2310	0.2313	0.2222	0.537
1005	3.6532	3.6084	3.4302	0.426	3702	0.4716	0.4715	0.4527	0.554
1007	0.2386	0.2390	0.2294	0.498	3707	0.3937	0.3945	0.3790	0.520
1101	0.4774	0.4769	0.4574	0.522	3708	0.2788	0.2795	0.2690	0.579
1102	1.0321	1.0228	0.9747	0.436	3801	0.2062	0.2063	0.1981	0.542
1103	0.3976	0.3984	0.3829	0.535	3802	0.1737	0.1742	0.1677	0.579
1104	0.4854	0.4865	0.4679	0.564	3808	0.2492	0.2492	0.2390	0.479
1106	0.2059	0.2081	0.2014	0.601	3901	0.1521	0.1533	0.1480	0.618
1108	0.3711	0.3723	0.3580	0.508	3902	0.4047	0.4064	0.3913	0.566
1109	0.6315	0.6329	0.6079	0.509	3903	0.9925	0.9974	0.9598	0.507
1301	0.2738	0.2737	0.2627	0.545	3905	0.1431	0.1448	0.1402	0.616
1303	0.1689	0.1685	0.1614	0.529	3906	0.4396	0.4403	0.4230	0.529
1304	0.0202	0.0204	0.0196	0.550	3909	0.2169	0.2182	0.2103	0.558
1305	0.2838	0.2850	0.2745	0.584	4002	0.5857	0.5842	0.5599	0.545
1401	0.5712	0.5712	0.5480	0.517	4101	0.1870	0.1875	0.1804	0.554
1404	0.4512	0.4501	0.4312	0.517	4103	0.2095	0.2112	0.2042	0.640
1405	0.4648	0.4650	0.4464	0.507	4107	0.1132	0.1137	0.1095	0.544
1501	0.3286	0.3277	0.3139	0.525	4108	0.1870	0.1875	0.1804	0.554
1507	0.2668	0.2671	0.2567	0.559	4109	0.1870	0.1875	0.1804	0.554
1701	1.4270	1.4092	1.3381	0.353	4201	0.2141	0.2136	0.2048	0.544
1702	1.4270	1.4092	1.3381	0.353	4301	0.6893	0.6900	0.6627	0.530
1703	0.3613	0.3593	0.3436	0.508	4302	0.5826	0.5795	0.5543	0.538
1704	0.7375	0.7327	0.6988	0.407	4304	0.5216	0.5231	0.5032	0.554
1801	0.8229	0.8154	0.7770	0.440	4305	0.8972	0.8912	0.8514	0.506
1802	0.7619	0.7580	0.7249	0.510	4401	0.4630	0.4631	0.4443	0.512
2002	0.5210	0.5226	0.5026	0.539	4402	0.5483	0.5498	0.5288	0.551
2003	0.3655	0.3666	0.3527	0.560	4404	0.4140	0.4139	0.3976	0.573
2004	0.6062	0.6060	0.5814	0.522	4501	0.1173	0.1175	0.1129	0.507
2007	0.3785	0.3803	0.3658	0.505	4502	0.0368	0.0369	0.0355	0.516
2008	0.2258	0.2254	0.2159	0.488	4504	0.0720	0.0730	0.0707	0.612
2009	0.2461	0.2467	0.2371	0.524	4601	0.5596	0.5613	0.5396	0.519
2101	0.5650	0.5643	0.5406	0.479	4802	0.2475	0.2479	0.2381	0.539
2102	0.3655	0.3666	0.3527	0.560	4803	0.2191	0.2209	0.2133	0.581
2104	0.2586	0.2602	0.2510	0.599	4804	0.4305	0.4323	0.4163	0.564
2105	0.4549	0.4532	0.4338	0.517	4805	0.2700	0.2714	0.2614	0.561
2106	0.3365	0.3369	0.3235	0.516	4806	0.0708	0.0710	0.0683	0.516
2201	0.2078	0.2079	0.1995	0.499	4808	0.4109	0.4112	0.3946	0.502
2202	0.4871	0.4890	0.4711	0.601	4809	0.2360	0.2376	0.2295	0.636
2203	0.2607	0.2614	0.2515	0.548	4810	0.1413	0.1422	0.1372	0.595
2401	0.3735	0.3746	0.3603	0.543	4811	0.2256	0.2268	0.2186	0.562
2903	0.5380	0.5398	0.5197	0.580	4812	0.3582	0.3577	0.3430	0.536
2904	0.5652	0.5653	0.5425	0.516	4813	0.2299	0.2301	0.2209	0.517
2905	0.4371	0.4388	0.4227	0.593	4901	0.0379	0.0380	0.0366	0.577
2906	0.3308	0.3298	0.3159	0.501	4902	0.0416	0.0416	0.0400	0.584
2907	0.4372	0.4374	0.4203	0.569	4903	0.0379	0.0380	0.0366	0.577
2908	0.8667	0.8664	0.8315	0.536	4904	0.0177	0.0178	0.0172	0.584
2909	0.4907	0.4918	0.4730	0.566	4905	0.2464	0.2487	0.2404	0.614
3101	0.6126	0.6085	0.5811	0.480	4906	0.0573	0.0575	0.0554	0.589
3102	0.2788	0.2795	0.2690	0.579	4907	0.0569	0.0569	0.0547	0.537
3103	0.5458	0.5432	0.5191	0.452	4908	0.0968	0.0989	0.0963	0.592
3104	0.4240	0.4232	0.4056	0.515	4909	0.0968	0.0989	0.0963	0.592
3105	0.8265	0.8234	0.7876	0.476	4910	0.3529	0.3541	0.3406	0.523
3303	0.2031	0.2036	0.1957	0.515	5001	4.0636	4.0115	3.8083	0.359
3304	0.5431	0.5447	0.5240	0.564	5002	0.4404	0.4400	0.4223	0.563
3309	0.3402	0.3424	0.3298	0.517	5003	1.3491	1.3305	1.2625	0.368
3401	0.3404	0.3403	0.3265	0.504	5004	2.5675	2.5528	2.4379	0.447
3402	0.3680	0.3682	0.3536	0.538	5101	0.6224	0.6238	0.6003	0.604
3403	0.1692	0.1692	0.1622	0.471	5103	0.6738	0.6749	0.6486	0.555
3404	0.3801	0.3815	0.3671	0.546	5106	0.4825	0.4847	0.4665	0.514
3405	0.2683	0.2684	0.2578	0.537	5108	0.6013	0.5994	0.5741	0.530
3406	0.1845	0.1858	0.1792	0.562	5109	0.4898	0.4881	0.4673	0.511
3407	0.2776	0.2773	0.2660	0.544	5201	0.2946	0.2943	0.2821	0.507
3408	0.0747	0.0747	0.0717	0.532	5204	0.8036	0.8006	0.7664	0.504
3409	0.0851	0.0855	0.0823	0.543	5206	0.3570	0.3560	0.3407	0.470

PERMANENT

5207	0.1200	0.1212	0.1173	0.630
5208	0.7664	0.7654	0.7338	0.515
5209	0.5755	0.5769	0.5547	0.549
5301	0.0212	0.0213	0.0205	0.575
5305	0.0363	0.0365	0.0352	0.558
5306	0.0342	0.0343	0.0331	0.541
5307	0.3051	0.3049	0.2926	0.546
6103	0.0504	0.0511	0.0495	0.616
6104	0.2130	0.2137	0.2056	0.550
6105	0.1605	0.1612	0.1552	0.566
6107	0.1231	0.1241	0.1198	0.567
6108	0.4409	0.4431	0.4270	0.580
6109	0.0418	0.0420	0.0405	0.569
6110	0.3963	0.3968	0.3812	0.549
6201	0.1656	0.1662	0.1599	0.552
6202	0.4611	0.4606	0.4413	0.478
6203	0.0715	0.0721	0.0697	0.617
6204	0.1523	0.1537	0.1485	0.589
6205	0.1523	0.1537	0.1485	0.589
6206	0.1523	0.1537	0.1485	0.589
6207	0.9191	0.9293	0.8991	0.592
6208	0.2368	0.2391	0.2312	0.610
6209	0.1963	0.1980	0.1914	0.614
6301	0.0922	0.0921	0.0883	0.480
6302	0.1371	0.1375	0.1320	0.473
6303	0.0559	0.0561	0.0540	0.517
6304	0.1383	0.1400	0.1357	0.617
6305	0.0572	0.0576	0.0556	0.559
6306	0.2110	0.2120	0.2044	0.587
6308	0.0403	0.0403	0.0388	0.566
6309	0.1203	0.1211	0.1168	0.572
6402	0.2300	0.2307	0.2220	0.580
6403	0.1720	0.1735	0.1677	0.596
6404	0.1307	0.1321	0.1278	0.609
6405	0.4542	0.4552	0.4375	0.541
6406	0.0671	0.0677	0.0654	0.596
6407	0.1705	0.1715	0.1653	0.574
6408	0.2955	0.2965	0.2853	0.552
6409	0.3963	0.3960	0.3799	0.525
6410	0.1355	0.1362	0.1311	0.542
6501	0.0758	0.0761	0.0734	0.629
6502	0.0212	0.0213	0.0206	0.561
6503	0.0599	0.0595	0.0568	0.428
6504	0.3504	0.3539	0.3421	0.582
6505	0.0893	0.0900	0.0869	0.554
6506	0.0601	0.0606	0.0585	0.547
6508	0.3038	0.3047	0.2931	0.541
6509	0.1794	0.1810	0.1750	0.620
6601	0.1749	0.1761	0.1699	0.585
6602	0.3765	0.3779	0.3636	0.546
6603	0.2407	0.2418	0.2329	0.578
6604	0.0525	0.0526	0.0505	0.505
6605	0.3519	0.3557	0.3445	0.672
6607	0.1200	0.1212	0.1173	0.630
6608	0.2411	0.2395	0.2287	0.484
6704	0.1231	0.1237	0.1191	0.557
6705	0.7563	0.7625	0.7369	0.637
6706	0.3414	0.3437	0.3314	0.551
6707	1.5401	1.5532	1.5012	0.626
6708	3.9835	4.0269	3.8881	0.487
6709	0.1634	0.1655	0.1604	0.638
6801	0.2198	0.2198	0.2111	0.552
6802	0.2844	0.2872	0.2778	0.625
6803	1.0505	1.0250	0.9652	0.270
6804	0.1680	0.1688	0.1627	0.605
6809	3.4683	3.5494	3.4648	0.654
6901	0.0222	0.0233	0.0231	0.637
6902	0.5913	0.5849	0.5563	0.403
6903	3.9587	3.9248	3.7355	0.318
6904	0.1960	0.1962	0.1886	0.583
6905	0.2171	0.2179	0.2097	0.546
6906	0.1014	0.1065	0.1056	0.657
6907	0.9539	0.9511	0.9103	0.480
6908	0.3258	0.3267	0.3144	0.585
6909	0.0667	0.0672	0.0649	0.605
7101	0.0268	0.0269	0.0258	0.499

7102	3.1897	3.2564	3.1690	0.587
7103	0.2380	0.2374	0.2273	0.477
7104	0.0211	0.0213	0.0205	0.524
7105	0.0281	0.0281	0.0271	0.533
7106	0.1604	0.1603	0.1538	0.498
7107	0.2093	0.2090	0.2004	0.517
7108	0.2014	0.2024	0.1951	0.570
7109	0.2445	0.2457	0.2367	0.550
7110	0.2993	0.2982	0.2854	0.485
7111	0.4471	0.4463	0.4279	0.541
7112	0.5573	0.5556	0.5318	0.479
7113	0.6225	0.6184	0.5906	0.474
7114	0.5824	0.5876	0.5679	0.599
7115	0.4990	0.4976	0.4765	0.494
7116	0.5339	0.5317	0.5084	0.466
7117	1.4168	1.4277	1.3760	0.513
7118	2.4934	2.4901	2.3875	0.502
7119	1.6095	1.6051	1.5373	0.501
7120	4.8986	4.8973	4.6931	0.441
7121	5.0920	5.0813	4.8642	0.452
7201	0.6419	0.6392	0.6120	0.532
7202	0.0390	0.0391	0.0376	0.540
7203	0.1138	0.1154	0.1117	0.556
7204	0.0000	0.0000	0.0000	0.637
7301	0.5309	0.5301	0.5079	0.491
7302	0.5659	0.5684	0.5469	0.535
7307	0.6819	0.6836	0.6575	0.559
7308	0.1869	0.1888	0.1824	0.558
7309	0.1634	0.1655	0.1604	0.638

AMENDATORY SECTION (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Range	Maximum Experience Modification
<del>((1,975 &amp; Under</del>	<del>0.90</del>
<del>1,976</del>	<del>0.89</del>
<del>2,114</del>	<del>0.88</del>
<del>2,264</del>	<del>0.87</del>
<del>2,426</del>	<del>0.86</del>
<del>2,601</del>	<del>0.85</del>
<del>2,792</del>	<del>0.84</del>
<del>2,998</del>	<del>0.83</del>
<del>3,224</del>	<del>0.82</del>
<del>3,469</del>	<del>0.81</del>
<del>3,736</del>	<del>0.80</del>
<del>4,027</del>	<del>0.79</del>
<del>4,345</del>	<del>0.78</del>
<del>4,693</del>	<del>0.77</del>
<del>5,074</del>	<del>0.76</del>
<del>5,492</del>	<del>0.75</del>
<del>5,950</del>	<del>0.74</del>
<del>6,453</del>	<del>0.73</del>
<del>7,007</del>	<del>0.72</del>
<del>7,617</del>	<del>0.71</del>
<del>8,289</del>	<del>0.70</del>
<del>9,032</del>	<del>0.69</del>
<del>9,854</del>	<del>0.68</del>
<del>10,765</del>	<del>0.67</del>
<del>11,775</del>	<del>0.66</del>
<del>12,897</del>	<del>0.65</del>
<del>14,146</del>	<del>0.64</del>

PERMANENT



15,539	17,093	0.63
17,094	18,833	0.62
18,834	20,783	0.61
20,784 & Over		0.60))
<u>2,084 &amp; Under</u>		<u>0.90</u>
2,085	- 2,230	0.89
2,231	- 2,388	0.88
2,389	- 2,558	0.87
2,559	- 2,744	0.86
2,745	- 2,945	0.85
2,946	- 3,163	0.84
3,164	- 3,400	0.83
3,401	- 3,659	0.82
3,660	- 3,941	0.81
3,942	- 4,248	0.80
4,249	- 4,584	0.79
4,585	- 4,951	0.78
4,952	- 5,353	0.77
5,354	- 5,794	0.76
5,795	- 6,277	0.75
6,278	- 6,808	0.74
6,809	- 7,392	0.73
7,393	- 8,036	0.72
8,037	- 8,746	0.71
8,747	- 9,530	0.70
9,531	- 10,397	0.69
10,398	- 11,358	0.68
11,359	- 12,424	0.67
12,425	- 13,608	0.66
13,609	- 14,926	0.65
14,927	- 16,396	0.64
16,397	- 18,037	0.63
18,038	- 19,873	0.62
19,874	- 21,930	0.61
21,931 & Over		0.60

0301	0.5046	0.4480
0302	1.8512	1.0096
0306	1.0027	0.6812
0307	0.7735	0.5221
0403	1.1169	0.9198
0502	1.0907	0.6713
0504	1.4330	0.8373
0506	3.7193	2.3116
0507	3.0587	1.8660
0508	3.2851	1.7153
0509	1.9305	1.2039
0510	1.4215	0.9776
0511	1.1511	0.8003
0512	1.7616	1.0393
0513	0.7006	0.5424
0514	1.4215	0.9776
0515	2.2631	1.2488
0516	1.4215	0.9776
0517	1.8693	1.3690
0518	1.6814	0.9454
0519	1.5426	1.1417
0601	0.5910	0.4429
0602	0.3802	0.2722
0603	0.7728	0.5291
0604	0.9382	0.8080
0606	0.2050	0.2311
0607	0.2200	0.2447
0608	0.2268	0.2090
0701	2.5730	0.9821
0803	0.3153	0.2777
0804	0.8980	0.6033
0901	1.7522	1.0563
1002	0.9038	0.6860
1003	0.5654	0.4370
1004	0.5654	0.4370
1005	4.0436	2.3656
1007	0.2421	0.2384
1101	0.4723	0.4404
1102	1.2247	0.7593
1103	0.3845	0.3793
1104	0.4984	0.4649
1106	0.1533	0.2121
1108	0.3693	0.3736
1109	0.5929	0.6501
1301	0.2687	0.2363
1303	0.1918	0.1526
1304	0.0189	0.0222
1305	0.2642	0.2723
1401	0.6025	0.5784
1404	0.4791	0.3804
1405	0.4462	0.4280
1501	0.3391	0.2901
1507	0.2631	0.2662
1701	1.7173	0.8602
1702	1.7173	0.8602
1703	0.4367	0.2968
1704	0.8728	0.6119
1801	1.0271	0.6125
1802	0.7018	0.5944
2002	0.4838	0.4897
2003	0.3505	0.3678
2004	0.6646	0.5938

**AMENDATORY SECTION** (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective  
— January 1, 1993

Class	Accident Fund	Medical Aid Fund
0101	1.3562	0.8068
0102	1.1831	0.7772
0103	1.2746	0.9604
0104	1.9171	0.9649
0105	1.0710	0.8129
0106	3.4704	2.9709
0107	1.2079	0.7104
0108	1.2131	0.7262
0109	4.1863	2.2000
0201	2.6905	1.2297
0202	2.3937	1.8065
0206	1.9933	0.9746

PERMANENT

2005	0.2516	0.3213	4002	0.5957	0.4928
2007	0.3194	0.3778	4101	0.1771	0.1847
2008	0.2300	0.1923	4103	0.1835	0.2240
2009	0.2284	0.2433	4107	0.0950	0.1192
2101	0.5513	0.4904	4108	0.1771	0.1847
2102	0.3505	0.3678	4109	0.1771	0.1847
2104	0.2462	0.2812	4201	0.2166	0.1787
2105	0.5569	0.4010	4301	0.6725	0.6281
2106	0.3632	0.3451	4302	0.6441	0.4673
2201	0.2144	0.2087	4304	0.4854	0.5138
2202	0.4112	0.4415	4305	1.0515	0.7161
2203	0.2545	0.2382	4401	0.5035	0.4278
2401	0.3774	0.3714	4402	0.5774	0.5677
2903	0.5581	0.5669	4404	0.5112	0.4093
2904	0.5260	0.5016	4501	0.1172	0.1137
2905	0.4082	0.4302	4502	0.0388	0.0364
2906	0.3971	0.3111	4504	0.0592	0.0883
2907	0.4261	0.3937	4601	0.5230	0.5781
2908	0.8144	0.7543	4802	0.2727	0.2507
2909	0.5044	0.4881	4803	0.2205	0.2646
3101	0.6926	0.4546	4804	0.3959	0.4257
3102	0.2475	0.2497	4805	0.2433	0.2814
3103	0.5444	0.4043	4806	0.0709	0.0804
3104	0.4703	0.4040	4808	0.3953	0.3911
3105	0.8577	0.6457	4809	0.2039	0.2425
3303	0.1969	0.1982	4810	0.1396	0.1527
3304	0.5450	0.5319	4811	0.2007	0.2320
3309	0.2534	0.3459	4812	0.4289	0.3582
3401	0.3549	0.3146	4813	0.2297	0.2026
3402	0.3594	0.3395	4901	0.0421	0.0407
3403	0.1490	0.1455	4902	0.0373	0.0343
3404	0.3420	0.3629	4903	0.0421	0.0407
3405	0.2719	0.2458	4904	0.0134	0.0169
3406	0.1515	0.1826	4905	0.2187	0.2879
3407	0.3139	0.2478	4906	0.0492	0.0520
3408	0.0775	0.0710	4907	0.0599	0.0565
3409	0.0881	0.0935	4908	0.0594	0.1449
3410	0.1414	0.1957	4909	0.0594	0.1449
3501	0.7793	0.6066	4910	0.2861	0.3199
3503	0.1717	0.2461	5001	4.8736	2.6222
3506	0.7736	0.5232	5002	0.4677	0.3939
3509	0.3711	0.3813	5003	1.5978	0.7891
3510	0.3709	0.3978	5004	3.7047	2.4216
3511	0.5551	0.5364	5101	0.6044	0.6010
3512	0.2989	0.3326	5103	0.6836	0.6582
3602	0.0747	0.1000	5106	0.4113	0.4833
3603	0.3031	0.3318	5108	0.6829	0.5278
3604	1.1878	0.9317	5109	0.4801	0.3780
3605	0.3959	0.3525	5201	0.3095	0.2841
3701	0.2261	0.2129	5204	0.9111	0.6399
3702	0.4754	0.4003	5206	0.3717	0.2776
3707	0.3693	0.3431	5207	0.0946	0.1388
3708	0.2475	0.2497	5208	0.8212	0.6878
3801	0.1903	0.1769	5209	0.5615	0.5805
3802	0.1610	0.1542	5301	0.0176	0.0208
3808	0.2392	0.2305	5305	0.0317	0.0351
3901	0.1223	0.1457	5306	0.0333	0.0335
3902	0.3959	0.4150	5307	0.3235	0.2948
3903	0.8778	1.0268	6103	0.0356	0.0559
3905	0.1075	0.1619	6104	0.2093	0.2243
3906	0.4096	0.4052	6105	0.1512	0.1682
3909	0.2169	0.2573	6107	0.0936	0.1200

6108	0.3786	0.4339
6109	0.0346	0.0392
6110	0.3772	0.3829
6201	0.1398	0.1504
6202	0.4615	0.4221
6203	0.0613	0.0777
6204	0.1251	0.1677
6205	0.1251	0.1677
6206	0.1251	0.1677
6207	0.7034	1.0241
6208	0.2091	0.2493
6209	0.1463	0.2103
6301	0.0984	0.0836
6302	0.1289	0.1334
6303	0.0508	0.0564
6304	0.1020	0.1581
6305	0.0462	0.0599
6306	0.1819	0.2112
6308	0.0365	0.0356
6309	0.0961	0.1199
6402	0.2113	0.2085
6403	0.1414	0.1957
6404	0.1102	0.1507
6405	0.4774	0.4437
6406	0.0585	0.0779
6407	0.1403	0.1764
6408	0.2707	0.2833
6409	0.3787	0.3492
6410	0.1232	0.1429
6501	0.0647	0.0714
6502	0.0170	0.0198
6503	0.0667	0.0501
6504	0.2801	0.4300
6505	0.0817	0.1052
6506	0.0526	0.0679
6508	0.2881	0.3195
6509	0.1511	0.1962
6601	0.1512	0.1855
6602	0.3373	0.3638
6603	0.2194	0.2509
6604	0.0533	0.0506
6605	0.2912	0.3338
6607	0.0946	0.1388
6608	0.2516	0.1668
6614	242.9600**	243.0000**
6615	181.4600**	181.5000**
6616	23.9600**	24.0000**
6617	17.9600**	18.0000**
6618	74.4600**	74.5000**
6704	0.1150	0.1312
6705	0.6658	0.8162
6706	0.3072	0.3706
6707	10.92*	14.04*
6708	2.9840	4.7390
6709	0.1240	0.1980
6801	0.2533	0.2070
6802	0.2315	0.3004
6803	1.7944	0.3742
6804	0.1698	0.1703
6809	1.7223	4.3701
6901	0.0000	0.0514
6902	0.6124	0.3647

6903	5.5078	3.0977
6904	0.1955	0.1759
6905	0.2067	0.2229
6906	0.0000	0.2229
6907	1.1261	0.8476
6908	0.2960	0.3045
6909	0.0515	0.0623
7101	0.0255	0.0242
7102	14.92*	35.74*
7103	0.2266	0.1823
7104	0.0180	0.0244
7105	0.0326	0.0308
7106	0.1864	0.1694
7107	0.2049	0.1806
7108	0.1951	0.2102
7109	0.2295	0.2386
7110	0.3002	0.2572
7111	0.4784	0.3941
7112	0.6000	0.4314
7113	0.7207	0.4911
7114	0.4900	0.6102
7115	0.5678	0.4252
7116	0.5975	0.4644
7117	1.2033	1.5882
7118	2.5149	2.1891
7119	1.9203	1.4793
7120	5.4453	4.7457
7121	5.4051	4.7085
7201	0.6643	0.4982
7202	0.0331	0.0356
7203	0.0873	0.1437
7204	0.0000	0.0000
7301	0.5502	0.4881
7302	0.5181	0.6348
7307	0.7514	0.7246
7308	0.1583	0.2148
7309	0.1238	0.1980))

Base Rates Effective  
January 1, 1994

Class	Base Rates Effective January 1, 1994	
	Accident Fund	Medical Aid Fund
0101	1.3982	0.7894
0102	1.2970	0.7702
0103	1.4836	1.0467
0104	2.0611	1.0538
0105	1.2586	0.8944
0106	4.0487	3.6391
0107	1.2935	0.7310
0108	1.2520	0.6469
0109	4.7286	2.3896
0201	2.5381	1.3046
0202	2.8343	1.8592
0206	2.7195	1.1299
0301	0.5589	0.4541
0302	2.1415	1.0803
0306	1.0650	0.6421
0307	0.7808	0.5437
0403	1.3102	0.9729
0502	1.1912	0.6685

PERMANENT

<u>0504</u>	<u>1.4982</u>	<u>0.8277</u>	<u>2105</u>	<u>0.5205</u>	<u>0.3805</u>
<u>0506</u>	<u>4.3824</u>	<u>2.3677</u>	<u>2106</u>	<u>0.3500</u>	<u>0.3199</u>
<u>0507</u>	<u>3.1345</u>	<u>1.8771</u>	<u>2201</u>	<u>0.2152</u>	<u>0.1983</u>
<u>0508</u>	<u>3.4097</u>	<u>1.6003</u>	<u>2202</u>	<u>0.4905</u>	<u>0.4913</u>
<u>0509</u>	<u>2.0208</u>	<u>1.1829</u>	<u>2203</u>	<u>0.2639</u>	<u>0.2578</u>
<u>0510</u>	<u>1.4609</u>	<u>0.9626</u>	<u>2401</u>	<u>0.3775</u>	<u>0.3699</u>
<u>0511</u>	<u>1.1947</u>	<u>0.7891</u>	<u>2903</u>	<u>0.5468</u>	<u>0.5350</u>
<u>0512</u>	<u>1.8712</u>	<u>1.0760</u>	<u>2904</u>	<u>0.5946</u>	<u>0.5305</u>
<u>0513</u>	<u>0.7526</u>	<u>0.5053</u>	<u>2905</u>	<u>0.4393</u>	<u>0.4410</u>
<u>0514</u>	<u>1.4609</u>	<u>0.9626</u>	<u>2906</u>	<u>0.3713</u>	<u>0.2828</u>
<u>0515</u>	<u>2.6498</u>	<u>1.2995</u>	<u>2907</u>	<u>0.4675</u>	<u>0.4074</u>
<u>0516</u>	<u>1.4609</u>	<u>0.9626</u>	<u>2908</u>	<u>0.9338</u>	<u>0.7930</u>
<u>0517</u>	<u>1.8332</u>	<u>1.3207</u>	<u>2909</u>	<u>0.5063</u>	<u>0.4774</u>
<u>0518</u>	<u>1.8819</u>	<u>0.9755</u>	<u>3101</u>	<u>0.7319</u>	<u>0.4725</u>
<u>0519</u>	<u>1.4911</u>	<u>1.1874</u>	<u>3102</u>	<u>0.2875</u>	<u>0.2724</u>
<u>0601</u>	<u>0.6279</u>	<u>0.4454</u>	<u>3103</u>	<u>0.6204</u>	<u>0.4526</u>
<u>0602</u>	<u>0.4096</u>	<u>0.2795</u>	<u>3104</u>	<u>0.4673</u>	<u>0.3740</u>
<u>0603</u>	<u>0.8048</u>	<u>0.5104</u>	<u>3105</u>	<u>0.9304</u>	<u>0.7006</u>
<u>0604</u>	<u>1.0263</u>	<u>0.8291</u>	<u>3303</u>	<u>0.2055</u>	<u>0.1995</u>
<u>0606</u>	<u>0.2162</u>	<u>0.2398</u>	<u>3304</u>	<u>0.5522</u>	<u>0.5380</u>
<u>0607</u>	<u>0.2359</u>	<u>0.2460</u>	<u>3309</u>	<u>0.3081</u>	<u>0.3754</u>
<u>0608</u>	<u>0.2431</u>	<u>0.2260</u>	<u>3401</u>	<u>0.3635</u>	<u>0.3125</u>
<u>0701</u>	<u>2.7346</u>	<u>1.0169</u>	<u>3402</u>	<u>0.3906</u>	<u>0.3437</u>
<u>0803</u>	<u>0.3342</u>	<u>0.2684</u>	<u>3403</u>	<u>0.1776</u>	<u>0.1573</u>
<u>0804</u>	<u>0.9284</u>	<u>0.5816</u>	<u>3404</u>	<u>0.3792</u>	<u>0.3827</u>
<u>0901</u>	<u>1.7463</u>	<u>1.0350</u>	<u>3405</u>	<u>0.2846</u>	<u>0.2502</u>
<u>1002</u>	<u>0.9260</u>	<u>0.6628</u>	<u>3406</u>	<u>0.1715</u>	<u>0.2002</u>
<u>1003</u>	<u>0.5997</u>	<u>0.4131</u>	<u>3407</u>	<u>0.3043</u>	<u>0.2485</u>
<u>1004</u>	<u>0.5997</u>	<u>0.4131</u>	<u>3408</u>	<u>0.0792</u>	<u>0.0697</u>
<u>1005</u>	<u>4.7327</u>	<u>2.3634</u>	<u>3409</u>	<u>0.0822</u>	<u>0.0884</u>
<u>1007</u>	<u>0.2420</u>	<u>0.2329</u>	<u>3410</u>	<u>0.1518</u>	<u>0.1994</u>
<u>1101</u>	<u>0.5192</u>	<u>0.4306</u>	<u>3501</u>	<u>0.8988</u>	<u>0.6594</u>
<u>1102</u>	<u>1.2691</u>	<u>0.7464</u>	<u>3503</u>	<u>0.2022</u>	<u>0.2912</u>
<u>1103</u>	<u>0.4065</u>	<u>0.3885</u>	<u>3506</u>	<u>0.8275</u>	<u>0.5198</u>
<u>1104</u>	<u>0.4994</u>	<u>0.4737</u>	<u>3509</u>	<u>0.3848</u>	<u>0.3796</u>
<u>1106</u>	<u>0.1773</u>	<u>0.2408</u>	<u>3510</u>	<u>0.3975</u>	<u>0.4035</u>
<u>1108</u>	<u>0.3684</u>	<u>0.3710</u>	<u>3511</u>	<u>0.6130</u>	<u>0.5538</u>
<u>1109</u>	<u>0.6350</u>	<u>0.6252</u>	<u>3512</u>	<u>0.3084</u>	<u>0.3619</u>
<u>1301</u>	<u>0.2959</u>	<u>0.2502</u>	<u>3602</u>	<u>0.0855</u>	<u>0.1060</u>
<u>1303</u>	<u>0.1909</u>	<u>0.1444</u>	<u>3603</u>	<u>0.2981</u>	<u>0.3371</u>
<u>1304</u>	<u>0.0193</u>	<u>0.0214</u>	<u>3604</u>	<u>1.3498</u>	<u>1.0083</u>
<u>1305</u>	<u>0.2835</u>	<u>0.2877</u>	<u>3605</u>	<u>0.4223</u>	<u>0.3581</u>
<u>1401</u>	<u>0.6026</u>	<u>0.5351</u>	<u>3701</u>	<u>0.2401</u>	<u>0.2212</u>
<u>1404</u>	<u>0.5032</u>	<u>0.3921</u>	<u>3702</u>	<u>0.5096</u>	<u>0.4317</u>
<u>1405</u>	<u>0.4871</u>	<u>0.4366</u>	<u>3707</u>	<u>0.3959</u>	<u>0.3914</u>
<u>1501</u>	<u>0.3705</u>	<u>0.2815</u>	<u>3708</u>	<u>0.2875</u>	<u>0.2724</u>
<u>1507</u>	<u>0.2820</u>	<u>0.2514</u>	<u>3801</u>	<u>0.2189</u>	<u>0.1925</u>
<u>1701</u>	<u>1.8241</u>	<u>0.9221</u>	<u>3802</u>	<u>0.1760</u>	<u>0.1731</u>
<u>1702</u>	<u>1.8241</u>	<u>0.9221</u>	<u>3808</u>	<u>0.2597</u>	<u>0.2347</u>
<u>1703</u>	<u>0.4268</u>	<u>0.2864</u>	<u>3901</u>	<u>0.1438</u>	<u>0.1645</u>
<u>1704</u>	<u>0.8537</u>	<u>0.5869</u>	<u>3902</u>	<u>0.4003</u>	<u>0.4127</u>
<u>1801</u>	<u>1.0190</u>	<u>0.5852</u>	<u>3903</u>	<u>0.9394</u>	<u>1.0456</u>
<u>1802</u>	<u>0.8894</u>	<u>0.6168</u>	<u>3905</u>	<u>0.1218</u>	<u>0.1696</u>
<u>2002</u>	<u>0.5185</u>	<u>0.5252</u>	<u>3906</u>	<u>0.4504</u>	<u>0.4279</u>
<u>2003</u>	<u>0.3711</u>	<u>0.3615</u>	<u>3909</u>	<u>0.2054</u>	<u>0.2310</u>
<u>2004</u>	<u>0.6474</u>	<u>0.5591</u>	<u>4002</u>	<u>0.6593</u>	<u>0.5067</u>
<u>2007</u>	<u>0.3572</u>	<u>0.4009</u>	<u>4101</u>	<u>0.1884</u>	<u>0.1863</u>
<u>2008</u>	<u>0.2458</u>	<u>0.2010</u>	<u>4103</u>	<u>0.1970</u>	<u>0.2284</u>
<u>2009</u>	<u>0.2448</u>	<u>0.2477</u>	<u>4107</u>	<u>0.1097</u>	<u>0.1171</u>
<u>2101</u>	<u>0.6013</u>	<u>0.5183</u>	<u>4108</u>	<u>0.1884</u>	<u>0.1863</u>
<u>2102</u>	<u>0.3711</u>	<u>0.3615</u>	<u>4109</u>	<u>0.1884</u>	<u>0.1863</u>
<u>2104</u>	<u>0.2486</u>	<u>0.2738</u>	<u>4201</u>	<u>0.2404</u>	<u>0.1854</u>

<u>4301</u>	<u>0.7203</u>	<u>0.6542</u>	<u>6205</u>	<u>0.1368</u>	<u>0.1715</u>
<u>4302</u>	<u>0.6888</u>	<u>0.4666</u>	<u>6206</u>	<u>0.1368</u>	<u>0.1715</u>
<u>4304</u>	<u>0.5275</u>	<u>0.5179</u>	<u>6207</u>	<u>0.7777</u>	<u>1.0893</u>
<u>4305</u>	<u>1.0830</u>	<u>0.6850</u>	<u>6208</u>	<u>0.2119</u>	<u>0.2685</u>
<u>4401</u>	<u>0.4860</u>	<u>0.4356</u>	<u>6209</u>	<u>0.1782</u>	<u>0.2200</u>
<u>4402</u>	<u>0.5579</u>	<u>0.5396</u>	<u>6301</u>	<u>0.0986</u>	<u>0.0842</u>
<u>4404</u>	<u>0.4509</u>	<u>0.3768</u>	<u>6302</u>	<u>0.1354</u>	<u>0.1370</u>
<u>4501</u>	<u>0.1190</u>	<u>0.1144</u>	<u>6303</u>	<u>0.0552</u>	<u>0.0566</u>
<u>4502</u>	<u>0.0368</u>	<u>0.0366</u>	<u>6304</u>	<u>0.1152</u>	<u>0.1667</u>
<u>4504</u>	<u>0.0588</u>	<u>0.0879</u>	<u>6305</u>	<u>0.0519</u>	<u>0.0634</u>
<u>4601</u>	<u>0.5543</u>	<u>0.5645</u>	<u>6306</u>	<u>0.2063</u>	<u>0.2189</u>
<u>4802</u>	<u>0.2574</u>	<u>0.2369</u>	<u>6308</u>	<u>0.0416</u>	<u>0.0391</u>
<u>4803</u>	<u>0.1984</u>	<u>0.2453</u>	<u>6309</u>	<u>0.1123</u>	<u>0.1302</u>
<u>4804</u>	<u>0.4246</u>	<u>0.4408</u>	<u>6402</u>	<u>0.2342</u>	<u>0.2283</u>
<u>4805</u>	<u>0.2603</u>	<u>0.2828</u>	<u>6403</u>	<u>0.1540</u>	<u>0.1946</u>
<u>4806</u>	<u>0.0697</u>	<u>0.0716</u>	<u>6404</u>	<u>0.1130</u>	<u>0.1525</u>
<u>4808</u>	<u>0.4269</u>	<u>0.3909</u>	<u>6405</u>	<u>0.4644</u>	<u>0.4439</u>
<u>4809</u>	<u>0.2256</u>	<u>0.2534</u>	<u>6406</u>	<u>0.0607</u>	<u>0.0752</u>
<u>4810</u>	<u>0.1345</u>	<u>0.1508</u>	<u>6407</u>	<u>0.1633</u>	<u>0.1800</u>
<u>4811</u>	<u>0.2172</u>	<u>0.2364</u>	<u>6408</u>	<u>0.2972</u>	<u>0.2945</u>
<u>4812</u>	<u>0.3941</u>	<u>0.3191</u>	<u>6409</u>	<u>0.4320</u>	<u>0.3552</u>
<u>4813</u>	<u>0.2388</u>	<u>0.2194</u>	<u>6410</u>	<u>0.1304</u>	<u>0.1416</u>
<u>4901</u>	<u>0.0389</u>	<u>0.0371</u>	<u>6501</u>	<u>0.0756</u>	<u>0.0779</u>
<u>4902</u>	<u>0.0444</u>	<u>0.0389</u>	<u>6502</u>	<u>0.0194</u>	<u>0.0233</u>
<u>4903</u>	<u>0.0389</u>	<u>0.0371</u>	<u>6503</u>	<u>0.0698</u>	<u>0.0473</u>
<u>4904</u>	<u>0.0163</u>	<u>0.0195</u>	<u>6504</u>	<u>0.3006</u>	<u>0.4105</u>
<u>4905</u>	<u>0.2219</u>	<u>0.2784</u>	<u>6505</u>	<u>0.0799</u>	<u>0.1001</u>
<u>4906</u>	<u>0.0572</u>	<u>0.0581</u>	<u>6506</u>	<u>0.0521</u>	<u>0.0692</u>
<u>4907</u>	<u>0.0598</u>	<u>0.0537</u>	<u>6508</u>	<u>0.3026</u>	<u>0.3063</u>
<u>4908</u>	<u>0.0592</u>	<u>0.1396</u>	<u>6509</u>	<u>0.1623</u>	<u>0.2022</u>
<u>4909</u>	<u>0.0592</u>	<u>0.1396</u>	<u>6601</u>	<u>0.1629</u>	<u>0.1905</u>
<u>4910</u>	<u>0.3483</u>	<u>0.3581</u>	<u>6602</u>	<u>0.3706</u>	<u>0.3846</u>
<u>5001</u>	<u>5.2245</u>	<u>2.6082</u>	<u>6603</u>	<u>0.2389</u>	<u>0.2452</u>
<u>5002</u>	<u>0.4840</u>	<u>0.3953</u>	<u>6604</u>	<u>0.0530</u>	<u>0.0516</u>
<u>5003</u>	<u>1.7720</u>	<u>0.8264</u>	<u>6605</u>	<u>0.3150</u>	<u>0.4043</u>
<u>5004</u>	<u>2.9733</u>	<u>2.0671</u>	<u>6607</u>	<u>0.1056</u>	<u>0.1386</u>
<u>5101</u>	<u>0.6491</u>	<u>0.6043</u>	<u>6608</u>	<u>0.2881</u>	<u>0.1861</u>
<u>5103</u>	<u>0.7026</u>	<u>0.6455</u>	<u>6614</u>	<u>272.0000**</u>	<u>249.7000**</u>
<u>5106</u>	<u>0.4621</u>	<u>0.5026</u>	<u>6615</u>	<u>203.2000**</u>	<u>186.5000**</u>
<u>5108</u>	<u>0.6829</u>	<u>0.5104</u>	<u>6616</u>	<u>27.0000**</u>	<u>24.7000**</u>
<u>5109</u>	<u>0.5572</u>	<u>0.4119</u>	<u>6617</u>	<u>20.2000**</u>	<u>18.5000**</u>
<u>5201</u>	<u>0.3200</u>	<u>0.2642</u>	<u>6618</u>	<u>77.5000**</u>	<u>71.2000**</u>
<u>5204</u>	<u>0.9147</u>	<u>0.6744</u>	<u>6704</u>	<u>0.1201</u>	<u>0.1271</u>
<u>5206</u>	<u>0.3954</u>	<u>0.3090</u>	<u>6705</u>	<u>0.7053</u>	<u>0.8321</u>
<u>5207</u>	<u>0.1056</u>	<u>0.1386</u>	<u>6706</u>	<u>0.3154</u>	<u>0.3717</u>
<u>5208</u>	<u>0.8348</u>	<u>0.6872</u>	<u>6707</u>	<u>11.32*</u>	<u>13.70*</u>
<u>5209</u>	<u>0.5870</u>	<u>0.5653</u>	<u>6708</u>	<u>3.1900</u>	<u>4.8240</u>
<u>5301</u>	<u>0.0206</u>	<u>0.0219</u>	<u>6709</u>	<u>0.1359</u>	<u>0.1980</u>
<u>5305</u>	<u>0.0352</u>	<u>0.0376</u>	<u>6801</u>	<u>0.2376</u>	<u>0.2009</u>
<u>5306</u>	<u>0.0333</u>	<u>0.0352</u>	<u>6802</u>	<u>0.2554</u>	<u>0.3222</u>
<u>5307</u>	<u>0.3337</u>	<u>0.2746</u>	<u>6803</u>	<u>1.6138</u>	<u>0.3486</u>
<u>6103</u>	<u>0.0420</u>	<u>0.0607</u>	<u>6804</u>	<u>0.1683</u>	<u>0.1704</u>
<u>6104</u>	<u>0.2137</u>	<u>0.2130</u>	<u>6809</u>	<u>2.1394</u>	<u>5.0284</u>
<u>6105</u>	<u>0.1578</u>	<u>0.1650</u>	<u>6901</u>	<u>0.0000</u>	<u>0.0474</u>
<u>6107</u>	<u>0.1113</u>	<u>0.1369</u>	<u>6902</u>	<u>0.7423</u>	<u>0.4056</u>
<u>6108</u>	<u>0.4310</u>	<u>0.4580</u>	<u>6903</u>	<u>4.7024</u>	<u>2.9071</u>
<u>6109</u>	<u>0.0398</u>	<u>0.0443</u>	<u>6904</u>	<u>0.2091</u>	<u>0.1837</u>
<u>6110</u>	<u>0.4146</u>	<u>0.3779</u>	<u>6905</u>	<u>0.2178</u>	<u>0.2166</u>
<u>6201</u>	<u>0.1664</u>	<u>0.1655</u>	<u>6906</u>	<u>0.0000</u>	<u>0.2166</u>
<u>6202</u>	<u>0.4936</u>	<u>0.4190</u>	<u>6907</u>	<u>1.0575</u>	<u>0.8286</u>
<u>6203</u>	<u>0.0658</u>	<u>0.0792</u>	<u>6908</u>	<u>0.3367</u>	<u>0.3177</u>
<u>6204</u>	<u>0.1368</u>	<u>0.1715</u>	<u>6909</u>	<u>0.0636</u>	<u>0.0712</u>

PERMANENT

PERMANENT

<u>7101</u>	<u>0.0271</u>	<u>0.0263</u>
<u>7102</u>	<u>16.00*</u>	<u>36.42*</u>
<u>7103</u>	<u>0.2627</u>	<u>0.2074</u>
<u>7104</u>	<u>0.0185</u>	<u>0.0239</u>
<u>7105</u>	<u>0.0284</u>	<u>0.0277</u>
<u>7106</u>	<u>0.1695</u>	<u>0.1489</u>
<u>7107</u>	<u>0.2282</u>	<u>0.1877</u>
<u>7108</u>	<u>0.1961</u>	<u>0.2089</u>
<u>7109</u>	<u>0.2358</u>	<u>0.2551</u>
<u>7110</u>	<u>0.3382</u>	<u>0.2529</u>
<u>7111</u>	<u>0.4954</u>	<u>0.3954</u>
<u>7112</u>	<u>0.6213</u>	<u>0.4795</u>
<u>7113</u>	<u>0.7438</u>	<u>0.4784</u>
<u>7114</u>	<u>0.5257</u>	<u>0.6543</u>
<u>7115</u>	<u>0.5571</u>	<u>0.4298</u>
<u>7116</u>	<u>0.6024</u>	<u>0.4505</u>
<u>7117</u>	<u>1.2373</u>	<u>1.6166</u>
<u>7118</u>	<u>2.7234</u>	<u>2.2154</u>
<u>7119</u>	<u>1.7968</u>	<u>1.3897</u>
<u>7120</u>	<u>5.0776</u>	<u>4.5910</u>
<u>7121</u>	<u>5.4988</u>	<u>4.5460</u>
<u>7201</u>	<u>0.7427</u>	<u>0.5316</u>
<u>7202</u>	<u>0.0381</u>	<u>0.0400</u>
<u>7203</u>	<u>0.0891</u>	<u>0.1417</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7301</u>	<u>0.5759</u>	<u>0.4760</u>
<u>7302</u>	<u>0.5482</u>	<u>0.5867</u>
<u>7307</u>	<u>0.6980</u>	<u>0.6684</u>
<u>7308</u>	<u>0.1611</u>	<u>0.2162</u>
<u>7309</u>	<u>0.1359</u>	<u>0.1980</u>

<del>71</del>	<del>19,922</del>	<del>22,087</del>
<del>70</del>	<del>22,088</del>	<del>24,443</del>
<del>69</del>	<del>24,444</del>	<del>27,004</del>
<del>68</del>	<del>27,005</del>	<del>27,747</del>
<del>67</del>	<del>27,748</del>	<del>29,307</del>
<del>66</del>	<del>29,308</del>	<del>30,979</del>
<del>65</del>	<del>30,980</del>	<del>32,775</del>
<del>64</del>	<del>32,776</del>	<del>34,707</del>
<del>63</del>	<del>34,708</del>	<del>36,783</del>
<del>62</del>	<del>36,784</del>	<del>39,023</del>
<del>61</del>	<del>39,024</del>	<del>41,438</del>
<del>60</del>	<del>41,439</del>	<del>44,047</del>
<del>59</del>	<del>44,048</del>	<del>46,869</del>
<del>58</del>	<del>46,870</del>	<del>49,924</del>
<del>57</del>	<del>49,925</del>	<del>53,238</del>
<del>56</del>	<del>53,239</del>	<del>56,837</del>
<del>55</del>	<del>56,838</del>	<del>60,753</del>
<del>54</del>	<del>60,754</del>	<del>65,017</del>
<del>53</del>	<del>65,018</del>	<del>69,670</del>
<del>52</del>	<del>69,671</del>	<del>74,755</del>
<del>51</del>	<del>74,756</del>	<del>80,322</del>
<del>50</del>	<del>80,323</del>	<del>86,428</del>
<del>49</del>	<del>86,429</del>	<del>93,137</del>
<del>48</del>	<del>93,138</del>	<del>100,524</del>
<del>47</del>	<del>100,525</del>	<del>108,673</del>
<del>46</del>	<del>108,674</del>	<del>117,681</del>
<del>45</del>	<del>117,682</del>	<del>127,663</del>
<del>44</del>	<del>127,664</del>	<del>134,877</del>
<del>43</del>	<del>134,878</del>	<del>143,748</del>
<del>42</del>	<del>143,749</del>	<del>153,436</del>
<del>41</del>	<del>153,437</del>	<del>164,038</del>
<del>40</del>	<del>164,039</del>	<del>175,664</del>
<del>39</del>	<del>175,665</del>	<del>188,444</del>
<del>38</del>	<del>188,445</del>	<del>202,529</del>
<del>37</del>	<del>202,530</del>	<del>218,092</del>
<del>36</del>	<del>218,093</del>	<del>235,334</del>
<del>35</del>	<del>235,335</del>	<del>254,490</del>
<del>34</del>	<del>254,491</del>	<del>275,843</del>
<del>33</del>	<del>275,844</del>	<del>299,716</del>
<del>32</del>	<del>299,717</del>	<del>326,501</del>
<del>31</del>	<del>326,502</del>	<del>356,664</del>
<del>30</del>	<del>356,665</del>	<del>390,763</del>
<del>29</del>	<del>390,764</del>	<del>429,472</del>
<del>28</del>	<del>429,473</del>	<del>473,611</del>
<del>27</del>	<del>473,612</del>	<del>524,183</del>
<del>26</del>	<del>524,184</del>	<del>582,426</del>
<del>25</del>	<del>582,427</del>	<del>649,871</del>
<del>24</del>	<del>649,872</del>	<del>728,446</del>
<del>23</del>	<del>728,447</del>	<del>820,585</del>
<del>22</del>	<del>820,586</del>	<del>929,399</del>
<del>21</del>	<del>929,400</del>	<del>1,058,904</del>
<del>20</del>	<del>1,058,905</del>	<del>1,214,353</del>
<del>19</del>	<del>1,214,354</del>	<del>1,402,701</del>
<del>18</del>	<del>1,402,702</del>	<del>1,633,302</del>
<del>17</del>	<del>1,633,303</del>	<del>1,918,925</del>
<del>16</del>	<del>1,918,926</del>	<del>2,135,701</del>
<del>15</del>	<del>2,135,702</del>	<del>2,383,033</del>
<del>14</del>	<del>2,383,034</del>	<del>2,659,448</del>
<del>13</del>	<del>2,659,449</del>	<del>3,101,771</del>
<del>12</del>	<del>3,101,772</del>	<del>3,647,251</del>
<del>11</del>	<del>3,647,252</del>	<del>4,785,048</del>
<del>10</del>	<del>4,785,049</del>	<del>6,530,463</del>

\* Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.  
 \*\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**AMENDATORY SECTION** (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

**WAC 296-17-919 Table I.**

((RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B

STANDARD PREMIUM SIZE RANGES  
 Effective January 1, 1993

Size Group Number	Standard Premium Range
84	\$ 4,111 - \$ 4,742
83	4,743 - 5,445
82	5,446 - 6,223
81	6,224 - 7,086
80	7,087 - 8,040
79	8,041 - 9,091
78	9,092 - 10,246
77	10,247 - 11,518
76	11,519 - 12,913
75	12,914 - 14,440
74	14,441 - 16,110
73	16,111 - 17,933
72	17,934 - 19,921

14	<del>2,383,034</del>	<del>2,659,448</del>
13	<del>2,659,449</del>	<del>3,101,771</del>
12	<del>3,101,772</del>	<del>3,647,251</del>
11	<del>3,647,252</del>	<del>4,785,048</del>
10	<del>4,785,049</del>	<del>6,530,463</del>
9	<del>6,530,464</del>	<del>8,504,848</del>
8	<del>8,504,849</del>	<del>11,489,689</del>
7	<del>11,489,690</del>	<del>16,189,641</del>
6	<del>16,189,642</del>	<del>24,257,064</del>
5	<del>24,257,065</del>	<del>&amp; Over))</del>

42	<u>150,131</u>	-	<u>160,248</u>
41	<u>160,249</u>	-	<u>171,321</u>
40	<u>171,322</u>	-	<u>183,463</u>
39	<u>183,464</u>	-	<u>196,811</u>
38	<u>196,812</u>	-	<u>211,521</u>
37	<u>211,522</u>	-	<u>227,775</u>
36	<u>227,776</u>	-	<u>245,783</u>
35	<u>245,784</u>	-	<u>265,789</u>
34	<u>265,790</u>	-	<u>288,090</u>
33	<u>288,091</u>	-	<u>313,023</u>
32	<u>313,024</u>	-	<u>340,997</u>
31	<u>340,998</u>	-	<u>372,499</u>
30	<u>372,500</u>	-	<u>408,112</u>
29	<u>408,113</u>	-	<u>448,540</u>
28	<u>448,541</u>	-	<u>494,639</u>
27	<u>494,640</u>	-	<u>547,456</u>
26	<u>547,457</u>	-	<u>608,285</u>
25	<u>608,286</u>	-	<u>678,724</u>
24	<u>678,725</u>	-	<u>760,788</u>
23	<u>760,789</u>	-	<u>857,018</u>
22	<u>857,019</u>	-	<u>970,663</u>
21	<u>970,664</u>	-	<u>1,105,918</u>
20	<u>1,105,919</u>	-	<u>1,268,268</u>
19	<u>1,268,269</u>	-	<u>1,464,979</u>
18	<u>1,464,980</u>	-	<u>1,705,818</u>
17	<u>1,705,819</u>	-	<u>2,004,122</u>
16	<u>2,004,123</u>	-	<u>2,230,523</u>
15	<u>2,230,524</u>	-	<u>2,488,836</u>
14	<u>2,488,837</u>	-	<u>2,777,523</u>
13	<u>2,777,524</u>	-	<u>3,239,485</u>
12	<u>3,239,486</u>	-	<u>3,809,183</u>
11	<u>3,809,184</u>	-	<u>4,997,497</u>
10	<u>4,997,498</u>	-	<u>6,820,405</u>
9	<u>6,820,406</u>	-	<u>8,882,450</u>
8	<u>8,882,451</u>	-	<u>11,999,813</u>
7	<u>11,999,814</u>	-	<u>16,908,436</u>
6	<u>16,908,437</u>	-	<u>25,334,040</u>
5	<u>25,334,041</u>	-	<u>&amp; Over</u>

RETROSPECTIVE RATING PLANS A, A1, A2, A3,  
AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, 1994

<u>Size Group Number</u>	<u>Standard Premium Range</u>
<u>84</u>	<u>\$ 4,294 - \$ 4,953</u>
<u>83</u>	<u>4,954 - 5,687</u>
<u>82</u>	<u>5,688 - 6,499</u>
<u>81</u>	<u>6,500 - 7,401</u>
<u>80</u>	<u>7,402 - 8,397</u>
<u>79</u>	<u>8,398 - 9,495</u>
<u>78</u>	<u>9,496 - 10,701</u>
<u>77</u>	<u>10,702 - 12,029</u>
<u>76</u>	<u>12,030 - 13,486</u>
<u>75</u>	<u>13,487 - 15,081</u>
<u>74</u>	<u>15,082 - 16,825</u>
<u>73</u>	<u>16,826 - 18,729</u>
<u>72</u>	<u>18,730 - 20,806</u>
<u>71</u>	<u>20,807 - 23,068</u>
<u>70</u>	<u>23,069 - 25,528</u>
<u>69</u>	<u>25,529 - 28,203</u>
<u>68</u>	<u>28,204 - 28,979</u>
<u>67</u>	<u>28,980 - 30,608</u>
<u>66</u>	<u>30,609 - 32,354</u>
<u>65</u>	<u>32,355 - 34,230</u>
<u>64</u>	<u>34,231 - 36,248</u>
<u>63</u>	<u>36,249 - 38,416</u>
<u>62</u>	<u>38,417 - 40,756</u>
<u>61</u>	<u>40,757 - 43,278</u>
<u>60</u>	<u>43,279 - 46,003</u>
<u>59</u>	<u>46,004 - 48,950</u>
<u>58</u>	<u>48,951 - 52,141</u>
<u>57</u>	<u>52,142 - 55,602</u>
<u>56</u>	<u>55,603 - 59,361</u>
<u>55</u>	<u>59,362 - 63,450</u>
<u>54</u>	<u>63,451 - 67,904</u>
<u>53</u>	<u>67,905 - 72,763</u>
<u>52</u>	<u>72,764 - 78,074</u>
<u>51</u>	<u>78,075 - 83,888</u>
<u>50</u>	<u>83,889 - 90,265</u>
<u>49</u>	<u>90,266 - 97,272</u>
<u>48</u>	<u>97,273 - 104,987</u>
<u>47</u>	<u>104,988 - 113,498</u>
<u>46</u>	<u>113,499 - 122,906</u>
<u>45</u>	<u>122,907 - 133,331</u>
<u>44</u>	<u>133,332 - 140,865</u>
<u>43</u>	<u>140,866 - 150,130</u>

AMENDATORY SECTION (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ((19.0)) 23.6 mills (((\$0.190)) \$0.236) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. Provided that in classifications 6707 and 7102, the employer shall retain ((fifteen)) nineteen cents per day from each worker. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

PERMANENT





**WSR 93-23-079**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed November 17, 1993, 10:00 a.m., effective November 19, 1993]

Date of Adoption: November 17, 1993.

Purpose: To implement chapters 79 and 327, Laws of 1993, by amending sections and adding a section to existing chapter 458-16 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-210, 458-16-240, 458-16-300, and 458-16-310.

Statutory Authority for Adoption: RCW 84.36.030, 84.36.037, and 84.36.805.

Other Authority: Chapters 79 and 327, Laws of 1993.

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: New provisions of law regarding property tax exemptions of nonprofit nonsectarian organizations, veterans organizations, public meeting halls or places, community meeting halls, and community celebration facilities were effective July 25, 1993. These rules govern the procedures required by taxpayers to comply with and by Department of Revenue to administer these tax exemptions.

Effective Date of Rule: November 19, 1993.

November 17, 1993

William N. Rice

Assistant Director

Property Tax

**NEW SECTION**

**WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption.** (1) **Introduction.** Nonprofit organizations, associations, and corporations may obtain a property tax exemption under the provisions of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, 84.36.480, and 84.36.550. To be exempt from property taxation, these nonprofit organizations, associations, or corporations must also comply with the requirements contained in RCW 84.36.805 and RCW 84.36.840. This section explains the conditions and requirements set forth in RCW 84.36.805 and 84.36.840. Property exempt under RCW 84.36.030 is not subject to the requirements of RCW 84.36.840.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles.

(b) "Revenue" means income received from the loan or rental of exempt property when the income exceeds the amount of the expenses of maintenance and operation attributable to the portion of the property loaned or rented.

(c) "Personal service contract" means a contract between a nonprofit organization, association, or corporation and an

independent contractor under which the independent contractor provides a service on the organization's, association's, or corporation's tax exempt property. (See example contained in subsection (3)(c) of this section).

(3) **Exclusive use.** Unless the applicable statute states otherwise, the exempt property shall be exclusively used for the actual operation of the nonprofit organization, association, or corporation that applied for and received the property tax exemption and the amount of exempt property shall not exceed an area reasonably necessary for that purpose.

(a) **Loan or rental of exempt property.** As a general rule, the loan or rental of the property or a portion of the property does not subject the property to taxation if the rents or donations received for the use of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented and the property would be exempt from tax if owned by the organization to which it is loaned or rented, except for property owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities.

(i) **Exception - loaned or rented for less than fifteen days.** The tax exempt status of the property will not be affected if:

(A) The property is loaned or rented for a period of fifteen consecutive days or less;

(B) The amount of rent received for the use of the property does not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented;

(C) The property is loaned or rented to another nonprofit organization, association, or corporation that would qualify for exemption if it owned the loaned or rented property, unless the property is owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities; and

(D) All income received from the rental is devoted exclusively to the exempt purpose of the nonprofit organization, association, or corporation that receives the tax exemption.

(ii) **Loaned or rented to produce income.** If the property is loaned or rented and the lessor or lessee intends to produce revenue from the loan or rental, the subject property shall not be exempt. Property loaned or rented from which revenue is to be produced must be segregated and taxed whether or not the revenue is devoted to exempt purposes.

(iii) **Example.** If a room or floor within a building owned by a nonprofit hospital is rented to a social service agency and the social service agency intends to use this area to produce revenue, the rented portion of the building must be segregated from the remainder of the building that is being used for exempt purposes. The segregated and rented portion of the building will then be subject to ad valorem property taxes.

(b) **Fund-raising activities.** The use of exempt property for fund-raising activities sponsored by an exempt organization, association, or corporation does not subject the property to taxation if the fund-raising activities are consistent with the purposes for which the exemption was granted. The term "fund-raising" means any revenue-raising activity

limited to less than five days in length, that disburses fifty-one percent or more of the profits realized from the activity to the exempt nonprofit organization, association, or corporation that is holding the fund raising, and that takes place on exempt property.

(i) Example 1. A nonprofit social service agency holds an art auction in the auditorium of its tax exempt facility to raise funds. Since the fund-raising activity is being held on exempt property, the activity must be less than five days in length and fifty-one percent of the profits must be disbursed to the social service agency.

(ii) Example 2. A nonprofit school has a magazine subscription drive to raise funds during which the subscriptions are sold door-to-door by students. Since the subscription drive is not being held on exempt property, the drive is not limited to less than five days and fifty-one percent of the profits from this fund-raising activity do not have to be remitted to the school.

(c) Personal service contract - exempt programs. Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(i) The program is compatible and consistent with the purposes of the exempt organization, association, or corporation;

(ii) The exempt organization, association, or corporation maintains separate financial records as to all receipts and expenses related to the program; and

(iii) A summary of all receipts and expenses of the program will be provided to the department of revenue upon request.

(iv) Example. A nonprofit school may decide to offer aerobic classes to promote general health and fitness. All brochures and bulletins that advertise these classes must show that the school is sponsoring the classes. Under the terms of the contract between the nonprofit school and the aerobic instructor, an independent contractor, the instructor must provide the classes for a predetermined fee. All fees collected from the participants of the classes must be received by the school; the school, in turn, will absorb all costs related to the classes.

(d) Personal service contract - nonexempt programs. Programs provided under a personal service contract (i) that require the contractor to reimburse the nonprofit organization for program expenses or (ii) in which the instructor is paid a fee based on the number of people that attend the program will be viewed as a rental agreement and will subject the property to ad valorem property tax.

(4) **Irrevocable dedication required.** The property must be irrevocably dedicated to the purpose for which the exemption was granted. Upon liquidation, dissolution, or abandonment by a nonprofit organization, association, or corporation, said property shall not directly or indirectly benefit any shareholder or individual except a nonprofit organization, association, or corporation that would be entitled to a property tax exemption if it applied for it.

Exception: If, under the terms of a loan or rental agreement, a nonprofit organization, association, or corporation receives the benefit of the property tax exemption, the property need not be irrevocably dedicated if it is loaned or rented to a nonprofit organization, association, or corporation for use as:

(a) A nonprofit day care center (RCW 84.36.040);

(b) A library (RCW 84.36.040);

(c) An orphanage (RCW 84.36.040);

(d) A home for the sick or infirm (RCW 84.36.040);

(e) A hospital (RCW 84.36.040);

(f) An outpatient dialysis facility (RCW 84.36.040);

(g) A nonprofit home for the aging (RCW 84.36.041);

(h) A nonpermanent shelter to low-income homeless persons or victims of domestic violence (RCW 84.36.043);

or

(i) A facility used to produce or perform musical, dance, artistic, dramatic, or literary works (RCW 84.36.060).

(5) **No discrimination allowed.** The facilities located on and the services offered on the exempt property shall be available to all persons regardless of race, color, national origin, or ancestry.

(6) **Compliance with licensing or certification requirements.** The nonprofit organization, association, or corporation shall comply with all applicable licensing and certification requirements when a law or regulation of the federal, state, or local government requires it.

(7) **Property sold subject to an option to repurchase.** If property is sold to a nonprofit organization, association, or corporation subject to an option to repurchase by the seller, the property shall not qualify for exempt status.

(8) **Duty to produce financial records.** In order to determine whether an organization, association, or corporation is exempt under the provisions of chapter 84.36 RCW and before the exemption is renewed each year, the organization, association, or corporation claiming a property tax exemption under chapter 84.36 shall file a signed statement, made under oath, with the department of revenue on forms furnished by the director or his/her designee, that its income and receipts, including donations, have been applied to the actual expenses of maintenance and operation or for its capital expenditures and to no other purpose. This signed statement shall also include a statement of the receipts and disbursements of the organization, association, or corporation.

(a) The provisions of this subsection do not apply to an organization, association, or corporation either applying for or receiving exemption under RCW 84.36.030.

(b) When an organization, association, or corporation has been granted exemption from ad valorem taxation, this signed statement must be submitted on or before April 1 each year. If this statement is not received on or before April 1, the department shall remove the tax exemption from the property. However, the department shall allow a reasonable extension of time for filing if the tax exempt organization, association, or corporation has submitted a written request for this extension on or before the required filing date and for good cause shown therein.

(9) **Caretaker's residence.** If a nonprofit organization, association, or corporation exempt under chapter 84.36 RCW employs a caretaker to provide either security or maintenance service and a caretaker's residence is located on exempt property, the residence may qualify for exemption if the following conditions are met:

(a) The caretaker's duties include regular surveillance, patrolling the exempt property, and routine maintenance services;

(b) The size of the residence is reasonable and appropriate in light of the caretaker's duties and the size of the exempt property; and

(c) The caretaker receives the use of the residence as part of his or her compensation and does not pay rent. Reimbursement of utilities expenses created by the caretaker's presence will not be considered as rent.

**AMENDATORY SECTION** (Amending Order PT 83-5 [87-10], filed 12/28/87)

**WAC 458-16-210 Nonprofit((,nonsectarian)) organizations or associations organized and conducted for nonsectarian purposes.** ((1) The real and personal property owned by nonsectarian organizations is exempt from taxation, provided that: (a) The organization is nonprofit and is organized and conducted primarily for nonsectarian purposes, (b) the property is, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used for character building, benevolent, protective, rehabilitative social services directed at persons of all ages or used by a student loan agency and (c) if these organizations were not conducting these activities the government would provide this service.

These are the primary uses and the word "fraternal" is not among them, therefore, organizations whose main function is fraternal would not qualify under this section.

This exemption extends to property of nonprofit, nonsectarian organizations which are used for benevolent, protective or rehabilitative social services and those which are actually related to those purposes. If any portion of the property of the organization is used for commercial rather than nonsectarian purposes, that portion must be segregated and taxed. Thrift store operations, restricted to the sale of "donated merchandise" will not jeopardize the exemption if the claimant can verify the proceeds are directed to an exempt purpose.

Organizations claiming exemption on property used to provide short term emergency shelter to homeless persons will upon request provide complete financial information regarding the claimed property, and will also provide the policy used in screening clients, the maximum term of stay, the fee schedule and the number of persons housed.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from

the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund raising activities sponsored by the exempt organization does not subject the property to tax if the fund raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.)

**(1) Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.030(1) to nonprofit organizations or associations organized and conducted for nonsectarian purposes.

**(2) Definitions.** For purposes of this section, the following definitions apply:

(a) "Benevolent" refers to social services or programs that are directed at persons of all ages, that arise from or are prompted by motives of charity or a sense of benevolence, that are marked by a kindly disposition to promote the happiness and prosperity of others, by generosity in and pleasure at doing good works, or that are organized for the purpose of doing good. For example, a benevolent organization may provide a food bank, a soup kitchen, or counseling services at cost.

(b) "Character building" means social services or programs that are designed for the general public good, that assist people with general living skills, that develop interview and job seeking skills, or that assist people in working towards independent living and self sufficiency. These services include, but are not limited to, programs designed to develop an individual's moral or ethical strength, leadership, integrity, self-discipline, fortitude, self-esteem, and reputation.

(c) "Commercial" refers to an activity or enterprise that has profit making as its primary purpose.

(d) "Community outreach group" means a group organized to extend social services to a particular segment of the community; for example, a rescue mission organized to feed the homeless or a program that targets juveniles "at risk" of criminal or abusive behavior.

(e) "Protective" refers to activities that are meant to cover, to guard, or to shield other persons from injury or destruction or to save others from financial loss. For example, a protective organization may provide housing for battered persons or for the developmentally disabled or may assist persons with behavioral problems by providing encouragement, support, and training.

(f) "Rehabilitative or rehabilitation" refers to activities designed to restore individuals to a former capacity, to a condition of health, or to useful or constructive activity. For example, a rehabilitative organization may assist persons to overcome alcohol or substance abuse, or to overcome the affects of a physical injury, stroke, or heart attack.

(g) "Social service" means programs designed to help people resolve problems, become more self-sufficient, prevent dependency, strengthen family relationships, and/or enhance the functioning of individuals in society. These services include, but are not limited to, programs in the general categories of: (i) socialization and development; and (ii) therapy, help, rehabilitation, and social protection.

(3) **Exemption.** The real and personal property owned by a nonprofit organization or association is exempt from taxation if the organization or association is organized and conducted for nonprofit and nonsectarian purposes and the property is used for and integrally related to character-building, benevolent, protective, or rehabilitative social services directed at persons of all ages.

(a) For purposes of this exemption, the nonprofit organization, association, or corporation must annually demonstrate it has provided goods, programs, and/or services free of charge or at a rate that is at least twenty percent below its usual and customary charge to at least fifteen percent of the total number of people assisted by that nonprofit organization, association, or corporation. In order to meet this fifteen percent requirement, a nonprofit organization, association, or corporation may include other types of aid provided in equivalent manners including, but not limited to, using volunteers to carry out program services and functions, providing facilities to community outreach groups, and providing scholarships and other fee subsidies.

(i) If a nonprofit organization utilizes volunteers to reach the fifteen percent requirement, the value of donated time will be calculated by using the federal minimum wage standard.

(ii) If a nonprofit organization allows community outreach groups to use its facilities free of charge, the value of this use will be calculated by multiplying the number of hours, or any portion of an hour, the facility is used by these groups times the usual and customary charge the nonprofit organization would charge to rent its facility to any other group.

(b) Property used by a fraternal organization or association for fraternal purposes does not qualify for an exemption under this section.

(c) If any portion of the organization's or association's property is used for a commercial rather than a nonprofit, nonsectarian exempt purpose that portion must be segregated and taxed.

(d) The sale of donated merchandise shall not be considered a commercial use of the property if the proceeds are dedicated to the exempt purpose associated with the nonprofit, nonsectarian organization or association. For

example, thrift store operations that are restricted to the sale of "donated merchandise" will not jeopardize this exemption if the claimant can verify the proceeds are directed to an exempt purpose.

(e) This exemption shall also include the real and personal property owned by a nonprofit organization, association, or corporation that is used for the solicitation or collection of gifts, donations, or grants if the organization, association or corporation:

(i) Is organized and conducted for nonsectarian purposes;

(ii) Is affiliated with a state or national organization that authorizes, approves, or sanctions volunteer charitable fundraising organizations;

(iii) Is qualified for exemption under section 501 (c)(3) of the federal internal revenue code;

(iv) Is governed by a volunteer board of directors; and

(v) Does one or both of the following:

(A) Uses the gifts, donations, and grants for character building, benevolent, protective, or rehabilitative social services directed at persons of all ages;

(B) Distributes gifts, donations, or grants each year to at least five other nonprofit organizations, associations, or corporations that are organized and conducted for nonsectarian purposes and provide character building, benevolent, protective, or rehabilitative social services directed at persons of all ages.

(4) **Additional requirements.** Any organization or association that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.

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

**AMENDATORY SECTION** (Amending Order PT 86-2, filed 5/30/86)

**WAC 458-16-240 Veterans organizations.** ((+) Property of veterans organizations, which are recognized by the department of defense and nationally chartered, are exempted from taxation. To qualify, these organizations shall have as their general purpose and objectives; (a) the preservation of war memories and associations, and (b) consecration of their efforts toward mutual helpfulness and patriotic or community services. To be exempt the property must be, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used for the purposes and objectives of the organization.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805): PROVIDED, HOWEVER, That the loan or rental of property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of (a) of this subsection so long as all income

~~received therefrom is devoted exclusively to exempt purposes. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to exempt purposes. For purposes of this subsection the term "revenue" means income received from the loan, lease or rental of property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.~~

~~(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:~~

~~(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.~~

~~(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.~~

~~(c) The program is compatible and consistent with the purposes of the exempt organization.~~

~~(d) A summary of all receipts and expenses of the program will be provided to the department upon request.~~

~~Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.~~

~~(4) The use of the property for fund raising activities sponsored by the exempt organization does not subject the property to tax if the fund raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization:)~~

~~(1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.030(4) for real and personal property owned by organizations and societies of veterans of any war of the United States.~~

~~(2) **Definitions.** For purposes of this section, the following definitions apply:~~

~~(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or a corporation to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.~~

~~(b) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles.~~

~~(c) "Property" means real and personal property owned by organizations or societies of war veterans.~~

~~(3) **Exemption.** Property owned by organizations or societies of war veterans, which are recognized by the department of defense and nationally chartered, is exempt from taxation.~~

~~(a) The general purposes and objectives of these organizations or societies shall be:~~

~~(i) To preserve memories and associations incident to war service; and~~

~~(ii) To devote their members' efforts to mutual helpfulness and to patriotic and community service to state and nation.~~

~~(b) In order to qualify for this exemption, the property must be used in a manner reasonably necessary to carry out the purposes and objectives of the organization or society of war veterans. For example, a building owned by a chapter of the veterans of foreign wars that is used to hold meetings to plan a Veterans Day celebration may qualify for exemption.~~

~~(c) The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:~~

~~(i) Is reasonable; and~~

~~(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.~~

~~(4) **Use of property for pecuniary gain or to promote business activities.** If property owned by an organization or society of veterans that is exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year in which the exempt property was so used. The exemption will not be lost if:~~

~~(a) The exempt property is used for pecuniary gain not more than three days a year; or~~

~~(b) The exempt property is inadvertently used by an individual, organization, association, or a corporation to promote business activities as long as the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property to promote business activities is repeated within the same assessment year or within two or more successive assessment years.~~

~~(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.~~

AMENDATORY SECTION (Amending Order PT 81-14, filed 10/8/81)

WAC 458-16-300 Public meeting ((facilities)) hall—Public meeting place—Community meeting hall. ((Real and personal property used exclusively for public assembly or meeting places shall be exempt from taxation in accordance with the following rules:

~~(1) In order to qualify, the following conditions must be met:~~

~~(a) It is owned by a nonprofit organization;~~

~~(b) The area to be exempted does not exceed one acre;~~

~~(c) The owning organization has publicized fee schedules, a policy on the availability, and any restrictions on the use of the facility;~~

~~(d) The rental fee charged does not exceed the maintenance and operating expenses created by the users thereof;~~

~~(e) It is not used to promote business or pecuniary gain, except fund-raising activities conducted by nonprofit organizations; and~~

~~(f) The applicant has provided to the department on an annual basis:~~

~~(i) A schedule of all users and the purpose of their use for the previous year; and~~

~~(ii) A detailed statement of income and expenses for the previous year.~~

~~(2) Other community meeting halls whose owners schedule regular meetings of their organizations will also qualify for the exemption if they meet the conditions in subsection (1) of this section, and:~~

~~(a) The scheduled uses by the owner do not exceed twenty five percent of the useable time and such facility is available for public gatherings and for meetings of other organizations or persons at all other times; and~~

~~(b) The facility is used for public gatherings an equal or greater number of times as the owning organization.~~

~~(3) Public gathering shall mean any gathering that is open to the general public and shall include meetings of organizations which allow attendance by nonmembers.~~

~~(4) Facilities used more than fifty percent of the time for meetings of organizations which disallow attendance by nonmembers do not qualify for this exemption.~~

~~(5) The loss of the exemption for a year will not subject the property to the provisions of RCW 84.36.810, provided that if the loss of the exemption was due to sale or transfer of the property or due to false information, RCW 84.36.810 shall apply.)~~

(1) Introduction. This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public meeting hall, public meeting place, or community meeting hall.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or a corporation to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles.

(d) "Owner" means a nonprofit organization, association, or corporation.

(e) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) Exemption. Real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public assembly hall, public meeting place,

or community meeting hall shall be exempt from taxation under the following conditions:

(a) Exclusive use. The property is used exclusively for public gatherings and is available to any individual, organization, association, or corporation that may desire to use the property. However, membership in a particular organization, association, or corporation shall not be a prerequisite to use the property.

(b) Exemption for real property - area. The area of real property exempt under this section shall not exceed one acre. This area shall include the building(s), the land under the building(s), and any additional area needed for parking.

(c) Statement of availability and fees required. The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose any conditions or restrictions reasonably necessary to safeguard the property and to promote the purposes of this exemption.

(d) Annual summary required. The owner shall provide the department of revenue a detailed summary containing the following information regarding the use during the preceding year of all property it claimed to be exempt under this section:

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property; and

(v) The expenses incurred relating to the use of the property.

(e) Entities that schedule regular meetings. Any property owned by a nonprofit organization, association, or corporation that schedules regular meetings of its members or shareholders will also qualify for this exemption if:

(i) The owner meets the conditions set forth in subsections (3)(a) through (d) of this section;

(ii) The owner does not use the property more than twenty-five percent of the useable time; and

(iii) The facility is used an equal number or greater number of times for public gatherings than the number of times it is used by the owner for gatherings not open to the general public.

(f) Loan or rental of property. The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(g) Property not included within this exemption. Property that is used more than fifty percent of the time by a nonprofit organization, association, or corporation that allows only members to attend its activities does not qualify for this exemption.

(4) Use of property for pecuniary gain or to promote business activities. If a public meeting hall, public meeting place, or community meeting hall exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost

for the assessment year in which the exempt property is so used. The exemption will not be lost if:

(a) The exempt property is used for pecuniary gain not more than three days a year; or

(b) The exempt property is inadvertently used by an individual, organization, association, or a corporation to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property to promote business activities is repeated within the same assessment year or within two or more successive assessment years.

(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

**AMENDATORY SECTION** (Amending Order PT 81-14, filed 10/8/81)

**WAC 458-16-310 Community celebration facilities.**

~~((Real and personal property used for community celebration events shall be exempt from taxation in accordance with the following rules:~~

~~(1) It is owned by a nonprofit organization;~~

~~(2) The area to be exempted does not exceed twenty-nine acres;~~

~~(3) The property has been primarily used for community celebration events for the last ten years;~~

~~(4) The purpose of the property is to provide a facility for the annual gathering;~~

~~(5) The owning organization has publicized fee schedules, a policy on the availability and any restrictions on the use of the facility;~~

~~(6) The rental fee charged does not exceed the maintenance and operating expenses created by the users thereof;~~

~~(7) It is not used to promote business or pecuniary gain, except fund raising activities conducted by nonprofit organizations;~~

~~(8) Any enclosed structures other than restroom facilities will not qualify; and~~

~~(9) The applicant has provided to the department on an annual basis:~~

~~(a) A schedule of all users and the purpose of their use, for the previous year; and~~

~~(b) A detailed statement of income and expenses for the previous year.))~~

(1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or corporation to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles.

(d) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events shall be exempt from taxation under the following conditions:

(a) Exemption for real property - area. The area of real property to be exempt shall not exceed twenty-nine acres.

(b) Primary use. The property has been primarily used for annual community celebration events for at least ten years.

(c) Essentially unimproved property. The property is essentially unimproved except for restroom facilities and covered shelters. A "covered shelter", for example, may consist of a covered area that is unenclosed but allows some protection from the elements or it may provide a sheltered eating area with or without a picnic table or outside grill, or both.

(d) Purpose. The purpose of the property is to provide a facility for an annual community celebration.

(e) Statement of availability and fees required. The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose conditions and restrictions that are reasonably necessary to safeguard the property and to promote the purposes of this exemption.

(f) Annual summary required. The owner shall annually provide the department of revenue a detailed summary containing the following information regarding the use during the preceding year of all property it claimed to be exempt under this section:

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property;

and

(v) The expenses incurred relating to the use of the property.

(g) Loan or rental of property. The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(4) **Use of property for pecuniary gain or to promote business activities.** If a community celebration facility exempt under subsection (3) of this section is used for

pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year in which the exempt property is so used. The exemption will not be lost if:

(a) The exempt property is used for pecuniary gain not more than three days a year; or

(b) The exempt property is inadvertently used by an individual, organization, association, or a corporation to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property to promote business activities is repeated within the same assessment year or within two or more successive assessment years.

(5) Additional requirements. Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

**WSR 93-24-008**  
**EMERGENCY RULES**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Filed November 19, 1993, 10:11 a.m.]

Date of Adoption: November 18, 1993.

Purpose: To amend the administrative regulation which addresses project conversions under the Washington wildlife and recreation program (WWRP) to eliminate the need for IAC preapproval for project conversions authorized by the National Trails System Act.

Citation of Existing Rules Affected by this Order: Amending WAC 286-27-060 Project conversions.

Statutory Authority for Adoption: RCW 43.98A.070(5).

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: As of December 1, 1993, the state could possibly lose the opportunity, or at the least, would have to pay more to acquire recreational properties under 8(d) of the National Trails System Act with Washington wildlife and recreation program (WWRP) funds. The present regulation conflicts with federal law and this amendment will eliminate the conflict.

Effective Date of Rule: Immediately.

November 18, 1993  
 Debra Wilhelmi  
 Assistant Director

AMENDATORY SECTION (Amending WSR 91-17-010, filed 8/12/91, effective 9/12/91)

**WAC 286-27-060 Project conversions.** (1) Except under conditions brought about by acts of God ((~~or~~), fire, and projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), natural resources and facilities purchased with chapter 43.98A RCW funds shall not, without the approval of the committee, be converted to uses other than those for which the funds were originally approved. The committee will only approve such conversions on conditions which assure the substitution or replacement with natural resources or facilities which are of at least equal fair market value at the time of conversion. Natural resources and facilities must also be of as nearly equivalent or greater usefulness and location, if physically and/or biologically feasible.

(2) Projects authorized by the ICC under 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) shall convert to railroad purposes automatically upon reactivation of a line for rail purposes under an ICC order. Substitution or replacement with natural resources, facilities or moneys which are of at least equal fair market value at the time of conversion may be required. Substitution or replacement of natural resources and facilities, when required, must be of as nearly equivalent or greater usefulness and location, or provide a public benefit, if physically, economically, and/or biologically feasible.

(3) The committee is entitled to pursue and obtain remedies which assure the substitution or replacement of natural resources or facilities in accordance with ((~~WAC 286-27-060(1) for any such conversion which may occur without its proper approval~~)) this section.

**WSR 93-24-020**  
**EMERGENCY RULES**  
**HORSE RACING COMMISSION**  
 [Filed November 19, 1993, 1:57 p.m.]

Purpose: To preserve the integrity of the Washington Horse Racing Commission horse medication testing program, the amendments to this rule will enable the commission to test horses in a more efficient manner and improve results from the program.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-040 Horses to be tested.

Statutory Authority for Adoption: RCW 67.16.040.

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: To institute this program change immediately will enable the commission to test horses in a more efficient manner not only saving money in the procedure, but enabling the lab to test in a more effective manner, ensuring the public and the horsemen that the integrity of the sport is upheld.

Effective Date of Rule: Immediately.



November 19, 1993  
 Bruce Batson  
 Executive Secretary

AMENDATORY SECTION (Amending Order 82-02, filed 3/9/82)

**WAC 260-70-040 Horses to be tested.** The ~~((S))~~ stewards or commission veterinarian may, ((at any time)) at their sole discretion to preserve the integrity of the sport, order the taking of a blood, urine, or saliva specimen from any horse on the grounds of an association. Any owner or trainer may at any time request that a specimen be taken from a horse he/she owns or trains by the commission veterinarian to be tested by the commission chemist, providing the costs of such testing are borne by the owner or trainer requesting such test. In the absence of any such order or request, the commission veterinarian or his/her assistant shall take a ((urine)) sample for testing by the commission chemist from all horses which: Finish first in any race; ((finish first or second in any quinella or exacta race;)) finish first, second or third in any ((trifecta or)) stake race; any horse selected at random, or designated from the racing program by ((any horse whose performance in a race, in the opinion of)) the stewards or commission veterinarian. ((may have been altered by a prohibited drug.)) No owner, trainer or other person owning, in charge of, or having the care of a horse on the grounds may refuse to submit such a horse for testing when directed by a steward or the commission veterinarian.

**WSR 93-24-021**  
**EMERGENCY RULES**  
**HORSE RACING COMMISSION**  
 [Filed November 19, 1993, 1:59 p.m.]

**Purpose:** To allow for meets that would encompass a two year (i.e., November-December; January-March meet) without a break, for the coverage of Labor and Industries fees, to ensure coverage for the entire meet even though the year of coverage has ended.

**Citation of Existing Rules Affected by this Order:** Amending WAC 260-36-080 Duration of license.

**Statutory Authority for Adoption:** RCW 67.16.040.

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:** Due to fact the licensees of the Washington Horse Racing Commission pay Labor and Industries premiums at the time of licensing, if a meet would span a year end and new year, the coverage would have no break, this would ensure continuous coverage to licensees.

**Effective Date of Rule:** Immediately.

November 19, 1993  
 Bruce Batson  
 Executive Secretary

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

**WAC 260-36-080 Duration of license.** Every permit or license ~~((for a three year period shall expire on December 31st of the third year after it was issued. Every permit or license for a one year period shall expire on December 31st of the year it was issued.))~~ issued by the commission shall expire on December 31st of the year for which is was issued, Provided, However; (a) all permits or licenses shall be considered expired if the licensee is no longer performing the duties for which he or she was licensed, or, if applicable, the licensee is no longer employed by the employer who hired the licensee; (b) the commission may, at its sole discretion, reinstate an expired license in cases where the licensee is reemployed prior to December 31st of the year in which the license was issued, or extend a license in cases where a license has been issued for a single race meeting which spans two calendar years.

**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 93-24-024**  
**EMERGENCY RULES**  
**FOREST PRACTICES BOARD**  
 [Filed November 19, 1993, 3:00 p.m.]

**Date of Adoption:** November 10, 1993.

**Purpose:** To modify forest practices rule, in order to protect public resources whole maintaining a viable timber industry.

**Citation of Existing Rules Affected by this Order:** Amending WAC 222-16-010, 222-16-035, and 222-30-020.

**Statutory Authority for Adoption:** RCW 76.09.040 and chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** To protect forested bogs and fens as Type A wetlands which require a wetland management zone (WMZ).

**Effective Date of Rule:** Immediately.

November 12, 1993  
 Jennifer M. Belcher  
 Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations: "Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the depart-

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ment information on forest practices applications and notification filed on specified areas.

**"Appeals board"** means the forest practices appeals board established in the act.

**"Area of resource sensitivity"** means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

**"Board"** means the forest practices board established by the act.

**"Bog"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western hemlock, lodgepole pine, cedar, crabapple, or aspen, and may be associated with open water.

**"Borrow pit"** shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

**"Chemicals"** means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

**"Clearcut"** means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Commercial tree species"** means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

**"Completion of harvest"** means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

**"Constructed wetlands"** means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

**"Contamination"** means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to

domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical wildlife habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Cultural resources"** means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Department"** means the department of natural resources.

**"Eastern Washington"** means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except

over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce, western hemlock, lodgepole pine, cedar, crabapple, or aspen, and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be

expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Operator"** shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

**"Ordinary high-water mark"** means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

**"Other forest chemicals"** means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

**"Park"** means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

**"Partial cutting"** means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

**"Pesticide"** means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

**"Public resources"** means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

**"Rehabilitation"** means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

**"Relief culvert"** means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

**"Resource characteristics"** means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

**"Riparian management zone"** means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

**"Spoil"** means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

**"Stop work order"** means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

**"Timber"** shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area

so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

**"Wildlife reserve trees"** means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve

trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-16-035 Wetland typing system.** \*The department in cooperation with the departments of fisheries, wildlife, and ecology, and affected Indian tribes shall classify wetlands. The wetlands will be classified in order to distinguish those which require wetland management zones and those which do not. Wetlands which require wetland management zones shall be identified using the following criteria. Accurate delineation of wetlands in accordance with the manual shall be required only where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10) and shall be limited to the area of wetland proposed to be filled. For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30% to 30% or more. Except where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10), accurate delineation shall not be required under this Title 222 WAC for activities regulated by these rules, including but not limited to the location of roads, landings, culverts, and cross drains. Landowners are encouraged to leave vegetation in these forested wetlands in undisturbed areas where possible. When so requested by any affected landowners, applicant or aggrieved person, the department shall make available informal conferences, which shall include the departments of fisheries, wildlife, and ecology, and affected Indian tribes and those contesting the adopted wetland types. These conferences shall be established under procedures established in WAC 222-46-020.

(1) "**Nonforested wetlands**" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of less than 30 percent.

(a) "**Type A Wetland**" classification shall be applied to all nonforested wetlands which:

(i) Are greater than 0.5 acre in size, including any acreage of open water where the water is completely surrounded by the wetland; and

(ii) Are associated with at least 0.5 acre of ponded or standing open water. The open water must be present on the site for at least 7 consecutive days between April 1 and October 1 to be considered for the purposes of these rules.

~~(iii) Are bogs and fens greater than 0.25 acre).~~

(b) "**Type B Wetland**" classification shall be applied to all other nonforested wetlands greater than 0.25 acre.

(2) "**Forested wetland**" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of 30 percent or more.

(3) "**All forested and nonforested bogs and fens**" greater than 0.25 acres shall be considered Type A Wetlands.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

\***(2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

\***(3) Western Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

Water Type / Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous / Minimum Size Leave Trees	# Trees/1000 ft. each side	Gravel / Cobble / <10" Diameter	Boulder / Bedrock
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees	
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees	
3 Water 5' & over	50'	2 to 1 / 12" or next largest available	75 trees	25 trees	
3 Water less than 5'	25'	1 to 1 / 6" or next largest available	25 trees	25 trees	

subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

**\* (4) Eastern Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this

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(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

**(5) Riparian leave tree areas.** The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

**(6) Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of wildlife, the department of fisheries, and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

**(7) Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method

described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

**\*(a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:**

**((WETLAND MANAGEMENT ZONE WIDTHS**

Wetland Type	Acres of Nonforested Wetland	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A	Greater than 5	200 feet	100 feet	50 feet
A	0.5 to 5	100 feet	50 feet	25 feet
A Bog/Fen	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ Required))		

**WETLAND MANAGEMENT ZONES**

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs and fens)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs and fens)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs and fens only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ Required	No WMZ Required	

\*For bogs and fens, both forested and non-forested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

**\*(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.**

**\*(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the**

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harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

**\* (8) Nonforested wetlands (Type A or B).** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

**(9) Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

**(10) Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

**(11) Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no addition-

al green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Eastern Washington, for 5 years from the effective date of this subsection where over-story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

**WSR 93-24-025  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 93-137—Filed November 19, 1993, 4:00 p.m., effective November 21, 1993, 12:01 a.m.]

Date of Adoption: November 19, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-917.

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: Opening in Area 7B provides opportunity to harvest chum salmon destined for the Nooksack-Samish region of origin according to allocation agreements with the treaty tribes. Opening in Area 8A provides opportunity to harvest nontreaty share of chum salmon destined for the Stillaguamish-Snohomish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: November 21, 1993, 12:01 a.m.

November 19, 1993

Robert Turner

Director

NEW SECTION

**WAC 220-47-918 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday November 21st, 1993 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:

- \* Area 7B - Gillnets using 6-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday November 22 to 12:00 Noon Wednesday November 24.
- \* Area 8A - Gillnets using 6-inch minimum mesh may fish from 4:00 p.m. Monday November 22 to 8:00 a.m. Tuesday November 23. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 5:00 p.m. Tuesday November 23.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 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 11:59 p.m. November 20, 1993.

WAC 220-47-917

Puget Sound all citizen commercial salmon fishery. (93-133)

**WSR 93-24-038  
EMERGENCY RULES  
DEPARTMENT OF REVENUE**

[Filed November 22, 1993, 4:24 p.m.]

Date of Adoption: November 22, 1993.

Purpose: To amend rule regarding the computation of the personal property ratio used in calculating the state school levy.

Citation of Existing Rules Affected by this Order: Amending WAC 458-53-160.

Statutory Authority for Adoption: RCW 84.48.080.

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: Recent court decisions and other research has caused the department to amend the formula used to compute the personal property ratio. This ratio must be amended to properly calculate the state levy for 1994.

Effective Date of Rule: Immediately.

November 22, 1993

William N. Rice

Assistant Director

Property Tax

AMENDATORY SECTION (Amending Order PT 87-5, filed 5/29/87)

**WAC 458-53-160 Indicated personal property ratio—Computation.** (1) For each personal property assessed value stratum, excluding properties identified in WAC 458-53-110(7) and 458-53-165, ~~((and))~~ an average sample assessed value, and an average sample true and fair value will be determined from the results of selected audit studies. ~~((These))~~ The average ((stratum)) sample assessed value((s will be multiplied by the corresponding number of personal property accounts in each stratum to derive a stratum estimated total assessed value and a stratum estimated total true and fair value. These estimated stratum total estimated assessed and true and fair values will be added to provide a county total estimated assessed value and a county total estimated true and fair value)) for each stratum divided by the average sample true and fair value determines the ratio for each assessed value stratum.

(2) ~~((To the actual personal property assessed value and ratio-related true and fair value totals for a county (subsection (1) of this section) are added assessed values of those properties identified in WAC 458-53-110(7) and 458-53-165 and related true and fair values calculated by the ratio relationships determined for those same properties))~~ The actual total assessed value of the county for each stratum divided by the ratio for each assessed value stratum, as

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determined by using the calculation set forth in subsection (1) of this section, determines the indicated true and fair value of each stratum for the county.

(3) ((The sum of the total personal property assessed and true and fair values as determined by subsections (1) and (2) of this section shall be the basis for the county's indicated personal property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio. Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated personal property ratio except as provided in WAC

458-53-150(6)) The actual county total assessed values of properties identified in WAC 458-53-110(7) and 458-53-165 are added as separate categories to the assessed value stratum. Ratios determined for these properties are applied against the total assessed values to determine the related total true and fair values.

(4) ((The following illustration, using simulated values and ratios, indicates simplified ratio study computation procedures for personal property)) The sum of the actual total county assessed values will be divided by the sum of the related true and fair values to determine the overall county indicated personal property ratio.

**(STEP 1 - DETERMINATION OF AVERAGE SAMPLE VALUES**

(1)	(2)	(3)	(4)	(5)
Stratum	Number of Samples	Total Assessed Value of Samples	Average Assessed Value of Samples (Col. 2 : Col. 1)	Total Market Value of Samples (Col. 4 : Col. 1)
\$ 0 - 9,999	15	\$ 75,000	\$ 5,000	\$ 100,000
10,000 - 39,999	20	400,000	20,000	500,000
Over 39,999	10	500,000	50,000	750,000
				Average Market Value of Samples (Col. 4 : Col. 1)
				\$ 6,667

**STEP 2 - WEIGHTING OF AVERAGE SAMPLE VALUES**

(1)	(2)	(3)	(4)	(5)	(6)	
Stratum	Total Property Listings	Average Sample Assessed Value (Col. 2 x Col. 1)	Total Estimated Assessed Value (Col. 2 x Col. 1)	Average Sample Market Value (Col. 4 x Col. 1)	Total Estimated Market Value (Col. 4 x Col. 1)	Ratio (Col. 3 : Col. 5)
\$ 0 - 9,999	125	\$ 5,000	\$ 625,000	\$ 6,667	\$ 833,375	.7500
10,000 - 39,999	216	20,000	4,320,000	25,000	5,400,000	.8000
Over 39,999	79	50,000	3,950,000	75,000	5,925,000	.6667
Outriders	2		1,000,000		1,366,775	.7316
			\$9,895,000		\$13,525,150	3.16
Sample Study weighted ratio						73.16%

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**STEP 3 APPLICATION OF SAMPLE WEIGHTED RELATIONSHIP TO ACTUAL ASSESSED VALUE.**

	(1)	(2)	(3)
Actual County Assessed Value Personal Property (From Assessor's Certificate)		Determined Assessment to Market Ratio	County market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)
	\$ 9,100,000	.7316	\$ 12,438,491
Add		(from Step 2)	
Other (WAC 458-53-110(7) or 458-53-165 properties)	100,000	1.000	100,000
<b>Totals</b>	<b>\$ 9,200,000</b>		<b>\$12,538,491 = .7337</b>
County indicated personal property ratio			73.37%

(5) Individual assessed or true and fair personal property values, classified as "outriders" according to WAC 458-53-150(8), will be used in personal property ratio computation in a manner similar to that used for real property outriders in real property ratio computation.)

(5) The following illustration, using simulated values and ratios, indicates the ratio computation procedures for personal property.

**STEP 1 - STRATUM AVERAGE VALUE AND RATIO COMPUTATIONS**

Stratum	(1) Number of Samples	(2) Average Assessed Value of Samples	(3) Average Market Value of Samples	(4) Stratum Ratio (Col. 2 ÷ Col. 3)
\$ 0 - 9,999	20	\$ 6,000	\$ 7,800	.769
10,000 - 39,999	20	20,000	38,000	.526
Over 40,000	20	80,000	90,000	.889

**STEP 2 - APPLICATION OF STRATUM RATIOS TO ACTUAL COUNTY ASSESSED VALUES**

Stratum	(1) Actual County Personal Property Assessed Values	(2) Ratio	(3) County market Value Related To Actual Assessed Value (Col 1 ÷ Col. 2)
\$ 0 - 9,999	\$12,500,000	.759	\$ 16,254,876
10,000 - 39,999	33,000,000	.526	62,737,643
Over 40,000	90,000,000	.889	101,237,345
WAC 458-53-110(7) or 458-53-165 Properties	0		0
<b>Totals</b>	<b>\$135,500,00</b>	<b>±</b>	<b>\$180,229,864 = .752</b>
County Indicated Personal Property Ratio			75.2%

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

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

EMERGENCY

**WSR 93-24-042**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 5020—Filed November 23, 1993, 2:27 p.m.]

November 24, 1993  
Mark O. Brown  
Director

Date of Adoption: November 23, 1993.

Purpose: To repeal the section on greenhouse grow outs for limited generation seed potatoes.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-324-640.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This section must be repealed to prevent an unforeseen impending economic hardship on growers of seed potatoes. The repeal has been requested by the growers. The public interest is served by responding quickly to grower requests that strengthen Washington state's agriculture.

Effective Date of Rule: Immediately.

November 23, 1993  
James M. Jesernig  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-324-640 Limited generation certified seed potato—Winter test tolerance.

**WSR 93-24-048**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed November 24, 1993, 11:11 a.m.]

Date of Adoption: November 24, 1993.

Purpose: To increase filing fees from \$12.50 to \$25.00 for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid.

Citation of Existing Rules Affected by this Order: Amending WAC 296-127-040 and 296-127-045.

Statutory Authority for Adoption: RCW 39.12.070.

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 in order to meet the legislative intent of increased enforcement and compliance activity.

Effective Date of Rule: Immediately.

**AMENDATORY SECTION** (Amending WSR 90-24-053, filed 12/3/90, effective 1/3/91)

**WAC 296-127-040 Statement of intent to pay prevailing wages.** (1) All statements of intent to pay prevailing wages submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((twelve))~~ twenty-five dollars ~~((and fifty cents))~~ for each statement. Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of ~~((ten))~~ twenty dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

**AMENDATORY SECTION** (Amending WSR 90-24-053, filed 12/3/90, effective 1/3/91)

**WAC 296-127-045 Affidavit of wages paid.** (1) All affidavits of wages paid submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((twelve))~~ twenty-five dollars ~~((and fifty cents))~~ for each affidavit of wages paid. All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of ~~((ten))~~ twenty dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

**WSR 93-24-056**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3662—Filed November 24, 1993, 11:40 a.m., effective December 1, 1993, 12:01 a.m.]

Date of Adoption: November 24, 1993.

Purpose: Clarifies the treatment of sales contracts. Effective December 1, 1993, in order for a sales contract whose market value exceeds the resource limit to be exempt, it must be compensation for the client's principal place of residence prior to institutionalization, provide a reasonable

EMERGENCY

rate of return, and be paid off in a period not to exceed thirty years.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-045 Exempt resources.

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: Clarifies the treatment of sales contracts as a resource. Clarifies other technical language to facilitate understanding.

Effective Date of Rule: December 1, 1993, 12:01 a.m.

November 24, 1993

Dewey Brock, Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3518, filed 2/24/93, effective 3/27/93)

**WAC 388-92-045 Exempt resources.** (1) The department shall exempt the following resources in determining eligibility for medical care programs:

(a) Home((-));

(i) A home means any shelter:

(A) In which the client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall consider only one home as the client's principal place of residence.

(ii) Client's absence from the home shall not affect the home (~~((exclusion))~~) exemption. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

(iii) The department shall (~~((exclude))~~) exempt the (~~((client's))~~) proceeds from the sale of the (~~((excluded))~~) home providing the client uses the proceeds to purchase another home within three months of the receipt of the proceeds. Proceeds include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-95-395.

(b) Household goods and personal effects((-));

(c) Automobile or automobiles((-));

(i) The department shall exempt one automobile regardless of its value if, for the client or a member of the client's household, the automobile is:

(A) Necessary for employment; or

(B) Necessary for the treatment of a specific or regular medical problem; or

(C) Modified for operation by, or transportation of, a handicapped person; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide transportation to perform essential daily activities.

(ii) The department shall:

(A) Exempt one of the client's automobiles to the extent its current market value does not exceed four thousand five hundred dollars;

(B) Count any excess against the resource limit; and

(C) Exempt an automobile under this subdivision only if an automobile is not exempt under subsection (1)(c)(i) of this section.

(iii) The department shall treat the client's ownership of other automobiles as nonexempt resources and count the client's automobile equity value toward the resource limit.

(d) Property essential to self-support. The department shall exempt:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income producing activity.

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household.

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of six percent or more of the exempt equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in (~~((items))~~) the activities described in (1)(d) ((i), (ii), and (iii)) of this section (~~((in the described activity))~~); or

(B) Is expected to resume (~~((the use of))~~) using the property in (~~((items))~~) the activities described in (1)(d) ((i), (ii), and (iii)) of this section (~~((in the described activity))~~) within twelve months.

(e) (~~((Resources of a blind or disabled person. The department shall exempt))~~) Resources necessary to fulfill an approved plan for a blind or disabled client to achieve self-support as long as such plan remains in effect.

(f) Alaska Native Claims Settlement Act (~~((The department shall exempt))~~):

(i) Shares of stock held in a regional or village corporation;

(ii) Cash received from a native corporation, including cash dividends on stock received from a native corporation to the extent it does not exceed two thousand dollars per person per year;

(iii) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(iv) A partnership interest;

(v) Land or an interest in land, including land or an interest in land received from a native corporation as a dividend or distribution on stock;

(vi) An interest in a settlement trust.

(g) Life insurance((-));

(i) The department shall exempt the total cash surrender value if the total face value of all the policies held by each person is one thousand five hundred dollars or less.

(ii) The cash surrender value applies to the resource limit if the face value of all the policies held by each person is over one thousand five hundred dollars.

(iii) When determining total face value in subsection (1)(g)(i) of this section, the department shall ~~((exempt))~~ not include term or burial insurance with no cash surrender value.

(h) ~~((Restricted allotted land. The department shall exempt))~~ Restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without permission of other persons, the tribe, or an agency of the federal government.

(i) Insurance settlements ~~((The department shall exempt cash))~~ the client receives from an insurance company for purposes of repairing or replacing a resource providing the client uses the total amount of the cash to repair or replace the exempt resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource.

(j) ~~((Burial spaces. The department shall exempt the value of))~~ Burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) Burial spaces include conventional gravesites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) Burial spaces include a burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

(iii) For purposes of subsection (1)(j) and (k) of this section, immediate family means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall consider neither dependency nor living-in-the-same-household as factors in determining whether a person is an immediate family member.

(k) Burial funds ~~((:))~~;

(i) Funds specifically set aside for the burial arrangements of a client or the client's spouse shall not exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-92-050.

(ii) The department shall require funds set aside for burial expenses be kept separate from all other resources ~~((not intended for the burial of the client or the client's spouse))~~ and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources ~~((not intended for burial))~~, the department shall not apply this exemption to any portion of the funds. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash,

accounts, or other financial instruments with a definite cash value the person clearly designates as set aside for the person's or spouse's burial expenses.

(iv) The department shall reduce the one thousand five hundred dollar exemption by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in subsection (1)(g) of this section; and

(B) Amounts in an irrevocable burial trust.

(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses ~~((as available income))~~ if, at the first of the month of use ~~((:))~~ when added to other nonexempt resources, the total exceeds the resource limit.

(l) Other resources considered exempt by federal statute.

(m) ~~((Retroactive payments. The department shall exempt))~~ Retroactive SSI payments including benefits a client receives under the interim assistance reimbursement agreement with the Social Security administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments the client, spouse, or any other person receives that the department considers available to meet the client's needs;

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts or saving accounts. The department shall not apply this exemption once the retroactive payment has been converted to any other form.

(n) Payments for medical or social services ~~((The department shall exempt, from resources))~~, for one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services.

(o) ~~((Restitution to civilians relocated and interned during war time. The department shall exempt))~~ Payments to persons of Japanese or Aleut ancestry for restitution to civilians relocated and interned during war time, under P.L. 100-383.

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41.

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201.

(r) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's law for compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt.

(s) Unspent assistance payments the client receives because of a presidentially declared major disaster, under

P.L. 93-288, are exempt for nine months from date of receipt.

(i) The exemption may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the exempt resource is exempt for the period the exclusion applies.

(t) Earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month.

(u) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(v) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(w) ~~((Effective September 1, 1991,))~~ Payments under section 500 through 506 of the Austrian General Social Insurance Act:

(i) The department shall not consider such payments as income or resources for determining eligibility or post eligibility;

(ii) The earned interest from such payments is countable income for the client.

(2) The department shall consider a sales contract:

(a) An exempt resource when the current market value of the contract:

(i) Is zero; or

(ii) When combined with other resources, exceeds the resource limit; and

(A) The sales contract was executed on or before November 30, 1993; or

(B) The sales contract was executed on or after December 1, 1993; and

(I) Was received as compensation for the sale of the client's principal place of residence. For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client; and

(II) Provides for an interest rate within prevailing rates at the time of sale; and

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years.

(iii) The department shall consider payment of principal and interest on a sales contract meeting the criteria of subsection (2)(a)(i) or (ii) under WAC 388-83-041 (2)(f).

(b) An available resource when the ~~((value of the sales contract, combined with other countable resources, is within the resource limit))~~ current market value of a sales contract does not meet the requirements in subsection (2)(a)(i) or (ii) of this section. For a sales contract the department determines to be an available resource, the department shall consider the payment that represents:

(i) Principal, an available resource.

(ii) Interest, under WAC 388-83-041 (2)(g).

(c) An available resource when transferred by the client to a person other than the client's spouse. See WAC 388-95-395.

(3) ~~((The client may transfer or exchange exempt resources except the home or a sales contract.))~~ The department shall consider cash received from the sale of an exempt resource as a nonexempt resource to the extent that the cash is not ~~((used to))~~:

(a) Used to replace an exempt resource; or

(b) ~~((Be))~~ Invested in an exempt resource within the same month, unless specified differently under this section.

**WSR 93-24-061**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed November 24, 1993, 12:20 p.m.]

Date of Adoption: November 24, 1993.

Purpose: To add a new section to chapter 50-60 WAC, Mortgage brokers and loan originators—Licensing, regarding the licensing requirements for independent contractors to conduct mortgage brokering.

Statutory Authority for Adoption: Section 9, chapter 468, Laws of 1993.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 50-60 WAC was adopted on an emergency basis on October 12, 1993, so the department could begin to issue licenses to mortgage brokers as required by law. Emergency promulgation of this new section is necessary to define the licensing requirements for independent contractors and to ease the regulatory burden on independent contractors.

Effective Date of Rule: Immediately.

November 24, 1993

John L. Bley

Director

NEW SECTION

**WAC 50-60-180 Licensing of independent contractors to conduct mortgage brokering.** A person may be licensed as an independent contractor to conduct the business of mortgage brokering provided that:

(1) The person meets all requirements for licensing as a mortgage broker under chapter 19.146 RCW or any rule adopted thereunder, with the exception that a surety bond or equivalent in the amount of five thousand dollars shall meet the bonding requirement; and

(2) The person is an independent contractor for a licensed mortgage broker that has accepted responsibility under its license for any and all violations of chapter 19.146 RCW or rules adopted thereunder that the independent contractor may commit and the person has on file with the



director a binding written agreement with the licensed mortgage broker to that effect; and

(3) The surety bond or equivalent posted by the licensed mortgage broker with which the person contracts runs to the benefit of the state and any person or persons who suffer loss by reason of the independent contractor's violation of any provision of this chapter or rules adopted thereunder.

The license to conduct business as an independent contractor under a licensed mortgage broker shall state the names of both the independent contractor and the licensed mortgage broker with which the contractor has contracted. This license shall permit the independent contractor to perform mortgage brokering business under the named licensed mortgage broker only. An independent contractor must obtain a separate license for each licensed mortgage broker under which the contractor contracts to conduct the business of mortgage brokering.

### WSR 93-24-063

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 93-138—Filed November 24, 1993, 4:19 p.m., effective December 1, 1993, 12:01 a.m.]

Date of Adoption: November 24, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-44-05000G.

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 for conservation and to maintain consistency between state and federal regulations.

Effective Date of Rule: December 1, 1993, 12:01 a.m.

November 24, 1993

Judith Freeman

Deputy

for Robert Turner

Director

#### NEW SECTION

**WAC 220-44-05000H Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. December 1, 1993, 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 December 1 to 2400 hours December 14;  
0001 hours December 15 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):

0001 hours December 1 to 2400 hours December 31;

(c) Cumulative limit - A cumulative 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, except the final week of 1993 will be December 22nd through December 31st.

(2) Widow rockfish - Trip limit of 3,000 pounds. 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) Pacific Whiting - The trip limit for Pacific Whiting is 10,000 pounds per vessel coastwide. No limit on the number of vessel trips. No minimum size.

(6) Sebastes complex - All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastolobus* 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 four-week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(7) Black rockfish - The trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(8) Deepwater complex - Sablefish, Dover sole and thornyhead rockfish - Trip limit of 5,000 pounds, and no more than one trip per week. The final week of the year will be December 22 through December 31, 1993. No more than 1,000 pounds of the trip limit may be sablefish.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels - In any landing of the deepwater complex, the trip limit for trawl-caught sablefish is 1,000 pounds (round weight) (454 kg). To convert from dressed weight to round weight, multiply the dressed weight by 1.6.

(b) Non-trawl vessels - 250 pounds (round weight) daily trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.

(9) 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.

(10) 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.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective December 1, 1993:

WAC 220-44-05000G Coastal bottomfish catch limits. (93-89)

**WSR 93-24-069  
EMERGENCY RULES  
OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES**

[Filed November 29, 1993, 2:39 p.m.]

Date of Adoption: November 24, 1993.

Purpose: To establish goals for the participation of certified minority and women's business enterprises in state contracting and procurement.

Citation of Existing Rules Affected by this Order: Amending WAC 326-30-041.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: RCW 39.19.030(4) requires the establishment of annual goals. The previously established goals expired in November 1993. An original notice is being filed simultaneously with this filing for a public hearing in January 1994 in preparation for adopting a permanent rule. This emergency rule will facilitate state contracting and procurement in the interim.

Effective Date of Rule: Immediately.

November 23, 1993  
James A. Medina  
Director

**AMENDATORY SECTION** (Amending WSR 92-20-079, filed 10/6/92)

**WAC 326-30-041 Annual goals.** The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and

educational institution, subject to this chapter, shall be as follows:

July 1, ~~1992~~ 1993, through June 30, ~~1993~~ 1994,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

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 93-24-082  
EMERGENCY RULES  
WILDLIFE COMMISSION**

[Order 619—Filed November 30, 1993, 1:05 p.m., effective December 1, 1993, 12:01 a.m.]

Date of Adoption: November 29, 1993.

Purpose: The status of the Lake Washington wild steelhead stock has not met its escapement goal since 1986 due primarily to predation by sea lions at the Ballard Locks. Escapements averaged 48% of the escapement goal from 1987 to 1992 and dipped to only 11% in 1993. The stock status is rated as depressed in the 1992 SASSI report. The system is currently under wild steelhead release regulations from December 1 to the end of February to harvest hatchery fish. However, no hatchery smolts were stocked in 1992 and the predicted hatchery return this season is less than 100 steelhead. Given the extremely depressed status of the wild stock and the lack of hatchery fish the system should be closed to maximize escapement and spawning success of wild fish by reducing hooking mortality, poaching, and harassment.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Effective Date of Rule: December 1, 1993, 12:01 a.m.  
November 29, 1993

Curt Smitch  
for John C. McGlenn  
Chair

**NEW SECTION**

**WAC 232-28-61939 1992-94 and 1994-95 Washington game fish seasons and catch limits—Cedar and Sammamish River systems, and in Lakes Washington and Sammamish, Salmon Bay, and the Lake Washington Ship Canal.** Notwithstanding the provisions of WAC 232-28-619, the following waters are CLOSED to fishing for steelhead:

Effective 12:01 am December 1, 1993 to 11:59 pm February 28, 1994:

Lake Washington, Lake Sammamish, Salmon Bay (only that portion as follows: all waters from the Chittenden

EMERGENCY

Locks (in Ballard) upstream (east) to the Fremont Bridge), and the Lake Washington Ship Canal.

Also notwithstanding the provisions of WAC 232-28-619, the following waters are CLOSED to fishing for all game fish:

Effective 12:01 am December 1, 1993 to 11:59 pm February 28, 1994:

The Cedar and Sammamish Rivers, and Salmon Bay (only that portion as follows: from the east end of the north wingwall of the Chittenden Locks to a line approximately 175 feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore).

This amends and supercedes certain provisions of the corresponding information shown in the 1993-94 and 1994-95 Washington Game Fish Regulations pamphlet editions for these waters. All other provisions of WAC 232-28-619 relating to the above waters remain in effect.

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

**WSR 93-24-103A**  
**EMERGENCY RULES**  
**HEALTH CARE AUTHORITY**  
(Public Employees Benefit Board)  
[Filed December 1, 1993, 8:50 a.m.]

Date of Adoption: December 1, 1993.

Purpose: To amend Health Care Authority eligibility rules to allow enrollment in the Washington state group purchasing association caregivers health plan.

Citation of Existing Rules Affected by this Order: New sections WAC 182-14-010, 182-14-020, 182-14-030, 182-14-040, 182-14-050, 182-14-060, 182-14-070, 182-14-080, 182-14-090, and 182-14-100.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Effective Date of Rule: Immediately.

December 1, 1993

Elin S. Meyer  
Rules Coordinator

**Chapter 182-14 WAC**  
**WASHINGTON STATE GROUP PURCHASING**  
**ASSOCIATION CAREGIVERS HEALTH PLAN**

**NEW SECTION**

**WAC 182-14-010 Purpose.** The purpose of this chapter is to establish eligibility for the Washington state group purchasing association caregivers health plan, hereafter referred to as the WSGPA caregivers health plan. The WSGPA caregivers health plan merges the health care purchasing power of child care workers, home care workers,

foster parents and eligible employees of non-profit human services organizations that contract with state agencies. The WSGPA caregivers health plan will be administered by the health care authority administrator.

**NEW SECTION**

**WAC 182-14-020 Definitions.** The following definitions apply to WAC 182-14-010 through 182-14-100.

(1) Administrator. The administrator of the health care authority.

(2) Effective date. The day on which coverage begins.

(3) Continuous coverage. Continuous group or individual health insurance plan coverage in effect for at least three months immediately prior to the effective coverage date of the WSGPA caregivers health plan.

(4) Open enrollment. That period of time, set by the health care authority, when eligible employees may sign up for coverage of their choice, change plans or add eligible dependents.

(5) Full-time employee. Those employees working thirty or more hours per week or one hundred twenty hours per calendar month.

(6) Part-time employee. Those employees working between eight and twenty-nine hours per week or thirty-two to one hundred nineteen hours per calendar month.

(7) Permanent employees. Those employees who are expected to be employed for more than six months.

(8) Nonpermanent employees. Those employees who are in pay status at least twenty hours per week and are expected to be employed for no more than six months. A nonpermanent employee becomes a permanent employee on the first day of the seventh month of employment.

(9) Dependents. Eligible dependents include:

(a) Lawful spouse.

(b) Dependent children through age nineteen. As used in these rules, "children" includes natural children, stepchildren, legally adopted children, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government health care entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a WSGPA caregivers health plan as a full-time student. Evidence of such disability and dependency must be furnished to the HCA upon application, and as periodically requested thereafter.

#### NEW SECTION

##### **WAC 182-14-030 Eligible entities or individuals.**

The following entities or individuals are eligible to participate in the WSGPA caregivers health plan subject to the terms and conditions set forth in WAC 182-14-040:

(1) Owners and operators of licensed child day care centers, licensed family child care homes and preschools or other child care education programs exempted from licensing as provided in chapter 74.15 RCW on behalf of themselves, their eligible employees, employees' spouses and dependents;

(2) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the following department of social and health services (DSHS) programs may apply on behalf of themselves, their eligible employees, employees' spouses and dependent children:

(a) Personal care as provided in chapter 74.09 RCW;

(b) Community options program entry system (COPES), as provided in chapter 74.09 RCW;

(c) Chore services as provided in chapter 74.08 RCW;

(3) Foster parents contracting with DSHS under chapter 74.13 RCW and licensed by DSHS under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children;

(4) Private nonprofit human services provider organizations under contract with Washington state agencies on behalf of their eligible employees, employees' spouses and dependent children.

#### NEW SECTION

**WAC 182-14-040 Terms and conditions of participation.** Eligible entities, or individuals may participate in the WSGPA caregivers health plan provided:

(1) The administrator approves the individual's or entity's application;

(2) The entity enrolls at least seventy-five percent of its full-time employees, who do not have other health insurance coverage, in the WSGPA caregivers health plan;

(3) The entity submits to the administrator the number of hours each eligible employee works per week/month and the employees' current group health coverage, if any, and its termination date;

(4) The WSGPA caregivers health plan is the only group health care insurance coverage provided by the entity to its employees.

#### NEW SECTION

**WAC 182-14-050 Ineligible employees.** Employees working for eligible entities which do not participate in the WSGPA caregivers health plan will be ineligible for individual coverage under the WSGPA caregivers health plan.

Employees who are employed by an eligible entity for fewer than eight hours per week or thirty-two hours per calendar month are ineligible for coverage under the WSGPA caregivers health plan.

#### NEW SECTION

**WAC 182-14-060 Enrollment and effective date of coverage.** (1) Permanent employee. Permanent employees and their dependents shall enroll within ninety days of their employment and coverage becomes effective on the first date of the month after receipt of application and the first month's premium.

Employees not enrolled within ninety days of employment may not enroll until the next open enrollment period unless they can provide evidence of continuous coverage under another health plan. If such evidence of coverage is provided, the employee may enroll and pay the premium within thirty-one days of the termination date of the previous plan and, coverage would begin on the date following the expiration date of previous coverage.

(2) Nonpermanent employee. Nonpermanent employees and their dependents may enroll in their sixth month of employment and coverage will be effective the first day of the seventh month of employment.

(3) Dependents.

(a) New dependents without previous coverage whose enrollment results in premium adjustments. New dependents whose enrollment will result in a premium adjustment shall enroll within sixty days of the date of marriage, birth, or placement of an adopted or foster child. New dependents not enrolled within sixty days may not enroll until the next open enrollment period. Upon receipt of application and premium, coverage begins for new dependents on the date of birth for newborn (natural or adopted), date of placement for adopted child or foster child, or date of marriage for spouse.

(b) New dependents without previous coverage whose enrollment does not result in premium adjustments. Children whose enrollment will not result in a premium adjustment may enroll at any time and coverage will begin at the date of birth or placement of an adopted or foster child.

(c) New dependents or spouses with continuous coverage. A new dependent or spouse with continuous health care coverage shall enroll within thirty-one days of the termination date of their previous coverage. Upon receipt of the application and premium, coverage becomes effective the date following the expiration date of previous coverage.

(4) Eligible employees and dependents who discontinue WSGPA caregivers health plan. Eligible employees and dependents who discontinue WSGPA caregivers health plan may enroll during the first open enrollment following a twelve-month waiting period.

(5) Confined enrollee. If an enrollee or dependent (other than a newborn child) is confined in a hospital, skilled nursing facility, approved chemical dependency facility or other approved inpatient facility when coverage would normally begin, no benefits will be provided for services rendered prior to discharge.

NEW SECTION**WAC 182-14-070 Preexisting condition restriction.**

Enrollees in the WSGPA caregivers health plan are subject to a twelve-month preexisting condition period. A preexisting condition is any illness, injury, or condition for which the enrollee received medical or surgical treatment, consultations, diagnostic testing or prescription drugs in the three months immediately preceding the enrollee's effective date of coverage. Persons who have continuous coverage shall have the twelve-month preexisting period reduced for each month of prior continuous coverage.

NEW SECTION

**WAC 182-14-080 Contribution to the Washington state group purchasing association account.** (1) Permanent employees:

(a) Full-time employees. Employers must pay at least fifty percent of the premium rate established by the HCA for full-time permanent employees enrolled in the WSGPA caregivers health plan.

(b) Part-time employees working at least twenty hours per week. Employers must pay a prorated share of their contribution for full-time employees for part-time employees working between twenty and thirty hours a week, or between eighty and one hundred twenty hours a month.

(c) Part-time employees working less than twenty hours per week. Eligible employees working between eight and twenty hours per week, or between thirty-two and eighty hours per calendar month are eligible for an employer premium contribution according to the employer's written benefits policy. The employer contribution shall be a prorated share of the full-time contribution.

(2) Nonpermanent employees. Employer contributions for nonpermanent employees who become eligible for the WSGPA caregivers health plan shall be the same rate as those set forth for permanent employees in subsection (1) of this section.

(3) Individual enrollees. Individual enrollees in the WSGPA caregivers health plan are responsible for payment of their entire premium.

NEW SECTION

**WAC 182-14-090 Termination of coverage.** WSGPA caregivers health plan ends on the earliest of the following dates:

(1) The date the plan terminates;

(2) At midnight, the last day of the last month for which the premium has been paid;

(3) At midnight on the last day of the month in which a dependent's eligibility ceases; or

(4) For any subscriber or dependent confined in an inpatient facility on the date when coverage would otherwise terminate, until discharge from that facility or until benefits are exhausted, whichever occurs first.

NEW SECTION

**WAC 182-14-100 Continued medical coverage under COBRA and group conversion.** (1) COBRA. Eligible employees and eligible dependents who become ineligible for WSGPA caregivers health plan and who qualify for

continued coverage under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), including any amendments hereinafter enacted, may continue their WSGPA caregivers health plan coverage by self-payment of plan premiums in accordance with federal COBRA statutes and regulations.

(2) Group conversion policies. Group conversion policies are available to all enrollees upon termination of the WSGPA caregivers health plan or COBRA coverage if application is made within thirty-one days after termination of their group or COBRA plan.

**WSR 93-24-104****EMERGENCY RULES****HEALTH CARE AUTHORITY**

(Public Employees Benefit Board)

[Filed December 1, 1993, 8:53 a.m.]

Date of Adoption: December 1, 1993.

Purpose: To amend Public Employees Benefit Board eligibility rules to permit enrollment by school district and educational service district bargaining units; enrollment by retirees of school districts; and require Medicare eligible retirees to enroll in both Parts A and B of Medicare as a condition of eligibility. These changes are required by chapter 386, Laws of 1993 (SHB 1784).

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-110, 182-12-111, 182-12-115, and 182-12-122.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Effective Date of Rule: Immediately.

December 1, 1993

Elin S. Meyer

Rules Coordinator

AMENDATORY SECTION (Amending Order 5646, filed 2/9/76)

**WAC 182-12-110 Purpose.** The purpose of this chapter is to establish criteria of employee eligibility for all ~~((state))~~ public employees ~~((insurance))~~ benefits board approved plans.

AMENDATORY SECTION (Amending WSR 92-03-040, filed 1/10/92, effective 1/10/92)

**WAC 182-12-111 Eligible entities.** The employees and retirees of eligible entities and their dependents must meet the individual eligibility requirements set forth in WAC 182-12-115 in order to participate in ~~((SEBB))~~ PEBB insurance plans. Only individuals who participated in ~~((SEBB))~~ PEBB insurance plans as an active employee and their dependents are eligible to participate in ~~((SEBB))~~ PEBB insurance plans upon disability or retirement, except as provided in WAC 182-12-115(8) and 182-12-122 (2)(d)

or (e). The following entities shall be eligible to participate in ~~((SEBB))~~ PEBB insurance plans subject to the terms and conditions set forth below.

(1) State agencies. Every department, division, or separate agency of state government including the higher education personnel board, higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all board approved plans provided:

Employees of vocational-technical institutions who belong to collective bargaining units may participate in ~~((SEBB))~~ PEBB insurance plans only if the entire collective bargaining unit enrolls in the plans and such participation is consistent with section 83, chapter 238, Laws of 1991.

(2) Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees. Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees of the state may participate in ~~((SEBB))~~ PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to ~~((SEBB))~~ PEBB plan coverage as a unit.

(b) The legislative authority or the board of directors obligates itself to participate in all ~~((SEBB))~~ PEBB insurance plans.

(c) The legislative authority of the entity ~~((or the board of directors of the school district))~~ submits an application together with employee census data and, if available, prior claims experience of the entity to the health care authority.

(d) The legislative authority or the board of directors agrees to maintain its ~~((SEBB))~~ PEBB plan participation through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the health care authority written notice of its intent to terminate ~~((SEBB))~~ PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, ~~((or))~~ political subdivision, ~~((including a K-12 school district))~~ or employees of employee organizations representing state civil service employees terminates coverage in ~~((SEBB))~~ PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in ~~((SEBB))~~ PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The health care authority administrator approves the entity's application.

(3) School districts and educational service districts. This rule supersedes any existing health care authority or board rules that may be in conflict with this rule. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) A bargaining unit employee or nonrepresented employee who would otherwise be considered an eligible

employee under the rules established by the board may voluntarily waive enrollment in the programs and will no longer be considered an eligible employee for purposes of effectuating the transfer of the unit.

(d) The terms and conditions for the payment of insurance premiums shall be set forth in provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the board at the time of application for participation.

(e) The application to participate in the PEBB programs is subject to the approval of the authority.

(f) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of state employees and retirees as defined in WAC 182-12-115(9).

(g) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation through the end of the plan year.

AMENDATORY SECTION (Amending WSR 92-08-003, filed 3/18/92, effective 3/18/92)

**WAC 182-12-115 Eligible employees, retirees, and dependents.** The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all ~~((SEBB))~~ PEBB approved plans except as otherwise stated in this chapter~~(:)~~. For purposes of defining eligible employees of school districts and educational service districts, the collective bargaining agreement will supersede all definitions provided under this rule if approved by the PEBB and the authority in accordance with WAC 182-12-111 (3)(d).

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all

current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEBB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are

covered under the SEBB program at the time of retirement or disability.

(8) "Retired and disabled school district and educational service district employees." The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B or enroll in the next Medicare open enrollment period:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance under chapter 41.32 or 41.40 RCW. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, which ever is later.

(9) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a SEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the Internal Revenue Code or as specified in a court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing.

Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under an SEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under SEBB medical/dental plans prior to July 1, 1990, may continue SEBB coverage on a self-pay basis.

~~((9))~~ (10) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

**WAC 182-12-122 Surviving dependents eligibility.**

(1) The following classes of surviving eligible dependents may continue their medical and dental coverages ~~((up to the age limits for dependent children by premium withholding or direct payment of premium))~~ on a self-pay basis: ~~((1))~~

(a) Surviving spouse and/or eligible dependent children of a deceased state retiree who were covered as dependents under ~~((these coverages))~~ a PEBB plan at the time of the retiree's death~~((, and (2)))~~;

(b) Surviving spouse and/or eligible dependent children of a deceased state employee who were covered ~~((as dependents))~~ under ~~((these coverages))~~ a PEBB plan at the time of the employee's death ~~((and who will immediately begin receiving a monthly retirement income benefit))~~ provided they are eligible to receive an allowance from a Washington state sponsored retirement system~~((Application for surviving dependents coverage must be made within sixty days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. Surviving dependents are not eligible for retiree life insurance.))~~;

(c) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district and educational service employees who were enrolled under a PEBB plan at the time of the retiree's death;

(d) Surviving spouses and/or eligible dependent children of a deceased school district or educational school district employee who was not enrolled in a PEBB plan at the time of death; provided, the employee died on or after October 1, 1993 and the dependents immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW;

(e) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district or educational service district employees who died prior to October 1, 1993, and who would have been eligible to enroll pursuant to WAC 182-12-115 (8)(a).

(2)(a) Applications for surviving dependents coverage under subsections (1)(a),(b) and (c) must be made in writing on the enrollment form approved by the Health Care Authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of premium.

(b) Application for surviving dependents coverage under (1)(d) and (e) must be made before the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995. The effective date of coverage will be the first day of the month following the receipt of the completed application.

(3) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system under subsection (1)(b) of this section for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the ~~((SEBB))~~ PEBB program at the time of death.



**WSR 93-24-001**

**NOTICE OF PUBLIC MEETINGS**

**DEPARTMENT OF**

**GENERAL ADMINISTRATION**

(Capitol Campus Design Advisory Committee)

[Memorandum—November 17, 1993]

Following are the Capitol Campus Design Advisory Committee 1994 meeting dates:

Tuesday	February 8
Thursday	May 26
Thursday	August 18
Thursday	November 17

The meetings will begin at 9:00 a.m. in Room 214, General Administration Building.

If you have any questions, please contact 753-0501.

**WSR 93-24-004**

**RULES COORDINATOR**

**DEPARTMENT OF**

**VETERANS AFFAIRS**

[Filed November 18, 1993, 3:39 p.m.]

The following individual is designated Washington State Department of Veterans Affairs Rules Coordinator:

Tri Howard  
P.O. Box 1150  
(206) 753-0598  
SCAN 234-0598

Beau Bergeron  
Director

**WSR 93-24-005**

**RULES COORDINATOR**

**INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**

[Filed November 18, 1993, 3:40 p.m.]

Debra Wilhelmi, assistant director, has been designated as the rules coordinator for the Interagency Committee for Outdoor Recreation (IAC). Her mailstop is 40917 and her scan and nonscan telephone number is 902-3005.

Laura Eckert  
Director

**WSR 93-24-009**

**RULES COORDINATOR**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

[Filed November 19, 1993, 10:17 a.m.]

Please change the mailstop from 5805 to 45811.

Sharon Staley, Rules Coordinator  
Office of Vendor Services  
Administrative Services Division

**WSR 93-24-010**

**RULES COORDINATOR**

**DEPARTMENT OF ECOLOGY**

[Filed November 19, 1993, 10:18 a.m.]

Following is the new address and phone number for the rules coordinator at ecology: Phone number is 407-6161. This is also the SCAN number. Our address is P.O. Box 47600.

Paige Boule  
Rules Coordinator

**WSR 93-24-011**

**NOTICE OF PUBLIC MEETINGS**

**TRANSPORTATION COMMISSION**

[Memorandum—November 18, 1993]

Following is the Washington Transportation Commission's 1993 [1994] public meeting schedule.

1994 COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Location</u>
January 19 and 20	Olympia
February 16 and 17	Olympia
March 16 and 17	Olympia
April 20 and 21	Seattle
May 24 and 25	Olympia
June 15 and 16	Wenatchee
July 12 and 13	Olympia
August 17 and 18	Olympia
September 14 and 15	Ellensburg
October 19 and 20	Olympia
November 16 and 17	Everett
December 14 and 15	Olympia

For further information, please contact the commission office at (206) 705-7070.

**WSR 93-24-012**

**RULES COORDINATOR**

**OFFICE OF**

**ADMINISTRATIVE HEARINGS**

[Filed November 19, 1993, 10:19 a.m.]

The rules coordinator for the Office of Administrative Hearings is: Pauline Corthell, P.O. Box 42488, Olympia, WA 98504-2488, phone (206) 664-8717, 8/366-8717, FAX (206) 664-8721.

**WSR 93-24-023**

**RULES COORDINATOR**

**DEPARTMENT OF TRANSPORTATION**

[Filed November 19, 1993, 2:34 p.m.]

Please make the following changes for Bill Richeson, rules coordinator for the Department of Transportation: P.O. Box 7410, phone (206) 705-7761, and Scan No. 705-7761.

Bill Richeson  
Rules Coordinator

MISCELLANEOUS

**WSR 93-24-029**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed November 22, 1993, 10:52 a.m.]

Lou Ann Pasquan  
 Rules Coordinator

I have designated Susan Putzier as our rules coordinator. Her mailing address in P.O. Box 41200, Olympia, WA 98504-1200. Susan's phone number is 664-3508, SCAN 366-3508.

John L. Bley  
 Director

**WSR 93-24-030**  
**RULES COORDINATOR**  
**COLUMBIA BASIN COLLEGE**  
 [Filed November 22, 1993, 10:52 a.m.]

The designated rules coordinator for Columbia Basin College is: Louise Meyers, (509) 547-0511 ext 202, SCAN 563-1202, FAX SCAN 563-1401.

Marv Weiss  
 President

**WSR 93-24-031**  
**NOTICE OF PUBLIC MEETINGS**  
**LOWER COLUMBIA COLLEGE**  
 [Memorandum—November 18, 1993]

On November 17, 1993, the Community College District 13 board of trustees approved the following meeting dates. All regular meetings are scheduled to begin at 5:00 p.m., on the third Wednesday of each month, with the exception of July. No meeting is scheduled during July.

- January 19, 1994
- February 16, 1994
- March 16, 1994
- April 20, 1994
- May 18, 1994
- June 15, 1994
- August 17, 1994
- September 21, 1994
- October 19, 1994
- November 16, 1994
- December 21, 1994

**WSR 93-24-032**  
**RULES COORDINATOR**  
**WASHINGTON STATE UNIVERSITY**  
 [Filed November 22, 1993, 10:53 a.m.]

In compliance with the annual notice requirement in RCW 34.05.310, Lou Ann Pasquan will retain the position of rules coordinator for Washington State University.

My telephone number, office location and title changed. My telephone number is (509) 335-3543. You may leave a message or call (509) 335-3541 if there is no answer. My title is Interim Procurement Officer. My office number is French 220. The mail code is 99164-1020.

Miscellaneous

**WSR 93-24-033**  
**RULES COORDINATOR**  
**CLARK COLLEGE**  
 [Filed November 22, 1993, 10:55 a.m.]

Following are the changes for my listing as rules coordinator for Clark College. My last name has changed from Dinsmore to Farley, and my off-SCAN telephone number is (206) 699-0101.

Janelle Farley  
 Executive Assistant  
 to the President

**WSR 93-24-034**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Board of Registration for Architects)  
 [Memorandum—November 19, 1993]

1994 SCHEDULE OF REGULAR BOARD MEETINGS

<u>Meeting Date</u>	<u>Location</u>	<u>Time</u>
January 7	University of Washington Faculty Conference Room 2nd Floor, Gould Hall Seattle, Washington	9:00 a.m.
April 7	Professional Licensing Building Conference Room, 3rd Floor 2424 Bristol Court Olympia, WA	1:00 p.m.
April 8	Washington State University Carpenter Hall Pullman, Washington	9:00 a.m.
May 6	Wyndham Garden Hotel 18118 Pacific Highway South International Drive Highway 99 SeaTac, WA	9:00 a.m.
August 11 & 12	Red Lion at the Quay Portside Meeting Room 100 Columbia Street Vancouver, WA	9:00 a.m.
September 23	To be determined	9:00 a.m.
November 18	Wyndham Garden Hotel 18118 Pacific Highway South International Drive Highway 99 SeaTac, WA	9:00 a.m.

**WSR 93-24-035**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Board of Registration for Architects)  
 [Memorandum—November 19, 1993]

This is to inform you that the December 3, 1993, board meeting of the Board of Registration for Architects has been canceled.

MISCELLANEOUS

**WSR 93-24-036**  
**RULES COORDINATOR**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Filed November 22, 1993, 2:55 p.m.]

The following person has been named rules coordinator for our agency: 'cita Waller, Administrative Assistant, Workforce Training and Education Coordinating Board, P.O. Box 43105, Olympia, WA 98504-3105, (206) 753-5673, SCAN 234-5673.

Ellen O'Brien Saunders  
 Executive Director

**WSR 93-24-039**  
**RULES COORDINATOR**  
**DEPARTMENT OF HEALTH**  
 [Filed November 23, 1993, 10:05 a.m.]

Please change my phone number to 664-9381.

Ann Foster  
 Rules Coordinator

**WSR 93-24-045**  
**DEPARTMENT OF ECOLOGY**  
 [Filed November 23, 1993, 4:17 p.m.]

Commercial Low-Level Radioactive  
 Waste Site Use Permit Fees

In accordance with chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits, the Department of Ecology is providing notice of the site use permit fees for the period of March 1, 1994, through February 28, 1995. The value of "x," which represents the annual base fee, has been set at \$350. Site use permit fees for each category are as follows:

<u>CATEGORY</u>	<u>RATIO</u>	<u>FEE</u>
<50 cubic feet	1x	\$350
≥50 < 500 cubic feet	2x	\$700
≥ 500 < 1000 cubic feet	5x	\$1,750
≥ 1000 < 2500 cubic feet	10x	\$3,500
≥ 2500 cubic feet	35x	\$12,250
Nuclear Utilities	100x	\$35,000

**WSR 93-24-050**  
**NOTICE OF PUBLIC MEETINGS**  
**CONSERVATION COMMISSION**  
 [Memorandum—November 22, 1993]

CONSERVATION COMMISSION

The Conservation Commission holds regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington (WAC 135-04-020).

The Conservation Commission's last meeting for 1993 will be December 1, 1993, from 1:30 to 5:00 p.m. and December 2, 1993, from 8:00 a.m. to noon, at the Holiday Inn, Forrest

Room, 9 North 9th Street, Yakima, WA 98901. Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504-7721, phone 407-6202, for further information.

Dates and places from the 1994 meetings are yet to be determined.

**WSR 93-24-051**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON JUDICIAL CONDUCT**  
 [Memorandum—November 22, 1993]

The Commission on Judicial Conduct will hold their January 7, 1994, business meeting at 11:00 a.m. at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, Seattle, WA 98188.

**WSR 93-24-052**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Memorandum—November 23, 1993]

The Public Disclosure Commission has scheduled a special meeting for Thursday, December 16, 1993. The meeting will begin at 9 a.m. in Hearing Room C, John L. O'Brien Building, Capitol Campus, Olympia, Washington.

**WSR 93-24-053**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE EMPLOYEES' COMMISSION**  
 [Memorandum—November 19, 1993]

The following is a schedule of the 1994 regular meetings of the Marine Employees' Commission, as adopted by the commission on November 18, 1993:

<u>Date</u>	<u>Location</u>
January 28	Olympia
February 25	Olympia
March 31	Olympia
April 29	Seattle
May 20	Seattle
June 24	Seattle
July 29	Seattle
August 26	Seattle
September 30	Seattle
October 28	Seattle
November 18	Seattle
December 16	Seattle

All meetings begin at 10:00 a.m. Meetings in January, February and March will be held at the offices of the Marine Employees' Commission, Evergreen Plaza Building, 711 Capitol Way South, Main Floor, Olympia.

Meetings scheduled in Seattle are customarily held at the "Spike" Eikum Conference Room, Pier 52, Washington State Ferries Terminal, Seattle. Following due notice, meetings scheduled for Seattle may be rescheduled for other Washington State Ferry System terminal cities. Locations for

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meetings can be obtained by writing to the commission at the address listed below or by calling (206) 586-6354 or SCAN 321-6354 or FAX (206) 943-9368.

Meeting sites are barrier free to the greatest extent feasible. Braille or taped agenda items for visually impaired persons, and interpreters for persons with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to:

Janis Lien, Administrative Assistant  
Marine Employees' Commission  
Evergreen Plaza Building  
P.O. Box 40902  
Olympia, WA 98504-0902  
(206) 586-6354 (voice)  
(206) 943-9368

**WSR 93-24-054**  
**RULES COORDINATOR**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
[Filed November 24, 1993, 11:17 a.m.]

I am writing to inform you that, effective October 25, 1993, I have been designated as the rules coordinator for the Higher Education Coordinating Board. My mailing address and phone number are as follows: Karen B. Moton-Tate, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone (206) 586-8782.

Karen B. Moton-Tate  
Executive Assistant

**WSR 93-24-055**  
**RULES COORDINATOR**  
**GRAYS HARBOR COLLEGE**  
[Filed November 24, 1993, 11:18 a.m.]

The rules coordinator's phone number is changed. It is (206) 538-4000 or SCAN 433-4000.

Sandra Zelasko  
Assistant to the President

**WSR 93-24-062**  
**RULES COORDINATOR**  
**DEPARTMENT OF LICENSING**  
[Filed November 24, 1993, 1:52 p.m.]

The mailstop for our rules coordinator, Walt Fahrner, is now 48016.

Kathy Friedt  
Director

**WSR 93-24-067**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
[Memorandum—November 29, 1993]

Eastern Washington University  
Board of Trustees  
December 3, 1993, 9:00 a.m.  
Spokane Center  
Second Floor Mall

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling president's office, 359-2371.

**WSR 93-24-068**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed November 29, 1993, 2:36 p.m.]

Rules coordination duties have been assigned to Marie Myerchin-Redifer, Rules Coordinator, Mail Identifier 4001, phone number 956-4206.

If you are in need of any further information, please feel free to call me at 956-5495.

Suzanne Mager  
Legislative Liaison's Office

**WSR 93-24-071**  
**RULES COORDINATOR**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**  
[Filed November 29, 1993, 2:44 p.m.]

The rules coordinator for the Office of Minority and Women's Business Enterprises is Juan Huey-Ray. His mailing address is 1160 and his phone number is (206) 586-1228 or SCAN 321-1228.

James A. Medina  
Director

**WSR 93-24-091**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN AMERICAN AFFAIRS**  
[Memorandum—November 29, 1993]

Our commissioners had voted and agreed to the following dates and locations for public commission hearings in 1994. Exact meeting locations are to be determined.

January 22, 1994	Renton
March 19, 1994	Vancouver
June 4, 1994	Spokane
August 27, 1994	Yakima
November 5, 1994	Seattle

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If there are any questions, please contact the Commission on Asian American Affairs at 753-7053 in Olympia, or 464-5820 in Seattle.

**WSR 93-24-092**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**

[Memorandum—November 24, 1993]

The December 1993 Washington State Transportation Commission meeting will be held at 1:00 p.m. on Wednesday, December 15, and 9:00 a.m. on Thursday, December 16, 1993, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, December 15, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The January 1994 Washington State Transportation Commission meeting will be held at 1:00 p.m. on Wednesday, January 19, and 9:00 a.m. on Thursday, January 20, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, January 19, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

**WSR 93-24-095**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1993 No. 17**  
 [November 17, 1993]

DEPARTMENT OF ECOLOGY—FIRE—AIR—POLLUTION—  
 Regulation of outdoor burning by the Department of Ecology

RCW 70.94.775 prohibits outdoor burning of certain listed substances as well as any substance that normally emits dense smoke or obnoxious odors. The Department of Ecology has authority under the Washington Clean Air Act, chapter 70.94 RCW, to adopt a regulation prohibiting the outdoor burning of substances not listed in RCW 70.94.775, if it concludes that the substances emit either dense smoke or obnoxious odors.

Requested by:

Honorable George L. Sellar  
 State Senator, District 12  
 302 Legislative Building, MS 40412  
 Olympia, Washington 98504-0412

**WSR 93-24-108**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Memorandum—November 22, 1993]

The following schedule of the 1994 regular meetings of the Community Economic Revitalization Board (CERB) has been revised and is hereby submitted for publication in the Washington State Register:

January 20, 1994  
 March 17, 1994  
 May 19, 1994  
 July 21, 1994  
 September 15, 1994  
 November 17, 1994

All CERB meetings will be held on the third Thursday of every other month in SeaTac.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to: Community Economic Revitalization Board, c/o Department of Trade and Economic Development, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, (206) 464-6282.

**WSR 93-24-109**  
**RULES COORDINATOR**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Filed December 1, 1993, 9:13 a.m.]

The person designated as rules coordinator for Western Washington University is Gloria McDonald, whose address is: Attorney General's Office, 320 BNB, 103 East Holly, Bellingham, WA 98225-4728.

Karen W. Morse  
 President

**WSR 93-24-110**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—December 1, 1993]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 16, 1993, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

**WSR 93-24-116**  
**ATTORNEY GENERAL'S OPINION**  
 [Filed December 1, 1993, 11:14 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
 WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you would like additional information about the Attorney General's opinions process or any opinion request summa-

rized in the register, call the Attorney General's Office at (206) 753-4114, or write to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100.

During the period covered by this request there are no opinion requests for which the Attorney General's Office seeks public input.

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.

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4-24-030	REP	93-12-064	4-25-190	REP-P	93-08-089
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10-08-150	AMD	93-10-097	10-08-150	NEW-P	93-07-021
16-08-021	AMD-P	93-07-021	16-08-021	NEW-E	93-07-022
16-08-021	AMD-E	93-07-022	16-08-021	NEW	93-10-059
16-08-021	AMD	93-10-059	16-08-021	AMD-P	93-07-021
16-08-022	NEW-P	93-07-021	16-08-022	AMD-E	93-07-022
16-08-022	NEW-E	93-07-022	16-08-022	AMD	93-10-059
16-08-022	NEW	93-10-059	16-08-022	NEW-P	93-07-021
16-08-141	AMD-P	93-07-021	16-08-141	NEW	93-07-022
16-08-141	AMD-E	93-07-022	16-08-141	NEW-P	93-10-059
16-08-141	AMD	93-10-059	16-08-141	AMD-P	93-07-021
16-08-151	AMD-P	93-07-021	16-08-151	AMD-E	93-07-022
16-08-151	AMD-E	93-07-022	16-08-151	AMD	93-10-059
16-08-151	AMD	93-10-059	16-10-010	NEW-P	93-04-113

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16-10-010	NEW-P	93-06-076	16-147-040	NEW-P	93-20-036	16-201-230	NEW	93-22-093
16-10-010	NEW	93-10-046	16-147-040	NEW-W	93-24-094	16-201-240	NEW-P	93-12-044
16-10-020	NEW-P	93-04-113	16-147-050	NEW-P	93-20-036	16-201-240	NEW	93-22-093
16-10-020	NEW-W	93-06-008	16-147-050	NEW-W	93-24-094	16-201-250	NEW-P	93-12-044
16-10-020	NEW-P	93-06-076	16-147-060	NEW-P	93-20-036	16-201-250	NEW	93-22-093
16-10-020	NEW	93-10-046	16-147-060	NEW-W	93-24-094	16-201-260	NEW-P	93-12-044
16-10-030	NEW-P	93-04-113	16-147-070	NEW-P	93-20-036	16-201-260	NEW	93-22-093
16-10-030	NEW-W	93-06-008	16-147-070	NEW-W	93-24-094	16-201-270	NEW-P	93-12-044
16-10-030	NEW-P	93-06-076	16-147-080	NEW-P	93-20-036	16-201-270	NEW	93-22-093
16-10-030	NEW	93-10-046	16-147-080	NEW-W	93-24-094	16-201-280	NEW-P	93-12-044
16-46-005	NEW-P	93-16-088	16-147-090	NEW-P	93-20-036	16-201-280	NEW	93-22-093
16-46-005	NEW	93-19-125	16-147-090	NEW-W	93-24-094	16-201-290	NEW-P	93-12-044
16-46-010	AMD-P	93-16-088	16-147-100	NEW-P	93-20-036	16-201-290	NEW	93-22-093
16-46-010	AMD	93-19-125	16-147-100	NEW-W	93-24-094	16-218-001	AMD-P	93-12-134
16-46-020	AMD-P	93-16-088	16-147-110	NEW-P	93-20-036	16-218-001	AMD	93-15-069
16-46-020	AMD	93-19-125	16-147-110	NEW-W	93-24-094	16-218-010	AMD-P	93-12-134
16-46-030	AMD-P	93-16-088	16-147-120	NEW-P	93-20-036	16-218-010	AMD	93-15-069
16-46-030	AMD	93-19-125	16-147-120	NEW-W	93-24-094	16-218-02001	AMD-P	93-12-134
16-46-035	NEW-P	93-16-088	16-147-130	NEW-P	93-20-036	16-218-02001	AMD	93-15-069
16-46-035	NEW	93-19-125	16-147-130	NEW-W	93-24-094	16-218-030	NEW-P	93-12-134
16-46-040	AMD-P	93-16-088	16-147-140	NEW-P	93-20-036	16-218-030	NEW	93-15-069
16-46-040	AMD	93-19-125	16-147-140	NEW-W	93-24-094	16-219-010	NEW-P	93-12-128
16-46-045	NEW-P	93-16-088	16-147-150	NEW-P	93-20-036	16-219-010	NEW	93-16-017
16-46-045	NEW	93-19-125	16-147-150	NEW-W	93-24-094	16-219-014	NEW-E	93-18-064
16-46-050	REP-P	93-16-088	16-201	NEW-C	93-18-011	16-219-015	NEW-P	93-12-128
16-46-050	REP	93-19-125	16-201	NEW-C	93-19-066	16-219-015	NEW-E	93-13-038
16-46-060	REP-P	93-16-088	16-201-010	NEW-P	93-12-044	16-219-015	RESCIND	93-13-045
16-46-060	REP	93-19-125	16-201-010	NEW	93-22-093	16-219-015	NEW-E	93-13-046
16-46-070	AMD-P	93-16-088	16-201-020	NEW-P	93-12-044	16-219-015	NEW	93-16-017
16-46-070	AMD	93-19-125	16-201-020	NEW	93-22-093	16-219-015	REP-P	93-18-061
16-54-010	AMD-P	93-16-089	16-201-025	NEW-P	93-12-044	16-219-015	RESCIND	93-18-063
16-54-010	AMD	93-19-126	16-201-025	NEW	93-22-093	16-219-015	AMD-E	93-18-064
16-54-020	AMD-P	93-16-089	16-201-028	NEW-P	93-12-044	16-219-015	REP-W	93-22-072
16-54-020	AMD	93-19-126	16-201-028	NEW	93-22-093	16-219-016	NEW-E	93-18-004
16-54-035	AMD-P	93-16-089	16-201-030	NEW-P	93-12-044	16-219-016	RESCIND	93-18-063
16-54-035	AMD	93-19-126	16-201-030	NEW	93-22-093	16-219-016	NEW-E	93-18-064
16-54-135	AMD-P	93-16-089	16-201-040	NEW-P	93-12-044	16-219-020	NEW-P	93-12-128
16-54-135	AMD	93-19-126	16-201-040	NEW	93-22-093	16-219-020	NEW-E	93-13-038
16-70-005	NEW-P	93-16-090	16-201-050	NEW-P	93-12-044	16-219-020	RESCIND	93-13-045
16-70-005	NEW	93-19-127	16-201-050	NEW	93-22-093	16-219-020	NEW-E	93-13-046
16-70-010	AMD-P	93-16-090	16-201-060	NEW-P	93-12-044	16-219-020	NEW	93-16-017
16-70-010	AMD	93-19-127	16-201-060	NEW	93-22-093	16-219-020	REP-P	93-18-061
16-70-020	AMD-P	93-16-090	16-201-070	NEW-P	93-12-044	16-219-020	RESCIND	93-18-063
16-70-020	AMD	93-19-127	16-201-070	NEW	93-22-093	16-219-020	REP-E	93-18-064
16-78-001	REP-P	93-16-091	16-201-080	NEW-P	93-12-044	16-219-020	REP-W	93-22-072
16-78-001	REP	93-19-129	16-201-080	NEW	93-22-093	16-219-025	NEW-P	93-12-128
16-78-002	REP-P	93-16-091	16-201-100	NEW-P	93-12-044	16-219-025	NEW-E	93-13-038
16-78-002	REP	93-19-129	16-201-100	NEW	93-22-093	16-219-025	RESCIND	93-13-045
16-78-003	REP-P	93-16-091	16-201-110	NEW-P	93-12-044	16-219-025	NEW-E	93-13-046
16-78-003	REP	93-19-129	16-201-110	NEW	93-22-093	16-219-025	NEW	93-16-017
16-78-010	REP-P	93-16-091	16-201-120	NEW-P	93-12-044	16-219-025	REP-P	93-18-061
16-78-010	REP	93-19-129	16-201-120	NEW	93-22-093	16-219-025	RESCIND	93-18-063
16-78-020	REP-P	93-16-091	16-201-130	NEW-P	93-12-044	16-219-025	REP-E	93-18-064
16-78-020	REP	93-19-129	16-201-130	NEW	93-22-093	16-219-025	REP-W	93-22-072
16-78-030	REP-P	93-16-091	16-201-140	NEW-P	93-12-044	16-219-026	NEW-E	93-18-004
16-78-030	REP	93-19-129	16-201-140	NEW	93-22-093	16-219-026	RESCIND	93-18-063
16-88-010	NEW-P	93-16-092	16-201-150	NEW-P	93-12-044	16-219-026	NEW-E	93-18-064
16-88-010	NEW	93-19-128	16-201-150	NEW	93-22-093	16-219-027	NEW-E	93-18-004
16-88-020	NEW-P	93-16-092	16-201-160	NEW-P	93-12-044	16-219-027	RESCIND	93-18-063
16-88-020	NEW	93-19-128	16-201-160	NEW	93-22-093	16-219-027	NEW-E	93-18-064
16-88-030	NEW-P	93-16-092	16-201-170	NEW-P	93-12-044	16-219-030	NEW-P	93-12-128
16-88-030	NEW	93-19-128	16-201-170	NEW	93-22-093	16-219-030	NEW-E	93-13-038
16-88-040	NEW-P	93-16-092	16-201-180	NEW-P	93-12-044	16-219-030	RESCIND	93-13-045
16-88-040	NEW	93-19-128	16-201-180	NEW	93-22-093	16-219-030	NEW-E	93-13-046
16-101-700	AMD-E	93-19-041	16-201-190	NEW-P	93-12-044	16-219-030	NEW	93-16-017
16-101-700	AMD-P	93-20-035	16-201-190	NEW	93-22-093	16-219-030	REP-P	93-18-061
16-101-700	AMD	93-24-093	16-201-200	NEW-P	93-12-044	16-219-030	RESCIND	93-18-063
16-147-010	NEW-P	93-20-036	16-201-200	NEW	93-22-093	16-219-030	NEW-E	93-18-064
16-147-010	NEW-W	93-24-094	16-201-210	NEW-P	93-12-044	16-219-030	REP-W	93-22-072
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16-147-020	NEW-W	93-24-094	16-201-220	NEW-P	93-12-044	16-221-010	REP-P	93-21-085
16-147-030	NEW-P	93-20-036	16-201-220	NEW	93-22-093	16-221-020	REP-P	93-21-085



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16-221-040	REP-P	93-21-085	16-229-130	NEW	93-22-093	16-316-470	AMD-P	93-19-124
16-223-001	REP-P	93-21-084	16-229-140	NEW-P	93-12-044	16-316-470	AMD	93-24-043
16-223-002	REP-P	93-21-084	16-229-140	NEW	93-22-093	16-316-474	AMD-P	93-19-124
16-223-004	REP-P	93-21-084	16-229-150	NEW-P	93-12-044	16-316-474	AMD	93-24-043
16-223-005	REP-P	93-21-084	16-229-150	NEW	93-22-093	16-316-525	AMD-P	93-19-124
16-223-010	REP-P	93-21-084	16-229-160	NEW-P	93-12-044	16-316-525	AMD	93-24-043
16-223-020	REP-P	93-21-084	16-229-160	NEW	93-22-093	16-316-572	AMD-P	93-19-124
16-223-030	REP-P	93-21-084	16-229-170	NEW-P	93-12-044	16-316-572	AMD	93-24-043
16-223-040	REP-P	93-21-084	16-229-170	NEW	93-22-093	16-316-701	AMD-P	93-19-124
16-223-050	REP-P	93-21-084	16-229-180	NEW-P	93-12-044	16-316-701	AMD	93-24-043
16-223-060	REP-P	93-21-084	16-229-180	NEW	93-22-093	16-316-715	AMD-P	93-19-124
16-223-070	REP-P	93-21-084	16-229-200	NEW-P	93-12-044	16-316-715	AMD	93-24-043
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16-228-228	NEW-W	93-22-072	16-229-210	NEW-P	93-12-044	16-316-717	AMD	93-24-043
16-228-900	REP-P	93-04-114	16-229-210	NEW	93-22-093	16-316-719	AMD-P	93-19-124
16-228-900	REP-W	93-06-007	16-229-220	NEW-P	93-12-044	16-316-719	AMD	93-24-043
16-228-900	REP-P	93-06-075	16-229-220	NEW	93-22-093	16-316-721	AMD-P	93-19-124
16-228-900	REP	93-10-047	16-229-230	NEW-P	93-12-044	16-316-721	AMD	93-24-043
16-228-905	NEW-P	93-04-114	16-229-230	NEW	93-22-093	16-316-722	NEW-P	93-19-124
16-228-905	NEW-W	93-06-007	16-229-240	NEW-P	93-12-044	16-316-722	NEW	93-24-043
16-228-905	NEW-P	93-06-075	16-229-240	NEW	93-22-093	16-316-723	AMD-P	93-19-124
16-228-905	NEW	93-10-047	16-229-250	NEW-P	93-12-044	16-316-723	AMD	93-24-043
16-228-910	NEW-P	93-04-114	16-229-250	NEW	93-22-093	16-316-724	AMD-P	93-19-124
16-228-910	NEW-W	93-06-007	16-229-260	NEW-P	93-12-044	16-316-724	AMD	93-24-043
16-228-910	NEW-P	93-06-075	16-229-260	NEW	93-22-093	16-316-727	AMD-P	93-19-124
16-228-910	NEW	93-10-047	16-229-270	NEW-P	93-12-044	16-316-727	AMD	93-24-043
16-228-915	NEW-P	93-04-114	16-229-270	NEW	93-22-093	16-316-729	NEW-P	93-19-124
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16-228-915	NEW	93-10-047	16-229-300	NEW-P	93-12-044	16-316-731	NEW	93-24-043
16-228-920	NEW-P	93-04-114	16-229-300	NEW	93-22-093	16-324-640	REP-E	93-24-042
16-228-920	NEW-W	93-06-007	16-229-310	NEW-P	93-12-044	16-354-020	AMD-P	93-13-090
16-228-920	NEW-P	93-06-075	16-229-310	NEW	93-22-093	16-354-020	AMD	93-17-019
16-228-920	NEW	93-10-047	16-229-400	NEW-P	93-12-044	16-400-210	AMD-E	93-04-078
16-228-925	NEW-P	93-04-114	16-229-400	NEW	93-22-093	16-400-210	AMD-P	93-04-103
16-228-925	NEW-W	93-06-007	16-229-410	NEW-P	93-12-044	16-400-210	AMD	93-07-105
16-228-925	NEW-P	93-06-075	16-229-410	NEW	93-22-093	16-403	AMD-C	93-17-102
16-228-925	NEW	93-10-047	16-229-420	NEW-P	93-12-044	16-403-220	AMD-P	93-13-141
16-228-930	NEW-P	93-04-114	16-229-420	NEW	93-22-093	16-403-220	AMD	93-18-065
16-228-930	NEW-W	93-06-007	16-229-430	NEW-P	93-12-044	16-409-015	AMD-W	93-05-022
16-228-930	NEW-P	93-06-075	16-229-430	NEW	93-22-093	16-409-065	REP-W	93-05-022
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16-229-010	NEW-C	93-19-066	16-229-450	NEW-P	93-12-044	16-415-010	REP-P	93-21-087
16-229-010	NEW-P	93-12-044	16-229-450	NEW	93-22-093	16-415-020	REP-P	93-21-087
16-229-010	NEW	93-22-093	16-229-470	NEW-P	93-12-044	16-415-030	REP-P	93-21-087
16-229-015	NEW-P	93-12-044	16-229-470	NEW	93-22-093	16-415-040	REP-P	93-21-087
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16-229-025	NEW-P	93-12-044	16-230-250	AMD-E	93-12-038	16-432-030	REP-P	93-21-086
16-229-025	NEW	93-22-093	16-230-250	AMD-P	93-12-129	16-432-040	REP-P	93-21-086
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16-229-030	NEW	93-22-093	16-230-260	AMD-E	93-12-038	16-432-060	REP-P	93-21-086
16-229-040	NEW-P	93-12-044	16-230-260	AMD-P	93-12-129	16-432-070	REP-P	93-21-086
16-229-040	NEW	93-22-093	16-230-260	AMD	93-17-041	16-432-080	REP-P	93-21-086
16-229-050	NEW-P	93-12-044	16-230-270	AMD-E	93-12-038	16-432-090	REP-P	93-21-086
16-229-050	NEW	93-22-093	16-230-270	AMD-P	93-12-129	16-432-100	REP-P	93-21-086
16-229-060	NEW-P	93-12-044	16-230-270	AMD	93-17-041	16-432-110	REP-P	93-21-086
16-229-060	NEW	93-22-093	16-230-280	REP-E	93-12-038	16-432-120	REP-P	93-21-086
16-229-070	NEW-P	93-12-044	16-230-280	REP-P	93-12-129	16-432-130	REP-P	93-21-086
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16-229-090	NEW-P	93-12-044	16-230-281	NEW	93-17-041	16-462-030	AMD	93-17-022
16-229-090	NEW	93-22-093	16-230-290	AMD-E	93-12-038	16-470-92005	NEW-E	93-20-102
16-229-100	NEW-P	93-12-044	16-230-290	AMD-P	93-12-129	16-470-92010	NEW-E	93-20-102
16-229-100	NEW	93-22-093	16-230-290	AMD	93-17-041	16-470-92015	NEW-E	93-20-102
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16-229-120	NEW	93-22-093	16-230-871	NEW-E	93-19-049	16-470-92035	NEW-E	93-20-102

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16-532-120	AMD	93-09-014	44-01-170	AMD-E	93-22-066	51-04-020	AMD-P	93-16-110
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16-555-010	AMD	93-10-063	44-10-030	AMD-E	93-07-017	51-04-025	AMD-P	93-16-110
16-555-020	AMD-P	93-04-094	50-14-020	AMD-P	93-11-087	51-04-030	AMD-W	93-14-017
16-555-020	AMD	93-10-063	50-14-020	AMD	93-13-142	51-04-030	AMD-P	93-16-110
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16-561-100	NEW	93-20-088	50-14-030	AMD	93-13-142	51-04-060	AMD-P	93-16-110
16-561-110	NEW-P	93-16-070	50-14-040	AMD-P	93-11-087	51-11-0101	AMD-P	93-08-077
16-561-110	NEW	93-20-088	50-14-040	AMD	93-13-142	51-11-0101	AMD-W	93-08-084
16-561-120	NEW-P	93-16-070	50-14-050	AMD-P	93-11-087	51-11-0101	AMD	93-21-052
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16-570-040	AMD-P	93-07-085	50-14-060	AMD-P	93-11-087	51-11-0200	AMD-W	93-21-060
16-570-040	AMD	93-11-032	50-14-060	AMD	93-13-142	51-11-0201	AMD-P	93-08-077
16-602-020	AMD-P	93-15-099	50-14-070	AMD-P	93-11-087	51-11-0201	AMD-S	93-20-129
16-602-020	AMD	93-19-082	50-14-070	AMD	93-13-142	51-11-0201	AMD	93-21-052
16-602-040	NEW-E	93-12-039	50-14-080	AMD-P	93-11-087	51-11-0401	AMD-P	93-08-077
16-602-040	NEW-P	93-15-100	50-14-080	AMD	93-13-142	51-11-0401	AMD-W	93-08-084
16-602-040	NEW	93-19-081	50-14-090	AMD-P	93-11-087	51-11-0401	AMD	93-21-052
16-620-150	NEW-P	93-17-059	50-14-090	AMD	93-13-142	51-11-0402	AMD-P	93-16-113
16-620-150	NEW	93-22-013	50-14-100	AMD-P	93-11-087	51-11-0402	AMD-S	93-20-129
16-620-270	AMD-P	93-17-059	50-14-100	AMD	93-13-142	51-11-0502	AMD-P	93-08-077
16-620-270	AMD	93-22-013	50-14-110	AMD-P	93-11-087	51-11-0502	AMD-W	93-08-084
16-674-002	REP	93-03-079	50-14-110	AMD	93-13-142	51-11-0502	AMD-W	93-16-112
16-674-010	AMD	93-03-079	50-14-130	AMD-P	93-11-087	51-11-0502	AMD-P	93-16-113
16-674-020	REP	93-03-079	50-14-130	AMD	93-13-142	51-11-0502	AMD-E	93-20-106
16-674-060	NEW	93-03-079	50-20-130	AMD-P	93-13-144	51-11-0502	AMD-S	93-20-129
16-674-070	NEW	93-03-079	50-20-130	AMD	93-16-033	51-11-0503	AMD-P	93-08-077
16-674-080	NEW	93-03-079	50-30-030	AMD-P	93-13-143	51-11-0503	AMD-W	93-08-084
16-674-090	NEW	93-03-079	50-30-030	AMD	93-16-032	51-11-0503	AMD	93-21-052
16-674-100	NEW	93-03-079	50-48-100	AMD-P	93-05-052	51-11-0505	AMD-P	93-08-077
16-678-001	REP-P	93-21-083	50-48-100	AMD	93-07-113	51-11-0505	AMD-W	93-08-084
16-678-010	REP-P	93-21-083	50-60-010	NEW-E	93-21-022	51-11-0505	AMD	93-21-052
16-680-001	REP-P	93-21-082	50-60-010	NEW-P	93-24-099	51-11-0525	AMD-P	93-16-113
16-680-010	REP-P	93-21-082	50-60-020	NEW-E	93-21-022	51-11-0525	AMD-S	93-20-129
16-680-015	REP-P	93-21-082	50-60-020	NEW-P	93-24-099	51-11-0527	AMD-P	93-16-113
16-750-011	AMD-P	93-20-101	50-60-030	NEW-E	93-21-022	51-11-0527	AMD-S	93-20-129
16-750-015	AMD-P	93-20-101	50-60-030	NEW-P	93-24-099	51-11-0528	AMD-P	93-08-077
44-01-010	AMD-E	93-14-081	50-60-040	NEW-E	93-21-022	51-11-0528	AMD-W	93-08-084
44-01-010	REP-P	93-21-093	50-60-040	NEW-P	93-24-099	51-11-0528	AMD	93-21-052
44-01-010	AMD-E	93-22-066	50-60-050	NEW-E	93-21-022	51-11-0529	AMD-P	93-08-077
44-01-020	AMD-E	93-14-081	50-60-050	NEW-P	93-24-099	51-11-0529	AMD-W	93-08-084
44-01-020	REP-P	93-21-093	50-60-060	NEW-E	93-21-022	51-11-0529	AMD	93-21-052
44-01-020	AMD-E	93-22-066	50-60-060	NEW-P	93-24-099	51-11-0531	AMD-P	93-08-077
44-01-030	AMD-E	93-14-081	50-60-070	NEW-E	93-21-022	51-11-0531	AMD-W	93-08-084
44-01-030	REP-P	93-21-093	50-60-070	NEW-P	93-24-099	51-11-0531	AMD	93-21-052
44-01-030	AMD-E	93-22-066	50-60-080	NEW-E	93-21-022	51-11-0532	AMD-P	93-08-077
44-01-040	REP-P	93-21-093	50-60-080	NEW-P	93-24-099	51-11-0532	AMD-W	93-08-084
44-01-050	REP-P	93-21-093	50-60-090	NEW-E	93-21-022	51-11-0532	AMD	93-21-052
44-01-060	REP-P	93-21-093	50-60-090	NEW-P	93-24-099	51-11-0538	AMD-P	93-08-077
44-01-070	REP-P	93-21-093	50-60-100	NEW-E	93-21-022	51-11-0538	AMD-W	93-08-084
44-01-080	REP-P	93-21-093	50-60-100	NEW-P	93-24-099	51-11-0538	AMD	93-21-052
44-01-090	REP-P	93-21-093	50-60-110	NEW-E	93-21-022	51-11-0539	AMD-P	93-08-077
44-01-100	AMD-E	93-14-081	50-60-110	NEW-P	93-24-099	51-11-0539	AMD-W	93-08-084
44-01-100	REP-P	93-21-093	50-60-120	NEW-E	93-21-022	51-11-0539	AMD	93-21-052
44-01-100	AMD-E	93-22-066	50-60-120	NEW-P	93-24-099	51-11-0540	AMD-P	93-08-077
44-01-110	AMD-E	93-14-081	50-60-130	NEW-E	93-21-022	51-11-0540	AMD-W	93-08-084
44-01-110	REP-P	93-21-093	50-60-130	NEW-P	93-24-099	51-11-0540	AMD	93-21-052
44-01-110	AMD-E	93-22-066	50-60-140	NEW-E	93-21-022	51-11-0542	AMD-P	93-08-077
44-01-120	AMD-E	93-14-081	50-60-140	NEW-P	93-24-099	51-11-0542	AMD-W	93-08-084
44-01-120	REP-P	93-21-093	50-60-150	NEW-E	93-21-022	51-11-0542	AMD	93-21-052
44-01-120	AMD-E	93-22-066	50-60-150	NEW-P	93-24-099	51-11-0601	AMD-P	93-08-077
44-01-130	AMD-E	93-14-081	50-60-160	NEW-E	93-21-022	51-11-0601	AMD-W	93-08-084
44-01-130	REP-P	93-21-093	50-60-160	NEW-P	93-24-099	51-11-0601	AMD	93-16-112
44-01-130	AMD-E	93-22-066	50-60-170	NEW-E	93-21-022	51-11-0601	AMD-P	93-16-113
44-01-140	AMD-E	93-14-081	50-60-170	NEW-P	93-24-099	51-11-0601	AMD-S	93-20-129
44-01-150	AMD-E	93-14-081	50-60-180	NEW-E	93-24-061	51-11-0602	AMD-P	93-16-113
44-01-150	REP-P	93-21-093	50-60-180	NEW-P	93-24-099	51-11-0602	AMD-S	93-20-129
44-01-150	AMD-E	93-22-066	51-04	AMD-C	93-23-062	51-11-0603	AMD-P	93-16-113
44-01-160	AMD-E	93-14-081	51-04-015	AMD-W	93-14-017	51-11-0603	AMD-S	93-20-129
44-01-160	REP-P	93-21-093	51-04-015	AMD-P	93-16-110	51-11-0605	AMD-P	93-08-077
44-01-160	AMD-E	93-22-066	51-04-018	AMD-W	93-14-017	51-11-0605	AMD-W	93-08-084

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51-11-0606	AMD-P	93-08-077	51-11-1201	NEW	93-21-052	51-11-1424	NEW	93-21-052
51-11-0606	AMD-W	93-08-084	51-11-1210	NEW-P	93-08-077	51-11-1430	NEW-P	93-08-077
51-11-0606	AMD	93-21-052	51-11-1210	NEW	93-21-052	51-11-1430	NEW	93-21-052
51-11-0607	AMD-P	93-08-077	51-11-1301	NEW-P	93-08-077	51-11-1431	NEW-P	93-08-077
51-11-0607	AMD-W	93-08-084	51-11-1301	NEW-W	93-08-084	51-11-1431	NEW	93-21-052
51-11-0607	AMD	93-21-052	51-11-1301	NEW	93-21-052	51-11-1432	NEW-P	93-08-077
51-11-0608	AMD-P	93-08-077	51-11-1302	NEW-P	93-08-077	51-11-1432	NEW	93-21-052
51-11-0608	AMD-W	93-08-084	51-11-1302	NEW-W	93-08-084	51-11-1433	NEW-P	93-08-077
51-11-0608	AMD	93-21-052	51-11-1302	NEW	93-21-052	51-11-1433	NEW	93-21-052
51-11-0625	AMD-P	93-16-113	51-11-1303	NEW-P	93-08-077	51-11-1434	NEW-P	93-08-077
51-11-0625	AMD-S	93-20-129	51-11-1303	NEW-W	93-08-084	51-11-1434	NEW	93-21-052
51-11-0626	AMD-P	93-16-113	51-11-1303	NEW	93-21-052	51-11-1435	NEW-P	93-08-077
51-11-0626	AMD-S	93-20-129	51-11-1310	NEW-P	93-08-077	51-11-1435	NEW	93-21-052
51-11-0627	AMD-P	93-16-113	51-11-1310	NEW-C	93-16-111	51-11-1436	NEW-P	93-08-077
51-11-0627	AMD-S	93-20-129	51-11-1310	NEW	93-21-052	51-11-1436	NEW	93-21-052
51-11-0628	AMD-P	93-16-113	51-11-1311	NEW-P	93-08-077	51-11-1437	NEW-P	93-08-077
51-11-0628	AMD-S	93-20-129	51-11-1311	NEW-C	93-16-111	51-11-1437	NEW	93-21-052
51-11-0629	AMD-P	93-16-113	51-11-1312	NEW	93-21-052	51-11-1438	NEW	93-21-052
51-11-0629	AMD-S	93-20-129	51-11-1312	NEW-P	93-08-077	51-11-1440	NEW-P	93-08-077
51-11-0630	AMD-P	93-16-113	51-11-1312	NEW	93-21-052	51-11-1440	NEW	93-21-052
51-11-0630	AMD-S	93-20-129	51-11-1313	NEW-P	93-08-077	51-11-1441	NEW-P	93-08-077
51-11-0631	AMD-P	93-08-077	51-11-1313	NEW	93-21-052	51-11-1441	NEW	93-21-052
51-11-0631	AMD-W	93-08-084	51-11-1314	NEW-P	93-08-077	51-11-1442	NEW-P	93-08-077
51-11-0631	AMD	93-21-052	51-11-1314	NEW	93-21-052	51-11-1442	NEW	93-21-052
51-11-0700	AMD-P	93-08-077	51-11-1320	NEW-P	93-08-077	51-11-1450	NEW-P	93-08-077
51-11-0700	AMD-W	93-21-060	51-11-1320	NEW	93-21-052	51-11-1450	NEW	93-21-052
51-11-1000	AMD-P	93-08-077	51-11-1321	NEW-P	93-08-077	51-11-1451	NEW-P	93-08-077
51-11-1000	AMD-W	93-21-060	51-11-1321	NEW	93-21-052	51-11-1451	NEW	93-21-052
51-11-1006	AMD-P	93-16-113	51-11-1322	NEW-P	93-08-077	51-11-1452	NEW-P	93-08-077
51-11-1006	AMD-E	93-20-106	51-11-1322	NEW	93-21-052	51-11-1452	NEW	93-21-052
51-11-1006	AMD-S	93-20-129	51-11-1323	NEW-P	93-08-077	51-11-1453	NEW-P	93-08-077
51-11-1100	NEW-P	93-08-077	51-11-1323	NEW	93-21-052	51-11-1453	NEW	93-21-052
51-11-1100	NEW	93-21-052	51-11-1330	NEW-P	93-08-077	51-11-1454	NEW-P	93-08-077
51-11-1101	NEW-W	93-08-084	51-11-1330	NEW	93-21-052	51-11-1454	NEW-C	93-16-111
51-11-1101	NEW-E	93-20-106	51-11-1331	NEW-P	93-08-077	51-11-1454	NEW	93-21-052
51-11-1102	NEW-W	93-08-084	51-11-1331	NEW	93-21-052	51-11-1501	NEW-P	93-08-077
51-11-1103	NEW-W	93-08-084	51-11-1332	NEW-P	93-08-077	51-11-1501	NEW-W	93-08-084
51-11-1104	NEW-W	93-08-084	51-11-1332	NEW	93-21-052	51-11-1501	NEW	93-21-052
51-11-1105	NEW-W	93-08-084	51-11-1333	NEW-P	93-08-077	51-11-1502	NEW-W	93-08-084
51-11-1106	NEW-W	93-08-084	51-11-1333	NEW	93-21-052	51-11-1503	NEW-W	93-08-084
51-11-1107	NEW-W	93-08-084	51-11-1334	NEW-P	93-08-077	51-11-1504	NEW-W	93-08-084
51-11-1108	NEW-W	93-08-084	51-11-1334	NEW-C	93-16-111	51-11-1505	NEW-W	93-08-084
51-11-1109	NEW-W	93-08-084	51-11-1334	NEW	93-21-052	51-11-1510	NEW-P	93-08-077
51-11-1110	NEW-P	93-08-077	51-11-1401	NEW-P	93-08-077	51-11-1510	NEW	93-21-052
51-11-1110	NEW	93-21-052	51-11-1401	NEW-W	93-08-084	51-11-1511	NEW-P	93-08-077
51-11-1120	NEW-P	93-08-077	51-11-1401	NEW	93-21-052	51-11-1511	NEW	93-21-052
51-11-1120	NEW	93-21-052	51-11-1402	NEW-P	93-08-077	51-11-1512	NEW-P	93-08-077
51-11-1130	NEW-P	93-08-077	51-11-1402	NEW-W	93-08-084	51-11-1512	NEW	93-21-052
51-11-1130	NEW	93-21-052	51-11-1402	NEW	93-21-052	51-11-1513	NEW-P	93-08-077
51-11-1131	NEW-P	93-08-077	51-11-1410	NEW-P	93-08-077	51-11-1513	NEW-C	93-16-111
51-11-1131	NEW	93-21-052	51-11-1410	NEW	93-21-052	51-11-1513	NEW	93-21-052
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51-11-1142	NEW-P	93-08-077	51-11-1415	NEW-P	93-08-077	51-11-1532	NEW-P	93-08-077
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51-11-1143	NEW-P	93-08-077	51-11-1415	NEW	93-21-052	51-11-1532	NEW	93-21-052
51-11-1143	NEW	93-21-052	51-11-1420	NEW-P	93-08-077	51-11-1601	NEW-W	93-08-084
51-11-1144	NEW-P	93-08-077	51-11-1420	NEW	93-21-052	51-11-1602	NEW-W	93-08-084
51-11-1144	NEW	93-21-052	51-11-1421	NEW-P	93-08-077	51-11-1603	NEW-W	93-08-084
51-11-1150	NEW-P	93-08-077	51-11-1421	NEW	93-21-052	51-11-1604	NEW-W	93-08-084
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51-11-1201	NEW-P	93-08-077	51-11-1423	NEW	93-21-052	51-11-1608	NEW-W	93-08-084

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51-11-1701	NEW-W	93-08-084	55-01-070	AMD-P	93-18-102	118-04-240	NEW-P	93-15-087
51-11-1701	NEW	93-21-052	55-01-070	AMD-E	93-22-042	118-04-240	NEW	93-23-005
51-11-1801	NEW-W	93-08-084	55-01-080	AMD-E	93-14-089	118-04-250	REP-P	93-15-087
51-11-1901	NEW-W	93-08-084	55-01-080	AMD-P	93-18-102	118-04-250	REP	93-23-005
51-11-1902	NEW-W	93-08-084	67-35-030	AMD-P	93-07-117	118-04-260	NEW-P	93-15-087
51-11-2000	NEW-W	93-08-084	67-35-030	AMD	93-10-067	118-04-260	NEW	93-23-005
51-11-2000	NEW	93-21-052	67-35-040	AMD-P	93-06-048	118-04-270	REP-P	93-15-087
51-11-2001	NEW-P	93-08-077	67-35-040	AMD	93-09-013	118-04-270	REP	93-23-005
51-11-2001	NEW-W	93-08-084	67-35-055	REP-P	93-06-048	118-04-280	NEW-P	93-15-087
51-11-2001	NEW	93-21-052	67-35-055	REP	93-09-013	118-04-280	NEW	93-23-005
51-11-2002	NEW-P	93-08-077	67-35-056	REP-P	93-06-048	118-04-290	REP-P	93-15-087
51-11-2002	NEW-W	93-08-084	67-35-056	REP	93-09-013	118-04-290	REP	93-23-005
51-11-2002	NEW	93-21-052	82-50-021	AMD-P	93-19-148	118-04-300	NEW-P	93-15-087
51-11-2003	NEW-P	93-08-077	83-50-021	AMD	93-24-041	118-04-300	NEW	93-23-005
51-11-2003	NEW-W	93-08-084	98-60-010	NEW-P	93-03-063	118-04-320	NEW-P	93-15-087
51-11-2003	NEW	93-21-052	98-60-010	NEW	93-07-040	118-04-320	NEW	93-23-005
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51-11-2004	NEW-W	93-08-084	98-60-020	NEW	93-07-040	118-04-340	NEW	93-23-005
51-11-2004	NEW	93-21-052	98-60-030	NEW-P	93-03-063	118-04-360	NEW-P	93-15-087
51-11-2005	NEW-P	93-08-077	98-60-030	NEW	93-07-040	118-04-360	NEW	93-23-005
51-11-2005	NEW-W	93-08-084	98-60-040	NEW-P	93-03-063	118-04-380	NEW-P	93-15-087
51-11-2005	NEW	93-21-052	98-60-040	NEW	93-07-040	118-04-380	NEW	93-23-005
51-11-2006	NEW-P	93-08-077	98-60-050	NEW-P	93-03-063	118-04-400	NEW-P	93-15-087
51-11-2006	NEW-W	93-08-084	98-60-050	NEW	93-07-040	118-04-400	NEW	93-23-005
51-11-2006	NEW-C	93-16-111	98-70-010	AMD-P	93-03-062	118-04-420	NEW-P	93-15-087
51-11-2006	NEW	93-21-052	98-70-010	AMD	93-07-041	118-04-420	NEW	93-23-005
51-11-2007	NEW-P	93-08-077	98-70-010	AMD-P	93-20-126	131-16-045	NEW-P	93-18-032
51-11-2007	NEW-W	93-08-084	118-04-010	REP-P	93-15-087	131-16-045	NEW	93-22-008
51-11-2007	NEW	93-21-052	118-04-010	REP	93-23-005	131-16-091	AMD-P	93-10-103
51-11-2008	NEW-P	93-08-077	118-04-020	NEW-P	93-15-087	131-16-091	AMD	93-14-008
51-11-2008	NEW-W	93-08-084	118-04-020	NEW	93-23-005	131-16-092	AMD-P	93-10-103
51-11-2008	NEW	93-21-052	118-04-030	REP-P	93-15-087	131-16-092	AMD	93-14-008
51-11-2009	NEW-P	93-08-077	118-04-030	REP	93-23-005	131-16-093	AMD-P	93-10-103
51-11-2009	NEW-W	93-08-084	118-04-040	NEW-P	93-15-087	131-16-093	AMD	93-14-008
51-11-2009	NEW	93-21-052	118-04-040	NEW	93-23-005	131-46-010	AMD-P	93-24-100
51-11-99901	NEW-S	93-10-004	118-04-050	REP-P	93-15-087	131-46-020	AMD-P	93-24-100
51-11-99901	NEW	93-21-052	118-04-050	REP	93-23-005	131-46-025	AMD-P	93-24-100
51-11-99902	NEW-S	93-10-004	118-04-060	NEW-P	93-15-087	131-46-027	NEW-P	93-24-100
51-11-99902	NEW	93-21-052	118-04-060	NEW	93-23-005	131-46-029	NEW-P	93-24-100
51-11-99903	NEW-S	93-10-004	118-04-070	REP-P	93-15-087	131-46-030	AMD-P	93-24-100
51-11-99903	NEW	93-21-052	118-04-070	REP	93-23-005	131-46-035	AMD-P	93-24-100
51-11-99904	NEW-S	93-10-004	118-04-080	NEW-P	93-15-087	131-46-040	AMD-P	93-24-100
51-11-99904	NEW	93-21-052	118-04-080	NEW	93-23-005	131-46-045	AMD-P	93-24-100
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51-13-302	AMD	93-02-056	118-04-100	NEW	93-23-005	131-46-065	AMD-P	93-24-100
51-13-303	AMD	93-02-056	118-04-110	REP-P	93-15-087	131-46-070	AMD-P	93-24-100
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55-01-010	AMD-E	93-14-089	118-04-140	REP	93-23-005	131-46-100	AMD-P	93-24-100
55-01-010	AMD-P	93-18-102	118-04-150	REP-P	93-15-087	131-46-105	AMD-P	93-24-100
55-01-010	AMD-E	93-22-042	118-04-150	REP	93-23-005	131-46-110	AMD-P	93-24-100
55-01-020	AMD-E	93-14-089	118-04-160	NEW-P	93-15-087	131-46-115	AMD-P	93-24-100
55-01-020	AMD-P	93-18-102	118-04-160	NEW	93-23-005	131-46-120	AMD-P	93-24-100
55-01-020	AMD-E	93-22-042	118-04-170	REP-P	93-15-087	131-46-125	NEW-P	93-24-100
55-01-030	AMD-E	93-14-089	118-04-170	REP	93-23-005	131-46-130	NEW-P	93-24-100
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55-01-030	AMD-E	93-22-042	118-04-180	NEW	93-23-005	131-47-010	NEW-P	93-14-052
55-01-040	AMD-E	93-14-089	118-04-190	REP-P	93-15-087	131-47-010	NEW-E	93-14-053
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55-01-040	AMD-E	93-22-042	118-04-200	NEW-P	93-15-087	131-47-015	NEW-E	93-09-047
55-01-050	AMD-E	93-14-089	118-04-200	NEW	93-23-005	131-47-015	NEW-P	93-14-052
55-01-050	AMD-P	93-18-102	118-04-210	REP-P	93-15-087	131-47-015	NEW-E	93-14-053
55-01-050	AMD-E	93-22-042	118-04-210	REP	93-23-005	131-47-015	NEW	93-19-079
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55-01-060	AMD-P	93-18-102	118-04-220	NEW	93-23-005	131-47-020	NEW-P	93-14-052
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131-47-025	NEW-E	93-14-053	131-47-115	NEW	93-19-079	131-48-110	NEW	93-22-006
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131-47-070	NEW-E	93-09-047	131-47-160	NEW-P	93-14-052	132D-130-035	REP-P	93-19-118
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131-47-075	NEW-E	93-14-053	131-47-165	NEW	93-19-079	132D-130-070	REP-P	93-19-118
131-47-075	NEW	93-19-079	131-48-010	NEW-E	93-14-010	132D-130-075	REP-P	93-19-118
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131-47-080	NEW-E	93-14-053	131-48-020	NEW-E	93-14-010	132D-130-090	REP-P	93-19-118
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131-47-105	NEW-P	93-14-052	131-48-080	NEW-P	93-18-067	132G-116-040	REP	93-02-063
131-47-105	NEW-E	93-14-053	131-48-080	NEW	93-22-006	132G-116-045	NEW	93-02-063
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132H-120-050	AMD-P	93-08-068	132J-125-100	NEW	93-04-022	132N-156-500	AMD	93-20-080
132H-120-050	AMD	93-12-008	132J-125-105	NEW	93-04-022	132N-156-510	AMD-P	93-15-081
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132H-120-200	AMD	93-12-008	132J-125-115	NEW	93-04-022	132N-156-520	AMD-P	93-15-081
132H-120-220	AMD-P	93-08-068	132J-125-120	NEW	93-04-022	132N-156-520	AMD	93-20-080
132H-120-220	AMD	93-12-008	132J-125-125	NEW	93-04-022	132N-156-530	AMD-P	93-15-081
132H-120-225	AMD-P	93-08-068	132J-125-130	NEW	93-04-022	132N-156-530	AMD	93-20-080
132H-120-225	AMD	93-12-008	132J-125-135	NEW	93-04-022	132N-156-540	AMD-P	93-15-081
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132H-160-182	NEW-P	93-23-045	132J-125-220	NEW	93-04-022	132N-156-610	AMD-P	93-15-081
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132N-156-740	AMD	93-20-080	132T-24-080	REP-P	93-15-079	137-95-270	NEW	93-19-029
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173-50-130	AMD	93-20-011	173-216-030	AMD-P	93-03-066	173-226-060	NEW-P	93-03-066
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173-50-190	AMD	93-20-011	173-216-030	AMD	93-10-099	173-226-060	NEW	93-10-099
173-50-200	AMD-P	93-13-127	173-216-040	AMD-P	93-03-066	173-226-070	NEW-P	93-03-066
173-50-200	AMD	93-20-011	173-216-040	AMD-E	93-03-067	173-226-070	NEW-E	93-03-067

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173-226-070	NEW	93-10-099	173-303-070	AMD-P	93-12-109	173-322-020	AMD-P	93-12-108
173-226-080	NEW-P	93-03-066	173-303-071	AMD-P	93-12-109	173-322-020	AMD	93-24-047
173-226-080	NEW-E	93-03-067	173-303-072	AMD-P	93-12-109	173-322-030	AMD-P	93-12-108
173-226-080	NEW	93-10-099	173-303-075	AMD-P	93-12-109	173-322-030	AMD	93-24-047
173-226-090	NEW-P	93-03-066	173-303-082	AMD-P	93-12-109	173-322-040	AMD-P	93-12-108
173-226-090	NEW-E	93-03-067	173-303-083	AMD-P	93-12-109	173-322-040	AMD	93-24-047
173-226-090	NEW	93-10-099	173-303-084	AMD-P	93-12-109	173-322-050	AMD-P	93-12-108
173-226-090	AMD-P	93-13-127	173-303-090	AMD-P	93-12-109	173-322-050	AMD	93-24-047
173-226-090	AMD	93-20-011	173-303-100	AMD-P	93-12-109	173-322-060	AMD-P	93-12-108
173-226-100	NEW-P	93-03-066	173-303-101	AMD-P	93-12-109	173-322-060	AMD	93-24-047
173-226-100	NEW-E	93-03-067	173-303-102	AMD-P	93-12-109	173-322-070	AMD-P	93-12-108
173-226-100	NEW	93-10-099	173-303-103	AMD-P	93-12-109	173-322-070	AMD	93-24-047
173-226-110	NEW-P	93-03-066	173-303-110	AMD-P	93-12-109	173-322-080	AMD-P	93-12-108
173-226-110	NEW-E	93-03-067	173-303-120	AMD-E	93-02-049	173-322-080	AMD	93-24-047
173-226-110	NEW	93-10-099	173-303-120	AMD	93-02-050	173-322-090	AMD-P	93-12-108
173-226-120	NEW-P	93-03-066	173-303-120	AMD-P	93-12-109	173-322-090	AMD	93-24-047
173-226-120	NEW-E	93-03-067	173-303-140	AMD-P	93-12-109	173-322-100	AMD-P	93-12-108
173-226-120	NEW	93-10-099	173-303-160	AMD-P	93-12-109	173-322-100	AMD	93-24-047
173-226-130	NEW-P	93-03-066	173-303-161	AMD-P	93-12-109	173-322-110	AMD-P	93-12-108
173-226-130	NEW-E	93-03-067	173-303-170	AMD-P	93-12-109	173-322-110	AMD	93-24-047
173-226-130	NEW	93-10-099	173-303-180	AMD-P	93-12-109	173-328-010	NEW	93-09-065
173-226-140	NEW-P	93-03-066	173-303-200	AMD-P	93-12-109	173-328-020	NEW	93-09-065
173-226-140	NEW-E	93-03-067	173-303-201	AMD-P	93-12-109	173-328-030	NEW	93-09-065
173-226-140	NEW	93-10-099	173-303-202	AMD-P	93-12-109	173-328-040	NEW	93-09-065
173-226-150	NEW-P	93-03-066	173-303-210	AMD-P	93-12-109	173-328-050	NEW	93-09-065
173-226-150	NEW-E	93-03-067	173-303-220	AMD-P	93-12-109	173-328-060	NEW	93-09-065
173-226-150	NEW	93-10-099	173-303-230	AMD-P	93-12-109	173-328-070	NEW	93-09-065
173-226-160	NEW-P	93-03-066	173-303-240	AMD-P	93-12-109	173-340-550	AMD-P	93-15-125
173-226-160	NEW-E	93-03-067	173-303-281	AMD-P	93-12-109	173-340-550	AMD	93-24-064
173-226-160	NEW	93-10-099	173-303-282	AMD-P	93-12-109	173-351-010	NEW-P	93-12-110
173-226-160	NEW-P	93-03-066	173-303-290	AMD-P	93-12-109	173-351-010	NEW	93-22-016
173-226-170	NEW-E	93-03-067	173-303-300	AMD-P	93-12-109	173-351-100	NEW-P	93-12-110
173-226-170	NEW	93-10-099	173-303-320	AMD-P	93-12-109	173-351-100	NEW	93-22-016
173-226-180	NEW-P	93-03-066	173-303-330	AMD-P	93-12-109	173-351-120	NEW-P	93-12-110
173-226-180	NEW-E	93-03-067	173-303-350	AMD-P	93-12-109	173-351-120	NEW	93-22-016
173-226-180	NEW	93-10-099	173-303-370	AMD-P	93-12-109	173-351-130	NEW-P	93-12-110
173-226-190	NEW-P	93-03-066	173-303-390	AMD-P	93-12-109	173-351-130	NEW	93-22-016
173-226-190	NEW-E	93-03-067	173-303-400	AMD-P	93-12-109	173-351-140	NEW-P	93-12-110
173-226-190	NEW	93-10-099	173-303-505	AMD-P	93-12-109	173-351-140	NEW	93-22-016
173-226-200	NEW-P	93-03-066	173-303-506	NEW-E	93-02-049	173-351-200	NEW-P	93-12-110
173-226-200	NEW-E	93-03-067	173-303-506	NEW	93-02-050	173-351-200	NEW	93-22-016
173-226-200	NEW	93-10-099	173-303-510	AMD-P	93-12-109	173-351-210	NEW-P	93-12-110
173-226-210	NEW-P	93-03-066	173-303-515	AMD-P	93-12-109	173-351-210	NEW	93-22-016
173-226-210	NEW-E	93-03-067	173-303-520	AMD-P	93-12-109	173-351-220	NEW-P	93-12-110
173-226-210	NEW	93-10-099	173-303-600	AMD-P	93-12-109	173-351-220	NEW	93-22-016
173-226-220	NEW-P	93-03-066	173-303-610	AMD-P	93-12-109	173-351-300	NEW-P	93-12-110
173-226-220	NEW-E	93-03-067	173-303-630	AMD-P	93-12-109	173-351-300	NEW	93-22-016
173-226-220	NEW	93-10-099	173-303-640	AMD-P	93-12-109	173-351-400	NEW-P	93-12-110
173-226-230	NEW-P	93-03-066	173-303-645	AMD-P	93-12-109	173-351-400	NEW	93-22-016
173-226-230	NEW-E	93-03-067	173-303-646	NEW-P	93-12-109	173-351-405	NEW-P	93-12-110
173-226-230	NEW	93-10-099	173-303-650	AMD-P	93-12-109	173-351-405	NEW	93-22-016
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173-226-240	NEW-E	93-03-067	173-303-660	AMD-P	93-12-109	173-351-410	NEW	93-22-016
173-226-240	NEW	93-10-099	173-303-670	AMD-P	93-12-109	173-351-415	NEW-P	93-12-110
173-226-250	NEW-P	93-03-066	173-303-680	AMD-P	93-12-109	173-351-415	NEW	93-22-016
173-226-250	NEW-E	93-03-067	173-303-800	AMD-P	93-12-109	173-351-420	NEW-P	93-12-110
173-226-250	NEW	93-10-099	173-303-802	AMD-P	93-12-109	173-351-420	NEW	93-22-016
173-250-010	REP-P	93-09-064	173-303-805	AMD-P	93-12-109	173-351-430	NEW-P	93-12-110
173-250-010	REP	93-14-116	173-303-806	AMD-P	93-12-109	173-351-430	NEW	93-22-016
173-250-020	REP-P	93-09-064	173-303-807	AMD-P	93-12-109	173-351-440	NEW-P	93-12-110
173-250-020	REP	93-14-116	173-303-810	AMD-P	93-12-109	173-351-440	NEW	93-22-016
173-250-030	REP-P	93-09-064	173-303-830	AMD-P	93-12-109	173-351-450	NEW-P	93-12-110
173-250-030	REP	93-14-116	173-303-840	AMD-P	93-12-109	173-351-450	NEW	93-22-016
173-250-040	REP-P	93-09-064	173-303-900	AMD-P	93-12-109	173-351-460	NEW-P	93-12-110
173-250-040	REP	93-14-116	173-303-910	AMD-P	93-12-109	173-351-460	NEW	93-22-016
173-303	AMD-C	93-14-005	173-303-9903	AMD-P	93-12-109	173-351-465	NEW-P	93-12-110
173-303	AMD-C	93-22-103	173-303-9904	AMD-P	93-12-109	173-351-465	NEW	93-22-016
173-303-016	AMD-P	93-12-109	173-303-9905	AMD-P	93-12-109	173-351-480	NEW-P	93-12-110
173-303-020	AMD-P	93-12-109	173-303-9906	AMD-P	93-12-109	173-351-480	NEW	93-22-016
173-303-040	AMD-P	93-12-109	173-303-9907	AMD-P	93-12-109	173-351-490	NEW-P	93-12-110
173-303-045	AMD-P	93-12-109	173-303-9908	NEW-P	93-12-109	173-351-490	NEW	93-22-016
173-303-070	AMD-E	93-02-049	173-322-010	AMD-P	93-12-108	173-351-500	NEW-P	93-12-110
173-303-070	AMD	93-02-050	173-322-010	AMD	93-24-047	173-351-500	NEW	93-22-016

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173-351-600	NEW	93-22-016	173-401-600	NEW-P	93-07-062	173-422-020	AMD-P	93-03-092
173-351-700	NEW-P	93-12-110	173-401-600	NEW	93-20-075	173-422-020	AMD	93-10-062
173-351-700	NEW	93-22-016	173-401-605	NEW-P	93-07-062	173-422-020	AMD-P	93-20-047
173-351-720	NEW-P	93-12-110	173-401-605	NEW	93-20-075	173-422-030	AMD-P	93-03-092
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173-351-730	NEW-P	93-12-110	173-401-610	NEW	93-20-075	173-422-030	AMD-P	93-20-047
173-351-730	NEW	93-22-016	173-401-615	NEW-P	93-07-062	173-422-035	AMD-P	93-03-092
173-351-740	NEW-P	93-12-110	173-401-615	NEW	93-20-075	173-422-035	AMD	93-10-062
173-351-740	NEW	93-22-016	173-401-620	NEW-P	93-07-062	173-422-040	AMD-P	93-03-092
173-351-750	NEW-P	93-12-110	173-401-620	NEW	93-20-075	173-422-040	AMD	93-10-062
173-351-750	NEW	93-22-016	173-401-625	NEW-P	93-07-062	173-422-050	AMD-P	93-03-092
173-351-760	NEW-P	93-12-110	173-401-625	NEW	93-20-075	173-422-050	AMD	93-10-062
173-351-760	NEW	93-22-016	173-401-630	NEW-P	93-07-062	173-422-050	AMD-P	93-20-047
173-351-990	NEW-P	93-12-110	173-401-630	NEW	93-20-075	173-422-060	AMD-P	93-03-092
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173-400	AMD-C	93-15-052	173-401-640	NEW-P	93-07-062	173-422-065	NEW	93-10-062
173-400-030	AMD-S	93-05-048	173-401-640	NEW	93-20-075	173-422-070	AMD-P	93-03-092
173-400-030	AMD	93-18-007	173-401-645	NEW-P	93-07-062	173-422-070	AMD	93-10-062
173-400-040	AMD-S	93-05-048	173-401-645	NEW	93-20-075	173-422-070	AMD-P	93-20-047
173-400-040	AMD	93-18-007	173-401-650	NEW-P	93-07-062	173-422-075	NEW-P	93-03-092
173-400-040	AMD	93-18-007	173-401-650	NEW	93-20-075	173-422-075	NEW	93-10-062
173-400-070	AMD-W	93-07-042	173-401-700	NEW-P	93-07-062	173-422-075	AMD-P	93-20-047
173-400-075	AMD	93-05-044	173-401-700	NEW	93-20-075	173-422-080	REP-P	93-03-092
173-400-081	NEW-S	93-05-048	173-401-700	NEW	93-20-075	173-422-080	REP	93-10-062
173-400-081	NEW	93-18-007	173-401-705	NEW-P	93-07-062	173-422-090	AMD-P	93-03-092
173-400-081	NEW	93-18-007	173-401-705	NEW	93-20-075	173-422-090	AMD	93-10-062
173-400-091	NEW	93-18-007	173-401-710	NEW-P	93-07-062	173-422-090	NEW-P	93-03-092
173-400-100	AMD-S	93-05-048	173-401-710	NEW	93-20-075	173-422-095	NEW-P	93-03-092
173-400-100	AMD	93-18-007	173-401-710	NEW	93-20-075	173-422-095	NEW	93-10-062
173-400-105	AMD-S	93-05-048	173-401-720	NEW-P	93-07-062	173-422-095	AMD-P	93-20-047
173-400-105	AMD	93-18-007	173-401-720	NEW	93-20-075	173-422-100	AMD-P	93-03-092
173-400-107	NEW-S	93-05-048	173-401-722	NEW-P	93-07-062	173-422-100	AMD	93-10-062
173-400-107	NEW	93-18-007	173-401-722	NEW	93-20-075	173-422-110	REP-P	93-03-092
173-400-110	AMD-S	93-05-048	173-401-724	NEW	93-20-075	173-422-110	REP	93-10-062
173-400-110	AMD	93-18-007	173-401-725	NEW-P	93-07-062	173-422-120	AMD-P	93-03-092
173-400-112	NEW-S	93-05-048	173-401-725	NEW	93-20-075	173-422-120	AMD	93-10-062
173-400-112	NEW	93-18-007	173-401-730	NEW-P	93-07-062	173-422-130	AMD-P	93-03-092
173-400-113	NEW-S	93-05-048	173-401-730	NEW	93-20-075	173-422-130	AMD	93-10-062
173-400-113	NEW	93-18-007	173-401-735	NEW-P	93-07-062	173-422-130	AMD-P	93-10-062
173-400-114	NEW-S	93-05-048	173-401-735	NEW	93-20-075	173-422-130	AMD-E	93-12-081
173-400-114	NEW	93-18-007	173-401-750	NEW-P	93-07-062	173-422-130	AMD	93-20-010
173-400-115	AMD	93-05-044	173-401-750	NEW	93-20-075	173-422-130	AMD-P	93-20-047
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173-400-120	AMD-S	93-05-048	173-401-800	NEW	93-20-075	173-422-140	AMD	93-10-062
173-400-120	AMD	93-18-007	173-401-805	NEW-P	93-07-062	173-422-140	REP-P	93-20-047
173-400-131	AMD-S	93-05-048	173-401-805	NEW	93-20-075	173-422-150	REP-P	93-03-092
173-400-131	AMD	93-18-007	173-401-810	NEW-P	93-07-062	173-422-150	REP	93-10-062
173-400-136	AMD-S	93-05-048	173-401-810	NEW	93-20-075	173-422-160	AMD-P	93-03-092
173-400-136	AMD	93-18-007	173-401-820	NEW-P	93-07-062	173-422-160	AMD	93-10-062
173-400-141	AMD-S	93-05-048	173-401-820	NEW	93-20-075	173-422-160	AMD-P	93-20-047
173-400-141	AMD	93-18-007	173-401-830	NEW	93-20-075	173-422-170	AMD-P	93-03-092
173-400-171	AMD-S	93-05-048	173-401-900	NEW-P	93-17-100	173-422-170	AMD	93-10-062
173-400-171	AMD	93-18-007	173-401-905	NEW-P	93-17-100	173-422-170	AMD-P	93-20-047
173-400-180	AMD-S	93-05-048	173-401-910	NEW-P	93-17-100	173-422-180	REP-P	93-03-092
173-400-180	AMD	93-18-007	173-401-915	NEW-P	93-17-100	173-422-180	REP	93-10-062
173-400-230	AMD	93-05-044	173-401-920	NEW-P	93-17-100	173-430	AMD-P	93-03-090
173-400-250	AMD-S	93-05-048	173-401-925	NEW-P	93-17-100	173-430	AMD-E	93-04-002
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173-401-100	NEW-P	93-07-062	173-420-010	NEW	93-04-006	173-430-010	AMD-E	93-12-012
173-401-100	NEW	93-20-075	173-420-020	NEW	93-04-006	173-430-010	AMD	93-14-022
173-401-200	NEW-P	93-07-062	173-420-030	NEW	93-04-006	173-430-020	AMD-P	93-03-090
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173-401-300	NEW-P	93-07-062	173-420-050	NEW	93-04-006	173-430-020	AMD-E	93-12-012
173-401-300	NEW	93-20-075	173-420-060	NEW	93-04-006	173-430-020	AMD	93-14-022
173-401-400	NEW-P	93-07-062	173-420-070	NEW	93-04-006	173-430-030	AMD-P	93-03-090
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173-401-510	NEW	93-20-075	173-422	AMD-C	93-17-061	173-430-040	AMD-E	93-04-002
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173-430-040	AMD	93-14-022	180-20-090	NEW	93-08-007	180-51-075	AMD-P	93-23-058
173-430-050	AMD-P	93-03-090	180-20-095	NEW-P	93-04-117	180-51-100	AMD	93-04-115
173-430-050	AMD-E	93-04-002	180-20-095	NEW	93-08-007	180-51-105	AMD-P	93-23-057
173-430-060	AMD-P	93-03-090	180-20-100	REP-P	93-04-117	180-72-040	AMD-E	93-14-009
173-430-060	AMD-E	93-04-002	180-20-100	REP	93-08-007	180-72-040	AMD-P	93-18-068
173-430-060	AMD-E	93-12-012	180-20-101	NEW-P	93-04-117	180-72-040	AMD	93-22-007
173-430-060	AMD	93-14-022	180-20-101	NEW	93-08-007	180-72-045	AMD-E	93-14-009
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173-430-070	AMD-E	93-04-002	180-20-105	REP	93-08-007	180-72-045	AMD	93-22-007
173-430-070	AMD-E	93-12-012	180-20-106	REP-P	93-04-117	180-72-050	AMD-E	93-14-009
173-430-070	AMD	93-14-022	180-20-106	REP	93-08-007	180-72-050	AMD-P	93-18-068
173-430-080	AMD-P	93-03-090	180-20-111	NEW-P	93-04-117	180-72-050	AMD	93-22-007
173-430-080	AMD-E	93-04-002	180-20-111	NEW	93-08-007	180-72-060	AMD-E	93-14-009
173-430-080	AMD-E	93-12-012	180-20-115	NEW-P	93-04-117	180-72-060	AMD-P	93-18-068
173-430-080	AMD	93-14-022	180-20-115	NEW	93-08-007	180-72-060	AMD	93-22-007
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173-433-110	AMD	93-04-105	180-20-120	NEW	93-08-007	180-72-065	AMD-P	93-18-068
173-433-170	AMD	93-04-105	180-20-123	NEW-P	93-04-117	180-72-065	AMD	93-22-007
173-460	AMD-C	93-22-102	180-20-123	NEW	93-08-007	180-72-070	AMD-E	93-14-009
173-460-020	AMD-P	93-14-118	180-20-125	NEW-P	93-04-117	180-72-070	AMD-P	93-18-068
173-460-030	AMD-P	93-14-118	180-20-125	NEW	93-08-007	180-72-070	AMD	93-22-007
173-460-040	AMD-P	93-14-118	180-20-130	NEW-P	93-04-117	180-78-010	AMD-P	93-04-120
173-460-050	AMD-P	93-14-118	180-20-130	NEW	93-08-007	180-78-010	AMD	93-07-101
173-460-060	AMD-P	93-14-118	180-20-135	NEW-P	93-04-117	180-78-191	REP-P	93-20-094
173-460-080	AMD-P	93-14-118	180-20-135	NEW	93-08-007	180-78-196	REP-P	93-20-094
173-460-090	AMD-P	93-14-118	180-20-140	NEW-P	93-04-117	180-79-010	AMD-P	93-04-120
173-460-100	AMD-P	93-14-118	180-20-140	NEW	93-08-007	180-79-010	AMD	93-07-101
173-460-110	AMD-P	93-14-118	180-20-145	NEW-P	93-04-117	180-79-065	AMD-P	93-20-095
173-460-150	AMD-P	93-14-118	180-20-145	NEW	93-08-007	180-79-115	AMD-P	93-20-095
173-460-160	AMD-P	93-14-118	180-20-150	NEW-P	93-04-117	180-79-120	AMD-P	93-20-095
173-491-020	AMD-P	93-04-108	180-20-150	NEW	93-08-007	180-79-124	NEW-P	93-20-095
173-491-020	AMD	93-13-011	180-20-155	NEW-P	93-04-117	180-79-125	AMD-P	93-20-095
173-491-040	AMD-P	93-04-108	180-20-155	NEW	93-08-007	180-79-126	NEW-P	93-20-095
173-491-040	AMD	93-13-011	180-20-160	NEW-P	93-04-117	180-79-236	AMD	93-05-007
173-491-050	AMD	93-03-089	180-20-160	NEW	93-08-007	180-79-245	AMD-P	93-20-095
173-491-050	AMD-P	93-04-108	180-20-200	REP-P	93-04-117	180-79-247	NEW-P	93-20-095
173-491-050	AMD	93-13-068	180-20-200	REP	93-08-007	180-79-303	AMD-P	93-20-095
173-492-070	AMD-P	93-22-100	180-20-205	REP-P	93-04-117	180-85-025	AMD-P	93-20-093
180-16-200	AMD-P	93-23-058	180-20-205	REP	93-08-007	180-87-001	REP-P	93-17-077
180-16-222	AMD-P	93-04-116	180-20-210	REP-P	93-04-117	180-87-001	REP	93-20-068
180-16-222	AMD	93-07-102	180-20-210	REP	93-08-007	180-95-010	AMD-P	93-23-057
180-16-223	AMD-P	93-04-116	180-20-215	REP-P	93-04-117	180-95-020	AMD-P	93-23-057
180-16-223	AMD	93-07-102	180-20-215	REP	93-08-007	180-95-030	AMD-P	93-23-057
180-16-236	AMD-P	93-20-092	180-20-220	REP-P	93-04-117	180-95-040	AMD-P	93-23-057
180-20-005	NEW-P	93-04-117	180-20-220	REP	93-08-007	180-95-050	AMD-P	93-23-057
180-20-005	NEW	93-08-007	180-20-225	REP-P	93-04-117	180-95-060	AMD-P	93-23-057
180-20-030	NEW-P	93-04-117	180-20-225	REP	93-08-007	180-96-005	AMD-P	93-24-112
180-20-030	NEW	93-08-007	180-20-230	REP-P	93-04-117	180-96-010	AMD-P	93-24-112
180-20-031	NEW-P	93-04-117	180-20-230	REP	93-08-007	180-96-015	REP-P	93-24-112
180-20-031	NEW	93-08-007	180-26-020	AMD-P	93-04-118	180-96-025	REP-P	93-24-112
180-20-034	NEW-P	93-04-117	180-26-020	AMD	93-07-104	180-96-030	REP-P	93-24-112
180-20-034	NEW	93-08-007	180-26-020	AMD-P	93-20-089	180-96-035	AMD-P	93-24-112
180-20-035	NEW-P	93-04-117	180-26-025	AMD-P	93-04-119	180-96-045	AMD-P	93-24-112
180-20-035	NEW	93-08-007	180-26-025	AMD-W	93-07-100	180-96-048	NEW-P	93-24-112
180-20-040	NEW-P	93-04-117	180-27-032	AMD-P	93-20-090	180-96-050	AMD-P	93-24-112
180-20-040	NEW	93-08-007	180-27-070	AMD-P	93-08-041	180-96-053	NEW-P	93-24-112
180-20-045	NEW-P	93-04-117	180-27-070	AMD	93-13-026	180-96-055	REP-P	93-24-112
180-20-045	NEW	93-08-007	180-27-115	AMD-P	93-17-079	180-96-058	NEW-P	93-24-112
180-20-050	NEW-P	93-04-117	180-27-115	AMD	93-20-067	180-96-060	REP-P	93-24-112
180-20-050	NEW-W	93-17-066	180-27-505	AMD	93-04-019	180-96-065	REP-P	93-24-112
180-20-055	NEW-P	93-04-117	180-29-090	AMD-P	93-20-089	180-96-070	REP-P	93-24-112
180-20-055	NEW	93-08-007	180-29-125	AMD-P	93-20-091	180-96-075	REP-P	93-24-112
180-20-060	NEW-P	93-04-117	180-33-042	AMD-E	93-17-005	182-08-160	AMD-E	93-17-001
180-20-060	NEW	93-08-007	180-33-042	AMD-P	93-17-078	182-08-160	AMD-P	93-19-047
180-20-065	NEW-P	93-04-117	180-33-042	AMD	93-20-066	182-08-160	AMD	93-23-065
180-20-065	NEW	93-08-007	180-40-235	AMD-P	93-24-066	182-08-175	NEW-E	93-17-001
180-20-070	NEW-P	93-04-117	180-50-115	AMD-P	93-23-058	182-08-175	NEW-P	93-19-047
180-20-070	NEW	93-08-007	180-50-120	AMD-P	93-23-058	182-08-175	NEW	93-23-065
180-20-075	NEW-P	93-04-117	180-51-005	AMD	93-04-115	182-08-190	AMD-E	93-17-001
180-20-075	NEW	93-08-007	180-51-025	AMD	93-04-115	182-08-190	AMD-P	93-19-047
180-20-080	NEW-P	93-04-117	180-51-030	AMD	93-04-115	182-08-190	AMD	93-23-065
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182-12-111	AMD-E	93-24-104	192-10-240	REP-P	93-17-012
182-12-115	AMD-E	93-17-091	192-10-240	REP	93-20-037
182-12-115	AMD-E	93-24-104	192-10-250	REP-P	93-17-012
182-12-122	AMD-E	93-17-091	192-10-250	REP	93-20-037
182-12-122	AMD-E	93-24-104	192-10-265	REP-P	93-17-012
182-14-010	NEW-E	93-18-059	192-10-265	REP	93-20-037
182-14-010	NEW-E	93-24-103A	192-10-280	REP-P	93-17-012
182-14-020	NEW-E	93-18-059	192-10-280	REP	93-20-037
182-14-020	NEW-E	93-24-103A	192-10-290	REP-P	93-17-012
182-14-030	NEW-E	93-18-059	192-10-290	REP	93-20-037
182-14-030	NEW-E	93-24-103A	192-10-300	REP-P	93-17-012
182-14-040	NEW-E	93-18-059	192-10-300	REP	93-20-037
182-14-040	NEW-E	93-24-103A	192-10-310	REP-P	93-17-012
182-14-050	NEW-E	93-18-059	192-10-310	REP	93-20-037
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182-14-060	NEW-E	93-18-059	192-10-330	REP	93-20-037
182-14-060	NEW-E	93-24-103A	192-12-141	AMD-P	93-07-086
182-14-070	NEW-E	93-18-059	192-12-141	AMD	93-10-025
182-14-070	NEW-E	93-24-103A	192-12-158	REP-P	93-17-012
182-14-080	NEW-E	93-18-059	192-12-158	REP	93-20-037
182-14-080	NEW-E	93-24-103A	192-12-180	AMD-P	93-13-137
182-14-090	NEW-E	93-18-059	192-12-180	AMD	93-16-053
182-14-090	NEW-E	93-24-103A	192-12-182	AMD-P	93-13-137
182-14-100	NEW-E	93-18-059	192-12-182	AMD	93-16-053
182-14-100	NEW-E	93-24-103A	192-12-184	AMD-P	93-13-137
192-10-010	REP-P	93-17-012	192-12-184	AMD	93-16-053
192-10-010	REP	93-20-037	192-12-186	AMD-P	93-13-137
192-10-015	REP-P	93-17-012	192-12-186	AMD	93-16-053
192-10-015	REP	93-20-037	192-16-070	NEW-E	93-13-007
192-10-020	REP-P	93-17-012	192-16-070	NEW-P	93-15-115
192-10-020	REP	93-20-037	192-16-070	NEW	93-18-054
192-10-030	REP-P	93-17-012	192-30-010	REP-P	93-17-012
192-10-030	REP	93-20-037	192-30-010	REP	93-20-037
192-10-040	REP-P	93-17-012	192-30-020	REP-P	93-17-012
192-10-040	REP	93-20-037	192-30-020	REP	93-20-037
192-10-050	REP-P	93-17-012	192-30-030	REP-P	93-17-012
192-10-050	REP	93-20-037	192-30-030	REP	93-20-037
192-10-060	REP-P	93-17-012	192-30-040	REP-P	93-17-012
192-10-060	REP	93-20-037	192-30-040	REP	93-20-037
192-10-070	REP-P	93-17-012	192-30-100	REP-P	93-17-012
192-10-070	REP	93-20-037	192-30-100	REP	93-20-037
192-10-080	REP-P	93-17-012	192-30-200	REP-P	93-17-012
192-10-080	REP	93-20-037	192-30-200	REP	93-20-037
192-10-090	REP-P	93-17-012	192-30-210	REP-P	93-17-012
192-10-090	REP	93-20-037	192-30-210	REP	93-20-037
192-10-100	REP-P	93-17-012	192-30-220	REP-P	93-17-012
192-10-100	REP	93-20-037	192-30-220	REP	93-20-037
192-10-110	REP-P	93-17-012	192-30-230	REP-P	93-17-012
192-10-110	REP	93-20-037	192-30-230	REP	93-20-037
192-10-120	REP-P	93-17-012	192-34-010	NEW-P	93-24-119
192-10-120	REP	93-20-037	192-34-015	NEW-P	93-24-119
192-10-130	REP-P	93-17-012	192-34-020	NEW-P	93-24-119
192-10-130	REP	93-20-037	192-34-025	NEW-P	93-24-119
192-10-140	REP-P	93-17-012	194-10-030	AMD	93-02-033
192-10-140	REP	93-20-037	194-10-100	AMD	93-02-033
192-10-150	REP-P	93-17-012	194-10-110	AMD	93-02-033
192-10-150	REP	93-20-037	194-10-130	AMD	93-02-033
192-10-160	REP-P	93-17-012	194-10-140	AMD	93-02-033
192-10-160	REP	93-20-037	196-24-041	NEW-P	93-09-024
192-10-170	REP-P	93-17-012	196-24-041	NEW	93-13-064
192-10-170	REP	93-20-037	196-24-097	NEW-P	93-09-022
192-10-180	REP-P	93-17-012	196-24-097	NEW	93-13-065
192-10-180	REP	93-20-037	196-24-098	NEW-P	93-09-023
192-10-190	REP-P	93-17-012	196-24-098	NEW	93-13-066
192-10-190	REP	93-20-037	196-26-020	AMD-P	93-07-111
192-10-200	REP-P	93-17-012	196-26-020	AMD	93-10-057
192-10-200	REP	93-20-037	204-10-120	AMD-P	93-05-029
192-10-210	REP-P	93-17-012	204-10-120	AMD	93-11-018
192-10-210	REP	93-20-037	204-30-010	REP-P	93-16-067
192-10-220	REP-P	93-17-012	204-30-020	REP-P	93-16-067
192-10-220	REP	93-20-037	204-30-030	REP-P	93-16-067
204-30-040	REP-P	93-16-067	204-30-050	REP-P	93-16-067
204-30-050	REP-P	93-16-067	204-30-060	REP-P	93-16-067
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204-30-070	REP-P	93-16-067	204-30-080	REP-P	93-16-067
204-30-080	REP-P	93-16-067	204-44-040	NEW-P	93-05-028
204-44-040	NEW-P	93-05-028	204-44-040	NEW	93-11-017
204-44-040	NEW	93-11-017	204-74A-050	AMD-P	93-20-034
204-74A-050	AMD-P	93-20-034	204-82A-070	AMD-P	93-10-002
204-82A-070	AMD-P	93-10-002	204-82A-070	AMD	93-15-075
204-82A-070	AMD	93-15-075	204-84-010	REP-P	93-05-029
204-84-010	REP-P	93-05-029	204-84-010	REP	93-11-018
204-84-010	REP	93-11-018	204-84-020	REP-P	93-05-029
204-84-020	REP-P	93-05-029	204-84-020	REP	93-11-018
204-84-020	REP	93-11-018	204-84-030	REP-P	93-05-029
204-84-030	REP-P	93-05-029	204-84-030	REP	93-11-018
204-84-030	REP	93-11-018	204-84-040	REP-P	93-05-029
204-84-040	REP-P	93-05-029	204-84-040	REP	93-11-018
204-84-040	REP	93-11-018	204-84-050	REP-P	93-05-029
204-84-050	REP-P	93-05-029	204-84-050	REP	93-11-018
204-84-050	REP	93-11-018	204-84-060	REP-P	93-05-029
204-84-060	REP-P	93-05-029	204-84-060	REP	93-11-018
204-84-060	REP	93-11-018	204-84-070	REP-P	93-05-029
204-84-070	REP-P	93-05-029	204-84-070	REP	93-11-018
204-84-070	REP	93-11-018	204-84-080	REP-P	93-05-029
204-84-080	REP-P	93-05-029	204-84-080	REP	93-11-018
204-84-080	REP	93-11-018	204-84-090	REP-P	93-05-029
204-84-090	REP-P	93-05-029	204-84-090	REP	93-11-018
204-84-090	REP	93-11-018	204-84-100	REP-P	93-05-029
204-84-100	REP-P	93-05-029	204-84-100	REP	93-11-018
204-84-100	REP	93-11-018	208-04-010	NEW-P	93-20-040
208-04-010	NEW-P	93-20-040	208-04-010	NEW-E	93-20-041
208-04-010	NEW-E	93-20-041	208-04-020	NEW-P	93-20-040
208-04-020	NEW-P	93-20-040	208-04-020	NEW-E	93-20-041
208-04-020	NEW-E	93-20-041	208-04-030	NEW-P	93-20-040
208-04-030	NEW-P	93-20-040	208-04-030	NEW-E	93-20-041
208-04-030	NEW-E	93-20-041	212-12	NEW-C	93-04-060
212-12	NEW-C	93-04-060	212-12-001	NEW-E	93-04-061
212-12-001	NEW-E	93-04-061	212-12-001	NEW	93-05-032
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212-12-011	NEW	93-05-032	212-12-015	NEW-E	93-04-061
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212-12-015	NEW	93-05-032	212-12-020	NEW-E	93-04-061
212-12-020	NEW-E	93-04-061	212-12-020	NEW	93-05-032
212-12-020	NEW	93-05-032	212-12-025	NEW-E	93-04-061
212-12-025	NEW-E	93-04-061	212-12-025	NEW	93-05-032
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212-12-030	NEW	93-05-032	212-12-035	NEW-E	93-04-061
212-12-035	NEW-E	93-04-061	212-12-035	NEW	93-05-032
212-12-035	NEW	93-05-032	212-12-040	NEW-E	93-04-061
212-12-040	NEW-E	93-04-061	212-12-040	NEW	93-05-032
212-12-040	NEW	93-05-032	212-12-044	NEW-E	93-04-061
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212-14-015	REP	93-05-032	212-14-020	REP-E	93-04-061
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212-52-020	REP-E	93-04-061	212-56A-055	REP	93-05-032	212-64-069	REP-E	93-04-061
212-52-020	REP	93-05-032	212-56A-060	REP-E	93-04-061	212-64-069	REP	93-05-032
212-52-025	REP-E	93-04-061	212-56A-060	REP	93-05-032	212-64-070	REP-E	93-04-061
212-52-025	REP	93-05-032	212-56A-065	REP-E	93-04-061	212-64-070	REP	93-05-032
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212-52-027	REP	93-05-032	212-56A-070	REP-E	93-04-061	212-65-001	REP	93-05-032
212-52-028	REP-E	93-04-061	212-56A-070	REP	93-05-032	212-65-005	REP-E	93-04-061
212-52-028	REP	93-05-032	212-56A-075	REP-E	93-04-061	212-65-005	REP	93-05-032
212-52-030	REP-E	93-04-061	212-56A-075	REP	93-05-032	212-65-010	REP-E	93-04-061
212-52-030	REP	93-05-032	212-56A-080	REP-E	93-04-061	212-65-010	REP	93-05-032
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212-52-037	REP	93-05-032	212-56A-085	REP-E	93-04-061	212-65-015	REP	93-05-032
212-52-041	REP-E	93-04-061	212-56A-085	REP	93-05-032	212-65-020	REP-E	93-04-061
212-52-041	REP	93-05-032	212-56A-090	REP-E	93-04-061	212-65-020	REP	93-05-032
212-52-045	REP-E	93-04-061	212-56A-090	REP	93-05-032	212-65-025	REP-E	93-04-061
212-52-045	REP	93-05-032	212-56A-095	REP-E	93-04-061	212-65-025	REP	93-05-032
212-52-050	REP-E	93-04-061	212-56A-095	REP	93-05-032	212-65-030	REP-E	93-04-061
212-52-050	REP	93-05-032	212-56A-100	REP-E	93-04-061	212-65-030	REP	93-05-032
212-52-055	REP-E	93-04-061	212-56A-100	REP	93-05-032	212-65-035	REP-E	93-04-061
212-52-055	REP	93-05-032	212-56A-105	REP-E	93-04-061	212-65-035	REP	93-05-032
212-52-060	REP-E	93-04-061	212-56A-105	REP	93-05-032	212-65-040	REP-E	93-04-061
212-52-060	REP	93-05-032	212-56A-110	REP-E	93-04-061	212-65-040	REP	93-05-032
212-52-070	REP-E	93-04-061	212-56A-110	REP	93-05-032	212-65-045	REP-E	93-04-061
212-52-070	REP	93-05-032	212-56A-115	REP-E	93-04-061	212-65-045	REP	93-05-032
212-52-075	REP-E	93-04-061	212-56A-115	REP	93-05-032	212-65-050	REP-E	93-04-061
212-52-075	REP	93-05-032	212-56A-120	REP-E	93-04-061	212-65-050	REP	93-05-032
212-52-080	REP-E	93-04-061	212-56A-120	REP	93-05-032	212-65-055	REP-E	93-04-061
212-52-080	REP	93-05-032	212-56A-125	REP-E	93-04-061	212-65-055	REP	93-05-032
212-52-085	REP-E	93-04-061	212-56A-125	REP	93-05-032	212-65-060	REP-E	93-04-061
212-52-085	REP	93-05-032	212-56A-130	REP-E	93-04-061	212-65-060	REP	93-05-032
212-52-090	REP-E	93-04-061	212-56A-130	REP	93-05-032	212-65-065	REP-E	93-04-061
212-52-090	REP	93-05-032	212-56A-135	REP-E	93-04-061	212-65-065	REP	93-05-032
212-52-095	REP-E	93-04-061	212-56A-135	REP	93-05-032	212-65-070	REP-E	93-04-061
212-52-095	REP	93-05-032	212-56A-140	REP-E	93-04-061	212-65-070	REP	93-05-032
212-52-100	REP-E	93-04-061	212-56A-140	REP	93-05-032	212-65-075	REP-E	93-04-061
212-52-100	REP	93-05-032	212-64-001	REP-E	93-04-061	212-65-075	REP	93-05-032
212-52-105	REP-E	93-04-061	212-64-001	REP	93-05-032	212-65-080	REP-E	93-04-061
212-52-105	REP	93-05-032	212-64-005	REP-E	93-04-061	212-65-080	REP	93-05-032
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212-52-110	REP	93-05-032	212-64-015	REP-E	93-04-061	212-65-085	REP	93-05-032
212-52-112	REP-E	93-04-061	212-64-015	REP	93-05-032	212-65-090	REP-E	93-04-061
212-52-112	REP	93-05-032	212-64-020	REP-E	93-04-061	212-65-090	REP	93-05-032
212-52-115	REP-E	93-04-061	212-64-020	REP	93-05-032	212-65-095	REP-E	93-04-061
212-52-115	REP	93-05-032	212-64-025	REP-E	93-04-061	212-65-095	REP	93-05-032
212-52-120	REP-E	93-04-061	212-64-025	REP	93-05-032	212-65-100	REP-E	93-04-061
212-52-120	REP	93-05-032	212-64-030	REP-E	93-04-061	212-65-100	REP	93-05-032
212-52-125	REP-E	93-04-061	212-64-030	REP	93-05-032	212-70-010	REP-E	93-04-061
212-52-125	REP	93-05-032	212-64-033	REP-E	93-04-061	212-70-010	REP	93-05-032
212-52-99001	REP-E	93-04-061	212-64-033	REP	93-05-032	212-70-020	REP-E	93-04-061
212-52-99001	REP	93-05-032	212-64-035	REP-E	93-04-061	212-70-020	REP	93-05-032
212-52-99002	REP-E	93-04-061	212-64-035	REP	93-05-032	212-70-030	REP-E	93-04-061
212-52-99002	REP	93-05-032	212-64-037	REP-E	93-04-061	212-70-030	REP	93-05-032
212-56A-001	REP-E	93-04-061	212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061
212-56A-001	REP	93-05-032	212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032
212-56A-005	REP-E	93-04-061	212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061
212-56A-005	REP	93-05-032	212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032
212-56A-010	REP-E	93-04-061	212-64-040	REP	93-05-032	212-70-060	REP-E	93-04-061
212-56A-010	REP	93-05-032	212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032
212-56A-015	REP-E	93-04-061	212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061
212-56A-015	REP	93-05-032	212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032
212-56A-020	REP-E	93-04-061	212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061
212-56A-020	REP	93-05-032	212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032
212-56A-030	REP-E	93-04-061	212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061
212-56A-030	REP	93-05-032	212-64-055	REP-E	93-04-061	212-70-090	REP	93-05-032
212-56A-035	REP-E	93-04-061	212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061
212-56A-035	REP	93-05-032	212-64-060	REP-E	93-04-061	212-70-100	REP	93-05-032
212-56A-040	REP-E	93-04-061	212-64-060	REP	93-05-032	212-70-110	REP-E	93-04-061
212-56A-040	REP	93-05-032	212-64-065	REP-E	93-04-061	212-70-110	REP	93-05-032
212-56A-045	REP-E	93-04-061	212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061
212-56A-045	REP	93-05-032	212-64-067	REP-E	93-04-061	212-70-120	REP	93-05-032
212-56A-050	REP-E	93-04-061	212-64-067	REP	93-05-032	212-70-130	REP-E	93-04-061

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
212-70-130	REP	93-05-032	220-32-05100W	NEW-E	93-06-069	220-47-903	NEW-E	93-17-108
212-70-140	REP-E	93-04-061	220-32-05100Y	NEW-E	93-15-098	220-47-903	REP-E	93-18-040
212-70-140	REP	93-05-032	220-32-05100Y	REP-E	93-17-008	220-47-904	NEW-E	93-18-040
212-70-150	REP-E	93-04-061	220-32-05100X	NEW-E	93-15-049	220-47-904	REP-E	93-19-026
212-70-150	REP	93-05-032	220-32-05100X	REP-E	93-15-098	220-47-905	NEW-E	93-19-026
212-70-160	REP-E	93-04-061	220-32-05100Z	NEW-E	93-17-008	220-47-905	REP-E	93-19-031
212-70-160	REP	93-05-032	220-32-05100Z	REP-E	93-18-045	220-47-906	NEW-E	93-19-031
212-70-170	REP-E	93-04-061	220-32-05500C	NEW-E	93-10-061	220-47-906	REP-E	93-19-057
212-70-170	REP	93-05-032	220-32-05500C	REP-E	93-12-010	220-47-907	NEW-E	93-19-057
212-70-180	REP-E	93-04-061	220-32-05500D	NEW-E	93-12-010	220-47-907	REP-E	93-19-103
212-70-180	REP	93-05-032	220-32-05500D	REP-E	93-13-030	220-47-908	NEW-E	93-19-103
212-70-190	REP-E	93-04-061	220-32-05500E	NEW-E	93-13-030	220-47-908	REP-E	93-20-023
212-70-190	REP	93-05-032	220-32-05900T	NEW-E	93-21-011	220-47-909	NEW-E	93-20-023
212-70-200	REP-E	93-04-061	220-33-01000M	REP-E	93-05-017	220-47-909	REP-E	93-20-073
212-70-200	REP	93-05-032	220-33-01000N	NEW-E	93-05-017	220-47-910	NEW-E	93-20-073
212-70-210	REP-E	93-04-061	220-33-01000N	REP-E	93-06-014	220-47-910	REP-E	93-21-012
212-70-210	REP	93-05-032	220-33-01000P	NEW-E	93-06-070	220-47-911	NEW-E	93-21-012
212-70-220	REP-E	93-04-061	220-33-01000P	REP-E	93-07-001	220-47-911	REP-E	93-21-035
212-70-220	REP	93-05-032	220-33-01000Q	NEW-E	93-07-001	220-47-912	NEW-E	93-21-035
212-70-230	REP-E	93-04-061	220-33-01000R	NEW-E	93-19-116	220-47-912	REP-E	93-22-011
212-70-230	REP	93-05-032	220-33-01000R	REP-E	93-20-024	220-47-913	NEW-E	93-22-011
212-70-240	REP-E	93-04-061	220-33-01000S	NEW-E	93-20-024	220-47-913	REP-E	93-22-065
212-70-240	REP	93-05-032	220-33-01000S	REP-E	93-21-018	220-47-914	NEW-E	93-22-065
212-70-250	REP-E	93-04-061	220-33-01000T	NEW-E	93-21-018	220-47-914	REP-E	93-23-001
212-70-250	REP	93-05-032	220-33-03000E	NEW-E	93-12-041	220-47-915	NEW-E	93-23-001
212-70-260	REP-E	93-04-061	220-33-03000E	REP-E	93-13-078	220-47-915	REP-E	93-23-017
212-70-260	REP	93-05-032	220-33-03000F	NEW-E	93-13-078	220-47-916	NEW-E	93-23-017
220-16-015	AMD-P	93-12-092	220-36-02100L	NEW-E	93-14-108	220-47-916	REP-E	93-23-051
220-16-015	AMD	93-15-051	220-36-02100L	REP-E	93-16-034	220-47-917	NEW-E	93-23-051
220-16-460	NEW-P	93-04-096	220-36-023	AMD-P	93-09-074	220-47-917	REP-E	93-24-025
220-16-460	NEW-W	93-17-065	220-36-023	AMD-C	93-13-006	220-47-918	NEW-E	93-24-025
220-20-010	AMD-P	93-12-092	220-36-023	AMD	93-14-042	220-47-918	NEW-E	93-24-025
220-20-010	AMD	93-15-051	220-36-023	AMD	93-14-042	220-48-005	AMD-P	93-12-092
220-20-01000A	NEW-E	93-23-071	220-36-02300M	NEW-E	93-21-046	220-48-005	AMD	93-15-051
220-20-017	REP-P	93-20-109	220-40-02100U	NEW-E	93-14-108	220-49-02000E	NEW-E	93-06-044
220-20-020	AMD-P	93-09-074	220-40-02100U	REP-E	93-16-034	220-52-019	AMD-P	93-12-092
220-20-020	AMD-C	93-13-006	220-40-027	AMD-P	93-09-074	220-52-019	AMD	93-15-051
220-20-020	AMD	93-14-042	220-40-027	AMD-C	93-13-006	220-52-01901	AMD-P	93-12-092
220-20-02500A	NEW-E	93-11-040	220-40-027	AMD	93-14-042	220-52-01901	AMD	93-15-051
220-20-026	NEW-P	93-12-092	220-40-02700H	NEW-E	93-19-030	220-52-04000A	NEW-E	93-20-001
220-20-026	NEW-C	93-15-050	220-40-02700H	REP-E	93-19-068	220-52-043	AMD-P	93-12-092
220-20-026	NEW	93-17-021	220-40-02700I	NEW-E	93-19-068	220-52-043	AMD	93-15-051
220-20-050	AMD-P	93-20-109	220-44-04000D	NEW-E	93-11-010	220-52-046	AMD-P	93-12-092
220-20-051	NEW-P	93-20-109	220-44-050	AMD-P	93-04-095	220-52-046	AMD	93-15-051
220-24-02000A	NEW-E	93-19-042	220-44-050	AMD	93-07-093	220-52-050	AMD-P	93-12-092
220-24-02000A	REP-E	93-19-089	220-44-05000B	REP-E	93-09-067	220-52-050	AMD	93-15-051
220-24-02000B	NEW-E	93-19-089	220-44-05000C	NEW-E	93-09-067	220-52-051	AMD-P	93-12-092
220-24-02000T	NEW-E	93-10-043	220-44-05000C	REP-E	93-10-094	220-52-051	AMD	93-15-051
220-24-02000T	REP-E	93-15-008	220-44-05000D	NEW-E	93-10-094	220-52-05100N	NEW-E	93-09-028
220-24-02000U	NEW-E	93-15-008	220-44-05000D	REP-E	93-12-078	220-52-05100P	NEW-E	93-11-057
220-24-02000U	REP-E	93-15-097	220-44-05000E	NEW-E	93-12-078	220-52-05100Q	NEW-E	93-19-067
220-24-02000V	NEW-E	93-15-097	220-44-05000E	REP-E	93-18-078	220-52-068	NEW-P	93-12-092
220-24-02000V	REP-E	93-16-031	220-44-05000F	NEW-E	93-18-078	220-52-068	NEW	93-15-051
220-24-02000W	NEW-E	93-16-031	220-44-05000G	REP-E	93-19-027	220-52-069	AMD-P	93-12-092
220-24-02000W	REP-E	93-16-082	220-44-05000G	NEW-E	93-19-027	220-52-069	AMD	93-15-051
220-24-02000X	NEW-E	93-16-082	220-44-05000G	REP-E	93-24-063	220-52-06900A	NEW-E	93-07-043
220-24-02000X	REP-E	93-18-030	220-44-05000H	NEW-E	93-24-063	220-52-071	AMD-P	93-12-092
220-24-02000Y	NEW-E	93-18-030	220-44-09000B	NEW-E	93-10-094	220-52-071	AMD	93-15-051
220-24-02000Y	REP-E	93-18-077	220-47-302	AMD-P	93-09-073	220-52-07100K	NEW-E	93-09-028
220-24-02000Z	NEW-E	93-18-077	220-47-302	AMD	93-14-041	220-52-07100K	REP-E	93-10-044
220-24-02000Z	REP-E	93-19-042	220-47-304	AMD-P	93-09-073	220-52-07100L	NEW-E	93-10-044
220-32-05100A	NEW-E	93-18-045	220-47-304	AMD	93-14-041	220-52-07100L	REP-E	93-13-089
220-32-05100A	REP-E	93-19-059	220-47-307	AMD-P	93-09-073	220-52-07100M	NEW-E	93-13-058
220-32-05100B	NEW-E	93-19-059	220-47-307	AMD-W	93-22-087	220-52-07100M	REP-E	93-13-089
220-32-05100B	REP-E	93-19-132	220-47-311	AMD-P	93-09-073	220-52-07100N	NEW-E	93-13-089
220-32-05100C	NEW-E	93-19-132	220-47-311	AMD	93-14-041	220-52-07100N	REP-E	93-05-006
220-32-05100C	REP-E	93-20-025	220-47-401	AMD-P	93-09-073	220-52-07300M	NEW-E	93-05-006
220-32-05100D	NEW-E	93-20-025	220-47-401	AMD	93-14-041	220-52-07300N	REP-E	93-07-006
220-32-05100T	REP-E	93-04-073	220-47-411	AMD-P	93-09-073	220-52-07300N	NEW-E	93-23-061
220-32-05100U	NEW-E	93-04-073	220-47-411	AMD	93-14-041	220-52-07300P	NEW-E	93-12-092
220-32-05100U	REP-E	93-06-015	220-47-901	NEW-E	93-17-009	220-52-075	AMD-P	93-12-092
220-32-05100V	NEW-E	93-06-015	220-47-901	REP-E	93-17-053	220-52-075	AMD	93-15-051
220-32-05100V	REP-E	93-06-015	220-47-902	NEW-E	93-17-053	220-55-00100A	NEW-E	93-13-028
			220-47-902	REP-E	93-17-053	220-55-005	NEW-P	93-20-109
			220-47-902	REP-E	93-17-108	220-55-010	AMD-P	93-04-096

TABLE





Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-57-43000H	NEW-E	93-20-108	222-24-025	AMD-P	93-20-077	230-12-020	AMD	93-19-090
220-57-43500I	NEW-E	93-19-076	222-24-040	AMD-P	93-20-077	230-12-030	AMD-P	93-13-061
220-57-445	AMD-P	93-04-096	222-24-050	AMD-P	93-05-010	230-12-030	AMD	93-17-098
220-57-445	AMD	93-08-034	222-24-050	AMD	93-12-001	230-12-078	NEW-P	93-20-009
220-57-45500D	NEW-E	93-19-076	222-30-020	AMD-P	93-05-010	230-20-010	AMD-P	93-10-042
220-57-460	AMD-P	93-04-096	222-30-020	AMD	93-12-001	230-20-010	AMD	93-13-062
220-57-460	AMD	93-08-034	222-30-020	AMD-E	93-24-024	230-20-064	AMD-P	93-10-042
220-57-46000Z	NEW-E	93-21-036	222-30-040	AMD-P	93-05-010	230-20-064	AMD	93-13-062
220-57-465	AMD-P	93-04-096	222-30-040	AMD-E	93-10-015	230-20-070	AMD-P	93-13-061
220-57-465	AMD	93-08-034	222-30-040	AMD	93-12-001	230-20-070	AMD	93-17-098
220-57-46500G	NEW-E	93-20-026	222-34-030	AMD-P	93-20-077	230-20-101	AMD-P	93-20-007
220-57-495	AMD-P	93-04-096	222-34-040	AMD-P	93-05-010	230-20-111	NEW-E	93-07-080
220-57-495	AMD	93-08-034	222-34-040	AMD	93-12-001	230-20-111	NEW-P	93-07-083
220-57-49700	NEW-E	93-08-016	222-38-020	AMD-P	93-05-010	230-20-111	NEW	93-15-041
220-57-50500U	NEW-E	93-08-016	222-38-020	AMD	93-12-001	230-20-192	NEW-P	93-20-006
220-57-51000I	NEW-E	93-21-036	222-38-030	AMD-P	93-05-010	230-20-240	AMD-P	93-20-006
220-57-51000I	REP-E	93-22-005	222-38-030	AMD	93-12-001	230-20-241	AMD-P	93-20-006
220-57-51500I	NEW-E	93-08-016	222-46	AMD-P	93-20-077	230-20-242	NEW-P	93-10-042
220-57-51500I	REP-E	93-13-029	222-46-010	AMD-P	93-20-077	230-20-242	NEW	93-13-062
220-57-51500J	NEW-E	93-13-029	222-46-020	AMD-P	93-05-010	230-20-243	NEW-P	93-20-006
220-57A-183	AMD-P	93-04-096	222-46-020	AMD	93-12-001	230-20-246	AMD-P	93-10-042
220-57A-183	AMD	93-08-034	222-46-020	AMD-P	93-20-077	230-20-246	AMD	93-13-062
220-69-220	AMD-P	93-20-109	222-46-030	AMD-P	93-20-077	230-20-508	NEW-P	93-20-008
220-69-245	AMD-P	93-20-109	222-46-040	AMD-P	93-20-077	230-20-509	NEW-P	93-20-008
220-69-260	AMD-P	93-20-109	222-46-060	AMD-P	93-20-077	230-20-509	REP-P	93-20-008
220-69-270	AMD-P	93-20-109	222-46-065	NEW-P	93-20-077	230-20-605	AMD-P	93-20-008
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222-12-020	AMD-P	93-05-010	230-02-230	AMD-P	93-20-006	230-20-700	AMD-P	93-20-008
222-12-020	AMD	93-12-001	230-02-250	AMD-P	93-20-006	230-25-160	AMD-P	93-07-081
222-12-020	AMD-P	93-20-077	230-02-270	AMD-P	93-20-006	230-25-160	AMD	93-12-082
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222-16-010	AMD-E	93-07-060	230-02-400	AMD	93-13-061	230-30-072	AMD	93-13-063
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222-16-010	AMD-E	93-23-049	230-04-040	AMD-P	93-20-009	230-30-095	REP-P	93-07-083
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222-16-060	AMD-P	93-20-077	230-04-138	AMD	93-19-090	230-30-106	AMD	93-10-005
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222-16-080	AMD	93-12-001	230-04-400	AMD	93-12-082	230-40-055	AMD	93-12-082
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222-16-080	AMD-P	93-23-048	230-08-010	AMD	93-13-063	230-40-120	AMD-W	93-17-064
222-16-080	AMD-E	93-23-049	230-08-017	AMD-P	93-20-006	230-40-125	AMD-P	93-10-042
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222-22-030	AMD-P	93-20-077	230-08-080	AMD-P	93-20-007	232-12-007	AMD-C	93-15-055
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232-12-019	AMD	93-10-012	232-28-61919	REP-P	93-13-140	236-14-200	NEW	93-20-027
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232-12-619	AMD	93-21-070	232-28-61926	REP-P	93-13-140	236-14-900	NEW	93-20-027
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232-28-022	AMD-P	93-17-112	232-28-61927	REP-P	93-13-140	236-22-020	NEW-P	93-09-030
232-28-022	AMD	93-20-070	232-28-61927	REP	93-21-070	236-22-020	NEW	93-16-079
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232-28-226	AMD	93-11-016	232-28-61928	REP-P	93-13-140	236-22-030	NEW	93-16-079
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232-28-227	AMD	93-11-015	232-28-61929	NEW	93-04-052	236-22-031	NEW	93-16-079
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232-28-228	AMD	93-11-014	232-28-61929	REP	93-21-070	236-22-032	NEW	93-16-079
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232-28-233	REP	93-11-011	232-28-61930	REP-P	93-13-140	236-22-033	NEW	93-16-079
232-28-234	REP-P	93-06-063	232-28-61930	REP	93-21-070	236-22-034	NEW-P	93-09-030
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232-28-235	REP	93-11-013	232-28-61932	NEW	93-10-055	236-22-035	NEW	93-16-079
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232-28-236	NEW	93-11-013	232-28-61932	REP	93-21-070	236-22-036	NEW	93-16-079
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232-28-237	NEW	93-11-012	232-28-61933	NEW	93-10-053	236-22-037	NEW	93-16-079
232-28-238	NEW-P	93-06-062	232-28-61933	REP-P	93-13-140	236-22-038	NEW-P	93-09-030
232-28-238	NEW	93-11-011	232-28-61933	REP	93-21-070	236-22-038	NEW	93-16-079
232-28-239	NEW-P	93-24-097	232-28-61934	NEW-E	93-06-061	236-22-040	NEW-P	93-09-030
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232-28-417	NEW	93-19-101	232-28-61935	REP	93-21-070	236-22-060	NEW-P	93-09-030
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232-28-61902	REP	93-21-070	232-28-61939	NEW-E	93-24-082	236-22-100	AMD-P	93-09-030
232-28-61904	REP-P	93-13-140	232-28-61940	NEW-P	93-24-083	236-22-100	AMD	93-16-079
232-28-61904	REP	93-21-070	232-28-61941	NEW-P	93-24-084	236-22-200	NEW-P	93-09-030
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232-28-61905	REP	93-21-070	236-14-010	NEW-W	93-05-041	236-22-210	NEW-P	93-09-030
232-28-61906	REP-P	93-13-140	236-14-010	NEW-P	93-09-068	236-22-210	NEW	93-16-079
232-28-61906	REP	93-21-070	236-14-010	NEW-W	93-10-090	240-10-030	AMD-P	93-20-097
232-28-61907	REP-P	93-13-140	236-14-010	NEW-P	93-15-126	240-20-010	NEW-E	93-22-050
232-28-61907	REP	93-21-070	236-14-010	NEW	93-20-027	240-20-020	NEW-E	93-22-050
232-28-61908	REP-P	93-13-140	236-14-015	NEW-W	93-05-041	240-20-030	NEW-E	93-22-050
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232-28-61909	REP	93-21-070	236-14-015	NEW-P	93-15-126	240-20-050	NEW-E	93-22-050
232-28-61910	REP-P	93-13-140	236-14-015	NEW	93-20-027	240-20-060	NEW-E	93-22-050
232-28-61910	REP	93-21-070	236-14-050	NEW-W	93-05-041	240-20-070	NEW-E	93-22-050
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232-28-61911	REP	93-21-070	236-14-050	NEW-W	93-10-090	240-20-090	NEW-E	93-22-050
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232-28-61912	REP	93-21-070	236-14-050	NEW	93-20-027	240-20-110	NEW-E	93-22-050
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232-28-61913	REP	93-21-070	236-14-100	NEW-P	93-09-068	240-20-130	NEW-E	93-22-050
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244-12-060	AMD-W	93-09-049	246-08-180	REP-P	93-08-071	246-10-120	NEW-P	93-08-071
244-12-060	AMD-P	93-09-053	246-08-180	REP	93-13-005	246-10-120	NEW	93-13-005
244-12-060	AMD	93-13-013	246-08-190	REP-P	93-08-071	246-10-121	NEW-P	93-08-071
244-12-100	NEW-P	93-07-038	246-08-190	REP	93-13-005	246-10-121	NEW	93-13-005
244-12-100	NEW-W	93-09-049	246-08-200	REP-P	93-08-071	246-10-122	NEW-P	93-08-071
244-12-100	NEW-P	93-09-053	246-08-200	REP	93-13-005	246-10-122	NEW	93-13-005
244-12-100	NEW	93-13-013	246-08-210	REP-P	93-08-071	246-10-123	NEW-P	93-08-071
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246-01-100	NEW	93-08-004	246-08-360	REP	93-13-005	246-10-202	AMD-P	93-24-106
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246-05-001	NEW-P	93-15-091	246-08-370	REP	93-13-005	246-10-203	NEW	93-13-005
246-05-001	NEW	93-19-061	246-08-380	REP-P	93-08-071	246-10-203	AMD-P	93-24-106
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246-05-010	NEW	93-19-061	246-08-440	NEW	93-08-004	246-10-204	AMD-P	93-24-106
246-05-030	NEW-E	93-15-012	246-08-450	NEW	93-08-004	246-10-205	NEW-P	93-08-071
246-05-030	NEW-P	93-15-091	246-08-450	AMD-P	93-24-106	246-10-205	NEW	93-13-005
246-05-030	NEW	93-19-061	246-08-520	AMD	93-08-004	246-10-205	AMD-P	93-24-106
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246-08-030	REP	93-13-005	246-10-102	AMD-P	93-24-106	246-10-303	NEW	93-13-005
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246-08-050	REP-P	93-08-071	246-10-103	AMD-P	93-24-106	246-10-304	NEW	93-13-005
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246-08-060	REP	93-13-005	246-10-105	NEW-P	93-08-071	246-10-305	NEW	93-13-005
246-08-070	REP-P	93-08-071	246-10-105	NEW	93-13-005	246-10-305	AMD-P	93-24-106
246-08-070	REP	93-13-005	246-10-106	NEW-P	93-08-071	246-10-306	NEW-P	93-08-071
246-08-080	REP-P	93-08-071	246-10-106	NEW	93-13-005	246-10-306	NEW	93-13-005
246-08-080	REP	93-13-005	246-10-107	NEW-P	93-08-071	246-10-401	NEW-P	93-08-071
246-08-090	REP-P	93-08-071	246-10-107	NEW	93-13-005	246-10-401	NEW	93-13-005
246-08-090	REP	93-13-005	246-10-107	AMD-P	93-24-106	246-10-401	AMD-P	93-24-106
246-08-100	REP-P	93-08-071	246-10-108	NEW-P	93-08-071	246-10-402	NEW-P	93-08-071
246-08-100	REP	93-13-005	246-10-108	NEW	93-13-005	246-10-402	NEW	93-13-005
246-08-101	NEW-P	93-08-071	246-10-109	NEW-P	93-08-071	246-10-402	AMD-P	93-24-106
246-08-101	NEW	93-13-005	246-10-109	NEW	93-13-005	246-10-403	NEW-P	93-08-071
246-08-102	NEW-P	93-08-071	246-10-109	AMD-P	93-24-106	246-10-403	NEW	93-13-005
246-08-102	NEW	93-13-005	246-10-110	NEW-P	93-08-071	246-10-403	AMD-P	93-24-106
246-08-103	NEW-P	93-08-071	246-10-110	NEW	93-13-005	246-10-404	NEW-P	93-08-071
246-08-103	NEW	93-13-005	246-10-110	AMD-P	93-24-106	246-10-404	NEW	93-13-005
246-08-104	NEW-P	93-08-071	246-10-111	NEW-P	93-08-071	246-10-404	AMD-P	93-24-106
246-08-104	NEW	93-13-005	246-10-111	NEW	93-13-005	246-10-405	NEW-P	93-08-071
246-08-105	NEW-P	93-08-071	246-10-112	NEW-P	93-08-071	246-10-405	NEW	93-13-005
246-08-105	NEW	93-13-005	246-10-112	NEW	93-13-005	246-10-501	NEW-P	93-08-071
246-08-106	NEW-P	93-08-071	246-10-113	NEW-P	93-08-071	246-10-501	NEW	93-13-005
246-08-106	NEW	93-13-005	246-10-113	NEW	93-13-005	246-10-501	AMD-P	93-24-106
246-08-110	REP-P	93-08-071	246-10-114	NEW-P	93-08-071	246-10-502	NEW-P	93-08-071
246-08-110	REP	93-13-005	246-10-114	NEW	93-13-005	246-10-502	NEW	93-13-005
246-08-120	REP-P	93-08-071	246-10-114	AMD-P	93-24-106	246-10-502	AMD-P	93-24-106
246-08-120	REP	93-13-005	246-10-115	NEW-P	93-08-071	246-10-503	NEW-P	93-08-071
246-08-130	REP-P	93-08-071	246-10-115	NEW	93-13-005	246-10-503	NEW	93-13-005
246-08-130	REP	93-13-005	246-10-115	AMD-P	93-24-106	246-10-503	AMD-P	93-24-106
246-08-140	REP-P	93-08-071	246-10-116	NEW-P	93-08-071	246-10-504	NEW-P	93-08-071
246-08-140	REP	93-13-005	246-10-116	NEW	93-13-005	246-10-504	NEW	93-13-005
246-08-150	REP-P	93-08-071	246-10-117	NEW-P	93-08-071	246-10-504	AMD-P	93-24-106
246-08-150	REP	93-13-005	246-10-117	NEW	93-13-005	246-10-505	NEW-P	93-08-071

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-10-505	NEW	93-13-005	246-11-120	NEW	93-08-003	246-11-400	NEW	93-08-003
246-10-601	NEW-P	93-08-071	246-11-130	NEW-P	93-04-102	246-11-400	AMD-P	93-24-105
246-10-601	NEW	93-13-005	246-11-130	NEW	93-08-003	246-11-420	NEW-P	93-04-102
246-10-602	NEW-P	93-08-071	246-11-130	AMD-P	93-24-105	246-11-420	NEW	93-08-003
246-10-602	NEW	93-13-005	246-11-140	NEW-P	93-04-102	246-11-420	AMD-P	93-24-105
246-10-603	NEW-P	93-08-071	246-11-140	NEW	93-08-003	246-11-425	NEW-P	93-24-105
246-10-603	NEW	93-13-005	246-11-140	AMD-P	93-24-105	246-11-430	NEW-P	93-04-102
246-10-604	NEW-P	93-08-071	246-11-150	NEW-P	93-04-102	246-11-430	NEW	93-08-003
246-10-604	NEW	93-13-005	246-11-150	NEW	93-08-003	246-11-430	AMD-P	93-24-105
246-10-604	AMD-P	93-24-106	246-11-160	NEW-P	93-04-102	246-11-440	NEW-P	93-04-102
246-10-605	NEW-P	93-08-071	246-11-160	NEW	93-08-003	246-11-440	NEW	93-08-003
246-10-605	NEW	93-13-005	246-11-160	AMD-P	93-24-105	246-11-440	AMD-P	93-24-105
246-10-606	NEW-P	93-08-071	246-11-170	NEW-P	93-04-102	246-11-450	NEW-P	93-04-102
246-10-606	NEW	93-13-005	246-11-170	NEW	93-08-003	246-11-450	NEW	93-08-003
246-10-607	NEW-P	93-08-071	246-11-180	NEW-P	93-04-102	246-11-450	AMD-P	93-24-105
246-10-607	NEW	93-13-005	246-11-180	NEW	93-08-003	246-11-470	NEW-P	93-04-102
246-10-607	AMD-P	93-24-106	246-11-180	AMD-P	93-24-105	246-11-470	NEW	93-08-003
246-10-608	NEW-P	93-08-071	246-11-190	NEW-P	93-04-102	246-11-480	NEW-P	93-04-102
246-10-608	NEW	93-13-005	246-11-190	NEW	93-08-003	246-11-480	NEW	93-08-003
246-10-701	NEW-P	93-08-071	246-11-200	NEW-P	93-04-102	246-11-480	AMD-P	93-24-105
246-10-701	NEW	93-13-005	246-11-200	NEW	93-08-003	246-11-490	NEW-P	93-04-102
246-10-701	AMD-P	93-24-106	246-11-210	NEW-P	93-04-102	246-11-490	NEW	93-08-003
246-10-702	NEW-P	93-08-071	246-11-210	NEW	93-08-003	246-11-500	NEW-P	93-04-102
246-10-702	NEW	93-13-005	246-11-220	NEW-P	93-04-102	246-11-500	NEW	93-08-003
246-10-702	AMD-P	93-24-106	246-11-220	NEW	93-08-003	246-11-500	AMD-P	93-24-105
246-10-703	NEW-P	93-08-071	246-11-220	AMD-P	93-24-105	246-11-510	NEW-P	93-04-102
246-10-703	NEW	93-13-005	246-11-230	NEW-P	93-04-102	246-11-510	NEW	93-08-003
246-10-704	NEW-P	93-08-071	246-11-230	NEW	93-08-003	246-11-510	AMD-P	93-24-105
246-10-704	NEW	93-13-005	246-11-230	AMD-P	93-24-105	246-11-520	NEW-P	93-04-102
246-10-704	AMD-P	93-24-106	246-11-250	NEW-P	93-04-102	246-11-520	NEW	93-08-003
246-10-705	NEW-P	93-08-071	246-11-250	NEW	93-08-003	246-11-530	NEW-P	93-04-102
246-10-705	NEW	93-13-005	246-11-250	AMD-P	93-24-105	246-11-530	NEW	93-08-003
246-10-705	AMD-P	93-24-106	246-11-260	NEW-P	93-04-102	246-11-530	AMD-P	93-24-105
246-10-706	NEW-P	93-08-071	246-11-260	NEW	93-08-003	246-11-540	NEW-P	93-04-102
246-10-706	NEW	93-13-005	246-11-260	AMD-P	93-24-105	246-11-540	NEW	93-08-003
246-10-706	AMD-P	93-24-106	246-11-270	NEW-P	93-04-102	246-11-540	AMD-P	93-24-105
246-10-707	NEW-P	93-08-071	246-11-270	NEW	93-08-003	246-11-550	NEW-P	93-04-102
246-10-707	NEW	93-13-005	246-11-270	AMD-P	93-24-105	246-11-550	NEW	93-08-003
246-10-707	AMD-P	93-24-106	246-11-280	NEW-P	93-04-102	246-11-560	NEW-P	93-04-102
246-11-001	NEW-P	93-04-102	246-11-280	NEW	93-08-003	246-11-560	NEW	93-08-003
246-11-001	NEW	93-08-003	246-11-280	AMD-P	93-24-105	246-11-560	AMD-P	93-24-105
246-11-010	NEW-P	93-04-102	246-11-290	NEW-P	93-04-102	246-11-570	NEW-P	93-04-102
246-11-010	NEW	93-08-003	246-11-290	NEW	93-08-003	246-11-570	NEW	93-08-003
246-11-010	AMD-P	93-24-105	246-11-290	AMD-P	93-24-105	246-11-580	NEW-P	93-04-102
246-11-020	NEW-P	93-04-102	246-11-300	NEW-P	93-04-102	246-11-580	NEW	93-08-003
246-11-020	NEW	93-08-003	246-11-300	NEW	93-08-003	246-11-580	AMD-P	93-24-105
246-11-020	AMD-P	93-24-105	246-11-300	AMD-P	93-24-105	246-11-590	NEW-P	93-04-102
246-11-030	NEW-P	93-04-102	246-11-310	NEW-P	93-04-102	246-11-590	NEW	93-08-003
246-11-030	NEW	93-08-003	246-11-310	NEW	93-08-003	246-11-590	AMD-P	93-24-105
246-11-030	AMD-P	93-24-105	246-11-320	NEW-P	93-04-102	246-11-600	NEW-P	93-04-102
246-11-040	NEW-P	93-04-102	246-11-320	NEW	93-08-003	246-11-600	NEW	93-08-003
246-11-040	NEW	93-08-003	246-11-320	AMD-P	93-24-105	246-11-600	AMD-P	93-24-105
246-11-050	NEW-P	93-04-102	246-11-330	NEW-P	93-04-102	246-11-610	NEW-P	93-04-102
246-11-050	NEW	93-08-003	246-11-330	NEW	93-08-003	246-11-610	NEW	93-08-003
246-11-050	AMD-P	93-24-105	246-11-330	AMD-P	93-24-105	246-11-610	AMD-P	93-24-105
246-11-060	NEW-P	93-04-102	246-11-340	NEW-P	93-04-102	246-100-011	AMD-P	93-03-003
246-11-060	NEW	93-08-003	246-11-340	NEW	93-08-003	246-100-011	AMD	93-08-036
246-11-060	AMD-P	93-24-105	246-11-340	AMD-P	93-24-105	246-100-041	AMD-P	93-03-003
246-11-070	NEW-P	93-04-102	246-11-350	NEW-P	93-04-102	246-100-041	AMD	93-08-036
246-11-070	NEW	93-08-003	246-11-350	NEW	93-08-003	246-100-042	NEW-P	93-06-094
246-11-080	NEW-P	93-04-102	246-11-360	NEW-P	93-04-102	246-100-042	NEW	93-10-038
246-11-080	NEW	93-08-003	246-11-360	NEW	93-08-003	246-100-076	AMD-P	93-03-003
246-11-080	AMD-P	93-24-105	246-11-360	AMD-P	93-24-105	246-100-076	AMD	93-08-036
246-11-090	NEW-P	93-04-102	246-11-370	NEW-P	93-04-102	246-100-236	AMD-P	93-03-003
246-11-090	NEW	93-08-003	246-11-370	NEW	93-08-003	246-100-236	AMD	93-08-036
246-11-090	AMD-P	93-24-105	246-11-370	AMD-P	93-24-105	246-130-040	AMD-E	93-04-015
246-11-100	NEW-P	93-04-102	246-11-380	NEW-P	93-04-102	246-130-040	AMD-P	93-06-095
246-11-100	NEW	93-08-003	246-11-380	NEW	93-08-003	246-130-040	AMD-W	93-11-006
246-11-100	AMD-P	93-24-105	246-11-380	AMD-P	93-24-105	246-130-070	AMD-E	93-04-015
246-11-110	NEW-P	93-04-102	246-11-390	NEW-P	93-04-102	246-130-070	AMD-P	93-06-095
246-11-110	NEW	93-08-003	246-11-390	NEW	93-08-003	246-130-070	AMD-W	93-11-006
246-11-110	AMD-P	93-24-105	246-11-390	AMD-P	93-24-105	246-201-005	NEW-W	93-11-075
246-11-120	NEW-P	93-04-102	246-11-400	NEW-P	93-04-102	246-203-005	NEW-W	93-11-075



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-290-210	REP	93-08-011	246-290-686	NEW-P	93-04-122	246-318-500	AMD	93-07-011
246-290-230	AMD-P	93-04-122	246-290-686	NEW	93-08-011	246-318-510	AMD	93-07-011
246-290-230	AMD	93-08-011	246-290-690	NEW-P	93-04-122	246-318-520	AMD	93-07-011
246-290-250	AMD-P	93-04-122	246-290-690	NEW	93-08-011	246-318-530	AMD	93-07-011
246-290-250	AMD	93-08-011	246-290-692	NEW-P	93-04-122	246-318-540	AMD	93-07-011
246-290-300	AMD-P	93-04-122	246-290-692	NEW	93-08-011	246-318-550	AMD	93-07-011
246-290-300	AMD	93-08-011	246-290-694	NEW-P	93-04-122	246-318-560	AMD	93-07-011
246-290-310	AMD-P	93-04-122	246-290-694	NEW	93-08-011	246-318-570	AMD	93-07-011
246-290-310	AMD	93-08-011	246-290-696	NEW-P	93-04-122	246-318-580	AMD	93-07-011
246-290-320	AMD-P	93-04-122	246-290-696	NEW	93-08-011	246-318-590	AMD	93-07-011
246-290-320	AMD	93-08-011	246-292-001	AMD-P	93-23-081	246-318-600	AMD	93-07-011
246-290-330	AMD-P	93-04-122	246-292-010	AMD-P	93-23-081	246-318-610	AMD	93-07-011
246-290-330	AMD	93-08-011	246-292-020	AMD-P	93-23-081	246-318-620	AMD	93-07-011
246-290-400	REP-P	93-04-122	246-292-030	AMD-P	93-23-081	246-318-630	AMD	93-07-011
246-290-400	REP	93-08-011	246-292-040	AMD-P	93-23-081	246-318-640	AMD	93-07-011
246-290-420	AMD-P	93-04-122	246-292-050	AMD-P	93-23-081	246-318-650	AMD	93-07-011
246-290-420	AMD	93-08-011	246-292-055	NEW-P	93-23-081	246-318-660	AMD	93-07-011
246-290-440	AMD-P	93-04-122	246-292-060	AMD-P	93-23-081	246-318-670	AMD	93-07-011
246-290-440	AMD	93-08-011	246-292-070	AMD-P	93-23-081	246-318-680	AMD	93-07-011
246-290-450	REP-P	93-04-122	246-292-075	NEW-P	93-23-081	246-318-690	AMD	93-07-011
246-290-450	REP	93-08-011	246-292-080	AMD-P	93-23-081	246-318-700	AMD	93-07-011
246-290-470	AMD-P	93-04-122	246-292-090	AMD-P	93-23-081	246-318-710	AMD	93-07-011
246-290-470	AMD	93-08-011	246-292-100	AMD-P	93-23-081	246-318-720	AMD	93-07-011
246-290-480	AMD-P	93-04-122	246-292-110	AMD-P	93-23-081	246-318-730	AMD	93-07-011
246-290-480	AMD	93-08-011	246-292-120	REP-P	93-23-081	246-318-740	AMD	93-07-011
246-290-601	NEW-P	93-04-122	246-292-130	REP-P	93-23-081	246-318-750	AMD	93-07-011
246-290-601	NEW	93-08-011	246-292-140	REP-P	93-23-081	246-318-760	AMD	93-07-011
246-290-610	NEW-P	93-04-122	246-292-150	REP-P	93-23-081	246-318-770	AMD	93-07-011
246-290-610	NEW	93-08-011	246-292-160	NEW-P	93-23-081	246-318-780	AMD	93-07-011
246-290-620	NEW-P	93-04-122	246-292-170	NEW-P	93-23-081	246-318-790	AMD	93-07-011
246-290-620	NEW	93-08-011	246-292-990	REP-P	93-23-081	246-318-799	REP	93-07-011
246-290-630	NEW-P	93-04-122	246-293-440	REP-P	93-08-071	246-318-800	AMD	93-07-011
246-290-630	NEW	93-08-011	246-293-440	REP	93-13-005	246-318-810	AMD	93-07-011
246-290-632	NEW-P	93-04-122	246-294-001	NEW	93-03-047	246-318-820	AMD	93-07-011
246-290-632	NEW	93-08-011	246-294-010	NEW	93-03-047	246-318-830	AMD	93-07-011
246-290-634	NEW-P	93-04-122	246-294-020	NEW	93-03-047	246-318-840	AMD	93-07-011
246-290-634	NEW	93-08-011	246-294-030	NEW	93-03-047	246-318-850	AMD	93-07-011
246-290-636	NEW-P	93-04-122	246-294-040	NEW	93-03-047	246-318-860	AMD	93-07-011
246-290-636	NEW	93-08-011	246-294-050	NEW	93-03-047	246-318-870	AMD	93-07-011
246-290-638	NEW-P	93-04-122	246-294-060	NEW	93-03-047	246-318-99902	AMD	93-07-011
246-290-638	NEW	93-08-011	246-294-070	NEW	93-03-047	246-321-018	NEW-W	93-04-091
246-290-639	NEW-P	93-04-122	246-294-080	NEW	93-03-047	246-321-018	NEW-P	93-08-078
246-290-639	NEW	93-08-011	246-294-090	NEW	93-03-047	246-321-018	NEW	93-16-030
246-290-640	NEW-P	93-04-122	246-294-100	NEW	93-03-047	246-323-022	NEW-W	93-04-091
246-290-640	NEW	93-08-011	246-310-280	AMD-P	93-08-070	246-323-022	NEW-P	93-08-078
246-290-650	NEW-P	93-04-122	246-310-280	AMD	93-13-015	246-323-022	NEW	93-16-030
246-290-650	NEW	93-08-011	246-310-381	NEW-E	93-13-044	246-325-022	NEW-W	93-04-091
246-290-652	NEW-P	93-04-122	246-310-381	NEW-E	93-21-033	246-325-022	NEW-P	93-08-078
246-290-652	NEW	93-08-011	246-316-020	AMD-W	93-04-091	246-325-022	NEW	93-16-030
246-290-654	NEW-P	93-04-122	246-316-020	AMD-P	93-08-078	246-327-090	NEW-W	93-04-091
246-290-654	NEW	93-08-011	246-316-020	AMD	93-16-030	246-327-090	NEW-P	93-08-078
246-290-660	NEW-P	93-04-122	246-316-040	AMD-W	93-04-091	246-327-090	NEW	93-16-030
246-290-660	NEW	93-08-011	246-316-040	AMD-P	93-08-078	246-327-990	AMD-E	93-14-093
246-290-662	NEW-P	93-04-122	246-316-040	AMD	93-16-030	246-327-990	AMD-P	93-17-045
246-290-662	NEW	93-08-011	246-316-045	NEW-W	93-04-091	246-327-990	AMD	93-21-034
246-290-664	NEW-P	93-04-122	246-316-045	NEW-P	93-08-078	246-329-035	NEW-W	93-04-091
246-290-664	NEW	93-08-011	246-316-045	NEW	93-16-030	246-329-035	NEW-P	93-08-078
246-290-666	NEW-P	93-04-122	246-316-050	AMD-W	93-04-091	246-329-035	NEW	93-16-030
246-290-666	NEW	93-08-011	246-316-050	AMD-P	93-08-078	246-331-100	NEW-W	93-04-091
246-290-668	NEW-P	93-04-122	246-316-050	AMD	93-16-030	246-331-100	NEW-P	93-08-078
246-290-668	NEW	93-08-011	246-316-240	AMD-E	93-12-004	246-331-100	NEW	93-16-030
246-290-670	NEW-P	93-04-122	246-316-240	AMD-P	93-19-060	246-331-990	AMD-E	93-14-093
246-290-670	NEW	93-08-011	246-316-240	AMD-E	93-19-062	246-331-990	AMD-P	93-17-045
246-290-672	NEW-P	93-04-122	246-316-260	AMD-E	93-12-004	246-331-990	AMD	93-21-034
246-290-672	NEW	93-08-011	246-316-260	AMD-P	93-19-060	246-336-100	NEW-W	93-04-091
246-290-674	NEW-P	93-04-122	246-316-260	AMD-E	93-19-062	246-336-100	NEW-P	93-08-078
246-290-674	NEW	93-08-011	246-318-010	AMD	93-07-011	246-336-100	NEW	93-16-030
246-290-676	NEW-P	93-04-122	246-318-040	AMD-W	93-04-091	246-336-990	AMD-E	93-14-093
246-290-676	NEW	93-08-011	246-318-040	AMD-P	93-08-078	246-336-990	AMD-P	93-17-045
246-290-678	NEW-P	93-04-122	246-318-040	AMD	93-16-030	246-336-990	AMD	93-21-034
246-290-678	NEW	93-08-011	246-318-042	NEW-W	93-04-091	246-338-010	AMD-P	93-14-036
246-290-680	NEW-P	93-04-122	246-318-042	NEW-P	93-08-078	246-338-010	AMD	93-18-091
246-290-680	NEW	93-08-011	246-318-042	NEW	93-16-030	246-338-020	AMD-P	93-14-036

TABLE

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-338-020	AMD	93-18-091	246-358-055	AMD	93-03-032	246-807-280	AMD	93-24-107
246-338-030	AMD-P	93-14-036	246-358-065	AMD	93-03-032	246-807-290	AMD-P	93-14-094
246-338-030	AMD	93-18-091	246-358-075	AMD	93-03-032	246-807-290	AMD-C	93-17-094
246-338-040	AMD-P	93-14-036	246-358-085	AMD	93-03-032	246-807-290	AMD	93-24-107
246-338-040	AMD	93-18-091	246-358-095	AMD	93-03-032	246-807-311	NEW-P	93-14-094
246-338-050	AMD-P	93-14-036	246-358-105	AMD	93-03-032	246-807-311	NEW-C	93-17-094
246-338-050	AMD	93-18-091	246-358-115	AMD	93-03-032	246-807-311	NEW	93-24-107
246-338-060	AMD-P	93-14-036	246-358-125	AMD	93-03-032	246-807-320	AMD-P	93-14-094
246-338-060	AMD	93-18-091	246-358-135	AMD	93-03-032	246-807-320	AMD-C	93-17-094
246-338-070	AMD-P	93-14-036	246-358-140	NEW	93-03-032	246-807-320	AMD	93-24-107
246-338-070	AMD	93-18-091	246-358-145	AMD	93-03-032	246-807-395	NEW-E	93-10-006
246-338-080	AMD-P	93-14-036	246-358-155	AMD	93-03-032	246-807-395	NEW-P	93-14-094
246-338-080	AMD	93-18-091	246-358-165	AMD	93-03-032	246-807-395	NEW-C	93-17-094
246-338-090	AMD-P	93-14-036	246-358-175	AMD	93-03-032	246-807-395	NEW-E	93-18-016
246-338-090	AMD	93-18-091	246-358-990	AMD	93-03-031	246-807-395	NEW	93-24-107
246-338-100	AMD-P	93-14-036	246-360-005	NEW-W	93-11-075	246-807-396	NEW-E	93-10-006
246-338-100	AMD	93-18-091	246-374-005	NEW-W	93-11-075	246-807-396	NEW-P	93-14-094
246-338-110	AMD-P	93-14-036	246-376-005	NEW-W	93-11-075	246-807-396	NEW-C	93-17-094
246-338-110	AMD	93-18-091	246-378-005	NEW-W	93-11-075	246-807-396	NEW-E	93-18-016
246-338-990	AMD-P	93-14-036	246-388-070	AMD-W	93-04-091	246-807-396	NEW	93-24-107
246-338-990	AMD	93-18-091	246-388-070	AMD-P	93-08-078	246-807-500	NEW-P	93-14-094
246-340-001	REP-E	93-14-034	246-388-070	AMD	93-16-030	246-807-500	NEW-C	93-17-094
246-340-001	REP-P	93-14-035	246-388-072	NEW-W	93-04-091	246-807-500	NEW	93-24-107
246-340-001	REP	93-19-109	246-388-072	NEW-P	93-08-078	246-807-510	NEW-P	93-14-094
246-340-010	REP-E	93-14-034	246-388-072	NEW	93-16-030	246-807-510	NEW-C	93-17-094
246-340-010	REP-P	93-14-035	246-420-005	NEW-W	93-11-075	246-807-510	NEW	93-24-107
246-340-010	REP	93-19-109	246-490-100	NEW-E	93-18-037	246-807-520	NEW-P	93-14-094
246-340-020	REP-E	93-14-034	246-490-100	NEW-P	93-18-090	246-807-520	NEW-C	93-17-094
246-340-020	REP-P	93-14-035	246-490-110	NEW-E	93-18-037	246-807-520	NEW	93-24-107
246-340-020	REP	93-19-109	246-490-110	NEW-P	93-18-090	246-807-530	NEW-P	93-14-094
246-340-030	REP-E	93-14-034	246-491-005	NEW-W	93-11-075	246-807-530	NEW-C	93-17-094
246-340-030	REP-P	93-14-035	246-520-001	REP-P	93-16-099	246-807-530	NEW	93-24-107
246-340-030	REP	93-19-109	246-520-005	NEW-W	93-11-075	246-810-020	AMD-P	93-10-071
246-340-040	REP-E	93-14-034	246-520-010	REP-P	93-16-099	246-810-020	AMD	93-14-011
246-340-040	REP-P	93-14-035	246-520-020	REP-P	93-16-099	246-810-990	AMD-P	93-10-071
246-340-040	REP	93-19-109	246-520-030	REP-P	93-16-099	246-810-990	AMD	93-14-011
246-340-050	REP-E	93-14-034	246-520-040	REP-P	93-16-099	246-815-100	AMD	93-06-042A
246-340-050	REP-P	93-14-035	246-520-050	REP-P	93-16-099	246-815-300	NEW-P	93-22-051
246-340-050	REP	93-19-109	246-520-060	REP-P	93-16-099	246-815-990	AMD-P	93-12-121
246-340-060	REP-E	93-14-034	246-520-070	REP-P	93-16-099	246-815-990	AMD	93-16-073
246-340-060	REP-P	93-14-035	246-610-005	NEW-W	93-11-075	246-815-990	AMD-P	93-23-004
246-340-060	REP	93-19-109	246-650-005	NEW-W	93-11-075	246-816-220	AMD-P	93-08-106
246-340-070	REP-E	93-14-034	246-680-005	NEW-W	93-11-075	246-816-220	AMD-W	93-13-014
246-340-070	REP-P	93-14-035	246-760-005	NEW-W	93-11-075	246-816-225	NEW-P	93-08-106
246-340-070	REP	93-19-109	246-762-005	NEW-W	93-11-075	246-816-225	NEW-W	93-13-014
246-340-080	REP-E	93-14-034	246-806-075	NEW-P	93-16-100	246-816-225	NEW-P	93-16-028
246-340-080	REP-P	93-14-035	246-806-075	NEW	93-20-061	246-816-225	NEW	93-19-111
246-340-080	REP	93-19-109	246-806-090	AMD-P	93-06-090	246-816-370	AMD-P	93-16-029
246-340-085	NEW-W	93-04-091	246-806-090	AMD-W	93-09-054	246-816-370	AMD	93-19-112
246-340-085	NEW-P	93-08-078	246-806-090	AMD-P	93-16-100	246-818-120	AMD	93-07-108
246-340-085	NEW	93-16-030	246-806-090	AMD-W	93-20-062	246-818-130	AMD-S	93-07-107
246-340-090	REP-E	93-14-034	246-806-091	NEW-P	93-16-100	246-818-130	AMD	93-12-005
246-340-090	REP-P	93-14-035	246-806-091	AMD-W	93-20-062	246-818-140	AMD	93-07-108
246-340-090	REP	93-19-109	246-806-092	NEW-P	93-16-100	246-818-990	REP-P	93-22-109
246-340-100	REP-E	93-14-034	246-806-092	AMD-W	93-20-062	246-818-991	NEW-P	93-22-109
246-340-100	REP-P	93-14-035	246-806-100	AMD-P	93-06-090	246-824-040	AMD-P	93-10-040
246-340-100	REP	93-19-109	246-806-100	AMD	93-09-055	246-824-040	AMD	93-14-011
246-340-110	REP-E	93-14-034	246-806-110	AMD-P	93-06-090	246-824-071	NEW-P	93-10-040
246-340-110	REP-P	93-14-035	246-806-110	AMD	93-09-055	246-824-071	NEW	93-14-011
246-340-110	REP	93-19-109	246-806-130	AMD-P	93-06-090	246-824-072	NEW-P	93-10-040
246-340-110	REP	93-19-109	246-806-130	AMD	93-09-055	246-824-072	NEW	93-14-011
246-340-990	REP-E	93-14-034	246-806-140	AMD-P	93-06-090	246-824-073	NEW-P	93-10-040
246-340-990	REP-P	93-14-035	246-806-140	AMD	93-09-055	246-824-073	NEW	93-14-011
246-340-990	REP	93-19-109	246-806-140	AMD	93-09-055	246-824-200	NEW-P	93-02-066
246-358-001	AMD	93-03-032	246-806-150	REP-P	93-06-090	246-824-200	NEW-W	93-16-023
246-358-001	AMD-E	93-07-052	246-806-160	AMD-P	93-06-090	246-824-210	NEW-P	93-02-066
246-358-001	AMD-P	93-07-106	246-806-160	AMD	93-09-055	246-824-210	NEW-W	93-16-023
246-358-001	AMD	93-12-043	246-806-160	AMD	93-09-055	246-824-220	NEW-P	93-02-066
246-358-010	AMD	93-03-032	246-806-190	AMD-P	93-06-090	246-824-220	NEW-W	93-16-023
246-358-020	NEW	93-03-032	246-806-190	AMD	93-09-055	246-824-230	NEW-P	93-02-066
246-358-025	AMD	93-03-031	246-807-210	AMD-P	93-14-094	246-824-230	NEW-W	93-16-023
246-358-030	NEW	93-03-031	246-807-210	AMD-C	93-17-094	246-824-240	NEW-P	93-02-066
246-358-035	REP	93-03-032	246-807-280	AMD-P	93-14-094	246-824-240	NEW-W	93-16-023
246-358-045	AMD	93-03-032	246-807-280	AMD-C	93-17-094			

TABLE



**Table of WAC Sections Affected**

Table 1			Table 2			Table 3		
WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-824-990	AMD-P	93-10-071	246-843-001	AMD-P	93-08-105	246-849-270	NEW	93-10-008
246-824-990	AMD	93-14-011	246-843-001	AMD	93-13-004	246-849-990	AMD-P	93-10-071
246-828-005	NEW	93-07-009	246-843-010	AMD-P	93-08-105	246-849-990	AMD	93-14-011
246-828-340	AMD	93-07-010	246-843-010	AMD	93-13-004	246-851-110	AMD-P	93-08-079
246-828-400	NEW	93-07-008	246-843-080	AMD-P	93-19-149	246-851-110	AMD	93-18-092
246-828-410	NEW	93-07-008	246-843-080	AMD	93-23-034	246-851-110	AMD-P	93-24-026
246-828-420	NEW	93-07-008	246-843-090	AMD-P	93-08-105	246-851-270	REVIEW	93-03-030
246-828-430	NEW	93-07-008	246-843-090	AMD	93-13-004	246-851-360	REVIEW	93-03-030
246-838-500	NEW	93-07-007	246-843-090	AMD-P	93-19-149	246-851-360	AMD-P	93-08-079
246-828-510	NEW	93-07-007	246-843-090	AMD	93-23-034	246-851-360	AMD	93-18-092
246-828-520	NEW	93-07-007	246-843-158	NEW-P	93-19-149	246-851-520	REVIEW	93-03-030
246-828-530	NEW	93-07-007	246-843-158	NEW	93-23-034	246-851-530	REVIEW	93-03-030
246-828-540	NEW	93-07-007	246-843-180	AMD-P	93-08-105	246-851-530	REP-P	93-08-079
246-828-550	NEW	93-07-007	246-843-180	AMD	93-13-004	246-851-530	REP	93-18-092
246-828-560	NEW	93-07-007	246-843-205	AMD-P	93-08-105	246-851-540	NEW-P	93-08-079
246-828-570	NEW-P	93-13-145	246-843-205	AMD	93-13-004	246-851-540	NEW-W	93-21-061
246-828-570	NEW	93-17-044	246-843-340	NEW-P	93-19-149	246-851-540	NEW-P	93-24-026
246-828-990	AMD-P	93-10-071	246-843-340	NEW	93-23-034	246-851-550	NEW-P	93-08-079
246-828-990	AMD	93-14-011	246-843-990	AMD-P	93-10-071	246-851-550	NEW-W	93-21-061
246-828-990	AMD-E	93-20-059	246-843-990	AMD	93-14-011	246-851-550	NEW-P	93-24-026
246-828-990	AMD-P	93-20-060	246-845-020	REP-P	93-10-039	246-851-560	NEW-P	93-08-079
246-830-460	NEW-P	93-14-133	246-845-020	REP	93-14-011	246-851-560	NEW-W	93-21-061
246-830-465	NEW-P	93-14-133	246-845-030	REP-P	93-10-039	246-851-560	NEW-W	93-21-061
246-830-470	NEW-P	93-14-133	246-845-030	REP	93-14-011	246-853-020	AMD-P	93-17-095
246-830-475	NEW-P	93-14-133	246-845-030	REP	93-14-011	246-853-020	AMD	93-24-028
246-830-480	NEW-P	93-14-133	246-845-040	REP-P	93-10-039	246-853-190	AMD-P	93-17-095
246-830-480	NEW-P	93-14-133	246-845-040	REP	93-14-011	246-853-190	AMD	93-24-028
246-830-485	NEW-P	93-14-133	246-845-050	NEW-P	93-10-039	246-853-275	NEW-P	93-17-095
246-830-486	NEW-P	93-14-133	246-845-050	NEW	93-14-011	246-853-275	NEW	93-24-028
246-830-990	AMD-P	93-10-071	246-845-060	NEW-P	93-10-039	246-854-020	AMD-P	93-17-095
246-830-990	AMD	93-14-011	246-845-060	NEW	93-14-011	246-854-020	AMD	93-24-028
246-836-990	AMD-P	93-10-071	246-845-070	NEW-P	93-10-039	246-854-030	AMD-P	93-17-095
246-836-990	AMD	93-14-011	246-845-070	NEW	93-14-011	246-854-030	AMD	93-24-028
246-838-050	AMD-P	93-16-101	246-845-080	NEW-P	93-10-039	246-854-040	AMD-P	93-17-095
246-838-050	AMD	93-21-006	246-845-080	NEW	93-14-011	246-854-040	AMD	93-24-028
246-838-090	AMD-P	93-16-101	246-845-090	NEW-P	93-10-039	246-854-050	AMD-P	93-17-095
246-838-090	AMD	93-21-006	246-845-090	NEW	93-14-011	246-854-050	AMD	93-24-028
246-838-110	AMD-P	93-16-101	246-845-100	NEW-P	93-10-039	246-854-060	AMD-P	93-17-095
246-838-110	AMD	93-21-006	246-845-100	NEW	93-14-011	246-854-060	AMD	93-24-028
246-838-120	AMD	93-04-080	246-845-110	NEW-P	93-10-039	246-854-080	AMD-P	93-17-095
246-838-120	AMD-P	93-16-101	246-845-110	NEW	93-14-011	246-854-080	AMD	93-24-028
246-838-120	AMD	93-21-006	246-845-990	AMD-P	93-10-071	246-854-090	AMD-P	93-17-095
246-838-121	NEW-P	93-16-101	246-845-990	AMD	93-14-011	246-854-090	AMD	93-24-028
246-838-121	NEW	93-21-006	246-847-055	NEW-P	93-12-089	246-854-100	REP-P	93-17-095
246-838-130	AMD-P	93-16-101	246-847-055	NEW	93-18-093	246-854-100	REP	93-24-028
246-838-130	AMD	93-21-006	246-847-068	NEW-P	93-12-089	246-854-110	NEW-P	93-17-095
246-838-270	AMD-P	93-16-101	246-847-068	NEW	93-18-093	246-854-110	NEW	93-24-028
246-838-270	AMD	93-21-006	246-847-070	AMD-P	93-12-089	246-854-115	NEW-P	93-17-095
246-838-320	REP-P	93-16-101	246-847-070	AMD	93-18-093	246-854-115	NEW	93-24-028
246-838-320	REP	93-21-006	246-847-080	AMD-P	93-12-089	246-857-020	REP	93-04-017
246-838-330	NEW	93-04-080	246-847-080	AMD	93-18-093	246-857-030	REP	93-04-017
246-838-340	NEW-P	93-16-101	246-847-115	AMD-P	93-12-089	246-857-040	REP	93-04-017
246-838-340	NEW	93-21-006	246-847-115	AMD	93-18-093	246-857-050	REP	93-04-017
246-838-350	NEW-P	93-16-101	246-847-125	NEW-P	93-12-089	246-857-060	REP	93-04-017
246-838-350	NEW	93-21-006	246-847-125	NEW	93-18-093	246-857-070	REP	93-04-017
246-838-360	NEW-P	93-16-101	246-847-130	AMD-P	93-12-089	246-857-080	REP	93-04-017
246-838-360	NEW	93-21-006	246-847-130	AMD	93-18-093	246-857-090	REP	93-04-017
246-838-990	AMD	93-07-023	246-847-200	AMD-P	93-12-089	246-857-100	REP	93-04-017
246-839-115	NEW-P	93-06-091	246-847-200	AMD	93-18-093	246-857-110	REP	93-04-017
246-839-115	NEW	93-11-007	246-849-200	NEW-P	93-03-046	246-857-120	REP	93-04-017
246-839-350	AMD-P	93-16-098	246-849-200	NEW	93-10-008	246-857-130	REP	93-04-017
246-839-350	AMD	93-22-052	246-849-210	NEW-P	93-03-046	246-857-140	REP	93-04-017
246-839-360	AMD-P	93-16-098	246-849-210	NEW	93-10-008	246-857-150	REP	93-04-017
246-839-360	AMD	93-22-052	246-849-220	NEW-P	93-03-046	246-857-160	REP	93-04-017
246-839-400	AMD-P	93-16-098	246-849-220	NEW	93-10-008	246-857-170	REP	93-04-017
246-839-400	AMD	93-22-052	246-849-230	NEW-P	93-03-046	246-857-180	REP	93-04-017
246-839-410	AMD-P	93-16-098	246-849-230	NEW	93-10-008	246-857-190	REP	93-04-017
246-839-410	AMD	93-22-052	246-849-240	NEW-P	93-03-046	246-857-200	REP	93-04-017
246-839-420	AMD-P	93-16-098	246-849-240	NEW	93-10-008	246-857-210	REP	93-04-017
246-839-420	AMD	93-22-052	246-849-250	NEW-P	93-03-046	246-857-220	REP	93-04-017
246-839-745	NEW-P	93-16-097	246-849-250	NEW	93-10-008	246-857-230	REP	93-04-017
246-839-745	NEW	93-20-113	246-849-260	NEW-P	93-03-046	246-857-240	REP	93-04-017
246-839-990	AMD-P	93-08-080	246-849-260	NEW	93-10-008	246-857-250	REP	93-04-017
246-839-990	AMD	93-12-125	246-849-270	NEW-P	93-03-046	246-857-260	REP	93-04-017

**TABLE**

### Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-857-270	REP	93-04-017	246-918-260	AMD-P	93-05-047	246-924-365	NEW	93-07-036
246-857-280	REP	93-04-017	246-918-260	AMD	93-11-008	246-924-366	NEW-P	93-02-067
246-857-290	REP	93-04-017	246-922-032	NEW-P	93-19-150	246-924-366	NEW	93-07-036
246-857-300	REP	93-04-017	246-922-032	NEW-C	93-24-027	246-924-367	NEW-P	93-02-067
246-857-310	REP	93-04-017	246-922-033	NEW-P	93-19-150	246-924-367	NEW	93-07-036
246-857-320	REP	93-04-017	246-922-033	NEW-C	93-24-027	246-924-370	REP-P	93-02-067
246-857-330	REP	93-04-017	246-922-035	NEW-P	93-08-082	246-924-370	REP	93-07-036
246-857-340	REP	93-04-017	246-922-035	NEW	93-18-036	246-924-380	REP-P	93-02-067
246-863-050	AMD-P	93-04-101	246-922-100	AMD-P	93-19-150	246-924-380	REP	93-07-036
246-863-050	AMD	93-10-007	246-922-100	AMD-C	93-24-027	246-924-390	REP-P	93-02-067
246-863-130	NEW-W	93-04-018	246-922-110	REP-P	93-19-150	246-924-390	REP	93-07-036
246-865-060	AMD-P	93-19-110	246-922-110	REP-C	93-24-027	246-924-400	REP-P	93-02-067
246-869-245	NEW-W	93-07-051	246-922-120	AMD-P	93-19-150	246-924-400	REP	93-07-036
246-883-030	AMD	93-05-046	246-922-120	AMD-C	93-24-027	246-924-410	REP-P	93-02-067
246-886-030	AMD-E	93-17-004	246-922-220	REP-P	93-19-150	246-924-410	REP	93-07-036
246-886-030	AMD-P	93-19-151	246-922-220	REP-C	93-24-027	246-924-420	REP-P	93-02-067
246-887-100	AMD-P	93-22-110	246-922-235	NEW-P	93-08-082	246-924-420	REP	93-07-036
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246-887-133	NEW-P	93-22-110	246-922-250	REP-C	93-24-027	246-924-440	REP-P	93-02-067
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246-887-160	AMD-P	93-08-109	246-922-260	AMD-C	93-24-027	246-924-450	REP-P	93-02-067
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246-915-120	AMD-P	93-20-058	246-924-351	NEW	93-07-036	246-935-125	AMD	93-08-029
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246-917-110	AMD-P	93-17-043	246-924-355	NEW	93-07-036	246-976-520	AMD	93-20-063
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246-917-120	AMD	93-21-017	246-924-357	NEW-P	93-02-067	246-976-600	AMD-P	93-13-124
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246-917-220	NEW	93-21-017	246-924-359	NEW-P	93-02-067	246-976-650	AMD-P	93-13-124
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246-917-990	AMD-E	93-12-124	246-924-360	REP	93-07-036	246-976-680	AMD	93-20-063
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246-918-005	AMD	93-21-016	246-924-363	NEW-P	93-02-067	246-976-730	AMD-P	93-13-124
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246-976-790	AMD	93-20-063	250-20-011	AMD	93-08-010	250-61-160	REP-S	93-18-027
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246-976-810	AMD	93-20-063	250-20-015	AMD-E	93-04-070	250-61-170	REP-S	93-18-027
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246-976-990	AMD	93-20-063	250-20-051	AMD-E	93-04-070	250-62-050	NEW-S	93-18-027
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248-14-075	NEW-W	93-23-039	250-40-030	AMD-P	93-11-093	250-62-100	NEW-S	93-18-027
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248-14-240	AMD-C	93-22-022	250-40-050	AMD-P	93-11-093	250-62-130	NEW-S	93-18-027
248-14-240	AMD-C	93-23-003	250-40-050	AMD-E	93-13-034	250-62-140	NEW-P	93-12-106
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248-14-249	AMD-C	93-22-022	250-40-060	AMD-E	93-13-034	250-62-150	NEW-S	93-18-027
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251-04-030	AMD-P	93-16-020	251-18-280	AMD-P	93-16-020	260-08-270	REP	93-24-015
251-04-030	AMD	93-19-147	251-18-280	AMD	93-19-147	260-08-280	REP-P	93-20-115
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251-10-060	AMD-P	93-16-095	251-23-060	REP-P	93-24-079	260-08-420	REP	93-24-015
251-10-060	AMD	93-19-078	251-25-010	REP-P	93-22-041	260-08-430	REP-P	93-20-115
251-10-061	NEW-E	93-13-008	251-25-020	REP-P	93-22-041	260-08-430	REP	93-24-015
251-10-061	NEW-P	93-16-095	251-25-030	REP-P	93-22-041	260-08-440	REP-P	93-20-115
251-10-061	NEW	93-19-078	251-25-040	REP-P	93-22-041	260-08-440	REP	93-24-015
251-10-070	AMD-P	93-22-106	251-25-050	REP-P	93-22-041	260-08-450	REP-P	93-20-115
251-11-030	AMD-P	93-22-106	260-08-005	AMD-P	93-20-121	260-08-450	REP	93-24-015
251-11-050	AMD-P	93-22-106	260-08-005	AMD	93-24-019	260-08-460	REP-P	93-20-115
251-11-090	AMD-P	93-22-106	260-08-010	REP-P	93-20-115	260-08-460	REP	93-24-015
251-11-110	AMD-P	93-22-106	260-08-010	REP	93-24-015	260-08-470	REP-P	93-20-115
251-11-130	AMD-P	93-22-106	260-08-030	REP-P	93-20-115	260-08-470	REP	93-24-015
251-12-071	AMD-P	93-22-106	260-08-030	REP	93-24-015	260-08-480	REP-P	93-20-115
251-12-075	AMD-P	93-22-106	260-08-040	REP-P	93-20-115	260-08-480	REP	93-24-015
251-12-076	AMD-P	93-22-106	260-08-040	REP	93-24-015	260-08-490	REP-P	93-20-115
251-12-080	AMD-P	93-22-106	260-08-050	REP-P	93-20-115	260-08-490	REP	93-24-015
251-12-085	REP-P	93-22-106	260-08-050	REP	93-24-015	260-08-500	REP-P	93-20-115
251-12-096	AMD-P	93-22-106	260-08-060	REP-P	93-20-115	260-08-500	REP	93-24-015
251-12-097	REP-P	93-22-106	260-08-060	REP	93-24-015	260-08-510	REP-P	93-20-115
251-12-240	AMD	93-06-033	260-08-070	REP-P	93-20-115	260-08-510	REP	93-24-015
251-12-290	AMD	93-06-033	260-08-070	REP	93-24-015	260-08-520	REP-P	93-20-115
251-12-600	AMD-P	93-22-106	260-08-080	REP-P	93-20-115	260-08-520	REP	93-24-015
251-14-090	AMD-P	93-22-106	260-08-080	REP	93-24-015	260-08-530	REP-P	93-20-115
251-14-130	NEW-P	93-22-105	260-08-090	REP-P	93-20-115	260-08-530	REP	93-24-015
251-17-090	AMD-E	93-13-008	260-08-090	REP	93-24-015	260-08-540	REP-P	93-20-115
251-17-090	AMD-P	93-16-095	260-08-100	REP-P	93-20-115	260-08-540	REP	93-24-015
251-17-090	AMD	93-19-078	260-08-100	REP	93-24-015	260-08-550	REP-P	93-20-115
251-17-170	AMD-P	93-22-106	260-08-110	REP-P	93-20-115	260-08-550	REP	93-24-015
251-18-180	AMD-E	93-13-008	260-08-110	REP	93-24-015	260-08-560	REP-P	93-20-115
251-18-180	AMD-P	93-16-095	260-08-120	REP-P	93-20-115	260-08-560	REP	93-24-015
251-18-180	AMD	93-19-078	260-08-120	REP	93-24-015	260-08-570	REP-P	93-20-115
251-18-190	AMD-E	93-13-008	260-08-130	REP-P	93-20-115	260-08-570	REP	93-24-015
251-18-190	AMD-P	93-16-095	260-08-130	REP	93-24-015	260-08-580	REP-P	93-20-115
251-18-190	AMD	93-19-078	260-08-140	REP-P	93-20-115	260-08-580	REP	93-24-015
251-18-240	AMD-E	93-13-008	260-08-140	REP	93-24-015	260-08-590	REP-P	93-20-115
251-18-240	AMD-E	93-14-092	260-08-230	REP-P	93-20-115	260-08-590	REP	93-24-015
251-18-240	AMD-P	93-16-020	260-08-230	REP	93-24-015	260-08-600	NEW-P	93-20-114
251-18-240	AMD-P	93-16-095	260-08-240	REP-P	93-20-115	260-08-600	NEW	93-24-016
251-18-240	AMD-W	93-19-077	260-08-240	REP	93-24-015	260-08-610	NEW-P	93-20-114
251-18-240	AMD	93-19-147	260-08-250	REP-P	93-20-115	260-08-610	NEW	93-24-016

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-08-620	NEW-P	93-20-114	260-48-110	AMD-P	93-11-060	275-19-680	REP-P	93-18-008
260-08-620	NEW	93-24-016	260-48-110	AMD	93-14-124	275-19-700	REP-P	93-18-008
260-08-630	NEW-P	93-20-114	260-48-328	AMD-P	93-11-101	275-19-710	REP-P	93-18-008
260-08-630	NEW	93-24-016	260-48-328	AMD	93-14-125	275-19-750	REP-P	93-18-008
260-08-640	NEW-P	93-20-114	260-48-331	NEW-P	93-11-102	275-19-760	REP-P	93-18-008
260-08-640	NEW	93-24-016	260-48-331	NEW	93-14-126	275-19-770	REP-P	93-18-008
260-08-650	NEW-P	93-20-114	260-70-010	AMD-P	93-20-120	275-19-800	REP-P	93-18-008
260-08-650	NEW	93-24-016	260-70-025	AMD-E	93-15-020	275-19-810	REP-P	93-18-008
260-08-660	NEW-P	93-20-114	260-70-025	AMD-P	93-18-072	275-19-820	REP-P	93-18-008
260-08-660	NEW	93-24-016	260-70-025	AMD	93-23-009	275-19-830	REP-P	93-18-008
260-08-670	NEW-P	93-20-114	260-70-028	AMD-E	93-15-021	275-19-900	REP-P	93-18-008
260-08-670	NEW	93-24-016	260-70-028	AMD-P	93-18-073	275-19-910	REP-P	93-18-008
260-08-680	NEW-P	93-20-114	260-70-028	AMD	93-23-008	275-19-920	REP-P	93-18-008
260-08-680	NEW	93-24-016	260-70-040	AMD-E	93-24-020	275-19-930	REP-P	93-18-008
260-08-690	NEW-P	93-20-123	260-70-040	AMD-P	93-24-118	275-19-940	REP-P	93-18-008
260-08-690	NEW	93-24-017	260-72-020	AMD-P	93-24-022	275-19-950	REP-P	93-18-008
260-08-700	NEW-P	93-20-123	275-16-030	AMD-P	93-16-002	275-19-960	REP-P	93-18-008
260-08-700	NEW	93-24-017	275-16-030	AMD-E	93-16-004	275-19-970	REP-P	93-18-008
260-08-710	NEW-P	93-20-123	275-16-030	AMD-S	93-19-055	275-19-980	REP-P	93-18-008
260-08-710	NEW	93-24-017	275-16-030	AMD-E	93-20-052	275-19-985	REP-P	93-18-008
260-08-720	NEW-P	93-20-123	275-16-030	RESCIND	93-20-054	275-19-990	REP-P	93-18-008
260-08-720	NEW	93-24-017	275-16-030	AMD	93-22-031	275-25	AMD-E	93-11-051
260-08-730	NEW-P	93-20-123	275-19	REP-C	93-24-040	275-25	AMD-P	93-11-053
260-08-730	NEW	93-24-017	275-19-010	REP-P	93-18-008	275-25	AMD	93-15-013
260-08-740	NEW-P	93-20-123	275-19-020	REP-P	93-18-008	275-25-010	AMD-E	93-11-051
260-08-740	NEW	93-24-017	275-19-030	REP-P	93-18-008	275-25-010	AMD-P	93-11-053
260-08-750	NEW-P	93-20-123	275-19-040	REP-P	93-18-008	275-25-010	AMD	93-15-013
260-08-750	NEW	93-24-017	275-19-050	REP-P	93-18-008	275-25-040	AMD-E	93-11-051
260-08-760	NEW-P	93-20-124	275-19-060	REP-P	93-18-008	275-25-040	AMD-P	93-11-053
260-08-760	NEW	93-24-018	275-19-070	REP-P	93-18-008	275-25-040	AMD	93-15-013
260-08-770	NEW-P	93-20-124	275-19-075	REP-P	93-18-008	275-25-300	REP-E	93-11-051
260-08-770	NEW	93-24-018	275-19-080	REP-P	93-18-008	275-25-300	REP-P	93-11-053
260-08-780	NEW-P	93-20-124	275-19-100	REP-P	93-18-008	275-25-300	REP	93-15-013
260-08-780	NEW	93-24-018	275-19-110	REP-P	93-18-008	275-25-310	REP-E	93-11-051
260-08-790	NEW-P	93-20-124	275-19-130	REP-P	93-18-008	275-25-310	REP-P	93-11-053
260-08-790	NEW	93-24-018	275-19-135	REP-P	93-18-008	275-25-310	REP	93-15-013
260-08-800	NEW-P	93-20-124	275-19-140	REP-P	93-18-008	275-25-330	REP-E	93-11-051
260-08-800	NEW	93-24-018	275-19-145	REP-P	93-18-008	275-25-330	REP-P	93-11-053
260-08-810	NEW-P	93-20-124	275-19-150	REP-P	93-18-008	275-25-330	REP	93-15-013
260-08-810	NEW	93-24-018	275-19-160	REP-P	93-18-008	275-25-340	REP-E	93-11-051
260-08-820	NEW-P	93-20-124	275-19-165	REP-P	93-18-008	275-25-340	REP-P	93-11-053
260-08-820	NEW	93-24-018	275-19-170	REP-P	93-18-008	275-25-340	REP	93-15-013
260-08-830	NEW-P	93-20-124	275-19-180	REP-P	93-18-008	275-25-810	REP-E	93-11-051
260-08-830	NEW	93-24-018	275-19-200	REP-P	93-18-008	275-25-810	REP-P	93-11-053
260-12-010	AMD-P	93-20-116	275-19-210	REP-P	93-18-008	275-25-810	REP	93-15-013
260-12-090	REP-P	93-20-115	275-19-220	REP-P	93-18-008	275-25-840	REP-E	93-11-051
260-24-010	AMD-P	93-20-117	275-19-230	REP-P	93-18-008	275-25-840	REP-P	93-11-053
260-24-080	AMD-P	93-20-117	275-19-240	REP-P	93-18-008	275-25-840	REP	93-15-013
260-24-110	AMD-P	93-20-117	275-19-250	REP-P	93-18-008	275-26-065	AMD	93-04-029
260-24-120	AMD-P	93-20-117	275-19-260	REP-P	93-18-008	275-27-220	AMD-E	93-21-077
260-24-140	AMD-P	93-20-117	275-19-270	REP-P	93-18-008	275-27-220	AMD-P	93-21-078
260-24-150	AMD-P	93-20-117	275-19-280	REP-P	93-18-008	275-27-221	NEW-E	93-21-077
260-24-170	AMD-P	93-20-117	275-19-300	REP-P	93-18-008	275-27-221	NEW-P	93-21-078
260-24-180	AMD-P	93-20-117	275-19-320	REP-P	93-18-008	275-27-223	AMD-E	93-21-077
260-24-200	AMD-P	93-20-117	275-19-400	REP-P	93-18-008	275-27-223	AMD-P	93-21-078
260-24-210	AMD-P	93-20-122	275-19-410	REP-P	93-18-008	275-38-860	AMD-P	93-14-074
260-24-285	NEW-P	93-20-118	275-19-430	REP-P	93-18-008	275-38-860	AMD-E	93-14-076
260-24-290	AMD-P	93-20-122	275-19-450	REP-P	93-18-008	275-38-860	AMD	93-17-034
260-24-315	NEW-P	93-20-118	275-19-455	REP-P	93-18-008	275-38-906	AMD-P	93-14-074
260-24-440	AMD-P	93-20-122	275-19-500	REP-P	93-18-008	275-38-906	AMD-E	93-14-076
260-24-460	AMD-P	93-20-122	275-19-530	REP-P	93-18-008	275-38-906	AMD	93-17-034
260-24-470	AMD-P	93-20-122	275-19-550	REP-P	93-18-008	275-56	AMD-C	93-23-026
260-24-500	NEW-P	93-20-118	275-19-560	REP-P	93-18-008	275-56	AMD-C	93-23-078
260-24-510	NEW-P	93-20-118	275-19-570	REP-P	93-18-008	275-56	AMD-C	93-24-088
260-24-520	NEW-P	93-20-118	275-19-580	REP-P	93-18-008	275-56-015	AMD-P	93-19-095
260-32-115	NEW-P	93-18-071	275-19-585	REP-P	93-18-008	275-56-015	AMD-E	93-19-098
260-32-115	NEW	93-23-010	275-19-590	REP-P	93-18-008	275-56-015	AMD-C	93-24-088
260-34-030	AMD-P	93-20-119	275-19-595	REP-P	93-18-008	275-56-600	NEW-P	93-19-095
260-36-080	AMD-E	93-24-021	275-19-600	REP-P	93-18-008	275-56-600	NEW-E	93-19-098
260-36-080	AMD-P	93-24-118	275-19-610	REP-P	93-18-008	275-56-610	NEW-P	93-19-095
260-44-060	AMD-P	93-18-070	275-19-650	REP-P	93-18-008	275-56-610	NEW-E	93-19-098
260-44-060	AMD	93-23-011	275-19-660	REP-P	93-18-008	275-56-620	NEW-P	93-19-095
260-48-110	AMD-E	93-09-008	275-19-675	REP-P	93-18-008	275-56-620	NEW-E	93-19-098

**TABLE**

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-630	NEW-P	93-19-095	284-13-320	NEW-P	93-15-114	284-18-110	REP	93-19-005
275-56-630	NEW-E	93-19-098	284-13-320	NEW	93-19-012	284-18-120	REP-P	93-15-107
275-56-640	NEW-P	93-19-095	284-13-330	NEW-P	93-15-114	284-18-120	REP	93-19-005
275-56-640	NEW-E	93-19-098	284-13-330	NEW	93-19-012	284-18-300	NEW-P	93-15-107
275-56-650	NEW-P	93-19-095	284-13-340	NEW-P	93-15-114	284-18-300	NEW	93-19-005
275-56-650	NEW-E	93-19-098	284-13-340	NEW	93-19-012	284-18-310	NEW-P	93-15-107
275-56-660	NEW-P	93-19-095	284-13-350	NEW-P	93-15-114	284-18-310	NEW	93-19-005
275-56-660	NEW-E	93-19-098	284-13-350	NEW	93-19-012	284-18-320	NEW-P	93-15-107
275-56-670	NEW-P	93-19-095	284-13-360	NEW-P	93-15-114	284-18-320	NEW	93-19-005
275-56-670	NEW-E	93-19-098	284-13-360	NEW	93-19-012	284-18-330	NEW-P	93-15-107
275-56-680	NEW-P	93-19-095	284-13-370	NEW-P	93-15-114	284-18-330	NEW	93-19-005
275-56-680	NEW-E	93-19-098	284-13-370	NEW	93-19-012	284-18-340	NEW-P	93-15-107
275-56-690	NEW-P	93-19-095	284-13-380	NEW-P	93-15-114	284-18-340	NEW	93-19-005
275-56-690	NEW-E	93-19-098	284-13-380	NEW	93-19-012	284-18-350	NEW-P	93-15-107
275-56-700	NEW-P	93-19-095	284-13-390	NEW-P	93-15-114	284-18-350	NEW	93-19-005
275-56-700	NEW-E	93-19-098	284-13-390	NEW	93-19-012	284-18-360	NEW-P	93-15-107
275-56-710	NEW-P	93-19-095	284-13-400	NEW-P	93-15-114	284-18-360	NEW	93-19-005
275-56-710	NEW-E	93-19-098	284-13-400	NEW	93-19-012	284-18-370	NEW-P	93-15-107
275-56-720	NEW-P	93-19-095	284-13-410	NEW-P	93-15-114	284-18-370	NEW	93-19-005
275-56-720	NEW-E	93-19-098	284-13-410	NEW	93-19-012	284-18-380	NEW-P	93-15-107
275-155-020	AMD-P	93-14-073	284-13-420	NEW-P	93-15-114	284-18-380	NEW	93-19-005
275-155-020	AMD	93-17-027	284-13-420	NEW	93-19-012	284-18-390	NEW-P	93-15-107
275-155-050	AMD-P	93-14-073	284-13-500	NEW-P	93-15-104	284-18-390	NEW	93-19-005
275-155-050	AMD	93-17-027	284-13-500	NEW	93-19-002	284-18-400	NEW-P	93-15-107
284-07-060	NEW-C	93-04-062	284-13-510	NEW-P	93-15-104	284-18-400	NEW	93-19-005
284-07-060	NEW	93-07-020	284-13-510	NEW	93-19-002	284-18-410	NEW-P	93-15-107
284-07-070	NEW-P	93-15-105	284-13-520	NEW-P	93-15-104	284-18-410	NEW	93-19-005
284-07-070	NEW	93-19-003	284-13-520	NEW	93-19-002	284-18-420	NEW-P	93-15-107
284-10-010	NEW-P	93-23-073	284-13-540	NEW-P	93-15-104	284-18-420	NEW	93-19-005
284-10-015	NEW-P	93-23-073	284-13-540	NEW	93-19-002	284-18-430	NEW-P	93-15-107
284-10-020	NEW-P	93-23-073	284-13-550	NEW-P	93-15-104	284-18-430	NEW	93-19-005
284-10-030	NEW-P	93-23-073	284-13-550	NEW	93-19-002	284-18-440	NEW-P	93-15-107
284-10-060	NEW-P	93-23-073	284-13-560	NEW-P	93-15-104	284-18-440	NEW	93-19-005
284-10-070	NEW-P	93-23-073	284-13-560	NEW	93-19-002	284-18-450	NEW-P	93-15-107
284-10-080	NEW-P	93-23-073	284-13-570	NEW-P	93-15-104	284-18-450	NEW	93-19-005
284-10-090	NEW-P	93-23-073	284-13-570	NEW	93-19-002	284-18-460	NEW-P	93-15-107
284-10-100	NEW-P	93-23-073	284-13-580	NEW-P	93-15-104	284-18-460	NEW	93-19-005
284-10-110	NEW-P	93-23-073	284-13-580	NEW	93-19-002	284-18-910	NEW-P	93-15-107
284-10-120	NEW-P	93-23-073	284-13-590	NEW-P	93-15-104	284-18-910	NEW	93-19-005
284-10-130	NEW-P	93-23-073	284-13-590	NEW	93-19-002	284-18-920	NEW-P	93-15-107
284-10-140	NEW-P	93-23-073	284-13-700	NEW-P	93-15-113	284-18-920	NEW	93-19-005
284-10-150	NEW-P	93-23-073	284-13-700	NEW	93-19-011	284-18-930	NEW-P	93-15-107
284-10-160	NEW-P	93-23-073	284-13-710	NEW-P	93-15-113	284-18-930	NEW	93-19-005
284-10-170	NEW-P	93-23-073	284-13-710	NEW	93-19-011	284-18-940	NEW-P	93-15-107
284-10-180	NEW-P	93-23-073	284-13-720	NEW-P	93-15-113	284-18-940	NEW	93-19-005
284-10-190	NEW-P	93-23-073	284-13-720	NEW	93-19-011	284-18-990	REP-P	93-15-107
284-10-200	NEW-P	93-23-073	284-13-730	NEW-P	93-15-113	284-18-990	REP	93-19-005
284-12-200	NEW-P	93-15-111	284-13-730	NEW	93-19-011	284-18-99001	REP-P	93-15-107
284-12-200	NEW	93-19-009	284-13-740	NEW-P	93-15-113	284-18-99001	REP	93-19-005
284-12-210	NEW-P	93-15-111	284-13-740	NEW	93-19-011	284-22-010	AMD-P	93-14-072
284-12-210	NEW	93-19-009	284-15-100	NEW-P	93-15-110	284-22-010	AMD-P	93-17-105
284-12-220	NEW-P	93-15-111	284-15-100	NEW	93-19-008	284-22-010	AMD	93-20-019
284-12-220	NEW	93-19-009	284-18-010	REP-P	93-15-107	284-22-020	AMD-P	93-14-072
284-12-230	NEW-P	93-15-111	284-18-010	REP	93-19-005	284-22-020	AMD-P	93-17-105
284-12-230	NEW	93-19-009	284-18-020	REP-P	93-15-107	284-22-020	AMD	93-20-019
284-12-250	NEW-P	93-15-111	284-18-020	REP	93-19-005	284-22-030	AMD-P	93-14-072
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284-12-270	NEW	93-19-009	284-18-050	REP-P	93-15-107	284-22-050	AMD	93-20-019
284-12-280	NEW-P	93-15-111	284-18-050	REP	93-19-005	284-22-060	AMD-P	93-14-072
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296-23-050	REP	93-16-072	296-23-215	NEW-P	93-11-095	296-23-50006	REP-P	93-11-095
296-23-055	REP-P	93-11-095	296-23-215	NEW	93-16-072	296-23-50006	REP	93-16-072
296-23-055	REP	93-16-072	296-23-216	REP-P	93-11-095	296-23-50007	REP-P	93-11-095
296-23-065	REP-P	93-11-095	296-23-216	REP	93-16-072	296-23-50007	REP	93-16-072
296-23-065	REP	93-16-072	296-23-220	NEW-P	93-11-095	296-23-50008	REP-P	93-11-095
296-23-079	REP-P	93-11-095	296-23-220	NEW	93-16-072	296-23-50008	REP	93-16-072
296-23-079	REP	93-16-072	296-23-220	AMD-P	93-21-073	296-23-50009	REP-P	93-11-095
296-23-07901	REP-P	93-11-095	296-23-221	REP-P	93-11-095	296-23-50009	REP	93-16-072
296-23-07901	REP	93-16-072	296-23-221	REP	93-16-072	296-23-50010	REP-P	93-11-095
296-23-07902	REP-P	93-11-095	296-23-224	REP-P	93-11-095	296-23-50010	REP	93-16-072
296-23-07902	REP	93-16-072	296-23-224	REP	93-16-072	296-23-50011	REP-P	93-11-095
296-23-07903	REP-P	93-11-095	296-23-225	NEW-P	93-11-095	296-23-50011	REP	93-16-072
296-23-07903	REP	93-16-072	296-23-225	NEW	93-16-072	296-23-50012	REP-P	93-11-095
296-23-07905	REP-P	93-11-095	296-23-228	REP-P	93-11-095	296-23-50012	REP	93-16-072
296-23-07905	REP	93-16-072	296-23-228	REP	93-16-072	296-23-50013	REP-P	93-11-095
296-23-07906	REP-P	93-11-095	296-23-230	NEW-P	93-11-095	296-23-50013	REP	93-16-072
296-23-07906	REP	93-16-072	296-23-230	NEW	93-16-072	296-23-50014	REP-P	93-11-095
296-23-07907	REP-P	93-11-095	296-23-230	AMD-P	93-21-073	296-23-50014	REP	93-16-072
296-23-07907	REP	93-16-072	296-23-231	AMD-P	93-21-073	296-23-50015	REP-P	93-11-095
296-23-07908	REP-P	93-11-095	296-23-231	REP-P	93-11-095	296-23-50015	REP	93-16-072
296-23-07908	REP	93-16-072	296-23-231	REP	93-16-072	296-23-50016	REP-P	93-11-095
296-23-080	REP-P	93-11-095	296-23-232	REP-P	93-11-095	296-23-50016	REP	93-16-072
296-23-080	REP	93-16-072	296-23-232	REP	93-16-072	296-23-610	REP-P	93-11-095
296-23-120	REP-P	93-11-095	296-23-235	NEW-P	93-11-095	296-23-610	REP	93-16-072
296-23-120	REP	93-16-072	296-23-235	NEW	93-16-072	296-23-615	REP-P	93-11-095
296-23-125	REP-P	93-11-095	296-23-240	NEW-P	93-11-095	296-23-615	REP	93-16-072
296-23-125	REP	93-16-072	296-23-240	NEW	93-16-072	296-23-620	REP-P	93-11-095
296-23-130	REP-P	93-11-095	296-23-245	NEW-P	93-11-095	296-23-620	REP	93-16-072
296-23-130	REP	93-16-072	296-23-245	NEW	93-16-072	296-23-710	REP-P	93-11-095
296-23-135	NEW-P	93-11-095	296-23-250	NEW-P	93-11-095	296-23-710	REP	93-16-072
296-23-135	NEW	93-16-072	296-23-250	NEW	93-16-072	296-23-715	REP-P	93-11-095
296-23-140	NEW-P	93-11-095	296-23-255	NEW-P	93-11-095	296-23-715	REP	93-16-072
296-23-140	NEW	93-16-072	296-23-255	NEW	93-16-072	296-23-720	REP-P	93-11-095
296-23-145	NEW-P	93-11-095	296-23-260	NEW-P	93-11-095	296-23-720	REP	93-16-072
296-23-145	NEW	93-16-072	296-23-260	NEW	93-16-072	296-23-725	REP-P	93-11-095
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296-23-150	NEW	93-16-072	296-23-265	NEW	93-16-072	296-23-730	REP-P	93-11-095
296-23-155	NEW-P	93-11-095	296-23-270	NEW-P	93-11-095	296-23-730	REP	93-16-072
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296-23-165	NEW-P	93-11-095	296-23-421	REP-P	93-11-095	296-23-811	REP	93-16-072
296-23-165	NEW	93-16-072	296-23-421	REP	93-16-072	296-23-900	REP-P	93-11-095
296-23-170	NEW-P	93-11-095	296-23-430	REP-P	93-11-095	296-23-900	REP	93-16-072
296-23-170	NEW	93-16-072	296-23-430	REP	93-16-072	296-23-910	REP-P	93-11-095
296-23-175	NEW-P	93-11-095	296-23-440	REP-P	93-11-095	296-23-910	REP	93-16-072
296-23-175	NEW	93-16-072	296-23-440	REP	93-16-072	296-23-950	REP-P	93-11-095
296-23-180	NEW-P	93-11-095	296-23-450	REP-P	93-11-095	296-23-950	REP	93-16-072
296-23-180	NEW	93-16-072	296-23-450	REP	93-16-072	296-23-960	REP-P	93-11-095
296-23-185	NEW-P	93-11-095	296-23-460	REP-P	93-11-095	296-23-960	REP	93-16-072
296-23-185	NEW	93-16-072	296-23-460	REP	93-16-072	296-23-970	REP-P	93-11-095
296-23-190	NEW-P	93-11-095	296-23-470	REP-P	93-11-095	296-23-970	REP	93-16-072
296-23-190	NEW	93-16-072	296-23-470	REP	93-16-072	296-23-980	REP-P	93-11-095
296-23-195	NEW-P	93-11-095	296-23-480	REP-P	93-11-095	296-23-980	REP	93-16-072
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296-23-200	REP	93-16-072	296-23-485	REP	93-16-072	296-23A-100	AMD-P	93-11-095
296-23-201	REP-P	93-11-095	296-23-490	REP-P	93-11-095	296-23A-100	AMD	93-16-072
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296-23-20101	REP-P	93-11-095	296-23-495	REP-P	93-11-095	296-23A-110	AMD	93-16-072
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296-23-210	NEW-P	93-11-095	296-23-50004	REP-P	93-11-095	296-23A-205	AMD	93-16-072
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296-23A-235	AMD-P	93-11-095	296-24-33003	AMD-P	93-21-071	296-62-07409	NEW	93-07-044
296-23A-235	AMD	93-16-072	296-24-58503	AMD-P	93-21-071	296-62-07411	NEW-P	93-02-057
296-23A-240	REP-P	93-11-095	296-24-70007	AMD-P	93-10-101	296-62-07411	NEW	93-07-044
296-23A-240	REP	93-16-072	296-24-70007	AMD-W	93-19-141	296-62-07411	AMD-P	93-16-108
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296-23A-244	REP-P	93-11-095	296-30-020	AMD-P	93-21-072	296-62-07413	NEW	93-07-044
296-23A-244	REP	93-16-072	296-30-050	AMD-P	93-21-072	296-62-07413	AMD-P	93-16-108
296-23A-246	REP-P	93-11-095	296-30-060	AMD-P	93-21-072	296-62-07413	AMD	93-21-075
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296-23A-252	REP	93-16-072	296-31-020	AMD-P	93-21-072	296-62-07419	NEW-P	93-02-057
296-23A-254	REP-P	93-11-095	296-31-060	AMD-E	93-20-069	296-62-07419	NEW	93-07-044
296-23A-254	REP	93-16-072	296-31-060	AMD-P	93-21-072	296-62-07421	NEW-P	93-02-057
296-23A-256	REP-P	93-11-095	296-31-065	AMD-E	93-20-069	296-62-07421	NEW	93-07-044
296-23A-256	REP	93-16-072	296-31-065	AMD-P	93-21-072	296-62-07423	NEW-P	93-02-057
296-23A-258	REP-P	93-11-095	296-31-080	AMD-E	93-20-069	296-62-07423	NEW	93-07-044
296-23A-258	REP	93-16-072	296-31-080	AMD-P	93-21-072	296-62-07423	AMD-P	93-16-108
296-23A-260	REP-P	93-11-095	296-31-090	AMD-E	93-20-069	296-62-07423	AMD	93-21-075
296-23A-260	REP	93-16-072	296-31-090	AMD-P	93-21-072	296-62-07425	NEW-P	93-02-057
296-23A-262	REP-P	93-11-095	296-31-095	REP-E	93-20-069	296-62-07425	NEW	93-07-044
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296-23A-264	REP-P	93-11-095	296-46-090	AMD	93-06-072	296-62-07425	AMD	93-21-075
296-23A-264	REP	93-16-072	296-46-140	AMD	93-06-072	296-62-07427	NEW-P	93-02-057
296-23A-266	REP-P	93-11-095	296-46-150	AMD	93-06-072	296-62-07427	NEW	93-07-044
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296-23A-268	REP-P	93-11-095	296-46-21052	AMD	93-06-072	296-62-07429	NEW	93-07-044
296-23A-268	REP	93-16-072	296-46-220	AMD	93-06-072	296-62-07431	NEW-P	93-02-057
296-23A-300	AMD-P	93-11-095	296-46-225	NEW	93-06-072	296-62-07431	NEW	93-07-044
296-23A-300	AMD	93-16-072	296-46-23040	AMD	93-06-072	296-62-07433	NEW-P	93-02-057
296-23A-310	AMD-P	93-11-095	296-46-23062	AMD	93-06-072	296-62-07433	NEW	93-07-044
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296-23A-315	AMD-P	93-11-095	296-46-360	AMD	93-06-072	296-62-07441	NEW	93-07-044
296-23A-315	AMD	93-16-072	296-46-365	NEW	93-06-072	296-62-07441	AMD-P	93-16-108
296-23A-320	AMD-P	93-11-095	296-46-422	AMD	93-06-072	296-62-07441	AMD	93-21-075
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296-23A-330	REP-P	93-11-095	296-46-55001	REP	93-06-072	296-62-07445	NEW	93-07-044
296-23A-330	REP	93-16-072	296-46-670	NEW-P	93-19-140	296-62-07445	AMD-P	93-16-108
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296-23A-350	REP-P	93-11-095	296-56	AMD-C	93-15-031	296-62-07449	NEW	93-07-044
296-23A-350	REP	93-16-072	296-56-60001	AMD-P	93-02-057	296-62-07449	AMD-P	93-16-108
296-23A-355	REP-P	93-11-095	296-56-60001	AMD	93-07-044	296-62-07449	AMD	93-21-075
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296-23A-360	REP-P	93-11-095	296-56-60005	AMD-W	93-19-141	296-62-07451	NEW	93-07-044
296-23A-360	REP	93-16-072	296-56-60235	AMD-P	93-10-101	296-62-07521	PREP	93-17-109
296-23A-400	AMD-P	93-11-095	296-56-60235	AMD-W	93-19-141	296-62-076	NEW	93-04-111
296-23A-400	AMD	93-16-072	296-62	AMD-C	93-15-031	296-62-07601	NEW	93-04-111
296-23A-400	AMD-P	93-21-073	296-62-07105	AMD-P	93-10-101	296-62-07603	NEW	93-04-111
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296-23A-415	REP-P	93-11-095	296-62-074	NEW	93-07-044	296-62-07609	NEW	93-04-111
296-23A-415	REP	93-16-072	296-62-07401	NEW-P	93-02-057	296-62-07611	NEW	93-04-111
296-23A-420	REP-P	93-11-095	296-62-07401	NEW	93-07-044	296-62-07613	NEW	93-04-111
296-23A-420	REP	93-16-072	296-62-07403	NEW-P	93-02-057	296-62-07615	NEW	93-04-111
296-23A-425	REP-P	93-11-095	296-62-07403	NEW	93-07-044	296-62-07617	NEW	93-04-111
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296-24	AMD-C	93-15-031	296-62-07403	AMD	93-21-075	296-62-07621	NEW	93-04-111
296-24-11001	AMD-P	93-21-071	296-62-07405	NEW-P	93-02-057	296-62-07623	NEW	93-04-111
296-24-11003	AMD-P	93-10-101	296-62-07405	NEW	93-07-044	296-62-07625	NEW	93-04-111
296-24-11003	AMD	93-19-142	296-62-07407	NEW-P	93-02-057	296-62-07627	NEW	93-04-111
296-24-12001	AMD-P	93-21-071	296-62-07407	NEW	93-07-044	296-62-07629	NEW	93-04-111

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296-62-07633	NEW	93-04-111	296-62-3090	AMD-P	93-10-101	296-155-17353	NEW	93-04-111
296-62-07635	NEW	93-04-111	296-62-3090	AMD	93-19-142	296-155-17355	NEW	93-04-111
296-62-07637	NEW	93-04-111	296-67-005	AMD-P	93-16-108	296-155-17357	NEW	93-04-111
296-62-07639	NEW	93-04-111	296-67-005	AMD	93-21-075	296-155-17359	NEW	93-04-111
296-62-07654	NEW	93-04-111	296-67-285	AMD-P	93-16-108	296-155-174	NEW-P	93-02-057
296-62-07656	NEW	93-04-111	296-67-285	AMD	93-21-075	296-155-174	NEW	93-07-044
296-62-07658	NEW	93-04-111	296-67-291	AMD-P	93-16-108	296-155-174	AMD-P	93-16-108
296-62-07660	NEW	93-04-111	296-67-291	AMD	93-21-075	296-155-174	AMD	93-21-075
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296-62-07664	NEW	93-04-111	296-104-010	AMD	93-12-014	296-155-176	NEW	93-22-054
296-62-07666	NEW	93-04-111	296-104-055	AMD-P	93-08-073	296-155-17603	NEW-P	93-17-106
296-62-07668	NEW	93-04-111	296-104-055	AMD	93-12-014	296-155-17603	NEW	93-22-054
296-62-07670	NEW	93-04-111	296-104-200	AMD-P	93-08-073	296-155-17605	NEW-P	93-17-106
296-62-07672	NEW	93-04-111	296-104-200	AMD	93-12-014	296-155-17605	PREP	93-17-109
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296-62-12001	NEW-P	93-22-108	296-104-501	AMD	93-12-014	296-155-17609	NEW-P	93-17-106
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296-62-12005	NEW-P	93-22-108	296-104-700	AMD	93-12-014	296-155-17611	NEW-P	93-17-106
296-62-12007	NEW-P	93-22-108	296-116-082	AMD-E	93-06-012	296-155-17611	NEW	93-22-054
296-62-12009	NEW-P	93-22-108	296-116-082	AMD-P	93-06-052	296-155-17613	NEW-P	93-17-106
296-62-12011	NEW-P	93-22-108	296-116-082	AMD	93-09-016	296-155-17613	NEW	93-22-054
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296-62-14505	AMD-W	93-19-141	296-116-360	AMD	93-07-077	296-155-17623	PREP	93-17-109
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308-61-240	REP	93-08-076	308-96A-066	NEW	93-14-083	308-125-140	AMD	93-17-020
308-61-250	REP	93-08-076	308-96A-072	NEW-P	93-11-069	308-125-160	REP-P	93-12-127
308-61-260	REP	93-08-076	308-96A-072	NEW	93-14-083	308-125-160	REP	93-17-020
308-61-270	REP	93-08-076	308-96A-295	AMD-P	93-11-069	308-125-180	AMD-P	93-12-127
308-61-300	REP	93-08-076	308-96A-295	AMD	93-14-083	308-125-180	AMD	93-17-020
308-61-305	REP	93-08-076	308-96A-330	AMD-P	93-11-069	308-125-190	AMD-P	93-12-127
308-61-310	REP	93-08-076	308-96A-330	AMD	93-14-083	308-125-190	AMD	93-17-020
308-61-320	REP	93-08-076	308-96A-560	AMD-P	93-11-069	308-125-210	AMD-P	93-12-127
308-61-330	REP	93-08-076	308-96A-560	AMD	93-14-083	308-125-210	AMD	93-17-020
308-61-340	REP	93-08-076	308-100-030	REP-P	93-19-158	308-125-225	NEW-P	93-12-127
308-61-400	REP	93-08-076	308-100-030	REP	93-22-071	308-125-225	NEW	93-17-020
308-61-405	REP	93-08-076	308-104-006	AMD-P	93-19-158	308-128A-020	AMD-P	93-21-063
308-61-410	REP	93-08-076	308-104-006	AMD	93-22-071	308-128A-030	AMD-P	93-21-063
308-61-420	REP	93-08-076	308-104-015	AMD-P	93-19-158	308-128A-040	AMD-P	93-21-063
308-61-430	REP	93-08-076	308-104-015	AMD	93-22-071	308-128C-040	AMD-P	93-21-063
308-61-440	REP	93-08-076	308-104-040	AMD-P	93-19-158	308-128C-050	AMD-P	93-21-063
308-61-450	REP	93-08-076	308-104-040	AMD	93-22-071	308-128D-010	AMD-P	93-21-063
308-63-010	NEW	93-08-076	308-104-056	AMD-P	93-19-158	308-128D-030	AMD-P	93-21-063
308-63-020	NEW	93-08-076	308-104-056	AMD	93-22-071	308-128D-040	AMD-P	93-21-063
308-63-030	NEW	93-08-076	308-104-057	REP-P	93-19-158	308-128D-070	AMD-P	93-21-063
308-63-040	NEW	93-08-076	308-104-057	REP	93-22-071	308-128E-011	AMD-P	93-21-063
308-63-050	NEW	93-08-076	308-104-080	AMD-P	93-19-158	308-128F-020	AMD-P	93-21-063
308-63-060	NEW	93-08-076	308-104-080	AMD	93-22-071	308-330-005	NEW-P	93-20-079
308-63-070	NEW	93-08-076	308-104-080	AMD	93-22-071	308-330-010	NEW-P	93-20-079
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308-63-100	NEW	93-08-076	308-104-110	REP-P	93-19-158	308-330-109	NEW-P	93-20-079
308-63-110	NEW	93-08-076	308-104-110	REP	93-22-071	308-330-112	NEW-P	93-20-079
308-63-120	NEW	93-08-076	308-104-140	REP-P	93-19-158	308-330-115	NEW-P	93-20-079
308-63-130	NEW	93-08-076	308-104-140	REP	93-22-071	308-330-118	NEW-P	93-20-079
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308-330-139	NEW-P	93-20-079	308-330-457	NEW-P	93-20-079	314-10-110	NEW	93-23-016
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308-330-145	NEW-P	93-20-079	308-330-462	NEW-P	93-20-079	314-12-015	AMD	93-15-027
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308-330-154	NEW-P	93-20-079	308-330-469	NEW-P	93-20-079	314-12-020	AMD-P	93-12-117
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308-330-160	NEW-P	93-20-079	308-330-475	NEW-P	93-20-079	314-12-025	AMD-P	93-07-110
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308-330-172	NEW-P	93-20-079	308-330-500	NEW-P	93-20-079	314-12-030	AMD	93-10-092
308-330-175	NEW-P	93-20-079	308-330-505	NEW-P	93-20-079	314-12-030	AMD-P	93-15-117
308-330-178	NEW-P	93-20-079	308-330-510	NEW-P	93-20-079	314-12-030	AMD	93-18-094
308-330-181	NEW-P	93-20-079	308-330-515	NEW-P	93-20-079	314-12-140	AMD-P	93-07-110
308-330-184	NEW-P	93-20-079	308-330-520	NEW-P	93-20-079	314-12-140	AMD	93-10-070
308-330-187	NEW-P	93-20-079	308-330-525	NEW-P	93-20-079	314-12-142	NEW-P	93-17-070
308-330-190	NEW-P	93-20-079	308-330-530	NEW-P	93-20-079	314-12-142	NEW-W	93-21-019
308-330-195	NEW-P	93-20-079	308-330-535	NEW-P	93-20-079	314-15-010	NEW-E	93-15-061
308-330-197	NEW-P	93-20-079	308-330-540	NEW-P	93-20-079	314-15-010	NEW-P	93-19-122
308-330-200	NEW-P	93-20-079	308-330-545	NEW-P	93-20-079	314-15-010	NEW	93-23-015
308-330-205	NEW-P	93-20-079	308-330-550	NEW-P	93-20-079	314-15-020	NEW-E	93-15-061
308-330-210	NEW-P	93-20-079	308-330-555	NEW-P	93-20-079	314-15-020	NEW-P	93-19-122
308-330-215	NEW-P	93-20-079	308-330-560	NEW-P	93-20-079	314-15-020	NEW	93-23-015
308-330-220	NEW-P	93-20-079	308-330-565	NEW-P	93-20-079	314-15-030	NEW-E	93-15-061
308-330-225	NEW-P	93-20-079	308-330-600	NEW-P	93-20-079	314-15-030	NEW-P	93-19-122
308-330-230	NEW-P	93-20-079	308-330-610	NEW-P	93-20-079	314-15-030	NEW	93-23-015
308-330-235	NEW-P	93-20-079	308-330-620	NEW-P	93-20-079	314-15-040	NEW-E	93-15-061
308-330-240	NEW-P	93-20-079	308-330-630	NEW-P	93-20-079	314-15-040	NEW-P	93-19-122
308-330-245	NEW-P	93-20-079	308-330-640	NEW-P	93-20-079	314-15-040	NEW	93-23-015
308-330-250	NEW-P	93-20-079	308-330-650	NEW-P	93-20-079	314-15-050	NEW-E	93-15-061
308-330-255	NEW-P	93-20-079	308-330-660	NEW-P	93-20-079	314-15-050	NEW-P	93-19-122
308-330-260	NEW-P	93-20-079	308-330-700	NEW-P	93-20-079	314-15-050	NEW	93-23-015
308-330-265	NEW-P	93-20-079	308-330-705	NEW-P	93-20-079	314-16-020	AMD-P	93-07-110
308-330-270	NEW-P	93-20-079	308-330-710	NEW-P	93-20-079	314-16-020	AMD	93-10-070
308-330-275	NEW-P	93-20-079	308-330-720	NEW-P	93-20-079	314-16-030	AMD-P	93-07-110
308-330-300	NEW-P	93-20-079	308-330-730	NEW-P	93-20-079	314-16-030	AMD-W	93-10-069
308-330-305	NEW-P	93-20-079	308-330-740	NEW-P	93-20-079	314-16-050	AMD-P	93-17-068
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308-330-312	NEW-P	93-20-079	308-330-820	NEW-P	93-20-079	314-16-150	AMD-P	93-17-069
308-330-314	NEW-P	93-20-079	308-330-825	NEW-P	93-20-079	314-16-150	AMD-W	93-21-019
308-330-316	NEW-P	93-20-079	308-330-910	NEW-P	93-20-079	314-16-190	AMD-P	93-06-066
308-330-320	NEW-P	93-20-079	314-10-010	NEW-E	93-15-062	314-16-190	AMD	93-10-092
308-330-322	NEW-P	93-20-079	314-10-010	NEW-P	93-19-123	314-16-196	AMD-P	93-06-066
308-330-325	NEW-P	93-20-079	314-10-010	NEW	93-23-016	314-16-196	AMD	93-10-092
308-330-327	NEW-P	93-20-079	314-10-020	NEW-E	93-15-062	314-16-250	AMD-P	93-12-119
308-330-329	NEW-P	93-20-079	314-10-020	NEW-P	93-19-123	314-16-250	AMD	93-15-026
308-330-330	NEW-P	93-20-079	314-10-020	NEW	93-23-016	314-20-015	AMD-P	93-07-109
308-330-360	NEW-P	93-20-079	314-10-030	NEW-E	93-15-062	314-20-015	AMD	93-11-028
308-330-365	NEW-P	93-20-079	314-10-030	NEW-P	93-19-123	314-20-030	AMD-P	93-07-110
308-330-370	NEW-P	93-20-079	314-10-030	NEW	93-23-016	314-20-030	AMD	93-10-070
308-330-375	NEW-P	93-20-079	314-10-040	NEW-P	93-19-123	314-20-070	AMD-P	93-06-066
308-330-400	NEW-P	93-20-079	314-10-040	NEW	93-23-016	314-20-070	AMD	93-10-092
308-330-403	NEW-P	93-20-079	314-10-050	NEW-E	93-15-062	314-20-180	NEW-E	93-11-027
308-330-406	NEW-P	93-20-079	314-10-050	NEW-P	93-19-123	314-20-180	NEW-P	93-12-116
308-330-408	NEW-P	93-20-079	314-10-050	NEW	93-23-016	314-20-180	NEW	93-15-023
308-330-409	NEW-P	93-20-079	314-10-060	NEW-E	93-15-062	314-24-095	AMD-P	93-07-109
308-330-412	NEW-P	93-20-079	314-10-060	NEW-P	93-19-123	314-24-095	AMD	93-11-028
308-330-415	NEW-P	93-20-079	314-10-060	NEW	93-23-016	314-24-160	AMD-P	93-07-109
308-330-418	NEW-P	93-20-079	314-10-070	NEW-E	93-15-062	314-24-160	AMD	93-11-028
308-330-421	NEW-P	93-20-079	314-10-070	NEW-P	93-19-123	314-24-190	AMD-P	93-20-087
308-330-423	NEW-P	93-20-079	314-10-080	NEW-E	93-15-062	314-24-190	AMD-W	93-23-055
308-330-425	NEW-P	93-20-079	314-10-080	NEW-P	93-19-123	314-24-200	AMD-P	93-20-087
308-330-430	NEW-P	93-20-079	314-10-080	NEW	93-23-016	314-24-200	AMD-W	93-23-055
308-330-433	NEW-P	93-20-079	314-10-090	NEW-E	93-15-062	314-38-050	NEW-P	93-17-071
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314-60-020	AMD-P	93-24-077	315-11-470	REP	93-15-019	315-11-591	REP-P	93-12-104
314-60-030	AMD-P	93-24-077	315-11-471	REP-P	93-12-104	315-11-591	REP	93-15-019
314-60-080	AMD-P	93-24-077	315-11-471	REP	93-15-019	315-11-592	REP-P	93-12-104
314-60-105	AMD-P	93-24-077	315-11-472	REP-P	93-12-104	315-11-592	REP	93-15-019
314-60-110	AMD-P	93-24-077	315-11-472	REP	93-15-019	315-11-890	AMD-P	93-03-094
314-70-050	NEW-P	93-07-109	315-11-480	REP-P	93-12-104	315-11-890	AMD	93-07-016
314-70-050	NEW	93-11-028	315-11-480	REP	93-15-019	315-11-920	NEW	93-03-008
315-02-120	REP-P	93-24-098	315-11-481	REP-P	93-12-104	315-11-921	NEW	93-03-008
315-02-230	NEW	93-04-004	315-11-481	REP	93-15-019	315-11-922	NEW	93-03-008
315-04-180	AMD-P	93-24-098	315-11-482	REP-P	93-12-104	315-11-930	NEW	93-03-008
315-04-210	AMD-P	93-24-098	315-11-482	REP	93-15-019	315-11-931	NEW	93-03-008
315-06-035	AMD-P	93-24-098	315-11-490	REP-P	93-12-104	315-11-932	NEW	93-03-008
315-06-120	AMD	93-04-004	315-11-490	REP	93-15-019	315-11-940	NEW	93-03-008
315-06-125	AMD	93-04-004	315-11-491	REP-P	93-12-104	315-11-941	NEW	93-03-008
315-06-125	AMD-P	93-07-121	315-11-491	REP	93-15-019	315-11-942	NEW	93-03-008
315-06-125	AMD	93-11-056	315-11-492	REP-P	93-12-104	315-11-950	NEW-P	93-03-094
315-06-125	AMD-P	93-16-096	315-11-492	REP	93-15-019	315-11-950	NEW	93-07-016
315-06-125	AMD-W	93-19-032	315-11-500	REP-P	93-12-104	315-11-951	NEW-P	93-03-094
315-06-125	AMD-P	93-19-133	315-11-500	REP	93-15-019	315-11-951	NEW	93-07-016
315-06-125	AMD	93-23-012	315-11-501	REP-P	93-12-104	315-11-952	NEW-P	93-03-094
315-06-130	AMD	93-04-004	315-11-501	REP	93-15-019	315-11-952	NEW	93-07-016
315-06-140	REP-P	93-24-098	315-11-502	REP-P	93-12-104	315-11-960	NEW-P	93-03-094
315-06-150	REP-P	93-24-098	315-11-502	REP	93-15-019	315-11-960	NEW	93-07-016
315-06-160	REP-P	93-24-098	315-11-510	REP-P	93-12-104	315-11-961	NEW-P	93-03-094
315-06-170	AMD-P	93-24-098	315-11-510	REP	93-15-019	315-11-961	NEW	93-07-016
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315-06-190	AMD-P	93-24-098	315-11-511	REP	93-15-019	315-11-962	NEW	93-07-016
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315-10-060	AMD-P	93-24-098	315-11-512	REP	93-15-019	315-11-970	NEW	93-07-016
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315-11-402	REP	93-15-019	315-11-530	REP-P	93-12-104	315-11-981	NEW-P	93-07-121
315-11-410	REP-P	93-12-104	315-11-530	REP	93-15-019	315-11-981	NEW	93-11-056
315-11-410	REP	93-15-019	315-11-531	REP-P	93-12-104	315-11-982	NEW-P	93-07-121
315-11-411	REP-P	93-12-104	315-11-531	REP	93-15-019	315-11-982	NEW	93-11-056
315-11-411	REP	93-15-019	315-11-532	REP-P	93-12-104	315-11-990	NEW-P	93-07-121
315-11-412	REP-P	93-12-104	315-11-532	REP	93-15-019	315-11-990	NEW	93-11-056
315-11-412	REP	93-15-019	315-11-540	REP-P	93-12-104	315-11-990	AMD-P	93-16-096
315-11-420	REP-P	93-12-104	315-11-540	REP	93-15-019	315-11-990	AMD	93-19-052
315-11-420	REP	93-15-019	315-11-541	REP-P	93-12-104	315-11-991	NEW-P	93-07-121
315-11-421	REP-P	93-12-104	315-11-541	REP	93-15-019	315-11-991	NEW	93-11-056
315-11-421	REP	93-15-019	315-11-542	REP-P	93-12-104	315-11-991	AMD-P	93-16-096
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315-11-422	REP	93-15-019	315-11-550	REP-P	93-12-104	315-11-992	NEW-P	93-07-121
315-11-430	REP-P	93-12-104	315-11-550	REP	93-15-019	315-11-992	NEW	93-11-056
315-11-430	REP	93-15-019	315-11-551	REP-P	93-12-104	315-11-992	AMD-P	93-16-096
315-11-431	REP-P	93-12-104	315-11-551	REP	93-15-019	315-11-992	AMD	93-19-052
315-11-431	REP	93-15-019	315-11-552	REP-P	93-12-104	315-11A-100	NEW-P	93-07-121
315-11-432	REP-P	93-12-104	315-11-552	REP	93-15-019	315-11A-100	NEW	93-11-056
315-11-432	REP	93-15-019	315-11-560	REP-P	93-12-104	315-11A-101	NEW-P	93-12-104
315-11-440	REP-P	93-12-104	315-11-560	REP	93-15-019	315-11A-101	NEW	93-15-019
315-11-440	REP	93-15-019	315-11-561	REP-P	93-12-104	315-11A-102	NEW-P	93-12-104
315-11-441	REP-P	93-12-104	315-11-561	REP	93-15-019	315-11A-102	NEW	93-15-019
315-11-441	REP	93-15-019	315-11-562	REP-P	93-12-104	315-11A-103	NEW-P	93-12-104
315-11-442	REP-P	93-12-104	315-11-562	REP	93-15-019	315-11A-103	NEW	93-15-019
315-11-442	REP	93-15-019	315-11-570	REP-P	93-12-104	315-11A-104	NEW-P	93-12-104
315-11-450	REP-P	93-12-104	315-11-570	REP	93-15-019	315-11A-104	NEW	93-15-019
315-11-450	REP	93-15-019	315-11-571	REP-P	93-12-104	315-11A-105	NEW-P	93-12-104
315-11-451	REP-P	93-12-104	315-11-571	REP	93-15-019	315-11A-105	NEW	93-15-019
315-11-451	REP	93-15-019	315-11-572	REP-P	93-12-104	315-11A-106	NEW-P	93-16-096
315-11-452	REP-P	93-12-104	315-11-572	REP	93-15-019	315-11A-106	NEW	93-19-052
315-11-452	REP	93-15-019	315-11-580	REP-P	93-12-104	315-11A-107	NEW-P	93-16-096
315-11-460	REP-P	93-12-104	315-11-580	REP	93-15-019	315-11A-107	NEW	93-19-052
315-11-460	REP	93-15-019	315-11-581	REP-P	93-12-104	315-11A-108	NEW-P	93-16-096
315-11-461	REP-P	93-12-104	315-11-581	REP	93-15-019	315-11A-108	NEW	93-19-052
315-11-461	REP	93-15-019	315-11-582	REP-P	93-12-104	315-11A-109	NEW-P	93-16-096
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315-11A-110	NEW	93-23-012	317-02-090	NEW-P	93-06-087	317-20-190	NEW	93-07-005
315-11A-111	NEW-P	93-19-133	317-02-090	NEW	93-11-003	317-20-200	NEW-P	93-02-055
315-11A-111	NEW	93-23-012	317-02-100	NEW-P	93-06-087	317-20-200	NEW	93-07-005
315-11A-112	NEW-P	93-19-133	317-02-100	NEW	93-11-003	317-20-210	NEW-P	93-02-055
315-11A-112	NEW	93-23-012	317-02-110	NEW-P	93-06-087	317-20-210	NEW	93-07-005
315-11A-113	NEW-P	93-19-133	317-02-110	NEW	93-11-003	317-20-220	NEW-P	93-02-055
315-11A-113	NEW	93-23-012	317-02-120	NEW-P	93-06-087	317-20-220	NEW	93-07-005
315-11A-114	NEW-P	93-24-098	317-02-120	NEW	93-11-003	317-20-230	NEW-P	93-02-055
315-11A-115	NEW-P	93-24-098	317-03-010	NEW-P	93-06-088	317-20-230	NEW	93-07-005
315-11A-116	NEW-P	93-24-098	317-03-010	NEW	93-11-002	317-20-240	NEW-P	93-02-055
315-11A-117	NEW-P	93-24-098	317-03-020	NEW-P	93-06-088	317-20-240	NEW	93-07-005
315-20-005	NEW-P	93-12-104	317-03-020	NEW	93-11-002	317-20-900	NEW-P	93-02-055
315-20-005	NEW	93-15-019	317-03-030	NEW-P	93-06-088	317-20-900	NEW	93-07-005
315-20-070	REP-P	93-12-104	317-03-030	NEW-W	93-19-050	317-30-010	NEW-P	93-02-054
315-20-070	REP	93-15-019	317-05-010	NEW-P	93-02-053	317-30-010	NEW	93-07-003
315-20-075	NEW-P	93-12-104	317-05-010	NEW	93-07-004	317-30-020	NEW-P	93-02-054
315-20-075	NEW	93-15-019	317-05-020	NEW-P	93-02-053	317-30-020	NEW	93-07-003
315-20-080	REP-P	93-12-104	317-05-020	NEW	93-07-004	317-30-030	NEW-P	93-02-054
315-20-080	REP	93-15-019	317-05-030	NEW-P	93-02-053	317-30-030	NEW	93-07-003
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315-20-085	NEW	93-15-019	317-10-035	AMD-P	93-09-069	317-30-040	NEW	93-07-003
315-20-090	REP-P	93-12-104	317-10-035	AMD	93-14-096	317-30-050	NEW-P	93-02-054
315-20-090	REP	93-15-019	317-10-060	AMD-P	93-06-089	317-30-050	NEW	93-07-003
315-20-095	NEW-P	93-12-104	317-10-060	AMD	93-11-001	317-30-060	NEW-P	93-02-054
315-20-095	NEW	93-15-019	317-20	NEW-P	93-02-055	317-30-060	NEW	93-07-003
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315-20-100	REP	93-15-019	317-20-010	NEW-P	93-02-055	317-30-070	NEW	93-07-003
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315-20-110	REP-P	93-12-104	317-20-020	NEW	93-07-005	317-30-090	NEW-P	93-02-054
315-20-110	REP	93-15-019	317-20-025	NEW	93-07-005	317-30-090	NEW	93-07-003
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315-20-115	NEW	93-15-019	317-20-030	NEW	93-07-005	317-30-100	NEW	93-07-003
315-20-120	REP-P	93-12-104	317-20-040	NEW-P	93-02-055	317-30-110	NEW-P	93-02-054
315-20-120	REP	93-15-019	317-20-040	NEW	93-07-005	317-30-110	NEW	93-07-003
315-20-130	REP-P	93-12-104	317-20-050	NEW-P	93-02-055	317-30-120	NEW-P	93-02-054
315-20-130	REP	93-15-019	317-20-050	NEW	93-07-005	317-30-120	NEW	93-07-003
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315-20-140	REP	93-15-019	317-20-055	NEW	93-07-005	317-30-130	NEW	93-07-003
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315-20-150	REP	93-15-019	317-20-060	NEW	93-07-005	317-30-140	NEW	93-07-003
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315-33A-030	AMD-P	93-16-096	317-20-065	NEW	93-07-005	317-30-150	NEW	93-07-003
315-33A-030	AMD	93-19-052	317-20-066	NEW-P	93-02-055	317-30-900	NEW-P	93-02-054
315-33A-050	AMD-P	93-16-096	317-20-066	NEW	93-07-005	317-30-900	NEW	93-07-003
315-33A-050	AMD	93-19-052	317-20-070	NEW-P	93-02-055	317-100-010	NEW-P	93-09-070
315-33A-060	AMD-P	93-16-096	317-20-070	NEW	93-07-005	317-100-010	NEW	93-14-097
315-33A-060	AMD	93-19-052	317-20-080	NEW-P	93-02-055	317-100-020	NEW-P	93-09-070
315-33B-060	AMD-P	93-16-096	317-20-080	NEW	93-07-005	317-100-020	NEW	93-14-097
315-33B-060	AMD	93-19-052	317-20-090	NEW-P	93-02-055	317-100-030	NEW-P	93-09-070
315-34-040	AMD	93-03-008	317-20-090	NEW	93-07-005	317-100-030	NEW	93-14-097
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317-01-010	NEW	93-11-004	317-20-100	NEW	93-07-005	317-100-040	NEW	93-14-097
317-01-020	NEW-P	93-06-086	317-20-110	NEW-P	93-02-055	317-100-050	NEW-P	93-09-070
317-01-020	NEW	93-11-004	317-20-110	NEW	93-07-005	317-100-050	NEW	93-14-097
317-01-030	NEW-P	93-06-086	317-20-120	NEW-P	93-02-055	317-100-060	NEW-P	93-09-070
317-01-030	NEW	93-11-004	317-20-120	NEW	93-07-005	317-100-060	NEW	93-14-097
317-02-010	NEW-P	93-06-087	317-20-130	NEW-P	93-02-055	317-100-070	NEW-P	93-09-070
317-02-010	NEW	93-11-003	317-20-130	NEW	93-07-005	317-100-070	NEW	93-14-097
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317-02-030	NEW	93-11-003	317-20-150	NEW	93-07-005	317-100-090	NEW	93-14-097
317-02-040	NEW-P	93-06-087	317-20-155	NEW	93-07-005	318-04-020	AMD-P	93-11-072
317-02-040	NEW	93-11-003	317-20-160	NEW-P	93-02-055	318-04-020	AMD	93-14-105
317-02-050	NEW-P	93-06-087	317-20-160	NEW	93-07-005	318-04-030	AMD-P	93-11-072
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326-02-032	NEW-E	93-12-136	356-05-157	NEW-W	93-10-026	356-15-030	AMD-C	93-14-060
326-02-033	NEW-P	93-12-135	356-05-157	NEW-P	93-10-028	356-15-030	AMD-E	93-14-066
326-02-033	NEW-E	93-12-136	356-05-157	NEW-C	93-14-056	356-15-030	AMD-C	93-18-052
326-02-033	NEW	93-16-080	356-05-157	NEW-C	93-18-048	356-15-030	AMD	93-19-152
326-02-034	NEW-P	93-12-135	356-05-157	NEW-W	93-19-156	356-15-033	NEW-W	93-02-035
326-02-034	NEW-E	93-12-136	356-05-160	REP-W	93-02-035	356-15-050	AMD-W	93-02-035
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326-30-041	AMD-P	93-24-070	356-05-171	NEW-C	93-18-052	356-15-060	AMD-C	93-09-059
326-30-042	NEW-E	93-15-088	356-05-171	NEW	93-19-152	356-15-060	AMD	93-12-086
326-30-051	AMD-E	93-16-081	356-05-214	REP-P	93-17-017	356-15-080	AMD-W	93-02-035
326-40-010	AMD-E	93-05-037	356-05-214	REP	93-22-082	356-15-100	AMD-W	93-02-035
326-40-060	AMD-E	93-16-081	356-05-307	NEW-P	93-12-100	356-18-060	AMD-P	93-08-072
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332-24-720	NEW	93-07-002	356-05-479	NEW-P	93-24-089	356-18-060	AMD-E	93-14-066
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332-24-730	NEW-P	93-10-107	356-06-003	NEW-P	93-16-020	356-18-060	AMD	93-19-152
332-24-730	NEW-W	93-10-108	356-06-003	NEW	93-19-147	356-18-110	AMD-P	93-08-072
332-24-730	NEW	93-14-016	356-06-045	NEW-P	93-24-089	356-18-110	AMD-C	93-12-084
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332-26-050	NEW-E	93-15-048	356-07-020	REP-P	93-22-037	356-18-145	NEW-P	93-08-072
332-26-060	NEW-E	93-15-048	356-07-030	REP-P	93-22-037	356-18-145	NEW-C	93-12-084
332-26-080	NEW-E	93-09-020	356-07-040	REP-P	93-22-037	356-18-145	NEW-C	93-14-060
332-26-080	AMD-E	93-10-058	356-07-050	REP-P	93-22-037	356-18-145	NEW-E	93-14-066
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352-12-020	AMD-E	93-10-060	356-07-060	REP-P	93-22-037	356-18-145	NEW	93-19-152
352-12-020	RESCIND	93-14-068	356-07-070	REP-P	93-22-037	356-18-150	AMD-P	93-08-072
352-12-030	AMD	93-08-025	356-09-010	REP-P	93-24-078	356-18-150	AMD-C	93-12-084
352-12-030	AMD-E	93-10-060	356-09-020	REP-P	93-24-078	356-18-150	AMD-C	93-14-060
352-12-020	RESCIND	93-14-068	356-09-030	REP-P	93-24-078	356-18-150	AMD-E	93-14-066
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352-32-010	AMD	93-06-001	356-09-040	AMD-W	93-16-021	356-18-150	AMD	93-19-152
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352-32-010	AMD-P	93-21-037	356-09-050	AMD-P	93-12-100	356-18-230	REP	93-06-081
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352-32-250	AMD	93-19-113	356-10-050	AMD-P	93-14-064	356-22-125	NEW-C	93-18-046
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352-32-252	AMD-E	93-10-060	356-10-050	AMD-C	93-19-144	356-22-125	NEW	93-23-069
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352-70-050	AMD-P	93-16-065	356-14-260	AMD-E	93-14-066	356-26-105	NEW-W	93-16-021
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356-30-328	NEW-P	93-24-089	356-56-020	NEW-E	93-22-035	365-24-060	REP	93-19-102
356-30-330	AMD-C	93-02-036	356-56-020	NEW-C	93-22-086	365-24-100	REP-P	93-15-086
356-30-330	AMD-C	93-04-099	356-56-020	NEW-P	93-22-113	365-24-100	REP	93-19-102
356-30-330	AMD-C	93-08-045	356-56-020	NEW-C	93-23-067	365-24-110	REP-P	93-15-086
356-30-330	AMD-W	93-09-060	356-56-021	NEW-E	93-14-091	365-24-110	REP	93-19-102
356-30-331	NEW-E	93-09-003	356-56-021	NEW-P	93-16-019	365-24-210	REP-P	93-15-086
356-30-331	NEW-P	93-09-057	356-56-021	NEW-C	93-19-146	365-24-210	REP	93-19-102
356-30-331	NEW-C	93-14-057	356-56-021	NEW-E	93-22-035	365-24-220	REP-P	93-15-086
356-30-331	NEW	93-16-022	356-56-021	NEW-C	93-22-086	365-24-220	REP	93-19-102
356-34-020	AMD-W	93-02-035	356-56-021	NEW-C	93-23-067	365-24-230	REP-P	93-15-086
356-34-022	NEW-W	93-02-035	356-56-030	NEW-P	93-22-113	365-24-230	REP	93-19-102
356-34-090	AMD	93-02-040	356-56-035	NEW-P	93-22-113	365-24-240	REP-P	93-15-086
356-35-010	AMD-C	93-02-041	356-56-100	NEW-P	93-22-113	365-24-240	REP	93-19-102
356-35-010	AMD-C	93-04-098	356-56-105	NEW-P	93-22-113	365-24-310	REP-P	93-15-086
356-35-010	AMD-C	93-06-078	356-56-110	NEW-P	93-22-113	365-24-310	REP	93-19-102
356-35-010	AMD-W	93-07-054	356-56-115	NEW-P	93-22-113	365-24-312	REP-P	93-15-086
356-35-010	AMD-P	93-10-027	356-56-120	NEW-P	93-22-113	365-24-312	REP	93-19-102
356-35-010	AMD	93-14-067	356-56-125	NEW-P	93-22-113	365-24-320	REP-P	93-15-086
356-37-080	AMD-P	93-22-104	356-56-200	NEW-P	93-22-113	365-24-320	REP	93-19-102
356-37-090	AMD-P	93-22-104	356-56-205	NEW-P	93-22-113	365-24-330	REP-P	93-15-086
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356-47-010	REP-P	93-14-063	356-56-220	NEW-P	93-22-113	365-24-410	REP	93-19-102
356-47-010	REP	93-19-153	356-56-230	NEW-P	93-22-113	365-24-420	REP-P	93-15-086
356-47-020	REP-E	93-14-061	356-56-240	NEW-P	93-22-113	365-24-420	REP	93-19-102
356-47-020	REP-P	93-14-063	356-56-250	NEW-P	93-22-113	365-24-430	REP-P	93-15-086
356-47-020	REP	93-19-153	356-56-255	NEW-P	93-22-113	365-24-430	REP	93-19-102
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356-47-030	REP-P	93-14-063	356-56-300	NEW-P	93-22-113	365-24-440	REP	93-19-102
356-47-030	REP	93-19-153	356-56-400	NEW-P	93-22-113	365-24-450	REP-P	93-15-086
356-47-040	REP-E	93-14-061	356-56-410	NEW-P	93-22-113	365-24-450	REP	93-19-102
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356-47-065	REP-P	93-14-063	359-07-040	NEW-P	93-22-036	365-24-620	REP-P	93-15-086
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356-47-090	REP	93-19-153	359-09-040	NEW-P	93-24-080	365-24-820	REP-P	93-15-086
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365-24-856	REP	93-19-102	365-195-760	NEW-P	93-13-138	381-80-050	AMD	93-23-077
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365-24-858	REP	93-19-102	365-195-765	NEW-P	93-13-138	388-11-011	AMD	93-05-020
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365-24-880	REP	93-19-102	365-195-810	AMD-P	93-13-138	388-11-055	AMD-P	93-13-067
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365-24-884	REP	93-19-102	365-195-820	AMD-P	93-13-138	388-11-120	AMD	93-05-020
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365-195-620	AMD	93-17-040	365-300-050	NEW	93-11-039	388-15-204	NEW-C	93-04-023
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388-15-630	AMD	93-13-135	388-34-025	REP-P	93-16-106	388-34-375	REP	93-19-134
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388-15-830	AMD	93-10-023	388-34-035	REP-P	93-16-106	388-34-376	REP	93-19-134
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388-15-840	AMD	93-10-023	388-34-040	REP-P	93-06-040	388-34-378	REP-W	93-08-113
388-15-850	AMD-P	93-07-071	388-34-040	REP-W	93-08-113	388-34-378	REP-P	93-16-106
388-15-850	AMD	93-10-023	388-34-040	REP-P	93-16-106	388-34-378	REP	93-19-134
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388-15-860	AMD	93-10-023	388-34-045	REP-P	93-06-040	388-34-380	REP-W	93-08-113
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388-15-890	NEW-P	93-07-071	388-34-055	REP-W	93-08-113	388-34-384	REP-P	93-16-106
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388-24-074	AMD	93-12-055	388-34-085	REP	93-19-134	388-37-010	REP	93-16-058
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388-24-253	AMD	93-07-034	388-34-095	REP-W	93-08-113	388-37-020	REP	93-16-058
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388-28-425	AMD-P	93-03-056	388-34-095	REP	93-19-134	388-37-021	REP	93-16-058
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388-28-500	AMD-P	93-15-070	388-34-120	REP-W	93-08-113	388-37-030	REP	93-16-058
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388-81-175	NEW	93-24-059	388-83-220	AMD	93-11-044	388-87-200	NEW	93-17-036
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388-88-080	REP	93-23-041	388-88-190	NEW-E	93-16-003	388-96-228	AMD-P	93-14-078
388-88-095	AMD-E	93-16-003	388-88-190	NEW-P	93-16-005	388-96-228	AMD-E	93-14-079
388-88-095	AMD-P	93-16-005	388-88-190	NEW-W	93-18-084	388-96-228	AMD	93-19-074
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388-88-095	RESCIND	93-18-085	388-88-190	NEW-P	93-18-086	388-96-505	AMD-E	93-14-079
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388-88-096	NEW-P	93-16-005	388-91-007	NEW-C	93-23-025	388-96-508	AMD	93-19-074
388-88-096	NEW-W	93-18-084	388-91-010	AMD-E	93-20-053	388-96-509	AMD-P	93-14-078
388-88-096	RESCIND	93-18-085	388-91-010	AMD-P	93-20-056	388-96-509	AMD-E	93-14-079
388-88-096	NEW-P	93-18-086	388-91-010	NEW-C	93-23-025	388-96-509	AMD	93-19-074
388-88-096	NEW	93-23-041	388-91-020	AMD-E	93-20-053	388-96-513	AMD-P	93-14-078
388-88-097	AMD-E	93-16-003	388-91-020	AMD-P	93-20-056	388-96-513	AMD-E	93-14-079
388-88-097	AMD-P	93-16-005	388-91-020	NEW-C	93-23-025	388-96-513	AMD	93-19-074
388-88-097	AMD-W	93-18-084	388-92-025	AMD-P	93-07-122	388-96-521	AMD-P	93-14-078
388-88-097	RESCIND	93-18-085	388-92-025	AMD	93-11-045	388-96-521	AMD-E	93-14-079
388-88-097	AMD-P	93-18-086	388-92-027	NEW-P	93-07-122	388-96-521	AMD	93-19-074
388-88-097	AMD	93-23-041	388-92-027	NEW	93-11-045	388-96-523	AMD-P	93-14-078
388-88-098	AMD-E	93-16-003	388-92-036	AMD-E	93-06-053	388-96-523	AMD-E	93-14-079
388-88-098	AMD-P	93-16-005	388-92-036	AMD-P	93-06-054	388-96-523	AMD	93-19-074
388-88-098	AMD-W	93-18-084	388-92-036	AMD	93-08-112	388-96-525	AMD-P	93-14-078
388-88-098	RESCIND	93-18-085	388-92-036	AMD-P	93-23-029	388-96-525	AMD-E	93-14-079
388-88-098	AMD-P	93-18-086	388-92-041	AMD-E	93-20-051	388-96-525	AMD	93-19-074
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388-88-099	REP-E	93-16-003	388-92-041	AMD	93-23-031	388-96-529	AMD-E	93-14-079
388-88-099	REP-P	93-16-005	388-92-043	REP-E	93-20-050	388-96-529	AMD	93-19-074
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388-88-099	RESCIND	93-18-085	388-92-043	REP	93-23-032	388-96-531	AMD-E	93-14-079
388-88-099	REP-P	93-18-086	388-92-045	AMD-P	93-03-026	388-96-531	AMD	93-19-074
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388-88-102	REP-P	93-16-005	388-92-045	AMD-P	93-23-030	388-96-533	AMD	93-19-074
388-88-102	REP-W	93-18-084	388-92-045	AMD-E	93-24-056	388-96-535	AMD-P	93-14-078
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388-88-130	REP-E	93-16-003	388-95-310	NEW	93-19-134	388-96-569	AMD-E	93-14-079
388-88-130	REP-P	93-16-005	388-95-337	AMD-E	93-04-031	388-96-569	AMD	93-19-074
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388-88-130	REP	93-23-041	388-95-340	AMD-E	93-03-029	388-96-580	AMD-E	93-14-079
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388-88-150	RESCIND	93-18-085	388-95-360	AMD-P	93-23-027	388-96-710	AMD	93-12-051
388-88-150	NEW-P	93-18-086	388-95-360	AMD-E	93-23-028	388-96-710	AMD-P	93-14-075
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388-88-170	RESCIND	93-18-085	388-96-026	AMD	93-12-051	388-96-719	AMD	93-19-074
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388-88-180	NEW-P	93-16-005	388-96-210	AMD-E	93-14-079	388-96-727	AMD-P	93-14-078
388-88-180	NEW-W	93-18-084	388-96-210	AMD	93-19-074	388-96-727	AMD-E	93-14-079
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388-96-745	AMD	93-19-074	388-150-180	AMD-P	93-13-056
388-96-754	AMD-P	93-08-065	388-150-180	AMD	93-18-001
388-96-754	AMD-W	93-12-048	388-150-190	AMD-P	93-13-056
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388-96-762	AMD-E	93-14-079	388-150-250	AMD	93-18-001
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388-96-765	AMD-P	93-14-078	388-150-295	NEW-P	93-13-056
388-96-765	AMD-E	93-14-079	388-150-295	NEW	93-18-001
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388-96-768	AMD-E	93-14-079	388-150-340	AMD-P	93-13-056
388-96-768	AMD	93-19-074	388-150-340	AMD	93-18-001
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388-96-774	AMD-P	93-14-075	388-150-460	AMD-P	93-13-056
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388-160-140	NEW	93-15-124	388-160-140	NEW	93-15-124
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388-160-340	NEW-P	93-05-031	388-160-340	NEW-P	93-05-031
388-160-340	NEW	93-15-124	388-160-340	NEW	93-15-124
388-160-350	NEW-P	93-05-031	388-160-350	NEW-P	93-05-031
388-160-350	NEW	93-15-124	388-160-350	NEW	93-15-124
388-160-360	NEW-P	93-05-031	388-160-360	NEW-P	93-05-031
388-160-360	NEW	93-15-124	388-160-360	NEW	93-15-124
388-160-370	NEW-P	93-05-031	388-160-370	NEW-P	93-05-031
388-160-370	NEW	93-15-124	388-160-370	NEW	93-15-124
388-160-380	NEW-P	93-05-031	388-160-380	NEW-P	93-05-031
388-160-380	NEW	93-15-124	388-160-380	NEW	93-15-124
388-160-390	NEW-P	93-05-031	388-160-390	NEW-P	93-05-031
388-160-390	NEW	93-15-124	388-160-390	NEW	93-15-124
388-160-400	NEW-P	93-05-031	388-160-400	NEW-P	93-05-031
388-160-400	NEW	93-15-124	388-160-400	NEW	93-15-124
388-160-410	NEW-P	93-05-031	388-160-410	NEW-P	93-05-031
388-160-410	NEW	93-15-124	388-160-410	NEW	93-15-124
388-160-420	NEW-P	93-05-031	388-160-420	NEW-P	93-05-031
388-160-420	NEW	93-15-124	388-160-420	NEW	93-15-124
388-160-430	NEW-P	93-05-031	388-160-430	NEW-P	93-05-031
388-160-430	NEW	93-15-124	388-160-430	NEW	93-15-124
388-160-440	NEW-P	93-05-031	388-160-440	NEW-P	93-05-031
388-160-440	NEW	93-15-124	388-160-440	NEW	93-15-124
388-160-450	NEW-P	93-05-031	388-160-450	NEW-P	93-05-031
388-160-450	NEW-W	93-15-123	388-160-450	NEW-W	93-15-123
388-160-460	NEW-P	93-05-031	388-160-460	NEW-P	93-05-031
388-160-460	NEW	93-15-124	388-160-460	NEW	93-15-124
388-160-470	NEW-P	93-05-031	388-160-470	NEW-P	93-05-031
388-160-470	NEW	93-15-124	388-160-470	NEW	93-15-124
388-160-480	NEW-P	93-05-031	388-160-480	NEW-P	93-05-031
388-160-480	NEW	93-15-124	388-160-480	NEW	93-15-124
388-160-490	NEW-P	93-05-031	388-160-490	NEW-P	93-05-031
388-160-490	NEW	93-15-124	388-160-490	NEW	93-15-124
388-160-500	NEW-P	93-05-031	388-160-500	NEW-P	93-05-031
388-160-500	NEW	93-15-124	388-160-500	NEW	93-15-124
388-160-510	NEW-P	93-05-031	388-160-510	NEW-P	93-05-031

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-160-510	NEW	93-15-124	388-235-0050	NEW-P	93-08-074	388-235-8140	NEW	93-16-058
388-160-520	NEW-P	93-05-031	388-235-0050	NEW	93-16-058	388-235-8150	NEW-P	93-08-074
388-160-520	NEW	93-15-124	388-235-0060	NEW-P	93-08-074	388-235-8150	NEW	93-16-058
388-160-530	NEW-P	93-05-031	388-235-0060	NEW	93-16-058	388-235-8200	NEW-P	93-08-074
388-160-530	NEW	93-15-124	388-235-0070	NEW-P	93-08-074	388-235-8200	NEW	93-16-058
388-160-540	NEW-P	93-05-031	388-235-0070	NEW	93-16-058	388-235-9000	NEW-P	93-08-074
388-160-540	NEW	93-15-124	388-235-0080	NEW-P	93-08-074	388-235-9000	NEW	93-16-058
388-160-560	NEW-P	93-05-031	388-235-0080	NEW	93-16-058	388-235-9100	NEW-P	93-08-074
388-160-560	NEW	93-15-124	388-235-0090	NEW-P	93-08-074	388-235-9100	NEW	93-16-058
388-230	NEW-C	93-12-049	388-235-0090	NEW	93-16-058	388-235-9200	NEW-P	93-08-074
388-230	NEW-C	93-13-023	388-235-0100	NEW-P	93-08-074	388-235-9200	NEW	93-16-058
388-230	NEW-C	93-14-086	388-235-0100	NEW	93-16-058	388-235-9300	NEW-P	93-08-074
388-230-0010	NEW-P	93-08-064	388-235-0110	NEW-P	93-08-074	388-235-9300	NEW	93-16-058
388-230-0010	NEW	93-16-059	388-235-0110	NEW	93-16-058	388-235-9500	NEW-P	93-08-074
388-230-0030	NEW-P	93-08-064	388-235-1500	NEW-P	93-08-074	388-235-9500	NEW-W	93-21-059
388-230-0030	NEW	93-16-059	388-235-1500	NEW	93-16-058	388-235-9520	NEW-P	93-08-074
388-230-0040	NEW-P	93-08-064	388-235-2000	NEW-P	93-08-074	388-235-9520	NEW-W	93-21-059
388-230-0040	NEW	93-16-059	388-235-2000	NEW	93-16-058	388-235-9530	NEW-P	93-08-074
388-230-0050	NEW-P	93-08-064	388-235-3000	NEW-P	93-08-074	388-235-9530	NEW-W	93-21-059
388-230-0050	NEW	93-16-059	388-235-3000	NEW	93-16-058	388-235-9540	NEW-P	93-08-074
388-230-0060	NEW-P	93-08-064	388-235-4000	NEW-P	93-08-074	388-235-9540	NEW-W	93-21-059
388-230-0060	NEW	93-16-059	388-235-4000	NEW	93-16-058	388-235-9550	NEW-P	93-08-074
388-230-0080	NEW-P	93-08-064	388-235-5000	NEW-P	93-08-074	388-235-9550	NEW-W	93-21-059
388-230-0080	NEW	93-16-059	388-235-5000	NEW	93-16-058	388-235-9560	NEW-P	93-08-074
388-230-0090	NEW-P	93-08-064	388-235-5040	NEW-P	93-08-074	388-235-9560	NEW-W	93-21-059
388-230-0090	NEW	93-16-059	388-235-5050	NEW-P	93-08-074	388-235-9570	NEW-P	93-08-074
388-230-0110	NEW-P	93-08-064	388-235-5050	NEW	93-16-058	388-235-9570	NEW-W	93-21-059
388-230-0110	NEW	93-16-059	388-235-5060	NEW	93-16-058	388-235-9580	NEW-P	93-08-074
388-230-0120	NEW-P	93-08-064	388-235-5070	NEW-P	93-08-074	388-235-9580	NEW-W	93-21-059
388-230-0120	NEW	93-16-059	388-235-5070	NEW	93-16-058	388-235-9600	NEW-P	93-08-074
388-230-0140	NEW-P	93-08-064	388-235-5080	NEW-P	93-08-074	388-235-9600	NEW-W	93-21-059
388-230-0140	NEW	93-16-059	388-235-5080	NEW	93-16-058	388-240-0010	NEW-P	93-15-080
388-233-0010	NEW-P	93-14-006	388-235-5090	NEW-P	93-08-074	388-240-0010	NEW	93-19-039
388-233-0010	NEW-E	93-14-007	388-235-5090	NEW	93-16-058	388-240-0020	NEW-P	93-15-080
388-233-0010	NEW	93-17-029	388-235-5100	NEW-P	93-08-074	388-240-0020	NEW	93-19-039
388-233-0020	NEW-P	93-14-006	388-235-5100	NEW	93-16-058	388-240-1100	NEW-P	93-15-080
388-233-0020	NEW-E	93-14-007	388-235-5200	NEW-P	93-08-074	388-240-1100	NEW	93-19-039
388-233-0020	NEW	93-17-029	388-235-5200	NEW	93-16-058	388-240-1200	NEW-P	93-15-080
388-233-0030	NEW-P	93-14-006	388-235-5300	NEW-P	93-08-074	388-240-1200	NEW	93-19-039
388-233-0030	NEW-E	93-14-007	388-235-5300	NEW	93-16-058	388-240-2100	NEW-P	93-15-080
388-233-0030	NEW	93-17-029	388-235-5400	NEW-P	93-08-074	388-240-2100	NEW	93-19-039
388-233-0040	NEW-P	93-14-006	388-235-5400	NEW	93-16-058	388-240-2300	NEW-P	93-15-080
388-233-0040	NEW-E	93-14-007	388-235-5500	NEW-P	93-08-074	388-240-2300	NEW	93-19-039
388-233-0040	NEW	93-17-029	388-235-5500	NEW	93-16-058	388-240-2400	NEW-P	93-15-080
388-233-0050	NEW-P	93-14-006	388-235-5600	NEW-P	93-08-074	388-240-2400	NEW	93-19-039
388-233-0050	NEW-E	93-14-007	388-235-5600	NEW	93-16-058	388-240-2450	NEW-P	93-15-080
388-233-0050	NEW	93-17-029	388-235-5700	NEW-P	93-08-074	388-240-2450	NEW	93-19-039
388-233-0060	NEW-P	93-14-006	388-235-5700	NEW	93-16-058	388-240-2500	NEW-P	93-15-080
388-233-0060	NEW-E	93-14-007	388-235-5800	NEW-P	93-08-074	388-240-2500	NEW	93-19-039
388-233-0060	NEW	93-17-029	388-235-5800	NEW	93-16-058	388-240-2550	NEW-P	93-15-080
388-233-0070	NEW-P	93-14-006	388-235-5900	NEW-P	93-08-074	388-240-2550	NEW	93-19-039
388-233-0070	NEW-E	93-14-007	388-235-5900	NEW	93-16-058	388-240-2570	NEW-P	93-15-080
388-233-0070	NEW	93-17-029	388-235-6000	NEW-P	93-08-074	388-240-2570	NEW	93-19-039
388-233-0080	NEW-P	93-14-006	388-235-6000	NEW	93-16-058	388-240-2600	NEW-P	93-15-080
388-233-0080	NEW-E	93-14-007	388-235-7000	NEW-P	93-08-074	388-240-2600	NEW	93-19-039
388-233-0080	NEW	93-17-029	388-235-7000	NEW	93-16-058	388-240-3100	NEW-P	93-15-080
388-233-0090	NEW-P	93-14-006	388-235-7100	NEW-P	93-08-074	388-240-3100	NEW	93-19-039
388-233-0090	NEW-E	93-14-007	388-235-7100	NEW	93-16-058	388-240-4100	NEW-P	93-15-080
388-233-0090	NEW	93-17-029	388-235-7200	NEW-P	93-08-074	388-240-4100	NEW	93-19-039
388-233-0100	NEW-P	93-14-006	388-235-7200	NEW	93-16-058	388-240-4200	NEW-P	93-15-080
388-233-0100	NEW-E	93-14-007	388-235-7300	NEW-P	93-08-074	388-240-4200	NEW	93-19-039
388-233-0100	NEW	93-17-029	388-235-7300	NEW	93-16-058	388-240-4400	NEW-P	93-15-080
388-235	NEW-C	93-12-050	388-235-7500	NEW-P	93-08-074	388-240-4400	NEW	93-19-039
388-235	NEW-C	93-13-022	388-235-7500	NEW	93-16-058	388-240-4600	NEW-P	93-15-080
388-235	NEW-C	93-14-085	388-235-7600	NEW-P	93-08-074	388-240-4600	NEW	93-19-039
388-235-0010	NEW-P	93-08-074	388-235-7600	NEW	93-16-058	388-240-5100	NEW-P	93-15-080
388-235-0010	NEW	93-16-058	388-235-8000	NEW-P	93-08-074	388-240-5100	NEW	93-19-039
388-235-0020	NEW-P	93-08-074	388-235-8000	NEW	93-16-058	388-240-6100	NEW-P	93-15-080
388-235-0020	NEW	93-16-058	388-235-8100	NEW-P	93-08-074	388-240-6100	NEW	93-19-039
388-235-0030	NEW-P	93-08-074	388-235-8100	NEW	93-16-058	388-280-1010	NEW-P	93-08-075
388-235-0030	NEW	93-16-058	388-235-8130	NEW-P	93-08-074	388-280-1010	NEW	93-12-054
388-235-0040	NEW-P	93-08-074	388-235-8130	NEW	93-16-058	388-280-1020	NEW-P	93-08-075
388-235-0040	NEW	93-16-058	388-235-8140	NEW-P	93-08-074	388-280-1020	NEW	93-12-054

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-280-1030	NEW-P	93-08-075	388-538-100	NEW	93-17-039	390-16-012	AMD-P	93-10-049
388-280-1030	NEW	93-12-054	388-538-110	NEW-P	93-14-046	390-16-012	AMD-E	93-10-051
388-280-1040	NEW-P	93-08-075	388-538-110	NEW-E	93-14-047	390-16-012	AMD	93-15-004
388-280-1040	NEW	93-12-054	388-538-110	NEW	93-17-039	390-16-031	AMD-P	93-04-127
388-280-1050	NEW-P	93-08-075	388-538-120	NEW-P	93-14-046	390-16-031	AMD	93-09-002
388-280-1050	NEW	93-12-054	388-538-120	NEW-E	93-14-047	390-16-034	NEW-P	93-19-033
388-280-1060	NEW-P	93-08-075	388-538-120	NEW	93-17-039	390-16-034	NEW	93-24-003
388-280-1060	NEW	93-12-054	388-538-130	NEW-P	93-14-046	390-16-038	AMD-P	93-12-024
388-280-1070	NEW-P	93-08-075	388-538-130	NEW-E	93-14-047	390-16-038	AMD-P	93-16-062
388-280-1070	NEW	93-12-054	388-538-130	NEW	93-17-039	390-16-038	AMD-E	93-16-063
388-280-1080	NEW-P	93-08-075	388-538-140	NEW-P	93-14-046	390-16-038	AMD	93-22-002
388-280-1080	NEW	93-12-054	388-538-140	NEW-E	93-14-047	390-16-041	AMD-P	93-04-127
388-280-1090	NEW-P	93-08-075	388-538-140	NEW	93-17-039	390-16-041	AMD	93-09-002
388-280-1090	NEW	93-12-054	388-538-150	NEW-P	93-14-046	390-16-044	NEW-P	93-15-002
388-280-1100	NEW-P	93-08-075	388-538-150	NEW-E	93-14-047	390-16-044	NEW-E	93-15-003
388-280-1100	NEW	93-12-054	388-538-150	NEW	93-17-039	390-16-044	NEW	93-19-034
388-280-1110	NEW-P	93-08-075	388-539-001	NEW-P	93-14-024	390-16-200	AMD-P	93-12-025
388-280-1110	NEW	93-12-054	388-539-001	NEW-E	93-14-028	390-16-207	AMD-P	93-12-026
388-280-1120	NEW-P	93-08-075	388-539-001	NEW	93-17-037	390-16-207	AMD	93-16-064
388-280-1120	NEW	93-12-054	388-539-050	NEW-P	93-14-024	390-16-207	AMD-P	93-17-107
388-280-1130	NEW-P	93-08-075	388-539-050	NEW-E	93-14-028	390-16-207	AMD	93-22-002
388-280-1130	NEW	93-12-054	388-539-050	NEW	93-17-037	390-16-226	NEW-P	93-12-031
388-280-1140	NEW-P	93-08-075	388-539-100	NEW-P	93-14-024	390-16-226	NEW	93-16-064
388-280-1140	NEW	93-12-054	388-539-100	NEW-E	93-14-028	390-16-230	AMD-P	93-12-027
388-280-1150	NEW-P	93-08-075	388-539-100	NEW	93-17-037	390-16-230	AMD	93-16-064
388-280-1150	NEW	93-12-054	388-539-150	NEW-P	93-14-024	390-16-230	AMD-P	93-17-107
388-280-1160	NEW-P	93-08-075	388-539-150	NEW-E	93-14-028	390-16-230	AMD	93-22-002
388-280-1160	NEW	93-12-054	388-539-150	NEW	93-17-037	390-16-232	NEW-P	93-12-032
388-320-350	AMD-P	93-21-043	388-540-001	NEW-P	93-13-001	390-16-232	NEW	93-16-064
388-320-350	AMD	93-24-057	388-540-001	NEW-E	93-13-130	390-16-234	NEW-P	93-12-033
388-320-400	AMD-P	93-21-043	388-540-001	NEW	93-16-039	390-16-234	NEW	93-16-064
388-320-400	AMD	93-24-057	388-540-005	NEW-P	93-13-001	390-16-240	AMD-P	93-12-028
388-320-450	AMD-P	93-21-043	388-540-005	NEW-E	93-13-130	390-16-240	AMD	93-16-064
388-320-450	AMD	93-24-057	388-540-005	NEW	93-16-039	390-16-308	AMD	93-04-072
388-330-010	AMD-P	93-07-035	388-540-010	NEW-P	93-13-001	390-16-309	NEW-P	93-19-033
388-330-010	AMD-C	93-10-018	388-540-010	NEW-E	93-13-130	390-16-310	AMD-P	93-12-029
388-330-010	AMD-C	93-12-096	388-540-010	NEW	93-16-039	390-16-310	AMD	93-16-064
388-330-010	AMD	93-15-040	388-540-020	NEW-P	93-13-001	390-16-312	AMD-P	93-12-030
388-330-020	AMD-P	93-07-035	388-540-020	NEW-E	93-13-130	390-16-312	AMD	93-16-064
388-330-020	AMD-C	93-10-018	388-540-020	NEW	93-16-039	390-17-011	NEW-P	93-12-018
388-330-020	AMD-C	93-12-096	388-540-030	NEW-P	93-13-001	390-17-011	NEW	93-16-064
388-330-020	AMD	93-15-040	388-540-030	NEW-E	93-13-130	390-17-013	NEW-P	93-12-018
388-330-030	AMD-P	93-07-035	388-540-030	NEW	93-16-039	390-17-013	NEW	93-16-064
388-330-030	AMD-C	93-10-018	388-540-040	NEW-P	93-13-001	390-17-015	NEW-P	93-12-018
388-330-030	AMD-C	93-12-096	388-540-040	NEW-E	93-13-130	390-17-015	NEW	93-16-064
388-330-030	AMD	93-15-040	388-540-040	NEW	93-16-039	390-17-017	NEW-P	93-12-018
388-330-050	AMD-P	93-07-035	388-540-050	NEW-P	93-13-001	390-17-017	NEW	93-16-064
388-330-050	AMD-C	93-10-018	388-540-050	NEW-E	93-13-130	390-17-030	NEW-P	93-12-018
388-330-050	AMD-C	93-12-096	388-540-050	NEW	93-16-039	390-17-030	NEW	93-16-064
388-330-050	AMD	93-15-040	388-540-060	NEW-P	93-13-001	390-17-050	NEW-P	93-12-018
388-538-001	NEW-P	93-14-046	388-540-060	NEW-E	93-13-130	390-17-050	NEW-P	93-16-062
388-538-001	NEW-E	93-14-047	388-540-060	NEW	93-16-039	390-17-050	NEW-E	93-16-063
388-538-001	NEW	93-17-039	390-05-190	NEW-P	93-12-019	390-17-050	NEW	93-22-002
388-538-050	NEW-P	93-14-046	390-05-190	NEW	93-16-064	390-17-052	NEW-P	93-12-018
388-538-050	NEW-E	93-14-047	390-05-190	AMD-P	93-17-107	390-17-052	NEW	93-16-064
388-538-050	NEW	93-17-039	390-05-190	AMD	93-22-002	390-17-060	NEW-P	93-12-018
388-538-060	NEW-P	93-14-046	390-05-200	AMD-P	93-12-020	390-17-060	NEW-P	93-12-046
388-538-060	NEW-E	93-14-047	390-05-200	AMD	93-16-064	390-17-060	NEW-P	93-19-033
388-538-060	NEW	93-17-039	390-05-205	AMD-P	93-12-021	390-17-060	NEW-E	93-19-035
388-538-070	NEW-P	93-14-046	390-05-205	AMD	93-16-064	390-17-060	NEW	93-24-003
388-538-070	NEW-E	93-14-047	390-05-210	AMD-P	93-12-022	390-17-065	NEW-P	93-12-018
388-538-070	NEW	93-17-039	390-05-210	AMD	93-16-064	390-17-065	NEW-P	93-19-104
388-538-080	NEW-P	93-14-046	390-05-215	AMD-P	93-12-023	390-17-065	NEW-W	93-19-130
388-538-080	NEW-E	93-14-047	390-05-215	AMD	93-16-064	390-17-065	NEW-P	93-19-131
388-538-080	NEW	93-17-039	390-05-235	AMD-P	93-17-107	390-17-065	NEW-E	93-22-001
388-538-090	NEW-P	93-14-046	390-05-235	AMD	93-22-002	390-17-065	NEW	93-24-003
388-538-090	NEW-E	93-14-047	390-12-010	AMD-P	93-24-002	390-17-070	NEW-P	93-17-107
388-538-090	NEW	93-17-039	390-12-170	AMD-P	93-15-101	390-17-070	NEW	93-22-002
388-538-095	NEW-P	93-14-046	390-12-170	AMD	93-19-034	390-17-071	NEW-P	93-24-002
388-538-095	NEW-E	93-14-047	390-14-040	AMD-P	93-24-002	390-17-100	NEW-P	93-12-018
388-538-095	NEW	93-17-039	390-16-011	AMD-P	93-10-049	390-17-100	NEW	93-16-064
388-538-100	NEW-P	93-14-046	390-16-011	AMD-E	93-10-051	390-17-200	NEW-P	93-12-018
388-538-100	NEW-E	93-14-047	390-16-011	AMD	93-15-004	390-17-200	NEW	93-16-064

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-164-375	AMD-P	93-17-103	392-171-336	AMD	93-19-063	392-171-593	NEW-P	93-15-085
392-164-375	AMD	93-21-088	392-171-341	AMD-P	93-15-085	392-171-593	NEW	93-19-063
392-164-390	AMD-P	93-17-103	392-171-341	AMD	93-19-063	392-171-596	AMD-P	93-15-085
392-164-390	AMD	93-21-088	392-171-351	AMD-P	93-15-085	392-171-596	AMD	93-19-063
392-164-420	NEW-P	93-17-103	392-171-351	AMD	93-19-063	392-171-646	AMD-P	93-15-085
392-164-420	NEW	93-21-088	392-171-371	AMD-P	93-15-085	392-171-646	AMD	93-19-063
392-164-425	NEW-P	93-17-103	392-171-371	AMD	93-19-063	392-171-651	AMD-P	93-15-085
392-164-425	NEW	93-21-088	392-171-381	AMD-P	93-15-085	392-171-651	AMD	93-19-063
392-164-430	NEW-P	93-17-103	392-171-381	AMD	93-19-063	392-171-688	NEW-P	93-15-085
392-164-430	NEW	93-21-088	392-171-382	AMD-P	93-15-085	392-171-688	NEW	93-19-063
392-167A-005	NEW-P	93-07-048	392-171-382	AMD	93-19-063	392-171-691	AMD-P	93-15-085
392-167A-005	NEW	93-12-016	392-171-383	AMD-P	93-15-085	392-171-691	AMD	93-19-063
392-167A-010	NEW-P	93-07-048	392-171-383	AMD	93-19-063	392-171-696	AMD-P	93-15-085
392-167A-010	NEW	93-12-016	392-171-384	REP-P	93-15-085	392-171-696	AMD	93-19-063
392-167A-015	NEW-P	93-07-048	392-171-384	REP	93-19-063	392-171-728	NEW-P	93-15-085
392-167A-015	NEW	93-12-016	392-171-401	AMD-P	93-15-085	392-171-728	NEW	93-19-063
392-167A-020	NEW-P	93-07-048	392-171-401	AMD	93-19-063	392-171-736	AMD-P	93-15-085
392-167A-020	NEW	93-12-016	392-171-452	NEW-P	93-15-085	392-171-736	AMD	93-19-063
392-167A-025	NEW-P	93-07-048	392-171-452	NEW	93-19-063	392-171-835	NEW-P	93-15-085
392-167A-025	NEW	93-12-016	392-171-454	NEW-P	93-15-085	392-171-835	NEW	93-19-063
392-167A-030	NEW-P	93-07-048	392-171-454	NEW	93-19-063	392-171-900	NEW-P	93-15-085
392-167A-030	NEW	93-12-016	392-171-456	AMD-P	93-15-085	392-171-900	NEW	93-19-063
392-167A-035	NEW-P	93-07-048	392-171-456	AMD	93-19-063	392-171-901	NEW-P	93-15-085
392-167A-035	NEW	93-12-016	392-171-457	NEW-P	93-15-085	392-171-901	NEW	93-19-063
392-167A-040	NEW-P	93-07-048	392-171-457	NEW	93-19-063	392-171-905	NEW-P	93-15-085
392-167A-040	NEW	93-12-016	392-171-461	AMD-P	93-15-085	392-171-905	NEW	93-19-063
392-167A-045	NEW-P	93-07-048	392-171-461	AMD	93-19-063	392-171-910	NEW-P	93-15-085
392-167A-045	NEW	93-12-016	392-171-462	NEW-P	93-15-085	392-171-910	NEW	93-19-063
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392-167A-050	NEW	93-12-016	392-171-463	NEW-P	93-15-085	392-171-915	NEW	93-19-063
392-167A-055	NEW-P	93-07-048	392-171-463	NEW	93-19-063	392-171-925	NEW-P	93-15-085
392-167A-055	NEW	93-12-016	392-171-464	NEW-P	93-15-085	392-171-925	NEW	93-19-063
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392-167A-060	NEW	93-12-016	392-171-466	AMD-P	93-15-085	392-171-930	NEW	93-19-063
392-167A-065	NEW-P	93-07-048	392-171-466	AMD	93-19-063	392-171-935	NEW-P	93-15-085
392-167A-065	NEW	93-12-016	392-171-471	AMD-P	93-15-085	392-171-935	NEW	93-19-063
392-167A-070	NEW-P	93-07-048	392-171-471	AMD	93-19-063	392-171-940	NEW-P	93-15-085
392-167A-070	NEW	93-12-016	392-171-476	AMD-P	93-15-085	392-171-940	NEW	93-19-063
392-167A-075	NEW-P	93-07-048	392-171-476	AMD	93-19-063	392-171-945	NEW-P	93-15-085
392-167A-075	NEW	93-12-016	392-171-481	AMD-P	93-15-085	392-171-945	NEW	93-19-063
392-167A-080	NEW-P	93-07-048	392-171-481	AMD	93-19-063	392-171-950	NEW-P	93-15-085
392-167A-080	NEW	93-12-016	392-171-504	NEW-P	93-15-085	392-171-950	NEW	93-19-063
392-167A-085	NEW-P	93-07-048	392-171-504	NEW	93-19-063	392-171-955	NEW-P	93-15-085
392-167A-085	NEW	93-12-016	392-171-507	NEW-P	93-15-085	392-171-955	NEW	93-19-063
392-167A-090	NEW-P	93-07-048	392-171-507	NEW	93-19-063	392-171-960	NEW-P	93-15-085
392-167A-090	NEW	93-12-016	392-171-508	NEW-P	93-15-085	392-171-960	NEW	93-19-063
392-168-110	AMD-P	93-15-084	392-171-508	NEW	93-19-063	392-173-005	AMD-P	93-15-083
392-168-110	AMD	93-19-065	392-171-509	NEW-P	93-15-085	392-173-005	AMD	93-19-064
392-168-115	AMD-P	93-15-084	392-171-509	NEW	93-19-063	392-173-010	AMD-P	93-15-083
392-168-115	AMD	93-19-065	392-171-511	AMD-P	93-15-085	392-173-010	AMD	93-19-064
392-168-132	NEW-P	93-15-084	392-171-511	AMD	93-19-063	392-173-015	AMD-P	93-15-083
392-168-132	NEW	93-19-065	392-171-512	AMD-P	93-15-085	392-173-015	AMD	93-19-064
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392-168-167	NEW	93-19-065	392-171-522	NEW-P	93-15-085	392-173-030	AMD	93-19-064
392-171-300	AMD-P	93-15-085	392-171-522	NEW	93-19-063	392-173-047	NEW-P	93-15-083
392-171-300	AMD	93-19-063	392-171-524	NEW-P	93-15-085	392-173-047	NEW	93-19-064
392-171-305	AMD-P	93-15-085	392-171-524	NEW	93-19-063	392-173-080	AMD-P	93-15-083
392-171-305	AMD	93-19-063	392-171-526	AMD-P	93-15-085	392-173-080	AMD	93-19-064
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392-171-310	AMD	93-19-063	392-171-531	AMD-P	93-15-085	392-184-020	AMD	93-23-037
392-171-315	AMD-P	93-15-085	392-171-531	AMD	93-19-063	392-184-025	AMD-P	93-19-108
392-171-315	AMD	93-19-063	392-171-536	AMD-P	93-15-085	392-184-025	AMD	93-23-037
392-171-320	AMD-P	93-15-085	392-171-536	AMD	93-19-063	392-185-003	AMD-P	93-19-119
392-171-320	AMD	93-19-063	392-171-551	AMD-P	93-15-085	392-185-003	AMD	93-23-036
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392-171-323	NEW	93-19-063	392-171-561	AMD-P	93-15-085	392-185-010	AMD	93-23-036
392-171-324	NEW-P	93-15-085	392-171-561	AMD	93-19-063	392-185-020	AMD-P	93-19-119
392-171-324	NEW	93-19-063	392-171-564	NEW-P	93-15-085	392-185-020	AMD	93-23-036
392-171-325	AMD-P	93-15-085	392-171-564	NEW	93-19-063	392-185-030	AMD-P	93-19-119
392-171-325	AMD	93-19-063	392-171-581	AMD-P	93-15-085	392-185-030	AMD	93-23-036
392-171-336	AMD-P	93-15-085	392-171-581	AMD	93-19-063	392-185-040	AMD-P	93-19-119

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392-185-050	AMD-P	93-19-119	392-315-085	REP-E	93-08-037	415-08-060	REP-P	93-08-054
392-185-050	AMD	93-23-036	392-315-085	REP-P	93-11-033	415-08-060	REP	93-11-079
392-185-060	AMD-P	93-19-119	392-315-085	REP	93-17-007	415-08-080	AMD-P	93-08-054
392-185-060	AMD	93-23-036	392-315-090	REP-E	93-08-037	415-08-080	AMD	93-11-079
392-185-070	AMD-P	93-19-119	392-315-090	REP-P	93-11-033	415-08-090	AMD-P	93-08-054
392-185-070	AMD	93-23-036	392-315-090	REP	93-17-007	415-08-090	AMD	93-11-079
392-185-080	AMD-P	93-19-119	392-315-095	REP-E	93-08-037	415-08-100	AMD-P	93-08-054
392-185-080	AMD	93-23-036	392-315-095	REP-P	93-11-033	415-08-100	AMD	93-11-079
392-185-100	AMD-P	93-19-119	392-315-095	REP	93-17-007	415-08-105	NEW-P	93-08-054
392-185-100	AMD	93-23-036	392-315-100	REP-E	93-08-037	415-08-105	NEW	93-11-079
392-185-120	AMD-P	93-19-119	392-315-100	REP-P	93-11-033	415-08-110	REP-P	93-08-054
392-185-120	AMD	93-23-036	392-315-100	REP	93-17-007	415-08-110	REP	93-11-079
392-185-150	AMD-P	93-19-119	392-315-105	REP-E	93-08-037	415-08-120	REP-P	93-08-054
392-185-150	AMD	93-23-036	392-315-105	REP-P	93-11-033	415-08-120	REP	93-11-079
392-196-005	AMD	93-07-037	392-315-105	REP	93-17-007	415-08-130	REP-P	93-08-054
392-196-030	AMD	93-07-037	392-315-110	REP-E	93-08-037	415-08-130	REP	93-11-079
392-196-080	AMD	93-07-037	392-315-110	REP-P	93-11-033	415-08-140	REP-P	93-08-054
392-196-095	AMD	93-07-037	392-315-110	REP	93-17-007	415-08-140	REP	93-11-079
392-202-110	AMD	93-08-005	392-315-115	REP-E	93-08-037	415-08-150	REP-P	93-08-054
392-202-110	AMD-P	93-15-034	392-315-115	REP-P	93-11-033	415-08-150	REP	93-11-079
392-202-110	AMD	93-19-121	392-315-115	REP	93-17-007	415-08-160	REP-P	93-08-054
392-210-015	AMD-P	93-19-120	392-315-120	REP-E	93-08-037	415-08-160	REP	93-11-079
392-210-015	AMD	93-23-038	392-315-120	REP-P	93-11-033	415-08-170	REP-P	93-08-054
392-210-030	AMD-P	93-19-120	392-315-120	REP	93-17-007	415-08-170	REP	93-11-079
392-210-030	AMD	93-23-038	392-315-125	REP-E	93-08-037	415-08-180	REP-P	93-08-054
392-315-005	REP-E	93-08-037	392-315-125	REP-P	93-11-033	415-08-180	REP	93-11-079
392-315-005	REP-P	93-11-033	392-315-125	REP	93-17-007	415-08-190	REP-P	93-08-054
392-315-005	REP	93-17-007	392-315-130	REP-E	93-08-037	415-08-190	REP	93-11-079
392-315-010	REP-E	93-08-037	392-315-130	REP-P	93-11-033	415-08-200	REP-P	93-08-054
392-315-010	REP-P	93-11-033	392-315-130	REP	93-17-007	415-08-200	REP	93-11-079
392-315-010	REP	93-17-007	392-315-135	REP-E	93-08-037	415-08-210	REP-P	93-08-054
392-315-015	REP-E	93-08-037	392-315-135	REP-P	93-11-033	415-08-210	REP	93-11-079
392-315-015	REP-P	93-11-033	392-315-135	REP	93-17-007	415-08-220	REP-P	93-08-054
392-315-015	REP	93-17-007	392-315-140	REP-E	93-08-037	415-08-220	REP	93-11-079
392-315-020	REP-E	93-08-037	392-315-140	REP-P	93-11-033	415-08-230	REP-P	93-08-054
392-315-020	REP-P	93-11-033	392-315-140	REP	93-17-007	415-08-230	REP	93-11-079
392-315-020	REP	93-17-007	392-315-145	REP-E	93-08-037	415-08-240	REP-P	93-08-054
392-315-025	REP-E	93-08-037	392-315-145	REP-P	93-11-033	415-08-240	REP	93-11-079
392-315-025	REP-P	93-11-033	392-315-145	REP	93-17-007	415-08-250	REP-P	93-08-054
392-315-025	REP	93-17-007	392-315-150	REP-E	93-08-037	415-08-250	REP	93-11-079
392-315-030	REP-E	93-08-037	392-315-150	REP-P	93-11-033	415-08-260	REP-P	93-08-054
392-315-030	REP-P	93-11-033	392-315-150	REP	93-17-007	415-08-260	REP	93-11-079
392-315-030	REP	93-17-007	392-315-155	REP-E	93-08-037	415-08-270	REP-P	93-08-054
392-315-035	REP-E	93-08-037	392-315-155	REP-P	93-11-033	415-08-270	REP	93-11-079
392-315-035	REP-P	93-11-033	392-315-155	REP	93-17-007	415-08-280	AMD-P	93-08-054
392-315-035	REP	93-17-007	392-315-160	REP-E	93-08-037	415-08-280	AMD	93-11-079
392-315-040	REP-E	93-08-037	392-315-160	REP-P	93-11-033	415-08-290	REP-P	93-08-054
392-315-040	REP-P	93-11-033	392-315-160	REP	93-17-007	415-08-290	REP	93-11-079
392-315-040	REP	93-17-007	392-315-165	REP-E	93-08-037	415-08-300	REP-P	93-08-054
392-315-045	REP-E	93-08-037	392-315-165	REP-P	93-11-033	415-08-300	REP	93-11-079
392-315-045	REP-P	93-11-033	392-315-165	REP	93-17-007	415-08-310	REP-P	93-08-054
392-315-045	REP	93-17-007	399-10-010	AMD-P	93-15-089	415-08-310	REP	93-11-079
392-315-050	REP-E	93-08-037	399-10-010	AMD	93-22-014	415-08-320	REP-P	93-08-054
392-315-050	REP-P	93-11-033	399-10-020	AMD-P	93-15-089	415-08-320	REP	93-11-079
392-315-050	REP	93-17-007	399-10-020	AMD	93-22-014	415-08-330	REP-P	93-08-054
392-315-055	REP-E	93-08-037	399-10-030	AMD-P	93-15-089	415-08-330	REP	93-11-079
392-315-055	REP-P	93-11-033	399-10-030	AMD	93-22-014	415-08-340	REP-P	93-08-054
392-315-055	REP	93-17-007	399-30-040	AMD-P	93-15-090	415-08-340	REP	93-11-079
392-315-060	REP-E	93-08-037	399-30-040	AMD	93-22-015	415-08-350	REP-P	93-08-054
392-315-060	REP-P	93-11-033	415-04-010	AMD-P	93-08-054	415-08-350	REP	93-11-079
392-315-060	REP	93-17-007	415-04-010	AMD	93-11-079	415-08-360	REP-P	93-08-054
392-315-065	REP-E	93-08-037	415-04-020	AMD-P	93-08-054	415-08-360	REP	93-11-079
392-315-065	REP-P	93-11-033	415-04-020	AMD	93-11-079	415-08-370	REP-P	93-08-054
392-315-065	REP	93-17-007	415-08-010	AMD-P	93-08-054	415-08-370	REP	93-11-079
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392-315-070	REP-P	93-11-033	415-08-020	AMD-P	93-08-054	415-08-380	REP	93-11-079
392-315-070	REP	93-17-007	415-08-020	AMD	93-11-079	415-08-390	REP-P	93-08-054
392-315-075	REP-E	93-08-037	415-08-025	NEW-P	93-08-054	415-08-390	REP	93-11-079
392-315-075	REP-P	93-11-033	415-08-025	NEW	93-11-079	415-08-400	REP-P	93-08-054
392-315-075	REP	93-17-007	415-08-030	AMD-P	93-08-054	415-08-400	REP	93-11-079
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415-08-430	REP-P	93-08-054	434-19-012	AMD-E	93-22-066	434-19-118	REP-P	93-21-093
415-08-430	REP	93-11-079	434-19-013	REP-P	93-21-093	434-19-118	AMD-E	93-22-066
415-08-440	REP-P	93-08-054	434-19-014	AMD-E	93-14-081	434-19-190	AMD-E	93-14-081
415-08-440	REP	93-11-079	434-19-014	REP-P	93-21-093	434-19-190	REP-P	93-21-093
415-08-450	REP-P	93-08-054	434-19-014	AMD-E	93-22-066	434-19-190	AMD-E	93-22-066
415-08-450	REP	93-11-079	434-19-015	REP-P	93-21-093	434-19-191	AMD-E	93-14-081
415-08-460	REP-P	93-08-054	434-19-016	REP-P	93-21-093	434-19-191	REP-P	93-21-093
415-08-460	REP	93-11-079	434-19-017	REP-P	93-21-093	434-19-191	AMD-E	93-22-066
415-08-470	REP-P	93-08-054	434-19-018	REP-P	93-21-093	434-19-192	AMD-E	93-14-081
415-08-470	REP	93-11-079	434-19-020	AMD-E	93-14-081	434-19-192	REP-P	93-21-093
415-08-480	REP-P	93-08-054	434-19-020	REP-P	93-21-093	434-19-192	AMD-E	93-22-066
415-08-480	REP	93-11-079	434-19-020	AMD-E	93-22-066	434-19-193	AMD-E	93-14-081
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415-104-011	NEW	93-11-078	434-19-051	REP-P	93-21-093	434-19-193	AMD-E	93-22-066
415-104-782	NEW-P	93-08-053	434-19-052	REP-P	93-21-093	434-19-194	AMD-E	93-14-081
415-104-782	NEW	93-11-078	434-19-053	REP-P	93-21-093	434-19-194	REP-P	93-21-093
415-104-783	NEW-P	93-08-053	434-19-054	REP-P	93-21-093	434-19-194	AMD-E	93-22-066
415-104-783	NEW	93-11-078	434-19-055	REP-P	93-21-093	434-19-195	AMD-E	93-14-081
415-104-784	NEW-P	93-08-053	434-19-056	AMD-E	93-14-081	434-19-195	REP-P	93-21-093
415-104-784	NEW	93-11-078	434-19-056	REP-P	93-21-093	434-19-195	AMD-E	93-22-066
415-104-785	NEW-P	93-08-053	434-19-056	AMD-E	93-22-066	434-19-230	REP-P	93-21-093
415-104-785	NEW	93-11-078	434-19-059	REP-P	93-21-093	434-50-010	AMD-E	93-14-080
415-108-010	AMD-P	93-08-052	434-19-060	REP-P	93-21-093	434-50-010	AMD-E	93-14-107
415-108-010	AMD	93-11-077	434-19-061	REP-P	93-21-093	434-50-010	REP-P	93-16-114
415-108-100	REP-P	93-08-052	434-19-075	REP-P	93-21-093	434-50-010	REP	93-20-072
415-108-100	REP	93-11-077	434-19-077	REP-P	93-21-093	434-50-015	AMD-E	93-14-080
415-108-110	REP-P	93-08-052	434-19-078	REP-P	93-21-093	434-50-015	AMD-E	93-14-107
415-108-110	REP	93-11-077	434-19-080	AMD-E	93-14-081	434-50-015	REP-P	93-16-114
415-108-120	REP-P	93-08-052	434-19-080	REP-P	93-21-093	434-50-015	REP	93-20-072
415-108-120	REP	93-11-077	434-19-080	AMD-E	93-22-066	434-50-020	AMD-E	93-14-080
415-108-130	REP-P	93-08-052	434-19-081	AMD-E	93-14-081	434-50-020	AMD-E	93-14-107
415-108-130	REP	93-11-077	434-19-081	REP-P	93-21-093	434-50-020	REP-P	93-16-114
415-108-150	REP-P	93-08-052	434-19-081	AMD-E	93-22-066	434-50-020	REP	93-20-072
415-108-150	REP	93-11-077	434-19-082	AMD-E	93-14-081	434-50-025	REP-P	93-16-114
415-108-160	REP-P	93-08-052	434-19-082	REP-P	93-21-093	434-50-025	REP	93-20-072
415-108-160	REP	93-11-077	434-19-082	AMD-E	93-22-066	434-50-030	REP-P	93-16-114
415-108-620	NEW-P	93-08-052	434-19-083	AMD-E	93-14-081	434-50-030	REP	93-20-072
415-108-620	NEW	93-11-077	434-19-083	REP-P	93-21-093	434-50-031	NEW-E	93-14-080
415-108-630	NEW-P	93-08-052	434-19-083	AMD-E	93-22-066	434-50-031	NEW-E	93-14-107
415-108-630	NEW	93-11-077	434-19-084	AMD-E	93-14-081	434-50-032	NEW-E	93-14-080
415-108-640	NEW-P	93-08-052	434-19-084	REP-P	93-21-093	434-50-032	NEW-E	93-14-107
415-108-640	NEW	93-11-077	434-19-084	AMD-E	93-22-066	434-50-033	NEW-E	93-14-080
415-108-650	NEW-P	93-08-052	434-19-085	AMD-E	93-14-081	434-50-033	NEW-E	93-14-107
415-108-650	NEW	93-11-077	434-19-085	REP-P	93-21-093	434-50-034	NEW-E	93-14-080
415-108-660	NEW-P	93-08-052	434-19-085	AMD-E	93-22-066	434-50-034	NEW-E	93-14-107
415-108-660	NEW	93-11-077	434-19-086	AMD-E	93-14-081	434-50-035	AMD-E	93-14-080
415-108-671	NEW-E	93-15-059	434-19-086	REP-P	93-21-093	434-50-035	AMD-E	93-14-107
415-108-671	NEW-P	93-15-082	434-19-086	AMD-E	93-22-066	434-50-035	REP-P	93-16-114
415-108-671	NEW	93-20-020	434-19-087	AMD-E	93-14-081	434-50-035	REP	93-20-072
415-112-015	NEW-P	93-08-051	434-19-087	REP-P	93-21-093	434-50-036	NEW-E	93-14-080
415-112-015	NEW-S	93-17-023	434-19-087	AMD-E	93-22-066	434-50-036	NEW-E	93-14-107
415-112-015	NEW	93-20-021	434-19-088	AMD-E	93-14-081	434-50-037	NEW-E	93-14-080
415-112-535	REP-P	93-08-051	434-19-088	REP-P	93-21-093	434-50-037	NEW-E	93-14-107
415-112-535	REP-S	93-17-023	434-19-088	AMD-E	93-22-066	434-50-038	NEW-E	93-14-109
415-112-535	REP	93-20-021	434-19-097	AMD-E	93-14-081	434-50-040	AMD-E	93-14-080
415-112-561	NEW-E	93-15-059	434-19-097	REP-P	93-21-093	434-50-040	AMD-E	93-14-107
415-112-561	NEW-P	93-15-082	434-19-097	AMD-E	93-22-066	434-50-040	REP-P	93-16-114
415-112-561	NEW	93-20-020	434-19-098	AMD-E	93-14-081	434-50-040	REP	93-20-072
415-112-722	REP-P	93-08-051	434-19-098	REP-P	93-21-093	434-50-045	AMD-E	93-14-080
415-112-722	REP-S	93-17-023	434-19-098	AMD-E	93-22-066	434-50-045	AMD-E	93-14-107
415-112-722	REP	93-20-021	434-19-100	REP-P	93-21-093	434-50-045	REP-P	93-16-114
415-112-810	AMD-P	93-08-051	434-19-101	AMD-E	93-14-081	434-50-045	REP	93-20-072
415-112-810	AMD-S	93-17-023	434-19-101	REP-P	93-21-093	434-50-050	AMD-E	93-14-080
415-112-810	AMD	93-20-021	434-19-101	AMD-E	93-22-066	434-50-050	AMD-E	93-14-107
415-112-820	AMD-P	93-08-051	434-19-102	REP-E	93-14-081	434-50-050	REP-P	93-16-114
415-112-820	AMD-S	93-17-023	434-19-102	REP-P	93-21-093	434-50-050	REP	93-20-072
415-112-820	AMD	93-20-021	434-19-102	REP-E	93-22-066	434-50-055	AMD-E	93-14-080
415-112-830	NEW-P	93-08-051	434-19-110	REP-P	93-21-093	434-50-055	AMD-E	93-14-107
415-112-830	NEW-S	93-17-023	434-19-114	AMD-E	93-14-081	434-50-055	REP-P	93-16-114
415-112-830	NEW	93-20-021	434-19-114	REP-P	93-21-093	434-50-055	REP	93-20-072
434-19-010	REP-P	93-21-093	434-19-114	AMD-E	93-22-066	434-60-010	NEW-P	93-15-058

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-60-010	NEW	93-18-053	434-120-100	NEW-P	93-21-093	440-22-005	NEW-P	93-18-008
434-60-020	NEW-P	93-15-058	434-120-105	NEW-P	93-21-093	440-22-010	NEW-P	93-18-008
434-60-020	NEW	93-18-053	434-120-115	NEW-P	93-21-093	440-22-015	NEW-P	93-18-008
434-60-030	NEW-P	93-15-058	434-120-120	NEW-P	93-21-093	440-22-020	NEW-P	93-18-008
434-60-030	NEW	93-18-053	434-120-125	NEW-P	93-21-093	440-22-025	NEW-P	93-18-008
434-60-040	NEW-P	93-15-058	434-120-130	NEW-P	93-21-093	440-22-030	NEW-P	93-18-008
434-60-040	NEW	93-18-053	434-120-140	NEW-P	93-21-093	440-22-035	NEW-P	93-18-008
434-60-050	NEW-P	93-15-058	434-120-145	NEW-P	93-21-093	440-22-040	NEW-P	93-18-008
434-60-050	NEW	93-18-053	434-120-155	NEW-P	93-21-093	440-22-045	NEW-P	93-18-008
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434-60-070	NEW-P	93-15-058	434-120-175	NEW-P	93-21-093	440-22-060	NEW-P	93-18-008
434-60-070	NEW	93-18-053	434-120-210	NEW-P	93-21-093	440-22-065	NEW-P	93-18-008
434-60-080	NEW-P	93-15-058	434-120-215	NEW-P	93-21-093	440-22-070	NEW-P	93-18-008
434-60-080	NEW	93-18-053	434-120-220	NEW-P	93-21-093	440-22-075	NEW-P	93-18-008
434-60-090	NEW-P	93-15-058	434-120-225	NEW-P	93-21-093	440-22-080	NEW-P	93-18-008
434-60-090	NEW	93-18-053	434-120-240	NEW-P	93-21-093	440-22-085	NEW-P	93-18-008
434-60-100	NEW-P	93-15-058	434-120-250	NEW-P	93-21-093	440-22-090	NEW-P	93-18-008
434-60-100	NEW	93-18-053	434-120-255	NEW-P	93-21-093	440-22-100	NEW-P	93-18-008
434-60-110	NEW-P	93-15-058	434-120-260	NEW-P	93-21-093	440-22-105	NEW-P	93-18-008
434-60-110	NEW	93-18-053	434-120-265	NEW-P	93-21-093	440-22-110	NEW-P	93-18-008
434-60-120	NEW-P	93-15-058	434-120-270	NEW-P	93-21-093	440-22-115	NEW-P	93-18-008
434-60-120	NEW	93-18-053	434-120-280	NEW-P	93-21-093	440-22-120	NEW-P	93-18-008
434-60-130	NEW-P	93-15-058	434-120-300	NEW-P	93-21-093	440-22-125	NEW-P	93-18-008
434-60-130	NEW	93-18-053	434-120-305	NEW-P	93-21-093	440-22-150	NEW-P	93-18-008
434-60-140	NEW-P	93-15-058	434-120-310	NEW-P	93-21-093	440-22-155	NEW-P	93-18-008
434-60-140	NEW	93-18-053	434-120-320	NEW-P	93-21-093	440-22-160	NEW-P	93-18-008
434-60-150	NEW-P	93-15-058	434-120-330	NEW-P	93-21-093	440-22-165	NEW-P	93-18-008
434-60-150	NEW	93-18-053	434-120-335	NEW-P	93-21-093	440-22-175	NEW-P	93-18-008
434-60-160	NEW-P	93-15-058	434-120-340	NEW-P	93-21-093	440-22-180	NEW-P	93-18-008
434-60-160	NEW	93-18-053	434-120-350	NEW-P	93-21-093	440-22-200	NEW-P	93-18-008
434-60-170	NEW-P	93-15-058	434-600-010	NEW	93-04-001	440-22-205	NEW-P	93-18-008
434-60-170	NEW	93-18-053	434-610-010	NEW	93-04-001	440-22-210	NEW-P	93-18-008
434-60-180	NEW-P	93-15-058	434-610-020	NEW	93-04-001	440-22-215	NEW-P	93-18-008
434-60-180	NEW	93-18-053	434-610-025	NEW	93-04-001	440-22-220	NEW-P	93-18-008
434-60-190	NEW-P	93-15-058	434-610-030	NEW	93-04-001	440-22-225	NEW-P	93-18-008
434-60-190	NEW	93-18-053	434-610-040	NEW	93-04-001	440-22-230	NEW-P	93-18-008
434-60-200	NEW-P	93-15-058	434-610-050	NEW	93-04-001	440-22-240	NEW-P	93-18-008
434-60-200	NEW	93-18-053	434-610-060	NEW	93-04-001	440-22-245	NEW-P	93-18-008
434-79-010	AMD-E	93-14-088	434-610-070	NEW	93-04-001	440-22-250	NEW-P	93-18-008
434-110-010	NEW-P	93-16-114	434-610-080	NEW	93-04-001	440-22-260	NEW-P	93-18-008
434-110-010	NEW	93-20-072	434-610-090	NEW	93-04-001	440-22-270	NEW-P	93-18-008
434-110-020	NEW-P	93-16-114	434-610-100	NEW	93-04-001	440-22-275	NEW-P	93-18-008
434-110-020	NEW	93-20-072	434-610-110	NEW	93-04-001	440-22-280	NEW-P	93-18-008
434-110-030	NEW-P	93-16-114	434-610-120	NEW	93-04-001	440-22-285	NEW-P	93-18-008
434-110-030	NEW	93-20-072	434-615-010	NEW	93-04-001	440-22-288	NEW-P	93-18-008
434-110-040	NEW-P	93-16-114	434-615-020	NEW	93-04-001	440-22-290	NEW-P	93-18-008
434-110-040	NEW	93-20-072	434-615-030	NEW	93-04-001	440-22-292	NEW-P	93-18-008
434-110-050	NEW-P	93-16-114	434-620-010	NEW	93-04-001	440-22-294	NEW-P	93-18-008
434-110-050	NEW	93-20-072	434-624-010	NEW	93-04-001	440-22-296	NEW-P	93-18-008
434-110-060	NEW-P	93-16-114	434-624-020	NEW	93-04-001	440-22-298	NEW-P	93-18-008
434-110-060	NEW	93-20-072	434-624-030	NEW	93-04-001	440-22-300	NEW-P	93-18-008
434-110-070	NEW-P	93-16-114	434-624-040	NEW	93-04-001	440-22-310	NEW-P	93-18-008
434-110-070	NEW	93-20-072	434-624-050	NEW	93-04-001	440-22-320	NEW-P	93-18-008
434-110-075	NEW-P	93-16-114	434-626-010	NEW	93-04-001	440-22-325	NEW-P	93-18-008
434-110-075	NEW	93-20-072	434-626-020	NEW	93-04-001	440-22-330	NEW-P	93-18-008
434-110-075	AMD-P	93-22-091	434-660-010	NEW-P	93-14-002	440-22-335	NEW-P	93-18-008
434-110-080	NEW-P	93-16-114	434-660-010	NEW	93-19-051	440-22-350	NEW-P	93-18-008
434-110-080	NEW	93-20-072	434-663-001	NEW-P	93-14-001	440-22-355	NEW-P	93-18-008
434-110-090	NEW-P	93-16-114	434-663-005	NEW-P	93-14-001	440-22-400	NEW-P	93-18-008
434-110-090	NEW	93-20-072	434-663-020	NEW-P	93-14-001	440-22-405	NEW-P	93-18-008
434-110-100	NEW-P	93-16-114	434-663-030	NEW-P	93-14-001	440-22-410	NEW-P	93-18-008
434-110-100	NEW	93-20-072	434-663-050	NEW-P	93-14-001	440-22-420	NEW-P	93-18-008
434-110-120	NEW-P	93-16-114	434-663-060	NEW-P	93-14-001	440-22-430	NEW-P	93-18-008
434-110-120	NEW	93-20-072	434-663-070	NEW-P	93-14-001	440-22-450	NEW-P	93-18-008
434-110-130	NEW-P	93-16-114	437-10-030	AMD-P	93-20-096	440-22-455	NEW-P	93-18-008
434-110-130	NEW	93-20-072	437-10-030	AMD	93-24-111	440-22-460	NEW-P	93-18-008
434-110-140	NEW	93-20-072	437-10-040	AMD-P	93-20-096	440-22-465	NEW-P	93-18-008
434-120-010	NEW-P	93-21-093	437-10-040	AMD	93-24-111	440-22-500	NEW-P	93-18-008
434-120-015	NEW-P	93-21-093	437-10-060	AMD-P	93-20-096	440-22-505	NEW-P	93-18-008
434-120-020	NEW-P	93-21-093	437-10-060	AMD	93-24-111	440-22-510	NEW-P	93-18-008
434-120-025	NEW-P	93-21-093	440-22	NEW-C	93-24-040	440-22-515	NEW-P	93-18-008
434-120-030	NEW-P	93-21-093	440-22-001	NEW-P	93-18-008	440-22-520	NEW-P	93-18-008

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440-22-530	NEW-P	93-18-008	446-55-160	REP-P	93-20-033	458-19-050	NEW-P	93-18-087
440-22-550	NEW-P	93-18-008	446-55-165	REP-P	93-20-033	458-19-055	NEW-P	93-18-087
440-22-560	NEW-P	93-18-008	446-55-170	REP-P	93-20-033	458-19-060	NEW-P	93-18-087
440-22-565	NEW-P	93-18-008	446-55-180	REP-P	93-20-033	458-19-065	NEW-P	93-18-087
440-22-600	NEW-P	93-18-008	446-55-190	REP-P	93-20-033	458-19-070	NEW-P	93-18-087
440-22-610	NEW-P	93-18-008	446-55-220	REP-P	93-20-033	458-19-075	NEW-P	93-18-087
440-22-620	NEW-P	93-18-008	446-55-230	REP-P	93-20-033	458-19-080	NEW-P	93-18-087
440-22-900	NEW-P	93-18-008	446-55-250	REP-P	93-20-033	458-20-101	PREP	93-02-046
440-22-905	NEW-P	93-18-008	446-55-260	REP-P	93-20-033	458-20-101	AMD-P	93-08-013
440-22-910	NEW-P	93-18-008	446-55-270	REP-P	93-20-033	458-20-101	AMD	93-13-126
440-22-915	NEW-P	93-18-008	446-55-280	REP-P	93-20-033	458-20-102	AMD-E	93-13-085
440-22-920	NEW-P	93-18-008	446-60-005	REP-P	93-20-033	458-20-102	PREP	93-17-086
440-22-925	NEW-P	93-18-008	446-60-010	REP-P	93-20-033	458-20-102	AMD-E	93-21-056
440-22-930	NEW-P	93-18-008	446-60-015	REP-P	93-20-033	458-20-115	PREP	93-12-111
440-22-935	NEW-P	93-18-008	446-60-020	REP-P	93-20-033	458-20-115	AMD-P	93-15-064
440-25-005	NEW-E	93-11-050	446-60-030	REP-P	93-20-033	458-20-115	AMD	93-19-017
440-25-005	NEW-P	93-11-052	446-60-040	REP-P	93-20-033	458-20-116	PREP	93-12-112
440-25-005	NEW	93-15-014	446-60-050	REP-P	93-20-033	458-20-116	AMD-P	93-15-065
440-25-010	NEW-E	93-11-050	446-60-060	REP-P	93-20-033	458-20-116	AMD	93-19-018
440-25-010	NEW-P	93-11-052	446-60-070	REP-P	93-20-033	458-20-117	PREP	93-12-113
440-25-010	NEW	93-15-014	446-60-080	REP-P	93-20-033	458-20-117	AMD-P	93-15-066
440-25-020	NEW-E	93-11-050	446-60-090	REP-P	93-20-033	458-20-117	AMD	93-19-019
440-25-020	NEW-P	93-11-052	446-65-010	AMD-P	93-20-033	458-20-119	AMD-P	93-07-069
440-25-020	NEW	93-15-014	446-80-005	NEW-P	93-13-119	458-20-119	AMD-C	93-18-079
440-25-030	NEW-E	93-11-050	446-80-005	NEW	93-18-043	458-20-119	AMD	93-23-019
440-25-030	NEW-P	93-11-052	446-80-010	NEW-P	93-13-119	458-20-121	PREP	93-17-085
440-25-030	NEW	93-15-014	446-80-010	NEW	93-18-043	458-20-122	PREP	93-16-086
440-25-040	NEW-E	93-11-050	448-13-080	AMD-P	93-18-013	458-20-124	AMD-P	93-07-070
440-25-040	NEW-P	93-11-052	448-13-210	AMD-P	93-18-013	458-20-124	AMD-C	93-18-080
440-25-040	NEW	93-15-014	458-12-010	AMD-P	93-05-016	458-20-124	AMD	93-23-018
440-25-050	NEW-E	93-11-050	458-12-010	AMD	93-08-049	458-20-125	PREP	93-16-083
440-25-050	NEW-P	93-11-052	458-12-240	REP-P	93-05-016	458-20-149	REP	93-03-005
440-25-050	NEW	93-15-014	458-12-240	REP	93-08-049	458-20-150	PREP	93-12-114
440-25-060	NEW-E	93-11-050	458-12-342	AMD-P	93-05-016	458-20-150	AMD-P	93-15-067
440-25-060	NEW-P	93-11-052	458-12-342	AMD	93-08-049	458-20-150	AMD	93-19-020
440-25-060	NEW	93-15-014	458-14-015	AMD-P	93-05-015	458-20-165	PREP	93-16-084
440-25-070	NEW-E	93-11-050	458-14-015	AMD	93-08-050	458-20-166	PREP	93-17-084
440-25-070	NEW-P	93-11-052	458-14-025	AMD-P	93-05-015	458-20-167	PREP	93-12-115
440-25-070	NEW	93-15-014	458-14-025	AMD	93-08-050	458-20-168	AMD-E	93-13-086
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458-61-120	AMD-E	93-21-067	458-61-376	NEW-P	93-24-115	458-61-570	REP-P	93-24-115
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458-61-230	AMD-E	93-14-015	458-61-430	AMD-P	93-24-115	458-61-660	AMD-E	93-21-067
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