

**OCTOBER 19, 1994**

**OLYMPIA, WASHINGTON**

**ISSUE 94-20**



## IN THIS ISSUE

Agriculture, Department of  
Asparagus Commission  
Attorney General, Office of the  
Bellingham Technical College  
Blind, Department of Services for the  
Central Washington University  
Columbia River Gorge Commission  
Community and Family Health, Division of  
Community and Technical Colleges, Board  
for  
Eastern Washington University  
Ecology, Department of  
Education, State Board of  
Energy Office  
Financial Institutions, Department of  
Fish and Wildlife, Department of  
Forest Practices Board  
Gambling Commission  
Grays Harbor College  
Growth Management Hearings Boards  
Health, Department of  
Higher Education Coordinating Board  
Horse Racing Commission  
Human Rights Commission  
Insurance Commissioner, Office of the  
Labor and Industries, Department of  
Licensing, Department of

Marine Employees Commission  
Nursing Care Quality Assurance  
Noxious Weed Control Board  
Occupational Therapy Practice Board  
Outdoor Recreation, Interagency Committee  
for  
Parks and Recreation Commission  
Personnel Resources Board  
Personnel, Department of  
Physical Therapy, Board of  
Public Disclosure Commission  
Public Instruction, Superintendent of  
Revenue, Department of  
Skagit Valley College  
Social and Health Services, Department of  
South Puget Sound Community College  
Spokane, Community Colleges of  
Tax Appeals, Board of  
Transportation Commission  
Treasurer, State  
University of Washington  
Utilities and Transportation Commission  
Washington State Patrol  
Western Washington University  
Workforce Training and Education  
Coordinating Board

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than October 5, 1994

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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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 October 1994 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$188.83 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
Olympia, WA 98504-0552

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

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

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

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

### 4. EFFECTIVE DATE OF RULES

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

### 5. EDITORIAL CORRECTIONS

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

**1994 - 1995**  
**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>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
95-12	May 10	May 24	Jun 7	Jun 21	Jul 11
95-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
95-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
95-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

<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.



**WSR 94-20-002**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 21, 1994, 4:46 p.m.]

Specific Statutory Authority for New Rule: RCW 75.08.080.

Reasons Why the New Rule is Needed: The National Marine Fisheries Service has proposed a gear reduction program. It is anticipated that this federally funded program will be administered by the Department of Fish and Wildlife. Rules are needed for implementation of the program.

Goals of New Rule: Clarification of qualification for and participation in a gear reduction program.

Process for Developing New Rule: Agency study, these rules will be subject to review by NOAA/NMFS.

How Interested Parties can Participate in Formulation of the New Rule: Bonnie Long, License Manager, Washington State Department of Fisheries, 600 North Capitol Way, Olympia, WA 98501, phone (206) 902-2456, (206) 902-2942.

September 20, 1994  
Evan S. Jacoby  
Rules Coordinator

**WSR 94-20-003**

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

[Order 100127—Filed September 22, 1994, 9:25 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. New section WAC 388-513-1300; and amending WAC 388-513-1320.

Reasons Why the New Rule is Needed: WAC 388-513-1300 is a new section to define which sections of chapter 388-513 WAC apply to alternate living situations and which apply to institutional clients; and WAC 388-513-1320 corrects a typographical error.

Goals of New Rule: Clarification for field staff.

Process for Developing New Rule: Agency study; and request of Evergreen Legal Services.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manager, P.O. Box 45530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

September 22, 1994  
Dewey Brock, Chief  
Office of Vendor Services

**WSR 94-20-004**

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

[Order 100157—Filed September 22, 1994, 9:26 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-508-0820 Pregnant woman—Eligibility.

Reasons Why the New Rule is Needed: To allow the written statement of pregnancy verification signed by an authorized employee of a licensed laboratory to verify pregnancy for medical care programs only.

Goals of New Rule: Allow a change in verification of pregnancy requirements.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manger, P.O. Box 45530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

September 22, 1994  
Dewey Brock, Chief  
Office of Vendor Services

**WSR 94-20-005**

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

[Order 100158—Filed September 22, 1994, 9:27 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. Amending WAC 388-505-0590 Income.

Reasons Why the New Rule is Needed: Adds a reference that a person's income must not exceed certain income standards for each medical program.

Goals of New Rule: Clarify for field staff.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manager, P.O. Box 45530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

September 22, 1994  
Dewey Brock, Chief  
Office of Vendor Services

**WSR 94-20-006**

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

[Order 100155—Filed September 22, 1994, 9:28 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-506-0610 AFDC-related medical programs.

PREPROPOSAL

Reasons Why the New Rule is Needed: Change the method of computation of income when a child has separate income or resources.

Goals of New Rule: Ensure that a separate medical assistance unit is established when a child has separate income or resources that render another household member ineligible.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manager, P.O. Box 45530, Olympia, WA 98504-5530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

September 22, 1994  
Dewey Brock, Chief  
Office of Vendor Services

#### WSR 94-20-007

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

[Order 100159—Filed September 22, 1994, 9:29 a.m.]

Specific Statutory Authority for New Rule: RCW 74.08.090. WAC 388-518-1805 LCP-MI eligibility.

Reasons Why the New Rule is Needed: Clarify that a person must have an emergency medical condition to be eligible for LCP-MI.

Goals of New Rule: Clarify eligibility criteria to meet original intent.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manager, P.O. Box 45530, Olympia, WA 98504-5530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

September 22, 1994  
Dewey Brock, Chief  
Office of Vendor Services

#### WSR 94-20-020

**PREPROPOSAL STATEMENT OF INTENT  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**

[Filed September 23, 1994, 3:37 p.m.]

Specific Statutory Authority for New Rule: RCW 46.09.240(1).

Reasons Why the New Rule is Needed: To correct a technical error.

Goals of New Rule: Currently, WAC 286-26-080 states that plans submitted for the Interagency Committee for Outdoor Recreation's nonhighway and off-road vehicle activities program may, "on the [IAC] director's acceptance of the plan. . ." qualify the applicant for "one year" of eligibility. The Interagency Committee for Outdoor Recreation's intended interpretation of this was that the same plan can also qualify an applicant for eligibility for up to

five years if the plan is submitted in successive years. The rule will be rewritten to clarify this intent.

Process for Developing New Rule: The Interagency Committee for Outdoor Recreation intends to advance this routine clarification through a participatory process. That is, the recommendation will be announced through the Washington State Register, and comments will be encouraged via mail, telephone and an advertised public hearing.

How Interested Parties can Participate in Formulation of the New Rule: 1. Convey comments to Greg Lovelady, Rules Coordinator, Interagency Committee for Outdoor Recreation (IAC), 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, (206) 902-3008, FAX (206) 902-3026. Comments must be received by October 26, 1994, 5 p.m., to guarantee presentation to Interagency Committee for Outdoor Recreation in advance of the November 17, 1994, adoption hearing. Comments arriving between October 27 and November 16, 1994, will be presented to Interagency Committee for Outdoor Recreation; however, presentation may occur on the day adoption is considered.

2. Appear to testify at the adoption consideration hearing: Regular meeting of the Interagency Committee for Outdoor Recreation, 9 a.m., November 17, 1994, Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98504-0917.

September 22, 1994  
G. W. Lovelady  
Rules Coordinator

#### WSR 94-20-058

**PREPROPOSAL STATEMENT OF INTENT  
STATE TREASURER**

[Filed September 30, 1994, 1:58 p.m.]

Subject of Possible Rule Making: Newly incorporated city or town. Loan of money from municipal sales and use tax equalization account. Procedure for repayment of loan.

Specific Statutory Authority for New Rule: RCW 35.02.135.

Reasons Why the New Rule is Needed: Pursuant to RCW 35.02.135, the State Treasurer is directed to adopt by rule procedures to facilitate the borrowing and repayment of the moneys authorized by the section on a reasonable and equitable basis over the three-year period of the loan.

Goals of New Rule: To establish procedures to accomplish intent of RCW 32.02.135 [35.02.135] that new cities and towns be able to borrow money from the municipal sales and use tax equalization account and be subject to reasonable and equitable repayment provisions.

Process for Developing New Rule: Agency study with local government input into the rule development process.

How Interested Parties can Participate in Formulation of the New Rule: Primary Contact: Scott Jarvis, Legal Counsel, (206) 586-7293; Alternate Contact: Elaine Emans, Deputy Treasurer, (206) 753-7476. Mailing Address: P.O. Box 40200, Olympia, WA 98504-0200, FAX (206) 586-6147.

September 30, 1994  
Ann Daley  
Assistant State Treasurer

**WSR 94-20-065**  
**PREPROPOSAL STATEMENT OF INTENT**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 (Postsecondary Review Entity)  
 [Filed October 3, 1994, 8:30 a.m.]

Subject of Possible Rule Making: Reduction of fraud and abuse in federal student financial aid programs.

Specific Statutory Authority for New Rule: RCW 28B.80.370, 28B.80.210.

Reasons Why the New Rule is Needed: Washington is required to develop standards for reviewing Title IV institutions referred by the United States Secretary of Education or identified by the Washington State Postsecondary Review Entity under 34 CFR Section 667.6.

Goals of New Rule: Reduce fraud and abuse in federal financial aid programs; and respond to other purposes of Title IV, Part H, Subpart 1 of the Higher Education Act of 1965, as amended in 1992.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Cedric D. Page, Ph.D., Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, (206) 586-5701, FAX (206) 753-1784.

September 28, 1994  
 Elson S. Floyd  
 Executive Director

**WSR 94-20-066**  
**PREPROPOSAL STATEMENT OF INTENT**  
**BOARD OF TAX APPEALS**  
 [Filed October 3, 1994, 11:52 a.m.]

Subject of Possible Rule Making: Chapter 456-10 WAC, Informal hearings—Practice and procedure.

Specific Statutory Authority for New Rule: RCW 82.03.170.

Reasons Why the New Rule is Needed: WAC 456-10-320, 456-10-325, 456-10-505, and 456-10-525 are existing rules that are being amended to comply with sections 17, 18, chapter 301, Laws of 1994, p. 1932; and WAC 456-10-110, 456-10-140, 456-10-330, 456-10-340, 456-10-360, 456-10-510, 456-10-530, 456-10-730, and 456-10-755 are existing rules that are being amended to clarify the language or to make other minor housekeeping changes.

Goals of New Rule: The amendments will bring the board's existing rules into compliance with recent legislative changes and will make the rules easier to understand by clarifying the language.

Process for Developing New Rule: The board will distribute copies of the preproposal statement of intent and the proposed amendments to interested parties for review and comment. All comments will be considered before proposed rules are published pursuant to a formal notice.

How Interested Parties can Participate in Formulation of the New Rule: Written comments may be submitted to the Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, FAX (206) 586-9020. Written comments must be received by December 8, 1994. Comments may also be

presented at a public meeting to be held Thursday, December 8, 1994, at 10 a.m., at the board's Olympia office at 910 5th Avenue S.E. Contact: Richard A. Virant, Executive Director, (206) 753-5446 Voice/TDD.

October 3, 1994  
 R. A. Virant  
 Executive Director

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

**WAC 456-10-110 Definitions.** As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a proceeding governed by those rules specified in chapter 456-10 WAC.

(7) "Decision" means a written judgment or ruling, including orders, issued by the board of tax appeals or the designated hearing officers or agents of the board of tax appeals.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-140 Organization and office.** The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, requests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., (~~Mailstop EW-12~~) Post Office Box 40915, Olympia, Washington 98504-0915.

AMENDATORY SECTION (Amending WSR 90-11-103, filed 5/22/90, effective 6/22/90)

**WAC 456-10-320 Notice of appeal—Service and filing.** (1) (~~Except as provided in subsection (2) of this section.~~) Notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-10-440.

~~(2)((a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.~~

~~(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.~~

~~(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall transmit one copy to the clerk of the board of equalization.~~

~~(d)) Appeals not timely filed as provided by statute and this regulation shall be dismissed. Appeals not properly filed may be dismissed if the appealing party fails to substantially comply with this regulation.~~

AMENDATORY SECTION (Amending WSR 94-07-043, filed 3/10/94, effective 4/10/94)

**WAC 456-10-325 Date of filing—((Facsimile)) Filing via facsimile machine transmission.** (1) ~~((Except as provided in subsection (3) of this section,))~~ The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand delivered. The date stamp placed thereon shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.

(2) ~~((Except as provided in subsection (3) of this section,))~~ All documents may be filed with the board via facsimile machine transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:

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

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) All transmissions are sent at the risk of the sender.

~~((3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council if the appeal is to be hand delivered. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.))~~

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-330 Acknowledgement of notice of appeal.** ~~((Upon written request of an appellant,))~~ The board will acknowledge receipt of a notice of appeal ~~((indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request)).~~

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-340 Jurisdiction—Issue raised by board—Procedure.** (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.

(2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty days after mailing of such order. ~~The ((original and three copies of the))~~ exception shall be filed with the board and a copy served upon all other parties.

AMENDATORY SECTION (Amending WSR 94-07-043, filed 3/10/94, effective 4/10/94)

**WAC 456-10-360 Conversion of hearing.** (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130~~((2))~~ (appeal from board of equalization) may, within twenty days from the date of mailing of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) In appeals under RCW 82.03.190 and 82.03.130(5), ~~((except as otherwise provided in this subsection and subsection (2) of this section,))~~ the department of revenue may, within thirty days of receipt of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-505 Advance submission of evidence—Delivery to adverse party.** (1) Copies of all documentary evidence which are to be introduced at hearing shall be submitted to the board ~~((in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to hearing. The taxpayer or other party shall submit such evidence))~~ at least ~~((five business))~~ thirty calendar days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-10-555.

(2) Evidence of comparable sales, listed in the notice of appeal, which are subsequently changed, shall conform to this section and will be excepted from the requirements of WAC 456-10-345 (Amendments of notice of appeal).

(3) All correspondence and all subsequent pleadings or papers filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.

(4) An acknowledgement of service or certificate of mailing as provided in WAC 456-10-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-510 Hearing—Setting of time and place.** ~~((1) The board will not schedule a hearing within thirty days after filing the notice of appeal unless all parties agree otherwise.~~

(2)) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-525 Briefs.** The original and ~~((four copies))~~ one copy of briefs shall be filed with the board at least ~~((five))~~ thirty business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-530 Hearing—Notice of hearing—Time—Contents.** (1) Time. Notice of a hearing shall be mailed to all parties not less than twenty days before the hearing date. The twenty-day notice provision may be waived by agreement of all parties.

(2) Contents. The notice shall contain:

(a) The names and mailing addresses of the parties and their representatives, if any;

(b) The docket number and name of the proceeding;

(c) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);

(e) A statement that the hearing is held pursuant to this chapter and chapter 82.03 RCW;

(f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;

(g) ~~((A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice; and~~

~~((h))~~) A statement that a party who fails to attend or participate at a hearing may be held in default in accordance with WAC 456-10-550; and

(h) A statement that, if a limited-English speaking or hearing-impaired party or witness needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall also state that persons with disabilities may request reasonable accommodations to allow their participation in the hearing. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired; or to describe the reasonable accommodations requested.

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

**WAC 456-10-730 Exceptions to proposed decision.**

(1) Time for filing. Any party may make, by mail or otherwise, a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. ~~((An original and four copies))~~ The statement of exceptions shall be filed with the board, and a copy shall be served on all other parties.

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties making the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions may contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing ~~((an order))~~ a decision adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been made.

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

**WAC 456-10-755 Petition for reconsideration.** After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be made, by mail or otherwise, within ten days from the mailing of the final decision. ~~The ((original and four copies of the))~~ petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that a response be made and served in the same manner. ~~((The filing of a petition for reconsideration shall suspend the final decision until action by the board.))~~ The board may deny the petition, modify its decision, or reopen the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

## WSR 94-20-067

### PREPROPOSAL STATEMENT OF INTENT BOARD OF TAX APPEALS

[Filed October 3, 1994, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 456-09 WAC, Formal hearings—Practice and procedure.

Specific Statutory Authority for New Rule: RCW 82.03.170.

Reasons Why the New Rule is Needed: WAC 456-09-320, 456-09-325, 456-09-350, 456-09-705, and 456-09-725 are existing rules that are being amended to comply with sections 17, 18, chapter 301, Laws of 1994, p. 1932; and WAC 456-09-110, 456-09-130, 456-09-230, 456-09-330, 456-09-340, 456-09-365, 456-09-540, 456-09-710, 456-09-730, 456-09-930, 456-09-935, 456-09-945, and 456-09-955 are existing rules that are being amended to clarify the language or to make other minor housekeeping changes.

Goals of New Rule: The amendments will bring the board's existing rules into compliance with recent legislative changes and will make the rules easier to understand by clarifying the language.

Process for Developing New Rule: The board will distribute copies of the preproposal statement of intent and the proposed amendments to interested parties for review and comment. All comments will be considered before proposed rules are published pursuant to a formal notice.

How Interested Parties can Participate in Formulation of the New Rule: Written comments may be submitted to the Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, FAX (206) 586-9020. Written comments must be received by December 8, 1994. Comments may also be presented at a public meeting to be held Thursday, December 8, 1994, at 10 a.m., at the board's Olympia office at 910 5th Avenue S.E. Contact: Richard A. Virant, Executive Director, (206) 753-5446 Voice/TDD.

October 3, 1994  
R. A. Virant  
Executive Director

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-110 Definitions.** As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a proceeding governed by those rules specified in chapter 456-10 WAC.

(7) "Decision" means a written judgment or ruling, including orders, issued by the board of tax appeals or the designated hearing officers or agents of the board of tax appeals.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-130 Organization and office.** The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, re-

quests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., ((Mailstop EW-12)) Post Office Box 40915, Olympia, Washington 98504-0915.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-230 Ex parte communication.** (1) No one shall make or attempt to make any ex parte communications prohibited by the Administrative Procedure Act. The board, in conducting a formal proceeding governed by the Administrative Procedure Act, may not make or attempt to make ex parte communications prohibited by such act. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-09-220 and 456-09-750.

(2) The requirements and procedures of RCW 34.05.455 apply to ex parte communications.

AMENDATORY SECTION (Amending WSR 90-11-104, filed 5/22/90, effective 6/22/90)

**WAC 456-09-320 Notice of appeal—Service and filing.** (1) ~~((Except as provided in subsection (2) of this section;))~~ Notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-09-440.

~~(2)((a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.~~

~~(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.~~

~~(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall transmit one copy to the clerk of the board of equalization.~~

~~(d)) Appeals not timely filed and served as provided by statute and this regulation shall be dismissed. Appeals not properly filed and served may be dismissed if the appealing party fails to substantially comply with this regulation.~~

AMENDATORY SECTION (Amending WSR 94-07-044, filed 3/10/94, effective 4/10/94)

**WAC 456-09-325 Date of filing—((Facsimile)) Filing via facsimile machine transmission.** (1) ~~((Except as provided in subsection (3) of this section;))~~ The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand delivered. The board's date stamp placed thereon shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.

(2) ~~((Except as provided in subsection (3) of this section;))~~ All documents may be filed with the board via facsimile machine transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and

5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped "received" on the following business day. The date and time indicated by the board's facsimile machine shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) All transmissions are sent at the risk of the sender.

~~((3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council if the appeal is to be hand delivered. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.))~~

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-330 Acknowledgement of notice of appeal.** ~~((Upon written request of an appellant.))~~ The board will acknowledge receipt of a notice of appeal ~~((indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request)).~~

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-340 Jurisdiction—Issue raised by board—Procedure.** (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.

(2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty days after mailing of such order. The ~~((original and three copies of the))~~ exception shall be filed with the board and a copy served upon all other parties.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-350 Notice of appeal—~~((Answer))~~ Response.** The respondent may file ~~((an answer))~~ a response with the board. If filed, the respondent shall file the original with the board at least thirty calendar days prior to hearing and serve a copy thereof ~~((on the appellant within thirty days after the service of notice of appeal or any amendment thereto. Answers shall be verified in the same manner as the notice of appeal))~~ upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-09-440.

AMENDATORY SECTION (Amending WSR 94-07-044, filed 3/10/94, effective 4/10/94)

**WAC 456-09-365 Conversion of hearing.** (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130~~((2))~~ (appeal from board of equalization) may, within twenty days from the date of mailing of the notice of

appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) ~~In appeals under RCW 82.03.190 and 82.03.130(5) (except as otherwise provided in this subsection and subsection (2) of this section)),~~ the department of revenue may, within thirty days of receipt of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-540 Subpoena—Service.** Service of subpoenas shall be made by delivering a copy of the subpoena to such person and tendering on demand, where entitled to make a demand, the fees for one day's attendance and the mileage allowed by law. All costs, which include the cost of producing records, shall be paid by the party requesting issuance of the subpoena. A subpoena may be served by any suitable person at least eighteen 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 his or her abode. Proof of service shall be made when service is made by a person other than an officer authorized to serve process.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-705 Advance submission of evidence—Delivery to adverse party.** (1) Copies of all documentary evidence which ~~((is))~~ are to be introduced at hearing shall be submitted to the board ~~((in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to hearing. The taxpayer or other party shall submit such evidence))~~ at least ~~((five business))~~ thirty calendar days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-09-750.

(2) Evidence of comparable sales, listed in the notice of appeal/~~((answer))~~ response, which are subsequently changed, shall conform to this section and will be excepted from the requirements of WAC 456-09-345 (Amendments to notice of appeal) ~~((and 456-09-350 (Notice of appeal—Answer)))~~.

(3) All correspondence and all documents filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.

(4) An acknowledgement of service or certificate of mailing as provided in WAC 456-09-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-710 Hearing—Setting of time and place.** (1) ~~(The board will generally not schedule a hearing until the filing of the answer or, in the absence thereof, thirty days after filing of the notice of appeal.~~

(2) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter. ~~((3))~~ (2) Where the board deems appropriate or at a party's request, the board may set prehearing or settlement conference dates.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

**WAC 456-09-725 Briefs.** The original and ~~((four))~~ three copies of briefs shall be filed with the board at least ~~((five))~~ thirty business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-730 Hearing—Notice of hearing—Time—Contents.** (1) Time. Notice of a hearing will be mailed to all parties and to all persons having filed written petitions to intervene not less than twenty days before the hearing date unless a different period is required by law. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(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 also state that persons with disabilities may request reasonable accommodations to allow their participation in the hearing. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired; or to describe the reasonable accommodations requested.

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

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-930 Initial or final ~~((order))~~ decision.** Every decision ~~((and order))~~, whether initial or final, shall:

- (1) Be correctly captioned as to the name of the board and name of the proceeding;
- (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))~~ decision disposing of all contested issues;

(7) Contain a statement describing the available ~~((post-hearing))~~ posthearing remedies.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-935 Petition for review and replies.** (1) Any party to an adjudicative proceeding may make a petition for review of an initial ~~((order))~~ decision.

(2) The petition for review shall be made, by mail or otherwise, with the board within twenty days of the date of mailing of the initial ~~((order))~~ decision unless the ~~((order))~~ decision specifies otherwise. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is made.

(3) The petition for review shall specify the portions of the initial ~~((order))~~ decision to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition. The original and four copies of the petition shall be provided to the board.

(4) Any party may make a reply to a petition for review. The reply shall be made, by mail or otherwise, with the board within ten days of the date of service of the petition. Copies of the reply shall be served upon all other parties or their representatives at the time the reply is made. The original and four copies of the reply shall be provided to the board.

(5) The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-945 Final decision following initial decision—Record.** (1) After the filing of a petition for review and any replies, the record before the board shall be considered by at least two members of the board.

(2) The record before the board shall consist of the decision ~~((or order))~~ from which appeal was taken, the notice of appeal, responsive pleadings, if any, and any other notices, written applications, motions, stipulations, requests, prehearing orders, and the initial decision ~~((or order))~~ of the presiding officer. The record shall also include all depositions admitted at the hearing, the transcript of testimony, if any, and other proceedings at the hearing, together with all exhibits.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

**WAC 456-09-955 Petition for reconsideration.** After a final decision has been issued, any party may file a petition for reconsideration with the board as provided by RCW 34.05.470. Such petition must be made, by mail or otherwise, within ten days from the mailing of the final decision, and shall state the specific grounds upon which



relief is requested. The ~~((original and four copies of the))~~ petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that a response be made and served in the same manner. ~~((The filing of a petition for reconsideration shall suspend the final decision until action by the board.))~~ The board may deny the petition, modify its decision, or reopen the hearing. The petition shall be deemed denied if, within twenty days from the date the petition is received by the board, the board does not either: (1) Dispose of the petition; or (2) serve the parties with a written notice specifying the date by which it will act on the petition. The disposition shall be in the form of a ~~((written order))~~ decision denying the petition, granting the petition and dissolving or modifying the final ~~((order))~~ decision, or granting the petition and setting the matter for further hearing.

**WSR 94-20-069****PREPROPOSAL STATEMENT OF INTENT  
HORSE RACING COMMISSION**

[Filed October 3, 1994, 12:43 p.m.]

Subject of Possible Rule Making: Problem gambling informational signs and publication of a toll-free hot line for assistance. Under general rules, new section WAC 260-12-250 Problem gambling information sign must be posted.

Specific Statutory Authority for New Rule: RCW 67.16.040.

Reasons Why the New Rule is Needed: By direction of the 1994 legislature, it was mandated that the Washington Horse Racing Commission work jointly with the Lottery Commission and the Gambling Commission to create a direction for those who may have a problem with gambling, an alternative to seek assistance.

Goals of New Rule: Provide resources for the support of services for problem and compulsive gamblers by alerting them of assistance through a toll-free hotline to seek assistance.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, phone (206) 459-6462, FAX (206) 459-6461.

October 3, 1994

Bruce Batson  
Executive Secretary**NEW SECTION**

**WAC 260-12-250 Problem gambling information sign must be posted.** The legislature recognizes that some individuals in Washington State are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly

develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.

All Class A, B and C licensees shall post problem and compulsive gambling informational signs in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas. The informational signs will be provided to the licensee by the horse racing commission and will contain a toll-free hot line number for problem and compulsive gamblers.

If a licensee fails to post the problem and compulsive gambling informational signs in its establishment or satellite locations, it shall be fined \$50.00 for the first violation, \$100.00 for the second violation and \$200.00 for each violation noted thereafter.

**WSR 94-20-077****PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed October 4, 1994, 8:14 a.m.]

Specific Statutory Authority for New Rule: RCW 18.130.050.

Reasons Why the New Rule is Needed: WAC 246-838-260 and 246-839-700 through 246-839-740. The new Washington State Nursing Care Quality Assurance Commission must develop rules specific to the commission regarding standards of practice of both registered nurses and licensed practical nurses.

Goals of New Rule: To review, redefine and revise the existing standards of practice for registered nurses and licensed practical nurses.

Process for Developing New Rule: The Practice Committee of the Washington State Nursing Care Quality Assurance Commission has the responsibility of reviewing these WACs for possible changes and will analyze comments from the public in determining these changes. The draft WAC changes will be brought to the entire commission for approval. The anticipated completion date is September 1995.

How Interested Parties can Participate in Formulation of the New Rule: Staff contact person: Annetta Slettevold, RN, P.O. Box 47864, Olympia, WA 98504-7864, phone (206) 586-8186, FAX (206) 586-5935.

Patricia O. Brown, RN, MSN  
Executive Director**WSR 94-20-086****PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF ECOLOGY**

[Filed October 4, 1994, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48.

Specific Statutory Authority for New Rule: Chapter 34.05 RCW, Administrative Procedure Act; chapter 43.21A RCW, Department of Ecology; chapter 43.27A RCW, Water

resources; chapter 90.54 RCW, Water Resources Act of 1971; and chapter 90.22 RCW, Minimum Water Flows and Levels Act.

**Reasons Why the New Rule is Needed:** Implement recommendations developed by local water planning committee. Their recommendations are taken as an expression of the public interest. Increased demand for water necessitates conservation measures as recommended by the committee.

**Goals of New Rule:** Conserve water, address future water needs out of saved water, maintain and/or enhance instream flows to protect instream resources, increase public awareness of water management.

**Process for Developing New Rule:** Consultative rule making.

**How Interested Parties can Participate in Formulation of the New Rule:** Eight caucuses met for over two years in meetings open to the public to development recommendations to the department for use as the basis for amending chapter 173-548 WAC, Water resources program in the Methow Valley River Basin, WRIA 48. These eight caucuses represented the following public interests: Agriculture, business, environmental, fisheries, local government, recreation, state government, and Tribal governments. Numerous public meetings and workshops were held during this program development period. Reports were made to the legislature in July of 1992, 1993, and 1994. Project updates were given at meetings of the water resources forum, generally monthly. It is intended to have additional workshops after the recommendations are accepted. Public hearings will be held when the rule amendment is proposed. Ecology contact: Doug Rushton, Water Resources Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (206) 407-6642, FAX (206) 407-7162.

September 26, 1994

Linda G. Crerar  
Assistant Director  
Water Programs

#### WSR 94-20-087

##### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-39—Filed October 4, 1994, 10:45 a.m.]

**Specific Statutory Authority for New Rule:** Chapter 90.58 RCW, Shoreline Management Act of 1971.

**Reasons Why the New Rule is Needed:** This amendment has been requested by Thurston County and the city of Tumwater to adopt an amendment to the Thurston County shoreline management program and the Tumwater shoreline master program.

**Goals of New Rule:** To establish an environment designation for Trosper Lake and add it to the maps and listings of regulated shorelines in Tumwater and Thurston County. This will amend WAC 173-19-420 and 173-19-4205.

**Process for Developing New Rule:** City and county advisory groups working with ecology.

**How Interested Parties can Participate in Formulation of the New Rule:** The Thurston County Commissioners will be holding a public hearing to consider adoption of this amendment at the local level before it is sent to ecology for

adoption as WAC. Contact Roger Giebelhaus, Thurston County Planning Department, 2000 Lakeridge Drive S.W., Olympia, WA 98502, (206) 786-5554 for information on the date and time of the commissioner's hearing, to send comments or to receive a copy of the amendment. The Tumwater City Council will be holding a public hearing to consider this amendment at the local level before forwarding it to ecology for adoption as WAC. Contact Leonard Bauer, City of Tumwater, DCD, 555 Israel Road S.W., Tumwater, WA 98501, (206) 754-4160, for information on the date and time of the city council hearing, to send comments or to receive a copy of the amendment. Contact Linda Whitcher, Ecology, P.O. Box 47775, Olympia, WA 98504-7775, SCAN (206) 407-6523, FAX (206) 407-6305, for information on the state rule adoption process.

September 25, 1994

Linda G. Crerar  
Water and Shorelands  
Assistant Director

#### WSR 94-20-089

##### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed October 4, 1994, 11:21 a.m.]

**Subject of Possible Rule Making:** WAC 388-51-210 Other supportive service, 388-51-220 One-time work-related expenses, and 388-51-250 Transitional supportive services.

**Specific Statutory Authority for New Rule:** RCW 74.04.050.

**Reasons Why the New Rule is Needed:** Amending WAC 388-51-210 and 388-51-250; and adding new WAC 388-51-220.

**Goals of New Rule:** This amendatory rule is necessary to increase the time a person has access to transitional supportive services; bring the state in compliance with federal regulations; and better describe JOBS services.

**Process for Developing New Rule:** Agency study.

**How Interested Parties can Participate in Formulation of the New Rule:** Lee Burnett, 438-8273, or SCAN 585-8273, FAX 438-8379.

October 4, 1994

Dewey Brock, Chief  
Office of Vendor Services

#### WSR 94-20-090

##### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed October 4, 1994, 11:22 a.m.]

**Subject of Possible Rule Making:** WAC 388-49-640 Overissuances.

**Specific Statutory Authority for New Rule:** RCW 74.04.510.

**Reasons Why the New Rule is Needed:** To incorporate a waiver granted the department affecting food stamp

overissuance collection; and to incorporate a portion of Code of Federal Regulations (CFR) affecting collections of out-of-state overissuances.

Goals of New Rule: Will reduce administrative workload; and grants department WAC authority to proceed with out-of-state food stamp collections.

Process for Developing New Rule: Examination of current WAC, CFR, and waivers.

How Interested Parties can Participate in Formulation of the New Rule: Contact Dan Ohlson, (SCAN) 585-8326, Off SCAN (206) 438-8326, FAX (206) 438-8258.

October 4, 1994  
Dewey Brock, Chief  
Office of Vendor Services

#### WSR 94-20-096

### PREPROPOSAL STATEMENT OF INTENT PARKS AND RECREATION COMMISSION

[Filed October 4, 1994, 1:34 p.m.]

Specific Statutory Authority for New Rule: Under RCW 43.51.060(6) the commission may charge such fees for services, utilities, and use of facilities as the commission shall deem proper.

Reasons Why the New Rule is Needed: The change is necessary to improve and rationalize the fee setting process for Fort Worden State Park Conference Center. Listing specific fees in the WAC forces negotiation of new fees to be accomplished far too early in the year. Fees are negotiated in part with service contractors.

Goals of New Rule: The revised rule will allow staff to extend the negotiation and fee review process at Fort Worden, also allowing more accurate fee comparisons with other conference centers and housing operations, which set their fees later in the year.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Information regarding participation in rule formulation can be obtained from the following persons: Wayne McLaughlin, Washington State Parks Headquarters, 7150 Cleanwater Lane, Olympia, WA 98504-2650, (206) 753-2029, FAX (206) 586-5875; Jim Farmer, Manager, Fort Worden State Park, 200 Battery Way, Port Townsend, WA 98368, (206) 385-4730, FAX (206) 385-7248.

October 4, 1994  
Sharon Howdeshell  
Office Manager

#### WSR 94-20-097

### PREPROPOSAL STATEMENT OF INTENT PARKS AND RECREATION COMMISSION

[Filed October 4, 1994, 1:35 p.m.]

Specific Statutory Authority for New Rule: RCW 43.51.030.

Reasons Why the New Rule is Needed: To change the number of annual meetings from eight to six.

Goals of New Rule: To achieve more efficient and economical use of agency time and state funds.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Renee Pacana, P.O. Box 42650, Olympia, WA 98504-2650, (206) 753-5758, FAX (206) 753-1594.

September 30, 1994  
Sharon Howdeshell  
Office Manager

#### WSR 94-20-100

### PREPROPOSAL STATEMENT OF INTENT NOXIOUS WEED CONTROL BOARD

[Filed October 4, 1994, 3:03 p.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Specific Statutory Authority for New Rule: RCW 17.10.080.

Reasons Why the New Rule is Needed: The state noxious weed list is reviewed annually to ensure that it correctly reflects the noxious weed infestations facing Washington state.

Goals of New Rule: List new noxious weed species which threaten Washington state; revise the regional species designations or classifications to more accurately reflect infestation patterns in Washington; remove noxious weed species from the list when they no longer pose a threat to the state; and correct botanical nomenclature as needed.

Process for Developing New Rule: Rule development process currently in progress:

1. Targeted mailing calling for recommended changes or comments sent June 10, 1994. Mailing list includes state weed board members and scientific advisors, county weed boards and weed districts, and approximately 190 other interested parties, including agencies, interest groups, and private citizens.

2. First meeting of the State Weed Board's Noxious Weed Committee held July 15, 1994, in Moses Lake, Washington. This committee consists of representatives of county weed boards, the state weed board, the public interest, agencies, and the Native Plant Society and they conducted a preliminary review of the recommended changes. Additional information, research, and/or field investigations was required on many of the requests. Public welcome to attend and participate.

3. Second meeting of the State Weed Board's Noxious Weed Committee [will be] held October 11, 1994, in Moses Lake. Recommendations to state weed board developed. Public welcome to attend and participate.

4. Recommendations of the Noxious Weed Committee will be submitted to the state weed board during their regular November board meeting on November 16, 1994. Public welcome to attend and comment on the recommendations.

5. Press release issued announcing the recommended changes to the state weed list and the public hearing on January 18, 1995. Public welcome to attend and testify in person or to submit written testimony.

6. State weed board considers public testimony and votes on final rule changes.

How Interested Parties can Participate in Formulation of the New Rule: For information on meetings, comment periods, and to be placed on our mailing list, contact Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite 211, Kent, WA 98031, (206) 872-2972, FAX (206) 872-6320.

October 4, 1994  
Laurie Penders  
Executive Secretary

**WSR 94-20-110**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF AGRICULTURE**

[Filed October 5, 1994, 8:57 a.m.]

Subject of Possible Rule Making: Declaration of an "agricultural emergency" under the federal worker protection standards.

Specific Statutory Authority for New Rule: Chapters 17.21 and 15.58 RCW.

Reasons Why the New Rule is Needed: In order to comply with the worker protection standard, the department must adopt a formal process to allow growers to declare an "agricultural emergency." The procedure for declaring an exception is a federal process and has been defined federally. An exception and agricultural emergency are defined in 40 CFR Part 170.112 (d) and (e).

Goals of New Rule: The proposed rules will allow growers a state mechanism to declare an agricultural emergency as defined and allowed by federal law while still ensuring the safety of workers regarding possible exposure to pesticide residue. Declaration of an area under possible emergency conditions will enable growers to make individual decisions based on their individual circumstances without requiring each grower to contact Washington State Department of Agriculture prior to entry.

Process for Developing New Rule: This procedure for declaring an exception is a federal process. The proposed draft was shared with the Pesticide Advisory Board. The draft language is included with this filing.

How Interested Parties can Participate in Formulation of the New Rule: Questions and comments should be directed to Ann Wick, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA, (206) 902-2050, FAX (206) 902-2093.

October 4, 1994  
William E. Brookreson  
Assistant Director

AMENDATORY SECTION (Amending WSR 92-07-084, filed 3/17/92)

**WAC 16-228-010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable

persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(3) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

~~((3))~~ (4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

~~((4))~~ (5) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

~~((5))~~ (6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

~~((6))~~ (7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

~~((7))~~ (8) "Complete wood destroying organism inspection" means (a) an inspection of a structure for the purpose of determining (i) evidence of infestation(s), and (ii) damage, and (iii) conducive conditions; or (b) any wood destroying organism inspection which is conducted as the result of a telephone solicitation by an inspection firm or pest control business, even if the inspection would otherwise fall within the definition of a limited wood destroying organism inspection.

~~((8))~~ (9) "Conducive conditions" means those conditions which may lead to or enhance an infestation of wood destroying organisms.

~~((9))~~ (10) "Controlled disposal site" means any place where solid or liquid waste is disposed: *Provided*, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: *Provided further*, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

~~((10))~~ (11) "Department" means the Washington state department of agriculture.

~~((11))~~ (12) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to field strength for adequate coverage (such as water).

~~((12))~~ (13) "Director" means the director of the department or a duly authorized representative.

~~((13))~~ (14) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

~~((14))~~ (15) "EPA" means the United States Environmental Protection Agency.

~~((15))~~ (16) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

~~((16))~~ (17) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

~~((17))~~ (18) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

~~((18))~~ (19) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

~~((19))~~ (20) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

~~((20))~~ (21) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

~~((21))~~ (22) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral inhalation or dermal toxicity.

~~((22))~~ (23) "Limited wood destroying organism inspection" means the inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms.

~~((23))~~ (24) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((24))~~ (25) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((25))~~ (26) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(27) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

~~((26))~~ (28) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((27))~~ (29) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

~~((28))~~ (30) "Wood destroying organisms" means those organisms including, but not limited to, subterranean termites, dampwood termites, carpenter ants, wood boring beetles of the family anobiidae (deathwatch beetle), and wood decay fungus (rot). Wood destroying organisms shall not include such organisms which occurred prior to the manufacturing or processing of the lumber, e.g., pocket rot.

~~((29))~~ (31) "Wood destroying organism inspection" means the service of inspecting a building for the presence of wood destroying organism pests destructive to its structural components, and/or their damage, and/or conducive conditions. For purposes of these rules a wood destroying organism inspection shall be either a "complete wood destroying organism inspection" or a "limited wood destroying organism inspection."

## NEW SECTION

**WAC 16-228-650 Declaration of an agricultural emergency.** (1) The Director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(2) The Director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(3) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the Director.

(4) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(5) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

NEW SECTION

**WAC 16-228-655 Agricultural activities permitted under an agricultural emergency** (1) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency other than that caused by equipment failure, to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(a) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(b) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(c) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(d) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use.

(e) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness.

(f) A decontamination site has been provided in accordance with EPA regulations.

(g) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(2) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirements:

(a) The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure;

(b) The time in treated areas under a restricted-entry interval for any worker repairing equipment shall not exceed one hour in any twenty-four hour period.

NEW SECTION

**WAC 16-228-660 Record keeping required for agricultural emergencies.** (1) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the Worker Protection Standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(a) Date of the agricultural emergency;

(b) Time of the agricultural emergency, start and end;

(c) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(d) Crop/site;

(e) Pesticide(s) - name, EPA number, REI;

(f) Name, date, time of entry and exit of early-entry person(s);

Preproposal

(g) Estimated potential of economic loss which would have occurred had no early-entry been allowed.

(2) Records shall be completed within twenty-four hours of the early-entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

**WSR 94-20-111**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF AGRICULTURE**

[Filed October 5, 1994, 9:00 a.m.]

Subject of Possible Rule Making: To prohibit the use and sale of mevinphos (Phosdrin).

Specific Statutory Authority for New Rule: Chapters 15.58 and 17.21 RCW.

Reasons Why the New Rule is Needed: Phosdrin has been voluntarily cancelled by the registrant with agreement from the Environmental Protection Agency. The department to be consistent with the federal standards of cancellation is seeking to place similar language into state rule.

Goals of New Rule: To ensure the protection of people and the environment by prohibiting the use, sale and distribution of Phosdrin in accordance with federal guidelines of the cancellation.

Process for Developing New Rule: No other options are available to the department because of the federal guidelines relating to the cancellation.

How Interested Parties can Participate in Formulation of the New Rule: Questions and comments can be directed to Bill Brookreson, Assistant Director, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, phone (206) 902-2010, FAX (206) 902-2093.

October 4, 1994  
 William E. Brookreson  
 Assistant Director

**WSR 94-20-119**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 5, 1994, 11:09 a.m.]

Specific Statutory Authority for New Rule: Chapter 49.17 RCW, chapter 296-155 WAC.

Reasons Why the New Rule is Needed: To consolidate three sections where rigging is addressed in the construction standards into one section; to update the rigging standards to reflect new technology and state of the art equipment specifically relating to rigging; and provide current specification charts as pertain to load, line and rigging capacities.

Goals of New Rule: To create clearer regulations addressing workplace hazards associated with rigging.

Process for Developing New Rule: Proposed amendments are being developed in coordination with the Construction Advisory Committee representing stakeholders from both labor and management.

How Interested Parties can Participate in Formulation of the New Rule: An industry committee is in place to review existing standards and recommend modifications. The committee consists of representatives from management, labor, and the department. The following individuals may be contacted regarding formulation of new rules: Mike Draper, Department of Labor and Industries, (206) 596-3890, FAX (206) 269-3903; Chuck Blocher, Department of Labor and Industries, (206) 956-5523, FAX (206) 956-5529; Herb Heinhold, Independent Safety Consultant, (206) 926-1847, FAX (206) 926-0240; Brian Satran, IUOW, Local 302, (206) 448-6180, FAX (206) 443-9965; and Frank Turman, Sellen Construction, (206) 682-7770, FAX (206) 623-5206.

October 5, 1994  
 Mark O. Brown  
 Director

**WSR 94-20-120**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 5, 1994, 11:11 a.m.]

Specific Statutory Authority for New Rule: RCW 70.87.030, chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators, and other lifting devices—Moving walks; chapter 296-86 WAC, Regulations and fees for freight, moving walks, automobile parking elevators and other lifting devices; and chapter 296-95 WAC, Electric elevators—Direct plunger and roped hydraulic elevators—Escalators used to transport passengers—Electric and hand-powered dumbwaiters, and hand-powered elevators.

Reasons Why the New Rule is Needed: In chapter 296-81 WAC, the purpose is to correct the effective date for the adoption of the national code ANSI A17.1-1990 Edition; adopt ANSI A17.1-1993 Edition; add back in a section on Door Operation that was repealed in error in 1992; and make a correction in the door jamb marking designation requirement. In chapter 296-86 WAC, the purpose is to establish an annual operating permit fee for Casket Lifts, which had been omitted inadvertently from the permit fee list for lifts. In chapter 296-95 WAC, the purpose is to amend one section concerning access to elevator pits to make requirements equal to that of the national code; add a requirement for stop switches in elevator pits, as required in the national code, and make one housekeeping change to correct a code reference.

Goals of New Rule: To update and clarify existing regulations as described above.

Process for Developing New Rule: Industry Advisory Group has been contacted and are aware of proposed amendments to these standards.

How Interested Parties can Participate in Formulation of the New Rule: Howard Long, Chief Elevator Inspector, Department of Labor and Industries, 12806 Gateway Drive, Seattle, WA 98168, (206) 248-6658, FAX (206) 248-6636.

October 5, 1994  
 Mark O. Brown  
 Director

**WSR 94-20-121**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 5, 1994, 11:13 a.m.]

Specific Statutory Authority for New Rule: RCW 49.17.040, 49.17.050 and 49.17.060, chapter 296-305 WAC, Safety standards for firefighters.

Reasons Why the New Rule is Needed: Based on its review of the rule-making record, and in accordance with the provisions of the Washington Industrial Safety and Health Act (WISHA) of 1973 (chapter 49.17 RCW), the standing fire service advisory committee requests modifications to rules for state and local government fire fighters and volunteer fire fighting organizations under the auspices of state and local governments. Following research by, and pursuant to, the recommendations of the industry fire service advisory committee, the committee has determined that the existing standards do not adequately protect fire fighters from atmospheric, mechanical, and other hazards. Fire service employees are required to conform to current general OSHA/WISHA regulations and NFPA recommendations. The ongoing need for safety and health criteria to be followed through the line of command at fires and other hazardous sites can be satisfied only through the implementation of a comprehensive and upgraded fire fighter safety and health program. The state has existing standards specifically addressing fire fighter safety and health hazards. However, they do not adequately address many of the new federally mandated regulations that have been promulgated in the past five years. As a state-plan state, working in cooperation with the federal OSHA regulations, WISHA's policy is to protect all state and local government employees with regulations that are at-least-as-effective-as those rules promulgated for private industry.

Goals of New Rule: The state has existing standards specifically addressing fire fighter safety and health hazards. However, they do not adequately address many of the new federally mandated regulations that have been promulgated in the past five years. As a state-plan state, working with the federal OSHA regulations, WISHA's policy is to protect all state and local government employees with regulations that are at-least-as-effective-as those rules promulgated for private industry. Compliance with the provisions of these amended and new standards will effectively provide more comprehensive protection to employees who work as fire fighters for state and local governments from injury or death.

Process for Developing New Rule: Proposed amendments are being developed in coordination with an industry advisory group made up of stakeholders from both labor and management. The group consists of representatives from the fire chiefs' association; fire commissioners; firefighter labor organizations, volunteer firefighters; firefighter consultants; Department of Natural Resources; and department staff.

How Interested Parties can Participate in Formulation of the New Rule:

<b>Fire Chiefs:</b>	
(West)	(East)
Mike Guerin	Ron A. Anderson
Olympia Fire Department	Franklin County FPD No. 3

100 Eastside Street N.E.  
Olympia, WA 98506  
(206) 753-8348  
FAX (206) 753-8054

2108 Road 84  
Pasco, WA 99301  
(509) 547-9306  
FAX (509) 547-3787

**Fire Commissioners:**

(West)  
Donald Leggett  
King County FPD No. 36  
19900 144th Avenue N.E.  
Woodinville, WA 98072  
(206) 483-2131  
FAX (206) 486-0361

(East)  
Ray Allen  
Spokane FPD No. 1  
East 10319 Sprague Avenue  
Spokane, WA 99206  
(509) 928-1700  
FAX (509) 927-2227

**Labor:**

(West)  
Jack Andren  
Washington State Council  
of Fire Fighters  
6312 19th Street N.W.  
Tacoma, WA 98466  
(206) 531-1953  
FAX (206) 537-4361

(East)  
Greg Borg  
Local 29 Spokane  
West 2803 Lacrosse  
Spokane, WA 99201  
(509) 484-5598  
FAX (509) 487-6567

**Volunteers:**

Mark Kimm  
Yakima County FPD No. 5  
P.O. Box 447  
Zillah, WA 98944  
(509) 829-5111  
FAX (509) 829-6687

**General:**

Robert Barnard  
Department of Community,  
Trade and Economic  
Development  
Division of Fire Protection  
Services  
4317 Sixth Avenue S.E.  
P.O. Box 48350  
Olympia, WA 98504-8350  
(206) 493-2649  
FAX (206) 493-2648

**Department of Labor  
and Industries**

Tom Ford  
Safety and Health Specialist  
Technical Support and  
Standards  
P.O. Box 44641  
Olympia, WA 98504-4641  
(206) 956-4669  
FAX (206) 956-5459

Patricia Wolhete  
Industrial Safety Engineer  
Technical Support and  
Standards  
P.O. Box 44620  
Olympia, WA 98504-4620  
(206) 956-5524  
FAX (206) 956-5529

October 5, 1994  
Mark O. Brown  
Director

**WSR 94-20-122  
PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed October 5, 1994, 11:14 a.m.]

Specific Statutory Authority for New Rule: RCW 51.32.112.

Reasons Why the New Rule is Needed: This rule is being amended so it is consistent with changes to RCW 51.32.112 which were adopted in 1993.

Goals of New Rule: WAC 296-23-265 is being amended to add the word "chiropractic" to the rule to clarify that chiropractors are able to perform special medical examinations.

Process for Developing New Rule: Interested parties may contact Carol Britton with concerns or comments regarding this amendment to WAC 296-23-265. This amendment is a housekeeping measure to make the rule consistent with the statute.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can participate in the rule-making process relating to this rule by sending comments to Carol Britton at (206) 956-6818, FAX (206) 956-4249 or P.O. Box 44322, Olympia, WA 98504-4322.

October 5, 1994  
Mark O. Brown  
Director

**WSR 94-20-124  
PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed October 5, 1994, 11:17 a.m.]

Specific Statutory Authority for New Rule: Hazardous waste operations and emergency response federal final rule filed in Federal Register Volume 59, Number 161, dated August 22, 1994. Reference: 29 CFR Part 1910.120 and 1926.65; and RCW 49.17.040, [49.17].050, and [49.17].060.

Reasons Why the New Rule is Needed: The Occupational Safety and Health Administration (OSHA) is issuing technical amendments to existing Appendix B and is adding a new nonmandatory Appendix E to both 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, General Safety and Health Standards and 29 CFR 1926.65, Hazardous Waste Operations and Emergency Response, General Construction Standards. The Washington Industrial Safety and Health Act (WISHA) addresses this standard in chapter 296-62 WAC, Occupational health standards, Part P, Hazardous Waste Operations and Emergency Response. This regulation is not duplicated in chapter 296-155 WAC, Safety standards for construction work.

Goals of New Rule: The technical amendments to Appendix B involve the updating of certain reference sources listed in Appendix B of chapter 296-62 WAC, Part P. The new Appendix E provides suggested guidelines for a more effective training curriculum and program. The mandatory requirements for those training programs are set forth in the main body of chapter 296-62 WAC, Part P. The addition of a nonmandatory Appendix E to this part will provide supplementary information that can be used by employers for training program development directed toward training those employees engaged in hazardous waste operations and emergency response activities within the scope of chapter 296-62 WAC, Part P.

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by RCW 49.17.010 and the OSHA/WISHA state plan agreement.

How Interested Parties can Participate in Formulation of the New Rule: Please send comments to Marcia Holt,



Standards Supervisor, (206) 956-5530, FAX (206) 956-5529; or Patricia Wolhuter, Industrial Safety Engineer, (206) 956-5524, FAX (206) 956-5529, P.O. Box 44620, Olympia, WA 98504-4620.

October 5, 1994  
Mark O. Brown  
Director

**WSR 94-20-125**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed October 5, 1994, 11:19 a.m.]

Specific Statutory Authority for New Rule: RCW 51.04.030, 71.14.050, and 41.05.031.

Reasons Why the New Rule is Needed: To revise WAC 296-20-01002 and to make permanent changes to WAC 296-20-17003.

Goals of New Rule: The revisions are needed: To implement consistent departmental internal administrative procedure for updating pharmacy fees as adopted for the medical fee schedule; to clarify terms and definitions used in the medical aid rules; and to bring the department in line with the method of purchasing drugs and medications currently used by the Department of Social and Health Services.

Process for Developing New Rule: This rule is being developed with input from internal pharmacy project team, the department's Legislative Liaison and Governmental Affairs Office, and in consultation with various stakeholders, including labor unions, business associations, pharmacists associations, self-insured employer associations, and pharmacy associations.

How Interested Parties can Participate in Formulation of the New Rule: If you have any questions and comments regarding the above, please contact Tamrat Anebo at (206) 956-6793, FAX (206) 956-4249 and/or send comments to P.O. Box 44322, Olympia, WA 98504-4322.

October 5, 1994  
Mark O. Brown  
Director

**WSR 94-20-129**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF REVENUE**  
[Filed October 5, 1994, 11:51 a.m.]

Subject of Possible Rule Making: New section WAC 458-20-24003 Business and occupation tax credit and retail sales/use tax deferral for high technology industries.

Specific Statutory Authority for New Rule: RCW 82.32.300.

Reasons Why the New Rule is Needed: Legislature created new program (chapter 5, Laws of 1994 sp. sess., codified at chapter 82.63 RCW and RCW 82.04.4452) to be effective January 1995.

Goals of New Rule: To describe program, how to use credit and how to apply for new deferral program.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments and/or copies of rule may be directed to: Laurel M. Costen, Counsel or Ron Rosenbloom, Legislative Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (206) 664-0057 and 753-1971, FAX (206) 664-0972. For public meeting: General Administration Building, 1st Floor, Auditorium, 11th and Columbia Streets, Olympia, Washington, on November 18, 1994, at 10:00 a.m. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted to date of adoption.

October 5, 1994  
Les Jaster  
Rules Coordinator



**WSR 94-20-021**  
**PROPOSED RULES**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Filed September 23, 1994, 3:40 p.m.]

Original Notice.

Title of Rule: WAC 286-26-080 Nonhighway and off-road vehicle activities program planning eligibility.

Purpose: Technical correction.

Statutory Authority for Adoption: RCW 46.09.240(1).

Statute Being Implemented: RCW 46.09.240(1).

Summary: Currently, WAC 286-26-080 states that plans submitted for the Interagency Committee for Outdoor Recreation's nonhighway and off-road vehicle activities program may, "on the [Interagency Committee for Outdoor Recreation] director's acceptance of the plan. . ." qualify the application for "one year" of eligibility the Interagency Committee for Outdoor Recreation's intended interpretation of this is that the same plan can also qualify an applicant for eligibility for up to five years if the plan is submitted in successive years. It is proposed that the rule be rewritten to clarify this intent.

Reasons Supporting Proposal: Clarification of policy.

Name of Agency Personnel Responsible for Drafting: Greg Lovelady, Natural Resources Building, Olympia, (206) 902-3000; Implementation and Enforcement: Laura Eckert, Natural Resources Building, Olympia, (206) 902-3000.

Name of Proponent: Interagency Committee for Outdoor Recreation (IAC), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: The proposal changes the text of an existing rule, but not the intended interpretation placed on that text by the Interagency Committee for Outdoor Recreation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed rule change is directed at the Interagency Committee for Outdoor Recreation's grant recipients; that is, local, state, and federal governmental agencies. This technical correction will enhance efficiency and compliance with existing laws and procedures. It is not believed that small businesses will be impacted in any way.

Hearing Location: Regular meeting of the Interagency Committee for Outdoor Recreation, Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98504-0917, on November 17, 1994, at 9 a.m.

Assistance for Persons with Disabilities: Contact G. Lovelady by November 3, 1994, TDD (206) 902-1996.

Submit Written Comments to: G. Lovelady, P.O. Box 40917, Olympia, 98504-0917, FAX (206) 902-3026, by October 26, 1994.

Date of Intended Adoption: November 17, 1994, 4 p.m.  
 September 22, 1994

G. W. Lovelady  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

**WAC 286-26-080 Planning requirements.** For purposes of project evaluation, completed plans must be received by the director at least ninety days before the committee's meeting at which the project is to be considered for funding. A shorter period may be authorized by the director. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for up to a ((one-year)) five-year period. To be complete, at minimum the plan must include:

(1) A statement of the applicant's long range goals and objectives;

(2) A description of the planning area, or existing areas and facilities, or current conditions, as appropriate;

(3) An analysis of need, that is, why actions are required;

(4) A description of the extent to which the public has been involved in development of the plan;

(5) A current capital improvement program of at least five years and/or a schedule which identifies those entities responsible for the actions needed to achieve the plan's goals and objectives;

(6) Evidence that this plan has been approved by the applicant's governing body.

**WSR 94-20-023**

**PROPOSED RULES**

**PERSONNEL RESOURCES BOARD**

[Filed September 26, 1994, 10:03 a.m.]

Continuance of WSR 94-16-053.

Title of Rule: Amending WAC 251-06-020 Classification plan—Adoption and 251-08-112 Salary—Reallocation.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on October 13, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 6, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by October 11, 1994.

Date of Intended Adoption: October 13, 1994.

September 23, 1994

Dennis Karras

Secretary

**WSR 94-20-024**

**PROPOSED RULES**

**PERSONNEL RESOURCES BOARD**

[Filed September 26, 1994, 10:08 a.m.]

Continuance of WSR 94-16-051.

Title of Rule: Amending WAC 356-10-020 Classification plan—Revision, 356-10-040 Employee appointment status—Downward reallocation, 356-10-045 Employee appointment status—Lateral reallocation, and 356-10-050 Employee appointment status—Upward reallocation.

PROPOSED

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on October 13, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 6, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (206) 586-4694, by October 11, 1994.

Date of Intended Adoption: October 13, 1994.

September 23, 1994

Dennis Karras

Secretary

### WSR 94-20-031

#### PROPOSED RULES

#### WESTERN WASHINGTON UNIVERSITY

[Filed September 27, 1994, 9:38 a.m.]

Original Notice.

Title of Rule: Smoking on campus, WAC 516-52-001.

Purpose: Changes broaden the smoke-free area for employees and guests.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Changes in the Western Washington University smoking policy which broadens the smoke-free area for employees and guests.

Reasons Supporting Proposal: Proposed amendment to smoking policy is somewhat more comprehensive in controlling second-hand smoke in the campus environment.

Name of Agency Personnel Responsible for Drafting: Gayle Shipley, Old Main, Western Washington University, Bellingham, Washington 98225, (206) 650-6512; Implementation and Enforcement: Vice-President George Pierce, Old Main 400, Western Washington University, Bellingham, Washington 98225, (206) 650-3180.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Broadens smoke-free area for employees and guests.

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

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. None needed.

Hearing Location: Old Main 340, Western Washington University Campus, 516 High Street, Bellingham, WA, on November 14, 1994, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Gayle Shipley by November 23, 1994.

Submit Written Comments to: Gayle Shipley, FAX (206) 650-3037, by November 23, 1994.

Date of Intended Adoption: December 2, 1994.

September 26, 1994

Wendy Bohlke

Assistant Attorney General

Senior Counsel

AMENDATORY SECTION (Amending WSR 93-01-080, filed 12/14/92, effective 1/14/93)

WAC 516-52-001 Smoking on campus. (1) Purpose. Western Washington University is dedicated to providing a healthful and productive work environment for all employees, students, and the public visiting or conducting activities in university facilities. This policy is intended to provide a smoke-free environment for employees, students, and the public who do not wish to be affected by those who smoke.

(2) Policy. Smoking shall not be permitted (~~in any building on campus except in:~~

(1) Clearly posted areas designated by the president or his designee; and

(2) Private enclosed inner faculty and administrative offices at the discretion of the individual in charge of each office) inside any Western Washington University administrative or academic buildings and in identified external areas that may affect those people inside the administrative and academic buildings. Smoking will be allowed in identified outdoor smoking areas on campus.

### WSR 94-20-032

#### PROPOSED RULES

#### DEPARTMENT OF

#### SERVICES FOR THE BLIND

[Filed September 27, 1994, 10:08 a.m.]

Original Notice.

Title of Rule: WAC 67-35-051 Licensees—Geographic availability—Certification, 67-35-070 Selecting a vendor of licensee to operate a primary location vending facility, 67-35-072 Vendor status—Loss of any vending facility to the VF program, and 67-35-910 Vendor agreement.

Purpose: WAC 67-35-051, indicates conditions by which licensees may bid for location; WAC 67-35-070, delete repetitive language and relocate applicate [applicable] terms to WAC 67-35-072; WAC 67-35-072, resolve conflict with WAC 67-35-070; and WAC 67-35-910, to change condition of termination of agreement.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Summary: WAC 67-35-051, requirement that licensees be required to indicate geographic availability at time of certification; WAC 67-35-070, rules for bidding and selection of operation; WAC 67-35-072, provides rules for assignment of vendor to next available facility if program loses vendor's present facility through reasons beyond the vendor's control; and WAC 67-35-910 changes required number of days of notification prior to termination of agreement.

Reasons Supporting Proposal: Approval of Vendors Committee and Agency Advisory Council.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bonnie Jindra, 521 East Legion Way, Olympia, WA 98504, (206) 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 67-35-051, requires licensee to indicate

geographic area where he/she is willing to operate a facility. Also requires licensee to bid as facilities become available in stated geographic availability area; WAC 67-35-070, states conditions for bidding primary facilities, interview panel composition, application screening process, and interview process. Purpose is to clarify bid and selection process. Effect is to improve bidding and selection process; provides rules for assignment of facility to vendor who is displaced by loss of a vending facility by the business enterprise program. Purpose is to provide rules governing loss of facilities and reassignment of vendors. Effect is to improve way that reassignment is accomplished; and WAC 67-35-910, operating agreement signed by vendor operating facility. Purpose is to allow more time for bid and selection process after notification of termination. Effect is to improve transition to new operation.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. None required.

Hearing Location: Department of Services for the Blind, 521 East Legion Way, Olympia, WA 98504-0933, on November 10, 1994, at 10 a.m.

Assistance for Persons with Disabilities: Contact Bonnie Jindra.

Submit Written Comments to: Bonnie Jindra, 521 East Legion Way, Olympia, WA 98504-0933, FAX (206) 586-7626, by October 26, 1994.

Date of Intended Adoption: December 14, 1994.

September 27, 1994

Bonnie Jindra

Assistant Director

## NEW SECTION

**WAC 67-35-051 Licensees—Geographic availability—Certification.** Licensees are required to indicate geographic availability at time of certification. Any licensee who fails to bid on an available vending facility within the geographic area of availability will be removed from the bidding process and will be required to request reinstatement to the bidding process. Their reinstatement will be determined by the business enterprise director in conjunction with the vendors' committee.

AMENDATORY SECTION (Amending WSR 92-10-024, filed 4/29/92, effective 5/30/92)

**WAC 67-35-070 Selecting a vendor or licensee to operate a primary location vending facility.** When a primary location vending facility becomes available, the business enterprise staff will send a written "notice of availability" to all vendors and all licensees as indicated by WAC 67-35-060.

A licensee or vendor bidding on the available primary location must submit their interest in writing to the department by 5:00 p.m. on the closing date of the bid. Bids received after the closing time and date will not be considered and the bids will be returned to the bidder.

ELIGIBILITY REQUIREMENTS TO BID ON A PRIMARY LOCATION

~~((To be eligible to bid on a primary location the following must apply:))~~

~~(1) If only one otherwise eligible (see subsections (2) through (8) of this section) vendor or licensee bids on an available vending location, that individual will receive that available location.~~

~~(2) A vendor must have been assigned to and have actively operated their present location for a minimum of twelve months. If there are no eligible bidders on a primary location, bids will be accepted from vendors who are eligible and have less than twelve months at their present location.~~

~~((2)) (3) Vendors must have provided the department with current monthly financial statements and have shown a cumulative total net profit on their last twelve months financial statements. Vendors who have not operated a vending facility for twelve consecutive months must use their certification test score for bidding purposes.~~

~~((3)) (4) Former vendors, who operated a vending facility within the last twelve months, and have provided the department with their most current monthly financial statements, must show a cumulative total net profit on their last twelve months financial statement. If they have not been a business enterprise vendor within the last twenty-four months, they will be required to take the certification test and they will use this score for bidding purposes.~~

~~((4)) (5) Licensees must have completed the agency sponsored training program and have taken the certification test and received a passing score of seventy percent or better.~~

~~((5)) (6) Vendors, former vendors, and licensees must include a completed job application with their bid indication. Additional information is encouraged but is not a replacement for the application.~~

~~((6)) (7) Be current in the payment of all federal and state taxes, Social Security taxes, unemployment taxes, and worker's compensation.~~

~~((7)) (8) Not owe the department of services for the blind for any back rents, missing equipment, or back inventories.~~

## INTERVIEW PANEL COMPOSITION

The ~~((interview))~~ panel will include one representative of the business enterprise program, one representative of the vendors committee, and one representative of the building management of the available location.

## APPLICATION SCREENING PROCESS

The interview panel will receive and review all of the applications of the vendors who responded to the notice of availability plus applications of the licensees with the top two scores on the certification test.

Applicants will be selected based on their education and prior work experience in: Operating a similar food service facility to the one on the notice of availability, operating a different type of food service facility, participation in the business enterprise program all state meetings, and vendor committee meetings, or other program support and career enhancement training programs at colleges or universities.

Each panel member will select five applicants. Those applicants as well as the two licensees will be scheduled for an interview. The total number of applicants to be interviewed will not exceed seventeen.

THE INTERVIEW PROCESS

During the interview the panel will complete an applicant rating form for each applicant. The panel will rate each applicant on the interview questions and will use those ratings as guidelines for final selection. The panel selects the applicant who will operate the location.

All interviewed applicants will be notified of the results of the interview.

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-072 ((Available vending locations:))

Vendor status—Loss of any vending facility to the VF program. ((1) If only one vendor or licensee bids on an available vending location, that individual will receive that available location.

(2) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant.

(3)) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor ((without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (2) of this section. This section prevails over WAC 67-35-070 with regard to selection of vendors)). When a vendor loses the vending facility he/she will be required to indicate geographic availability and will be assigned the next available vending facility within the indicated geographic location. Any vendor who refuses the next available vending location will be required to ((make application for a subsequently available facility)) submit an application for facilities as they become available.

((4) Licensees will be required to indicate geographic availability at time of application. Any licensee who fails to bid on an available vending facility within the geographic area of availability will be removed from the bidding process and will be required to request reinstatement to the bidding process. His/her reinstatement will be determined by the business enterprise director in conjunction with the vendors committee.))

AMENDATORY SECTION (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

WAC 67-35-910 Vendor agreement.

This VENDOR AGREEMENT entered in this . . . . day of . . . . ., 19. . . by and between the Department of Services for the Blind, hereinafter referred to as the department, and . . . . ., hereinafter referred to as the vendor.

Name and Address of Facility . . . . . City: . . . . ., Washington

IT IS HEREBY AGREED:

1. The provisions of the permit and/or contract between the department and the property management as now exists and chapter 67-35 WAC (the business enterprise program rules), which described the rights and responsibilities of the department and the rights and responsibilities of the vendor, as presently exist are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-35-140.
3. The vendor is responsible to submit reports to the department as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit and/or contract.
5. The vendor shall receive a copy of the permit and/or contract and all applicable department rules.
6. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:  
 \$1,000,000.00 each person personal injury,  
 \$1,000,000.00 each occurrence personal injury, and  
 \$1,000,000.00 each occurrence property damage or insurance coverage specified in the permit and/or contract, whichever is greater.
7. Vendors are accountable to the department for equipment assigned to their location. The vendor is responsible for maintaining the equipment in a clean and sanitary condition.
8. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
9. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
10. The department staff shall provide management services as defined in WAC 67-35-030 on a systematic basis. Consultation shall occur at least on a semiannual basis.
11. The department may upon ((thirty)) forty-five days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit and/or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-35-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the

PROPOSED

vendor due to gross neglect or misconduct, as provided for in WAC 67-35-430.

- 12. The vendor may terminate this agreement upon giving ~~((thirty))~~ forty-five days written notice to the department.
- 13. This agreement is automatically terminated when the permit or contract with the contracting agency is terminated.
- 14. The vendor will sign a facility equipment and stock agreement.

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED COPIES OF THE FACILITIES OPERATING PERMIT AND/OR CONTRACT AND THE BUSINESS ENTERPRISE PROGRAM RULES.

Signed: ..... Date: ....., 19...  
(Vendor)

Name of vendor: .....  
(please type)

Signed: ..... Date: ....., 19...  
(Department of Services for the Blind)

Name of staff: .....  
Title: .....

**WSR 94-20-035**  
**PROPOSED RULES**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**

[Filed September 28, 1994, 9:23 a.m.]

**Original Notice.**

Title of Rule: Title 242 WAC, Growth Management Hearings Boards rules of practice and procedure.

Purpose: The purpose of the revisions to Title 242 WAC is to amend the boards' rules to reflect changes required by 1994 legislation (i.e., change the boards' names; designations of hearing examiners; motions to disqualify); to clarify that appeals of OFM's population projections can be made at any time (retroactive to January 1992); and to clarify that a board's notice provides adequate notice, in lieu of a board motion, of a compliance hearing.

Statutory Authority for Adoption: RCW 36.70A.270(6).

Statute Being Implemented: Growth Management Act, primarily codified at chapter 36.70A RCW.

Summary: ESSB 6339 (chapter 257, Laws of 1994) changed the boards' name; expanded the authority of board hearing examiners; and addressed motions to disqualify for the first time. The proposed rules revisions respond to this legislation. In addition, the proposal specifies that appeals of OFM's twenty-year population projections can be filed at any time (rather than within sixty days of formulation). It is the intent of the boards that such appeals can be made retroactively to challenge the projections OFM made in January 1992.

Reasons Supporting Proposal: The rules revisions involving the board's name change, hearing examiner authority and motions to disqualify were mandated by the 1994 legislature. The rules revisions relating to retroactive

challenges of OFM's population projections were necessitated by recent final decisions by each of the three boards, the nature of the twenty-year projections themselves, and the fact that the GMA does not impose a specific statute of limitations for challenging the projection, unlike other requirements of the act that do have specific appeals periods. The revisions clarify that a board's notice or order for a compliance hearing constitutes satisfactory notice to the parties, and is intended to preclude further arguments that have been raised based upon existing rules.

Name of Agency Personnel Responsible for Drafting and Implementation: M. Peter Philley, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, (206) 389-2625; and Enforcement: Each individual board (see WAC 242-02-072 shown below) for addresses and phone numbers of each board.

Name of Proponent: Washington State Growth Management Hearings Boards, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: All references to growth "planning" hearings boards have been changed to growth "management" pursuant to ESSB 6339 (i.e., WAC 242-02-020, 242-02-052, 242-02-072, 242-02-210, 242-02-660, 242-02-910, and WAC 242-04-020, 242-04-050 and 242-04-150); WAC 242-02-040(3) has been amended to reference hearing examiner responsibilities specified by the act that a board may delegate to an examiner; WAC 242-02-040(8) has been amended to refer to new section WAC 242-02-521; new section WAC 242-02-521 has been added pursuant to ESSB 6339 to specify the procedure for when hearings examiners will be designated; WAC 242-02-530(5) has been added to reference motions to disqualify; new section WAC 242-02-533 has been added pursuant to ESSB 6339 to specify procedures for filing a motion to disqualify a board member or hearings examiner assigned to preside at a hearing; WAC 242-02-220 has been amended to specify that challenges to OFM's twenty-year population projections can be filed at any time. Because the boards intend this rules revision to apply retroactively to January 1992, additional cases may be filed; WAC 242-02-040 (9)(c) has been deleted to remove any confusion about OFM's annual population determinations; and WAC 242-02-890(2) has been amended to indicate that a board can schedule a compliance hearing by issuing a notice, rather than on its own motion. This revision should preclude further efforts to delay compliance hearings based on the argument that a board's "notice" did not constitute a "motion."

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

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rules revisions will not have an economic impact on small businesses since it governs practice before quasi-judicial state agencies, the three growth management hearings boards.

Hearing Location: Central Puget Sound Growth Management Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, on November 9, 1994, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact HeatherLynn Holmes by November 1, 1994, (206) 389-2625, (206) 389-2588 (FAX).

Submit Written Comments to: M. Peter Philley, FAX (206) 389-2588, by November 9, 1994, 5:00 p.m.

Date of Intended Adoption: November 21, 1994, 11:00 a.m.

September 26, 1994  
M. Peter Philley  
Board Member  
Rules Coordinator

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

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

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

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

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

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

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

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

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

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

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

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

(9) "Publication" means:

(a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published;

(b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development

regulations or other enactments, or subsequent amendments pursuant to RCW 36.70A.290(2)((

~~(e) The filing of a certificate with the secretary of state pursuant to RCW 43.62.035 showing the office of financial management's determination of population)).~~

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

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

**WAC 242-02-052 Petition for rule making.** (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with the Central Puget Sound board's office in Seattle, Washington.

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH ((PLANNING)) MANAGEMENT  
HEARINGS BOARDS  
STATE OF WASHINGTON

No.

In the matter of  
the Petition of PETITION FOR RULE MAKING  
(Name of Petitioner)  
for Rule Making

(b) 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 the 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 board 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 interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the Central Puget Sound board at its office in Seattle, Washington.

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

**WAC 242-02-072 Principal offices.** The principal offices of each board are as follows:

PROPOSED



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

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

**WAC 242-02-210 Petition for review—Forms—**

**Contents.** A petition for review shall substantially contain:

- (1) A caption in the following form:

BEFORE THE . . . . GROWTH ((PLANNING)) MANAGEMENT  
HEARINGS BOARD  
 STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

- (2) Numbered paragraphs stating:

- (a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;
- (b) Date of the order, determination, publication, action or failure to act from which the appeal is taken;
- (c) A detailed statement of issues presented for resolution by the board;
- (d) A statement indicating the basis of the petitioner's standing before the board;
- (e) The estimated length of the hearing;
- (f) The relief sought, including the specific nature and extent;
- (g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

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

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

**WAC 242-02-220 Petition for review—Time for filing.**

(1) A petition relating to whether or not an adopted comprehensive plan, development regulation, or subsequent amendments, is in compliance with the goals and requirements of the act shall be filed with a board within sixty days from the date of publication by the legislative body of the county or city as specified by RCW 36.70A.290(2).

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

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

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

~~((4))~~ (5) A petition relating to the failure of a state agency, city or county to take an action by a deadline specified in the act may be brought at any time after the deadline for action has passed.

NEW SECTION

**WAC 242-02-521 Designation of presiding officer.**

A board shall designate the presiding officer for each case at the time it issues its notice of hearing pursuant to WAC 242-02-510.

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

**WAC 242-02-530 Motions—Requirements.**

(1) A motion is an application for an order or ruling. Every motion shall be in writing, unless made during a hearing; shall state with particularity the grounds; and shall set forth the relief or order sought. An original and three copies of the motion shall be filed with a board and a copy served on each opposing party or that party's attorney or other authorized representative.

(2) All motions shall be properly captioned and signed by the moving party or that party's attorney or other authorized representative.

(3) The motion shall specify the amount of time required for argument, whether appearance by telecommunication is requested, and the names and telephone numbers of all parties served with the motion.

(4) Dispositive motions on a limited record, similar to a motion for summary judgment in superior court or a motion on the merits in the appellate courts, are permitted. Time frames for making and responding to such a motion shall be established by the presiding officer.

(5) Motions to disqualify a hearing examiner acting as the presiding officer, or a board member, for bias, prejudice, interest or other cause, with supporting affidavit(s), may be filed with a board.

PROPOSED

NEW SECTION

**WAC 242-02-533 Motion to disqualify for cause.** (1)

A motion to disqualify a hearing examiner acting as the presiding officer, or any board member, for bias, prejudice, interest or other cause, with supporting affidavit(s), must be filed at least seven days before the board holds a prehearing conference, or if facts establishing grounds for disqualification are subsequently discovered, promptly after discovery of such facts.

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

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

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

**WAC 242-02-660 Official notice—Matters of law.**

A board or presiding officer may officially notice:

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

(2) State law. The Constitution of the state of Washington; decisions of the state courts; acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; and all rules, orders, and notices filed with the code reviser.

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

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

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

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

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

**WAC 242-02-890 Postdecision hearing—Determination of compliance or noncompliance with final order.** (1) In those cases where a board finds that a state agency, county, or city is not in compliance with the requirements of the act, the board shall remand the matter to the affected state agency, county, or city, specifying a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply.

(2) After the compliance deadline specified in subsection (1) of this section, a board (~~on its own motion~~), by issuing a notice, or on the motion of a party, shall schedule a hearing for the purpose of determining compliance. The time and place of the compliance hearing shall be at the discretion of a board but shall be given the highest priority of business.

(3) Once a motion for a compliance hearing has been filed, a board shall schedule and conduct the hearing and issue a finding of compliance or noncompliance within forty-five days of the filing of the motion under subsection (2) of this section.

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

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

**WAC 242-02-910 Petitions for declaratory ruling.**

(1) Any person may petition a board for a declaratory ruling about the applicability to specific circumstances of a rule, order, or statute within a board's jurisdiction. The petition shall set forth facts and reasons on which the petition relies to show:

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory ruling will not be merely an advisory opinion;

(c) That the uncertainty adversely affects the petitioner;

(d) That the adverse effect of uncertainty outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and

(e) That the petition complies with any additional requirements established by the board.

(2) Form of the petition. The form of the petition for declaratory ruling shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE . . . . . GROWTH ((~~PLANNING~~)) MANAGEMENT  
HEARINGS BOARD  
STATE OF WASHINGTON

No.

In the matter of  
the Petition of  
(name of Petitioner)  
for a Declaratory  
Ruling

PETITION FOR  
DECLARATORY RULING

(b) 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 superior courts of this state. The concluding paragraphs shall contain the relief requested. The petition shall be subscribed and verified in the manner prescribed for certification of petitions in these rules.

(c) The original and three copies shall be filed with the board.

(3) Consideration of petition. A board shall consider the petition and within thirty days of its filing shall:

(a) Issue a nonbinding declaratory ruling;

(b) Notify the petitioner that no declaratory ruling is to be issued; or

(c) Set a time and place for a hearing or for submission of written evidence on the matter, which shall occur within

PROPOSED

ninety days of the receipt of the petition, and give at least seven days notification to the petitioner of the time and place for such hearing or submission and of the issues involved.

(4) Disposition of petition. If the hearing is held or evidence is submitted as provided in subsection (3)(c) of this section, a board shall, within a reasonable time:

- (a) Issue a binding declaratory ruling; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the petitioner that no declaratory ruling is to be issued.

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

**WAC 242-04-020 Definitions.** (1) "Board" means the Eastern Washington, Western Washington, or Central Puget Sound growth ((planning)) management hearings board. Each is a quasi-judicial body created pursuant to chapter 36.70A RCW. Where appropriate the term board also refers to the staff and employees of each board.

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

(3) "Public record" means any writing containing information relating to the conduct of government 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.

(4) "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, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, 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 WSR 94-07-033, filed 3/9/94, effective 4/9/94)

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

- (a) Eastern Washington Growth  
((Planning)) Management Hearings Board  
Suite 818 Larson Building  
6 South 2nd Street  
Yakima, Washington 98901  
(509) 454-7803  
(509) 454-7292 FAX
- (b) Western Washington Growth  
((Planning)) Management Hearings Board  
111 West 21st Avenue, Suite 1  
P.O. Box 40953  
Olympia, Washington 98504-0953  
(206) 664-8966  
(206) 664-8975 FAX

- (c) Central Puget Sound Growth  
((Planning)) Management Hearings Board  
2329 One Union Square  
600 University Street  
Seattle, Washington 98101-1129  
(206) 389-2625  
(206) 389-2588 FAX

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

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

**WAC 242-04-150 Adoption of form.** Each board and the joint boards adopt the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for inspecting and/or copying public records."

We have received your request for inspection of and/or copies of our public records. Please complete this form and return it with the amount required, if applicable. We will forward the requested copies to you as soon as we receive this completed form with payment.

Return to:

(name and address of applicable board)

GROWTH ((PLANNING)) MANAGEMENT HEARINGS BOARD  
REQUEST FOR INSPECTING AND/OR COPYING PUBLIC RE-  
CORDS

Date:

Name:

Address:

Day Phone Number:

Description of Record(s) Requested:

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW.

-----  
Signature

Number of Copies  
Number of Pages  
Per Page Cost \$  
Total Charge \$

**WSR 94-20-037**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed September 28, 1994, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 230-08-010 Monthly records and 230-20-242 Activities conducted as a part of bingo games— Authorization—Restrictions.

Purpose: WAC 230-08-010, amends first paragraph to require commercial punchboard/pull tab operators to complete monthly records no later than fifteen days following the

PROPOSED

end of each month and shall be available for audit or inspection the next day; and WAC 230-20-242, amends subsection (c) to allow drawings at bingo games to operate for thirty consecutive days.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-08-010, requires commercial punchboard/pull tab operators to complete monthly records no later than fifteen days following the end of the month and shall be available for audit or inspection the next day; and WAC 230-20-242, would allow bingo operators to conduct drawings for thirty consecutive days.

Name of Agency Personnel Responsible for Drafting: Shanna R. Lingel, Lacey, 438-7654 x 305; Implementation: Frank L. Miller, Lacey, 438-7640; and Enforcement: Ben Bishop, Department Director, Lacey, 438-7654 x 369.

Name of Proponent: Private; public; and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Requires commercial punchboard/pull tab operators to complete monthly records fifteen days following the end of the month and shall be available for audit or inspection the next day; and amends rule to allow bingo operators to conduct drawings for thirty consecutive days.

Proposal Changes the Following Existing Rules: Amends rule to require commercial punchboard/pull tab operators to complete monthly records within fifteen days following the end of the month and shall be available for audit or inspection the next day; and amendment would allow bingo operators to conduct drawings at bingo games for thirty consecutive days.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons. No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Spokane Ridpath, West 515 Sprague, Spokane, WA 99201, on November 18, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by November 16, 1994, TDD (206) 438-7638, or (206) 438-7654 x 305.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8652, by November 16, 1994.

Date of Intended Adoption: November 18, 1994.

September 28, 1994

Shanna R. Lingel  
Rules Coordinator

AMENDATORY SECTION (Amending Order 241, filed 6/17/93, effective 7/18/93)

**WAC 230-08-010 Monthly records.** Every person or organization licensed to operate any ((authorized)) gambling activity shall maintain permanent monthly records of all financial transactions directly or indirectly related to gam-

bling activities. Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month: Provided, That businesses licensed to operate punchboards and pull tabs as commercial stimulants shall complete monthly records no later than fifteen days following the end of each month and such shall be available for audit or inspection the next day. Each record shall include, but not necessarily be limited to, all details of the following:

(1) The gross gambling receipts from the conduct of each of the activities licensed.

(2) Full details on all expenses related to each of the activities licensed.

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission: Provided, That punchboard and pull tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month.

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provides all data required by subsection (7) of this section; and

(e) Reports generated from the computer data base organizes the required data in an order that approximates the standard format and does not impede audit;

(7) Monthly records for punchboards and pull tabs shall disclose for each punchboard and pull tab series the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: *Provided*, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon;

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes;

(l) The actual cash received from the operation of each pull tab series or punchboard: *Provided*, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at

least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

(m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

(8) Copies of all additional financial data which support tax reports to any and all governmental agencies.

AMENDATORY SECTION (Amending Order 240, filed 6/17/93, effective 7/18/93)

**WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions.** Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-064. The following activities are authorized:

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by that other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-101(2) are followed and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not ~~((extend past the end of any month))~~ exceed thirty consecutive days;

(d) Licensees may restrict the awarding of tickets to players that are:

(i) Winners of bingo games;

(ii) "Good neighbors"; or

(iii) Other players that meet predetermined specific requirements; ~~((and))~~

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

(2) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:

(a) The total value of prizes shall not exceed five hundred dollars during any occasion;

(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and

(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.

(3) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

(4) Second element of chance schemes may be used to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

(5) Licensees may award promotional gifts to bingo players on up to six occasions annually if:

(a) Only merchandise gifts with a cost to the licensee of no more than three dollars per gift, are awarded; and

(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of

gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records.

**WSR 94-20-056**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed September 30, 1994, 11:42 a.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed amendments of chapter 296-32 WAC, Safety standards for telecommunications: WAC 296-32-260 Rubber insulating equipment.

These proposed changes were filed on July 20, 1994, with a public hearing held on August 23, 1994, in WSR 94-15-095.

Mark O. Brown  
Director

**WSR 94-20-061**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed September 30, 1994, 3:53 p.m.]

Original Notice.

Title of Rule: WAC 388-49-410 Resources—Exempt and 388-49-430 Resources—Vehicles.

Purpose: Excludes the value of a fishing boat when the boat is essential to the self-employment of a household member. Exclusion continues for one year from termination of self-employment. Clarifies resources of a nonhousehold member, including a student, are exempt.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: The department can equate self-employment fishing to self-employment farming. Issuance excludes value of a fishing boat for food stamp program when it is essential to the self-employment of a household member. Exclusion continues for one year after the termination of self-employment. Issuance also clarifies resources of a nonhousehold member, including ineligible student, is exempt.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, 438-8322.

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

Rule is necessary because of federal law, 7 CFR 273.1(b), 273.8 (e)(5) and 7 CFR 273.8 (h)(1)(i).

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This amendment impacts the food stamp program and is not business related. It will allow a small number of self-employed individuals to retain their business equipment while continuing to receive food stamps.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on November 22, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by November 8, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by November 15, 1994.

Date of Intended Adoption: November 23, 1994.

September 30, 1994

Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3756, filed 7/27/94, effective 9/1/94)

**WAC 388-49-410 Resources—Exempt.** (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies; and

(ii) Pension funds.

(h) Vehicles as provided under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (g);

(j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer or fisherman shall retain its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(m) Resources held separately by a nonhousehold member (~~or an ineligible student~~);

(n) Indian lands:

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws;

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

(z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security income (SSI) or aid to families with dependent children (AFDC) grant.

AMENDATORY SECTION (Amending Order 3756, filed 7/27/94, effective 9/1/94)

**WAC 388-49-430 Resources—Vehicles.** (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded

under this provision because the vehicle is used by a self-employed farmer or fisherman retains its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand five hundred fifty dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand five hundred fifty dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

Purpose: To assist potential applicants by expanding information on education required and to make explicit the scope of practice recognized by the commission.

Statutory Authority for Adoption: RCW 18.88.080.

Summary: Clarification of education requirements and scope of practice of advanced registered nurse practitioners.

Reasons Supporting Proposal: Applicants find the current WACs not specific enough to provide adequate guidance in the application process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, RN, MSN, 1300 Quince, Olympia, (206) 753-2686.

Name of Proponent: Washington State Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New and revised rules are proposed to clarify requirements for advanced registered nurse practitioner education and practice. The purpose is to assist potential applicants by expanding information on education required and to make explicit the scope of practice recognized by the commission.

Proposal Changes the Following Existing Rules: The proposed rules clarify existing rules and makes the requirements more explicit.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Washington State Nursing Care Quality Assurance Commission, Attn: Mary, P.O. Box 47864, Olympia, WA 98504-7864, phone (206) 664-3915, or FAX (206) 586-5935.

Hearing Location: Red Lion Hotel, 18740 Pacific Highway South, Seattle, WA 98188, on November 17, 1994, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Washington State Nursing Care Quality Assurance Commission by November 10, 1994, TDD (206) 664-0064, or 1-800-525-0127 ext. 753-2686.

Submit Written Comments to: Patricia O. Brown, RN, MSN, by November 10, 1994.

Date of Intended Adoption: November 17, 1994.

October 3, 1994

Patricia O. Brown, RN, MSN

Executive Director

**AMENDATORY SECTION** (Amending Order 306B, filed 9/30/92, effective 10/31/92)

**WAC 246-839-300 Advanced registered nurse practitioner.** An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. Advanced registered nurse practitioners (~~when functioning within the recognized scope of practice~~) function within the scope of practice reviewed and approved by the board. Those scopes reviewed are the statements of scope accepted by the certifying bodies as the basis for their test plan and selection of test items. Advanced registered nurse practitioners are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative

**WSR 94-20-078**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed October 4, 1994, 8:16 a.m.]

Original Notice.

Title of Rule: ARNP education and practice.

PROPOSED



interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization. An advanced registered nurse practitioner shall:

- (1) Hold a current license to practice as a registered nurse in Washington; and
- (2) Have completed an advanced formal nursing education program (~~(in the area of specialty)~~) meeting the requirements of WAC 246-839-305; and
- (3) Present documentation of initial certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board, and subsequently maintain currency and competency as defined by the certifying body.
- (4) Be held accountable to scope of practice and the standards of care established for the specialty as reviewed and approved by the board.

#### NEW SECTION

**WAC 246-839-305 Criteria for formal advanced nursing education meeting the requirement for ARNP licensure.** (1) The college or university graduate education program which prepares the registered nurse for advanced nursing practice as an ARNP shall have as its primary purpose the preparation of nurses for the expanded nursing role as an advanced registered nurse practitioner. Documentation that may be requested to substantiate preparation for the ARNP role may include, but shall not be limited to:

- (a) The philosophy, purpose, and objectives of the program, which are clearly defined and available in written form.
- (b) The objectives reflecting the philosophy which are written in outcomes that describe the competencies of the graduate.
- (c) Administrative policies of the program, which include:
  - (i) Clearly stated admission criteria, available in written form.
  - (ii) Provision of official evidence that the student has completed the program successfully.
  - (iii) Documentation that the program is conducted by an accredited college or university.
- (d) Evidence that faculty meet the following requirements:
  - (i) Includes faculty who are currently authorized to practice in a primary care role.
  - (ii) Any medical faculty who are authorized to practice.
  - (iii) An adequate number of qualified faculty in the specialty area, available to develop and implement the program and achieve the objectives.
  - (iv) Preceptors participate in teaching, supervising, and evaluating students. Criteria are in place for selection and functioning of preceptors. Preceptors guide students and communicate with faculty regarding student progress.
- (e) Curriculum of the advanced nursing practice program which reflects:
  - (i) Course content that is consistent with the philosophy and objectives of the program.
  - (ii) Theory and clinical experience relevant to the specialized area of advanced practice and leading to achievement of the defined outcome competencies. These shall

include content in biological, behavioral, nursing, medical, pharmacological, and regulation of the advanced practice role.

- (iii) Before January 1, 1995, content that requires a minimum of one academic year for completion.
- (iv) After January 1, 1995, content that culminates in a graduate degree with a concentration in advanced nursing practice.
- (v) If the educational program to prepare for the advanced nursing practice role is taken after completion of the graduate degree, the candidate must submit evidence that the practitioner preparation program, as stated in (e)(ii) of this subsection, is equivalent to that leading to a graduate degree in advanced practice specialty.
- (f) Outlines and descriptions of curriculum content which are available in written form.

(2) The board will review educational programs that an applicant is considering for preparation for advanced practice to assist in selection of a program that meets requirements. All requests for review must be in writing. Written response will be provided to all applicants in this category and maintained in applicants file at the board of nursing.

AMENDATORY SECTION (Amending Order 306B, filed 9/30/92, effective 10/31/92)

**WAC 246-839-310 Use of nomenclature.** Any person who qualifies under WAC 246-839-300 and whose application for advanced registered nurse practitioner designation has been approved by the board shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" or nurse practitioner and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

- (1) Family nurse practitioner, FNP; or
- (2) Women's health care nurse practitioner; or
- (3) Pediatric nurse practitioner/associate, PNP/PNA; or
- (4) Adult nurse practitioner, ANP; or
- (5) Geriatric nurse practitioner, GNP; or
- (6) Certified nurse midwife/nurse midwife, CNM; or
- (7) Certified registered nurse anesthetist, CRNA; or
- (8) School nurse practitioner, SNP; or
- (9) Neonatal nurse practitioner, NNP.

#### NEW SECTION

**WAC 246-839-315 Clinical specialist in psychiatric/mental health nursing.** Clinical specialist in psychiatric/mental health nursing is an advanced practice specialty which may qualify for ARNP licensure as delineated in WAC 246-839-305. Clinical specialist in psychiatric/mental health is a title which may be used by persons certified by the national credentialing body, but who are not ARNP's.

AMENDATORY SECTION (Amending Order 214B, filed 11/19/91, effective 12/20/91)

**WAC 246-839-340 Application requirements for ARNP.** A registered nurse applicant for ~~((designation))~~ licensure as an ARNP shall:

~~(1) ((After January 1, 1995 show evidence of a master's degree in the nursing or health care field from an accredited college or university, except for those applicants who provide documentation as requested by the board that the applicant was:~~

~~(a) Certified by a board approved national certification program prior to December 31, 1994; and~~

~~(b) Recognized by another state board of nursing for advanced practice prior to December 31, 1994.~~

~~(2) Meet the requirements of WAC 246-839-300.~~

~~(3) Submit a completed application on a form furnished by the board.)~~ Submit a completed application and nonrefundable fee as specified in WAC 246-839-990.

(2) Meet the requirements of WAC 246-839-300 and 246-839-305. The following documents shall be submitted as evidence to these requirements:

(a) An official transcript received by the board directly from the formal advanced nursing education program showing all courses, grades, degree or certificate granted, official seal and appropriate registrar or program director's signature.

(b) Program objectives and course descriptions.

(c) Documentation from program director or faculty specifying the area of specialty, unless such is clearly indicated on the official transcript.

(3) Have graduated from an advanced nursing education program, as defined in WAC 246-839-300, within five years of application; if longer than five years have practiced a minimum of one thousand five hundred hours in an expanded specialty role within five years immediately preceding application.

(4) Submit evidence of certification by a certification program approved by the board.

(5) ((Submit a nonrefundable fee as specified in WAC 246-839-990:)) Persons not meeting the educational requirements in subsection (2) of this section may be licensed if:

(a) Certified prior to December 31, 1994, by a national certifying organization recognized by the board at the time certification was granted; and

(b) Recognized as an advanced registered nurse practitioner by another jurisdiction prior to December 31, 1994; and

(c) Completed an advanced registered nurse practitioner program equivalent to one academic year.

(6) Persons not meeting the requirements in subsection (3) of this section may be licensed following successful completion of five hundred hours of clinical practice supervised by an advanced registered nurse practitioner or a physician (licensed under chapter 18.71 or 18.57 RCW) in the same specialty area. Following completion of the supervised practice, the supervisor shall submit an evaluation to the board and verify that the applicant's knowledge and skills are at a safe and appropriate level.

NEW SECTION

**WAC 246-839-345 ARNP designation in more than one area of specialty.** (1) An applicant who wishes to be recognized in more than one ARNP area of specialization and title shall be required to submit separate application and nonrefundable fee for each area.

(2) All requirements in WAC 246-839-300 through 246-839-370 must be met for each area of specialization.

NEW SECTION

**WAC 246-839-365 Return to active ARNP status from inactive or lapsed status.** Persons on inactive or lapsed status who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall apply for reinstatement of ARNP licensure. This requires:

(1) Current RN license in the state of Washington.

(2) Evidence of current certification by his/her certifying body.

(3) Documentation of thirty contact hours of continuing education in the area of specialty during the last two years.

(4) Two hundred fifty hours of precepted/supervised advanced clinical practice supervised by an ARNP or physician in the same specialty within the last year.

During the time of the preceptorship, the nurse will be practicing under RN license and will not use the designation ARNP.

ARNP licensure must be reinstated before reapplying for prescriptive authority. At that time the CE requirement will be the same as if applying for prescriptive authority for the first time, as in WAC 246-839-410.

**WSR 94-20-079**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed October 4, 1994, 8:20 a.m.]

Original Notice.

Title of Rule: Chapter 246-50 WAC, Coordinated quality improvement program, WAC 246-50-001 Purpose and scope, 246-50-010 Definitions, 246-50-020 Coordinated quality improvement program components, 246-50-030 Approval process—Public disclosure, 246-50-040 Alternative programs, and 246-50-990 Fees.

Purpose: WAC 246-50-001, describes the purpose and scope of the rules and identifies that the coordinated quality improvement program is voluntary; WAC 246-50-010, defines terms used throughout the rules; WAC 246-50-020, describes the minimum components that a coordinated quality improvement program plan must include for department approval; WAC 246-50-030, outlines the application requirements and process. It also includes information on public disclosure and procedures the department will follow; WAC 246-50-040, describes requirements for seeking approval of alternative programs; and WAC 246-50-990, establishes application fees.

Statutory Authority for Adoption: RCW 43.70.510.

Statute Being Implemented: RCW 43.70.510.

Summary: This rule establishes the criteria and approval process for health care entities who choose to apply for a

PROPOSED

Department of Health approved coordinated quality improvement program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Rathbun, Administrator, Olympia, Washington, (206) 664-3223.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules establish the criteria and approval process for health care entities who choose to apply for a Department of Health approved coordinated quality improvement program. Programs approved by the department are provided discovery limitations pursuant to RCW 43.70.510 (3) and (4). The purpose of a coordinated quality improvement program is to improve the quality of health care and identify and prevent health care malpractice.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This is a voluntary program. Entities who choose to develop a quality improvement program, whether seeking department approval, may benefit financially over the years.

Hearing Location: At the Spokane Public Library, 906 West Main Avenue, Spokane, WA 99201-0976, on November 8, 1994, at 1 p.m.; and at the Tacoma Public Library, 1102 Tacoma Avenue South, Tacoma, WA 98402, on November 9, 1994, at 1 p.m.

Assistance for Persons with Disabilities: Contact by November 3, 1994, TDD (206) 664-0064, or 1-800-525-0127 ext. 664-3223.

Submit Written Comments to: Patti Rathbun, Administrator, 1300 S.E. Quince Street, Olympia, WA 98504-7860, by November 8, 1994.

Date of Intended Adoption: November 9, 1994.

October 3, 1994  
Bruce Miyahara  
Secretary

### Chapter 246-50 WAC COORDINATED QUALITY IMPROVEMENT PROGRAM

#### NEW SECTION

**WAC 246-50-001 Purpose and scope.** (1) This chapter establishes the criteria and approval process for health care entities who choose to apply for a department of health approved coordinated quality improvement program pursuant to RCW 43.70.510. Coordinated quality improvement programs approved by the department are provided discovery limitations pursuant to RCW 43.70.510 (3) and (4).

(2) This chapter allows health care provider groups, professional societies or organizations, certified health plans, and health care institutions and medical facilities other than hospitals, to maintain a department-approved coordinated quality improvement program for the purpose of improving the quality of health care and identifying and preventing health care malpractice.

(3) Programs submitted for department approval should be consistent with the principles for the continuous improvement of the Washington state health care system published by the health services commission.

(4) This chapter does not apply to hospital quality improvement programs required by RCW 70.41.200.

#### NEW SECTION

**WAC 246-50-010 Definitions.** The words and phrases in this chapter have the following meanings unless the context clearly indicates otherwise.

(1) "Alternative program" means a coordinated quality improvement program determined by the department to be substantially equivalent to RCW 70.41.200(1).

(2) "Certified health plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with RCW 48.43.020 through 48.43.120.

(3) "Department" means the Washington state department of health.

(4) "Governing body" means:

(a) The person, persons or board responsible for the health care entity; or

(b) In the case of a provider group where no person, persons or board is in charge of all providers; the person, persons or group identified by the provider group to be responsible for the coordinated quality improvement program.

(5) "Health care entity" means a health care institution, medical facility, provider group, professional society or organization, or certified health plan, authorized by RCW 43.70.510 to have a department-approved coordinated quality improvement program.

(6) "Health care institution" or "medical facility" includes the following:

(a) Adult residential rehabilitation centers regulated pursuant to chapter 71.12 RCW;

(b) Alcoholism treatment facilities regulated pursuant to chapters 71.12 and 70.96A RCW;

(c) Alcoholism hospitals regulated pursuant to chapters 71.12 and 70.96A RCW;

(d) Ambulance and aid services regulated pursuant to chapter 18.73 RCW;

(e) Boarding homes regulated pursuant to chapter 18.20 RCW;

(f) Childbirth centers regulated pursuant to chapter 18.46 RCW;

(g) Community mental health centers regulated pursuant to chapter 71.05 or 71.24 RCW;

(h) Eye banks regulated pursuant to RCW 68.50.630;

(i) Home health agencies regulated pursuant to chapter 70.127 RCW;

(j) Hospice care centers regulated pursuant to chapter 70.41 RCW;

(k) Hospice agencies regulated pursuant to chapter 70.127 RCW;

(l) Medical test sites regulated pursuant to chapter 70.42 RCW;

(m) Nursing homes regulated pursuant to chapter 18.51 RCW;

(n) Pharmacies regulated pursuant to chapter 18.64 RCW;

(o) Private psychiatric hospitals regulated pursuant to chapter 71.12 RCW;

(p) Residential treatment facilities for psychiatrically impaired children and youth regulated pursuant to chapter 71.12 RCW;

(q) Rural health facilities regulated pursuant to chapter 70.175 RCW;

(r) Facilities owned and operated by a political subdivision or instrumentality of the state, including, but not limited to:

- (i) Public health departments;
- (ii) Fire districts and departments;
- (iii) Soldiers' and veterans' homes;
- (iv) State mental health institutions;
- (v) Health clinics operated by educational institutions;
- (vi) Department of corrections health care facilities;
- (vii) County jail health clinics; and
- (viii) County drug and alcohol treatment facilities;

(s) Facilities required by federal law and implementing regulations, including, but not limited to:

- (i) Native American health facilities; and
- (ii) Veterans' affairs health services; and

(t) Other facilities determined by the department to be within the parameters of the definition of "health care facility" in RCW 43.72.010.

(7) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW to practice health or health related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of the employee's or agent's employment performing health care or auxiliary services.

(8) "Health care provider group" or "provider group" means an organized body of ten or more providers.

(9) "Negative health care outcome" means a patient death or impairment of bodily function other than those related to the natural course of illness, disease or proper treatment in accordance with generally accepted health care standards.

(10) "Professional society or organization" means a group of health care professionals, including, but not limited to, state or local health care professional associations.

(11) "Program" means coordinated quality improvement program pursuant to RCW 43.70.510.

#### NEW SECTION

**WAC 246-50-020 Coordinated quality improvement program—Components.** A program under the provisions of RCW 43.70.510 shall include, at a minimum:

(1) The following components:

(a) A governing body;

(b) A committee, appointed by the governing body, with a broad representation of the services offered, responsible for:

(i) Reviewing services rendered, both retrospectively and prospectively, to improve the quality of health care by

measuring key characteristics such as effectiveness, accuracy, timeliness, and cost;

(ii) Reviewing categories and methodologies of services rendered and to be rendered with the goal of avoiding and reducing the severity of negative health care outcomes;

(iii) Overseeing and coordinating the program;

(iv) Ensuring information gathered for the program is reviewed and used to revise health care policies and procedures; and

(v) Reporting to the governing body, at least semiannually, on program activities and actions taken as a result of those activities;

(c) Periodic evaluation of each provider under the purview of the program, including mental and physical capacity, competence in delivering health care, and verification of current credentials;

(d) A procedure for promptly resolving all complaints pertaining to accidents, injuries, treatment and other events that may result in claims of health care malpractice;

(e) A method for continually collecting and maintaining information concerning:

(i) Experience with negative health care outcomes and injurious incidents; and

(ii) Professional liability premiums, settlements, awards, costs for injury prevention and safety improvement activities;

(f) A method for maintaining information gathered under the purview of the program concerning a provider in that provider's personnel or credential file, assuring patient confidentiality;

(g) A process for reporting accidents, injuries, negative health outcomes, and other pertinent information to the quality improvement committee;

(h) A process assuring compliance with reporting requirements to appropriate local, state and federal authorities;

(i) A method for identifying documents and records created specifically for and collected and maintained by the quality improvement committee;

(j) Educational activities for personnel engaged in health care activities, including, but not limited to:

(i) Quality improvement;

(ii) Safety and injury prevention;

(iii) Responsibilities for reporting professional misconduct;

(iv) Legal aspects of providing health care;

(v) Improving communication with health care recipients; and

(vi) Causes of malpractice claims; or

(2) Components determined by the department to be substantially equivalent to subsection (1) of this section.

#### NEW SECTION

**WAC 246-50-030 Approval process—Public disclosure.** (1) A health care entity seeking department approval of a program shall submit to the department:

(a) An application on forms provided by the department;

(b) The program plan, printed on 8 1/2 by 11 inch paper, including:

(i) A table of contents clearly denoting, at a minimum, where each component specified in WAC 246-50-020 is located within the program plan; and

PROPOSED

- (ii) A detailed description of every aspect of the program;
- (c) The fee specified in WAC 246-50-990; and
- (d) Other information as may be required by the department.

(2) To maintain department approval, a health care entity modifying the scope, components or operation of an approved program, shall submit to the department:

(a) An application package specified in subsection (1) of this section; and

(b) A detailed description of the modification and how it affects the program.

(3) The department shall review each application package submitted pursuant to this section, and:

(a) Send written notification of approval to a health care entity submitting a program with the components specified in WAC 246-50-020; or

(b) Provide the health care entity an opportunity for a brief adjudicative proceeding according to RCW 34.05.482 when the department declines to approve a program.

(4) The department shall retain a copy of the program plan. Material received by the department will be subject to the public disclosure law, chapter 42.17 RCW. Health care entities submitting material that they believe is exempt from public disclosure should conspicuously mark the position or portions and state the basis for exemption. The department will give notice of any request for public disclosure of material that has been marked at least five days in advance of releasing the information. This will allow the submitting party to invoke the provisions of RCW 42.17.330.

**NEW SECTION**

**WAC 246-50-040 Alternative programs.** A health care entity seeking department approval of an alternative program shall submit to the department, in addition to the items specified in WAC 246-50-030(1), verification of certification or accreditation by an organization approved by the department.

**NEW SECTION**

**WAC 246-50-990 Fees.** A health care entity shall submit a fee with each application for department approval as follows:

(1) A coordinated quality improvement program pursuant to WAC 246-50-030(1) — two hundred fifty dollars;

(2) An alternative program pursuant to WAC 246-50-040 — forty dollars; and

(3) Modification of a department-approved program pursuant to WAC 246-50-030(2) — sixty-five dollars.

**WSR 94-20-091  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed October 4, 1994, 11:23 a.m.]

Original Notice.

Title of Rule: WAC 388-215-1610 Assistance units—Optional members.

Purpose: Children who receive foster care are now considered "independent children" to qualify needy, nonparental relatives for AFDC although the income, resources, or needs of these children is not taken into account. Clarifies that children receiving SSI may also qualify a needy, nonparental relative for AFDC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Change in federal policy (Action Transmittal #ACF-AT-94-5) regarding AFDC eligibility for relatives caring for children who receive foster care maintenance payments.

Reasons Supporting Proposal: The federal administrative policy considers children who receive foster care as "independent children" in order to qualify needy, nonparental relatives for AFDC although the income, resources, or needs of these children are not taken into account.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Everett, Division of Income Assistance, 438-8312.

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses; it affects only recipients of aid to families with dependent children (AFDC).

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on November 8, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by September [October] 27, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by November 1, 1994.

Date of Intended Adoption: November 9, 1994.

October 4, 1994  
Dewey Brock, Chief  
Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-215-1610 Assistance units—Optional members.** Except as specified under WAC 388-215-1620, the department may include in the assistance unit at the option of the family:

(1) One needy (~~relative~~) nonparental caretaker relative of specified degree as defined under WAC 388-215-1080 whose eligibility depends solely on caring for the eligible child(ren), if a parent does not reside in the family home(±). For the purpose of determining the eligibility of

the nonparental caretaker relative under this section, the department shall:

(a) Consider a child who receives SSI or federal, state or local foster care benefits as an eligible child when no other AFDC eligible child lives in the home; and

(b) Not include the income, resources or needs of the child who receives SSI or federal, state or local foster care when determining the need and the amount of the assistance payment of the assistance unit.

(2) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in WAC 388-215-1600;

(3) ~~((At the option of the family, the department shall exclude))~~ The sibling(s) of an SSI child.

**WSR 94-20-092**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (By the Code Reviser's Office)  
 [Filed October 4, 1994, 11:25 a.m.]

WAC 246-920-115, proposed by the Department of Health in WSR 94-07-011, appearing in issue 94-07 of the State Register, which was distributed on April 6, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 94-20-093**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 (By the Code Reviser's Office)  
 [Filed October 4, 1994, 11:26 a.m.]

WAC 458-20-261, proposed by the Department of Revenue in WSR 94-07-027, appearing in issue 94-07 of the State Register, which was distributed on April 6, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 94-20-094**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 (By the Code Reviser's Office)  
 [Filed October 4, 1994, 11:27 a.m.]

WAC 388-81-175, 388-81-200 and 388-501-0195, proposed by the Department of Social and Health Services in WSR 94-07-114, appearing in issue 94-07 of the State Register, which was distributed on April 6, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the

proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 94-20-095**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (By the Code Reviser's Office)  
 [Filed October 4, 1994, 11:28 a.m.]

WAC 296-21-270, 296-21-280, 296-21-290, 296-23-220, 296-23-225, 296-23-230, 296-23-235 and 296-23A-400, proposed by the Department of Labor and Industries in WSR 94-07-126, appearing in issue 94-07 of the State Register, which was distributed on April 6, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 94-20-098**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
 [Filed October 4, 1994, 3:00 p.m.]

Original Notice.

Title of Rule: Use of tire chains or other traction devices for commercial motor vehicles.

Purpose: Simplify chaining requirements for commercial motor vehicles traveling over mountain passes in inclement weather. Lessen requirements for certain commercial vehicles.

Statutory Authority for Adoption: RCW 46.37.005.

Statute Being Implemented: RCW 46.37.420.

Summary: Adds specific reference to automobile transporters; clarifies requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. Lonnie Brackins, 515 15th Avenue, Olympia, WA, (206) 753-2754.

Name of Proponent: [Washington State Patrol], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adds specific reference to chaining requirements for automobile transporters. Clarifies chaining requirements for commercial motor vehicles. Lessens requirements for traction devices on certain commercial motor vehicles.

Proposal Changes the Following Existing Rules: Clarifies requirements for certain vehicle combinations. Adds specific reference to chaining requirements for automobile transporters.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Lt. Lonnie Brackins, Safety and Technical Section, P.O. Box 42614,

PROPOSED

Olympia, WA 98504-2614, phone (206) 753-2754, or FAX (206) 586-8233.

Hearing Location: Washington State Patrol Fleet Section, Conference Room, 4242 Martin Way, Olympia, WA 98504, on November 8, 1994, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Bart by November 1, 1994, (206) 753-4453.

Submit Written Comments to: Lt. Lonnie Brackins, FAX (206) 573-2754, by November 4, 1994.

Date of Intended Adoption: November 15, 1994.

October 4, 1994

R. W. Bruett

Chief

**AMENDATORY SECTION** (Amending WSR 94-08-069, filed 4/4/94, effective 5/5/94)

**WAC 204-24-050 Use of tire chains or other traction devices.** (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) ~~((Single vehicles,))~~ Vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, ~~((all tires on))~~ one tire on each side of one of the drive axles shall be chained.

(b) ~~((Two vehicle combinations))~~ Automobile transporters. Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axles shall be chained. For vehicles with dual drive axles,

one tire on each side of the drive axles shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles, including but not limited to truck and trailer, or truck tractor and semi-trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. ~~((In addition, one tire on each side of the additional drive axle shall be chained.))~~ For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

~~((c) Three-))~~ (d) Vehicle combinations with six or more axles, including but not limited to truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles where traffic control signs marked "chains required" are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(d) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

(e) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

(f) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the junction of SR-14 (MP 4) Columbia River and Toppenish (MP 59).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

### WSR 94-20-101

#### PROPOSED RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Filed October 4, 1994, 3:50 p.m.]

#### Original Notice.

Title of Rule: Amending WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-90-096, 480-90-166, 480-90-171, and 480-90-181 relating to the glossary, deposits, discontinuance of service, payment arrangements and responsibilities, complaints and disputes, statement of test procedures, frequency of periodic meter tests, and filing of records, reports and the preservation of records. Adding new section WAC 480-90-211 relating to business offices and payment agencies.

Purpose: To amend WAC 480-90-021 Glossary, to add the term "similar class of service - business or residential" to define usage in the rules and to modify the definition for the term "testing" to eliminate the phrase "free of water vapor." This proposed revision pertains only to the definition of a test gas and not to any consumer used gas; to amend WAC 480-90-051 Deposits, to change the title to Establishment of credit. To modify the criteria for establishing credit to better describe employment, income, and premises ownership situations which are generally accepted as tending to indicate stability and reliability. To change from two to three the number of delinquency notices that trigger a deposit requirement, to be consistent with deposit refund rules. To clarify and make minor modifications regarding the administration of customer deposits, including transfer of, interest on, and refund of deposits, to make the rules more effective and hopefully reduce the number of complaints requiring supervisory and commission intervention; to amend WAC 480-90-071 Discontinuance of service, to provide additional guidance, criteria, and procedures to be used for a company to discontinue service when its customer pays a past due amount with checks that are dishonored by a bank or other financial institution. Current rules do not specify notice requirement, so the companies' procedures vary. Proposes language to require that companies allow at least [least] six days between personally-delivered notice and disconnect for nonpayment of a deposit when the account is "current." Proposes language to require companies to renotice prior to disconnect if the company's notice is incorrect. Additional language should provide necessary consumer protection while addressing the companies' need to minimize abuse of this rule. This proposal would also reduce the amount of

time a company must maintain a "log or record" of the attempts to reach a customer by telephone prior to discontinuance of service. Proposes changes to the medical emergency provision of the rule, including: Defines qualified medical professional; provides guidance on the contents of the written certification; refines the length of time the medical certificate is valid; and emphasizes the need to pay delinquent and current bill and allows company to obtain customer's agreement on a payment arrangement over one hundred and twenty days; to amend WAC 480-90-072 Payment arrangements and responsibilities, to clarify the eligibility criteria for budget or equal payment programs. Proposes that two months' balance on the current account is a reasonable criteria to establish budget billing; to amend WAC 480-90-096 Complaints and disputes, proposing an administrative change updating references from WAC 480-08-040 and 480-08-050 to WAC 480-09-150 and 480-09-420 respectively; to amend WAC 480-90-166 Statement of test procedures, proposing new language requiring a company to file a statement of its meter testing procedures in its tariff. Filing the statement as part of the tariff should increase the availability of the information to commission staff and consumers; to amend WAC 480-90-171 Frequency of periodic meter tests, to clarify the language regarding the "basic periodic test interval." Proposed language allows for a meter sampling program to be implemented by the utility in lieu of the basic periodic test interval, contingent upon approval by the commission; to amend WAC 480-90-181 Filing of records and reports and the preservation of records, proposing language which allows for the disposal of billing stubs after four months. Current rule requires retention for three year[s]; and to add new section WAC 480-90-211 Business offices and payment agencies, proposing that companies give consideration to closure of business offices and payment agencies when streamlining operations. Companies need to continue to offer convenient locations to make urgent and cash payments.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: The amendments would clarify and improve the effectiveness of customer service rules.

Reasons Supporting Proposal: See Purpose and Summary above.

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

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

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

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

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Steve McLellan, Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone (206) 586-5614, or FAX (206) 586-1150.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park



Drive S.W., Olympia, WA 98504, on November 23, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by November 1, 1994, TTY (206) 586-8203, or (206) 753-6447.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by November 9, 1994.

Date of Intended Adoption: November 23, 1994.

October 4, 1994  
Terrence Stapleton  
for Steve McLellan  
Secretary

**AMENDATORY SECTION** (Amending Order R-279, Cause No. U-87-590-R, filed 11/12/87)

**WAC 480-90-021 Glossary.** (1) Commission - the Washington utilities and transportation commission.

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

(3) Customer - any person, partnership, firm, corporation, municipality, co-operative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Gas - any fuel gas, whether manufactured, natural, liquid petroleum or any mixture of these.

(a) Natural gas - a mixture of gaseous hydrocarbons and nonhydrocarbons, chiefly methane, occurring naturally in the earth which is delivered from the producing equipment to the customers through transmission and/or distribution systems.

(b) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

(c) Manufactured gas - any gas produced artificially by any process in which the gas is delivered from the generating or producing equipment into the transmission or distribution system.

(5) Cubic foot of gas - a volumetric unit of measure used in sales and testing.

(a) Sales - for the purpose of measuring gas for billing a cubic foot is normally that amount which occupies a volume of one cubic foot under the conditions existing in the customer's meter and as indicated thereon. However pressure and/or temperature recording or compensating devices may be employed to reflect other temperature or pressure base conditions for computing the volume sold. When temperature and/or pressure compensation factors are to be used to compute the volume of gas sold they will be used as set forth in the utility's tariff.

(b) Testing - for the purpose of testing, a cubic foot of gas shall be that amount which occupies a volume of one cubic foot at a temperature of sixty degrees fahrenheit and pressure of 14.73 pounds per square inch absolute (~~and free of water vapor, occupies a volume of one cubic foot~~).

(6) British thermal unit (Btu) - the quantity of heat required to raise the temperature of one pound of water at 60° fahrenheit and standard pressure, one degree fahrenheit.

(7) Therm - a unit of heat equal to 100,000 Btu's.

(8) Meter test - a test of the volumetric accuracy of a meter.

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as the result of a customer request.

(c) Proof test - a test made prior to each setting of a meter. New meters which are, upon receipt by the utility, acceptance tested to an acceptable sampling plan need not be 100% proof tested prior to the initial installation.

(d) Special test - any test other than a periodic, complaint or proof test.

(9) Energy assistance grantee - a grantee of the department of community development which administers federally funded energy assistance programs.

(10) Household income - the total of all household members as determined by a grantee of the department of community development.

(11) Payment arrangement - payment schedule by written or oral agreement between the customer and the utility.

(12) Payment plan - payment schedule by written agreement between the customer and the utility under WAC 480-90-072(3).

(13) Winter period - November 15 through March 15.

(14) Similar class of service - Business or residential. For the purpose of these rules, there are two classes of service. These two classes of service are business and residential. Business class of service includes all service classes other than residential.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or the applicable statutes are to be given that meaning generally accepted in the gas industry.

**AMENDATORY SECTION** (Amending Order R-279, Cause No. U-87-590-R, filed 11/12/87)

**WAC 480-90-051 ((Deposits)) Establishment of credit.** (1) Establishment of credit - residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors(+). However, a deposit still may be requested under the criteria outlined in subsection (3) of this section.

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) ~~((Full-time))~~ Consecutive employment during the entire 12 months next previous to the application for service,

with no more than two employers, and the applicant is currently employed or has a ~~((regular))~~ stable source of income.

(d) ~~((Ownership of a significant legal interest in))~~ Applicant owns or is purchasing the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit - nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required under the following circumstances:

(i) ~~When, within the last 12 months ((prior to the application, the))~~ an applicant's ((service of a)) or customer's similar ((type)) class of service has been disconnected for failure to pay amounts owing ~~((, when due, where))~~ to any electric or gas utility;

(ii) There is an unpaid, overdue balance owing to any electric or gas utility for similar class of service ~~((from the utility to which application is being made or from any other gas or electric company, or where two));~~

(iii) Three or more delinquency notices have been served upon the applicant or customer by any ((other)) gas or electric company during the most recent 12 months ~~((previous to the application for service));~~ provided, that during the winter period no deposit may be required of a customer who in accordance with WAC 480-90-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing to the company seeking the deposit.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers ~~((his))~~ service to a new location within the same utility's service area, the deposit, plus accrued interest, less any outstanding balance from the current account, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits

~~((would))~~ shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the ~~((time))~~ date of the deposit payment or payments are made to the ~~((time))~~ date of refund or total application of the deposit to the current account and shall be compounded or paid annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal monthly amounts ~~((on the utility's ordinary billing cycle during the first))~~ over the following two months ~~((of service))~~ with dates corresponding to the initial payment date, unless the company and the customer have agreed upon other mutually acceptable arrangements. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months following initial payment of the deposit paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, ~~((shall))~~ may be ~~((refunded to the customer either))~~ applied to the customer's account for which the deposit was collected to secure. Upon the customer's request, a refund in the form of a check shall be issued and mailed to the customer ~~((no longer than))~~ within 15 days following completion of 12 months ~~((±))~~ of satisfactory payment as described ~~((above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified))~~ in (a) of this subsection. Prior to issuance of the refund, the customer may request that such check be made available at a local business office rather than sent by mail.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

(12) Any new or additional deposit required, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or delivered in person to the customer.

**AMENDATORY SECTION** (Amending Order R-305, Docket No. U-89-2707-R, filed 8/9/89, effective 9/9/89)

**WAC 480-90-071 Discontinuance of service.** By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility -

(1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of gas for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of gas without approval of the utility.

(d) For willful waste of gas through improper or imperfect pipes, fixtures, or otherwise.

(e) For failure of the customer to eliminate any hazardous condition found to exist in his facilities (i.e., piping, venting, appliances, etc.).

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility, unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-90-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For payment of a delinquent balance with a check that is dishonored by a bank or other financial institution. If the customer pays with a dishonored check after the company has issued appropriate notice, pursuant to subsection (2) of this section, no further notice is required.

(j) For refusal to comply with provisions of WAC 480-90-091, access to premises.

~~((+))~~ (k) For violation of rules, service agreements, or filed tariff(s).

~~((+))~~ (l) For use of equipment which adversely affects the utility's service to its other customers.

~~((+))~~ (m) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided, however,* That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may

refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility. For purposes of these rules, a nonsufficient fund check does not in and of itself constitute fraud.

~~((+))~~ (n) For failure to keep any agreed upon payment plan.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period, the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-90-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If such delivered notice is for nonpayment of a deposit, disconnection shall not be permitted prior to 5:00 p.m. of the sixth business day after written notice of the deposit requirement is mailed or delivered in person to the customer.

(ii) If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(iii) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation such as providing notice of means by which the subscriber can make contact with the utility to resolve any differences or avail themselves of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes). All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person ~~((+))~~ by telephone or by additional mailed notice to advise the customer of the pending disconnection and the reasons therefor.

(A) Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be main-

tained a minimum of 90 days by the utility showing the telephone number called (~~and~~), the time of call, and details of the results of each attempt. When the company has been unable to reach the customer by telephone, a written notice shall be mailed a minimum of three business days prior to the intended date of disconnection.

(B) Where additional written notice is elected, disconnection shall not be permitted prior to 5:00 p.m. of the third business day following mailing of such notice. The day of mailing will not be considered the first day of the three-day notice period. ((Telephone or personal contact))

(C) Additional mailed notice, telephone attempts, or delivered notice shall not be a substitute for written notice of disconnection ((as)) specified ((above)) in (a) of this subsection.

(ii) Where the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address except as provided in ~~((subsection (2))~~(e) of this ~~((section))~~ subsection regarding master meters. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then service by mail must also be effected to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

~~((iv)) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-90-096 (complaints and disputes) herein:))~~

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has cause to disconnect or has disconnected utility service, the utility shall postpone termination of ((utility)) service or will reinstate service to a residential customer ((for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of gas service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered)) after receiving notification of the existence of a medical emergency, for a grace period of five business days. ((Where)) When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) ((This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the)) Following the initial notification by the customer of the existence of a medical emergency, the company may require the customer to submit written certification of the medical emergency from a qualified medical professional within five business days. Qualified medical professional means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification it may, at its option, require that the certification include some or all of the following information:

(A) A statement that termination of service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered;

(B) The name of the resident whose health will be affected by the disconnection of service, and the relationship to the customer;

(C) A description of the health condition(s);

(D) An explanation of how the physical health of the person will be endangered by the disconnection of service;

(E) A statement of how long the condition is expected to last;

(F) A list of the equipment for which electrical service is needed, if applicable; and

(G) The name, title, and signature of the person certifying the medical emergency. ((If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency.))

(iii) If ((this)) the five-day grace period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five-day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the prescribed time limit set herein, the utility may discontinue service following an additional ((twenty-four hour notice to the premises-

(iii))) notification prior to disconnect as delineated in (b)(i) of this subsection.

(iv) The written medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than 30 days without renewal.

(v) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. During the five business day period, in conjunction with the provision of a medical certificate, the company may require the subscriber to pay 10 percent of the delinquent balance and enter into an agreement to pay the entire remaining delinquent balance within 120 days and pay subsequent bills when due. Nothing in this section precludes the company from entering into an alternate payment plan, but the company may not require the subscriber to pay more than that which is prescribed in this subsection. The company shall send a notice confirming the payment arrangements within two business days.

(vi) If the subscriber fails to abide by the terms of the payment agreement, service may be disconnected following notification of the customer in person, or by additional mailed notice as provided for in (b) of this subsection. If telephone contact is elected, the company must make contact with the customer.

(vii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, it shall consider an appropriate social agency to be third party. In either case, it shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate for and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-279, Cause No. U-87-590-R), filed 11/12/87)

**WAC 480-90-072 Payment arrangements and responsibilities.** (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which ((plan)) shall be set out in the utility's tariff. The budget billing or equal payment shall be offered ((to low income customers eligible under the state's plan for low income energy assistance)) without regard to time of year, home ownership, or duration of occupancy, unless the customer was removed from the budget program for nonpayment within the past six months or has more than a two-month balance on their current account. The utility may offer budget billing to any customer when it believes this would be in the best interest of all parties concerned. ((The plan for low income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.))

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the customer shall not be in default unless payment during this period is less than the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are

disconnected in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

AMENDATORY SECTION (Amending Order R-83, filed 6/30/76)

**WAC 480-90-096 Complaints and disputes.** Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC ((480-08-040)) 480-09-150 and/or a formal complaint pursuant to the provisions of WAC ((480-08-050)) 480-09-420.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

AMENDATORY SECTION (Amending Order R-27, filed 7/15/71)

**WAC 480-90-166 Statement of test procedures.** Each utility shall submit to the commission a ((~~typewritten~~)) statement ((~~properly identified and dated~~)) in its tariff describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests or observations for determining quality and pressure of gas service furnished.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment. The description of any such program shall include, but is not limited to:

(a) Test group detail and selection procedures.

(b) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(c) The corrective action and time period that will be implemented.

(d) Reference to an industry standard such as ANSI C12.1 or ANSI/ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation and periodic tests after installation.

Revisions in any portion of this ((~~statement~~)) procedure, after submission and acceptance of same, will necessitate the submission of ((~~an entire new statement, properly identified~~))

and dated cancelling the one on file. Any such change must receive the consent of the commission in writing before becoming effective)) a tariff revision.

**AMENDATORY SECTION** (Amending Order R-27, filed 7/15/71)

**WAC 480-90-171 Frequency of periodic meter tests.**

The basic periodic test interval for gas meters, other than orifice meters, shall be as follows:

- (1) Up to 3,000 cubic feet per hour - 10 years
- (2) 3,000 cubic feet per hour and over - 5 years

Orifice meter differential gauges shall be tested at least once each three months; the orifice plate shall be checked at least once each year.

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval, as provided for under WAC 480-90-166.

**AMENDATORY SECTION** (Amending Order R-64, filed 2/13/74)

**WAC 480-90-181 Filing of records and reports and the preservation of records.**

(1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the commission, for such time as is specifically provided in ~~((paragraph))~~ subsection (2) of this section, ((~~¶~~)) and where no time is specified, for a period of three years.

(2) ~~((The "regulations to govern the preservation of records of electric, gas and water utilities"))~~ Billing stubs may be retained for a minimum of four months when the information on the billing stubs is maintained in other retrievable files.

(3) The Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the requirement for the preservation of records of gas companies in the state of Washington.

~~((3))~~ (4) No records shall be destroyed prior to the expiration of such time or period specified in ~~((paragraphs (1) and (2) of this section;))~~ subsections (1), (2), and (3) of this section except by prior written permission of the commission.

**NEW SECTION**

**WAC 480-90-211 Business offices and payment agencies.** Companies shall provide applicants, and customers reasonable access to company representatives for conducting business. Companies shall also make available to applicants and customers a location to make cash and urgent payments. An urgent payment is a payment which the company requires upon threat of disconnection of service.

(1) Business offices - Each company shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and customer service centers shall be staffed with personnel to provide information relating to services, and rates, to accept and process applications for service, to explain charges on customer bills, to adjust charges made in error, and generally

to act as representatives of the company. If one business office or service center serves several areas, toll-free calling from those areas to the office shall be provided.

(2) Payment agencies - Where business offices are not available, each gas company shall establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule shall clearly post and maintain regular business hours.

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

- (a) The communities affected by the closing;
- (b) The date of the closing;
- (c) A listing of other methods and facility locations available for payment of cash or urgent payments;
- (d) A listing of other methods and locations for obtaining business office and customer service center services.

**WSR 94-20-102  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 4, 1994, 3:53 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-100-021, 480-100-051, 480-100-071, 480-100-072, 480-100-096, 480-100-141, 480-100-176, and 480-100-211 relating to the glossary, deposits, discontinuance of service, payment arrangements and responsibilities, complaints and disputes, accuracy of wathour meters, statement of test procedures, and filing of records, reports and the preservation of records. Adding new section WAC 480-100-311 relating to business offices and payment agencies.

Purpose: To amend WAC 480-100-021 Glossary, to add the term "similar class of service - business or residential" to define usage in the rules; to amend WAC 480-100-051 Deposits, to change the title to Establishment of credit. To modify the criteria for establishing credit to better describe employment, income, and premises ownership situations which are generally accepted as tending to indicate stability and reliability. To change from two to three the number of delinquency notices that trigger a deposit requirement, to be consistent with deposit refund rules. To clarify and make minor modifications regarding the administration of customer deposits, including transfer of, interest on, and refund of deposits, to make the rules more effective and hopefully reduce the number of complaints requiring supervisory and commission intervention; to amend WAC 480-100-071 Discontinuance of service, to provide additional guidance, criteria, and procedures to be used for a company to discontinue service when its customer pays a past due amount with checks that are dishonored by a bank or other financial institution. Current rules do not specify notice requirement, so the companies' procedures vary. Proposes language to require that companies allow at least [least] six days between personally-delivered notice and disconnect for nonpayment of a deposit when the account is "current."

PROPOSED



Proposes language to require companies to renote prior to disconnect if the company's notice is incorrect. Additional language should provide necessary consumer protection while addressing the companies' need to minimize abuse of this rule. This proposal would also reduce the amount of time a company must maintain a "log or record" of the attempts to reach a customer by telephone prior to discontinuance of service. Proposes changes to the medical emergency provision of the rule, including: Defines qualified medical professional; provides guidance on the contents of the written certification; refines the length of time the medical certificate is valid; and emphasizes the need to pay delinquent and current bill and allows company to obtain customer's agreement on a payment arrangement over one hundred and twenty days; to amend WAC 480-100-072 Payment arrangements and responsibilities, to clarify the eligibility criteria for budget or equal payment programs. Proposes that two months' balance on the current account is a reasonable criteria to establish budget billing; to amend WAC 480-100-096 Complaints and disputes, proposing an administrative change updating references from WAC 480-08-040 and 480-08-050 to WAC 480-09-150 and 480-09-420 respectively; to amend WAC 480-100-141 Accuracy of wathour meters, to include a proposal that changes the term "rotating" standard to reflect current terminology of "wathour" standard; to amend WAC 480-100-176 Statement of test procedures, proposing new language requiring a company to file a statement of its meter testing procedures in its tariff. Filing the statement as part of the tariff should increase the availability of the information to commission staff and consumers; to amend WAC 480-100-211 Filing of records and reports and the preservation of records, proposing language which allows for the disposal of billing stubs after four months. Current rule requires retention for three year[s]; and to add new section WAC 480-100-311 Business offices and payment agencies, proposing that companies give consideration to closure of business offices and payment agencies when streamlining operations. Companies need to continue to offer convenient locations to make urgent and cash payments.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: The amendments would clarify and improve the effectiveness of customer service rules.

Reasons Supporting Proposal: See Purpose and Summary above.

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

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

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

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

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Steve McLellan, Secretary, Washington Utilities and Transportation Commis-

sion, P.O. Box 47250, Olympia, WA 98504-7250, phone (206) 586-5614, or FAX (206) 586-1150.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on November 23, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by November 1, 1994, TTY (206) 586-8203, or (206) 753-6447.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by November 9, 1994.

Date of Intended Adoption: November 23, 1994.

October 4, 1994

Terrence Stapleton  
for Steve McLellan  
Secretary

AMENDATORY SECTION (Amending Order R-279, Cause No. U-87-590-R, filed 11/12/87)

**WAC 480-100-021 Glossary.** (1) Commission - the Washington utilities and transportation commission.

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

(3) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Energy assistance grantee - a grantee of the department of community development which administers federally funded energy assistance programs.

(5) Household income - the total income of all household members as determined by a grantee of the department of community development.

(6) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as a result of a request by a customer.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(7) Payment arrangement - payment schedule by written or oral agreement between the customer and the utility.

(8) Payment plan - payment schedule by written agreement between the customer and the utility under WAC 480-100-072(3).

(9) Winter period - November 15 through March 15.

(10) Similar class of service - Business or residential. For the purpose of these rules, there are two classes of service. These two classes of service are business and



residential. Business class of service includes all service classes other than residential.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the electrical industry.

**AMENDATORY SECTION** (Amending Order R-279, Cause No. U-87-590-R, filed 11/12/87)

**WAC 480-100-051** (~~(Deposits)~~) **Establishment of credit.** (1) Establishment of credit ~~residential~~. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors(~~±~~). However, a deposit still may be requested under the criteria outlined in subsection (3) of this section.

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) (~~Full-time~~) Consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a (~~regular~~) stable source of income.

(d) (~~Ownership of a significant legal interest in~~) Applicant owns or is purchasing the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit - nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required under the following circumstances:

(i) When, within the 12 months (~~prior to the application, the~~) an applicant's (~~service of a~~) or customer's similar (~~type~~) class of service has been disconnected for failure to pay amounts owing(~~, when due, where~~) to any electric or gas utility;

(ii) There is an unpaid, overdue balance owing to any electric or gas utility for similar class of service (~~from the~~

~~utility to which application is being made or from any other electric or gas company); (~~or where two~~)~~

(ii) Three or more delinquency notices have been served upon the applicant or customer by any (~~other~~) electric or gas company during the most recent 12 months (~~previous to the application for service~~); provided, that during the winter period no deposit may be required of a customer who, in accordance with WAC 480-100-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing to the company seeking the deposit.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers (~~his~~) service to a new location within the same utility's service area, the deposit, plus accrued interest less any outstanding balance from the current account, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits (~~would~~) shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the (~~time~~) date of the deposit payment or payments are made to the (~~time~~) date of refund or total application of the deposit to the current account and shall be compounded or paid annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal monthly amounts (~~on the utility's ordinary billing cycle during the first~~) over the following two months (~~of service~~) with dates corresponding to the initial payment date, unless the company and the customer have agreed upon other mutually acceptable arrangements. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months following initial payment of the deposit paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, ~~((shall)) may be ((refunded to the customer either)) applied to the customer's account for which the deposit was collected to secure. Upon the customer's request, a refund in the form of a check shall be issued and mailed to the customer ((no longer than)) within 15 days following completion of 12 months(??) of satisfactory payment as described ((above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified)) in (a) of this subsection. Prior to issuance of the refund, the customer may request that such check be made available at a local business office rather than sent by mail.~~

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

(12) Any new or additional deposit required, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or delivered in person to the customer.

AMENDATORY SECTION (Amending Order R-284, Cause No. U-87-1525-R, filed 3/18/88)

**WAC 480-100-071 Discontinuance of service.** By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility -

(1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-100-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For payment of a delinquent balance with a check that is dishonored by a bank or other financial institution. If the customer pays with a dishonored check after the company has issued appropriate notice, pursuant to subsection (2) of this section, no further notice is required.

(j) For refusal to comply with provisions of WAC 480-100-091, access to premises.

~~((f))~~ (k) For violation of rules, service agreements, or filed tariff(s).

~~((k))~~ (l) For use of equipment which adversely affects the utility's service to its other customers.

~~((l))~~ (m) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided, however,* That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

~~((m))~~ (n) For failure to keep any agreed upon payment plan. For purposes of these rules, a nonsufficient fund check does not in and of itself constitute fraud.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-100-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a

person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If such delivered notice is for nonpayment of a deposit, disconnection shall not be permitted prior to 5:00 p.m. of the sixth business day after written notice of the deposit requirement is mailed or delivered in person to the customer.

(ii) If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(iii) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation such as providing notice of means by which the subscriber can make contact with the utility to resolve any differences or avail themselves of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes). All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person ~~((or))~~, by telephone or by additional mailed notice to advise the customer of the pending disconnection and the reasons therefor.

(A) Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained a minimum of 90 days by the utility showing the telephone number called ~~((and))~~, the time of call, and details of the results of each attempt. When the company has been unable to reach the customer by telephone, a written notice shall be mailed a minimum of three business days prior to the intended date of disconnection.

(B) Where additional written notice is elected, disconnection shall not be permitted prior to 5:00 p.m. of the third business day following mailing of such notice. The day of mailing will not be considered the first day of the three-day notice period. ~~((Telephone or personal contact))~~

(C) Additional mailed notice, telephone attempts, or delivered notice shall not be a substitute for written notice of disconnection ~~((as))~~ specified ~~((above))~~ in (a) of this subsection.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

~~((iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes) herein.))~~

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his or her designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) ~~When a utility has ~~((or has had))~~ cause to disconnect or has disconnected utility service, the utility shall postpone termination of service or will reinstate service to a residential customer ~~((for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of electric service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is ren-~~~~

ferred)) after receiving notification of the existence of a medical emergency, for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) ((This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and)) Following the initial notification by the customer of the existence of a medical emergency, the company may require the customer to submit written certification of the medical emergency from a qualified medical professional within five business days. Qualified medical professional means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification it may, at its option, require that the certification include some or all of the following information:

(A) A statement that termination of service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered;

(B) The name of the resident whose health will be affected by the disconnection of service, and the relationship to the customer;

(C) A description of the health condition(s);

(D) An explanation of how the physical health of the person will be endangered by the disconnection of service;

(E) A statement of how long the condition is expected to last;

(F) A list of the equipment for which electrical service is needed, if applicable; and

(G) The name, title, and signature of the person certifying the medical emergency. ((If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency.))

(iii) If ((this)) the five day grace period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional ((twenty-four hour notice to the premises)) notification prior to disconnect as delineated in (b)(i) of this subsection.

(iv) The written medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than 30 days without renewal.

(v) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. During the five business day period, in conjunction with the provision

of a medical certificate, the company may require the subscriber to pay 10 percent of the delinquent balance and enter into an agreement to pay the entire remaining delinquent balance within 120 days and pay subsequent bills when due. Nothing in this section precludes the company from entering into an alternate payment plan, but the company may not require the subscriber to pay more than that which is prescribed in this subsection. The company shall send a notice confirming the payment arrangements within two business days.

(vi) If the subscriber fails to abide by the terms of the payment agreement, service may be disconnected following notification of the customer in person, or by additional mailed notice as provided for in (b) of this subsection. If telephone contact is elected, the company must make contact with the customer.

((iii)) (vii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-279, Cause No. U-87-590-R, filed 11/12/87)

**WAC 480-100-072 Payment arrangements and responsibilities.** (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered ((to low-income customers eligible under the state's plan for low-income energy assistance)) without regard to time of year, home ownership, or duration of occupancy, unless the customer was removed from the budget program for nonpayment within the past six months or has more than a two-month balance on their current account. The utility may offer budget billing to any customer when it believes this would be in the best interest of all parties concerned. ((The

~~plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.)~~

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billings accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the customer shall not be in default unless payment during this period is less than the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility

was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

AMENDATORY SECTION (Amending Order R-84, filed 6/30/76)

**WAC 480-100-096 Complaints and disputes.** Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC ((480-08-040)) 480-09-150 and/or a formal complaint pursuant to the provisions of WAC ((480-08-050)) 480-09-420.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints

shall be retained by the utility for a minimum period of one year.

AMENDATORY SECTION (Amending Order R-165, Cause No. 4-81-30, filed 7/22/81)

**WAC 480-100-141 Accuracy of watthour meters.** Watthour meters used for measuring electrical quantities supplied shall:

(1) Be of proper design for the circuit on which they are used, be in good mechanical condition, have adequate insulation, correct internal connections, and correct register.

(2) Not creep at "no load" more than one full revolution of the disk in five minutes when the load wires are disconnected and potential is impressed or in a shop test where the load wires are disconnected and the permissible voltage variation impressed.

(3) If they are designed for use on alternating current circuits, be accurate to within plus or minus 2.0 percent, referred to the ~~((rotating))~~ watthour standard as a base, at two unity power factor loads, one between 5 and 10 percent of the nameplate test current value and the other between 75 and 150 percent of the nameplate test current value; and shall register correctly to within 3.0 percent plus or minus at a power factor of approximately 50 percent lagging and at a load approximately equal to 100 percent of the rated current of the meter.

(4) If polyphase, have the elements in balance within 2 percent at approximately 100 percent load at unity and at approximately 50 percent lagging power factor.

(5) If used with instrument transformers, be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this rule except that adjustment for instrument transformer errors is not required when instrument transformers with the following accuracy characteristics are used:

(a) Instrument current transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from 60 percent lagging to unity shall not exceed 0.6 percent at 10 percent rated current, or 0.3 percent at 100 percent current.

(b) Instrument potential transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter from 90 percent rated voltage to 110 percent rated voltage at any load power factor from 60 percent lagging to unity, shall not exceed 0.3 percent.

(6) Be adjusted as closely as practicable to zero error.

AMENDATORY SECTION (Amending Order R-165, Cause No. 4-81-30, filed 7/22/81)

**WAC 480-100-176 Statement of test procedures.** Each utility shall submit to the commission for review and approval, ~~((a typewritten statement))~~ procedures in its tariff properly identified and dated, describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests of meters in service for determining the accuracy of meters. The description of any such program shall include, but is not limited to:

(a) Test group detail and selection procedures.

(b) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(c) The corrective action and time period that will be implemented.

(d) Reference to an industry standard such as ANSI C12.1 or ANSI/ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(2) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(3) Testing and adjustment program of meters prior to installation.

Revisions in any portion of ~~((this statement,))~~ the utility's meter test procedures after submission and acceptance of same, will necessitate the submission of ~~((an entire new statement, properly identified and dated cancelling the one on file))~~ the revised statement of test procedures in the company's tariff. Any such change must receive the consent of the commission in writing before becoming effective.

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

**WAC 480-100-211 Filing of records and reports and the preservation of records.** (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the commission, for such time as is specifically provided in ~~((paragraph 2))~~ subsection (2) of this section and where no time is specified, for a period of three years.

(2) Billing stubs may be retained for a minimum of four months when the information on the billing stubs is maintained in other retrievable files.

(3) The Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the preservation of records requirements of electric utilities in the state of Washington.

~~((3))~~ (4) No records shall be destroyed prior to the expiration of such time or period specified in ((paragraphs 1 and 2,)) subsections (1), (2), and (3) of this section except by prior written permission of this commission.

NEW SECTION

**WAC 480-100-311 Business offices and payment agencies.** Companies shall provide applicants, and customers reasonable access to company representatives for conducting business. Companies shall also make available to applicants, and customers a location to make cash and urgent payments. An urgent payment is a payment which the company requires upon threat of disconnection of service.

(1) Business offices - Each company shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and customer service centers shall be staffed with personnel to provide information relating to services, and rates, to accept and process applications for service, to explain charges on customer bills, to adjust charges made in error, and generally to act as representatives of the company. If one business

office or service center serves several areas, toll-free calling from those areas to the office shall be provided.

(2) Payment agencies - Where business offices are not available, each electric company shall establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule shall clearly post and maintain regular business hours.

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

- (a) The communities affected by the closing;
- (b) The date of the closing;
- (c) A listing of other methods and facility locations available for payment of cash or urgent payments;
- (d) A listing of other methods and locations for obtaining business office and customer service center services.

### WSR 94-20-104

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 5, 1994, 8:02 a.m.]

#### Original Notice.

Title of Rule: Custom meat slaughterers and handling of custom meat food animal carcasses at meat handling establishments.

Purpose: To establish regulations for the slaughter and handling of meat food animals and meat food birds.

Statutory Authority for Adoption: RCW 16.36.096 and [16.36.]040.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: Prescribes conditions under which carcasses, parts of carcasses and meat products from ratites (ostriches, rhea, emu, etc.) are handled by custom meat slaughterers.

Reasons Supporting Proposal: Necessary to assure such articles or products to be used for human food are not adulterated or misbranded when delivered to the customer.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Mead, DVM, 1111 Washington Street, Olympia, 902-1878.

Name of Proponent: Washington Ratite Industry, Washington Ostrich Industry, Washington Department of Agriculture, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Defines birds defined as poultry in chapter 16.57 RCW which weigh over one hundred pounds or more live weight as "meat food birds." Prescribes conditions under which a custom farm slaughterer or custom slaughter establishment may slaughter such birds. The purpose of these changes is to define conditions under which ratites (ostriches, emu and rheas) may be processed by the custom meat industry.

Proposal Changes the Following Existing Rules: A definition of "meat food bird" is added. Additional requirements unique to these birds is added to facilitate their

processing as a meat product to prevent adulteration of the meat products from such birds.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no economic impact to small business or the industry.

Hearing Location: Department of Agriculture, Natural Resources Building, 1111 Washington Street, 1st Floor Cafeteria Conference Room, Olympia, WA 98504, on November 8, 1994, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 4, 1994, TDD (206) 902-1996.

Submit Written Comments to: FAX (206) 902-2087, by November 4, 1994.

Date of Intended Adoption: November 11, 1994.

October 4, 1994

John Daly

Assistant Director

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

**WAC 16-22-010 Definitions.** For the purposes of regulations contained in this order the following definitions (~~as they appear in chapter 16.49A RCW~~) shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food;

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49A RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof;

(3) "Department" means the department of agriculture of the state of Washington;

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals or meat food birds;

(5) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be;

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles, or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination;

(7) "Meat food animal" means live cattle, sheep, swine, and goats;

(8) "Meat food bird" means a bird defined as poultry in chapter 16.57 RCW which weighs one hundred pounds or more live weight.

(9) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared;

~~((9))~~ (10) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering;



~~((10))~~ (11) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food.

**AMENDATORY SECTION** (Amending Order 1396, filed 3/24/75, effective 9/3/75)

**WAC 16-22-030 Custom farm slaughtering establishment—Sanitation.** (1) Hooks, trolleys and spreaders, used in dressing carcasses, shall be of nonrusting metal or galvanized finish. They shall be clean, free from scale or rust and be given a thorough cleaning, sterilizing, drying and light coat of an edible mineral oil after each use. Hand hooks, knives, steels, and scabbards will be clean at all times. They will be washed and sterilized as needed during operations, to minimize contamination.

(2) All tools and equipment shall be thoroughly sanitized before each operation. Further, they shall be washed and sterilized if contaminated by viscera contents, ~~((abeesses))~~ abscesses, or foreign material during slaughtering operations.

(3) All vans, vehicles, tools and equipment shall be cleaned and sanitized before each day's slaughter operation or at more frequent intervals if required to prevent adulteration of carcasses.

(4) Meat food animal or meat food bird carcasses shall not be transported in the mobile slaughtering unit unless each carcass is hung so that it does not touch the floor except beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Only two such "hide on" carcasses may be transported at one time under this provision.

(5) Edible offal shall be transported in clean containers of approved materials and shall be properly identified.

(6) If a second animal is to be slaughtered while one carcass is hanging in the van, either the rear doors to the van are to be kept closed or an effective internal separator is to be provided to keep the hanging meat and the portion of the van that it is in from being contaminated from splash, dust, insects, and the like. This separator may be in the form of a double door system or an "air curtain."

(7) No animals, other than scalded and dehaired hogs, and defeathered meat food birds, and those exempted under Item 4, WAC 16-22-030, may be dressed and transported with the hide on.

(a) Viscera of all meat food animals and meat food birds shall be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where the animal is slaughtered. Feet and metatarsus shall be removed from meat food birds.

(b) All material produced through the slaughter activity, such as inedible offal and hide which may tend to cause the slaughtering area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a completely sanitary manner. The licensee shall be responsi-

ble for proper disposal of inedible offal and all inedible products. The hide may be removed to a satisfactory place for storage.

(8) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

**AMENDATORY SECTION** (Amending Order 1396, filed 3/24/75, effective 9/3/75)

**WAC 16-22-050 Custom farm slaughtering establishment—Inedible offal.** (1) Inedible offal may only be transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed from plans approved by the department and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment will be metal lined. There will be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, will be made of hard rubber, plastic material or metal. They shall be smooth, easily cleaned and durable. Any metal containers capable of rusting shall be galvanized and oiled or primed and painted. Any operator desiring a variance from these inedible offal transport specifications shall apply to the department for such variance, give full details of construction and the reasons why each change will be equal to or an improvement on presently required construction.

(2) The only portion of an animal or bird slaughtered by a mobile custom slaughtering establishment operator which he/she may claim, own, or resell, is the inedible offal and the hide. Meat food bird hides must be negotiated with the bird owner before any claim of ownership.

(3) Inedible offal shall not be held by an operator more than eighteen hours unless under refrigeration sufficient to effectively retard spoilage and prevent noxious odors.

## WSR 94-20-105

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 5, 1994, 8:05 a.m.]

Original Notice.

Title of Rule: Importation of poultry and hatching eggs.

Purpose: To fulfill the requirement of SB 5082 that the department, in consultation with the ratite industry, the poultry industry and other affected groups adopt rules as deemed necessary to assure adequate protection to the ratite and poultry industries from potential importation or spread of contagious diseases and parasites.

Statutory Authority for Adoption: RCW 16.36.096 and [16.36.]040.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: Import permit, health certificate and identification is required for import. Testing for Salmonella pullorum-typhoid within thirty days before import is required



or be a participating flock in the National Poultry Improvement Plan (NPIP) or equivalent state program.

Reasons Supporting Proposal: Necessary to protect the ratite and poultry industries from the introduction of contagious disease and parasites.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Mead, DVM, 1111 Washington Street, Olympia, 902-1878.

Name of Proponent: Washington Ratite Industry, Washington Ostrich Industry, Washington Department of Agriculture, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adds ratites to regulations for importation of poultry and hatching eggs. Purpose is to fulfill requirements of SB 5082 and to protect the ratite and poultry industries from the introduction of contagious diseases and parasites.

Proposal Changes the Following Existing Rules: Adds permit, health certificate and identification and testing requirements for ratites for import into the state.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There will be no economic impact to small business or the industry.

Hearing Location: Department of Agriculture, Natural Resources Building, 1111 Washington Street, 1st Floor Cafeteria Conference Room, Olympia, WA 98504, on November 8, 1994, at 2:15 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 4, 1994, TDD (206) 902-1996.

Submit Written Comments to: FAX (206) 902-2087, by November 4, 1994.

Date of Intended Adoption: November 11, 1994.

October 4, 1994

John Daly  
Assistant Director

AMENDATORY SECTION (Amending Order 997, Regulation 1, filed 1/21/66)

**WAC 16-59-010 Health certificates.** (1) It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this ~~((order))~~ rule and in accordance with Washington import ~~((order))~~ rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import ~~((order))~~ rules. A permit is required for import of ratites and the permit number entered on the certificate of veterinary inspection or health certificate. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the certificate of veterinary inspection or health certificate.

(2) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants under federal, state, county or municipal supervision provid-

ing the accompanying certificate or waybill is so marked ~~((designating))~~ with the following information:

(a) The plant of destination ~~((and));~~;

(b) That the birds are consigned for immediate slaughter and shall be slaughtered forthwith ~~((and));~~;

(c) The shipper's name and address ~~((and));~~;

(d) The number of birds in the shipment.

(3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.

AMENDATORY SECTION (Amending Order 1994, filed 2/17/89)

**WAC 16-59-030 Testing of breeding stock.** (1) **Pullorum-typhoid:** All hatching eggs, baby chicks and/or poults, and growing stock (started pullets) in interstate movement shall have originated from parent or grandparent stock which are/were registered as participating flocks under the National Poultry Improvement Plan (NPIP) or equivalent state program and classified as Salmonella pullorum-typhoid free or are tested negative for Salmonella pullorum-typhoid within thirty days of movement. Acceptable tests are serum tube agglutination, serum or whole blood plate agglutination with pullorum antigen or Enzyme Linked Immuno-Sorbent Assay (ELISA). Any person who sells poultry or hatching eggs as Salmonella pullorum-typhoid free must qualify such under the provisions of this ~~((order))~~ rule: *Provided, however,* That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be exempt from pullorum-typhoid requirements contained in this order.

(2) **Infectious laryngotracheitis; infectious coryza:** No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination. Such permits will be granted only when available authentic information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks: *Provided, however,* That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt from the infectious laryngotracheitis ~~((;))~~ or infectious coryza requirements contained in this order: *Provided further,* That crates, equipment, and packaging material used for such transportation are cleaned and sterilized to the satisfaction of Washington state department of agriculture authorities or burned before leaving the slaughter, diagnostic, or egg processing premises.

(3) **Ornithosis:** Poultry and eggs from flocks in which ornithosis has been diagnosed shall not be imported into or

moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 997, Regulation 7, filed 1/21/66)

WAC 16-59-070 Penalty provisions. ~~((Any person, firm or corporation violating this regulation shall be deemed guilty of a misdemeanor.))~~ RCW 16.36.110 provides: A violation of or a failure to comply with any chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030, 16.36.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation.

### WSR 94-20-106

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 5, 1994, 8:07 a.m.]

Original Notice.

Title of Rule: Custom meat facilities.

Purpose: To define minimal operating standards for custom meat facilities with regard to sanitation, water supply, drainage and sewage, refrigeration, vermin control, employee health, ownership of uninspected carcasses, labeling and packaging requirements and preparation and storage of products, etc.

Statutory Authority for Adoption: RCW 16.36.096 and [16.36.]040.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: Prescribes conditions under which carcasses, parts of carcasses and meat products from ratites (ostrich, rhea, emu, etc.) are handled by custom meat facilities.

Reasons Supporting Proposal: Necessary to assure such articles or meat products to be used for human food are not adulterated or misbranded when delivered to the consumer.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Mead, DVM, 1111 Washington Street, Olympia, 902-1878.

Name of Proponent: Washington Ratite Industry, Washington Ostrich Industry, Washington Department of Agriculture, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Defines birds define as poultry in chapter 16.57 RCW which weigh over one hundred pounds or more live weight as "meat food birds." Prescribes conditions under which a custom meat facility may process such birds. The purpose of these changes is to define conditions under which ratites (ostriches, emus, rheas) may be processed by the custom meat industry.

Proposal Changes the Following Existing Rules: A definition of "meat food bird" is added to facilitate the integration of the processing of these birds into the custom meat industry. The same safeguards to prevent adulteration of product will apply equally to "meat food product" and meat from these birds.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no economic impact to small business or the industry.

Hearing Location: Department of Agriculture, Natural Resources Building, 1111 Washington Street, 1st Floor Cafeteria Conference Room, Olympia, WA 98504, on November 8, 1994, at 1:45 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 4, 1994, TDD (206) 902-1996.

Submit Written Comments to: FAX (206) 902-2087, by November 4, 1994.

Date of Intended Adoption: November 11, 1994.

October 4, 1994

John Daly

Assistant Director

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

**WAC 16-23-010 Definitions.** For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's designee.

(5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food bird" means a bird defined as poultry in chapter 16.57 RCW which weighs one hundred pounds or more live weight.

(10) "Meat food product" means any product derived from meat food animal and intended for human consumption.

~~((10))~~ (11) "Operator" includes any owner, lessee, or manager of a custom meat facility.

~~((11))~~ (12) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

((+2)) (13) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

((+3)) (14) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

((+4)) (15) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

((+5)) (16) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

((+6)) (17) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

**WAC 16-23-020 Maintaining sanitary premises.** Establishments or premises on or in which meat food products or meat from meat food birds are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

**WAC 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator.** The operator of any custom meat facility shall have in his/her possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his/her establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal or meat food bird carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for prepar-

ing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

**WSR 94-20-107  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed October 5, 1994, 8:25 a.m.]

Original Notice.

Title of Rule: Animal importation.

Purpose: WAC 16-54-145, to define import requirements for interstate importation of animals into the state of Washington; WAC 16-54-071, to prevent certain animal or public health diseases from entering the state via imported animals.

Statutory Authority for Adoption: RCW 16.36.096 and [16.36.]040.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: WAC 16-54-145, adds new section for ratites which require an import permit, health certificate and a negative test for Salmonella pullorum-typhoid-enteritidis; and two new subsections to WAC 16-54-071. Subsection (3) provides for an alternative health certificate and interstate travel requirements for horses traveling interstate to shows, rides or other events. Subsection (4) regulates equine quarantine stations for stallions and mares from contagious equine metritis (CEM) countries.

Reasons Supporting Proposal: WAC 16-54-145, necessary to protect the ratite and poultry industries from the introduction of contagious disease and parasites; and WAC 16-54-071, subsection (3) is in response to industry concerns and subsection (4) is in response to request from WSU.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Mead, DVM, 1111 Washington Street, Olympia, 902-1878.

Name of Proponent: Washington Ratite Industry, Washington Ostrich Industry, Washington Department of Agricultural, private and governmental; and WAC 16-54-071, subsection (3), horse industry especially the shows, trail rides, racehorse and breeding industries and subsection (4), WSU and segments of horse industry that imports from Europe.

WAC 16-54-071(4) is necessary because of federal law, CFR 92.301 - 304 VS Memorandum 555.5, 558.4 and 558.3.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 16-54-145, all ratite imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites and/or their eggs must be tested negative for Salmonella pullorum-typhoid-enteritidis; and WAC 16-54-071, subsection (3) provides an alternate health certification for horses traveling to western states to shows, rides or other events from the regular thirty day health certificate and subsection (4) spells out the

regulations necessary to quarantine and test horses from CEM countries so that Washington State Department of Agriculture can enter into a cooperative agreement with USDA so that WSU can establish an equine quarantine station.

Proposal Changes the Following Existing Rules: Adds the above rule for ratites in a new section WAC 16-54-145; and adds two new subsections to WAC 16-54-071.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no economic impact to small business or the industry.

Hearing Location: Department of Agriculture, Natural Resources Building, 1111 Washington Street, 1st Floor Cafeteria Conference Room, Olympia, WA 98504, on November 8, 1994, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by November 4, 1994, TDD (206) 902-1996.

Submit Written Comments to: FAX (206) 902-2087, by November 4, 1994.

Date of Intended Adoption: November 11, 1994.

October 4, 1994

John Daly

Assistant Director

**AMENDATORY SECTION** (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

**WAC 16-54-071 Domestic equine.** (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

(4) Equine quarantine stations. Stallions or mares imported from foreign countries listed in 92.301 (c)(1) of the Code of Federal Regulations (CFR) may only be received at an approved equine quarantine station. No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless the stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The sealed vehicle shall have been sealed at a federal or federally approved quarantine station or port of entry by a federal or federally approved agent. The imported stallion or mare shall be accompanied by an import permit issued by the state veterinarian's office prior to the date on which the stallion or mare is brought into the state. The vehicle seal may not be removed except by an authorized employee or agent of the department of agriculture at an approved equine quarantine station. All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an individual identification of a type approved by the state veterinarian.

(a) Quarantine release. An imported stallion or mare received at an approved equine quarantine station under subsection (4) of this section is quarantined until the quarantine is released by the director of agriculture in writing. A quarantined equine animal may not be removed from the quarantine premises or be allowed in contact with other equine animals on adjacent premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under (d) of this subsection. A test mare which has been in contact with an imported stallion is quarantined until the quarantine is released by the department in writing.

(b) Approved equine quarantine station permit. No person may operate an approved equine quarantine station in Washington state without written permission from the director, Washington department of agriculture. Permits shall expire December 31 of each year. Applications for a permit shall be made in writing as required by the director. The director shall grant or deny a permit application within ninety days after the application is received provided that the application is accompanied by all requisite information and documentation. Every application shall include:

(i) The name and mailing address of the applicant and any trade name or business name to be used by the applicant;

(ii) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative corporation, or other business association or entity;

(iii) The location of the equine quarantine station specified by county, town or city, road or street, and number;

(iv) The name and address of the accredited veterinarian who will perform all identification, handling, testing, and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department; and

(v) Other information which the department may require if the information is reasonably relevant to the department's action on the permit request.

(c) Construction requirements. Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any

other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(d) Testing and treatment procedures. Before permission is granted for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under (b)(iv) of this subsection shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing, and treatment of equine animals quarantined in the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the director.

(e) Recordkeeping. The operator of an approved equine quarantine station shall keep complete and accurate records which shall be made available for inspection and copies of which shall be supplied to the department upon request. Records shall be kept for at least two years after they are made and shall include:

(i) The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station;

(ii) The name and address of the owner of each equine animal received at the quarantine station correlated with a specific identification of the equine animal; and

(iii) A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported animal.

#### NEW SECTION

**WAC 16-54-145 Ratites.** All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites as defined in chapter 16.57 RCW and/or their eggs must be tested negative for the following diseases: Salmonella pullorum-typhoid-enteritidis.

#### **WSR 94-20-114**

#### **PROPOSED RULES**

#### **PERSONNEL RESOURCES BOARD**

[Filed October 5, 1994, 9:47 a.m.]

Original Notice.

Title of Rule: Amending WAC 356-46-125 Drug testing—Limitations—Uses.

Purpose: WAC 356-46-125 specifies the limitations and uses of drug testing for state agencies.

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

Summary: The proposed amendment allows for required drug testing mandated by federal regulations.

Reasons Supporting Proposal: The proposed amendment allows agencies to comply with mandated federal and state regulations.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA,

753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is necessary because of federal law, Part II, III, VII, VIII - Department of Transportation - Federal Register.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule allows agencies to comply with mandated federal and state regulations.

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

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA 98504, on November 10, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by November 3, 1994, TDD (206) 753-4107, or (206) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA, FAX (206) 586-4694, by November 8, 1994.

Date of Intended Adoption: November 10, 1994.

October 5, 1994

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 88-03-042, filed 1/19/88, effective 3/1/88)

#### **WAC 356-46-125 Drug testing—Limitations—Uses.**

(1) Except as required by federal or state laws or as provided in subsection (2) of this section, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(2) An agency may require a specific employee to submit to drug testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

(a) The agency has specific, objective grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) The employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) The agency has a specific written policy authorizing such test, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(3) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations (~~but the results of such drug test shall provide no additional or independent basis for disciplinary action~~).

(4) In the event an employee is found to have used controlled substances, the agency shall inform the employee

of available assistance through the employee advisory service or other similar program.

(5) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(6) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the ((state)) personnel resources board to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

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

**WSR 94-20-115  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed October 5, 1994, 9:49 a.m.]

**Original Notice.**

**Title of Rule:** Chapters 359-39, 359-09, 359-48, and 359-07 WAC.

**Purpose:** This proposal will delay the effective date of the above WAC chapters which were filed as WSR 94-13-091, 94-06-063, 94-02-033 and 94-02-032, respectively.

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

**Summary:** This proposal will postpone the effective date of WSR 94-13-091, 94-06-068, 94-02-033, and 94-02-032.

**Reasons Supporting Proposal:** The Department of Personnel is working to consolidate the two existing civil service rule books, Titles 251 and 356 WAC, to create a new set of civil service rules, Title 359 WAC. The department has proposed and the Washington Personnel Resources Board has adopted four chapters of Title 359 WAC to be effective as of January 1, 1995. The Department of Personnel is continuing to work on the development of the remaining chapters. At this time, it is evident the remainder of Title 359 WAC will not be completed by January 1, 1995, to coincide with the effective date of the four adopted WAC chapters. Therefore, the Department of Personnel is proposing to postpone the effective date of the following chapters of WAC: Chapters 359-39, 359-09, 359-48, and 359-07 WAC which were filed as WSR 94-13-091, 94-06-063, 94-02-033, and 94-02-032, respectively.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 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:** The purpose of this proposal is to postpone the

effective date of chapters 359-39, 359-09, 359-48, and 359-07 WAC until January 1, 1996.

Proposal does not change existing rules.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** No. Not required.

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

**Assistance for Persons with Disabilities:** Contact Department of Personnel by November 3, 1994, TDD (206) 753-4107, or (206) 586-0509.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA, FAX (206) 586-4694, by November 8, 1994.

**Date of Intended Adoption:** November 10, 1994.

October 5, 1994

Dennis Karras  
Secretary

**WSR 94-20-116  
PROPOSED RULES  
STATE BOARD OF EDUCATION**

[Filed October 5, 1994, 10:55 a.m.]

**Original Notice.**

**Title of Rule:** WAC 180-27-115 Support level—Additional assistance.

**Purpose:** To define future provisions for state assistance due to racial balance problems.

**Statutory Authority for Adoption:** RCW 28A.525.020.  
**Statute Being Implemented:** RCW 28A.525.166(4).

**Summary:** In relation to the State Board of Education's newly adopted definition of racial imbalance, the board directed staff to prepare the amendment to WAC 180-27-115(5). This revision will eliminate future funding assistance for school construction due to racial imbalance.

**Reasons Supporting Proposal:** See above.

**Name of Agency Personnel Responsible for Drafting:** Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; **Implementation:** David Moberly, Office of Superintendent of Public Instruction, Olympia, (206) 753-6742; and **Enforcement:** Alberta Mehring, Office of Superintendent of Public Instruction, Olympia, (206) 753-6702.

**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:** The amendment to WAC 180-27-115(5) will set an ending date for approvals of state assistance in school construction due to racial imbalance problems.

Proposal does not change existing rules.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** No. The rule will have a minor or negligible economic impact.

**Hearing Location:** Hyatt Regency Bellevue, Regency Ballroom, 900 Bellevue Way N.E., Bellevue, WA 98004, on November 16, 1994, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by November 4, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by November 14, 1994.

Date of Intended Adoption: November 18, 1994.

October 5, 1994

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 93-20-067, filed 10/1/93, effective 11/1/93)

**WAC 180-27-115 Support level—Additional assistance.** State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: *Provided*, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, written school district application for additional assistance and state board of education approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060: *Provided*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

- (a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or
- (b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.
- (3) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: *Provided*, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: *Provided further*, That at any time thereafter when the state board of education finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025, and which was granted project approval pursuant to WAC 180-25-040 on or before May 20, 1994, shall receive state assistance under this subsection in the amount of an additional ten percentage points above the matching percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: *Provided*, School construction projects for racial balance that meet the following conditions shall be provided state assistance at seventy-five percent of the approved square foot cost allowance under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local matching funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 180-25-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percent-



age points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: *Provided*, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: *Provided further*, That if the state board of education finds that the school facility does not remain racially balanced for five years then the amount of additional state assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(6) Any project that has received approval for additional state assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional assistance under the provisions in effect at the time of such approval.

**WSR 94-20-117**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed October 5, 1994, 10:58 a.m.]

Original Notice.

Title of Rule: WAC 180-78-015 Professional education advisory committee.

Purpose: To establish a professional educational advisory committee.

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

Summary: The amendment establishes a professional education advisory committee to serve as a working committee of the State Board of Education.

Reasons Supporting Proposal: The committee so established will give advice and make recommendations to the State Board of Education and the state superintendent about educator preparation and certification matters.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Theodore Andrews, State Board of Education, Olympia, (206) 753-3222.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Hyatt Regency Bellevue, Regency Ballroom, 900 Bellevue Way N.E., Bellevue, WA 98004, on November 16, 1994, at 1:30 a.m. [p.m.]

Assistance for Persons with Disabilities: Contact Jim Rich by November 4, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by November 14, 1994.

Date of Intended Adoption: November 18, 1994.

October 5, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 5-78, filed 5/26/78)

**WAC 180-78-015 Professional education advisory committee.** (1) ~~The ((superintendent of public instruction)) state board of education~~ shall establish a professional education advisory committee to ~~((advise))~~ serve as the working committee of the board on matters pertaining to the preparation and certification of school personnel. The committee shall give advice and make recommendations to the ((superintendent and the state)) board ((of education relative to)) and the state superintendent about educator preparation and certification matters and ((to)) participate in the review of preparation programs. The size of the committee shall be determined by the board but membership shall be comprised of ((no less than twenty-six)) regular members representing colleges and universities, specialized and general professional associations, school district administrators, school district boards of directors, nonpublic schools, ((and)) other business and lay organizations having interest in the preparation and certification of school personnel, and three members of the state board of education.

(2) The advisory committee shall have a four-member executive committee comprised of one member of the state board, one member representing higher education, one member representing certificated staff practitioners, and one member from among the other groups represented on the advisory committee. The chair of the advisory committee shall rotate at least every two years among the nonboard members of the executive committee.

(3) The executive committee shall have the authority to work with member groups, as necessary, to assure to the extent possible that the combined membership of the advisory committee reflects the racial, ethnic, geographic and gender diversity of the state.

(4) The advisory committee shall be responsible for adopting written operating procedures.

**WSR 94-20-118**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed October 5, 1994, 11:00 a.m.]

Original Notice.

Title of Rule: New sections regarding the State Board of Education 1997 teacher certification policy.

Purpose: To provide highly qualified teachers for the emergency performance-based education system.

Statutory Authority for Adoption: RCW 28A.410.010, 28A.305.130.

Statute Being Implemented: RCW 28A.410.010, 28A.305.130.



Summary: The proposed new sections announce the intent to establish a new certification system and establish an advisory council to recommend standards.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (206) 753-6715; and Enforcement: Theodore Andrews, State Board of Education, Olympia, (206) 753-3222.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Hyatt Regency Bellevue, Regency Ballroom, 900 Bellevue Way N.E., Bellevue, WA 98004, on November 16, 1994, at 1:30 a.m. [p.m.]

Assistance for Persons with Disabilities: Contact Jim Rich by November 4, 1994, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by November 14, 1994.

Date of Intended Adoption: November 18, 1994.

October 5, 1994

Larry Davis  
Executive Director

#### NEW SECTION

**WAC 180-79-031 State board of education 1997 teacher certification policy.** The state board of education will establish a certification system which shall include the issuance of a residency certificate, a professional certificate, and a professional career certificate for all candidates applying for teaching certificates after August 31, 1997. Detailed rules to implement the 1997 teacher certification system shall be adopted by the state board of education no later than September 1996 on the basis of recommendations from the Washington advisory council for professional teaching standards.

#### NEW SECTION

**WAC 180-79-032 Public policy purposes of state board of education 1997 certification policy.** The policy purposes of state board of education 1997 certification policy are:

(1) To provide qualified teachers for the emerging performance-based P-12 education system.

(2) To assure that practitioners are more directly involved in decisions related to professional practice.

(3) To recognize that there is a distinction between the level of competence of beginning teachers and the competency of teachers who have been able to demonstrate their competencies at a professional level.

(4) To assure that all teachers demonstrate their competencies before attaining the status of a professional educator.

(5) To establish a certificate level that recognizes service at a high level of achievement.

(6) To assure that all residency teachers have the support required to assist them through their induction and beginning teaching activities.

(7) To assure each educator has a professional development plan.

#### NEW SECTION

**WAC 180-79-035 Washington advisory council for professional teaching standards—Selection.** In order to develop the specific rules for the 1997 teacher certification system, a Washington advisory council for professional teaching standards shall be appointed by the state board of education.

(1) A majority of its members shall be practicing K-12 teachers.

(2) The state board of education shall solicit recommendations for persons to serve on the council.

(3) The board of education shall appoint the council members on the basis of the recommendations received with consideration being given to educator roles, geographic distribution, gender, race, and ethnicity.

#### NEW SECTION

**WAC 180-79-041 Washington advisory council for professional teaching standards—Duties.** The Washington advisory council for professional teaching standards shall present initial recommendations to the state board of education, no later than January 1, 1996, for:

(1) Standards to be used to obtain the professional certificate;

(2) Standards for renewing the professional certificate;

(3) Standards for obtaining the professional career certificate; and

(4) The policies for implementing these standards.

In addition, the council shall submit recommendations for the future composition, term of membership, and responsibilities of the council.

**WSR 94-20-123**

**PROPOSED RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed October 5, 1994, 11:16 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for Washington worker's compensation insurance, state-initiated proposed amendments are made to add the requirement that "actual hours worked" will be used as the basis for reporting and paying workers' compensation premiums unless otherwise stated; to define "actual hours worked" and "work day"; to delete WAC 296-17-350(6) on piece workers; and to add WAC 296-17-35201, a new section on record-keeping and retention requirements. The new record-keeping require-

ments proposed are the same as those mandated by the United States Internal Revenue Service and other state agencies, such as the Department of Employment Security. This new section adds requirements for maintenance and retention of employment records, details the type of employment records to be maintained; adds the requirement that records be retained and preserved for three calendar years following the calendar year in which employment occurred; provides requirements for premium calculation when records are not maintained or retained by the employer; adds the requirement that records be provided at the time of audit to authorized department representatives, and specifies the penalty for failure to maintain the required records.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.16.035.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Doug Mathers, 7273 Linderson Way, Tumwater, (206) 956-4750; Implementation and Enforcement: Suzanne Mager, 7273 Linderson Way, Tumwater, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined the proposed amendments do not require a small business economic impact statement (SBEIS) as the administrative costs associated with this proposed rule will not have a disproportionate economic impact on small business.

Hearing Location: Department of Labor and Industries, Spokane Service Location, North 901 Monroe Street, Spokane, WA, on November 18, 1994, at 9:30 a.m.; and at the Department of Social and Health Services, OB-2 Building Auditorium, 14th and Jefferson, Olympia, Washington, on November 22, 1994, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by November 1, 1994, (206) 956-5516.

Submit Written Comments to: Doug Mathers, Chief Auditor, Department of Labor and Industries, P.O. Box 44150, Olympia, WA 98504-4150, by November 22, 1994. In addition to written comments, the department will accept comments submitted to the following telefacsimile machine number: FAX (206) 956-4853. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: April 1, 1995.

October 5, 1994  
Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 91-24-057, filed 11/29/91, effective 1/1/92)

**WAC 296-17-320 General definitions.** For the purpose of interpretation of this manual, chapter 296-17

WAC, or administering Title 51 RCW, the following terms shall have the meanings given below:

(1) "Workers' compensation" means the obligation imposed upon an employer by the industrial insurance laws of the state of Washington, to insure the payment of benefits prescribed by such laws.

(2) "Risk" means and includes all insured operations of one employer within the state of Washington.

(3) "Classification" means a grouping of businesses or industries having common or similar exposures without regard to the separate employments, occupations, or operations normal to the business or industry.

(4) "Basic classification" shall be understood to have the same meaning as classification defined in subsection (3) of this section.

(5) "Exposure" means worker hours, worker days, payroll or other measure of the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

(6) "Rate" means the amount of premium for each unit of exposure. All rates are rates per worker hour except where specifically provided otherwise in this manual.

(7) "Premium" means the sum derived from the application of the rates to the exposures in each classification, after application of any duly authorized experience modification, except where the rules of this manual indicate otherwise.

(8) Unless the context indicates otherwise, the words used in this manual shall have the meanings given in Title 51 RCW.

(9) "Free from control or direction" shall mean that the contracted individual has the responsibility to deliver a finished product or service without the contracting firm or individual either exercising direct supervision over the work hours or the methods and details of performance or having the right to exercise that authority under the contract.

(10) "Principle place of business" shall be the physical location of the business from which the contract of service is directed and controlled.

(11) "Within a reasonable period" for establishing an account with state agencies shall be the time prior to the first date on which the individual begins performance of service toward the contract or the date upon which the individual is required to establish an account with a state agency, as otherwise required by law, whichever event shall last occur.

(12) "Bona fide officer" means any person empowered in good faith by stockholders or directors, in accordance with articles of incorporation or bylaws, to discharge the duties of such officer.

(13) "Related by blood within the third degree" means the degree of kinship as computed according to the rules of the civil law.

(14) "Related by marriage" means the union subject to legal recognition under the domestic relations laws of this state.

(15) "Actual hours worked" means each worker's composite work period, including all of the time work was performed by the employee, as well as all periods of mandatory presence at the work site, during each work day, excluding lunch period. See also RCW 51.08.013.

(16) "Work day" shall mean any consecutive twenty-four-hour period.

AMENDATORY SECTION (Amending WSR 94-12-050, filed 5/27/94, effective 7/1/94)

**WAC 296-17-350 Assumed worker hours.** Unless otherwise stated within the general reporting rules, classification definitions, or rate tables, the basis of premium to be used for reporting and paying workers' compensation insurance premiums is actual hours worked. Assumed number of worker hours must be, and hereby, is established:

(1) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(2) **Building or property management.** Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation by dividing total compensation by the average hourly wage for classification 4910 as contained in WAC 296-17-89501 "average hourly wages" to determine reportable assumed hours. Provided that the reportable exposure calculated under this subsection shall not exceed 520 hours per quarter for each worker.

(3)(a) **Commission personnel—Inside employments.** Commission personnel—inside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed exclusively within an office having no duties away from the office. Commission personnel—inside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.

(b) **Commission personnel—Outside employments.** Commission personnel—outside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed to perform duties primarily away from the employers premises although some office work may be

performed. Commission personnel—outside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: *Provided*, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(4) **Salaried personnel.** Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: *Provided*, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: *Provided further*, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(5) ~~(Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour. *Provided*, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: *Provided further*, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.~~

(6)) **Noncontact sports teams.** All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

PROPOSED

~~((7))~~ **(6) Jockeys and race drivers.** All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: *Provided*, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

~~((8))~~ **(7) Pilots and flight crew members.** Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: *Provided*, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: *Provided further*, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

#### NEW SECTION

**WAC 296-17-35201 Recordkeeping and retention.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within thirty days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or RCW 51.48.040.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piecework basis;
- (f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;
- (g) The number of actual hours worked (WAC 296-17-320(15)) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-350;

(h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

- (i) The workers' total gross pay period earnings;
- (j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
- (k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average hourly wage rate: *Provided*, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030, to a penalty in the amount of two hundred fifty dollars for each such offense. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth.

**WSR 94-20-128  
PROPOSED RULES  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**  
[Filed October 5, 1994, 11:49 a.m.]

**Original Notice.**

Title of Rule: Amending and adding sections to rules implementing the Mortgage Brokers Practices Act.

Purpose: To interpret and administer chapter 19.146 RCW by providing and amending rules regarding the education and testing requirements, the bonding requirements, the fees, and the penalties and fines applicable to

mortgage brokers, and interim licensing by the Department of Financial Institutions.

Statutory Authority for Adoption: RCW 19.146.225.  
Statute Being Implemented: Chapter 19.146 RCW.

Summary: These new or amended rules implement amendments to chapter 19.146 RCW passed during the last legislative session, and for the following reasons must be promulgated. Promulgation of the education and testing rules is necessary to allow time for the agency's approval of course providers and for the participation of licensees in approved courses to meet the licensing requirements expressed in the law. Promulgation of the rules regarding bonding requirements is necessary to allow licensees to adjust their bond amounts. Promulgation of the rule regarding fees is necessary to allow the department to bill for time spent on the numerous investigations and enforcement actions it is undertaking, thereby providing funding for continued enforcement of chapter 19.146 RCW. The department's regulatory activities are funded solely by the institutions it regulates and the department receives no general fund funding. Promulgation of the rule regarding fines and penalties is necessary to allow the department to implement these important statutory enforcement tools in the numerous enforcement actions currently underway. Promulgation of the rule regarding interim licensing is necessary to ensure continuing operations of those mortgage broker companies currently operating under interim licenses while the department completes its investigations. Some of these licenses will expire in September.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark Thomson, Olympia, (206) 664-8613.

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: These proposed rules will allow the department to implement amendments to chapter 19.146 RCW governing the regulation of mortgage brokers. These amendments and additions to chapter 50-60 WAC will establish testing and educational standards for licensing mortgage brokers, revise the bonding requirements to set lower bond amounts for smaller companies, set fees the department may charge for its regulatory activities, establish fines and penalties for violations of chapter 19.146 RCW and chapter 50-60 WAC, and extend the department's authority to issue interim licenses. The anticipated effect is to provide for the continued efficient and effective operations of the department's regulatory operations in this area.

Proposal Changes the Following Existing Rules: WAC 50-60-040 is amended to implement the new statutory licensing requirements for initial education, testing, and continuing education; WAC 50-60-060 is amended to implement the new statutory authority for the department to charge an application fee, investigation fees, and an annual assessment; WAC 50-60-080 is amended to implement the new statutory authority for the director to set variable surety bond amounts based upon the number of loan originators employed by the company; and WAC 50-60-170 is amended to extend the director's authority to issue interim licenses,

thereby preventing unnecessary interruptions in the business of mortgage brokers.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Colleen Freeze, Department of Financial Institutions, P.O. Box 41201, Olympia, WA 98504-1201, phone (206) 573-6520, or FAX (206) 753-6070.

Hearing Location: General Administration Building, Auditorium 1st Floor, on November 8, 1994, at 8 a.m. to 9 a.m.

Assistance for Persons with Disabilities: Contact Colleen Freeze, 753-6520 by November 4, 1994, TDD (206) 664-8126.

Submit Written Comments to: Mark Thomson, P.O. Box 41200, Olympia, WA 98504-1200, FAX (206) 753-6070, by November 8, 1994.

Date of Intended Adoption: November 8, 1994.

October 5, 1994

Mark Thomson

Assistant Director

#### Chapter 50-60 MORTGAGE BROKERS AND LOAN ORIGINATORS—LICENSING

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

**WAC 50-60-040 Experience, education and testing requirements.** (1) An applicant who has ~~((two years of experience in the following categories))~~ satisfactorily completed an approved course or courses of study and has passed an approved examination shall be judged to meet the ~~((experience))~~ educational requirements for licensing as expressed in RCW 19.146.210 (1)(e).

(2) An applicant who has two years of experience in the following categories may apply to the director for a waiver of the requirement for completion of an approved course of study:

(a) Mortgage broker, or responsible individual in a mortgage brokerage business, or branch manager of a mortgage brokerage business;

(b) Mortgage banker, or responsible individual in a mortgage brokerage business or branch manager of a mortgage brokerage business;

(c) Loan officer, with responsibility primarily for loans secured by lien interests on real estate;

(d) Branch manager of a lender, with responsibility primarily for loans secured by lien interests on real estate.

(e) Mortgage broker with a license from another state ~~((whose))~~ the licensing standards ~~((are))~~ of which ~~((determined by))~~ the director determines to be substantially similar to those in 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, who has at least two years of experience as a real estate broker, 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).))~~

(3) An applicant shall be deemed to have satisfactorily completed an approved course of study and passed an approved examination if the applicant has:

(a) Attended at least 40 hours of class of an approved course of study, or such other period of class time as the director may deem adequate, and

(b) Received a certificate of completion from the course provider, which certificate verifies the applicant's attendance in the course and the applicant's satisfactory performance on an approved examination.

(4) Each licensee shall, upon or before the last business day of the calendar month in which their license was originally issued, submit to the director a certificate of completion from a course provider, which certificate verifies the licensee's attendance at a seminar which was approved by the director and contained as its content a presentation and discussion of relevant changes to the laws, regulations, and industry practices and ethics listed in WAC 50-60-045 (c)(i) through (x).

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

#### NEW SECTION

**WAC 50-60-045 Approval of course providers, courses of study, and examinations.** (1) An application to the director for approval of a course of study shall include the following items:

(a) A description of the course provider's experience in teaching this type of course and administering this type of examination;

(b) A complete listing of all instructors for the course, including their qualifications and experience teaching courses similar to this course;

(c) All course materials and lesson plans on a session by session basis, which shall cover at least the following subjects to be taught:

(i) The Mortgage Broker Practices Act, chapter 19.146 RCW, and the rules promulgated pursuant to this Act in chapter 50-60 WAC;

(ii) The Consumer Protection Act, chapter 19.86 RCW;

(iii) The Escrow Agent Registration Act, chapter 19.44 RCW;

(iv) Real Estate Settlement procedures Act, Truth in Lending Act, Equal Credit Opportunity Act, Fair Credit Reporting Act, Fair Housing Act, Home Mortgage Disclosure Act, and Community Reinvestment Act, and the regulations promulgated pursuant to these Acts.

(v) Trust account and record keeping requirements as defined in chapter 19.146 RCW and chapter 50-60 WAC;

(vi) Mortgage, deed of trust, and real estate contract law as provided in Title 61 RCW;

(vii) Principal and agent law;

(viii) Real estate and appraisal law as provided for in chapters 18.85 and 18.140 RCW;

(ix) Arithmetical computations common to mortgage brokering including, but not limited to, the computation of annual percentage rate, finance charge, amount financed, payment and amortization;

(x) Ethics in the mortgage industry; and

(d) a copy of any examinations to be used in determining satisfactory comprehension of the contents of the course and the grading scale to be used. Any new or revised examinations or grading scales to be used by a course provider shall be submitted to the director for his or her approval prior to their use in the course of study.

(2) The director shall review the items submitted to the department and determine whether the provider, the proposed course of study, and the proposed examinations and grading scales are approved. Such approval shall be before the period of two years and shall be confirmed through issuance of a certificate of approval. The director or his or her designee may audit a course of study at any time. If the director finds that a course of study is not approved, or if the provider of the course of study has not complied with the requirements of this section, the director may withhold or suspend approval of the course of study and require the return of any certificate of approval previously issued by the director.

(3) Prior to expiration of its certificate of approval, each course provider that desires to maintain its approved status shall submit to the director the items required in paragraph (1) of this section to renew its certificate of approval.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

**WAC 50-60-060 ((License fee)) Application deposits, investigation fees, and annual assessment. ((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-))~~, an application deposit. Upon completion of processing and reviewing of the application, the department will prepare a billing, regardless of whether a license has been issued, calculated at the rate of \$35 per hour for each hour devoted to processing and reviewing the application. The application deposit will be applied against this bill. Any amount left owing to the department will be billed to the applicant, while any balance remaining from the deposit will be refunded to the applicant.

(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-))~~ Upon completion of any investigation or examination of any licensee, or of any mortgage broker subject to the investigatory and enforcement powers of the director under RCW 19.146.020(2), such person shall pay to the director an investigation charge to cover the cost of the investigation or examination. This investigation charge will be calculated at the rate of \$45 per hour for each hour devoted to the investigation or examination of the books and records of the mortgage broker. Those licensees issued licenses prior to March 21, 1994 shall be deemed to have prepaid in their initial license fee the cost of the first compliance examination conducted by the department during the licensee's first two years of operating under a mortgage broker license.

(3) Each licensee shall pay to the director each year, on or before the last business day of the calendar month in which their license was originally issued, an annual assessment of \$500 for each mortgage broker license.

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

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

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-080 Surety bond for applicants engaging in the business of a mortgage broker - General requirements. (1) ~~((A licensee engaged in the business of a mortgage broker))~~ Prior to licensing, an applicant for a mortgage broker license shall obtain and file with the director ((prior to licensing)) a surety bond ((in the amount of forty thousand dollars)) along with a valid power of attorney issued by a bonding company or insurance company authorized to do business in this state. The surety bond amount required of each applicant, ranging from \$20,000 to \$60,000, will be determined by the monthly average number of loan originators employed or engaged by the applicant for the previous 12 months.

(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.)) The monthly average number of loan originators employed or engaged by the applicant shall be calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous 12 months, and dividing this total by 12. If the applicant has been in business less than 12 months, the monthly average number of loan originators employed or engaged by the applicant will be calculated by adding the number of loan originators employed or engaged each month (or part thereof) for the number of months the applicant has been in business and the projected number of loan originators to be employed each month (or part thereof) for the remaining months in the twelve month period, and dividing this total by twelve. If the applicant has no history of business, the monthly average number of loan originators will be determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during which the applicant will do business, and dividing this total by twelve. The projected number of loan originators to be employed or engaged during the first twelve months during which the applicant will do business must reflect at least the actual number of originators at the inception of business.

(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.)) Based upon the calculation of the monthly average number of loan originators employed or engaged by the applicant, the applicant shall maintain on file with the director a surety bond in an amount equal to or greater than that indicated by the following table:

<u>Monthly Average Number of Loan Originators</u>	<u>Bond Amount</u>
<u>3 or fewer</u>	<u>\$20,000</u>
<u>greater than 3 to 6</u>	<u>\$30,000</u>
<u>greater than 6 to 9</u>	<u>\$40,000</u>
<u>greater than 9 to 15</u>	<u>\$50,000</u>
<u>greater than 15</u>	<u>\$60,000</u>

(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.)) Each licensee shall maintain on file with the director a valid surety bond or approved alternative in an amount equal to or greater than the required amount. Each licensee shall calculate the monthly average number of loan originators it has employed or engaged over the previous twelve months at least once each year forty-five (45) days prior to the anniversary date of its bond. If this calculation reveals that the monthly average number of loan originators has increased by an amount which requires an increase in the licensee's surety bond amount, according to the surety bond amount table provided in this section, then the licensee shall obtain an increase in the amount of coverage on its surety bond to the required amount within thirty days of the date of the calculation.

(5) Each licensee shall maintain for a period of four (4) years in an accessible location a worksheet of the calculation required in subsection (4) of this section.

(6) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.

#### NEW SECTION

WAC 50-60-085 Alternatives to the surety bond. (1) In lieu of a surety bond as required under WAC 50-60-080, an applicant or licensee may with the approval of the director:

(a) properly assign to the director a certificate of deposit on a form acceptable to the director for an amount equal to or greater than the required surety bond amount. The depositor shall be entitled to receive all interest and dividends thereon.

(b) An applicant or licensee may also file with the director an irrevocable letter of credit drawn in favor of the director for an amount equal to or greater than the required surety bond. The irrevocable letter of credit must provide the same measure of protection to the consumer and others who may have reason to make claim on the instrument as a surety bond. This means, in part, that the irrevocable letter of credit must provide security for one year after its expiration or suspension against claims from violations that



occurred during the period over which it was in effect. The irrevocable letter of credit must be issued by a bank, savings bank, savings and loan association, or credit union, as approved by the director. The licensee and any bank, savings bank, savings and loan association, or credit union providing a letter of credit to the licensee must notify the director within two business days of any suspension, expiration, or material change in the security provided by the irrevocable letter of credit.

(2) A licensee may submit a written request to the director asking that an assigned certificate of deposit or irrevocable letter of credit be released. The director may release the assignment of a licensee's certificate of deposit when a sufficient period of time has passed to provide reasonable confidence that no new claims will be presented against the certificate of deposit. To ensure that there are no outstanding claims or potential claims against the licensee which could result in claims against the licensee's certificate of deposit or irrevocable letter of credit, the director may require that the licensee provide to the director prior to release of the certificate of deposit or letter of credit:

(a) a surety bond in the required amount or an approved alternative if the licensee intends to remain in the mortgage broker business and continue operating under their license;

(b) all of the licensee's licenses and branch licenses if the licensee intends to surrender their licenses and no longer engage in the business of mortgage brokering. In addition, the director may require that the licensee provide to the director proof of exemption from licensing if the licensee intends to surrender its license and remain engaged in the business of mortgage brokering;

(c) copies of any agreements between the licensee and any bank, savings and loans association, savings bank, or credit union which provided the certificate of deposit or irrevocable letter of credit;

(d) Copies of any agreements between the licensee and any third party which represents an outstanding claim, potential claim, or settlement of any claim against the licensee which could diminish the measure of protection enjoyed by consumers or others who may have reason to make a claim against the licensee;

(e) an audited financial statement for the licensee's mortgage broker business;

(f) copies of any notes, secured or unsecured, or other forms of debt that are outstanding to any parties not mentioned in (a) through (e) above;

(g) any other information the director may deem necessary under the circumstances of any licensee's request for release of the certificate of deposit or irrevocable letter of credit;

(4) The surety bond or approved equivalents listed in this section are subject to the provisions of RCW 19.146.240.

#### NEW SECTION

##### **WAC 50-60-165 Violations - Penalties and fines.**

Every mortgage broker and their officers, employees, independent contractors, and agents shall comply with chapter 19.146 RCW and all rules and regulations issued thereunder. The violation of any provision of chapter 19.146 RCW, or any rule issued thereunder, or of any order,

directive, or requirement of the director shall subject the violator to a fine of \$100 for each offense. Each day's continuance of the violation shall be a separate and distinct offense.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

**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~~) chapter 19.146 RCW, 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~~) the date set by the director, unless extended by the director. (~~This section shall be void after July 1, 1994.~~)



**WSR 94-20-008**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 94-12—Filed September 22, 1994, 11:07 a.m.]

Date of Adoption: September 20, 1994.

Purpose: To change language to reflect a recognition award amount of \$2,500 for teachers, principals, administrators, and classified staff. To change language to reflect a recognition award amount of at least \$1,000 for superintendents in first class districts.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 392-202-110 and 392-202-120.

Statutory Authority for Adoption: RCW 28A.03.532.

Pursuant to notice filed as WSR 94-16-022 on July 22, 1994.

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

September 20, 1994

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 93-16, filed 9/21/93, effective 10/22/93)

**WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff.** The award for educational excellence for teachers, classified employees, and principals or administrators shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The ~~((recipients' choice of one of the following:~~

~~(a) An academic cash grant worth up to forty five quarter or thirty semester credits, reimbursable at a rate not to exceed the part time, resident, graduate cost per credit at the University of Washington. The grant may be used at eligible private schools in Washington provided the school matches the state grant dollar for dollar with actual cash or a tuition waiver;~~

~~(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes; or~~

~~(c) A recognition stipend not to exceed one thousand))~~  
recipient shall receive a recognition award of at least two thousand five hundred dollars.

AMENDATORY SECTION (Amending Order 87-15, filed 11/5/87)

**WAC 392-202-120 Award for superintendent.** The awards for superintendent shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) ~~((A grant not to exceed one thousand dollars, which shall be used for educational purposes.))~~ The amount of the recognition award shall be at least one thousand dollars for superintendents employed in first class school districts. The award for superintendents employed in second class school districts shall be at least two thousand five hundred dollars.

**WSR 94-20-010**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-422, Docket No. UT-940049—Filed September 22, 1994, 1:50 p.m.]

In the matter of amending WAC 480-120-056, 480-120-061, 480-120-081, 480-120-101, 480-120-138, and 480-120-141 relating to deposits, refusal of service, disconnection of service, complaints and disputes, pay telephones, and alternate operator services.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 94-13-027, filed with the code reviser on June 3, 1994. 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 94-13-027, for 9:00 a.m., Wednesday, September 14, 1994, 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 August 5, 1994.

Written comments were submitted by Terry Vann for Washington Independent Telephone Association, Joan Gage for GTE Northwest, Inc., Theresa Jensen for U S WEST Communications, Inc., Donald T. Trotter for Public Counsel, Brooks, E. Harlow and Clyde H. MacIver for MCI Telecommunications Corporation, Lesla Lehtonen for Sprint Communications Company L.P., Ron Gayman and Mary Burgess for AT&T Communications of the Pacific Northwest, Inc., Gerard John Sheehan for American Civil Liberties Union of Washington, Elizabeth Cerveney for Lewis River Telephone Company, Inc., Paula Selis for the Attorney General of Washington, Ronald L. Roseman for The Puget Sound Council of Senior Citizens and by the commission staff.

The rule change proposals were considered for adoption at the commission's regularly scheduled open public meeting on September 14, 1994, before Chairman Sharon L. Nelson and Commissioner Richard Hemstad. Oral comments were made by Robert Manifold for Public Counsel, Theresa Jensen for U S WEST Communications, Inc., Ronald L. Roseman of Evergreen Legal Services for The Puget Sound Council of Senior Citizens, Brooks E. Harlow for MCI Telecommunications Corporation, Terry Vann for Washington Independent Telephone Association, Fred Logan for GTE Northwest, Inc., and commission staff.

After considering the written and oral comments, the commission adopted the proposed rules, including the noticed Option 1 of WAC 480-120-056, with changes.

The commission made the following changes, other than minor editing, from proposed to adopted version.

WAC 480-120-056 (Option 1). As noted above, the commission adopted Option 1 rather than Option 2.

The commission changed the title from "Deposits" to "establishment of credit."

The commission deleted the proposed new subsection (9)(c), which would have authorized a toll limited/blocked line as an alternative to a deposit. Consistent with that change, it deleted references to toll limit/blocking from the proposed new subsection (11).

WAC 480-120-061. The commission deleted the proposed amendments to existing WAC 480-120-061(7) (renumbered as subsection (9) in the proposed rules). Those amendments would have extended that rule to interexchange carriers.

WAC 480-120-081. The commission deleted references to "toll limited/blocked" in the proposed amendments to subsection (2)(d), and in the new subsection (9), consistent with the change made in proposed WAC 480-120-056 (9)(c).

The commission deleted the proposed amendments to existing WAC 480-120-081 (2)(h). Those amendments would have authorized disconnection upon notification from law enforcement personnel that a subscriber is using the service for specified unlawful purposes. Related to that change, the commission deleted the proposed new subsection (8), which would have established notice, disconnect, and appeal procedures applicable to those specified reasons for disconnection action.

In reviewing the entire record, the commission determines that WAC 480-120-056, 480-120-061, 480-120-081, 480-120-101, 480-120-138, and 480-120-141 should be amended 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 480-120-056, 480-120-061, 480-120-081, 480-120-101, 480-120-138, and 480-120-141 are amended 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 rules 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, together with the summary of oral comments and responses prepared after the September 14, 1994, open public meeting and the description of differences between noticed and adopted text set out above, as is concise explanatory statement of the reasons for adoption, and for any variances between noticed and adopted versions, under RCW 34.05.355. It adopts the memoranda, together with the summary of oral comments and responses, as its summary of all comments received and substantive response, under RCW 34.05.325(6).

DATED at Olympia, Washington, this 22nd day of September 1994.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard Hemstad, Commissioner

AMENDATORY SECTION (Amending Order R-287, Cause No. U-87-1611-R, filed 6/21/88)

WAC 480-120-056 ((Deposits-)) Establishment of credit. (1) Establishment of credit - nonresidential ((deposit requirements)). An applicant for or subscriber of nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(2) ~~((Residential deposit requirements. A deposit may be required under the following circumstances:~~

~~(a) A deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the telecommunications company to which application is being made or any other telecommunications company; or where four or more delinquency notices have been served upon the applicant by any other telecommunications company during the twelve months previous to the application for service. A telecommunications company shall provide written notice to the subscriber that a deposit may be required upon issuance of the fourth delinquency notice.~~

~~(b) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.~~

~~(c) When a subscriber (i) is initially provided service without a deposit on the basis of information supplied to the telecommunications company by the subscriber which is incorrect and the subscriber would have otherwise been required to make a deposit; or (ii) has an unpaid, overdue balance owing for the same class of service from the telecommunications company providing that service, or any other telecommunications company, which becomes known to the serving telecommunications company after current service has been provided; or (iii) has incurred excessive toll charges as defined in subsection (3)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (3)(b) of this section.~~

~~(d) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5 p.m. of the first business day following notification.~~

~~(3)) Establishment of credit for residential - interexchange telecommunications company services.~~ An applicant for or subscriber of interexchange telecommunications services may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Establishment of credit for residential - local exchange telecommunications company services. An applicant for or subscriber of local exchange service may demonstrate satisfactory credit by demonstrating any one of the following, provided the applicant or subscriber is not subject to a deposit requirement under subsection (4)(b) of this section, and the information can be confirmed easily and quickly by the company:

(a) Prior residential service with the telecommunications company in question during the previous twelve months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer during the six-month period. Unless, the telecommunications company has determined that realignment of the customer's bill due date as provided for in WAC 480-120-106 would have negated the need for notices.

(b) Prior residential service with any telecommunications company with a satisfactory payment record as demonstrated in (a) of this subsection and the applicant provides the necessary information to substantiate the assertion. The applicant may either provide verification via a letter from their previous telecommunications company or have their previous telecommunications company provide the verification of credit.

(c) Consecutive employment during the entire twelve months next previous to application, with no more than two employers, and the applicant is currently employed. The applicant or subscriber must provide a work telephone number to enable the telecommunications company to verify employment.

(d) Stable monthly income during the entire twelve months next previous to application for service, and the applicant or subscriber is continuing to receive such income. The applicant or subscriber must provide a telephone number of the income provider which can confirm the information.

(e) Applicant owns or is purchasing the residence to be served. The applicant must provide a parcel number or another means whereby the telecommunications company can confirm the information.

Upon request, telecommunications companies within the state of Washington must provide applicants or subscribers confirmation of their payment history for the previous twelve-month period. Written confirmation may be provided to either the consumer or directly to the telecommunications company of which service is requested. Verbal confirmation must be provided directly to the telecommunications company of which service is requested. The criteria used for the confirmation must be the same as provided for in (a) of this subsection. The confirmation must be provided on the same or following business day of the request.

The information provided by the applicant or subscriber to establish credit shall be used only for purposes of establishing credit worthiness. Information shall not be provided to any person or telecommunications company for purposes other than to establish credit worthiness as provided for in (a) of this subsection.

(4) Deposit requirements. An applicant or subscriber may be required to pay a deposit under the following circumstances:

(a) When an applicant or subscriber is unable to establish credit as defined above.

(b) When a subscriber is initially provided service without a deposit on the basis of information supplied to the telecommunications company by the subscriber which is incorrect and the subscriber otherwise would have been required to make a deposit.

(c) In any event, a deposit may be required when within the last twelve months prior to application, the applicant's or subscriber's service of a similar type has been disconnected

for failure to pay amounts owing, when due; or where applicant has an unpaid, overdue balance owing for the same class of service from the telecommunications company to which application is being made, or any other telecommunications company.

(d) When a subscriber has incurred excessive toll charges as defined in subsection (5) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.

(5) Amount of deposit.

(a) In instances where a deposit may be required by the telecommunications company, the deposit shall not exceed:

(i) For nonresidential service, two-twelfths of estimated annual billings(+);

(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service or two months estimated usage for applicants or subscribers without previous verifiable service. Customary utilization is calculated using charges for the previous three months service.

(b) Subscribers whose toll charges exceed thirty dollars, or whose toll charges exceed customary utilization over the previous six months by twenty dollars or by twenty percent, whichever is greater, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the telecommunications company between the time of notice and of payment.

(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon two months customary utilization.

(c) If the notice herein described is mailed, receipt may be presumed (~~open~~) upon the fourth business day following date of mailing.

(d) At the time application is made for service, the telecommunications company may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required((-)) if the toll is incurred by a telecommunications company authorized by the commission to collect deposits and advanced payments; a deposit or additional deposit may be required, or service may be disconnected.

~~((4))~~ (6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

~~((5))~~ (7) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the

effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

~~((6))~~ (8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts ~~((on the telecommunications company's ordinary billing cycle during))~~ over the following two months ~~((of service))~~. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection ~~((7))~~ (9) of this section, alternative to deposit, of this section.

~~((7))~~ (9) Alternative to deposit. A residential subscriber or applicant for residential service ~~((of whom))~~ who is unable to establish credit as provided above and is required to make a deposit ((is required)), but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to:

(a) Furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required until satisfactory credit is established. The company may require that the guarantor reside in the state of Washington and currently have service with the telecommunications company requesting the deposit.

(b) Where technically feasible, accept a toll restricted access line in lieu of payment of the deposit until satisfactory credit is established as provided for above, or until a deposit is received. A toll restricted line shall provide access to emergency service, such as 911.

~~((8))~~ (10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

~~((9))~~ (11) Refund of deposit or removal of toll restriction. Deposits shall be refunded or toll restriction converted to unrestricted service under the following circumstances ~~((in the following form))~~:

(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service in a prompt and satisfactory manner as evidenced by the following:

(i) The telecommunications company has not initiated disconnection proceedings against the subscriber.

(ii) No more than ~~((three))~~ two notices of delinquency have been made to the subscriber by the telecommunications company within the previous twelve-month period.

(b) Termination of service. Upon termination of service, the telecommunications company shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the telecommunications company by the subscriber for service rendered on the telephone account for which the deposit was collected.

(c) Refunds - how made. Any deposit, plus accrued interest, ~~((shall))~~ may be ~~((refunded))~~ applied to the ~~((subscriber either))~~ subscriber's telephone account for service in

the 13th and, if appropriate, subsequent months once satisfactory credit is established. Upon subscriber request, the refund shall be made in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above ((, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to refund indicated by the subscriber at the time of deposit, or as thereafter modified)).

~~((10))~~ (12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this section.

AMENDATORY SECTION (Amending Order R-353, Docket No. UT-910788), filed 12/18/91, effective 1/18/92)

**WAC 480-120-061 Refusal of service.** (1) The ~~((utility))~~ telecommunications company may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A ~~((utility))~~ telecommunications company may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A ~~((utility))~~ telecommunications company shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights of way, easements, and permits.

(4) A ~~((utility))~~ telecommunications company may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same ~~((utility))~~ telecommunications company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory ((arrangements)) to the telecommunications company are made: *Provided*, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. A nontelecommunication company applicant for service shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. Any amount owed to a local exchange company or an interexchange carrier at the time a customer's local service is disconnected for nonpayment is considered a prior obligation. Any amount owed to an interexchange carrier at the time the telecommunications company toll restricts a customer's service for nonpayment is considered a prior obligation. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance or toll restriction of service under the provisions of WAC 480-120-081 ~~((2)(a))~~. A ~~((utility))~~ telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the ~~((utility))~~ company.

(5) A ~~((utility))~~ telecommunications company may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an

overdue, unpaid prior obligation to the same ((utility)) telecommunications company for the same class of telecommunications service at that address until the obligation is paid or satisfactory arrangements are made.

(6) A telecommunications company may deny service until any proper deposit is paid in full, or in part, or an alternative service option as defined in WAC 480-120-056 has been selected by the applicant or subscriber.

(7) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who fails to provide accurate and verifiable information necessary to establish the identity of the applicant or subscriber until verifiable information is provided. Telecommunications companies must provide a means for applicants or subscribers to provide identification. At a minimum business offices and payment agencies required under WAC 480-120-510 must provide this service at no charge to the applicant or subscriber.

(8) A ((utility)) telecommunications company may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.

((7)) (9) A local exchange company shall deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from a local exchange company shall state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.

**AMENDATORY SECTION** (Amending Order R-233, Cause No. U-85-35, filed 8/23/85)

**WAC 480-120-081 Discontinuance of service.** (1) By subscriber - a subscriber shall be required to give notice to the ((utility)) telecommunications company of his intention to discontinue service.

(2) By ((utility)) telecommunications company - service may be discontinued by the ((utility)) telecommunications company for any of the following reasons:

(a) For the nonpayment of bills. The ((utility)) telecommunications company shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the ((utility's)) telecommunications company's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff or pricelist of the ((utility)) telecommunications company. Nonpayment of charges billed by the ((utility)) telecommunications company on behalf of information providers shall not be grounds for discontinu-

ance of service in whole or in part. Nonpayment of interexchange carrier charges shall not be grounds for disconnection of local service. However, the telecommunications company may toll restrict a subscriber's service for nonpayment of proper interexchange carrier charges. Disputed third party billed charges shall not be grounds for disconnection of service in whole or in part.

(e) For violation of rules, service agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the ((utility's)) telecommunications company's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the ((utility)) telecommunications company may discontinue service without notice: *Provided, however,* That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the ((utility)) telecommunications company shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the ((utility)) telecommunications company may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the ((utility)) telecommunications company in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) When a local exchange telecommunications company has cause to totally disconnect or has totally disconnected a residential service, it shall postpone disconnection of local service or shall reinstate local service after receiving either verbal or written notification of the existence of a medical emergency for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of local service.

(a) The local exchange company may require that the subscriber within five business days submit written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of the subscriber, a member of the subscriber's family or another permanent resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

(i) The name of the resident whose health would be affected by the disconnection of local service;

(ii) The relationship to the subscriber;

(iii) A description of the health condition;

(iv) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(v) A statement of how long the condition is expected to last; and

(vi) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a subscriber from paying delinquent and ongoing charges. The company may require that the subscriber do the following within the five business day grace period: Pay a minimum of twenty-five percent or ten dollars of the delinquent balance, whichever is greater; and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the subscriber to pay more than this subsection prescribes. The company shall send a notice confirming the payment arrangements within two business days.

(c) If within the five-day grace period the subscriber fails to provide acceptable certification or fails to make payment or enter into an acceptable payment arrangement, the company may disconnect local service without further notice.

(d) If the subscriber fails to abide by the terms of the payment agreement the company may disconnect local service following notification provided for in subsection (5)(b) of this section.

(e) The medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than six months without renewal.

((3)) (4) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff or pricelist of the company.

((4)) (5) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no ((utility)) telecommunications company shall discontinue service unless the following conditions are met:

(a) ((Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b)) Each ((utility)) telecommunications company shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(b) Before effecting disconnection of service, a telecommunications company shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone at the service number during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the telecommunications company shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's service telephone number. A log or record of the attempts shall be maintained by the telecommunications company showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when:

(i) The company has had cause in any two previous billing periods during a consecutive twelve-month period to attempt such contact; and

(ii) The company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the ((utility)) telecommunications company to resolve any differences. All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the ((utility)) telecommunications company cannot reestablish service on the same or following day.

(d) When a ((utility)) telecommunications company employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of



the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the ~~((utility))~~ telecommunications company shall be permitted to assess a reasonable fee as provided for in the tariff of the ~~((utility))~~ telecommunications company for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the ~~((utility))~~ telecommunications company has reasonable grounds to believe service is to other than the subscriber of record, the ~~((utility))~~ company shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the ~~((utility))~~ telecommunications company upon referral of a complaint to a ~~((utility))~~ company supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the ~~((utility))~~ telecommunications company may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

~~((5))~~ (6) Payment of any delinquent amount to a designated payment agency of the ~~((utility))~~ telecommunications company shall constitute payment to the ~~((utility))~~ company, if the subscriber informs the ~~((utility))~~ company of such payment and the ~~((utility))~~ company verifies such payment.

~~((6))~~ (7) Service shall be restored when the causes of discontinuance have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff or pricelist of the ~~((utility))~~ telecommunications company; or as the commission may order pending resolution of any bona fide dispute between the ~~((utility))~~ telecommunications company and the subscriber or applicant over the propriety of disconnection.

~~((7))~~ (8) A ~~((utility))~~ telecommunications company may make a charge for restoring service when service has been discontinued or toll restricted for nonpayment of bills.

The amount of such charge is to be specified in the ~~((utility's))~~ telecommunications company's tariff or pricelist.

When service is ~~((discontinued))~~ disconnected for nonpayment of a bill it may be either completely disconnected, toll restricted or partially disconnected. Toll restriction must allow access to emergency numbers such as 911. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

**WAC 480-120-101 Complaints and disputes.** Any complaint or dispute involving a ~~((utility))~~ telecommunications company and a subscriber shall be treated in the following manner:

~~((a))~~ (1) Each complaint or dispute received by a ~~((utility))~~ telecommunications company shall be investigated promptly as required by the particular case, and the result reported to the applicant or subscriber. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each ~~((utility))~~ telecommunications company shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or subscriber shall inform the applicant or subscriber that if dissatisfied with the decision or the explanation that is provided, the applicant or subscriber has the right to have that problem considered and acted upon by supervisory personnel. The applicant or subscriber shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each ~~((utility))~~ telecommunications company shall ensure that supervisory personnel contacted by a dissatisfied applicant or subscriber shall inform a still-dissatisfied applicant or subscriber of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or subscriber and the ~~((utility))~~ telecommunications company shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC ~~((480-08-040))~~ 480-09-150 and/or a formal complaint pursuant to the provisions of WAC ~~((480-08-050))~~ 480-09-420.

(5) When a complaint is referred to a ~~((utility))~~ telecommunications company by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action

taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

(7) Each telecommunications company shall ensure that it has personnel available during regular work days to address customer complaints or inquiries and to respond to commission staff. Regular work days mean Monday - Friday, excluding official state holidays.

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

**WAC 480-120-138 Pay telephones—Local and intrastate.** Every telecommunications company operating an exchange within the state of Washington may allow pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission setting rates and conditions applicable to the connection of pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, collect, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations. The term does not include in-room telephones provided by hotels, motels, hospitals, campuses or similar facilities for the use of guests or residents.

For purposes of these rules, the term "subscriber" is defined as a party requesting or using a public access line for the purpose of connecting a pay telephone to the telephone network.

(1) Pay telephones connected to the company network must comply with Part 68 of the Federal Communications Commission rules and regulations and the National Electric Code and National Electric Safety Code as they existed on January 1, 1991, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access the operator and 911 where available without the use of a coin.

(4) The charge for each directory assistance call paid by the consumer shall not exceed the prevailing per call charge for comparable directory assistance. In the absence of persuasive contrary evidence, the charge of U S WEST Communications for intraLATA directory assistance or AT&T for interLATA directory assistance shall be accepted as the prevailing charge. A location surcharge is not permitted.

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted on each pay telephone.

(6) Information consisting of the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) The method by which the consumer may obtain without charge an accurate quotation of rates, fees and surcharges; and

(b) The notices required by WAC 480-120-141(4).

In no case will the charges to the user exceed the quoted costs.

(7) The telephone number of the pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All pay telephones must provide access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply, where available, (a) restriction((+)) which prevents fraud by selective blocking of 10XXX 1+ codes and (b) call screening to identify the line as one to which charges may not be billed, at appropriate tariffed rates.

(11) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) Pay telephones shall be connected only to public access lines in accordance with the approved tariffs offered by the local exchange company. Local exchange company pay telephones are not subject to this requirement.



(13) A subscriber must order a separate pay telephone access line for each pay telephone installed. Extension telephones may be connected to a pay telephone access line when the instrument:

(a) Prevents origination of calls from the extension station; and

(b) Prevents third party access to transmission from either the extension or the pay telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to pay telephone service, or other requirements contained in these rules, including interexchange carrier access requirements, will subject the pay telephone to disconnection of service ~~((if the deficiency is not corrected within five days from date of written notification to the subscriber))~~ as follows. When the local exchange company becomes aware of a violation, prior to disconnection of service, it shall immediately send written notification to the subscriber outlining all deficiencies. If any deficiency is not corrected within five days from the date of written notification to the subscriber, the local exchange company shall discontinue service. Prior to effecting the disconnection of service, the local exchange company shall make two bona fide attempts to reach the subscriber by telephone to advise the subscriber of the impending disconnection. WAC 480-120-081 ~~((4)(g))~~ shall not apply to such disconnections. The local exchange company shall ensure that any costs associated with the field visits (shall be charged to the subscriber if the charge is required by a pertinent local exchange company tariff) for public access lines services be recovered from the subscriber of the public access line service in question.

It shall be the responsibility of every local exchange company to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local exchange company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local exchange company to provide free of charge one current telephone directory each year for each public access line. It shall be the responsibility of the subscriber to make a reasonable

effort to assure a current directory is available at every pay telephone location.

Public access lines will be charged at rates according to the relevant tariff as approved by the commission.

(19) Disconnection of, or refusal to connect, a pay telephone for violation of these rules may be reviewed by the commission in a formal complaint under WAC 480-09-420(5) through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

AMENDATORY SECTION (Amending Order R-348, Docket No. UT-910828, filed 10/2/91, effective 11/2/91)

**WAC 480-120-141 Alternate operator services.** All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission.

(1) Each alternate operator services company shall file with the commission at least every six months a current list of operator services customers which it serves and the locations and telephone numbers to which such service is provided to each customer. A customer list provided pursuant to this rule is proprietary information and, if identified when filed as required in WAC 480-09-015, is subject to the protections of that rule.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company.

(a) The AOS company shall withhold on a location-by-location basis the payment of compensation, including commissions, from a call aggregator, if the AOS company reasonably believes that the call aggregator is blocking access to interexchange carriers in violation of these rules.

(b) Violations of tariff, contract or other statements of conditions of service, in commission rules pertaining to AOS company service, or of other requirements contained in these rules, including interexchange carrier access requirements, will subject an aggregator to termination of alternate operator services ~~((if the deficiency is not corrected within five days from date of written notification to the aggregator))~~ as follows. When the AOS becomes aware of a violation, prior to disconnection of service, it shall immediately send written notification to the aggregator outlining all deficiencies. If any deficiency is not corrected within five days from the date of written notification to the aggregator, the AOS shall terminate service. Prior to effecting the termination of service, the AOS company shall make two bona fide attempts to reach the subscriber by telephone to advise the subscriber of the impending termination. WAC 480-120-081 ~~((4)(g))~~ shall not apply to such terminations.

(c) AOS company actions in furtherance of this rule may be reviewed by the commission in a formal complaint under WAC 480-09-420 through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

(d) An AOS company shall refuse to provide operator services to a call aggregator who the commission has found to have knowingly and repeatedly violated commission rules

regarding the provision of alternate operator service until the commission has found that the call aggregator will comply with relevant law and rule.

(3) For purposes of this section, "consumer" means the party initiating and/or paying for an interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, pay telephone, etc., contracting with an AOS for service.

(4) An alternate operator services company shall require, as a part of any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger **Stymie Bold** type, the information provided in the following notice:

SERVICE ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator without charge to receive specific rate information; and

(iii) Directions to allow the consumer to reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide access from every instrument to 1-800 services and all available interexchange carriers; and

(d) Shall post, on or near the instrument, a notice stating whether a location surcharge or any other fee is imposed for telecommunications access through the instrument, the amount of any fee or location surcharge, and the circumstances when it will apply.

(e) Posting under these rules shall begin no later than October 1, 1991, and shall be completed no later than January 31, 1992. In the interim, posting in compliance with the immediate prior posting provisions of WAC 480-120-141 is required and shall constitute compliance with this rule.

(5) The alternate operator services company shall:

(a) Identify the AOS company providing the service audibly and distinctly at the beginning of every call, and again before the call is connected, including an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(ii) The message used by the AOS company shall state the name of the company as registered with the commission whenever referring to the AOS company. Terms such as "company," "communications," "incorporated," "of the northwest," etc., when not necessary to clear consumer identification of the entity providing service may be omitted

when authorized by letter from the secretary of the commission.

(iii) The consumer shall be permitted to terminate the telephone (~~call~~) call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer:

(A) A quote of the rates or charges for the call, including any surcharge;

(B) The method by which the rates or charges will be collected; and

(C) The methods by which complaints about the rates, charges, or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the AOS company shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange carriers, does not exceed one percent in the time consistent busy hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to determine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heavy traffic, such as national emergency, local disaster, holidays, etc.

(6) The alternate operator services company shall assure that persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

(7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities:

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the consumer dials zero (0) and no other digits within five seconds shall be

routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

(8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and disputes.

(9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; surcharges; variable rates.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability, technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by US WEST Communications for intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than the prevailing charges in the relevant market - intraLATA or interLATA - will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary evidence, the charges for US WEST for intraLATA service and AT&T for interLATA service will be accepted as the prevailing charges.

(c) Surcharges; variable rates. No location surcharge may be added to without-charge calls nor to a charge for directory assistance. No tariff may provide for rate levels which vary at the option of a call aggregator, provided, that an aggregator may waive application of the surcharge to calls from its instruments, and provided further, that an AOS company may establish a tariff rate for high-cost locations if the conditions for application of the rate confine it to locations with substantially higher than average operating costs.

(11) Rates to the consumer for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services in the relevant market - intraLATA or interLATA - unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, rate levels of US WEST for intraLATA service and AT&T for interLATA service will be considered the prevailing rate.

(12) Fraud prevention.

(a) A company providing interexchange telecommunications service may not bill a call aggregator for charges billed to a line for calls which originated from that line through the use of 10XXX+0; 10XXX+01; 950-XXXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications service may not bill to a call aggregator any charges for collect or third number billed calls, if the line serving to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

(c) Any calls billed through the local exchange carrier in violation of subparagraphs (a) or (b) above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the interexchange telecommunications company as not billable.

(d) Any call billed directly by an alternate operator service company, or through a billing method other than the local exchange company, which is billed in violation of subparagraphs (a) and (b), above, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening which would have protected the call, which is offered by the LEC and was subscribed to by the call aggregator, was not operational at the time the call was placed, the AOS company shall bill the LEC for the call.

#### WSR 94-20-022

#### PERMANENT RULES

#### DEPARTMENT OF PERSONNEL

[Filed September 26, 1994, 10:00 a.m., effective October 28, 1994]

Date of Adoption: September 22, 1994.

Purpose: WAC 356-56-015 specifies the overall implementation of chapter 356-56 WAC. WAC 356-56-021 specifies the provisions for the transition of the career executive program to the Washington management service. WAC 356-56-05 [356-56-050] specifies provisions for employees and positions transitioned into the Washington management service.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-56-021; and amending WAC 356-56-015 and 356-56-050.

Statutory Authority for Adoption: Chapter 41.06 RCW, RCW 41.06.500.

Pursuant to notice filed as WSR 94-16-139 on August 3, 1994.

Effective Date of Rule: October 28, 1994.

September 22, 1994

Dennis Karras

Director

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94 [1994])

**WAC 356-56-015 Implementation of rules.** Chapter 356-56 WAC adopted by the director of personnel (~~and effective July 1, 1994~~) applies to all agencies (~~except the department of fish and wildlife and the department of community, trade, and economic development. Chapter 356-56 WAC will apply to the department of fish and wildlife~~).

~~effective August 1, 1994 and the department of community, trade, and economic development effective September 1, 1994).~~

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 356-56-021 Washington management service—Transition of career executive program.

**AMENDATORY SECTION** (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

**WAC 356-56-050 Transition.** (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

- (a) Retain current salary;
- (b) Immediately assume permanent status in the Washington management service for permanent status employees;
- (c) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,
- (d) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) Incumbents in positions transitioned into Washington management service will continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature.

(4) Permanent status employees who are in project positions at the time their regular positions are placed in the Washington management service, have return rights to the same or similar Washington management service positions.

(5) Incumbents of project positions that are transitioned to the Washington management service will retain the return, reduction-in-force, voluntary demotion, transfer and promotion rights and requirements as provided in WAC 356-30-145.

**WSR 94-20-025  
PERMANENT RULES  
PERSONNEL RESOURCES BOARD**

[Filed September 26, 1994, 10:11 a.m.]

Date of Adoption: September 8, 1994.

Purpose: WAC 251-04-105 defines methods of how service of papers shall be made and when service is complete.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-105.

Statutory Authority for Adoption: Chapter 41.06 RCW, RCW 41.06.150.

Pursuant to notice filed as WSR 94-16-052 on July 27, 1994.

Effective Date of Rule: November 1, 1994.

September 23, 1994

Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

**WAC 251-04-105 Method and completion of service.**

Service of papers shall be made either personally, or by registered or certified mail, or by the electronic telefacsimile transmission and same-day mailing of copies, unless otherwise provided by law. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United States mail, properly stamped and addressed to the last known address on file with the institution. Service by electronic telefacsimile transmission shall be regarded as complete upon confirmation of transmission by the telefacsimile device.

**WSR 94-20-033  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Order 3783—Filed September 27, 1994, 2:40 p.m.]

Date of Adoption: September 27, 1994.

Purpose: Removes cumbersome and burdening regulations that draw resources from the delivery of direct services to mental health consumers. Meets mandates of consumers, advocates, and family members for a stronger voice in governance and quality improvement activities of the mental health system. New chapter 275-57 WAC, Community mental health programs.

Citation of Existing Rules Affected by this Order: Repealing chapter 275-56 WAC, Community mental health programs.

Statutory Authority for Adoption: Chapter 71.24 RCW. Other Authority: Title XIX Waiver, and SSB 6547.

Pursuant to notice filed as WSR 94-17-118 on August 17, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-57-020(24) changed the word "an person" to "a person" - editorial. WAC 275-57-410(2) added the words: "The provider and consumer, or legally responsible other, shall. . ."

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

September 27, 1994

Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

PERMANENT

**Chapter 275-57 WAC**  
**COMMUNITY MENTAL HEALTH PROGRAMS**

**NEW SECTION**

**WAC 275-57-010 Purpose and authority.** The purpose of chapter 275-57 WAC is to implement a locally-managed community mental health program to help people experiencing mental disorders retain or gain respected and productive positions in their community or, when appropriate, to achieve and maintain their optimal level of functioning. This chapter replaces chapter 275-56 WAC and establishes rules and regulations for regional support networks (RSNs), prepaid health plans (PHPs), licensed service providers, information, accountability, contracts, and services. The department's legal authority for adopting this chapter is chapter 71.24 RCW.

(1) Compliance with the rules and regulations for RSN duties shall be phased in according to the contract with the department. The department shall apply all rules and regulations in this chapter pertaining to RSNs to non-RSN counties, unless noted otherwise. Rules and regulations for RSNs are specified in sections 050 through 170 of this chapter.

(2) Compliance with the rules and regulations for PHP duties shall be phased in according to the contract with the department. PHPs shall also be certified as an RSN or licensed as a provider. Rules and regulations for PHPs are specified in sections 150 through 260 of this chapter. If the PHP is not an RSN, sections 070 through 120 shall also apply to the PHP.

(3) Rules and regulations for licensed service providers which provide services under contract to a PHP or RSN are specified in sections 030 and 270 through 450 of this chapter.

(4) Rules and regulations for licensed providers which do not contract with either an RSN or PHP are specified in sections 030, 270 through 380, and applicable services as described in sections 400 through 450.

**NEW SECTION**

**WAC 275-57-020 Definitions.** (1) "**Acutely mentally ill**" means a condition limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 (2) or in the case of a child, as defined in RCW 71.34.020 (12);

(b) Being gravely disabled as defined in RCW 71.05.020 (1) or, in the case of a child, as defined in RCW 71.34.020 (8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 (3) or, in the case of a child, as defined in RCW 71.34.020 (11).

(2) "**Allied service providers**" means providers of social services not licensed under this chapter, but serving RSN consumers. These include, but are not limited to, child and family services, alcohol and substance abuse services, vocational rehabilitation services, developmental disability services, and schools.

(3) "**Certified marriage and family therapist**" means a person certified to practice marriage and family therapy under RCW 18.19.130.

(4) "**Certified mental health counselor**" means a person certified to practice mental health counseling under RCW 18.19.120.

(5) "**Certified social worker**" means a person certified to practice social work under RCW 18.19.110.

(6) "**Child**" means a person seventeen years of age or younger.

(7) "**Chronically mentally ill adult**" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months.

(8) "**Clinical services**" means those direct age and culturally appropriate consumer services which either:

(a) Assess a consumer's condition, abilities, or problems; or

(b) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

(9) "**Consumers**" means persons, couples, or families who are eligible to or are receiving clinical, coordinative, or support services.

(10) "**Consultation**" means review and recommendations regarding the job responsibilities, activities, or decisions of administrative, clinical or clerical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

(11) "**Crisis**" means a situation where a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial, or neurophysiological functioning.

(12) "**Cultural competence**" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

(13) "**Department**" means the department of social and health services.

(14) "**Disabled**," for the purposes of this chapter only, means an individual with a developmental disability, serious physical impairment, or sensory impairment.

(15) "**Elderly**" means a person sixty years of age or older.

(16) "**Employment services**" means supported employment, transitional work, placement in competitive employment, and other work-related services that result in persons with a mental illness becoming engaged in meaningful and gainful full-time or part-time work.

(17) "**Enrolled recipient**" means, for purposes of a prepaid health plan (PHP), a person eligible for Medicaid

services, and eligible to receive community mental health rehabilitation services.

(18) "**Fair hearing**" means an adjudicative proceeding as defined under chapter 34.05 RCW.

(19) "**Gravely disabled**" means a condition where a person, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for such person's essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning;

(i) Evidenced by repeated and escalating loss of cognition or volitional control over such person's actions; and

(ii) Is not receiving such care as is essential for such person's health or safety.

(20) "**Individualized plan**" means a plan developed by the provider in collaboration with the consumer and others providing supports to the consumer. The individualized plan:

(a) Is developed with the consumer and people who know the consumer best;

(b) Focuses on and enhances consumer strengths as defined by the consumer;

(c) Is flexible and responsive to the consumer's changing needs; and

(d) Focuses on meeting those basic needs that persons of similar age, gender, and culture have.

(21) "**Integrated work setting**" means a setting which offers regular contact with nondisabled coworkers and includes social interaction and integration at the work site.

(22) "**Licensed provider**" means an agency licensed by the department under this chapter.

(23) "**Limited-English proficient**" means persons applying for or receiving services from the department or its contractors who have difficulty understanding what an English speaking staff person says or who have trouble being understood by the English speaking staff person.

(24) "**Mental disorder**" means organic, mental, or emotional impairment having substantial adverse effect on a person's cognitive or volitional functions.

(25) "**Mental health professional**" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill persons;

(d) A person having at least a masters degree in behavioral sciences, social work, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill persons;

(e) A mental health counselor, social worker, or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill persons; or

(f) A person otherwise qualified to perform the duties of a mental health professional but does not meet the requirements listed in (a) through (e) of this subsection, where the department has granted an exception to such requirements upon review of a written request by the RSN or PHP involved.

(26) "**Minority**" or "**ethnic minority**" or "**racial/ethnic groups**" means any of the following general population groups:

(a) African American; or

(b) An American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe;

(B) A person determined eligible to be found Indian by the secretary of the interior; and

(C) An Eskimo, Aleut, or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community, or nonstatus Indian community from Canada.

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization;

(c) Asian or Pacific Islander; or

(d) Hispanic.

(27) "**Nonclinical services**" means those services designed to support the consumer and facilitate community living and do not require licensing under this chapter. Nonclinical services include, but are not limited to:

(a) Peer support and advocacy;

(b) Assistance accessing or locating services;

(c) Help with daily living; and

(d) Provision of transportation.

(28) "**Prepaid health plan (PHP)**" means an organization that provides and/or pays for Medicaid mental health services provided to an eligible enrolled consumer for a prepaid capitated rate under the terms of a department contract.

(29) "**Priority populations**" means:

(a) Acutely mentally ill adults and children;

(b) Chronically mentally ill adults;

(c) Severely emotionally disturbed children; or

(d) Seriously disturbed adults and children at risk of becoming acutely or chronically mentally ill, or seriously emotionally disturbed, as determined by the RSN at their sole discretion.

(30) "**Primary care provider (PCP)**" means a person with primary responsibility for implementing the individualized plan for community mental health rehabilitation services with the enrolled recipient.

(31) "**Provider**" means licensed provider as defined under this chapter.

(32) "**Regional support network (RSN)**" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

(33) "**Research**" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This shall not include program evaluation conducted for internal monitoring or review purposes.

(34) "**Seriously disturbed person**" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(35) "**Severely emotionally disturbed child**" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(36) "**Substantial gainful activity**" means work involving significant physical or mental activities done for pay or profit. For the purposes of this chapter only, substantial gainful activity also means:

(a) For children, the ability to productively participate in educational activities;

(b) For elderly, retired persons, the ability to manage retirement income and activities of daily living; and

(c) For persons disabled due to physical impairment, the ability to manage disability income and activities of daily living.

(37) "**Supervision**" means regular monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

(38) "**Supported employment**" means competitive employment in an integrated work setting with ongoing support services and reasonable accommodations for persons

with mental illness, for whom competitive employment has not traditionally occurred or which has been interrupted.

(39) "**Transitional employment**" means competitive work in an integrated setting for persons with mental illness who may need support services (but not necessarily job skill training services) and reasonable accommodations, provided either at the work site or away from the work site. The job placement may not necessarily be a permanent employment outcome for the person.

(40) "**Tribal authorities**," for the purposes of this chapter and RCW 71.24.300, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary of the department insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

(41) "**Underserved**" means persons who are:

(a) Minorities;

(b) Children;

(c) Elderly;

(d) Disabled; and

(e) Low-income persons.

#### NEW SECTION

**WAC 275-57-030 Waiver of rules.** (1) An RSN, PHP, licensed provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter by completing and submitting forms furnished by the department. The RSN, PHP, licensed provider, or applicant shall ensure the waiver request includes:

(a) The specific section for which the waiver is being requested;

(b) A description of the hardship or opportunity for service improvement to be addressed by the waiver;

(c) A description of the plan to achieve compliance, or to implement, test, and report results of a possible service improvement;

(d) Duration requested for the waiver;

(e) For agencies contracting with an RSN or PHP, a statement by the RSN or PHP recommending approval for the request;

(f) Recommendations, if any, from the quality review team or ombuds staff, as defined in sections 150 and 160 of this chapter; and

(g) A description of how consumers shall be notified of changes made as a result of the waiver.

(2) Upon receipt of a request for waiver, the department shall consider:

(a) Impact on accountability, accessibility, efficiency, consumer satisfaction, and quality of care;

(b) Degree of noncompliance sought; and

(c) Whether the requirement is also in statute and therefore may not be waived.

(3) The department shall respond to the waiver request in writing within thirty days of receipt of the request.

(a) If the waiver is granted, the department shall issue a notice which includes:

(i) Section or subsection waived;

(ii) Conditions;



(iii) Duration of the waiver which shall in no case extend past the date of renewal of the agency license or RSN certification;

(iv) Notification that the waiver shall be subject to review and possible renewal, if requested.

(b) If the department denies the waiver, the department shall ensure the notice includes reasons for the decision.

(4) The RSN, PHP, licensed provider, or applicant may appeal the denial of a waiver request to the secretary in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 275-57-040 Department responsibilities and duties.** The department shall:

(1) Comply with duties as specified under chapter 71.24 RCW;

(2) Coordinate state mental health policy and advocate to promote age and culturally competent services for consumers;

(3) Maintain minimum service delivery standards. Under such standards, the department shall license and certify providers and certify RSNs. In licensing and certification reviews, the department shall:

(a) Coordinate reviews with other audits and inspections of the state and RSNs to minimize overlap and duplication of effort;

(b) Evaluate the effectiveness of local processes which address consumer satisfaction, enable consumer needs to be met, and provide for prudent expenditure of public funds; and

(c) Have reasonable access at reasonable times to the records of RSNs, PHPs, and licensed providers.

(4) Establish and implement outcome-based contracts with RSNs and PHPs;

(5) Develop and implement an outcome-based plan in collaboration with consumers, families, RSNs, providers, and diverse communities. The department shall ensure the plan is periodically reviewed and resources applied toward its implementation;

(6) Be designated as the county authority if a county or RSN fails to significantly meet contractual requirements or minimum standards or chooses not to exercise responsibilities under RCW 71.24.045;

(7) Be designated as the PHP if:

(a) An RSN or provider is not available to serve as the PHP; or

(b) The department can administer community mental health rehabilitation services more efficiently and cost effectively than other available RSNs or providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available RSNs or providers includes, but is not limited to, lower administrative costs, lower unit cost for comparable services, higher productivity, and increased service quality.

(8) Implement policies to maximize system efficiency and resources which go to services. The department shall assess new policies in terms of intended results and cost-effectiveness;

(9) Advocate for cross-system collaboration and sharing of resources for consumers served by multiple systems;

(10) Support and promote technical assistance, community education, stigma reduction, training and research; and

(11) Maintain an effective, internal quality improvement process to assess and improve the above requirements of this section.

#### NEW SECTION

**WAC 275-57-050 Regional support networks—General responsibilities and duties.** The RSN shall:

(1) Comply with duties as specified under chapter 71.24 RCW.

(2) Identify the single point of responsibility to administer and provide community mental health services to priority populations;

(3) Provide resource management services, as described in section 110 of this chapter;

(4) Provide, or ensure the provision of, crisis response services as described in section 390 of this chapter;

(5) Provide, or ensure the provision of, a full array of brief intervention and community support services, including residential services, as described in sections 400 through 450, and 470 of this chapter;

(6) Meet the terms of the state department contract;

(7) Require its contractors and their subcontractors to comply with applicable requirements of the contract with the department;

(8) Contract for clinical services only with licensed service providers or providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW. If the department notifies the RSN of a provider's failure to attain or maintain licensure, the RSN shall terminate its contract with that provider;

(9) Operate as a licensed provider only when:

(a) Another provider is not available to provide the mental health services; or

(b) The RSN demonstrates to the department that it can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available providers includes, but is not limited to:

(i) Lower administrative costs;

(ii) Lower unit cost for comparable services;

(iii) Higher productivity; and/or

(iv) Increased service quality.

(10) Notify the department of observations indicating that providers may not be in compliance with licensing requirements. The RSN shall maintain written report of its evaluations and audits of providers for department inspection;

(11) Allow the department reasonable access at reasonable times to RSN records;

(12) Collaborate with and make reasonable efforts to obtain and use nonclinical resources in the community to maximize services to consumers; and

(13) Educate the community regarding mental illness to diminish stigma.



NEW SECTION

**WAC 275-57-060 Regional support networks—Recognition and certification.** (1) A county or group of counties desiring recognition as a regional support network (RSN) shall submit to the department:

- (a) A statement of intent for recognition as an RSN;
  - (b) Documentation showing a total RSN population greater than forty thousand;
  - (c) For RSNs of more than one county, or RSNs encompassing tribal authority or authorities, documentation of interlocal agreements, including:
    - (i) Identification of a single authority;
    - (ii) Assignment of all responsibilities to specified parties; and
    - (iii) Participation by tribal authorities in the agreement, where applicable; and
  - (d) A preliminary plan completed according to departmental guidelines;
- (2) Within thirty days of application, the department shall provide written response either:
- (a) Recognizing the RSN; or
  - (b) Denying recognition and stating the reasons for denial under subsection (1) of this section.
- (3) The department's recognition and initial certification of an RSN shall depend on the RSN meeting the standards for planning and provision of services specified in this chapter.
- (4) The department shall conduct a survey to renew RSN certification before each biennial contract between the department and the RSN.

NEW SECTION

**WAC 275-57-070 Regional support networks—Penalties for noncompliance.** The department may impose penalties on RSNs for noncompliance.

(1) An RSN's failure to provide the department with requested data, statistics, schedules, or information; filing of fraudulent reports; or failure to meet contractual terms may result in the following actions, under the RSN's contract with the department:

- (a) Withholding payment;
  - (b) Financial penalties;
  - (c) Suspension, revocation, limitation, or restriction of certification;
  - (d) Refusal to grant certification; or
  - (e) Other departmental action under chapter 71.24 RCW.
- (2) The department shall deny partial or full funding to RSNs based solely on findings of substantial noncompliance with the terms of the RSN's contract.

NEW SECTION

**WAC 275-57-080 Regional support networks—Governance and community accountability.** The RSN shall ensure services are responsive in an age and culturally appropriate manner to the mental health needs of its community, within available resources. The RSN shall:

- (1) Establish a governance structure which includes, where applicable, representation from tribal authorities, consistent with chapter 71.24 RCW.
- (2) Appoint an RSN advisory board which shall:

- (a) Be broadly representative of the demographic character of the region and the mentally ill persons served. By December 31, 1995, fifty-one percent of the members of the advisory board will include:

- (i) Consumers or past consumers of public mental health services; and

- (ii) Family or foster family members of consumers, including parents of emotionally disturbed children.

- (b) Review and comment on plans, budgets, and policies developed by the RSN to implement the requirements of chapter 71.24 RCW and this chapter. The RSN advisory board shall forward its comments to the RSN governance body and elected officials responsible for the mental health program;

- (3) Develop and implement an outcome-based biennial plan in accordance with department guidelines. In developing the plan, the RSN shall:

- (a) Seek and incorporate input concerning service needs and priorities from community stakeholders, including:

- (i) Consumers;
  - (ii) Family members;
  - (iii) Culturally diverse communities and tribal authorities;
  - (iv) Social service agencies;
  - (v) Organizations representing persons with a disability;
- and

- (b) Identify trends and address service gaps, including specialized services for underserved groups.

- (4) Periodically review the biennial plan and ensure resources are applied in support of its goals and outcomes.

NEW SECTION

**WAC 275-57-090 Regional support networks—Financial management.** (1) The RSN shall prudently manage public resources and shall employ accounting procedures that:

- (a) Are consistent with applicable state and federal requirements and generally accepted accounting principles (GAAP); and

- (b) Enable accurate reporting of revenues and expenditures in a form as issued by the department.

- (2) The RSN shall require specific accounting and auditing procedures from agencies contracting with the RSN to ensure the RSN shall meet its reporting requirements to the department. The RSN may choose not to apply these accounting and auditing requirements to agencies when:

- (a) The contractor is a small contractor, as defined by the RSN, and the RSN is able to account for the expenditure of such funds;

- (b) RSN payments to a contractor are below a specified proportion of the contractor's total receipts, as determined by the RSN; or

- (c) The contract reimbursement mechanisms are specifically tied to units of service or episodes of care, and pricing has been competitively determined or is comparable to prices paid by other purchasers of comparable services.

- (3) The RSN shall expend funds received by the department in accordance with its contract with the department. The RSN shall not expend funds received by the department for any purpose other than those purposes that are intended to achieve:

(a) The performance and outcome terms of its contract with the department; and

(b) Compliance with the requirements of this chapter and chapters 275-54 and 275-55 WAC, chapters 71.05, 71.24, and 71.34 RCW, and the intentions of the State Appropriations Act.

(4) The RSN shall deliver and/or purchase goods and services prudently. The RSN shall comply with this requirement by:

(a) Purchasing all services consistent with state or county procurement procedures;

(b) Employing contract reimbursement mechanisms which ensure payments are tied to outcome and performance requirements in the RSN's contract with the department;

(c) Employing reimbursement pricing strategies which result in the highest level of desired performance, outcome and quality for the least cost. Examples of reimbursement pricing strategies which meet this requirement include:

(i) Competitive pricing, in which proposed prices for a specific package of services are compared among many providers;

(ii) Actuarial analysis, in which capitated payment levels are determined through analysis of comparative service and payment databases; and

(iii) Zero-based cost analysis, in which the price of a package of services is developed by determining the reasonable cost of the components required to deliver that package of services.

(5) The RSN shall manage assets of the RSN under applicable state and federal requirements and generally accepted accounting principles (GAAP) and under the following additional specific requirements:

(a) Assets of the RSN include all property, equipment, vehicles, buildings, capital reserve funds, operating reserve funds, risk reserve funds, or self insurance funds.

(b) Interest accrued on funds stated in this section shall be accounted for and retained for use by the RSN for purposes in subsection (3) of this section;

(c) Property, equipment, vehicles, and buildings shall be properly inventoried with a physical inventory conducted at least every two years. Proceeds from the disposal of any assets shall be retained by the RSN for purposes in subsection (3) of this section.

#### NEW SECTION

**WAC 275-57-100 Regional support network—Awareness of services.** The RSN, or its designee, shall:

(1) Maintain listings of services in telephone and other public directories of the service area. The RSN, or its designee shall prominently display listings for crisis services in telephone directories;

(2) Publish and disseminate brochures and other materials or methods for describing services and hours of operation that are appropriate for all individuals, including those who may be visually impaired, limited-English proficient, or unable to read.

(3) Post and make information available to consumers regarding the ombuds service, under section 160 of this chapter, and local advocacy organizations that may assist consumers in understanding their rights.

#### NEW SECTION

**WAC 275-57-110 Regional support networks—Resource management.** The RSN shall establish mechanisms which maximize access to and use of mental health services, and ensure people receive appropriate levels of care. The RSN shall:

(1) Develop, implement, and enforce culturally competent written criteria for admissions, placements, transfers, and discharges to and from:

(a) Brief intervention services;

(b) Community support services, including residential services; and

(c) Inpatient services funded by the department or RSN, including:

(i) State hospitals;

(ii) Community psychiatric hospital services; and

(iii) Free standing evaluation and treatment facilities.

(2) Regularly manage utilization through a process independent of direct service providers. The RSN shall collect and analyze data regarding which consumers receive brief intervention and community support services. The RSN shall take measures to ensure:

(a) Providers implement the criteria described in subsection (1) of this section.

(b) Consumers in need of brief intervention and community support services receive medically necessary services;

(c) Consumers in brief intervention and community support services receive sufficient but not excessive services;

(d) Services are appropriate to the needs of the person and address:

(i) Age;

(ii) Culture; and

(iii) Disability.

(e) Consumers whose needs are not met through routinely available services receive flexible, individualized services, including consumer-operated services, if appropriate.

(3) Provide resource management services for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment (EPSDT) program as specified in contract with the department.

(4) Develop and implement formal agreements with inpatient services funded by the department or RSN (i.e., state psychiatric hospitals, local evaluation and treatment facilities, and other local inpatient psychiatric facilities) regarding:

(a) Referrals;

(b) Admissions; and

(c) Discharges, including RSN responsibility for discharge planning for consumers residing at the state hospitals.

(5) Identify a single person with primary responsibility for implementation of each consumer's individualized plan. The consumer shall have the right to choose a primary care provider from the primary care providers available.

(6) Ensure access to seven-day-a-week, twenty-four-hour-a-day availability of information regarding mentally ill adults and children receiving services and their individualized plans to county-designated mental health professionals, evaluation and treatment facilities, and others as determined

by the RSN and consistent with section 360 of this chapter, confidentiality of consumer information.

(7) Specify in contract the delegation of the duties described in this section when such duties are assigned to a subcontractor.

#### NEW SECTION

**WAC 275-57-120 Regional support networks—Management information.** RSNs and their subcontractors shall report required management information to the department. To this end, the RSN shall operate an information system and ensure information for persons receiving mental health services funded by public dollars is reported to the state mental health information system, according to departmental guidelines.

(1) The department and the RSN shall use the mental health information system for state-wide and/or RSN management reports and for locating case managers.

(2) The department, RSN, and provider shall maintain confidentiality of information contained in the mental health information system according to this chapter and chapters 70.02, 71.05 and 71.34 RCW.

(a) The RSN shall ensure all RSN, county, or provider staff having access to the mental health information systems are instructed in the confidentiality requirements.

(b) The RSN, county, or provider shall maintain on file a statement signed by the staff acknowledging understanding and agreement to abide by these requirements.

(c) The department shall ensure violation of confidentiality of information shall result in appropriate disciplinary or civil action, as described in chapter 71.05 RCW.

#### NEW SECTION

**WAC 275-57-130 Regional support networks—Staff qualifications.** The RSN shall employ and retain respectful, effective staff. To this end, the RSN shall:

(1) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to job requirements; and

(2) Provide orientation and ongoing training in the skills pertinent to the position and the treatment population, including age and culturally competent consultation with consumers, families, and community members.

#### NEW SECTION

**WAC 275-57-140 Regional support networks—Housing.** The RSN shall actively promote consumer access to, and choice in, safe, decent, and affordable housing, which is integrated into the community and appropriate to the age, culture, and residential needs of the person. The RSN shall:

(1) Designate staff knowledgeable in and responsible for housing-development activities;

(2) Maintain an inventory of housing stock for consumers;

(3) In cooperation or partnership with interested parties and financial institutions, promote access to and use of community housing available to consumers, including:

(a) Ownership or leases by the RSN or its providers;

(b) Agreements between landlords and the RSN or its providers;

(c) Securing HUD Section 8 or other rental subsidies, including rental subsidies provided directly by the RSN;

(d) Loans or grants for low-income or special need housing by federal, state or local funding sources; or

(e) Other means.

(4) Emphasize housing:

(a) With less than nine units;

(b) Which provides for maximum integration of consumers into the community and avoids concentration of individuals with severe and persistent mental illness in a single location.

#### NEW SECTION

**WAC 275-57-150 Regional support networks and prepaid health plans—Quality improvement.** The RSN or PHP shall establish a process responsive to the demographic character of the RSN or PHP to improve service quality and promote customer satisfaction.

(1) **Quality Improvement Process.** The RSN or PHP shall develop and implement a quality improvement process as approved by the department and set forth in the terms of the contract between the department and the RSN or PHP.

(2) **Quality Review Team.** The RSN or PHP shall:

(a) Establish and maintain a quality review team responsive to the demographic character of the RSN and as set forth in the terms of the contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section; and

(b) Take measures to assure the quality review team can fairly and independently execute the team's duties.

(3) The quality review team shall:

(a) Regularly review provider and RSN or PHP performance; and

(b) Meet with interested consumers and family members, allied service providers, and persons reflecting the age and ethnic diversity of the RSN to:

(i) Determine whether services are accessible and address the needs of consumers; and

(ii) Work with interested consumers, service providers, the RSN or PHP, and the department to resolve identified problems.

#### NEW SECTION

**WAC 275-57-160 Regional support networks and prepaid health plans—Ombuds service.** The RSN or PHP shall establish a service responsive to the age and demographic character of the region to assist and advocate for consumers with complaints and grievances concerning services.

(1) The RSN or PHP shall establish an independent ombuds service, as set forth in this section and contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section.

(2) The RSN or PHP shall ensure the ombuds service:

(a) Is independent of service provision;

(b) Receives consumer, family member, and other interested party complaints and assists in the complaint's

resolution with the consumer's consent, at the lowest possible level;

(c) For the purposes of outreach and resolving complaints, has access to consumers, service sites, and records relating to the consumer. The RSN or PHP shall ensure access to records is contingent upon written consent as described under this chapter; and

(d) Intercedes on behalf of consumers and family members and, at the consumer's request, in the complaint and grievance process.

(3) The ombuds service staff shall:

(a) Be accessible to all persons;

(b) Involve other persons, at the consumer's request;

(c) Assist consumers in the pursuit of informal resolution of complaints;

(d) If necessary, continue to assist the consumer through the grievance and, if applicable, fair hearing processes; and

(e) Maintain confidentiality consistent with this chapter.

#### NEW SECTION

**WAC 275-57-170 Regional support networks and prepaid health plans—Consumer grievances.** The RSN or PHP shall establish an age and culturally appropriate process for consumers to pursue grievances. To this end, a consumer or enrolled recipient aggrieved by a decision of an RSN, PHP or the department shall have the right to a fair hearing, as required under chapter 388-08 WAC. The RSN or PHP shall establish a grievance process which:

(1) Is published and made known to consumers who are current or potential users of community mental health rehabilitation services in a readily understandable language and manner;

(2) Give consumers the opportunity to report grievances, and have the grievances investigated, and resolved promptly;

(3) Ensures retaliation, formal or informal, against a grievant does not occur;

(4) Ensures the retention of full records of all grievances in confidential files, separate from the grievant's case records, for five years from completion of the grievance process;

(5) Ensures the availability of ombuds service staff to assist grievants at all levels of the grievance and fair hearing processes;

(6) May progress through levels as established by the RSN or PHP, beginning at the provider level and ending at the RSN or PHP governance board or the board's designee. The RSN or PHP shall:

(a) Ensure the entire process, from the written request for grievance up to the request for fair hearing, shall not exceed thirty days. If the consumer orally reports a grievance, the RSN or PHP shall promptly refer the consumer to the ombuds service for assistance in writing the request; and

(b) Notify the grievant in writing of the reason for the decision and the right to request a fair hearing;

(7) Allows the participation of other persons, at the grievant's choice; and

(8) Allows the grievant to request a fair hearing when the grievance concerns eligibility, enrollment or disenrollment, or the medical necessity for services, and when the:

(a) Grievance decision is adverse to the grievant;

(b) RSN or PHP does not respond, in writing, within thirty days from the date the grievant submitted the grievance in writing; or

(c) RSN or PHP denies an enrolled recipient urgently needed community mental health rehabilitation services and the enrolled recipient files a grievance in writing.

#### NEW SECTION

**WAC 275-57-180 Prepaid health plans—Purpose.** For contracts effective on or after October 1, 1993, the department may contract with prepaid health plans (PHPs) to:

(1) Provide community mental health rehabilitation services directly to an enrolled recipient; or

(2) Arrange for an enrolled recipient to receive community mental health rehabilitation services according to the contract between the department and a PHP.

#### NEW SECTION

**WAC 275-57-190 Prepaid health plans—Eligible consumers.** (1) The department shall enroll a Medicaid recipient in a PHP when the person resides in the PHP's contracted service area. The community services office (CSO) shall designate a person's residence in the Title XIX eligibility record.

(2) An enrolled recipient requesting or receiving medically necessary nonemergency community mental health rehabilitation services shall request and receive such services from the assigned PHP.

#### NEW SECTION

**WAC 275-57-200 Prepaid health plans—Exemptions.** (1) The department shall not require a person to enroll or continue enrollment in a PHP when the person has good cause for exemption.

(2) A person requesting an exemption from enrolling in the designated PHP shall file a request with the department. The department shall, in writing, timely notify the person of the exemption decision and the reasons for the decision.

(3) The person may request a fair hearing when the person is not satisfied with the department's decision regarding exemption.

#### NEW SECTION

**WAC 275-57-210 Prepaid health plans—Enrolled recipient's choice of primary care provider.** (1) Each enrolled recipient receiving nonemergency community mental health rehabilitation services shall have a primary care provider (PCP). For an enrolled recipient with an assigned case manager, the PCP shall be the case manager.

(2) An enrolled recipient requesting or receiving community mental health rehabilitation services shall have the right to choose a PCP from the available PCP staff in the PHP.

(3) A PHP shall assign an enrolled recipient to a PCP when the enrolled recipient requests community mental health rehabilitation services and does not choose a PCP in the PHP.

(4) A person enrolled in a PHP shall have the right to change the person's PCP:

- (a) One time during a calendar year for any reason;
- (b) For subsequent changes during the calendar year, only for documented good cause; and
- (c) By notifying the PHP of the:
  - (i) Desired change, including the name of the new PCP; and
  - (ii) Reason for a desired change.

**NEW SECTION**

**WAC 275-57-220 Prepaid health plans—Other services.** (1) The department shall pay for mental health or other services covered under the department's medical care programs that are excluded from the community mental health rehabilitation services managed care contract.

(2) The department's mental health or ancillary services may include, but are not limited to:

- (a) Transportation as described under WAC 388-86-085; and
- (b) Inpatient services.

**NEW SECTION**

**WAC 275-57-230 Prepaid health plans—Emergency services.** The department shall exempt emergencies and transportation for emergencies required by the enrolled recipient within the PHP from any routine pre-service authorization procedures employed by the PHP.

**NEW SECTION**

**WAC 275-57-240 Prepaid health plans—Consumer request for a second opinion.** An enrolled recipient in a PHP shall have the right to a second opinion by another participating staff in the enrolled recipient's assigned PHP:

- (1) When the enrolled recipient needs more information as to the medical necessity of treatment recommended by the PCP; or
- (2) If the enrolled recipient believes the PCP is not authorizing medically necessary community mental health rehabilitation services.

**NEW SECTION**

**WAC 275-57-250 Prepaid health plans—Enrollment termination.** (1) The department may terminate enrollment of a enrolled recipient in a PHP when:

- (a) An enrolled recipient loses eligibility for Title XIX categorically needy and medically needy services;
  - (b) An enrolled recipient requests disenrollment from the PHP, and the department approves the request; or
  - (c) A PHP requests, in writing, to the department the disenrollment of the enrolled recipient from the PHP and the PHP's requested disenrollment is approved by the department.
- (2) The department shall:
- (a) Disenroll only when the enrolled recipient:
    - (i) Is no longer eligible for Title XIX categorically and medically needy services;
    - (ii) Is deceased; or
    - (iii) Requests disenrollment from the PHP and meets the requirements of WAC 275-57-200.
  - (b) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

- (c) Notify the enrolled recipient ten days in advance of the effective date of the proposed disenrollment for any approved disenrollment.

**NEW SECTION**

**WAC 275-57-260 Prepaid health plans—Audit.** (1) At least once a year, the department shall conduct a PHP audit to promote the quality and accessibility of community mental health rehabilitation services a PHP provides or arranges for enrolled recipients. When reasonable, the audit shall coincide with the certification and licensure reviews of RSNs and providers.

(2) The PHP shall permit the department to conduct an audit.

(3) The department may conduct or contract independently for such an audit.

**NEW SECTION**

**WAC 275-57-270 Licensing procedures for service providers—Application and approval.** The department shall protect persons using licensed community mental health services by ensuring that the minimum standards under this chapter are uniformly applied and maintained statewide.

(1) Upon receipt of an inquiry concerning licensure of service under this chapter, the department shall provide written information to an interested party.

(2) A prospective applicant shall complete and return an application provided by the department and send a copy of the application to the RSN authority.

(3) The application shall identify the service components for which the applicant is requesting licensure. Licensed service components include:

- (a) Crisis response services (section 390);
- (b) Brief intervention services (section 400);
- (c) Case management services (section 420);
- (d) Residential services (section 430);
- (e) Employment services (section 440); and
- (f) Psychiatric and medical services (section 450).

(4) The RSN shall review the application and send written comments either recommending or not recommending licensure to the department with a copy to the applicant. If the RSN does not approve the application, the department shall not process the application. If the department does not receive a response from the RSN or designee within thirty days, the department shall proceed with the application. This subsection does not apply to agencies not contracting or intending to contract with an RSN or PHP.

(5) The department shall acknowledge receipt from the applicant of the application, the fee, and all required materials, including waiver requests.

(6) After required materials have been received, the department shall conduct an on-site review to collect information to determine if a provider is in compliance with the minimum standards of this chapter, as described in the application packet.

(7) At the exit interview, the department shall define a plan of corrective action, if necessary.

(8) The department shall provide written notification to the provider and the RSN within sixty days of the exit interview of one of the following:

(a) Provisional licensure for one year if the provider has:

(i) An acceptable detailed plan for the development and operation of the services;

(ii) The availability of administrative and clinical expertise required to develop and provide the planned services;

(iii) The fiscal management and existence or projection of resources to reasonably ensure stability and solvency; and

(iv) Signed a corrective action plan, if applicable, for any deficiencies.

(b) Denial of the application if there is not substantial compliance with the above.

(i) The department shall specify the reasons for denial in writing.

(ii) The department's notice of denial, revocation, suspension, or modification of a licensing decision is governed by chapter 43.20A.205 RCW as existing or hereafter amended. The provider's right to a fair hearing is described in same law.

(iii) A provider wanting to contest a department licensure decision shall, within twenty-eight days of receipt of the decision:

(A) File a written application for a fair hearing by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(B) Include in the application a specific statement of the issue or issues and law involved, the grounds for contesting the department decision, and a copy of the department decision being contested.

(iv) If licensure is denied, the applicant may reapply for licensure not earlier than six months following the date of notification of denial.

(9) Within one year of a provider's provisional licensure, the department may conduct another on-site visit to verify the correction of previously noted deficiencies, and review other requirements for licensure, as necessary.

#### NEW SECTION

**WAC 275-57-280 Licensing procedures for providers—Licensure status.** The department shall define the conditions under which a provider may receive and maintain a license. The department shall, based on findings of a licensure review, assign the provider, or specific services of the provider, one of the following licensure statuses:

(1) **Full licensure.**

(a) Under this status, the RSN or PHP may contract with the provider to provide those mental health services for which the provider is licensed.

(b) The department shall require the provider to submit and implement a plan of correction to resolve deficiencies, if present. The department may revoke the license if the provider does not implement the plan of correction.

(c) At any time the department receives information indicating the provider is not in compliance with minimum standards for community mental health programs, the department may conduct a licensure review and revoke the license if the review shows the provider is not in substantial compliance.

(d) If evidence indicates that the health and safety of the consumer is in danger, the department may suspend the license immediately.

(2) **Probationary licensure.**

(a) Under this status, the provider may be eligible to contract with the RSN or PHP on conditions specified by the department.

(b) To achieve full licensure, the provider shall demonstrate to the department that it has met the conditions of the probationary status.

(c) The provider shall request that the department review its corrective actions within six months of notification of probationary status or the department shall revoke its licensure.

(d) The department shall review the provider's corrective actions and make a redetermination of licensure status within six months of the date of the provider's request for review.

(e) The department shall only assign probationary status to a provider as an outcome of the department's first licensure review of a provider or a new provider service.

(3) **Provisional licensure.**

Under this status, the provider may be eligible to contract with the RSN or PHP. The department may give a new provider or a provider planning to offer a new service a provisional license for up to one year as described under section 270 of this chapter.

(4) **Suspended license.**

(a) Under this status, the department may find the provider substantially out of compliance with minimum standards, or is jeopardizing consumer health and safety.

(b) The RSN or PHP shall not contract with a provider with a suspended license.

(c) To re-achieve full licensure, the provider shall demonstrate to the department that the provider has completed all required corrective actions and complies with relevant WAC.

(d) The provider may request that the department review its corrective actions within six months of notification of suspended status. In the absence of such request, the department shall revoke the provider's license.

(5) **Revoked license.**

(a) Under this status, the department removes the provider's license.

(b) The RSN or PHP shall not contract with a provider with a revoked license.

(c) To achieve full licensure, the provider shall make a new application as described under subsection (1) of this section.

(6) **Deemed status.**

A provider may request the department deem licensure, accreditation, or certification from another regulatory agency or accrediting organization equivalent to licensure by the department. "Deemed status" will be contingent on continued licensure, accreditation, or certification. Upon receipt of the request, the department shall consider:

(a) The extent to which requirements of the other regulatory agency or accrediting organization are pertinent to the services provided under this chapter;

(b) The extent to which the requirements of the other agency maintain, meet, or exceed the standards described under this chapter; and

(c) Whether the requirement is in statute and, therefore, may not be waived.

(7) A provider failing to attain licensure or whose licensure is revoked may re-apply for licensure not earlier than six months following the date of the department's notification.

(a) The provider shall ensure the application documents the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has substantially corrected deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

(8) The department shall determine a provider's license in effect for at least one year or until the department conducts a review for re-licensure or accreditation.

#### NEW SECTION

**WAC 275-57-290 Licensed service providers—Written schedule of fees.** The provider shall ensure consumers receive necessary mental health services, regardless of ability to pay the full rate.

(1) The provider, excepting services also licensed under chapters 248-14, 246-316 or 246-325 WAC, shall establish and use a sliding fee schedule approved by the department and based on the resources available to the consumer to pay for mental health services and the provider's actual cost of care.

(2) The department shall only approve sliding scale fee schedules not requiring payment from consumers with income levels equal to or below the grant standards for the general assistance program, as required under chapter 388-29-100 WAC.

(3) A provider shall ensure the fee schedule is posted and accessible to the provider's staff and consumers.

(4) A provider not contracting with an RSN or PHP shall maintain a sliding fee schedule in accordance with subsections (1) and (3) of this section.

#### NEW SECTION

**WAC 275-57-300 Licensed service providers—Quality assurance.** A provider shall maintain an internal process to improve quality of care.

(1) A provider shall develop and implement a quality assurance process which:

(a) Provides for at least an annual review of each staff member providing direct services, considering any complaints or grievances against the person;

(b) Reviews all serious incidents;

(c) Assesses the quality of intake evaluations; and

(d) Assesses the extent to which medications are effectively prescribed.

(2) A person providing mental health services shall not review their own work.

(3) A provider shall use collected data to correct deficiencies and improve services.

#### NEW SECTION

**WAC 275-57-310 Licensed service providers—Staff qualifications.** A provider shall employ and retain respectful, competent staff. The provider shall:

(1) Require that all clinical services be provided by a mental health professional or under the clinical supervision of a mental health professional as defined under section 020 of this chapter. The supervisor shall have two years' experience working with priority populations;

(2) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to the job requirements;

(3) Assure staff providing clinical services be, at a minimum, registered as counselors under chapter 18.19 RCW.

(4) Conduct a Washington State Patrol background check and reference check on all staff providing direct services;

(5) Orient direct service staff with less than one year's experience in providing community support services in skills pertinent to the position and the population served.

(a) The provider shall include training in:

(i) Characteristics of severe and persistent mental illness;

(ii) Effective age and culturally competent community support interventions relevant to the population served;

(iii) Psychopharmacology;

(iv) Advocacy and linking consumers to community resources;

(v) Working with and supporting families;

(vi) For staff providing crisis response services under section 390 of this chapter: crisis intervention and managing assaultive/suicidal behavior; and

(vii) For staff providing vocational services under section 440 of this chapter: training in vocational assessment and concepts of supported employment.

(b) Persons providing direct services to consumers shall complete this orientation within three months of employment. However, the RSN may waive the requirement for orientation in specific topics when the staff person can provide documentation to the RSN demonstrating training, knowledge, or experience in the waived topics.

(6) Provide annual training and staff development under an individualized training plan with time frames for each direct service staff person in the skills pertinent to the position and the population served. Such training includes consumers, families and community members as trainers. At minimum, the provider shall make training available in the following topics:

(a) Effective community support interventions;

(b) Providing individualized, needs-driven planning and services;

(c) Providing services responsive to the unique needs of underserved populations and other special populations. Examples of special populations are persons with mental illness who:

(i) Use high amounts of hospital services;

(ii) Receive services from multiple systems;

(iii) Are sexual minorities;

(iv) Abuse substances;

(v) Have a developmental disability;

- (vi) Are homeless; and
- (vii) Have AIDS or who are HIV positive.
- (d) Psychopharmacology;
- (e) Ethical behavior, including professional conduct and confidentiality.
- (7) Provide regular supervision. Supervision may include routine team case reviews; and
- (8) Conduct staff evaluations, at least annually.

#### NEW SECTION

**WAC 275-57-320 Licensed service providers—Qualifications appropriate to the needs of the consumer population.** The clinical qualifications of persons providing and/or supervising clinical services shall reflect the diverse needs of the consumer population.

(1) **Child mental health specialist.** The provider shall ensure services directed to children are provided by, under the supervision of, or with consultation from a child mental health specialist defined as:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to:

- (i) The study of child development; and
- (ii) The treatment of seriously disturbed children and their families.

(b) Having the equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and their families under the supervision of a child mental health specialist.

(2) **Geriatric mental health specialist.** The provider shall ensure services directed to the elderly are provided by, under the supervision of, or with consultation from a geriatric mental health specialist defined as:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the problems and treatment of the elderly; and

(b) Having the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

(3) **Ethnic minority mental health specialist.** The provider shall ensure services directed to ethnic minority consumers are provided by, under the supervision of, or with consultation from an ethnic minority mental health specialist defined as:

(a) A mental health professional having the equivalent of one year of full-time experience in the treatment of consumers in the ethnic minority group served; and

(b) Demonstrating cultural competence attained through major commitment, ongoing training, experience or specialization in serving ethnic minorities. In assessing such commitment, the department shall consider whether the individual meets two or more of the following:

- (i) Evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist;
- (ii) Evidence of support from the ethnic minority community attesting to the person's commitment to service to that community;
- (iii) Citations of specific examples of the person's competence; or

(iv) Having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) **Disability mental health specialist.** The provider shall ensure services directed to consumers with a disability shall be provided by, under the supervision of, or with consultation from a mental health specialist with special expertise in working with that disabled group.

(a) If the consumer is deaf, the specialist shall be a mental health professional knowledgeable of deaf culture and psychosocial problems, and able to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities shall be a mental health professional who:

- (i) Has at least one year's experience with people with developmental disabilities; or
- (ii) Is a developmental disabilities professional.

(5) Where the mental health specialists required under this section are unavailable within the RSN, the RSN shall:

(a) Document effort to acquire the services of the required specialists; and

(b) Develop a training program using in-service training or outside resources to assist service providers to acquire necessary skills and experience to serve the needs of the consumer population. If a significant ethnic minority population, as defined by department guidelines, exists in the RSN, the RSN shall develop the training program to assist provider staff members to acquire the specialized training and supervision to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to:

- (i) Provide all or part of the clinical services for these populations; or
- (ii) Supervise or provide consultation to staff members providing clinical services to these populations.

#### NEW SECTION

**WAC 275-57-330 Personnel management—Affirmative action.** The provider shall have an affirmative action program complying with:

- (1) The Equal Pay Act of 1963;
- (2) Title VII of the Civil Rights Act of 1964;
- (3) Section 504 of the 1974 Rehabilitation Act;
- (4) The Americans with Disabilities Act;
- (5) The department's affirmative action guidelines; and
- (6) Other applicable federal, state, and local laws and regulations.

#### NEW SECTION

**WAC 275-57-340 Consumer rights.** The provider shall ensure consumers are knowledgeable of and protected by certain rights.

(1) The provider shall ensure consumers, prospective consumers, and/or legally responsible others are verbally informed, in their primary language, of consumer rights at admission to brief intervention and community support services.

(2) The provider shall post a written statement of consumer rights in public areas, with a copy available to consumers on request. Providers of only telephone services



(e.g., crisis lines) shall post the statement of consumer rights in a location visible to staff and volunteers during working hours.

(3) The provider shall ensure the statement of consumer rights incorporates the following statement or a variation approved by the department: "You have the right to:

- (a) Be treated with respect and dignity;
- (b) Develop a plan of care and services which meets your unique needs;
- (c) Refuse any proposed treatment, consistent with the requirements in the Involuntary Treatment Acts, chapters 71.05 and 71.34 RCW;
- (d) Receive care which does not discriminate against you, and is sensitive to your gender, race, national origin, language, age, disability, and sexual orientation;
- (e) Be free of any sexual exploitation or harassment;
- (f) Review your case record;
- (g) Receive an explanation of all medications prescribed, including expected effect and possible side effects;
- (h) Confidentiality, as described in relevant statutes (chapters 70.02, 71.05 and 71.34 RCW) and regulations (chapters 275-54 and 275-55 WAC and this chapter); and
- (i) Lodge a complaint with the ombuds person, RSN or provider if you believe your rights have been violated. If you lodge a complaint or grievance, you shall be free of any act of retaliation. The ombuds person may, at your request, assist you in filing a grievance. The ombuds person's phone number is: \_\_\_\_\_."

#### NEW SECTION

**WAC 275-57-350 Consent to treatment and access to records.** This section defines the conditions for informed consent to treatment and enables a consumer to access a consumer's own records. To this end, the RSN and licensed providers shall protect and ensure the rights of all consumers and former consumers.

(1) Any minor over twelve years of age may request and receive treatment without consent of the minor's parents. Parental consent for evaluation and treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.

(2) The department, RSN, PHP, or provider shall presume an adult is competent to consent to treatment unless otherwise established.

(3) When the consumer, or the consumer's legally responsible other, requests review of case records, the provider shall:

- (a) Grant the request within seven days, unless the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child;
- (b) Review the case record in order to identify and remove any material confidential to another person;
- (c) Allow the consumer sufficient time and privacy to review the record. At the request of the consumer, a clinical staff member shall be available to answer questions;
- (d) Permit persons requested by the consumer to also be present; and

(e) Assess a reasonable and uniform charge for reproduction, if so desired.

(4) The department, RSN, PHP or provider shall obtain written, informed consent of the consumer or legally responsible other before:

- (a) Use of medication;
- (b) Use of unusual diagnostic or treatment procedures;
- (c) Use of audio and/or visual device to record the consumer's behavior; and
- (d) The consumer serves as a subject for research.

#### NEW SECTION

**WAC 275-57-360 Services administration—Confidentiality of consumer information.** The RSN, PHP, and provider shall ensure information about person consumers not be shared or released except as specified under statute and rule.

The RSN and the provider shall protect the confidentiality of all information relating to consumers or former consumers under all confidentiality requirements as defined in chapters 70.02, 71.05, and 71.34 RCW.

#### NEW SECTION

**WAC 275-57-370 Research—Requirements.** (1) The RSN, PHP, or provider shall conduct research involving human subjects in accordance with 45 CFR, Part 46, Protection of Human Subjects.

(2) An institutional review board (IRB), as defined in chapter 70.02.010 RCW, shall review and approve research prior to contact with subjects.

(3) The RSN, PHP, or provider shall ensure disclosure of patient records without written consent adheres to requirements in chapters 42.48, 70.02, 71.05.390, 71.05.630, and 71.34 RCW.

(4) The RSN, PHP, or provider shall require certification that proposed research has IRB approval before allowing research activities to commence.

#### NEW SECTION

**WAC 275-57-380 Licensed service providers—Accessibility.** The provider shall ensure services are easily accessible to consumers. The provider shall make services readily accessible to consumers when and where they are needed and shall reduce or eliminate barriers to service. The provider shall ensure:

- (1) Facilities in which services are provided comply with the Americans with Disabilities Act;
- (2) Services are compatible with the culture and in the language of ethnic minority consumers where a significant ethnic minority population, as defined by department guidelines, exists in the RSN;
- (3) Alternative service delivery models are provided, where possible, to enhance utilization by underserved groups;
- (4) Access to TDD or other telecommunication device or service, and certified interpreters for deaf or hearing impaired consumers; and
- (5) Services are brought to the consumer or located at sites where transportation is available to consumers.

NEW SECTION

**WAC 275-57-390 Crisis response services.** The RSN, or its designee, shall provide an integrated crisis response system (CRS) twenty-four-hours-a-day and seven-days-a-week, serving persons of all ages and cultures in crisis. When direct intervention is necessary, the RSN shall, when possible, bring services directly to the person in crisis, stabilizing and supporting the person until the crisis is resolved or a referral made. The RSN shall:

- (1) Provide telephone screening which:
  - (a) Includes a prominently displayed phone number in the emergency and white page sections of the local phone directory;
  - (b) Ensures all phone calls are answered by people and not recordings; and
  - (c) Limits busy signals.
- (2) Ensure the least restrictive resolution of the crisis by providing the following services twenty-four-hours-a-day and seven-days-a-week:
  - (a) Initial screening and assessment to determine:
    - (i) Whether the crisis has a mental disorder basis; and
    - (ii) Course of action to resolve the crisis.
  - (b) Mobile outreach to:
    - (i) Conduct face-to-face evaluations; and
    - (ii) Provide in-home or in-community stabilization services, including flexible supports to the person where the person lives. The CRS shall continuously provide stabilization services until the crisis is resolved or a referral made.
  - (c) Access to:
    - (i) Medical services, including:
      - (A) Emergency medical services;
      - (B) Preliminary screening for organic disorders;
      - (C) Prescription services; and
      - (D) Medication administration.
    - (ii) Interpretative services enabling staff to communicate with persons who are limited English proficient;
    - (iii) Voluntary and involuntary psychiatric inpatient care (chapters 71.05 and 71.34 RCW); and
    - (iv) Other needed resources.
  - (d) Investigation and detention services (chapters 71.05 and 71.34 RCW).
- (3) Engage family, significant others, and other relevant treatment providers as necessary to provide support to the person in crisis.
- (4) Document all telephone and face-to-face contacts to include:
  - (a) Source of referral;
  - (b) Nature of crisis;
  - (c) Time elapsed from initial contact to response; and
  - (d) Outcomes, including:
    - (i) Decision not to respond in person, if applicable;
    - (ii) Follow-up; and
    - (iii) Referrals made.

NEW SECTION

**WAC 275-57-400 Brief intervention services.** The provider shall implement a streamlined process to provide planned, brief therapeutic interventions to persons within the priority populations and eligible recipients in the Medicaid program who require time-limited medically necessary services.

(1) The RSN shall define the number of allowable brief intervention services.

(2) A person receiving more than fifteen hours of service in a twelve-month period shall receive a full intake evaluation as described in section 410(2) of this chapter.

(3) The provider of brief intervention services shall gather the following information in the intake to brief interventions:

- (a) Mental status examination;
- (b) Functioning in daily life domains, showing strengths as well as needs;
- (c) Substance use and abuse;
- (d) The name of the consumer's most recent physician and prescribed medications, if known;
- (e) A brief plan of action to achieve mutually agreed upon outcomes; and
- (f) The intake evaluation shall not present a barrier to service. When seeking information from the consumer might pose a barrier to service, any of the above items may be left incomplete, providing that noncompletion and reasons are documented in the record.

(4) Licensed providers not contracting with an RSN or PHP are exempt from the requirements of subsection (1) of this section.

NEW SECTION

**WAC 275-57-410 Community support services—General requirements.** The RSN, or its designee, shall provide community support services to persons requiring ongoing supports to live in the community. Each community support service, as defined in sections 420 through 450 of this chapter, shall meet the requirements of this section.

(1) **Admission.** Resource management services shall approve consumer admission to community support services.

(2) **Intake Evaluation.** The provider and consumer, or legally responsible other, shall collaboratively identify consumer strengths and needs through a full intake evaluation completed within thirty days of initiating community support services. Staff conducting an intake evaluation shall have training in this activity.

- (a) The provider shall address in an intake evaluation:
  - (i) Psycho-social and cultural history;
  - (ii) Functioning in daily life domains, showing strengths as well as needs;
  - (iii) Substance use and abuse;
  - (iv) Medical history, including medications used. For persons receiving care from a health care professional, the provider shall seek permission to receive pertinent medical information. For persons not under the care of a health care professional, the provider shall offer to make a referral for a physical examination; and
  - (v) For children, a developmental history.

(b) The provider shall, when possible, include input from family members and/or other natural support systems, when acceptable to the person.

(c) The provider may reference or include historical information from other providers as part of the intake evaluation.

(d) When seeking information from the consumer might pose a barrier to service, the provider may leave incomplete requirements of subsection (2) of this section, providing that

the provider documents noncompletion and reasons in the record.

(3) **Individualized Plan.** The provider shall implement an individualized plan in collaboration with the consumer within thirty days of initiating community support services. The provider shall:

(a) For adults, develop the plan with the consumer and include people who provide active support to the consumer (e.g., family members, teachers, etc.), at the consumer's request;

(b) For children, develop the plan with the child, family and others who provide active support to the child. For children under three, the plan shall be integrated with the individualized family service plan (IFSP), when applicable;

(c) Focus on normalization and address needs identified by the consumer, which may include:

(i) Least-restrictive housing;

(ii) Income;

(iii) Work or school;

(iv) Social life;

(v) Treatment including psychotherapy; and

(vi) Services to address the specialized needs of underserved populations.

(d) Link outcomes to specific goals and time frames for achieving the outcomes;

(e) Define services to achieve the identified outcomes. The provider shall flexibly develop or purchase services to meet the unique needs of the person;

(f) Be responsive to the consumer's age, culture, and disability; and

(g) Assure the plan is mutually reviewed every six months, or more often at the request of the consumer.

(4) **Documentation.**

(a) The provider shall periodically document consumer progress in achieving treatment goals in the case record.

(b) The provider shall include in the case record specific progress toward established goals, changes in individualized plans, and extraordinary events.

(c) A mental health professional shall review and sign off on the intake evaluation, the individualized plan, and revisions to the individualized plan.

#### NEW SECTION

**WAC 275-57-420 Community support services—Case management services.** The RSN, or its designee, shall provide case management services including outreach and support to achieve the individualized plan's outcomes. Case management services shall:

(1) Maximize the consumer's desired level of independence and appropriate interdependence. To this end, case management staff shall help the consumer:

(a) Access basic needs in an age and culturally competent manner, including:

(i) Housing;

(ii) Food;

(iii) Income;

(iv) Health and dental care; and

(v) Transportation.

(b) Work or participate in other daily activities appropriate to the consumer's age and culture;

(c) Link with the regular social life of the community;

(d) Access other needed services, such as substance abuse treatment, and health care;

(e) Resolve crises in least-restrictive settings; and

(f) Manage symptoms by providing information and education about the consumer's illness and treatment;

(2) Assist family members and other care givers in their efforts to support and care for the consumer;

(3) Include, as necessary, flexible application of funds, such as rent subsidies, rental deposits, and in-home care to enable stable community living; and

(4) Provide services where and when needed.

#### NEW SECTION

**WAC 275-57-430 Community support services—Residential services.** The RSN, or its designee, shall provide residential services emphasizing least-restrictive, stable living situations appropriate to the age, culture, and residential needs of each consumer.

(1) The RSN's array of residential services shall emphasize supporting consumers in their own homes in the community. When supervised group living is necessary, the RSN shall emphasize supervised settings which:

(a) Maximize personal privacy and independence; and

(b) Have eight or fewer beds.

(2) Where the RSN provides supervised residential services in an adult family home, the adult family home shall comply with chapter 388-76 WAC.

(3) Where the RSN provides supervised residential services in a children's foster home, the children's foster home shall comply with chapter 388-73 WAC.

(4) Where the RSN provides residential services in a boarding home facility, the boarding home facility shall comply with chapter 246-316 WAC.

(5) Where the RSN provides residential services in an adult residential rehabilitative center facility, the adult residential rehabilitative facility shall comply with chapter 246-325 WAC.

#### NEW SECTION

**WAC 275-57-440 Community support services—Employment services.** The RSN, or its designee, shall provide age and culturally appropriate employment services as a treatment option to consumers wanting to work.

(1) Employment services shall include:

(a) A vocational assessment of work history, skills, training, education, and personal career goals;

(b) Public assistance information;

(c) Active involvement with consumers served in establishing individualized job and career development plans and revision of the individualized plan accordingly;

(d) Assistance in locating employment opportunities consistent with consumer skills, goals, and interests;

(e) Integrated supported employment, including outreach and support services in the place of employment, if required, as well as the use of other interventions such as job coaching; and

(f) Interaction with the consumers' employer to maintain stability of employment and advise on reasonable accommodation in accordance with the Americans with Disabilities Act (ADA) of 1990.

(2) Any RSN, or RSN subcontractor, employing consumers as part of the pre-vocational or vocational program shall:

(a) Pay consumers in accordance with the Fair Labor Standards Act; and

(b) Ensure safety standards are in place in full compliance with local and state regulations.

(3) The RSN shall coordinate efforts with rehabilitation and employment services, such as the division of vocational rehabilitation, the state employment services and the business community and job placement services within the community.

(4) Agencies accredited by commission on accreditation of rehabilitation facilities (CARF), or rehabilitation services accreditation system (RSAS) shall be considered the same as licensed by the state for employment services. Other organizations with equivalent standards may be considered for state licensure for employment services.

#### NEW SECTION

**WAC 275-57-450 Community support services—Psychiatric and medical services.** The RSN, or its designee, shall provide psychiatric and medical services to ensure consumers are prescribed medications, when necessary, to treat symptoms, become knowledgeable about any prescribed medications and side effects, and are referred to treatment for nonpsychiatric medical problems.

(1) The provider shall vest overall medical responsibility in a physician licensed to practice under chapter 18.57 or 18.71 RCW, and board eligible in psychiatry. Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

(a) Psychiatric consultation is provided to the physician at least monthly; and

(b) A psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

(2) Only staff licensed to do so may prescribe medications. Prescribing staff shall review medications at least every three months.

(3) Only staff licensed to do so may administer medications.

(4) When a consumer receives only medication services from a provider, the provider may develop and implement a brief intake and plan, as defined in section 400 of this chapter in place of the intake evaluation, as defined in section 410 of this chapter.

(5) The provider shall maintain medication information in the consumer record documenting at least the following for each prescribed medication:

(a) Name and purpose of medication;

(b) Dosage and method of administration;

(c) Dates prescribed, reviewed, and/or renewed;

(d) Observed and reported effects, interactions, and side effects. Staff shall query consumers concerning such information;

(e) Any laboratory findings;

(f) Reasons for change or termination of medication; and

(g) Name and signature of prescribing person.

(6) When physical health problems are suspected or identified, the provider shall consult with and/or offer to make a referral to a physician or alternative health care provider. The provider shall include current medical concerns, as necessary, in the individualized plan.

(7) Provider staff shall inspect and inventory medication storage areas at least quarterly:

(a) Medications shall be kept in locked, well-illuminated storage;

(b) Medications kept in a refrigerator containing other items shall be kept in a separate container with proper security;

(c) No outdated medications shall be retained, and medications shall be disposed of in accordance with regulations of the state board of pharmacy;

(d) Medications for external use shall be stored separately from oral and injectable medications;

(e) Poisonous external chemicals and caustic materials shall be stored separately.

#### NEW SECTION

**WAC 275-57-460 Community support services—In-home services.** The RSN, or its designee, may provide, when needed, in-home services to assist consumers with daily living and/or adaptive skills to enable continued living in the consumer's own home.

(1) The consumer's case manager or other designee of the RSN shall periodically make home visits to assess:

(a) The consumer's satisfaction with in-home services;

(b) Quality of services provided; and

(c) Need for continued services.

(2) Persons providing in-home services shall either be immediate family members, or shall have:

(a) A Washington State Patrol background check to ensure against a history of theft, abuse, or assault, except if such conduct was associated with a mental disorder that is currently stabilized; and

(b) Three reference checks.

(3) The in-home service worker shall have an age and culturally competent orientation and training based on the worker's experience, but ensuring basic knowledge in:

(a) Nutrition;

(b) Hygiene;

(c) Symptoms of decompensation; and

(d) Symptoms of medication reaction.

#### NEW SECTION

**WAC 275-57-470 Community support services—Consumer or advocate run services.** The RSN, or its designee, shall provide services operated or staffed by consumers, former consumers, family members of consumers, or other advocates.

(1) The department shall not require a consumer or advocate run service to maintain licensure under this chapter if the service is nonclinical. If a service is clinical, the service shall comply with the requirements for licensed services in this chapter.

(2) Consumer or advocate run services may include, but are not limited to:

(a) Consumer and/or advocate operated businesses;

- (b) Consumer and/or advocate operated and managed clubhouses, such as the Fountain House model;
- (c) Consumer and/or advocate operated crisis respite services;
- (d) Advocacy and referral services;
- (e) Consumer and/or advocate operated household assistance programs;
- (f) Self-help and peer support groups;
- (g) Ombuds service; or
- (h) Other services.

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 275-56 WAC Community mental health programs.

### WSR 94-20-036

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

(Occupational Therapy Practice Board)

[Filed September 28, 1994, 10:08 a.m.]

Date of Adoption: June 23, 1994.

Purpose: To amend recognized educational program definitions to be consistent with the national accreditation process; housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 246-847-040, 246-847-050, 246-847-060, 246-847-068, and 246-847-190.

Statutory Authority for Adoption: RCW 18.59.130.

Pursuant to notice filed as WSR 94-10-059 on May 3, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 21, 1994

Carol Neva  
Program Manager  
Occupational Therapy  
Practice Board

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

**WAC 246-847-040 Recognized educational programs—Occupational therapists.** The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the ~~((Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association))~~ American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education as recognized in the current Listing of *Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

**WAC 246-847-050 Recognized educational programs—Occupational therapy assistants.** The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education as recognized in the current Listing of *Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

**WAC 246-847-060 License renewal registration date and fee.** (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington, will be issued a license to expire on their ~~((next))~~ second birth anniversary date following initial licensure.

(2) Licenses shall be renewed upon a biennial basis on or before the licensee's birth anniversary date. Licenses not renewed on or before the licensee's biennial birth anniversary date shall expire immediately after the licensee's birth anniversary date and any practice engaged in with an expired license shall be deemed unlicensed practice.

~~((3) On a one-time basis, effective February 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-847-190.~~

~~Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 246-847-190 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989. Those persons who must renew during 1990 shall submit evidence of compliance with WAC 246-847-190 on or before December 31, 1989.)~~

AMENDATORY SECTION (Amending Order 394B, filed 9/1/93, effective 10/2/93)

**WAC 246-847-068 Renewal of expired license.** (1) The license of any occupational therapist or occupational therapy assistant who has ~~((not))~~ neither placed his or her license on inactive status as described in WAC 246-847-070 nor been actively engaged in the practice of occupational therapy in another jurisdiction and fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license be renewed upon payment of the renewal and late renewal fees determined by the secretary and completion of continued competency requirements as specified in WAC 246-847-065.

(2) If a license has expired for four years or more, the license may be renewed under the following conditions:

(a) Submission of a written application to the board on forms provided by the secretary together with:

(b) Evidence of having been employed as an occupational therapist or occupational therapy assistant in another jurisdiction during the period of lapse;

(c) Renewal and late fees; and

~~((e))~~ (d) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or

~~((e))~~ (e) Evidence of having successfully completed a board approved educational program specifically designed for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.

(3) The applicant may be required to appear before the board for oral interview.

**AMENDATORY SECTION** (Amending Order 112B, filed 2/12/91, effective 3/15/91)

**WAC 246-847-190 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 social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department of ~~(licensing)~~ health 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 six 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 February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee 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.

**WSR 94-20-039**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3784—Filed September 28, 1994, 4:19 p.m.]

Date of Adoption: September 28, 1994.

Purpose: Updates the standard of need to determine the amount necessary for persons to maintain a minimum, but adequate, standard of living. This standard is used to determine eligibility for various public assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1250 Standards of assistance—Need standards.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 45 CFR 233.20 (a)(1) and (2).

Pursuant to notice filed as WSR 94-17-082 on August 15, 1994.

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

September 28, 1994

Dewey Brock, Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3729, filed 4/6/94, effective 5/7/94)

**WAC 388-250-1250 Standards of assistance—Need standards.** (1) Effective September 1, ~~((1993))~~ 1994, the department shall determine the statewide monthly need standard for a household with an obligation to pay shelter to be:

Recipients in Household	Need Standard
<del>((1))</del> 1	<del>739</del> \$ 752
2	935
3	1,158
4	1,361
5	1,569
6	1,781
7	2,056
8	2,276
9	2,500
10 or more	2,716))
1	\$ 752
2	951
3	1,178
4	1,385
5	1,596
6	1,811
7	2,092
8	2,315
9	2,543
10 or more	2,763

(2) Effective September 1, ~~((1993))~~ 1994, the department shall determine a household with shelter provided at no cost, except as described under WAC 388-250-1200, to be:

PERMANENT

Recipients in Household	Need Standard
(1	\$ 449
2	569
3	705
4	828
5	955
6	1,084
7	1,251
8	1,385
9	1,522
10 or more	1,653))
1	\$ 459
2	581
3	720
4	846
5	975
6	1,107
7	1,278
8	1,415
9	1,554
10 or more	1,689

**WSR 94-20-040**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Order 3785—Filed September 28, 1994, 4:20 p.m.]

Date of Adoption: September 28, 1994.

Purpose: Implements an E2SHB 2798 section passed in 1994 regular session which adds new section to chapter 74.12 RCW. It requires the department to evaluate the living situations of all AFDC or GAS clients who are pregnant or parents and seventeen years of age or younger. If the minor chooses not to live in an appropriate living situation as determined by the department, the minor will be required to be paid through a protective payee.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 388-265-1275 Protective payment—AFDC or GA parenting or pregnant minor.

Statutory Authority for Adoption: Chapter 74.12 RCW.  
 Other Authority: E2SHB 2798.

Pursuant to notice filed as WSR 94-17-078A on August 15, 1994.

Changes Other than Editing from Proposed to Adopted Version: None, editorially, doubling or underlining was removed because this is a new section.

Effective Date of Rule: Thirty-one days after filing.  
 September 28, 1994  
 Dewey Brock, Chief  
 Office of Vendor Services

**NEW SECTION**

**WAC 388-265-1275 Protective payment—AFDC or GA parenting or pregnant minor.** (1) The department may use protective payment for cases in which the client is:  
 (a) Seventeen years of age or younger; and

- (b) Unmarried; and
- (c) Either pregnant or has a dependent child.
- (2) The department shall establish a protective payment plan based on a determination made by the department that the client is not living in an appropriate living situation. Appropriate living situations include:
  - (a) Place of residence maintained by the client's parent, legal guardian, or other adult relative as their own home; or
  - (b) As determined by the department, other appropriate supportive living arrangement supervised by an adult which is maintained as a family setting.
- (3) Notwithstanding subsection (2) of this section, if the client is not living in an appropriate living situation, as determined by the department, the department may waive the establishment of a protective payment plan if the client demonstrates the ability to manage funds adequately.
- (4) The department shall select a protective payee following the criteria under WAC 388-265-1150.
- (5) The department shall provide the client with written notice of protective payment as described under WAC 388-265-1550.

**WSR 94-20-041**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Order 3786—Filed September 28, 1994, 4:22 p.m.]

Date of Adoption: September 28, 1994.

Purpose: Incorporates Sections 13921 and 13922 of the Mickey Leland Childhood Hunger Relief Act (Public Law 103-66). Section 13921 provides an income deduction before shelter cost, for legally obligated child support payments by a household member for a person not a member of the payor household. Section 13922 provides a deduction for child care of \$200 for each dependent child one year of age or younger and \$175 for each other dependent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-500 Income—Deductions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: Public Law 103-66.

Pursuant to notice filed as WSR 94-17-079 on August 15, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 September 28, 1994  
 Dewey Brock, Chief  
 Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3738, filed 5/26/94, effective 7/1/94)

**WAC 388-49-500 Income—Deductions.** (1) The department shall allow the following deductions when computing net income:

- (a) A standard deduction of one hundred thirty-one dollars per household per month;
- (b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

PERMANENT

(c) A dependent care deduction of the actual amount incurred not to exceed ~~((one hundred sixty dollars per))~~ two hundred dollars for each dependent age one year old or younger and one hundred seventy-five dollars for each other dependent when care is necessary for a household member to:

- (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred thirty-one dollars; ~~(and~~

~~(f))~~ (g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

- (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

- (i) Has not yet received a billing for utilities;
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

- (i) Not entitled to the standard utility allowance; or
- (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred thirty-seven dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

- (i) Monthly shelter costs no greater than one hundred thirty-seven dollars; or
- (ii) Unverified shelter costs exceeding one hundred thirty-seven dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

(a) At each recertification; and  
(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting; and

(b) Incurred and anticipated medical expenses and the reimbursement amounts resulting in a deduction only at application, recertification, and when the household reports a change in medical expenses.

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction ~~(, except in prospective budgeting,~~

~~(8) The department shall not verify anticipated changes in estimated medical expenses when the changes actually occur).~~

**WSR 94-20-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3787—Filed September 28, 1994, 4:23 p.m.]

Date of Adoption: September 28, 1994.

Purpose: New definition "household employment representative" identifies which food stamp households can select their head of household for employment and training purposes and voluntary quit provisions. Explains that the principal wage earner shall be designated for those food stamp households who do not make a selection of [or] who are not eligible to make a selection.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020 Definitions.

Statutory Authority for Adoption: RCW 74.04.050, Administrative Notice 92-34.

Other Authority: Public Law 101-624 Section 1725.

Pursuant to notice filed as WSR 94-17-134 on August 22, 1994.

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



September 28, 1994  
Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3757, filed 7/27/94, effective 9/1/94)

**WAC 388-49-020 Definitions.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d) who is a:

(a) Person paying reasonable compensation to the household for lodging and meals; or

(b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act.

(f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means:

(a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting which:

(a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means:

~~(a)) the person designated by the household to be named on the case file, identification card, and FCA card;~~

~~(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:~~

~~(i) The employment involves at least twenty hours per week; and~~

~~(ii) The person is not living with a parent or a person fulfilling that role who is:~~

~~(A) Registered for work;~~

~~(B) Exempt from work registration because of registration in a Title IV A or IV C work program of the Social Security Act, as amended, or the receipt of unemployment compensation; or~~

~~(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours).~~

(35) "Household employment representative" means:

(a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

(i) An adult parent of children, of any age, living in the household; or

(ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

(b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

(36) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

~~((36))~~ (37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

~~((37))~~ (38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

~~((38))~~ (39) "Household" means the basic client unit in the food stamp program.

~~((39))~~ (40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

~~((40))~~ (41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

~~((41))~~ (42) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

~~((42))~~ (43) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;  
 (b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

~~((43))~~ (44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

~~((44))~~ (45) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

~~((45))~~ (46) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

~~((46))~~ (47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

~~((47))~~ (48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

~~((48))~~ (49) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

~~((49))~~ (50) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

~~((50))~~ (51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

~~((51))~~ (52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

~~((52))~~ (53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

~~((53))~~ (54) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

~~((54))~~ (55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

~~((55))~~ (56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

~~((56))~~ (57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

~~((57))~~ (58) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

~~((58))~~ (59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((59))~~ (60) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((60))~~ (61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

(62) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((61))~~ (63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((62))~~ (64) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

~~((63))~~ (65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((64))~~ (66) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((65))~~ (67) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((66))~~ (68) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

~~((67))~~ (69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((68))~~ (70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

~~((69))~~ (71) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((70))~~ (72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((71))~~ (73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

~~((72))~~ (74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

~~((73))~~ (75) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

~~((74))~~ (76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((75))~~ (77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

~~((76))~~ (78) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((77))~~ (79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

~~((78))~~ (80) "Spouse" means:

- (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing

themselves as such to relatives, friends, neighbors, or trades people.

~~((79))~~ (81) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

~~((80))~~ (82) "Student" means any person:

(a) At least eighteen but less than fifty years of age;

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half time in an institution of higher education.

~~((81))~~ (83) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

~~((82))~~ (84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

~~((83))~~ (85) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

~~((84))~~ (86) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2); or

(c) Married.

~~((85))~~ (87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

~~((86))~~ (88) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

~~((87))~~ (89) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 94-20-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3790—Filed September 28, 1994, 4:25 p.m.]

8	((2,016))	2,060
9	((2,221))	2,267
10	((2,426))	2,474
Each additional person	((+205))	+207

Date of Adoption: September 28, 1994.

Purpose: Update maximum gross income and net income standards as required by 7 CFR 273.9(a) to ensure correct determination of food stamp program eligibility effective October 1, 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-510 Income eligibility standards.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9(a).

Pursuant to notice filed as WSR 94-17-133 on August 22, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 September 28, 1994  
 Dewey Brock, Chief  
 Office of Vendor Services

**WSR 94-20-047**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**  
 [Filed September 29, 1994, 8:25 a.m.]

Date of Adoption: September 8, 1994.

Purpose: Amend rule to clarify standards for motorcycle helmets. Satisfy court of appeals decision.

Citation of Existing Rules Affected by this Order: Amending WAC 204-10-040.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.530.

Pursuant to notice filed as WSR 94-16-069 on July 29, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 September 8, 1994  
 Roger W. Bruett  
 Chief

**AMENDATORY SECTION** (Amending Order 3666, filed 11/10/93, effective 12/11/93)

**WAC 388-49-510 Income eligibility standards.** (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard

Household Size	Maximum Standard
1	(( <del>756</del> ) \$ 798
2	(( <del>1,022</del> ) 1,066
3	(( <del>1,289</del> ) 1,335
4	(( <del>1,555</del> ) 1,604
5	(( <del>1,822</del> ) 1,872
6	(( <del>2,088</del> ) 2,141
7	(( <del>2,355</del> ) 2,410
8	(( <del>2,621</del> ) 2,678
9	(( <del>2,888</del> ) 2,947
10	(( <del>3,155</del> ) 3,216
Each additional person	(( <del>+267</del> ) +269

Net Monthly Income Standard

Household Size	Maximum Standard
1	(( <del>581</del> ) \$614
2	(( <del>786</del> ) 820
3	(( <del>991</del> ) 1,027
4	(( <del>1,196</del> ) 1,234
5	(( <del>1,401</del> ) 1,440
6	(( <del>1,606</del> ) 1,647
7	(( <del>1,811</del> ) 1,854

**AMENDATORY SECTION** (Amending Order 91-008, filed 11/1/91, effective 12/2/91)

**WAC 204-10-040 Motorcycle helmets.** (1) The Washington state patrol has hereby adopted by reference, Federal Motor Vehicle Safety Standard 218 ((is hereby adopted by reference)) (49 C.F.R. Sec. 571.218) as the standard for motorcycle helmets.

(2) Motorcycle helmets are to meet the following Federal Motor Vehicle Safety Standard 218, labeling requirements. Each helmet shall be labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part, with the following:

(a) Manufacturer's name or identification.

(b) Precise model designation.

(c) Size.

(d) Month and year of manufacture. This may be spelled out (e.g., June 1988), or expressed in numeral (e.g., 6/99).

(e) The symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal Motor Vehicle Safety Standard. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least three-eighths inch (one centimeter) high.

(f) Instructions to the purchaser as follows:

(i) "Shell and liner constructed on (identify type(s) of materials)."

(ii) "Helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: (Recommended cleaning agents, paints, adhesives, etc., as appropriate)."

(iii) "Make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it."

PERMANENT

(iv) Any additional relevant safety information should be applied at the time of purchase by means of an attached tag, brochure, or other suitable means.

(3) If a motorcycle helmet meeting the above federal requirements is to be equipped with an electronic device for transmitting sound, the speaker portion, affixed to the helmet, must not enter or completely block the ear canals.

WSR 94-20-049
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed September 29, 1994, 3:14 p.m.]

Date of Adoption: September 29, 1994.

Purpose: Update requirements and exemptions for insurers that file special liability insurance reports and to conform rule to amended statute.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-07-014, 284-07-024 and 284-07-026; and amending WAC 284-07-010.

Statutory Authority for Adoption: RCW 48.02.060, 48.05.390.

Pursuant to notice filed as WSR 94-17-116 on August 17, 1994.

Effective Date of Rule: Thirty-one days after filing. September 29, 1994

Krishna Fells
Chief of Staff

AMENDATORY SECTION (Amending Order R 88-16, filed 12/28/88)

WAC 284-07-010 Special liability insurance report required annually. (1) Pursuant to RCW 48.05.380, each insurer authorized to write property and casualty insurance in the state of Washington shall record and report its Washington state loss and expense experience and other data, as required by RCW 48.05.390, on ((Form A, Form B, and Form C, as set forth in WAC 284-07-014, 284-07-024, and 284-07-026, respectively)) a form issued by the commissioner.

(2) Each such insurer shall complete the form((s)) in accordance with the definitions and instructions on the form((s)).

(3) Each such insurer shall submit ((these)) this report((s)) to the insurance commissioner annually. The report((s)) covering the period ending December 31 of each year must be submitted no later than May 1 of the following year.

(4) Insurers not licensed to write general casualty insurance are exempt from the requirement to submit this report.

(5) Upon the written request of a professional reinsurer which never writes business anywhere on a direct basis, the commissioner may grant such reinsurer a permanent exemption from the requirement to submit this report.

(6) With respect to products liability data, the commissioner finds that comparable information is included in the annual statement required by RCW 48.05.250. Therefore,

products liability data shall not be reported on the form required by this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-07-014 Form A for loss and expense exhibit.
WAC 284-07-024 Form B for reporting paid and unpaid losses.
WAC 284-07-026 Form C for reporting closed and open claims.

WSR 94-20-054
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed September 30, 1994, 11:04 a.m.]

Date of Adoption: September 23, 1994.

Purpose: To clarify when a school district must seek a waiver from the State Board of Education to place a teacher in a temporary out-of-endorsement assignment and the length of time the waiver is valid.

Citation of Existing Rules Affected by this Order: Amending WAC 180-16-223.

Statutory Authority for Adoption: RCW 28A.410.010.

Pursuant to notice filed as WSR 94-16-061 on July 28, 1994.

Effective Date of Rule: Thirty-one days after filing. September 30, 1994

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 93-07-102, filed 3/23/93, effective 4/23/93)

WAC 180-16-223 Temporary out-of-endorsement assignment criteria. In order to assign a classroom teacher to an out-of-endorsement assignment for more than one year, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement who was the best qualified of candidates for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

PERMANENT

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day.

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to subsection (3)(a) of this section. Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5)(a) If the conditions in subsections (1), (2) and (3) of this section are met, a school district may place a teacher in an out-of-endorsement assignment without the approval of the state board of education.

(b) If the conditions in one or more of subsection (1), (2) or (3) of this section are not met a school district must apply for a waiver under subsection (6) of this section.

(6) Provided, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education or such lesser period as specified by the board, if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

#### WSR 94-20-055

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed September 30, 1994, 11:07 a.m.]

Date of Adoption: September 23, 1994.

Purpose: As drafted, this revision will bring WAC 180-26-025 into compliance with the current definition of racial imbalance.

Citation of Existing Rules Affected by this Order: Amending WAC 180-26-025.

Statutory Authority for Adoption: RCW 28A.525.020.

Pursuant to notice filed as WSR 94-16-062 on July 28, 1994.

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

September 30, 1994

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 5-84, filed 5/17/84)

**WAC 180-26-025 Racial imbalance prohibition—**  
**Definition and acceptance criteria.** The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter,

racial imbalance shall be defined as the situation that exists when ~~((the combined minority student enrollment in a school plant facility exceeds the district-wide combined minority average by twenty percentage points, provided that the single))~~ minority enrollment (as defined by current federal categories) of a school plant facility ~~((will not exceed fifty percent of the school plant facility enrollment. This section shall not apply to public schools located on American Indian reservations))~~ is as follows:

(1) General rule. As a general rule—except for greater than fifty percent minority school districts—racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions—This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School buildings which are the sole site within a school district for the conduct of a regular or special needs program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordi-

nary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

#### WSR 94-20-057

#### PERMANENT RULES

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Order 94-16—Filed September 30, 1994, 11:51 a.m., effective November 20, 1994]

Date of Adoption: September 30, 1994.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated amendments to chapter 296-24 WAC, published in Federal Register Volume 59, Number 66, dated April 6, 1994, are made to be more consistent with current consensus regarding good industry practices, as reflected by current applicable American National Standards Institute (ANSI) standards. The amendments will provide guidance for the selection and use of personal protective equipment (PPE) and clarify performance-oriented requirements; add requirements for written certification of hazard assessment and equipment selection, defective and damaged equipment, and training; add a new section addressing hazards to hands; and add two new nonmandatory appendices (A and B) to provide guidance to employers and employees relating to PPE for eye, face, head, foot and hand hazards. The federal wording "common sense" was changed to "reasonable diligence" in Appendix B. The state retained its existing protection from flying objects in WAC 296-24-084, which is not proposed in the federal standard. Other federal-initiated amendments are made to make minor wording changes and to remove unnecessary references or descriptions. These amendments are made to make the standard at least as effective as the federal standards. Federal-initiated amendments to chapter 296-24 WAC, published in Federal Register Volume 59, Number 63, dated April 1, 1994, are made to modify employer requirements for reporting of fatalities and multiple hospitalization incidents. Employers will be required to report fatalities or multiple hospitalizations within eight hours after the employer learns of it. Reporting information requirements are also specified. These amendments are made to make the standard at least as effective as the federal standards. Federal-initiated amendments to chapter 296-24 WAC, published in Federal Register Volume 59, Number 20, dated January 31, 1994, are made to change requirements for testing frequency and storage of rubber personal protective equipment and to update references. These amendments are made to make the standard identical to the federal standards. State-initiated amendments to chapter 296-24 WAC are made to summarize and move text relating to the requirements for eye and face protectors from WAC 296-24-07801 to WAC 296-24-07501 (1)(c); include information indicating where specific standards, rules, or regulations referenced are available for review; replace references to the Division of Industrial Safety and Health with the department; correct references to specific gender; and to renumber subsections, subdivisions, and items as required by the code reviser. Other wording changes are made for clarification.



Chapter 296-27 WAC, Recordkeeping and reporting, federal-initiated amendments to chapter 296-27 WAC, published in Federal Register Volume 59, Number 63, dated April 1, 1994, are made to modify employer requirements for reporting of fatalities and multiple hospitalization incidents. Employers will be required to report fatalities or multiple hospitalizations within eight hours after the employer learns of it. Reporting information requirements are also specified. These amendments are made to make the standard at least as effective as the federal standards. State-initiated amendments to chapter 296-27 WAC are made to replace references to the Division of Industrial Safety and Health with the department; to correct references to specific gender; and to renumber subsections, subdivisions, and items as required by the code reviser. Other wording changes are made for clarification.

Chapter 296-32 WAC, Safety standards for telecommunications, state-initiated amendments to chapter 296-32 WAC are made to correct references necessitated by the federal-initiated change, published in Federal Register Volume 59, Number 66, dated April 6, 1994, to chapter 296-24 WAC, Part A-2, Personal Protective Equipment.

Chapter 296-45 WAC, Safety standards—Electrical workers, federal-initiated amendments to chapter 296-45 WAC, published in Federal Register Volume 59, Number 20, dated January 31, 1994, add requirements for training and retraining of electrical workers, transformers, testing hot sticks, and use of nonflammable clothing when there is a potential for arcing. New sections are added for communication facilities, power generation, hazardous energy control (lockout/tagout) procedures, and testing and test facilities. These new sections add requirements for posting radiation warning signs for microwave transmission; add requirements for interlocks, changing brushes, chemical cleaning of boilers, and coal and ash handling, etc.; add lockout/tagout requirements for electric power generation installations; and add requirements for safe work practices for high voltage laboratories, shops, and substations. Other federal-initiated amendments to chapter 296-45 WAC are made to change high voltage scope from 750 volts to 600 volts to be identical to the federal standard. These amendments are made to make the standard at least as effective as the federal standards. State-initiated amendments to chapter 296-45 WAC are made to renumber subsections, subdivisions, and items as required by the code reviser; replaces references to the Division of Industrial Safety and Health with the department; corrects references, and corrects references to specific gender. Other wording changes are made for clarification.

Chapter 296-54 WAC, Safety standards—Logging operations, state-initiated amendments to chapter 296-54 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-24 WAC, Part A-2, Personal Protective Equipment.

Chapter 296-62 WAC, General occupational health standards, state-initiated amendments to chapter 296-62 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-24 WAC, Part A-2, Personal Protective Equipment.

Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, federal-initiated amendments to chapter 296-78 WAC, published in Federal Register Volume

59, Number 63, dated April 1, 1994, are made to modify employer requirements for reporting of fatalities and multiple hospitalization incidents. Employers will be required to report fatalities or multiple hospitalizations within eight hours after the employer learns of it. Reporting information requirements are also specified. These amendments are made to make the standard at least as effective as the federal standards. State-initiated amendments to chapter 296-78 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-24 WAC, Part A-2, Personal Protective Equipment; to replace references to the Division of Industrial Safety and Health with the department; to correct references to specific gender; and to renumber subsections, subdivisions, and items as required by the code reviser. Other wording changes are made for clarification.

Chapter 296-79 WAC, Safety standards for pulp, paper, and paperboard mills and converters, state-initiated amendments to chapter 296-79 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-24 WAC, Part A-2, Personal Protective Equipment.

Chapter 296-306 WAC, Safety standards for agriculture, federal-initiated amendments to chapter 296-306 WAC, published in Federal Register Volume 59, Number 63, dated April 1, 1994, are made to modify employer requirements for reporting of fatalities and hospitalization incidents. Employers will be required to report fatalities or hospitalizations within 8 hours after the employer learns of it. Reporting information requirements are also specified. These amendments are made to make the standard at least as effective as the federal standards. State-initiated amendments to chapter 296-306 WAC are made to correct references necessitated by the federal-initiated change to chapter 296-24 WAC, Part A-2, Personal Protective Equipment; to replace references to the Division of Industrial Safety and Health with the department; to correct references to specific gender; and to renumber subsections, subdivisions, and items as required by the code reviser. Other wording changes are made for clarification.

Citation of Existing Rules Affected by this Order: Amending **chapter 296-24 WAC, General safety and health standards**, WAC 296-24-007 Incorporation of standards of national organizations, 296-24-020 Management's responsibility, 296-24-07501 General requirements, 296-24-07801 General, 296-24-084 Occupational head protection, 296-24-088 Occupational foot protection, 296-24-092 Electrical protective devices and 296-24-70005 Protective clothing. **Chapter 296-27 WAC, Recordkeeping and reporting**, WAC 296-27-090 Reporting of fatality or multiple hospitalization accidents. **Chapter 296-32 WAC, Safety standards for telecommunications**, WAC 296-32-250 Tools and personal protective equipment—General. **Chapter 296-45 WAC, Safety standards—Electrical workers**, WAC 296-45-650 Electrical workers safety rules—Foreword, 296-45-65003 Scope and application, 296-45-65005 Definitions, 296-45-65009 Employer's responsibility, 296-45-65011 Foreman's responsibility, 296-45-65013 Foreman-employee responsibility, 296-45-65015 Work required of foremen, 296-45-65017 Employee's responsibility, 296-45-65019 First aid, 296-45-65021 Tools and protective equipment, 296-45-65023 Clearances, operating power lines and equipment, 296-45-65026 Personal protective grounding, 296-45-65027 General requirements, 296-45-

65029 Overhead lines, 296-45-65033 Transmission line construction, 296-45-65035 Substations, 296-45-65037 Underground, 296-45-65038 Underground residential distribution (URD), 296-45-65039 Trolley maintenance, jumpering or bypassing, 296-45-65041 Aerial manlift equipment, 296-45-65045 Material handling, 296-45-65047 Specification for linemen's belts and similar equipment, 296-45-66001 Electrical hazards, 296-45-66005 Insulated tools used for tree trimming, 296-45-66007 Aerial manlift equipment, 296-45-66009 All motor vehicle and trailer operations, 296-45-66011 Working in proximity to electrical hazards, 296-45-67503 Definitions, 296-45-67505 Briefing, 296-45-67507 Signals, 296-45-67521 Operator's responsibility, 296-45-67527 Load permitted, 296-45-67531 Signal systems, 296-45-67535 In helicopter and 296-45-67543 General. **Chapter 296-54 WAC, Safety standards—Logging operations**, WAC 296-54-511 Personal protective equipment. **Chapter 296-62 WAC, General occupational health standards**, WAC 296-62-07367 Respiratory protection and personal protective equipment, 296-62-07417 Protective work clothing and equipment and 296-62-07617 Protective work clothing and equipment. **Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations**, WAC 296-78-515 Management's responsibility, 296-78-525 Accident-prevention programs, 296-78-670 Glue machines, 296-78-71015 Tanks and chemicals and 296-78-84005 Dry kilns. **Chapter 296-79 WAC, Safety standards for pulp, paper, and paperboard mills and converters**, WAC 296-79-050 personal protection. **Chapter 296-306 WAC Safety standards for agriculture**, WAC 296-306-020 Serious injury reporting.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Pursuant to notice filed as WSR 94-15-095 on July 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following section is being withdrawn: Chapter 296-32 WAC, Safety standards for telecommunications, WAC 296-32-260 Rubber insulating equipment.

The following proposed amendments and new sections are adopted with the following changes:

WAC 296-24-07501 General requirements, subsections (2) and (4), the following sentence is added: "This subsection does not apply to WAC 296-24-092, Electrical protective devices, and WAC 296-62-071 through 296-62-07121, Part E, Respiratory Protection." This change is made as a result of federal-initiated corrections to the personal protective equipment standard published in Federal Register Volume 59, Number 126, dated Friday, July 1, 1994. The amendments are made to be substantially identical to the federal rules.

WAC 296-24-07801 General, subsection (5), the word "electric" in the second line of the table is corrected to "electrode." This change is made as a result of federal-initiated corrections to the personal protective equipment standard published in Federal Register Volume 59, Number 126, dated Friday, July 1, 1994. The amendments are made to be substantially identical to the federal rules.

WAC 296-24-088 Occupational foot protection, subsection (1), the word "and" in "falling and rolling" will be changed to "or" and will read "falling or rolling." This change is made as a result of federal-initiated corrections to

the personal protective equipment standard published in Federal Register Volume 59, Number 126, dated Friday, July 1, 1994. The amendments are made to be substantially identical to the federal rules.

WAC 296-24-092 Electrical protective devices, subsection (1)(c)(ii)(B), the note section contains references to ASTM D 178-88, ASTM D 1048-88a and ASTM 1049-88. These references are updated to the 1993 versions: ASTM D 178-93, ASTM D 1048-93 and ASTM 1049-93. These changes are made as a result of federal-initiated corrections to their electrical protective equipment standards in Federal Register Volume 59, Number 125, dated Friday, June 30, 1994, and are made to be identical to the federal rules; subsection (2)(b)(ix), references in the note are updated to the 1993 versions as follows: ASTM D 1048a is amended to ASTM D 1048-93, ASTM D 1049-88 is amended to ASTM D 1049-93, ASTM F 470-88a is amended to ASTM F 470-93, and ASTM F 496-91 is amended to ASTM F 496-93b. These changes are made as a result of federal-initiated corrections to their electrical protective equipment standards in Federal Register Volume 59, Number 125, dated Friday, June 30, 1994, and are made to be identical to the federal rules; and subsection (2)(b)(xii), Table 5 note, the word "with" is deleted and replaced with the words "on voltages of." The corrected sentence reads, "Rubber gloves shall only be used on voltages of 5000 volts phase to phase or less." This state-initiated wording change is made for clarification.

WAC 296-27-090 Reporting of fatality or multiple hospitalization accidents, subsection (2), the words "or probable" are inserted before the word "fatality" and the words "in-patient" before the word "hospitalization." The comma after the word "equipment" is deleted and replaced with a period, and the word "when" is capitalized. The proposed corrected sentence reads, "Equipment involved in an incident resulting in the immediate or probable fatality or in the in-patient hospitalization of two or more employees shall not be moved until a representative from the department of labor and industries investigates the incident and authorizes removal of such equipment. When removal of such equipment is necessary in order to prevent further incident or to remove the victim, such equipment may be moved as required."

WAC 296-45-65021 Tools and protective equipment, subsection (1)(h), the words "three" are replaced with the words "six." These amendments are made to be identical to the federal rule.

WAC 296-45-65027 General requirements, subsection (14), Table 1 is deleted and replaced with federal Tables 1 - 5. The amendments are made to be at-least-as-effective-as the federal rules.

WAC 296-45-690 Power generation, subsection (1)(k)(xii), "The effective date will be February 1, 1996," is added. This change is made as a result of federal-initiated corrections to their electrical protective equipment standards in Federal Register Volume 59, Number 125, dated Friday, June 30, 1994, and is made to be identical to the federal rules.

Effective Date of Rule: November 20, 1994.

September 30, 1994  
Mark O. Brown  
Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-007 Incorporation of standards of national organization.** Whenever a provision of this chapter incorporates by reference a national code or portion thereof which has been adopted by and is currently administered by another state agency, compliance with those provisions adopted and administered by such other state agency, if from a more recent edition of such national code, will be deemed to be prima facie evidence of compliance with the provisions of this chapter.

The specific standard(s), rule(s) or regulation(s) referenced in Title 296 WAC are available for review through local department of labor and industries offices. The standards are also available through the local library system or directly from the issuing organization.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-24-020 Management's responsibility.** (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

- (a) A safe and healthful working environment.
- (b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative, and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation. If the employee representative is the business agent of the employee bargaining unit ~~((that))~~ and is unavailable to participate without delaying the investigation group, the employer may proceed, and satisfy the requirements of subsection (2) of this section by using one of the following alternatives:

- (a) The shop steward acts as the employee representative.
- (b) An employee representative member of the safety committee acts as the employee representative.
- (c) The employees select a person to represent them.
- (3) Reporting of fatality or multiple hospitalization ~~((accidents))~~ incidents.

(a) Within ~~((24))~~ eight hours after the ~~((occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident~~

~~either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as deemed necessary, concerning the accident.)) fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of two or more employees as a result of a work-related incident, the employer of any employees so affected, shall orally report the fatality/multiple hospitalization by telephone or in person to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.~~

(i) This requirement applies to each such fatality or hospitalization of two or more employees which occurs within thirty days of the incident.

(ii) Exception: If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(iii) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.

(b) Equipment involved in an ~~((accident))~~ incident resulting in an immediate or probable fatality or in the inpatient hospitalization of two or more employees, shall not be moved, until a representative of the ~~((division of industrial safety and health))~~ department investigates the ~~((accident))~~ incident and releases such equipment, except where removal is essential to prevent further ~~((accident))~~ incident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of ~~((division of industrial safety and health))~~ the department's investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the ~~((accident))~~ incident, or whoever the investigator deems necessary to complete the investigation.

(4) Each employer shall maintain in each establishment a system for maintaining records of occupational injuries and illnesses as prescribed by WAC 296-27-030.

Note: Recordable cases include:

1. Every occupational death.
2. Every industrial illness.
3. Every occupational injury that involves one of the following:
  - a. Unconsciousness.
  - b. Inability to perform all phases of regular job.
  - c. Inability to work full time on regular job.
  - d. Temporary assignment to another job.
  - e. Medical treatment beyond first-aid.

(5) All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - Supplementary Record Occupational Injuries and Illnesses and OSHA 200 - Log and Summary. Forms other than OSHA 101 may be substituted for the Supplementary Record of Occupational Injuries and Illnesses if they contain the same items.

(6) Machinery, tools, materials or equipment, whether owned by the employer or under control of another firm or individual, which does not meet the compliance requirements of this chapter, or any other applicable vertical standard of a specific industry, shall not be utilized by employees.

(7) Each employer shall post and keep posted a notice or notices (the WISHA Poster, Job safety and health protection; form F416-081-000) to be furnished by the (~~division of industrial safety and health,~~) department of labor and industries, informing employees of the protections and obligations provided for in the act. For assistance and information, including copies of the act, and of specific safety and health standards, employees should contact the employer or the nearest office of the department of labor and industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced, or covered by other material.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-07501 General requirements.** (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. Protectors shall be durable, fit snugly and shall not unduly interfere with the movements of the wearer.

(2) Hazard assessment and equipment selection. This subsection does not apply to WAC 296-24-092, Electrical protective devices, and WAC 296-62-071 through 296-62-07121, Part E, Respiratory Protection.

(a) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

(ii) Communicate selection decisions to each affected employee; and

(iii) Select PPE that properly fits each affected employee.

Note: Nonmandatory Appendix B contains an example of procedures that would comply with the requirement for a hazard assessment.

(b) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

(3) Defective and damaged equipment. Defective or damaged personal protective equipment shall not be used.

(4) Training. This subsection does not apply to WAC 296-24-092, Electrical protective devices, and WAC 296-62-071 through 296-62-07121, Part E, Respiratory Protection.

(a) The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

(i) When PPE is necessary;

(ii) What PPE is necessary;

(iii) How to properly don, doff, adjust, and wear PPE;

(iv) The limitations of the PPE; and

(v) The proper care, maintenance, useful life and disposal of the PPE.

(b) Each affected employee shall demonstrate an understanding of the training specified in (a) of this subsection, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

(c) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by (b) of this subsection, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

(i) Changes in the workplace render previous training obsolete; or

(ii) Changes in the types of PPE to be used render previous training obsolete; or

(iii) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.

(d) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-07801 General.** ~~((1) Protective eye and face equipment shall be required where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. No unprotected person shall knowingly be subjected to a hazardous environmental condition. Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards:~~

~~(2) Protectors shall:~~

~~(a) Provide adequate protection against the particular hazards for which they are designed.~~

~~(b) Be reasonably comfortable when worn under the designated conditions.~~

- ~~(e) Fit snugly and shall not unduly interfere with the movements of the wearer.~~
- ~~(d) Be durable.~~
- ~~(e) Be capable of being disinfected.~~
- ~~(f) Be easily cleanable.~~
- ~~(3) Protectors should be kept clean and in good repair.~~
- ~~(4) Persons whose vision requires the use of corrective lenses in spectacles, and who are required by this standard to wear eye protection, shall wear goggles or spectacles of one of the following types:~~

- ~~(a) Spectacles whose protective lenses provide optical correction.~~
- ~~(b) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.~~
- ~~(c) Goggles that incorporate corrective lenses mounted behind the protective lenses.~~
- ~~(5) Every protector shall be distinctly marked to facilitate identification of the manufacturer.~~

~~(6) When limitations or precautions are indicated by the manufacturer, they shall be transmitted to the user and care taken to see that such limitations and precautions are strictly observed.~~

~~(7) Design, construction, testing, and use of devices for eye and face protection shall be in accordance with American National Standard for Occupational and Educational Eye and Face Protection, Z87.1-1968.)~~ (1) Each affected employee shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

(2) Each affected employee shall use eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g., clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.

(3) Each affected employee who wears prescription lenses while engaged in operations that involve eye hazards shall wear eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

(4) Eye and face PPE shall be distinctly marked to facilitate identification of the manufacturer.

(5) Each affected employee shall use equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation. The following is a listing of appropriate shade numbers for various operations.

Filter Lenses for Protection Against Radiant Energy

Operations	Electrode Size 1/32 (inches)	Minimum* Protective Arc Current	Shade
<u>Shielded metal arc welding</u>	Less than 3	Less than 60	7
	3-5	60-160	8
	5-8	160-250	10
	More than 8	250-550	11
<u>Gas metal arc welding and flux cored arc welding</u>		Less than 60	7
		60-160	10
		160-250	10
		250-500	10

<u>Gas Tungsten arc welding</u>		Less than 50	8
		50-150	8
		150-500	10
<u>Air carbon Arc cutting</u>	(Light)	Less than 500	10
	(Heavy)	500-1000	11
<u>Plasma arc welding</u>		Less than 20	6
		20-100	8
		100-400	10
		400-800	11
<u>Plasma arc cutting</u>	(Light)	Less than 300	8
	(Medium)**	300-400	9
	(Heavy)**	400-800	10
<u>Torch brazing</u>			3
<u>Torch soldering</u>			2
<u>Carbon arc welding</u>			14

Filter Lenses for Protection Against Radiant Energy

Operations	Plate thickness (inches)	Plate thickness (mm)	Minimum* Protective Shade
<u>Gas welding:</u>	Light	Under 3.2	4
	Medium	3.2 to 12.7	5
	Heavy	Over 12.7	6
<u>Oxygen cutting:</u>	Light	Under 25	3
	Medium	25 to 150	4
	Heavy	Over 150	5

\* As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.

\*\* These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.

(6) Criteria for protective eye and face devices.

(a) Protective eye and face devices purchased after February 20, 1995, shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference, or shall be demonstrated by the employer to be equally effective.

(b) Eye and face protective devices purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1968 or shall be demonstrated by the employer to be equally effective.

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-24-084 Occupational head protection.** (1) ((Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(2) Helmets for the head protection of employees exposed to high-voltage electrical shock and burns shall meet

PERMANENT

~~the specifications contained in American National Standards Institute, Z89.2-1970-))~~ General requirements.

(a) Each affected employee shall wear protective helmets when working in areas where there is a potential for injury to the head from falling and flying objects.

(b) Protective helmets designed to reduce electrical shock hazard shall be worn by each such affected employee when near exposed electrical conductors which could contact the head.

(2) Criteria for protective helmets.

(a) Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers- Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.

(b) Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.

(3) Persons working in the shops around machinery or in locations which present a hair catching or fire hazard shall wear caps or other type of head covering which completely covers the hair. Caps with metal buttons or metal visors shall not be worn around electrical hazards.

Note 1: The following will define hair lengths considered hazardous:

(a) When the length would exceed the circumference of exposed revolving shafts or tools in fixed machines by 200 percent.

(b) When the length would exceed the radius of pressure rolls with exposed in-running nip points.

(c) When the employee is exposed to an ignition source and the employee may, with hair aflame, run into an area containing class -1 flammable liquids or combustible atmospheres.

(d) When exposures require personal protective devices, such as mask-type respirators or ear-cup-type hearing protection devices, and hair, either facial or head, would interfere with a proper seal.

Note 2: When hair length is judged hazardous from a hair catching standpoint (instances (a) or (b) under interpretations in Note 1) minimal confinement shall be within netting which controls all loose ends.

Note 3: If hazardous from fire hazard aspects (instance (c) of Note 1) the hair must be confined within a solid-type material.

(4) ~~((Hard hats))~~ Protective helmets shall be worn by employees who work around or under scaffolds or other overhead structures, or who are otherwise exposed to the hazards of falling materials and propelled objects.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-088 Occupational foot protection.** (1) General requirements. Each affected employee shall wear protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

(2) Criteria for protective footwear.

(a) Protective footwear purchased after February 20, 1995, shall comply with ANSI Z41-1991, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference, or shall be demonstrated by the employer to be equally effective.

(b) Protective footwear purchased before February 20, 1995, shall comply with the ANSI standard "USA Standard for Men's Safety-Toe Footwear," ANSI Z41.1-1967, which is incorporated by reference, or shall be demonstrated by the employer to be equally effective.

(3) Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs.

~~((2) Safety toe footwear for employees shall meet the requirements and specifications in American National Standards Institute for Men's Safety-Toe Footwear, Z41.1-1967.~~

~~(3) Workers who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear.))~~

NEW SECTION

**WAC 296-24-090 Hand protection.** (1) General requirements. Employers shall select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

(2) Selection. Employers shall base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-092 Electrical protective ~~((devices))~~ equipment.** (1) ~~((Rubber protective equipment for electrical workers shall conform to the requirements established in the American National Standards Institute Standards as specified in the following list:~~

Item	Standard
Rubber insulating gloves.	J6.6 1971.
Rubber matting for use around electric apparatus.	J6.7 1935 (R1971).
Rubber insulating blankets.	J6.4 1971.
Rubber insulating hoods.	J6.2 1950 (R1971).
Rubber insulating line hose.	J6.1 1950 (R1971).
Rubber insulating sleeves.	J6.5 1971.))

Design requirements. Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following requirements:

(a) Manufacture and marking.

(i) Blankets, gloves, and sleeves shall be produced by a seamless process.

(ii) Each item shall be clearly marked as follows:

(A) Class 0 equipment shall be marked Class 0.

(B) Class 1 equipment shall be marked Class 1.

(C) Class 2 equipment shall be marked Class 2.

(D) Class 3 equipment shall be marked Class 3.

(E) Class 4 equipment shall be marked Class 4.

PERMANENT

(F) Nonozone-resistant equipment other than matting shall be marked Type I.

(G) Ozone-resistant equipment other than matting shall be marked Type II.

(H) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.

(iii) Markings shall be nonconducting and shall be applied in such a manner as not to impair the insulating qualities of the equipment.

(iv) Markings on gloves shall be confined to the cuff portion of the glove.

(b) Electrical requirements.

(i) Equipment shall be capable of withstanding the a-c proof-test voltage specified in Table A-2 or the d-c proof-test voltage specified in Table A-3.

(A) The proof-test shall reliably indicate that the equipment can withstand the voltage involved.

(B) The test voltage shall be applied continuously for three minutes for equipment other than matting and shall be applied continuously for one minute for matting.

(C) Gloves shall also be capable of withstanding the a-c proof-test voltage specified in Table A-2 after a sixteen-hour water soak. (See the note following (c)(ii)(B) of this subsection.)

(ii) When the a-c proof-test is used on gloves, the 60 hertz proof-test current may not exceed the values specified in Table A-2 at any time during the test period.

(A) If the a-c proof-test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.

(B) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table A-4. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.

(C) After the sixteen-hour water soak specified in (b)(i)(C) of this subsection, the 60-hertz proof-test current may exceed the values given in Table A-2 by not more than 2 milliamperes.

(iii) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. (See the note following (c)(ii)(B) of this subsection.)

(iv) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. (See the note following (c)(ii)(B) of this subsection.)

(c) Workmanship and finish.

(i) Equipment shall be free of harmful physical irregularities that can be detected by the tests or inspections required under this section.

(ii) Surface irregularities that may be present on all rubber goods because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under the following conditions:

(A) The indentation or protuberance blends into a smooth slope when the material is stretched.

(B) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

Note: Rubber insulating equipment meeting the following national consensus standards is deemed to be in compliance with subsection (1) of this section:

American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.

ASTM D 178-93, Specification for Rubber Insulating Matting.

ASTM D 1048-93, Specification for Rubber Insulating Blankets.

ASTM D 1049-93, Specification for Rubber Insulating Covers.

ASTM D 1050-90, Specification for Rubber Insulating Line Hose.

ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

These standards contain specifications for conducting the various tests required in subsection (1) of this section. For example, the a-c and d-c proof-tests, the breakdown test, the water soak procedure, and the ozone test mentioned in this paragraph are described in detail in the ASTM standards.

(2) In-service care and use.

(a) Electrical protective equipment shall be maintained in a safe, reliable condition.

(b) The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

(i) Maximum use voltages shall conform to those listed in Table A-5.

(ii) Insulating equipment shall be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves shall be given an air test, along with the inspection.

(iii) Insulating equipment with any of the following defects may not be used:

(A) A hole, tear, puncture, or cut;

(B) Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks);

(C) An embedded foreign object;

(D) Any of the following texture changes: Swelling, softening, hardening, or becoming sticky or inelastic.

(E) Any other defect that damages the insulating properties.

(iv) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under (b)(viii)(ix) of this subsection.

(v) Insulating equipment shall be cleaned as needed to remove foreign substances.

(vi) Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone, and other injurious substances and conditions.

(vii) Protector gloves shall be worn over insulating gloves.

(viii) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table A-5 and Table A-6.

(ix) The test method used under (b)(viii) and (xi) of this subsection shall reliably indicate whether the insulating equipment can withstand the voltages involved.



Note: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:  
American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.  
ASTM D 1048-93, Specification for Rubber Insulating Blankets.  
ASTM D 1049-93, Specification for Rubber Insulating Covers.  
ASTM D 1050-90, Specification for Rubber Insulating Line Hose.  
ASTM D 1051-87, Specification for Rubber Insulating Sleeves.  
ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.  
ASTM F 479-88a, Specification for In-Service Care of Insulating Blankets.  
ASTM F 496-93b, Specification for In-Service Care of Insulating Gloves and Sleeves.

(x) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:

(A) Rubber insulating line hose could be used in shorter lengths with the defective portion cut off.

(B) Rubber insulating blankets could be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(C) Rubber insulating blankets could be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than twenty-two inches by twenty-two inches (560 mm by 560 mm) for Class 1, 2, 3, and 4 blankets.

(xi) Repaired insulating equipment shall be retested before it may be used by employees.

(xii) The employer shall certify that equipment has been tested in accordance with the requirements of (b)(viii), (ix), and (xi) of this subsection. The certification shall identify the equipment that passed the test and the date it was tested.

Note: Marking of equipment and entering the results of the tests and the dates of testing onto logs are two acceptable means of meeting this requirement.

Table A-2. -A-C Proof-Test Requirements  
Maximum proof-test current,  
mA (gloves only)

<u>Class of equipment</u>	<u>Proof-test voltage rms V</u>	<u>267-mm (10.5-in) glove</u>	<u>356-mm (14-in) glove</u>	<u>406-mm (16-in) glove</u>	<u>457-mm (18-in) glove</u>
0	5,000	8	12	14	16
1	10,000		14	16	18
2	20,000		16	18	20
3	30,000		18	20	22
4	40,000			22	24

Table A-3.-D-C Proof-Test Requirements

<u>Class of equipment</u>	<u>Proof-test voltage</u>
0	20,000
1	40,000
2	50,000
3	60,000
4	70,000

Note: The d-c voltages listed in this table are not appropriate for proof testing rubber insulating line hose or covers. For this equipment, d-c proof-tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table A-4. See ASTM D 1050-90 and ASTM D 1049-88 for further information on proof tests for rubber insulating line hose and covers.

Table A-4.-Glove Tests-Water Level<sup>1, 2</sup>

<u>Class of glove</u>	<u>A-C proof-test</u>		<u>D-C proof-test</u>	
	<u>mm.</u>	<u>in.</u>	<u>mm.</u>	<u>in.</u>
0	38	1.5	38	1.5
1	38	1.5	51	2.0
2	64	2.5	76	3.0
3	89	3.5	102	4.0
4	127	5.0	153	6.0

<sup>1</sup>The water level is given as the clearance from the cuff of the glove to the water line, with a tolerance of 13 mm. (0.5 in.).

<sup>2</sup>If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.).

Table A-5.-Rubber Insulating Equipment Voltage Requirements

<u>Class of equipment</u>	<u>Maximum use voltage<sup>1</sup></u>	<u>Retest voltage<sup>2</sup></u>	<u>Retest voltage<sup>2</sup></u>
	<u>a-c-rms</u>	<u>a-c-rms</u>	<u>d-c-rms</u>
0	1,000	5,000	20,000
1	7,500	10,000	40,000
2	17,000	20,000	50,000
3	26,500	30,000	60,000
4	36,000	40,000	70,000

Note: Rubber gloves shall only be used on voltages of 5000 volts phase to phase or less.

<sup>1</sup>The maximum use voltage is the a-c voltage (rms) classification of the protective equipment that designates the maximum nominal design/voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design/voltage:

1. If there is no multiphase exposure in a system area and if the voltage exposure is limited to the phase-to-ground potential, or

2. If the electrical equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.

<sup>2</sup>The proof-test voltage shall be applied continuously for at least one minute, but no more than three minutes.

Table A-6.-Rubber Insulating Equipment Test Intervals

<u>Type of equipment</u>	<u>When to test</u>
<u>Rubber insulating line hose</u>	<u>Upon indication that insulating value is suspect.</u>
<u>Rubber insulating covers</u>	<u>Upon indication that insulating value is suspect.</u>
<u>Rubber insulating blankets</u>	<u>Before first issue and every 12 months thereafter.</u>
<u>Rubber insulating gloves</u>	<u>Before first issue and every 6 months thereafter.</u>
<u>Rubber insulating sleeves</u>	<u>Before first issue and every 12 months thereafter.</u>

((2)) (3) Where switches or fuses of more than 150 volts to ground are not guarded during ordinary operations, suitable insulating floors, mats or platforms shall be provided on which the operator must stand while handling the switches.

PERMANENT



NEW SECTION

**WAC 296-24-096 Appendix A to Part A-2—References for further information (nonmandatory).** The documents in Appendix A provide information which may be helpful in understanding and implementing the standards in Part A-2.

1. Bureau of Labor Statistics (BLS). "Accidents Involving Eye Injuries." Report 597, Washington, D.C.: BLS, 1980.
2. Bureau of Labor Statistics (BLS). "Accidents Involving Face Injuries." Report 604, Washington, D.C.: BLS, 1980.
3. Bureau of Labor Statistics (BLS). "Accidents Involving Head Injuries." Report 605, Washington, D.C.: BLS, 1980.
4. Bureau of Labor Statistics (BLS). "Accidents Involving Foot Injuries." Report 626, Washington, D.C.: BLS, 1981.
5. National Safety Council. "Accident Facts," Annual edition, Chicago, IL: 1981.
6. Bureau of Labor Statistics (BLS). "Occupational Injuries and Illnesses in the United States by Industry," Annual edition, Washington, D.C.: BLS.
7. National Society to Prevent Blindness. "A Guide for Controlling Eye Injuries in Industry," Chicago, IL: 1982.

NEW SECTION

**WAC 296-24-098 Appendix B to Part A-2—Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection.** This Appendix is intended to provide compliance assistance for employers and employees in implementing requirements for a hazard assessment and the selection of personal protective equipment.

(1) Controlling hazards. PPE devices alone should not be relied on to provide protection against hazards, but should be used in conjunction with guards, engineering controls, and sound manufacturing practices.

(2) Assessment and selection. It is necessary to consider certain general guidelines for assessing the foot, head, eye and face, and hand hazard situations that exist in an occupational or educational operation or process, and to match the protective devices to the particular hazard. It should be the responsibility of the safety officer to exercise reasonable diligence and appropriate expertise to accomplish these tasks.

(3) Assessment guidelines. In order to assess the need for PPE the following steps should be taken:

(a) Survey. Conduct a walk-through survey of the areas in question. The purpose of the survey is to identify sources of hazards to workers and co-workers. Consideration should be given to the basic hazard categories:

- (i) Impact;
- (ii) Penetration;
- (iii) Compression (roll-over);
- (iv) Chemical;
- (v) Heat;
- (vi) Harmful dust;
- (vii) Light (optical) radiation.

(b) Sources. During the walk-through survey the safety officer should observe:

(i) Sources of motion; i.e., machinery or processes where any movement of tools, machine elements or particles could exist, or movement of personnel that could result in collision with stationary objects;

(ii) Sources of high temperatures that could result in burns, eye injury or ignition of protective equipment, etc.;

(iii) Types of chemical exposures;

(iv) Sources of harmful dust;

(v) Sources of light radiation, i.e., welding, brazing, cutting, furnaces, heat treating, high intensity lights, etc.;

(vi) Sources of falling objects or potential for dropping objects;

(vii) Sources of sharp objects which might pierce the feet or cut the hands;

(viii) Sources of rolling or pinching objects which could crush the feet;

(ix) Layout of workplace and location of co-workers; and

(x) Any electrical hazards. In addition, injury/accident data should be reviewed to help identify problem areas.

(c) Organize data. Following the walk-through survey, it is necessary to organize the data and information for use in the assessment of hazards. The objective is to prepare for an analysis of the hazards in the environment to enable proper selection of protective equipment.

(d) Analyze data. Having gathered and organized data on a workplace, an estimate of the potential for injuries should be made. Each of the basic hazards (subsection (3)(a) of this section) should be reviewed and a determination made as to the type, level of risk, and seriousness of potential injury from each of the hazards found in the area. The possibility of exposure to several hazards simultaneously should be considered.

(4) Selection guidelines. After completion of the procedures in subsection (3) of this section, the general procedure for selection of protective equipment is to:

(a) Become familiar with the potential hazards and the type of protective equipment that is available, and what it can do; i.e., splash protection, impact protection, etc.;

(b) Compare the hazards associated with the environment; i.e., impact velocities, masses, projectile shape, radiation intensities, with the capabilities of the available protective equipment;

(c) Select the protective equipment which ensures a level of protection greater than the minimum required to protect employees from the hazards; and

(d) Fit the user with the protective device and give instructions on care and use of the PPE. It is very important that end users be made aware of all warning labels for and limitations of their PPE.

(5) Fitting the device. Careful consideration must be given to comfort and fit. PPE that fits poorly will not afford the necessary protection. Continued wearing of the device is more likely if it fits the wearer comfortably. Protective devices are generally available in a variety of sizes. Care should be taken to ensure that the right size is selected.

(6) Devices with adjustable features. Adjustments should be made on an individual basis for a comfortable fit that will maintain the protective device in the proper position. Particular care should be taken in fitting devices for eye protection against dust and chemical splash to ensure that the devices are sealed to the face. In addition, proper

fitting of helmets is important to ensure that it will not fall off during work operations. In some cases a chin strap may be necessary to keep the helmet on an employee's head. (Chin straps should break at a reasonably low force, however, so as to prevent a strangulation hazard.) Where manufacturer's instructions are available, they should be followed carefully.

(7) Reassessment of hazards. It is the responsibility of the safety officer to reassess the workplace hazard situation as necessary, by identifying and evaluating new equipment and processes, reviewing accident records, and reevaluating the suitability of previously selected PPE.

(8) Selection chart guidelines for eye and face protection. Some occupations (not a complete list) for which eye protection should be routinely considered are: Carpenters, electricians, machinists, mechanics and repairers, millwrights, plumbers and pipe fitters, sheet metal workers and tinsmiths, assemblers, sanders, grinding machine operators, lathe and milling machine operators, sawyers, welders, laborers, chemical process operators and handlers, and timber cutting and logging workers. The following chart provides general guidance for the proper selection of eye and face protection to protect against hazards associated with the listed hazard "source" operations.

Eye and Face Protection Selection Chart

Source	Assessment of Hazard	Protection
IMPACT—Chipping, grinding machining, masonry work, sawing, drilling, chiseling, powered fastening, riveting, woodworking, and sanding.	Flying fragments, objects, large chips, particles sand, dirt, etc.	Spectacles with side protection, goggles, face shields. See notes 1, 3, 5, 6, 10. For severe exposure, use face shield.
HEAT—Furnace operations, pouring, casting, hot dipping, and welding.	Hot sparks	Face shields, goggles, spectacles with side protection. For severe exposure use face shield. See notes 1, 2, 3.
	Splash from molten metals	Face shields worn over goggles. See notes 1, 2, 3.
	High temperature exposure	Screen face shields, reflective face shields. See notes 1, 2, 3.
CHEMICALS—Acid and chemicals handling, plating.	Splash	Goggles, eyecup and cover types. For severe degreasing exposure, use face shield. See notes 3, 11.
	Irritating mists	Special-purpose goggles.
DUST—Woodworking, dusty conditions.	Nuisance dust	Goggles, eyecup and buffing, general cover types. See note 8.
LIGHT and/or RADIATION— Welding: Electric arc.	Optical radiation	Welding helmets or welding shields. Typical shades: 10-14. See notes 9, 12.

Welding: Gas.	Optical radiation	Welding goggles or welding face shield. Typical shades: Gas welding 4-8, cutting 3-6, brazing 3-4. See note 9.
Cutting, Torch brazing, Torch soldering.	Optical radiation	Spectacles or welding face shield. Typical shades, 1.5-3. See notes 3, 9.
Glare.	Poor vision	Spectacles with shaded or special-purpose lenses, as suitable. See notes 9, 10.

Notes to Eye and Face Protection Selection Chart:

- Care should be taken to recognize the possibility of multiple and simultaneous exposure to a variety of hazards. Adequate protection against the highest level of each of the hazards should be provided. Protective devices do not provide unlimited protection.
- Operations involving heat may also involve light radiation. As required by the standard, protection from both hazards must be provided.
- Face shields should only be worn over primary eye protection (spectacles or goggles).
- As required by the standard, filter lenses must meet the requirements for shade designations in WAC 296-24-07801(5). Tinted and shaded lenses are not filter lenses unless they are marked or identified as such.
- As required by the standard, persons whose vision requires the use of prescription (Rx) lenses must wear either protective devices fitted with prescription (Rx) lenses or protective devices designed to be worn over regular prescription (Rx) eyewear.
- Wearers of contact lenses must also wear appropriate eye and face protection devices in a hazardous environment. It should be recognized that dusty and/or chemical environments may represent an additional hazard to contact lens wearers.
- Caution should be exercised in the use of metal frame protective devices in electrical hazard areas.
- Atmospheric conditions and the restricted ventilation of the protector can cause lenses to fog. Frequent cleansing may be necessary.
- Welding helmets or face shields should be used only over primary eye protection (spectacles or goggles).
- Nonsideshield spectacles are available for frontal protection only, but are not acceptable eye protection for the sources and operations listed for "impact."
- Ventilation should be adequate, but well protected from splash entry. Eye and face protection should be designed and used so that it provides both adequate ventilation and protects the wearer from splash entry.
- Protection from light radiation is directly related to filter lens density. See note (4). Select the darkest shade that allows task performance.

(9) Selection guidelines for head protection. All head protection (helmets) is designed to provide protection from impact and penetration hazards caused by falling or flying objects. Head protection is also available which provides protection from electric shock and burn. When selecting head protection, knowledge of potential electrical hazards is important. Class A helmets, in addition to impact and penetration resistance, provide electrical protection from low-voltage conductors (they are proof tested to 2,200 volts). Class B helmets, in addition to impact and penetration resistance, provide electrical protection from high-voltage conductors (they are proof tested to 20,000 volts). Class C helmets provide impact and penetration resistance (they are

PERMANENT

usually made of aluminum which conducts electricity), and should not be used around electrical hazards. Where falling or flying object hazards are present, helmets must be worn. Some examples include: Working below other workers who are using tools and materials which could fall; working around or under conveyor belts which are carrying parts or materials; working below machinery or processes which might cause material or objects to fall; and working on exposed energized conductors. Some examples of occupations for which head protection should be routinely considered are: Carpenters, electricians, linemen, mechanics and repairers, plumbers and pipe fitters, assemblers, packers, wrappers, sawyers, welders, laborers, freight handlers, timber cutting and logging, stock handlers, and warehouse laborers.

(10) Selection guidelines for foot protection. Safety shoes and boots which meet the ANSI Z41-1991 Standard provide both impact and compression protection. Where necessary, safety shoes can be obtained which provide puncture protection. In some work situations, metatarsal protection should be provided, and in other special situations electrical conductive or insulating safety shoes would be appropriate. Safety shoes or boots with impact protection would be required for carrying or handling materials such as packages, objects, parts or heavy tools, which could be dropped; and, for other activities where objects might fall onto the feet. Safety shoes or boots with compression protection would be required for work activities involving skid trucks (manual material handling carts) around bulk rolls (such as paper rolls) and around heavy pipes, all of which could potentially roll over an employee's feet. Safety shoes or boots with puncture protection would be required where sharp objects such as nails, wire, tacks, screws, large staples, scrap metal, etc., could be stepped on by employees causing a foot injury. Some occupations (not a complete list) for which foot protection should be routinely considered are: Shipping and receiving clerks, stock clerks, carpenters, electricians, machinists, mechanics and repairers, plumbers and pipe fitters, structural metal workers, assemblers, drywall installers and lathers, packers, wrappers, craters, punch and stamping press operators, sawyers, welders, laborers, freight handlers, gardeners and grounds-keepers, timber cutting and logging workers, stock handlers and warehouse laborers.

(11)(a) Selection guidelines for hand protection. Gloves are often relied upon to prevent cuts, abrasions, burns, and skin contact with chemicals that are capable of causing local or systemic effects following dermal exposure. WISHA is unaware of any gloves that provide protection against all potential hand hazards, and commonly available glove materials provide only limited protection against many chemicals. Therefore, it is important to select the most appropriate glove for a particular application and to determine how long it can be worn, and whether it can be reused. It is also important to know the performance characteristics of gloves relative to the specific hazard anticipated; e.g., chemical hazards, cut hazards, flame hazards, etc. These performance characteristics should be assessed by using standard test procedures. Before purchasing gloves, the employer should request documentation from the manufacturer that the gloves meet the appropriate test standard(s) for the hazard(s) anticipated. Other factors to be considered for glove selection in general include:

(i) As long as the performance characteristics are acceptable, in certain circumstances, it may be more cost effective to regularly change cheaper gloves than to reuse more expensive types; and

(ii) The work activities of the employee should be studied to determine the degree of dexterity required, the duration, frequency, and degree of exposure of the hazard, and the physical stresses that will be applied.

(b) With respect to selection of gloves for protection against chemical hazards:

(i) The toxic properties of the chemical(s) must be determined; in particular, the ability of the chemical to cause local effects on the skin and/or to pass through the skin and cause systemic effects;

(ii) Generally, any "chemical resistant" glove can be used for dry powders;

(iii) For mixtures and formulated products (unless specific test data are available), a glove should be selected on the basis of the chemical component with the shortest breakthrough time, since it is possible for solvents to carry active ingredients through polymeric materials; and

(iv) Employees must be able to remove the gloves in such a manner as to prevent skin contamination.

(12) Cleaning and maintenance. It is important that all PPE be kept clean and properly maintained. Cleaning is particularly important for eye and face protection where dirty or fogged lenses could impair vision. For the purposes of compliance with WAC 296-24-07501 (1)(a) and (b), PPE should be inspected, cleaned, and maintained at regular intervals so that the PPE provides the requisite protection. It is also important to ensure that contaminated PPE which cannot be decontaminated is disposed of in a manner that protects employees from exposure to hazards.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-70005 Protective clothing.** (1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of (~~WAC 296-24-07501~~) chapter 296-24 WAC, Part A-2. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, asbestos, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and

pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

Note: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(h) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

**WAC 296-27-090 Reporting of fatality or multiple hospitalization (~~(accidents)~~) incidents.** (1) Within ~~((twenty-four))~~ eight hours after the ~~((occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.))~~ fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of two or more employees as a result of a work-related incident, the employer of any employees so affected, shall orally report the fatality/multiple hospitalization by telephone or in person, to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.

(a) This requirement applies to each such fatality or hospitalization of two or more employees which occurs within thirty days of the incident.

(b) Exception: If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(c) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.

(2) Equipment involved in an ~~((accident))~~ incident resulting in an immediate or probable fatality or in the inpatient hospitalization of two or more employees shall not be moved until a representative of the ~~((division of industrial safety and health))~~ department of labor and industries investigates the ~~((accident))~~ incident and authorizes removal of such equipment~~((;))~~. When removal of such equipment is

necessary in order to prevent further ~~((accident))~~ incident or to remove the victim, such equipment may be moved as required.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

**WAC 296-32-250 Tools and personal protective equipment—General.** (1) Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees.

(a) Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(b) Tools found to be defective shall be taken out of service.

(2) Head protection. ~~((Head protection meeting the requirements of ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers,))~~ Class B~~(("))~~ protective helmets shall be provided whenever there is exposure to overhead hazards and/or possible high voltage electrical contact.

(a) Employees working in areas where there is a possible danger of head injury from impact, falling or flying objects, shall be protected by protective helmets. ~~((These helmets shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.))~~

(b) ~~((The employer shall insure that the head protection is used by the employee.))~~ Criteria for protective helmets.

(i) Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.

(ii) Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.

(3) Eye protection. Protective eye and face equipment shall be required where there is a possibility of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors.

Note: See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.

(4) Tent heaters, torches and open flame. Open flames shall not be used within ground tents or on platforms within aerial tents unless:

(a) The tent covers are constructed of fire resistant materials, and

(b) Ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(5) Portable power equipment.

(a) All portable power equipment used in the telecommunications industry shall be grounded.

(b) Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(c) Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunication circuits.

(6) Vehicle-mounted utility generators. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(a) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(b) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(c) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in subsection (7) of this section.

(7) Portable lights, tools and appliances. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) Lead work. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in this subsection, without a grounding conductor.

The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(9) Fire extinguishers.

(a) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(b) Employees shall be familiar with the location and operation of fire extinguishers.

(c) Any fire extinguishers showing defects shall be removed from service.

(d) Fire extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety once every year.

(e) Each fire extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person performing this service.

#### AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

#### **WAC 296-45-650 Electrical workers safety rules—**

**Foreword.** The purpose of this chapter is to make the workplace of electrical employees as free from recognized hazard as is reasonably possible. The observance of these rules may in some instances require that speed and work performance be subordinated to the safety of employees. Since the purpose of these rules is the safety of employees, it is expected that those employees engaged in the work for which these rules are intended will, in good faith, adhere to the provisions of this chapter. This chapter is not intended

to be a complete description of the work to be done nor is it complete in the sense that additional or unusual hazards may not exist for which there is no regulation or rule. In the event a hazard exists which is not contemplated by this chapter, it is expected that the (~~foreman~~) leadworker and employees will in good faith mutually discuss the particular hazard and arrive at a method of performing the work with the greatest degree of safety.

The department of labor and industries is the sole and paramount administrative agency responsible for the administration and interpretation of this chapter and the Washington Industrial Safety and Health Act of 1973. If there exists a question as to the meaning of any provision of this chapter, such question must first be directed to the department of labor and industries and its authorized representatives.

Experience has proven that the majority of injuries and deaths are preventable. Most injuries and deaths are not due to defective equipment but are due to failure on the part of the employees and those in authority to observe safety rules and failure to use safety devices. In the last analysis, this chapter is a compilation of experience and common sense. Electrical safety requires that the work be properly planned, executed by the use of good judgment and under the direction of intelligent supervision.

#### AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65003 Scope and application.** (1) The work for which this chapter is enacted is a specialized type of construction work and, insofar as it is specialized, such operations, procedures and work require a particular type of rule or regulation which is generally embodied within this chapter. The purpose of this chapter shall be to avoid those hazards peculiar to the industry, the purpose for which this chapter is designed, and this chapter shall include employees and employers whose business and work include power distribution and transmission lines. The standards apply to all such construction work of an electrical nature regardless of the general nature of the business. The criterion for application of this chapter shall be the nature of the particular work to be or which is being performed. That work which is intended to be encompassed within the provisions of the mandatory and recommended provisions of this chapter shall include that work, conditions, practices, means, operations and processes performed at or on power distribution and transmission line installations, regardless of location, whether such installation for power distribution is (are) above ground or below ground, and shall include such adjacent and supporting structures as are fairly encompassed by these regulations.

Generally, the nature of the work will be such that industrial insurance premiums could reasonably be said to be reportable; (as of the effective date of this chapter) under WAC 296-17-521 (Class 5-8); WAC 296-17-522 (Class 6-1); and WAC 296-17-539 (Class 13-1). This guideline applies insofar as said class either directly or indirectly is related to the construction, erection, maintenance, repair, alteration, or other operation involving power distribution and transmission lines.

(2) Communication lines and work directed communication lines as defined in chapter 296-32 WAC (safety rules

for telecommunications) are subject to the provisions of chapter 296-32 WAC and are not encompassed within the scope of this chapter.

(3) These standards shall apply to installations under the exclusive control of electric utilities used for the purpose of communications or metering, or for generation, control, transformation, transmission, and distribution of electric energy, which are located in buildings used exclusively by the electric utilities for such purposes, or located outdoors on property owned or leased by the electric utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC, general safety and health standards; chapter 296-62 WAC, general occupational health standards; chapter 296-155 WAC, safety standards for construction work; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) Under certain circumstances, an employer may obtain a variance from the director of the department of labor and industries or ((his)) an authorized representative. Until such time as a variance is granted, the employer and employees must comply with the mandatory provisions of this chapter. The procedure and requirements for variances are found in ((WAC 296-350-200 through 296-350-280)) chapter 296-350 WAC.

(6) These rules shall not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction shall conform to the rules as herein provided.

(7) Any rule, regulation or standard contained within this chapter, if subject to interpretation, shall be interpreted so as to achieve employee safety, which is the ultimate purpose of this chapter.

(8) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained within a general (horizontal) chapter, the standard or rule contained herein shall apply so long as the work being done is electrical work involving power distribution and transmission lines. Should a standard or rule contained within this chapter conflict, in any manner, with a standard or rule contained within a specialized (vertical) chapter (one which applies to a particular type of work), the standard or rule contained herein shall apply as long as the work being performed involves power distribution and transmission lines as hereinbefore defined. Should there be a conflict between two or more standards or rules contained within this chapter, the standard or rule which affords the worker greater safety shall apply.

(9) Neither the promulgation of these rules, nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor shall the use herein of the words "duty" and "responsibility" or either, import or imply liability

other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge any such "duty" or "responsibility," but failure on the part of the employees, ((foreman)) leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(10) "Shall" and "must" as used in this chapter make the provisions mandatory. "Should," "may," or "it is recommended" are used to indicate the provisions are not mandatory but are recommended.

(11) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(12) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the ((foreman)) leadworker or other employee, it shall also be the employer's responsibility, obligation, and duty.

Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65005 Definitions.** These definitions are applicable to chapter 296-45 WAC.

(1) "Aerial manlift equipment." All types of equipment such as extended towers, boom-mounted cages or baskets, and truck-mounted ladders. This equipment is primarily designed to place personnel and equipment aloft to work on elevated structures and equipment.

(2) "Apprentice." An employee who is being trained to be ((a journeyman)) journey level.

(3) "Approved." Meets or exceeds the recognized standards of safety within the industry.

(4) "Approved protectors." Gloves worn over rubber insulating gloves which are of such material or substance and so constructed as to protect the rubber gloves from abrasions, lacerations, or other physical damage which might otherwise occur to rubber gloves. Approved protectors must conform to the standards which are recognized by the industry.

(5) "Automatic circuit recloser." A self-controlled device for automatically interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold closed, or lockout operation.

(6) "Barrier." A physical obstruction which is intended to prevent contact with energized lines or equipment.

(7) "Barricade." A physical obstruction such as tapes, screens, or cones intended to warn and limit access to a hazardous area.

(8) "Belts."

(a) "Lineman's body belt." A waist belt of approved material with a front buckle, two "D" rings for attaching safety straps and multiple loop strap for holding tools.

(b) "Strap." An adjustable leather, web, nylon, or other approved material in various lengths which permit free use of both hands in circling of post, pole, girder, etc. The safety strap permits the employee to assume a safe working position.

(c) "Construction belt." A strong leather, web, or other approved material belt at least 1 3/4 inches wide that may be equipped with fixed or adjustable "D" rings for attaching safety straps or lanyards.

(d) "Lanyard." A flexible line or strap of high tensile strength with snap hooks at one or both ends. They serve as safety straps or tail lines for use with belts or harness.

(9) "Bond." An electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing adequate conductivity for fault current or for mitigation of leakage current and electrolytic action.

(10) "Bushing." An insulating structure including a through conductor, or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purpose of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

(11) "Cable." A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(12) "Cable sheath." A protective covering applied to cables. A cable sheath may consist of multiple layers of which one or more is conductive.

(13) "Circuit." A conductor or system of conductors through which an electric current is intended to flow.

(14) "Clearance (operating power lines and equipment)." The certification by the proper authority that a specified line or piece of equipment is deenergized, that the proper precautionary measures have been taken and the line or equipment is being turned over to the employee.

(15) "Climbing space." The vertical space reserved along the side of poles or structures to permit ready access to equipment and conductors located on poles or structures.

(16) "Communication lines." The conductors and their supporting or containing structures which are used for public or private signal or communication service: *Provided*, That such lines operate at potentials not exceeding 400 volts to ground or ~~((750))~~ 600 volts between any two points of the circuit: *Provided further*, That the transmitted power does not exceed 150 watts. When operating at less than 150 volts, no limit is placed on the capacity of the system.

Communication lines generally include telephone, telegraph, cable antenna TV, railroad signal, data, clock, fire, police alarm, community television antenna, or other similar systems conforming with the above. Lines used for signaling purposes, but not included under the above definition, are considered as supply lines of the same voltage and are to be so run.

(17) "Conductor." Any material, usually in the form of a wire, cable, or bus bar which is approved for carrying an electric current.

(18) "Conductor shielding." An envelope which encloses the conductor of a cable and provides an equipotential surface in contact with the cable insulation.

(19) "Current-carrying part." A conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

(20) "De-energized (or dead)." Free from any electrical connection to a source of potential difference and from electrical charges. "Dead" is used only with reference to current-carrying parts which are sometimes alive or energized.

(21) "Designated or authorized employee." A qualified person delegated to perform specific duties under the conditions existing.

(22) "Effectively grounded." Intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the buildup of voltages which may result in undue hazard to connected equipment or to persons.

(23) "Electric line truck." Any vehicle used to transport ~~((men))~~ workers, tools, and material, which serves as a traveling workshop for electric power line construction and maintenance work. It may be equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material and/or workers.

(24) "Electric supply lines." Those conductors used to transmit electric energy together with necessary supporting and containing structures. Signal lines of more than 400 volts to ground are always electric supply lines if they are installed and used as electric supply lines.

(25) "Emergency." An unforeseen occurrence endangering life, limb, or property.

(26) "Enclosed." Surrounded by a case, cage, fence or otherwise which will protect the contained equipment and prevent accidental contact of a person with live parts.

(27) "Energized, alive, or live." Electrically connected to a source of potential difference or electrically charged so as to have a potential different from that of the earth or different from that of adjacent conductors or equipment. Electrical connections of less than 100 volts are not considered energized. Communication or signal lines as defined in this chapter are not considered energized.

(28) "Equipment." A general term which includes fittings, devices, appliances, fixtures, apparatus, and comparable equipment used as part of, or in connection with, an electrical power transmission and distribution system, or utility communication systems over 400 volts.

(29) "Exposed." Not isolated or guarded.

(30) "Fault current." As used in this chapter means the current that flows in an electrical system because of a defect in the circuit induced accidentally or otherwise.

(31) "Fixed ladder." A ladder which is permanently secured to a structure.

(32) "Foreman or ~~((man-in-charge))~~ leadworker." The person directly in charge of workers doing the work, regardless of title.

(33) "Foreign operation." Any business or work being performed which does not come within the mandatory scope and application of this chapter; an operation which would otherwise be subject to the provisions of this chapter may be subject to the provisions of another chapter in the event the



employees performing the particular work were not competent as defined within the provisions of this chapter.

(34) "Guarded." Protected by personnel, covered, fenced, or enclosed by means of approved casings, barrier rails, screens, mats, platforms, or other approved devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or conductive objects.

(35) "Ground" (reference)." That conductive body, usually earth or a system ground, to which an electric potential is referenced.

(36) "Ground" (as a noun). A conductive connection, whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(37) "Ground" (as a verb). The connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(38) "Grounding." For the purpose of these rules, means the act of placing shorts and grounds on de-energized conductors and equipment.

(39) "Grounding electrode (ground electrode)." A conductor embedded in the earth, used for maintaining ground potential on conductors connected to it, and for dissipating into the earth current conducted to it.

(40) "Grounding electrode resistance." The resistance of the grounding electrode to earth.

(41) "Grounding electrode conductor (grounding conductor)." A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(42) "Grounded conductor." A system or circuit conductor which is intentionally grounded.

(43) "Grounded system." A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded either solidly or through a current-limiting device (not a current-interrupting device).

(44) "~~((Groundman))~~ Groundperson." A member of crew working on ground under direction of ~~((foreman))~~ a leadworker.

(45) "Hotline tools and ropes." Those tools and ropes which are specifically designed for work on energized high voltage lines and equipment.

(46) "Insulated." Separated from other conducting surfaces by a dielectric substance including air space offering a high resistance to the passage of current. When any object is said to be insulated, it is understood to be insulated in an approved manner for the conditions to which it is subjected. Insulated covering of conductors is one means of making the conductor insulated.

(47) "Insulation (as applied to cable)." That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(48) "Insulation shielding." An envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

(49) "Isolated." An object that is not readily accessible to persons unless special means of access are used.

(50) "Manhole." A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining equipment and/or cable.

(51) "Neutral." A system in which one conductor is used as the neutral for one or more circuits; one conductor

may be used as the neutral for both primary and secondary circuits of a distribution system.

(52) "Pole." Any device used to support a power distribution or transmission line. The pole may be made of any substance including wood, concrete, metal, is usually cylindrical in shape and comparatively slender. It is the upright standard to which is affixed part of the power distribution and transmission line system as defined in this chapter.

(53) "Portable ladder." As used in this chapter means a ladder capable of being moved by hand or manually and one which is usually moved into position by hand.

(54) "Power dispatcher (load dispatcher or system operator)." A person who has been designated by the employer as having authority over switching and clearances of high voltage lines and station equipment.

(55) "Protective devices." Those devices such as rubber gloves, rubber blankets, line hose, rubber boots, or other insulating devices, which are specifically designed for the protection of employees.

(56) "Public highway." For the purpose of these rules shall include every way, land, road, street, boulevard, and every other way or place in the state open as a matter of right to public vehicular travel, both inside and outside the limits of cities and towns, regardless of ownership.

(57) "Pulling tension." The longitudinal force exerted on a cable during installation.

(58) "Qualified person or qualified employee." A person who is familiar with the construction of, or operation of such lines and/or equipment that concerns ~~((his))~~ his/her position and who is fully aware of the hazards connected therewith, or, one who has passed a ~~((journeyman's))~~ journey status examination for the particular branch of the electrical trades with which ~~((he))~~ he/she may be connected.

(59) "Secured ladder." A ladder which is not capable of being dislodged from the top by lateral, or jerking motion(s).

(60) "Sheath." As applied to tools carried in lineman's tool belt shall mean a sheath that effectively covers the tool and prevents such tool from falling from the belt.

(61) "Switch." A device for opening and closing or changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

(62) "Tag." A system or method of identifying circuits, systems, or equipment for the purpose of alerting employees and others that the circuit, system, or equipment is being worked on.

(63) "Rubber." Any goods, equipment, or tool made out of either natural or synthetic rubber.

(64) "Unstable material." Earth material, other than running, that because of its nature or the influence of other conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(65) "Vault." An enclosure into which personnel may enter and used for the purpose of installing, operating, or maintaining equipment and cable.

(66) "Voltage." The effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the



purpose of convenient designation. The operating voltage of the system may vary above or below this value.

(67) "Voltage of an effectively grounded circuit." The voltage between any conductor and ground unless otherwise indicated.

(68) "Voltage of a circuit not effectively grounded." The voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an auto-transformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction. Low voltage includes voltages from 100 to ~~((750))~~ 600 volts. High voltage shall mean those voltages of ~~((751))~~ 601 volts to 230,000. Extra high voltage means any voltage over 230,000 volts. Where the words "high voltage" are used in this chapter it shall include extra high voltage, unless otherwise specified.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-45-65009 Employer's responsibility.** (1) The employer shall provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer shall develop and maintain a hazard communication program as required by ~~((WAC 296-62-054 through 296-62-05427))~~ Part C, chapter 296-62 WAC, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There shall be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

(4) The employer shall require the ~~((foremen))~~ leadworker to observe and enforce all safety rules and shall furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

(5) The employer shall appoint only competent workers to supervise other employees and those appointed shall be responsible for the safety of the employees under their supervision.

(6) Training. Employees shall be trained in and familiar with the safety-related work practices, safety procedures, and other safety requirements in this section that pertain to their respective job assignments. Employees shall also be trained in and familiar with any other safety practices, including applicable emergency procedures (such as pole top and manhole rescue), that are not specifically addressed by this section but that are related to their work and are necessary for their safety.

(a) Qualified employees shall also be trained and competent in:

(i) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(ii) The skills and techniques necessary to determine the nominal voltage of exposed live parts;

(iii) The minimum approach distances specified in this section corresponding to the voltages to which the qualified employee will be exposed; and

(iv) The proper use of the special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed energized parts of electric equipment.

Note: For the purposes of this section, a person must have this training in order to be considered a qualified person.

(b) The employer shall determine, through regular supervision and through inspections conducted on at least an annual basis, that each employee is complying with the safety-related work practices required by this section.

(c) An employee shall receive additional training (or retraining) under any of the following conditions:

(i) If the supervision and annual inspections required by (b) of this subsection indicate that the employee is not complying with the safety-related work practices required by this section; or

(ii) If new technology, new types of equipment, or changes in procedures necessitate the use of safety-related work practices that are different from those which the employee would normally use; or

(iii) If he or she must employ safety-related work practices that are not normally used during his or her regular job duties.

Note: WISHA would consider tasks that are performed less often than once per year to necessitate retraining before the performance of the work practices involved.

(d) The training required by this subsection (6) shall be of the classroom or on-the-job type.

(e) The training shall establish employee proficiency in the work practices required by this section and shall introduce the procedures necessary for compliance with this section.

(f) The employer shall certify that each employee has received the training required by this subsection (6). This certification shall be made when the employee demonstrates proficiency in the work practices involved and shall be maintained for the duration of the employee's employment.

Note: Employment records that indicate that an employee has received the required training are an acceptable means of meeting this requirement.

(7) The employer shall hold safety meetings at least once a month, which meetings shall be held at a reasonable time and place as selected by the employer. The employer shall require all employees subject to provisions of this chapter to attend said meetings: *Provided*, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances.

Minutes shall be kept of each safety meeting and retained for a period of one year.

~~((7))~~ (8) The employer or a representative(s) designated ~~((by him))~~ shall investigate all accidents or injuries of a

serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

~~((8))~~ (9) The employer shall furnish instructions stating the proper procedure in event of an emergency, which shall include the names of those individuals to be notified and methods of contacting them.

~~((9))~~ (10) The employer shall provide and make available to all employees accident report and safety suggestion forms.

~~((10))~~ (11) In the case of fatal accident, immediate notice shall be given by the employer or ~~((his))~~ an authorized representative either by telephone or telegraph (collect) to the department of labor and industries, ~~((division of industrial safety and health,))~~ Olympia, Washington, or any of its branch offices. All such notices shall include time, place, and date of the accident and the employer's name.

~~((11))~~ (12) Nothing contained within this chapter shall prohibit an employer or ~~((his))~~ an authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65011 ((Foreman's) Leadworker's responsibility.** (1) Every ~~((foreman))~~ leadworker shall understand these and any other applicable safety rules and comply therewith. ~~((Foremen))~~ Leadworkers shall require all employees under their direction or supervision to read this chapter and the provisions contained therein and require every employee subject to this chapter to be able to apply this chapter and any provision of this chapter on a day-to-day basis.

(2) ~~((Foremen))~~ Leadworkers shall inform employees under their supervision or direction of the type and voltage of circuits on or near which the employees are to work.

(3) ~~((Foremen))~~ Leadworkers shall require all employees under their supervision to properly use safety devices and equipment, including barricades, warning flags or signs, or any other device called for to protect employees.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65013 ((Foreman) Leadworker-employee responsibility.** (1) An employee shall protect ~~((his))~~ his/her climbing and working space at all times if the conductors are so spaced that in climbing or working ~~((he))~~ he/she will be, or where it is possible to come within, the minimum required distances specified in these rules.

(2) ~~((Foremen))~~ Leadworkers or supervisors shall in good faith consider verbal or written reports of hazardous conditions and shall, as soon as practicable, investigate and remedy same if warranted.

(3) When hazards are reported by employees, ~~((foremen))~~ leadworkers and others having authority shall accept the report in a cooperative manner, and in no case shall an employee be reprimanded or penalized for reporting hazards or potential hazards.

(4) ~~((Foremen))~~ Leadworkers shall require all employees under their supervision to keep their belts, spurs, and straps in good working condition. When straps and belts are in poor condition or defective, they shall not be used.

(5) Before leaving a jobsite, ~~((foremen))~~ leadworkers shall correct or arrange to give warning of any condition which might result in injury to employees.

(6) No employee shall be permitted or allowed to remain on the jobsite when under the influence of any intoxicating beverage or controlled substance or substances: *Provided*, That if an employee is taking prescription medication under the direction of a practicing physician and such prescription does not interfere with the safe performance of the work assigned, such employee may be permitted to work.

(7) No intoxicating beverages or controlled substances shall be consumed on the jobsite other than prescription medication as set forth above.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65015 Work required of ((foremen) leadworkers.** (1) A ~~((foreman))~~ leadworker cannot properly supervise the work and look out for the safety of employees under ~~((his))~~ their direction if required to work as a ~~((foreman))~~ leadworker and a ~~((lineman))~~ lineworker at the same time.

(2) ~~((Foremen))~~ leadworkers should be constantly alert and shall not be required to serve in such dual capacity, except in crews of not more than two ~~((linemen))~~ lineworkers, in which case they may work as one of the ~~((linemen))~~ lineworkers.

(3) In crews of two ~~((linemen))~~ lineworkers or less, each ~~((lineman))~~ lineworker may have a ~~((groundman))~~ groundworker but, if additional ~~((linemen))~~ lineworkers or ~~((groundmen))~~ groundworkers are added to the crew, the ~~((foreman))~~ leadworker shall confine ~~((his))~~ his/her activities to supervising the work, as exhibited below:

Type of Crew	Minimum Requirements
<del>((2 linemen))</del>	One lineman as man in charge.
<del>2 linemen plus 1 groundman</del>	One lineman as man in charge or climbing foreman.
<del>2 linemen plus 2 groundmen</del>	One lineman as man in charge or climbing foreman.
<del>2 linemen plus any combination of 3 linemen or groundmen</del>	One nonclimbing foreman.)
<u>2 lineworkers</u>	One lineworker as person-in-charge.
<u>2 lineworkers plus 1 groundworker</u>	One lineworker as person-in-charge or climbing leadworker.
<u>2 lineworkers plus 2 groundworkers</u>	One lineworker as person-in-charge or climbing leadworker.
<u>2 lineworkers plus any combination of 3 lineworkers or groundworkers</u>	One nonclimbing leadworker.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65017 Employee's responsibility.** (1) Employees shall not engage in horseplay or scuffling while on the job or jobsite and the employer shall not permit horseplay or scuffling while on the jobsite or otherwise in the course of employment.

(2) During such time as any employee is working on or near any energized line or energized equipment in excess of ~~((750))~~ 600 volts there shall be no talking or communication other than that which is absolutely necessary and essential for the safe and proper performance of the work. Should

PERMANENT

there be communication or talk from a person other than an employee, the work shall stop until such time as the distraction ceases.

(3) Employees shall report any hazardous or potentially hazardous condition, operation, means, or work in a constructive manner and shall not engage in personality conflicts.

(4) Neither the employer nor the employees shall throw or permit anything to be thrown from elevated position(s) or poles to the ground or lower level, nor shall anything be thrown from the ground or lower level to an elevated position, whether that elevated position is on a pole, aerial manlift or otherwise.

(5) Employees shall report all injuries, regardless of severity, to the employer or designated representative. Report forms furnished by the employer should be used.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65019 First aid.** In addition to complying with the first aid provisions as found in (~~WAC 296-24-060 through 296-24-073~~) Part A-1, chapter 296-24 WAC, all employees whose duties require them to work on energized wires, equipment, or to climb poles or related structures, shall take an approved course in controlling bleeding and cardiopulmonary resuscitation, and

(1) All (~~linemen~~) lineworkers shall be instructed in pole-top rescue and become and remain proficient in its application.

(2) It is recommended that all employees receive basic first aid training.

(3) Safety suggestion forms should, where possible, be used for suggesting the elimination of hazardous conditions and such reported suggestions shall be retained by the employer or (~~his~~) an authorized representative.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65021 Tools and protective equipment.**

(1) Protective equipment.

(a) Rubber protective equipment shall be in accordance (~~with the provisions of the American National Standards Institute (ANSI), ANSI J6 series as revised in 1971,~~) as follows:

Item	Standard
Rubber Insulating Gloves	<del>((J6.6-1971 Edition))</del> <u>(ASTM) D 120-87</u>
Rubber Matting for Use Around Electrical Apparatus	<del>((J6.7-1971 Edition))</del> <u>(ASTM) D 178-88</u>
Rubber Insulating Blankets	<del>((J6.4-1971 Edition))</del> <u>(ASTM) D 1046-88a</u>
Rubber Insulating Hoods	<del>((J6.2-1971 Edition))</del> <u>(ASTM) D 1049-88</u>
Rubber Insulating Line Hose	<del>((J6.1-1971 Edition))</del> <u>(ASTM) D 1050-90</u>
Rubber Insulating Sleeves	<del>((J6.5-1971 Edition))</del> <u>(ASTM) D 1051-87</u>

(b) No protective equipment or material other than rubber shall be used: *Provided*, That such other nonconductive equipment may be used if it provides equal or better

(dielectric) electrical and mechanical protection than rubber protective equipment: *Provided*, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(c) Protective equipment shall not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(d) No protective equipment shall be modified, altered, or used for purposes other than those for which it is designed unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(e) High voltage rubber gloves shall have and pass a minimum dielectric test of at least 10,000 volts.

(f) Each rubber glove before it is used shall be inspected for defects and an approved air test performed. If, upon inspection, rubber gloves are either defective or appear to be defective, they shall not be used.

(g) Before being placed in service, all rubber protective equipment shall be numbered and records kept for test purposes and assignment.

(h) Rubber protective equipment shall not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the dielectric test: *Provided*, That all rubber gloves and rubber sleeves which are in-service must be dielectrically tested every (~~three~~) six months and shall not be used unless they have been tested within (~~three~~) six months and bear marking or identification of the date of the last dielectric test.

(i) Whenever any rubber protective equipment is dielectrically tested, such testing shall be performed by a person or persons familiar with the testing procedure and in a facility which meets the recognized standards in the industry for such testing. All rubber gloves that are in service shall be tested at a voltage twice the amount for which such rubber equipment is used. Whenever a dielectric test is conducted, the rubber protective equipment shall also be visually inspected in detail for defects.

(j) Approved protectors shall be worn at all times over rubber gloves. Inner liners may be worn if desired.

(k) Rubber gloves when not in use shall be carried in an approved bag provided and designed for that purpose. It shall be provided by the employer and made available to the employees.

(l) Approved rubber gloves and carrying bag shall be assigned to each employee who works with, or is exposed to energized parts.

(m) Rubber protective equipment shall not be vulcanized or patched.

(n) A compartment or box shall be provided on each electric line truck, which box or compartment shall be used for storing rubber protective equipment. No equipment shall be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment shall be provided for rubber blankets.

(o) Line hose shall not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

PERMANENT

(p) Protective line equipment of material other than rubber shall be kept clean and visually inspected before each use.

(q) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment shall not be used for personal protection of employees as may be required in Table 1 of this chapter. Said protective line equipment shall be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

(r) Line hose or similar type of equipment shall not be used on voltages in excess of 15,000 volts as measured from phase to phase unless the manufacturer specifies otherwise.

(s) All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(2) Personal climbing equipment. All (~~lineman~~) lineworker body belts, safety straps, lanyards, hooks, and other similar equipment shall comply to this chapter. This rule shall not apply to personal climbing equipment in use at the effective date of this chapter during its lifetime provided such equipment is maintained in good condition and in accordance with the applicable safety rule and requirement in effect at the time such equipment was obtained.

(a) Safety lines shall not be used for shock loading and shall be used only for emergency rescue. All safety lines shall be a minimum one-half inch diameter and three- or four-strand first grade manila or its equivalent in strength (2,650 pounds) and durability.

(b) Defective ropes shall not be used and shall be replaced.

(c) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which shall consist of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(d) Body belts with straps or lanyards shall be worn by employees working at an elevated position such as on poles, towers, or similar structures: *Provided*, That body belts and lanyards need not be used by employees while erecting transmission towers. Body belts and straps shall be inspected each day for defects before use. Defective body belts and straps shall not be used.

(e) Safety straps shall not be placed around poles above the cross-arm except where it is not possible for the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap shall be allowed to hang loose or dangle while the employee is ascending or descending poles or other structures.

(f) Body belts and safety straps shall not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(g) Employees shall not attach metal hooks or other metal devices to body belts. Leather straps or rawhide

thongs shall have hardwood or fibre crossbars. Leather straps and rawhide thongs shall not have metal or other conductive crossbars on them.

(h) Climbing gaffs shall be kept properly sharpened and shall be at least 1-1/8 inches in length.

(3) Ladders.

(a) Portable metal or other portable conductive ladders shall not be used on or near energized line or equipment except where nonconductive ladders present a greater electrical hazard than conductive ladders. A greater electrical hazard would be static electricity such as might be found in extra high voltage substations. All conductive or metal ladders shall be prominently marked and identified as being conductive and shall be grounded when used near energized lines or equipment.

(b) All ladders including hook type ladders used in structures shall be secured to prevent the ladder from being accidentally displaced.

(c) All ladders shall be handled and stored in such a manner as to prevent damage to the ladder.

(d) When ascending or descending a ladder, the employee shall face the ladder and have free use of both hands.

(e) All defective ladders shall be taken out of service and labeled as defective.

(f) When a ladder is being used which is not fixed or otherwise secured, there shall be an attendant to hold the ladder and watch traffic when the work is being done on streets, alleys, sidewalks, or in industrial plants or other places where there exists the possibility of accidental contact with the ladder by third persons or vehicles.

(g) When working on the ladder, employees shall, where possible, tie the top of the ladder to a substantial object to prevent falling unless the ladder is equipped with approved hooks which may be used for the same purpose.

(h) Portable ladders shall not be moved with employees on the ladder.

(i) No employee shall ascend or descend a rolling ladder while it is moving.

(j) No employee shall stand on the top two steps of a step ladder.

(k) No employee shall use a step ladder as a straight ladder.

(l) All ladders shall be of sufficient strength for the use to which they are placed.

(m) Ladders shall always be placed on a secure footing with both legs resting firmly on the lower surface.

(n) Ladders made by fastening cleats or similar devices across a single rail shall not be used.

(4) Hot line tools.

(a) Only hot line tools having manufacturer's certification of withstanding the following minimum tests shall be used:

(i) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(ii) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(iii) Other tests which equal or exceed (i) and (ii) of this subsection.

(b) All hot line tools shall be visually inspected each day before use. All hot line tools shall be wiped clean before being used.

(c) ~~((Defective hot line tools shall not be used and shall be marked as defective and turned in for repair or replacement.~~

~~(d)) If any defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is present after wiping, the tool shall be removed from service and examined and tested according to this section before being returned to service.~~

~~(d) Live-line tools used for primary employee protection shall be removed from service every two years and whenever required under this subsection for examination, cleaning, repair, and testing as follows:~~

~~(i) Each tool shall be thoroughly examined for defects.~~

~~(ii) If a defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is found, the tool shall be repaired and refinished or shall be permanently removed from service. If no such defect or contamination is found, the tool shall be cleaned and waxed.~~

~~(iii) The tool shall be tested in accordance with this section under the following conditions:~~

~~(A) After the tool has been repaired or refinished; and~~

~~(B) After the examination if repair or refinishing is not performed, unless the tool is made of FRP rod or foam-filled FRP tube and the employer can demonstrate that the tool has no defects that could cause it to fail in use.~~

~~(iv) The test method used shall be designed to verify the tool's integrity along its entire working length and, if the tool is made of fiberglass-reinforced plastic, its integrity under wet conditions.~~

~~(v) The voltage applied during the tests shall be as follows:~~

~~(A) 75,000 volts per foot (2461 volts per centimeter) of length for one minute if the tool is made of fiberglass; or~~

~~(B) 50,000 volts per foot (1640 volts per centimeter) of length for one minute if the tool is made of wood; or~~

~~(C) Other tests that the employer can demonstrate are equivalent.~~

Note: Guidelines for the examination, cleaning, repairing, and in-service testing of live-line tools are contained in the Institute of Electrical and Electronics Engineers Guide for In-Service Maintenance and Electrical Testing of Live-Line Tools, IEEE Std. 978-1984.

(e) Hot line tools and ropes shall be inspected each day before use. They shall be stored and maintained and used in such a manner as to prevent damage. Hot line tools and ropes shall not be used for purposes other than line work. Wood hot sticks shall be maintained with a surface coating of varnish or other approved treatment to prevent the absorption of moisture into the stick. The maintenance, inspection, storage, and use of such equipment shall be in conformance with the methods and standards recognized by manufacturers and the industry.

(5) Measuring ropes and tapes. ~~((a))~~ Measuring ropes or measuring tapes which are metal or certain conductive strands shall not be used when working on or near energized lines or parts.

(6) Hand tools.

(a) All power hand tool switches shall comply with the provisions of WAC 296-24-650 through 296-24-67005.

(i) Be equipped with three-wire cord having the ground wire permanently connected to the tool frame and having a

means for grounding the other end of the cord except when such three-wire cord increases the hazard to the employees or where the hand held tool is double insulated and permanently labeled "double insulated."

(ii) Be connected to the power supply by means of an isolating transformer, or other isolated power supply.

(b) All hydraulic tools which are used on or around energized lines or equipment shall use nonconductive hoses having approved strength for the normal operating pressures. The provisions of WAC 296-155-360 (4)(a) and (b) are mandatory.

(c) All pneumatic tools which are used on or around energized lines or equipment shall:

(i) Have nonconducting hoses having approved strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

(7) Hand axes shall not be used when working overhead.

(8) Small tools carried in body belts shall be placed so as to present the least danger of coming into accidental contact with live parts.

(9) All tools carried in workers' body belts shall be sheathed: *Provided*, That tower erectors need not comply with this rule except when working on or above electric power equipment or lines.

(10) Tools other than those which are carried in workers' body belts shall not be carried up or lowered down poles or similar structures in belts but shall be raised and lowered by means of an approved container or hand line.

(11) All tools shall be kept in good working condition and shall be properly stored. Defective tools shall be taken out of service.

(12) Tools and loose material shall not be left at the top of poles or structures.

(13) Tools shall be placed where they will not be the cause of injury due to stepping or tripping on them.

(14) The surface and surface preservation of wood tools such as ladders, pike poles, switch sticks, insulating platforms used in electrical work shall be maintained. Only transparent preservatives shall be used. Where ladders and pike poles are not used on or near energized lines and are inspected monthly by qualified inspectors, they may be painted.

(15) Scaffolds shall be constructed and used in conformance with the general safety and health standards ~~((WAC 296-24-82503))~~, Part J-1, chapter 296-24 WAC and the safety standards for construction work ~~((WAC 296-155-485))~~, Part J-1, chapter 296-155 WAC of the state of Washington.

(16) Wearing apparel.

(a) Goggles, rubber gloves, respirators, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

(b) Workers shall wear clothing appropriate to the season and the kind of work being performed: *Provided*, That shirts or jumpers with full length sleeves rolled down and protective hats shall be worn when working on or near live parts or while climbing poles.

(c) When working on or near energized parts, employees shall not wear loose dangling watch chains, key chains, or

unnecessary metal of any type, and should not wear coats with metal zippers.

(d) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(e) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(17) When working at night, spotlights or portable lights for emergency lighting shall be provided and used as is necessary to perform work safely.

(18) Sanitary facilities. The requirements of ~~((WAC 296-24-120 through 296-24-130(13)))~~ Part B-1, chapter 296-24 WAC shall be complied with.

(19) Industrial hygiene. The requirements of chapter 296-62 WAC are mandatory unless they are inconsistent with this chapter.

(20) Fire extinguishers. Employees should know the location and how to operate fire extinguishers in the worksite vicinity.

(21) Foreign attachments and placards. Nails and unauthorized attachments should be removed before climbing above such attachments. When through bolts present a hazard to climbing, they shall be trimmed to a safe length.

(22) Working near or over water. When employees are engaged in work over or near water and when the danger of drowning exists, suitable flotation protection shall be provided and worn as required by ~~((WAC 296-24-086))~~ Part A-2, chapter 296-24 WAC.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65023 Clearances, operating power lines and equipment.** Clearances, directly under the control of the power dispatcher or person acting in that capacity, shall be requested and executed by observing the following rules:

(1) Employers shall designate a qualified person or persons to act in the capacity of power dispatcher, also known as load dispatcher or system operator.

(2) No switch shall be operated and no clearance tag placed or removed without an order from the power dispatcher having jurisdiction, except where standing orders or regulations have been given covering such operations.

(3) In all cases, switching orders must be given directly to the employees in charge of operating the switches by the power dispatcher who has jurisdiction and such communications *must be repeated back word for word to the speaker.* When requesting clearance on lines under the control of the power dispatcher, a person requesting the clearance shall obtain the name of the dispatcher to whom the request was made and the dispatcher shall obtain the name of the person

requesting the clearance; and assure ~~((himself))~~ that the person is qualified to receive such a clearance.

(4) Should it become necessary for a person holding a clearance to leave the job, ~~((he))~~ he/she shall relinquish ~~((his))~~ his/her clearance to the dispatcher and a new clearance shall be taken by another qualified person. ~~((+))~~ In the event of an occurrence which renders it impossible to contact the individual who had a clearance on a given circuit or piece of equipment, that clearance may be released only by the next higher available official who is familiar with the work and has jurisdiction over the circuit or equipment.

(5) The dispatcher shall order clearance tags printed on red cardboard, or equivalent, not less than 2-1/4 inches by 4-1/2 inches, attached to all switches opened or checked open to provide clearance on any line or equipment for employees to work thereon.

(6) Clearance tags attached to substation control devices and to line switches beyond the switchyard of any substation; indicating the limits of the clearance involved; shall state the designation of the switch opened or checked open and tagged; the name of the person to whom the clearance is to be issued; the date and time the switch was opened or checked open; the name of the dispatcher ordering the switching and tagging; and the name of the person doing the switching and tagging.

(7) Clearance tags attached to airbreak switches opened within a substation shall indicate clearly that the line or equipment is cleared for employees to work thereon.

(8) In cases where more than one person will require clearance on the lines or parts of equipment, the power dispatcher must order complete sets of clearance tags for each person requesting clearance.

(9) When two or more crews are engaged in work at any one location on account of emergency or for other reasons, the proper authority may designate one of the ~~((foremen))~~ leadworkers to act as ~~((foreman))~~ leadworker of the combined crews for the purpose of obtaining clearances only.

(10) To meet unforeseen conditions, it will be permissible to tag isolated switches for the dispatcher and issue clearances against this tag. In tagging out inter-utility tie lines, the open switches on the foreign end of the line shall be tagged for the foreign dispatcher requesting the outage who will issue clearances to individuals of ~~((his))~~ the organization against this tag.

(11) No work shall be performed on lines or equipment until the power dispatcher in control of such lines or equipment has clearly granted the clearance. The power dispatcher shall never grant a clearance on lines or equipment before all necessary protective tags are applied, and ~~((his own))~~ records of such clearance are clear and complete. Before considering any line or equipment to be de-energized, the power dispatcher shall assure ~~((himself))~~ that all switches which could possibly energize the line or equipment in question have been opened, all phases checked open, the switches tagged and, if possible, locked in the open position.

(12) Metal-clad, draw-out switchgear of over ~~((750))~~ 600 volts in which the physical separation of the disconnecting parts is not visible may be used to clear a line or equipment, provided the switchgear is equipped with:

(a) A positive positioning means to insure that the disconnecting contacts are separated;

(b) An isolating shutter which moves into place between the separated contact for circuit isolation; and

(c) A mechanically-connected indicating means to show that the shutter is in place.

(13) In all other cases, only a visible break of all phases shall be regarded as clearing a line or equipment.

(14) Where two or more 5000-volt (or higher) lines are on the same pole or bus structure, arrangements must be made for simultaneous clearances on all such lines unless the person who requested the clearance specifically states that less will be sufficient.

(15) In giving a clearance, the power dispatcher shall make certain that the ~~((man))~~ person to whom the clearance is given is fully aware of the extent or the limits of ~~((his))~~ the clearance.

(16) The person or persons to whom a clearance has been given shall make certain that all protective grounding or short-circuiting devices installed by ~~((him))~~ him/her or persons under ~~((his))~~ his/her direction are removed before clearing the line or equipment to the dispatcher for service.

(17) After receiving notification from the dispatcher that the necessary switching has been done, the person making the request shall take the following precautionary steps before any employee comes in direct contact with the circuit or equipment:

(a) The circuit or equipment shall be tested by generally accepted methods to make certain that it is de-energized.

(b) The circuit or equipment shall be grounded and shorted as prescribed in this section.

(18) No person shall make contact with a circuit or equipment that has not been taken out of service to be worked on until ~~((he))~~ he/she has the circuit or equipment cleared and tagged by ~~((himself))~~ themselves or is working directly under the supervision of one who has the circuit or equipment cleared and tagged for ~~((himself))~~ themselves.

(19) No tag shall be removed and no lines or equipment energized until the clearance has been released to the dispatcher.

(20) There shall be a tag used on any switch, regardless of the voltage or type of construction, where workers are likely to be endangered by the closing of such switch and/or where the switch is not directly visible to the employee protected by the open switch.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-45-65026 Personal protective grounding.**

(1) Purpose.

(a) Reduce the potential voltage differences across the worker: The primary function of personal protective grounds is to provide maximum safety for personnel while they are working on de-energized lines or equipment. This will be accomplished by making provisions which will reduce the potential voltage differences at the worksite (voltage across the worker) to a safe value in case the equipment or line being worked on is accidentally energized from any possible source.

(b) Protect from induced voltage: The secondary function is also to protect against induced voltage from adjacent parallel energized lines.

(c) Insure adequate operation of protective devices: The third function is to make the protective devices (relays and circuit breakers or fuses) disconnect the energizing source within a given time/current relationship.

(2) Application.

(a) Deenergized line: When an energized line over ~~((seven hundred fifty))~~ 600 volts is removed from service to be worked on, the line shall be treated as though it is energized until the line is cleared, tagged, tested, and grounded.

(b) Communication conductors: Bare wire communication conductors on power poles and structures are subject to these rules as energized lines and voltages in excess of ~~((seven hundred fifty))~~ 600 volts unless protected by insulating materials.

(c) New construction: The grounding rule is advisory, rather than compulsory, when work is being done on new construction that is known to be deenergized and it is not possible to energize the line.

(d) Minimum distance from ungrounded conductors: The minimum distance shown in Table 1 of WAC 296-45-65027(14) shall be maintained from ungrounded conductors at the work location. The ground may be omitted if the making of a ground is impractical, or the conditions resulting therefrom are more hazardous than working on the lines or equipment without grounding. However, all work must be done in accordance with this chapter as if the line or equipment is energized.

(3) Grounding equipment.

(a) Availability: Grounding equipment shall be available for use when work is being done on deenergized lines or equipment.

(b) Approved capacity: Grounding equipment shall be of approved current carrying capacity capable of accommodating the maximum fault current to which the line or equipment could be subjected.

(c) Approved connector: Grounding shall be made with an approved connector capable of conducting the available fault current.

(d) Approved ferrules and grounding clamps: Grounding jumpers shall have approved ferrules and grounding clamps that provide mechanical support for jumper cables independent of the electrical connection.

(e) Minimum conductance: A ground lead shall have a minimum conductance of #2 AWG copper.

(4) Testing prior to installation of ground. Before grounds are installed, the deenergized line or equipment shall be tested for voltage by the following approved methods:

(a) Tester testing: Approved testers (audio and/or visual) may be used; however, they shall be tested immediately before and after use to verify that the tester is in good working condition.

(b) Hot line tool testing: A deenergized line may be buzzed or tested, to insure that it is deenergized, using an approved hot line tool with a substantial piece of metal on the end.

(5) Attaching and removing ground(s).

(a) Inspection before use: Grounding equipment shall be given a visual inspection and all mechanical connections shall be checked for tightness before each use.

(b) Ground surface cleaning: The surface to which the ground is to be attached shall be clean before the grounding



clamp is installed; otherwise, a self-cleaning clamp shall be used.

(c) Ground attachment procedure: When attaching ground(s), the ground end shall be firmly attached first to a reliable ground and then the other end shall be attached to the line or equipment by means of approved hot line tools.

(d) Ground removal procedure: No ground shall be removed until all employees are clear of the temporary grounded lines or equipment. In those instances where the specific line or equipment that has been previously energized at ((750)) 600 volts or more is being taken out of service or moved to another location, and it has been identified, isolated, tested and grounded, and the safe distances provided in Table 1 are maintained or barriers are installed to protect against contact with energized sources, and it is no longer possible to energize the line or equipment from any source, the grounds may be removed and the line or equipment may be removed from service or moved to another location. When removing the grounding set, it shall be disconnected from the line or equipment first with an approved hot line tool and lowered to a point below all energized conductors before the ground end is disconnected.

(6) Selection of ground location. Attached grounds: Ground(s) attached to each conductor being worked on are adequate when connected in a manner that will reduce the potential voltage difference across the worksite to a safe level. See examples: Figures A, B, and C.

(7) Testing without ground(s): Ground(s) may be temporarily removed when necessary for testing purposes. During a test procedure, with ground(s) removed, care shall be exercised.

(8) Conductor separation: In cases where the conductor separation at any pole or structure is so great as to make it impractical to apply shorts on all conductors, and where only one conductor is to be worked on, only that conductor which is to be worked on needs to be grounded.

(9) Ground personnel: In cases where ground rods or pole grounds are utilized for personal protective grounding, personnel working on the ground should maintain sufficient distance from such equipment or utilize other approved procedures designed to prevent "touch-and step potential" hazards.

Note: Touch potential hazards refers to the difference in voltage measured between the grounding equipment and a worker in contact with the grounding equipment at the time it is accidentally energized. Step potential hazards refers to the difference in voltage measured between the feet of the worker standing or walking in an electrical field created by high voltage being brought to earth.

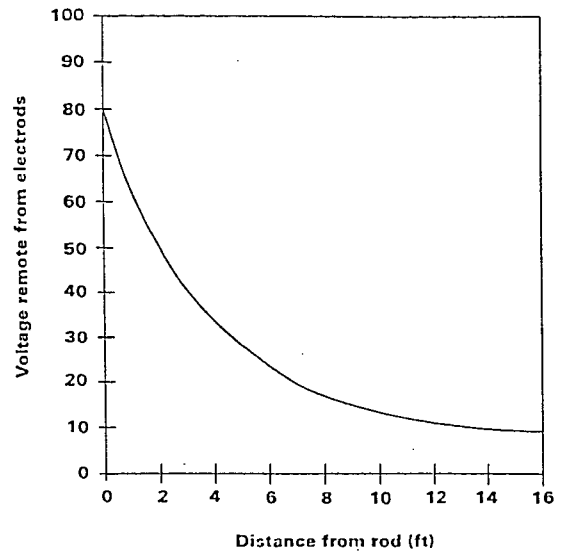


Fig A - Typical Voltage-Gradient Distribution Curve

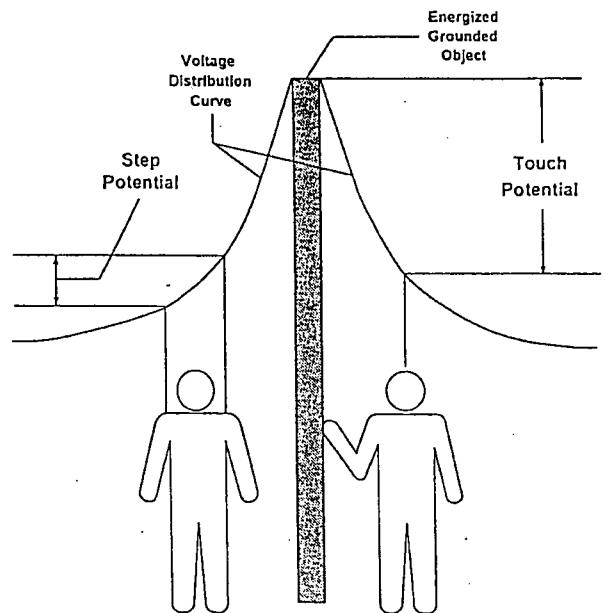


Figure B - Step and Touch Potentials

**AMENDATORY SECTION** (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65027 General requirements.** (1) The live-line bare-handed technique is prohibited on voltages of ((750)) 600 volts or more.

(2) Number of ((men)) workers required to do work safely.

(a) Two competent electrical workers shall be required when performing work on energized high voltage lines or equipment or within the distances in Table 1. One of them shall serve principally as a standby ((man)) person who shall be so located that ((he)) they may physically reach the other employee in the event of an accident either with ((his)) their hand or with a hot stick. The stand-by shall be so positioned as to be able to observe the other employee, ((his)) their bodily movements, and verbally warn of any impending

PERMANENT



dangers. In no case when working in pairs shall employees work simultaneously on energized wires or parts of different phases or polarity.

(b) In cases of necessity the stand-by (~~man~~) person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second (~~man~~) person does not increase the hazard.

(c) While on patrol at night and operating a motor vehicle on public highways, there shall be two employees, at least one of whom shall be a (~~journeyman lineman~~) journey level lineworker or otherwise a competent or qualified employee. If repair to line or equipment is found to be of such nature as to require two (~~linemen~~) lineworkers, work shall not proceed until additional help has been obtained provided that in cases of emergency where delay would increase the danger to life, limb, or substantial property, one employee may clear the hazard without assistance.

(3) When only one qualified employee is available and (~~he~~) is required to work on high voltage, these circuits shall be de-energized while the work is performed except for emergencies.

(4) The provisions of subsection (2) of this section do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on single phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Employees shall not stand on or otherwise come in contact with transformer cases or similar equipment while working on energized lines or equipment.

(7) Employees and conducting objects shall not come within the minimum distances as set forth in Table 1 of energized lines or conductors, except:

(a) When working on voltages of 5 Kv between phases or less employees may come within the distances as set forth in Table 1 if and so long as the employees are wearing approved rubber gloves, or use approved line hoses, rubber blankets, guards or barriers or similar approved protective equipment in such a manner as to protect against accidental contact, if the rubber gloves and other protective equipment is used in an approved manner.

(b) Nothing contained herein shall prevent the use of approved hot sticks on any voltage.

(8) Rubber gloves shall be worn or hot sticks used when placing protective equipment on or around energized conductors of voltages of (~~750~~) 600 to 5,000 volts.

(9) Rubber gloves shall be worn or hot sticks used when removing tree branches, limbs, or similar objects from contact with high voltages or when such branch, branches, limbs or other conducting object is within the prohibited distance of Table 1. Rubber gloves shall be worn whenever the employee can touch or come within the prohibited distances as provided in Table 1.

(10) Employees should not wear rubber gloves while ascending or descending a pole until such time as the employees become(~~s~~) so positioned that (~~he is~~) they are likely or capable of touching voltages of (~~750~~) 600 or more.

(11) Rubber gloves, line hoses, rubber blankets, and other recognized protective equipment are barriers when used. Such barriers can be used on voltages of 5,000 or less between phases.

(12) It shall not be permissible to consider one part of a high voltage switch or disconnect as de-energized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(13) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: *Provided*, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(14) (~~TABLE 1~~)

Voltage Range (phase to phase) Kilovolt	Minimum Working and Clear Hot Stick Distance
.75 up to 15	2 ft. 0 in.
15 up to 35	2 ft. 4 in.
35 up to 46	2 ft. 6 in.
46 up to 72.5	3 ft. 0 in.
72.5 up to 121	3 ft. 4 in.
121 up to 145	3 ft. 6 in.
145 up to 169	3 ft. 8 in.
169 up to 242	5 ft. 0 in. <sup>†</sup>
242 up to 362	7 ft. 0 in. <sup>†</sup>
362 up to 552	11 ft. 0 in. <sup>†</sup>
552 up to 765	15 ft. 0 in. <sup>†</sup>

<sup>†</sup>Note: For these voltages of 242 and up, the minimum working distances and the minimum clear hot stick distance at the work location may be reduced when and so long as such distances are not less than the shortest distance between the energized part and grounded surface.)

Table 1—AC Live-Line Work Minimum Approach Distance

Nominal voltage in kilovolts phase to phase	Distance			
	Phase to ground exposure		Phase to phase exposure	
	(ft. in)	(m)	(ft. in)	(m)
0.05 to 1.0	*	*	*	*

PERMANENT

1.1 to 15.0	2-1	0.64	2-2	0.66
15.1 to 36.0	2-4	0.72	2-7	0.77
36.1 to 46.0	2-7	0.77	2-10	0.85
46.1 to 72.5	3-0	0.90	3-6	1.05
72.6 to 121	3-2	0.95	4-3	1.29
138 to 145	3-7	1.09	4-11	1.50
161 to 169	4-0	1.22	5-8	1.71
230 to 242	5-3	1.59	7-6	2.27
345 to 362	8-6	2.59	12-6	3.80
500 to 550	11-3	3.42	18-1	5.50
765 to 800	14-11	4.53	26-0	7.91

Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.

Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.

\*Avoid contact.

Table 2—AC Live-Line Work Minimum Approach Distance With Overvoltage Factor Phase-to-Ground Exposure

Maximum anticipated per-unit transient overvoltage	Distance in feet-inches						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	552	800
1.5						6-0	9-8
1.6						6-6	10-8
1.7						7-0	11-8
1.8						7-7	12-8
1.9						8-1	13-9
2.0	2-5	2-9	3-0	3-10	5-3	8-9	14-11
2.1	2-6	2-10	3-2	4-0	5-5	9-4	
2.2	2-7	2-11	3-3	4-1	5-9	9-11	
2.3	2-8	3-0	3-4	4-3	6-1	10-6	
2.4	2-9	3-1	3-5	4-5	6-4	11-3	
2.5	2-9	3-2	3-6	4-6	6-8		
2.6	2-10	3-3	3-8	4-8	7-1		
2.7	2-11	3-4	3-9	4-10	7-5		
2.8	3-0	3-5	3-10	4-11	7-9		
2.9	3-1	3-6	3-11	5-1	8-2		
3.0	3-2	3-7	4-0	5-3	8-6		

Note 1: The distance specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. Table 1 applies otherwise.

Note 2: The distances specified in this table are the air, and live-line tool distances.

Table 3—AC Live-Line Work Minimum Approach Distance With Overvoltage Factor Phase-to-Phase Exposure

Maximum anticipated per-unit transient overvoltage	Distance in feet-inches						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	552	800
1.5						7-4	12-1
1.6						8-9	14-6
1.7						10-2	17-2
1.8						11-7	19-11
1.9						13-2	22-11
2.0	3-7	4-1	4-8	6-1	8-7	14-10	26-0
2.1	3-7	4-2	4-9	6-3	8-10	15-7	
2.2	3-8	4-3	4-10	6-4	9-2	16-4	
2.3	3-9	4-4	4-11	6-6	9-6	17-2	

2.4	3-10	4-5	5-0	6-7	9-11	18-1
2.5	3-11	4-6	5-2	6-9	10-4	
2.6	4-0	4-7	5-3	6-11	10-9	
2.7	4-1	4-8	5-4	7-0	11-2	
2.8	4-1	4-9	5-5	7-2	11-7	
2.9	4-2	4-10	5-6	7-4	12-1	
3.0	4-3	4-11	5-8	7-6	12-6	

Note 1: The distance specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. Table 1 applies otherwise.

Note 2: The distances specified in this table are the air, and live-line tool distances.

Table 4—DC Live-Line Work Minimum Approach Distance With Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance in feet-inches				
	Maximum line-to-ground voltage in kilovolts				
	250	400	500	600	750
1.5 or lower	3-8	5-3	6-9	8-7	11-10
1.6	3-10	5-7	7-4	9-5	13-1
1.7	4-1	6-0	7-11	10-3	14-4
1.8	4-3	6-5	8-7	11-2	15-9

Note 1: The distances specified in this table may be applied only where the maximum anticipated per-unit transient overvoltage has been determined by engineering analysis and has been supplied by the employer. However, if the transient overvoltage factor is not known, a factor of 1.8 shall be assumed.

Note 2: The distances specified in this table are the air, and live-line tool distances.

Table 5—Altitude Correction Factor

	Altitude		Correction factor
	ft	m	
	3000	900	1.00
	4000	1200	1.02
	5000	1500	1.05
	6000	1800	1.08
	7000	2100	1.11
	8000	2400	1.14
	9000	2700	1.17
	10000	3000	1.20
	12000	3600	1.25
	14000	4200	1.30
	16000	4800	1.35
	18000	5400	1.39
	20000	6000	1.44

Note: If the work is performed at elevations greater than 3000 ft (900 m) above mean sea level, the minimum approach distance shall be determined by multiplying the distances in Table 1 through Table 4 by the correction factor corresponding to the altitude at which work is performed.

(15) Foreign operations. All foreign operations as defined within this chapter conducted on or near power lines or energized equipment shall maintain clearance according to the provisions of WAC 296-24-24019.

PERMANENT

**AMENDATORY SECTION** (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65029 Overhead lines.** (1) General. ~~((a))~~ When working on or with overhead lines, this section shall be complied with as well as the applicable divisions of any other section.

(2) Strength of span and its support.

(a) Precautions shall be taken to determine that the span and the supports thereof are of a strength so as to safely bear the weight of the employee(s) and the equipment used thereon.

(b) Before an employee climbs a pole, it shall be inspected or tested to determine that such pole is safe, both above and below the ground level. If the pole is found to be unsafe for climbing, it must be guyed or braced or otherwise supported in such a manner as to allow the employees to safely perform their work.

(c) Before moving conductors there shall be a thorough inspection for strength and good condition of the adjacent supporting poles, structures, and conductor supporting hardware. Approved safeguards shall be installed on such adjacent poles or structures as may be necessary to prevent unexpected or uncontrolled movement of these adjacent poles, structures or conductors supporting equipment or conductors.

(3) When setting, moving or removing poles using cranes, derricks, gin poles, A-frames, or similar equipment near energized lines or equipment, minimum clearances shall be maintained, as provided by Table 1 except when approved barriers or other line protecting devices have been installed.

(4) Temporary guard poles or structures. Guard poles, towers, or other guard structures installed for the purpose of protecting employees, lines, conductors or equipment during the course of construction shall be installed at the same clearance requirements as for permanent construction and with strength and safety factors as required to safely support the loads that may normally be imposed on them during their use.

(5) The safest possible working position shall be assumed before starting work in the vicinity of energized wires, lines, transformers or similar energized equipment.

(6) No work should be performed in inclement weather on high voltage equipment when conditions are such as to materially increase the hazards to the employees excepting emergency work necessary to restore service.

(7) While work is being performed overhead, tools and materials shall be placed in proper receptacles when not being used. Tools and materials shall not be thrown to or from the employees on the pole or other elevated position(s) but shall be raised and lowered by means of a handline and/or tool bag. Tools and loose materials shall not be left on poles, crossarms, ladders or other elevated structures or positions.

(8) Employees shall not work in elevated positions unless secured so as to prevent accidental falling. They shall be secured by a safety belt or other approved means except when ascending, descending or moving from one location to another while in an elevated position. Before an employee throws ~~((his))~~ his/her weight on a belt, the employee shall determine that the snap or fasteners are properly engaged.

(9) When winches, trucks, or tractors are being used to raise poles, materials, to pull in wires, to pull slack or in any other operation, there shall be an operator at the controls unless the machinery or process is stopped.

(10) ~~((Foremen))~~ Leadworkers shall designate an employee to give signals when required.

(11) Raising poles, towers or fixtures in the close proximity of high voltage conductors shall be done under the supervision of a qualified employee.

(12) Employees shall not wear climbers on work where they are not required. Employees shall not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(13) After a capacitor has been disconnected from its source of supply, workers shall wait five minutes before short-circuiting and grounding them, unless the capacitor is equipped with an adequate grounding and/or short-circuiting device. Employees shall take care not to contact the terminals, jumpers, or line wires connected directly to capacitors until they have been properly short-circuited and/or grounded.

(14) After removal from service, short circuits shall remain on capacitors in storage until returned to service.

(15) Pulling or slacking shall be done only as directed by the ~~((lineman))~~ lineworker overhead while hoisting or lowering materials by means of a block.

(16) Steel cables shall not be used to raise transformers, poles or any other material except when the cable is rigged below all energized parts at a sufficient distance to prevent any possibility of the cable or conductive material being raised from contacting unguarded energized parts, unless adequately spread, guarded or clearance is maintained as provided in Table 1. The term "energized parts" in this section means wires or equipment carrying more than 300 volts.

(17) Employees shall not crawl over insulator strings but shall use a platform or other approved device to work from when making dead ends or doing other work beyond strings of insulators, at such distance that they cannot reach the work from the pole or fixture. While working on the platform or other device, they shall be secured with safety straps or a rope to prevent falling. The provision of this subsection does not apply to extra high voltage bundle conductors when the use of such equipment may produce additional hazard. Climbing over dead end assemblies is permissible only after they have been completed and pinned in the final position.

(18) When employees are working overhead, employees shall not dig or do any other work that exposes them to danger due to inattention of the work being performed overhead. Employees shall wear approved hard hats when it is necessary to be beneath overhead employees.

(19) Splicers platforms of the type commonly used for splicing or approved ladders securely hooked over or lashed to the strands may be used.

(20) When employees are required to climb through energized circuits of 2.1 KV or more, preventive measures shall be taken so as to minimize the possibility of contact with energized lines. This may include approved spreading and guarding of the energized conductors.

(21) Methods shall be used that will effectively prevent ropes, (excepting hot line ropes) including hand lines,

equipment or materials passing through the conductor level from making contact with the energized conductor or equipment of voltages of 2.1 KV or more. This may include approved spreading or guarding.

(22) All lifting equipment shall be bonded to an effective ground or it shall be considered and worked as energized and barricaded when utilized within the prohibited distance of Table 1 or if during the use of such equipment it is possible that it could come within the prohibited distance of Table 1 it shall be considered energized and barricaded.

(23) Current transformer secondaries. The secondary of a current transformer may not be opened while the transformer is energized. If the primary of the current transformer cannot be deenergized before work is performed on an instrument, a relay, or other section of a current transformer secondary circuit, the circuit shall be bridged so that the current transformer secondary will not be opened.

(24) Series streetlighting. If the open-circuit voltage exceeds 600 volts, the series streetlighting circuit shall be worked in accordance with this section as appropriate. A series loop may only be opened after the streetlighting transformer has been deenergized and isolated from the source of supply or after the loop is bridged to avoid an open-circuit condition.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65033 Transmission line construction.**

(1) Metal tower construction.

(a) When working with unstable material, the excavation for pad or pile-type footings in excess of four feet deep shall be either sloped to the angle of repose, or shored as provided in ~~((WAC 296-155-660 and 296-155-665))~~ Part N, chapter 296-155 WAC. Ladders shall be used for ingress and egress to a pad or pile-type footing excavation, if such excavation is in excess of four feet in depth. Employees shall not enter excavation to clear, clean or free the auger unless shoring is first installed.

(b) A designated employee shall be used in directing mobile equipment when such equipment either is or could come within the area of the fault line of the footing excavation.

(c) No employee shall be permitted to remain in the footing when equipment is being spotted for placement or being moved within an area that is likely to disturb the soil of or in the area of the excavation. This rule applies to excavation regardless of whether the excavation is shored or not.

(d) When necessary to assure the stability of mobile equipment, the location of use for such equipment shall be graded and leveled.

(e) Tower assembly shall be carried out with a minimum exposure to employees for falling objects. Employees shall not work under overhead work unless it is required by the very process and there is no other feasible method of performing the work.

(f) During construction or assembly, guy lines shall be used to maintain and secure parts of sections in position in towers or equivalent means shall be used.

(g) Tower members and sections being assembled shall be supported by an approved method.

(2) No employees shall be permitted under a tower when it is in the process of erection or assembly, except as may be required to guide and secure the section being set.

(a) When erecting towers using hoisting equipment adjacent to energized lines or equipment, such lines or equipment shall be deenergized if practical. If the lines are not deenergized, additional caution shall be used, such as a competent qualified employee to watch in order to maintain the minimum clearance provided in Table 1.

(b) Erection cranes or similar equipment shall be set on firm, level foundations and when the equipment has outriggers, the outriggers shall be properly used.

(c) Tag lines shall be utilized to maintain control of tower sections until the section is positively secure.

(d) The load lines shall not be detached from the tower sections until the section is positively secure.

(e) Except during emergency restoration procedure, erection shall be discontinued in the event of high wind or other adverse weather conditions when such weather conditions materially increase the hazard of the work being performed.

(f) All equipment and rigging shall be regularly inspected and maintained in safe operating condition.

(g) Traffic controls shall be maintained and used when crossing highways and railways with equipment as required by the provisions of ~~((WAC 296-155-300 (7)(a) and (b)))~~ Part E, chapter 296-155 WAC.

(h) A designated employee shall be used and shall observe in order to assure that equipment being moved under or near energized lines or equipment maintains the minimum distance as required in Table 1.

(3) Stringing or removing deenergized conductors.

(a) When stringing or removing deenergized conductors, the provisions of this subdivision shall be complied with.

(b) Prior to stringing operations, there shall be a briefing with all affected employees, setting forth the plan of operation and specifying the type of equipment to be used, grounding devices and procedures to be followed, crossover methods to be employed, and the clearance authorization required, together with any other matters which the particular situation requires. Where conducting objects might contact, or come within the prohibited distance as set forth in Table 1, energized circuits, lines or where there might be a voltage build-up, the conductor being installed or removed shall be grounded first or the employee isolated or insulated.

(c) If the existing line is to be deenergized, proper clearance authorization shall be secured, and the line grounded on both sides of the crossing or the line being crossed shall be treated as energized.

(d) When crossing over energized conductors in excess of ~~((750))~~ 600 volts, rope, nets or guard structures shall be installed so as to prevent accidental contact with the energized conductor(s). Where reasonably practical, the automatic reclosing feature of the circuit interrupting device shall be made inoperative.

(e) When conductors are being strung in or removed, they shall be kept under positive control to prevent accidental contact with energized circuit.

(f) Guard structures members shall be of approved dimension, strength and securely supported to meet the purpose for which they are intended.

(g) Catch-off anchors, rigging and hoists shall be of ample capacity to prevent loss of the lines.

(h) Manufacturer's load rating shall not be exceeded for stringing lines, pulling lines, sock connections, and all load-bearing hardware and accessories.

(i) Pulling lines and accessories shall be inspected prior to each use and replaced or repaired when damaged or when there is a reasonable basis to doubt the dependability of such lines or accessories. The provisions of WAC 296-155-330 (3)(d)(ii) concerning splices shall not apply to stringing and removing of deenergized conductors.

(j) Conductor grips shall not be used on wire ropes unless designed for that particular purpose.

(k) When the conductor or pulling line is being pulled (in motion) employees shall not be permitted directly under overhead operations, nor shall any employee be permitted on the crossarm.

(l) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged. When working on bare deenergized conductors, clipping and tying crews shall work between grounds at all times. The grounds shall remain intact until the conductors are clipped in except on dead end structures.

(m) Except during emergency restoration procedures, work from structures shall be discontinued when there exists adverse weather conditions such as high wind or ice on the structures which would make the work more hazardous than usual.

(n) Removing, stringing and clipping operations shall be discontinued during the process of an electrical storm when such storm reasonably presents an additional hazard.

(o) Reel handling equipment, including pulling and braking machines, shall have ample capacity, operate smoothly and be leveled and aligned in accordance with the manufacturer's operating instructions.

(p) Communication between the reel tender and pulling rig operator shall be provided and maintained.

(q) Each pull shall be snubbed or dead ended at both ends before subsequent pulls.

(4) Stringing near, above, below or otherwise adjacent to energized lines.

(a) Before stringing near, above, below, parallel to an existing line, there shall be a determination as to whether or not there exists a possibility of a dangerously induced voltage buildup, particularly during switching and grounding fault conditions. Where such possibility of danger does exist, employer shall comply with provisions of subdivision (3)(a) through (3)(j) of this subsection in addition to the provisions of subsection (3) of this section unless the line is worked as energized.

(b) When stringing adjacent to or near energized lines, the tension stringing method or other methods which preclude accidental contact between the lines being pulled and any employee shall be used.

(c) All pulling and tensioning equipment shall be isolated, insulated or effectively grounded.

(d) A ground shall be installed at the tensioning reel set-up in order to ground each bare conductor, subconductor and overhead ground conductor during stringing operations.

(e) During stringing operations, each bare conductor, subconductor and overhead ground conductor shall be grounded at the first transmission structure adjacent to both the tensioning and pulling set-up and in increments so that no point is more than two miles from a ground, and

(i) The grounds shall be left in place until the conductor installation is completed.

(ii) Such grounds shall be removed as the last step of aerial cleanup.

(iii) Except for moving type grounds, the grounds shall be placed and removed with a hot stick.

(iv) Conductors, subconductors and overhead ground conductors shall be grounded at all dead-end or catch-off points.

(f) A ground shall be located at each side and within 10 feet of working areas where conductors, subconductors or overhead ground conductors are being spliced at ground level. The two ends to be spliced shall be bonded to each other.

(g) All conductors, subconductors and overhead ground conductors shall be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(h) Work on dead-end towers shall require grounding on all deenergized lines.

(i) Removal of temporary guards: Temporary guards shall not be removed until the adjacent structures have been clipped: *Provided*, The guard structures may be removed if safety slings have first been installed on adjacent tower or structure.

(j) When performing work from the structure, clipping crews and all others working on conductors, subconductors, or overhead ground conductors shall be protected by individual grounds installed at each such work location.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65035 Substations.** (1) Before work is performed on any electrically operated circuit breaker, it shall be cleared from the line and the control switch at the breaker opened. Where circuit breakers are operated by springs, solenoids or compressed air, or similar means, proper precautions shall be taken to prevent unauthorized or accidental operation of the device. This provision does not preclude repairs or adjustments that present no hazard to the employee.

(2) Disconnecting switches must be operated with approved sticks provided for that purpose unless said switches are provided with an operating mechanism having an insulated or grounded handle.

(3) Handles for manual operation of oil circuit breakers shall not be left in their sockets.

(4) Approved insulated platforms or mats shall be provided and used by employees while working on any live part of the switchboard on which any wire or appliance carries a potential in excess of 300 volts.

(5) All generators and motors having a potential of more than 300 volts shall have an approved insulated platform or mat, so arranged so as to permit the attendant to stand upon such a platform or mat when working upon live parts of such generator(s) or motor(s).

## (6) Work near energized equipment.

(a) When work is performed in an energized substation, authorization shall be obtained from the designated, authorized employee before work is started.

(b) When work is to be done in an energized substation, the following shall be determined prior to the commencement of work:

(i) What facilities are energized, and

(ii) What protective equipment and precautions are necessary for the safety of personnel.

(c) Extraordinary caution shall be exercised in the handling of busbars, tower steel, materials and equipment in the vicinity of energized facilities. The provisions of Table 1 shall be complied with.

## (7) Barricades and barriers.

(a) Barricades or barriers shall be installed to prevent accidental contact with energized lines or equipment.

(b) Where appropriate, signs indicating the hazard shall be posted on or near the barricade or barrier. These signs shall comply with the provisions of ~~((WAC 296-155-300))~~ Part E, chapter 296-155 WAC.

## (8) Control panels.

(a) Work on or adjacent to energized control panels shall be performed by designated employees only.

(b) Precautions shall be taken to prevent accidental operation of relays or other devices due to jarring, vibration, or improper wiring.

## (9) Mechanized equipment.

(a) Use of vehicles, gin poles, cranes and other equipment in restricted or hazardous areas shall at all times be controlled by a designated employee.

(b) All mobile cranes and derricks shall be effectively grounded when being moved or operated in close proximity to energized lines or equipment, or where there exists a reasonable possibility that said equipment could accidentally move within the prohibited distance as specified in Table 1, or the equipment shall be considered energized.

(10) Storage. ~~((+))~~ The storage requirements of WAC 296-24-21501 through 296-24-21505 are mandatory.

## (11) Fences.

(a) When a substation fence must be expanded or removed for construction purposes, a temporary fence affording similar protection shall be provided and installed when the site is unattended, approved interconnection with ground shall be maintained between the temporary fence and permanent fence.

(b) All gates to all unattended substations shall be locked, except when work is in progress.

## (12) Footing excavation.

(a) Excavation for auger, pad and piling-type footings for structures and towers shall comply with the provisions set forth for metal tower construction. (See WAC 296-45-65033.)

(b) No employee shall enter an unsupported auger-type excavation if such excavation is in unstable material. Necessary clean-out shall be accomplished without entry.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

**WAC 296-45-65037 Underground.** (1) Protective barriers, or approved guards and warning signs must be erected before removing manhole covers or making excavations in places accessible to vehicular or pedestrian traffic.

(2) Whenever an opening is made in the street, it shall be properly guarded or covered until same is closed and whenever an obstruction is left in the roadway after dark, it shall be marked with approved lights, flares or similar devices.

(3) When work is to be performed in a manhole or unvented vault:

~~((+))~~ (a) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found to be safe by testing for oxygen deficiency and the presence of explosive or potentially hazardous gases or fumes.

~~((+))~~ (b) When unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

~~((+))~~ (c) Provisions shall be made for a continuous supply of air as provided for in ~~((WAC 296-62-110))~~ Part L, chapter 296-62 WAC.

~~((+))~~ (d) When forced ventilation is not used a method of monitoring said manhole or vault so as to prevent the occurrence of oxygen deficiency due to work being performed in said manhole or vault, and to detect the presence of any explosive gases or fumes which may occur while the employees are working in said manhole or vault.

(4) When open flames are used or smoking is permitted in manholes, adequate mechanical forced air ventilation shall be used.

(5) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids prior to the entry.

(6) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

(7) A ~~((watchman))~~ watchperson shall be kept at the surface when there is any hazard to the employees in the manhole and ~~((he))~~ the watchperson should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(8) Care shall be taken to prevent the possibility of vehicles or pedestrians coming in contact with the wires and equipment.

(9) Trenching and excavating. ~~((+))~~ During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to dangerous underground facilities, efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(10) No work shall be permitted to be done in any manhole or subway on any energized wire, cable or appliance carrying more than 300 volts of electricity by less than two competent or qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not

apply to work on telephone, telegraph or signal wires or cables.

(11) Trenching and excavation operations shall comply with the provisions of (~~WAC 296-155-650 and 296-155-660~~) Part N, chapter 296-155 WAC.

(12)(a) Cables in manholes shall be accessible to employees and clear working space shall be maintained at all times.

(b) Where cables are not permanently identified by tags or otherwise, diagrams and information establishing positive identification and position of the cables shall be provided and supplied to the employees.

(c) Where multiple cables exist in an excavation, cables other than the one being worked on shall be physically protected when necessary.

(d) When multiple cables exist in an excavation, the cables to be worked on shall be identified by approved testing unless its identification is obvious by reason of the distinctive appearance.

(e) Before cutting into a high voltage cable or opening a high voltage splice, the cable shall be de-energized then clearance obtained, tested and then grounded in an approved manner. The cable to be worked on shall be identified by tags or equivalent means.

(f) When working on buried cables or cables in manholes, the metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.

(13) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.

(14) Tools and materials shall not be left on the ground around or near the manhole opening where they might be pushed or otherwise fall into the hole.

(15) Furnaces shall always be placed in a secure, level position on the downhill side of the manhole to avoid spillage of hot metals or compounds into the manhole.

(16) Materials shall not be thrown into or out of manholes but shall be placed in the proper receptacle and hoisted in and out by means of a rope.

(17) Pulling underground cable. When pulling cable(s) all employees shall be made aware of the hazard of being caught in the sheaves, lashings or winch gears. All employees shall stand clear of the pulling line when the pull is begun or when the line is under tension. This rule applies to all work performed by means of a winch.

(18) Fishing conduit or ducts. When fishing conduit or ducts, it shall first be determined that the fish tape or wires will not contact any energized line or equipment.

(19) WAC 296-45-65023 on clearances and WAC 296-45-65026 on grounding shall be complied with.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

**WAC 296-45-65038 Underground residential distribution (URD).** (1) General.

(a) Each employee shall be knowledgeable of the equipment provided for their use and shall at all times use this equipment only for the purpose intended.

(b) U.R.D. cables which are properly insulated for the voltages to which they are energized shall be considered as

an effective barrier to protect the employees and table one need not apply.

(i) Workers will take adequate precautions to avoid physical contact with energized U.R.D. cable by using approved procedures and/or protective devices.

(ii) When handling energized U.R.D. primary cables, the work shall be done with approved tools and/or procedures by two qualified employees.

(Exception: Switching is exempt from this rule.)

(iii) When energized terminators or load-break elbows are handled by a hot stick, there shall be two qualified employees at the scene.

(c) When energized pad-mounted transformers or similar equipment are to be left unlocked and open, they shall be attended by a qualified employee.

(d) Approved tools and procedures shall be used to remove any debris, vines, weeds, etc., from an underground system.

(e) A primary and secondary system neutral on any energized circuit shall not be opened under any circumstances except for testing.

(f) Primary and secondary neutrals shall be firmly connected and grounded before the circuit or equipment is energized.

(g) Where different phases are in the same vault, enclosures, or parked in some manner that they could be looped, these phases shall be marked or identified.

(h) Bayonet fuses:

(i) Bayonet fuses shall not be closed into suspected faults or overloads.

(ii) Submersible U.G. transformer installations will require other methods of energizing or deenergizing and bayonet fuses shall not be used for this purpose.

(iii) Bayonet fuses shall only be operated after pad-mount transformers have been properly vented.

(iv) Bayonet fuses shall only be operated in accordance with manufacturing design and rating capabilities.

(2) Opening and guarding holes. Whenever a cover is to be removed from a manhole or underground vault, or making excavations in places accessible to vehicular or pedestrian traffic, the following precautions shall be taken:

(a) Before removal or excavating, protective barriers or approved guards and warning signs shall be erected.

(b) After dark, approved lights, reflectors, or similar devices shall be used.

(c) Where permissible and practical, the truck shall also be placed to guard the work area.

(d) A blow torch or other open flame shall never be used to melt ice around a manhole or underground vault cover.

(e) Care shall be taken to prevent the possibility of vehicles coming in contact with the wires and equipment.

(3) Entering underground structures. Before entry into any manhole or underground vault, the following precautions shall be taken:

(a) Observe subsection (2), opening and guarding holes.

(b) Prior to entering an unvented underground vault or manhole, an inspection shall be made to determine if any hazardous conditions exist. Appropriate safeguards shall be applied as required prior to the performance of any work.



(c) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found safe by testing for oxygen deficiency and for the presence of explosive gases or fumes.

(d) Where unsafe conditions are detected, by testing or other means, the work area shall be ventilated and/or otherwise made safe before entry.

(e) Provisions shall be made for a continuous supply of air as provided in ~~((WAC 296-62-110 through 296-62-11013))~~ Part L, chapter 296-62 WAC.

(f) When forced ventilation is not used, a method of monitoring for oxygen deficiency and to detect the presence of any explosive gases or fumes shall be used.

(g) In any emergency when it becomes necessary for an employee to enter an underground vault where oxygen deficiency, toxic or explosive gases are present, the employee shall use approved respiratory equipment, and a safety belt to which there is attached a fire retardant life line, attended by a qualified person stationed at the underground vault opening.

(h) A ~~((watchman))~~ watchperson shall be kept at the surface when there is any hazard to the employees in the manhole and ~~((he))~~ they should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(i) Except in emergency conditions, a ladder shall always be used when entering or leaving an underground vault.

(4) Working in manholes and underground vaults.

(a) No work shall be permitted to be done in any manhole or subway on any energized wire, cable, or appliance carrying more than 300 volts of electricity by less than two qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not apply to work on telephone, telegraph, or signal wires or cables.

(b) Cable in manholes or underground vaults shall be accessible to employees and a clear working space (see items (1)(b)(i) and (ii) of this section) shall be maintained at all times; and/or approved protective guards, barriers, etc. when installed and maintained in compliance with the rules of the department of labor and industries shall be considered as providing adequate working clearance for cables over 5 k.v.

If a manhole and/or underground vault is determined to be unsafe by the ~~((man))~~ person in charge, no work shall be done in the manhole and/or vault until the unsafe condition is corrected or deenergized.

(c) No work shall be performed on cables or equipment unless they have been properly identified by an approved method.

(d) Tools and materials shall not be thrown into or out of manholes or underground vaults, but shall be placed in proper receptacles and hoisted in and out by means of an approved method.

(5) Working on cables.

(a) Before any work is to be performed on underground cables and apparatus carrying high voltage, they shall be deenergized with the following exceptions:

(i) Replacing fuses, operating switches, closing or opening load-break elbows, when approved protective devices are used.

(ii) Work in the high-voltage compartment of pad-mounted transformers and similar equipment installed above ground, provided the work is done by approved methods.

(b) Where multiple cables exist in an excavation or manhole, cables other than the one being worked on shall be protected.

(c) Only one energized conductor shall be worked on at any one time, and protective means shall be used to insulate or isolate it from all others.

(d) Any cables to be worked on shall be identified by approved testing unless its identification is obvious by reason of the distinctive appearance, such as, tags, color, or other approved methods.

(e) Where work is to be performed on deenergized cables or equipment, the employee directly in charge of the work shall be responsible for determining that the conductors or equipment is deenergized.

(f) After conductors or equipment are cleared for work and the proper clearances have been obtained (WAC 296-45-65023) tests shall be made to determine that the conductors or equipment are deenergized.

(g) When working on underground cables, the metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.

(h) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

(i) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.

(6) Grounding. A capacitance charge can remain in the high voltage cables after it has been disconnected from the circuit and a static-type arc can occur when grounds are applied to such cables.

(a) All high voltage cables and equipment that have been energized or could become energized shall be considered as energized until such cables have been grounded.

(b) Grounding shall be done at a point as near to the work locations as possible, except where their installations or use increases the working hazard.

(c) Grounds may be removed for test purposes.

(d) When work is to be done on cables or equipment of a high-voltage underground system, precautions to prevent back-feed shall be taken. This shall include either isolating or grounding of the secondary conductors.

(e) After testing the cable dead, approved grounding devices shall be used. They shall be first connected to a ground before being brought into contact with any deenergized conductors to be grounded. When removed they shall be removed from all circuit conductors before being disconnected from ground.

(f) After grounding the cable, if the ~~((workman))~~ worker is to work on cable between terminations, ~~((he))~~ he/she must first spike the cable or use other approved methods of testing. If the cable is to be cut, it shall be cut only with approved hot cutters.

(7) Trenching and excavating.

(a) During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to underground facilities, the ~~((man))~~ person in charge shall make every effort to determine the location of such facilities

and conduct the work in a manner designed to avoid damage.

(b) Trenching and excavating operations shall comply with the provisions of (~~WAC 296-155-650 through 296-155-665~~) Part N, chapter 296-155 WAC.

(c) All employees engaged in trenching and excavation operations shall have access at the work site to codes, and/or standards, applicable to such work or shall have been trained in the application of trenching and excavation standards.

(8) Pulling cables. When fishing conduits or ducts, it shall first be determined that the fish tape or wires will not contact any energized lines or equipment.

(9) Heating materials. Furnaces shall always be placed in a secure level position on the downhill side of the manhole to avoid spillage of hot metals or compounds in the manhole and/or underground vault.

(10) Definitions.

(a) Load-break elbow - a connector designed to close and interrupt current on energized circuits within the design current and voltage rating.

(b) Dead-break elbow - a connector designed to be separated and engaged on deenergized circuits only.

(c) Underground network distribution system - an underground electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.

(d) Underground residential distribution system (URD) - an electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65039 Trolley maintenance, jumpering or bypassing.** (1) Energized trolley wire shall be jumpered when it is to be opened or cut.

(2) Reaching over trolley wire(s) or system(s). (~~Linemen~~) Lineworkers shall not reach over trolley wire(s) unless properly protected by line hose or rubber blanket.

(3) Reaching across sectional insulators. (~~Linemen~~) Lineworkers shall not reach across section insulator(s), insulated spacer(s) or insulated approach.

(4) Polarity on either side of sectionalizing breakers. Since the polarity on both sides of a sectionalizing insulator may be different, it is required that prior to performance of work, tests be performed with approved testing equipment to determine whether or not the polarity is the same or different on one side of the sectional insulator as compared with the other.

(5) Working on hangers. More than one truck crew shall not work on hangers attached to the same span at the same time, without rubber protection.

(6) Workers on hangers of opposite polarity. Trolley hangers and ears of opposite polarity shall not be worked on at the same time when trolley wire is energized.

(7) Checking electric switches. When electric switches are checked for operation, making it necessary to short circuit the contactor to each trolley wire, tools with insulated handles shall be used.

(8) Short circuit due to use of noninsulated or conductive long handled tools. When a hazard of short circuit exists, due to use of noninsulated or conductive long handled

tools, approved protective rubber equipment shall be used as provided in this chapter.

(9) Trolley feeders. When work is to be performed on street railway trolley feeders where it is necessary for workers to work from metal or other grounded poles or fixtures or on poles or fixtures on which grounds are maintained, the feeders shall be deenergized unless the poles or fixtures are insulated before the work is started with approved protective devices in such manner that employees cannot become grounded while working on the feeders, and employees shall wear approved rubber gloves.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-45-65041 Aerial manlift equipment.** This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability test. All such equipment shall meet or exceed a safety factor of one and one-half to one in all working positions, based upon the posted working load.

(b) Structural and mechanical tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

The (~~division of industrial safety and health~~) department of labor and industries will accept, in lieu of (b) of this subsection, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the (~~division~~) department may require that such testing be performed on such equipment before it can be used. If the (~~division~~) department in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic fluids.

All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When the support vehicle of any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Use of outriggers is optional when the support vehicle of aerial manlift equipment is constructed in such a manner that makes the use of outriggers unnecessary, such as with torsion bar stabilizers or other devices that increase stability and eliminates the need for outriggers, even though installed on the vehicle. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed. All manufacturer's specifications shall be complied with.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is used. Special approved insulated tools, insulated fittings and insulated masts need not comply with this section.

(14) When the basket is being used in such a manner that it may contact energized high voltage lines or equipment, the vehicle shall be considered energized at line potential and the following safe practices shall be observed unless such equipment is grounded:

(a) Approved protective devices shall be used.

(b) Before physically contacting, entering or leaving the vehicle, all employees shall make sure that the boom and basket is stationary and not in contact with energized high voltage lines or equipment.

(15) While working in aerial equipment, employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(16) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(17) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped

with a reliable signaling device between the employees working on the tower and the truck driver.

(18) Working on truck towers. Employees shall not stand on tower gates or railings. Work shall not be done from plank(s) placed on tower railings.

(19) Tower truck railings. Towers shall have standard railings and toeboards around the tower and all railings shall be constructed of wood, fiberglass or other nonmetallic material. All railings shall be a vertical height of not less than 36 inches or more than 42 inches from the floor of the platform to the upper surface of the top rail. Intermediate railings shall be midway between the floor and the underside of the top rail. Tower gates shall be so constructed as to prevent accidental opening.

(20) Tower truck decks shall be kept clear of tools, wire and other materials and tools shall be kept in proper storage area when not in use.

(21) (~~Linemen~~) Lineworkers shall not wear climbers or spurs while working on a tower truck.

(22) Employees operating controls of aerial equipment shall not stand on the ground or on separate grounded surface unless wearing rubber gloves or standing on insulated board or mat, where equipment is exposed to or operated in the near vicinity of high voltage conductors.

(23) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(24) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(25) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(26) Employees shall not belt to adjacent poles, structures, or equipment while performing work from aerial devices.

(27) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to insure the safety of the operation and the employees.

(28) Power tools not in use shall be disconnected from external power sources.

(29) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(30) Existing safety rules governing the use of hot line tools, rubber and other protective equipment and safe work practices while performing work from poles or structures shall also apply to work done from aerial manlift equipment.

(31) The basket shall be kept clean and all tools not in use shall be secured or removed.

(32) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(33) A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift

equipment where, from the engineering standpoint, it is feasible.

(34) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

(35) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure: *Provided*, That no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

(36) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(37) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(38) Side member guys on aerial ladders shall be insulated.

(39) The manufacturer's operator's instructional manual shall be kept on the vehicle.

(40) Operating instructions, proper sequence and maintenance procedures prescribed by the manufacturer for operation of the equipment shall be followed.

**AMENDATORY SECTION** (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65045 Material handling.** (1) Prior to unloading steel, poles, crossarms and similar materials, the load shall be thoroughly examined to determine if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees. ~~((+))~~ The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

(2) Pole handling.

(a) During pole hauling operations, all loads shall be secured to prevent displacement, and a red flag shall be displayed at the trailing end of the longest pole.

(b) While loading and unloading materials, roadways shall not be blocked unless approved traffic control is used.

(c) When hauling poles during darkness, illuminated warning devices shall be attached to the trailing end of the

longest pole in accordance with the state of Washington motor vehicle code.

(3) Tag lines. When necessary to control loads, tag lines or other approved devices shall be used.

(4) Oil filled equipment. During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required by WAC 296-155-270, such as pillow tanks.

(5) Storage of tools and materials. All tools and materials shall be stored in a safe and orderly manner in yards for equipment and other areas.

**AMENDATORY SECTION** (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-65047 Specification for (~~linemen's~~) lineworker's belts and similar equipment.** (1) All hardware for (~~linemen's~~) lineworker's body belts, safety straps and lanyards shall be drop forged or pressed steel and have a corrosive resistive finish tested to the American Society for Testing and Materials B117 as published in 1964 (50 hour test). Surfaces shall be smooth and free from sharp edges.

(a) All buckles shall be those guaranteed by the manufacturer as having at least a 2,000-pound tensile strength with a maximum permanent deformation no greater than one sixty-fourth inch.

(b) All "D" rings shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without cracking or breaking.

(c) All snap hooks shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without distortion sufficient to release the keeper.

(d) All fabric used for safety straps shall be guaranteed by the manufacturer as being capable of withstanding either AC or DC dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes without visible deterioration.

(e) All fabric and leather used shall be that which has been represented by the manufacturer as having been tested for leakage current of 1 milliamperes with a potential 3,000 volts when applied to the electrodes positioned 12 inches apart.

(f) The cushion part of the body belt may be either leather or other material provided that it;

(i) Has no exposed rivets on the inside;

(ii) Is at least 3 inches in width;

(iii) Is at least five thirty-seconds inch thick, if made of leather; or have equivalent strength if made of other material.

(iv) Has pocket tabs that extend at least 1-1/2 inches down and three inches back of the inside of circle of each "D" ring for riveting on plier or tool pockets. On shifting "D" belts, this measurement for pocket tabs shall be taken when the "D" ring section is centered.

(v) A maximum of four tool loops shall be so situated on the body belt that four inches of the body belt in the center of the back, measuring from "D" ring to "D" ring, shall be free of tool loops and any other attachments.

(vi) All stitching shall be of minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths inch from edge of narrowest member caught by the thread. The use of cross-stitching on leather is prohib-

ed. Approved copper, steel or equivalent liners shall be used around the bar of "D" rings to reduce the wear.

(vii) The keeper of snap hooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2-1/2 pounds or less, but the keeper of snap hooks shall begin to open with a weight of four pounds, when the weight is supported on the keeper against the end of the nose.

(2) Testing (~~(linemen's)~~) lineworker's safety straps, body belts and lanyards shall be in accordance with the following procedure:

(a) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand;

(b) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test), in each case stopping the fall of the 250-pound bag;

(c) Failure of the strap or lanyard shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one "D" ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" and attached as required in item (a) of this subdivision. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in item (b) of this subdivision. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(d) Life lines and lanyards shall comply with the provisions of (~~(WAC 296-155-225 (2), (3), (5) and (6))~~) Part C-1, chapter 296-155 WAC.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

**WAC 296-45-66001 Electrical hazards.** (1) This section applies to tree trimming by contractors under WAC 296-17-506 (Class 1-6), tree trimming near energized power lines on utility property, governmental and privately owned systems.

(2) Definitions applicable to this section.

(a) "Aerial manlift equipment" - all types of equipment such as extended towers, boom-mounted cages or baskets and truck-mounted ladders. This equipment is primarily designed to place personnel and equipment aloft for working.

(b) "Qualified line-clearing tree trimmer" - a tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearing.

(c) "Qualified line-clearing tree-trimmer trainee" - any worker regularly assigned to a line-clearing tree-trimming crew and undergoing related training and on-the-job training who, in the course of such training, has demonstrated (~~(his)~~) the ability to perform (~~(his)~~) duties safely at (~~(his)~~) this level of training.

(d) "Tree trimming (~~(groundman)~~) groundworker" - a member of crew working on the ground under the direction of (~~(foreman)~~) leadworker or tree trimmer.

(3) First aid. In addition to complying with the first aid provisions as found in (~~(WAC 296-24-060 through 296-24-073)~~) Part A-1, chapter 296-24 WAC, all employees whose duties require them to work near energized wires, or climb

trees shall take an approved course in controlling bleeding and cardiopulmonary resuscitation, and be capable of aerial or tree rescue and remain proficient in its application.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

**WAC 296-45-66005 Insulated tools used for tree trimming.** (1) Only insulated tools having manufacturer's certification of withstanding the following minimum tests shall be used:

(a) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(b) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(c) Other tests which equal or exceed (a) and (b) of this subsection.

(2) All insulated tools shall be visually inspected each day before use. All insulated tools shall be wiped clean before being used.

(3) Defective insulated tools shall not be used and shall be marked as defective and turned in for repair or replacement.

(4) Hand tools.

(a) All hydraulic tools which are used near energized lines or equipment shall use nonconductive hoses having approved strength for the normal operating pressures. The provisions of (~~(WAC 296-155-360 (4)(a) and (b))~~) Part G, chapter 296-155 WAC are mandatory.

(b) All pneumatic tools which are used near energized lines or equipment shall:

(i) Have nonconducting hoses having approved strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

(5) All tools shall be kept in good working condition and shall be properly stored. Defective tools shall be taken out of service.

(6) Wearing apparel. Goggles, hearing protection, respirators, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

**WAC 296-45-66007 Aerial manlift equipment.** This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability test. All such equipment shall meet or exceed a safety factor of one and one-half to one in all working positions, based upon the posted working load.

(b) Structural and mechanical tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The (~~division of industrial safety and health~~) department of labor and industries will accept, in lieu of subdivision (b) of this section, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the (~~division~~) department may require that such testing be performed on such equipment before it can be used. If the (~~division~~) department in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

(20) Employees shall not belt to trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

(27) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure: *Provided*, That no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

(28) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(29) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(30) The manufacturer's operator's instruction manual shall be kept on the vehicle.

**AMENDATORY SECTION** (Amending Order 81-9, filed 6/17/81)

**WAC 296-45-66009 All motor vehicle and trailer operations.** (1) When motor vehicles and trailers are operated on public right-of-way, highways or similar areas, the equipment shall be operated and maintained in conformance with the motor vehicle code of the state of Washington, chapters 46.04 through 46.61 RCW.

((+)) (2) Whenever and wherever such motor vehicle is operated, such equipment shall have a safe functioning brake and an emergency brake. In addition, all motor vehicles and trailers shall have such equipment as is necessary for the safe operation of the vehicle(s).

((+)) (3) When traveling, employees must ride inside the vehicle and shall not ride on the sides or on the top, nor shall employees ascend or descend a motor vehicle when such vehicle is in motion.

((+)) (4) Warning signs, flares and other protective devices shall be used which shall conform with the requirements for road construction or maintenance as set forth in chapter 46.37 RCW.

**AMENDATORY SECTION** (Amending Order 81-9, filed 6/17/81)

**WAC 296-45-66011 Working in proximity to electrical hazards.** (1) Contractors shall ensure that a close inspection is made by the employee and by the ((foreman)) leadworker or supervisor in charge before climbing, entering, or working around any tree, to determine whether an electrical power conductor passes through the tree, or passes within reaching distance of an employee working in the tree.

(2) Employees engaged in trimming, removing, or clearing trees from lines shall be required to consider all overhead electrical power conductors to be energized until such energized lines have been de-energized and grounded in accordance with the system policy.

(3) Only qualified line-clearing tree trimmer or tree trimming trainee familiar with the special techniques and hazards involved in line clearing, shall be permitted to perform the work if it is found that an electrical hazard exists.

(4) During all tree working operations aloft where an electrical hazard of more than ((750)) 600 volts exists, there shall be a second employee or trainee qualified in line clearance tree trimming within normal voice communication.

(5) Where tree work is performed by employees qualified in line-clearing tree trimming and trainees qualified in line-clearing tree trimming, the clearances from energized conductors given in Table 1 shall apply.

TABLE I  
Minimum Working Distances from Energized Conductors For Line-Clearing Tree Trimmers and Line-Clearing Tree Trimmer Trainees

Voltage Range (Phase to Phase) (kilovolts)	Minimum Working Distance
2.1 to 15.0	2 ft. 0 in.
15.1 to 35.0	2 ft. 4 in.
35.1 to 46.0	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121.0	3 ft. 4 in.
121.1 to 145.0	3 ft. 6 in.
145.1 to 169.0	3 ft. 8 in.
169.1 to 242.0	5 ft. 0 in.
242.1 to 362.0	7 ft. 0 in.
362.1 to 552.0	11 ft. 0 in.
552.1 to 765.0	15 ft. 0 in.

(6) Branches hanging on an energized conductor may only be removed using approved insulated tools by a qualified line-clearing tree trimmer.

**AMENDATORY SECTION** (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67503 Definitions.** (1) "Cargo hooks." A device attached or suspended from an aircraft which is used to connect an external load to the aircraft through direct couplings or by lead lines. This unit has both mechanical and electrical locking/unlocking means.

(2) "Designated employees." Those employees selected or designated by the employer to work under or near helicopters who have first been instructed in hooking, unhooking, guiding and securing the load, including the ((signalman)) signalperson, all of whom have been instructed in the hazards of helicopter work and who know the provisions of this section.

(3) "Downwash." A down and outward air column from the main rotor system.

(4) "Ground personnel or crew." Those employees who are physically and mentally capable, who are familiar with the hazards of helicopter use in power distribution and transmission line work, and who know these rules and the methods of operation.

(5) "Helicopter," ((+)) "helicopter crane," and "rotorcraft." Those aircraft whose support in the air is derived solely from the reaction of a stream of air driven downward by propellers revolving around a vertical axis, which are designed for and capable of carrying external loads. The use of the word helicopter in these rules shall also mean helicopter crane, rotorcraft, or similar device.

PERMANENT



(6) "Hooking and unhooking." That process by which an external load is either attached to or released from the cargo hook.

(7) "Positive guide system." A system or method of installing a load into position so that the load is capable of being released from the helicopter without being otherwise secured so that the load will remain in position permanently or until otherwise secured by physical means.

(8) "Rotors." That system of blades which rotates or revolves to supply lift or direction to the rotorcraft.

(9) "Approved rubber gloves." Rubber insulating gloves used for protection of electrical workers from electric shock while working on energized conductors and equipment.

(10) "~~(Signalman)~~ Signalperson." That member of the ground crew that is designated by an employer to direct, signal and otherwise communicate with the operator of the helicopter.

(11) "Sling line." A strap, chain, rope or the like used to securely hold something being lifted, lowered, carried or otherwise suspended.

(12) "Sock line." A rope(s), cable(s) or similar line(s) which is used to pull a conductor line from a reel or to remove existing strung conductors from poles or towers.

(13) "Static charge." A stationary charge of electricity.

(14) "Tag line." A rope or similar device used to guide or control the direction or movement of a load.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67505 Briefing.** (1) Before work or a job involving helicopters begins, there shall be a discussion between all affected employees which shall include the ground crew, ~~((signalman))~~ signalperson and pilot or operator of the helicopter. The discussion shall cover the particular hazards of the job, the methods of performing the work and the signals to be used. All employees shall, before the beginning of such work or job, understand in detail the hazards, the methods and the signals to be used and these regulations.

(2) Every employee before being allowed to work on or near helicopter(s) operating with or without load shall be advised and understand the hazards involved, the methods of performing the work, the signals being used and these regulations.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67507 Signals.** (1) The signals between the ~~((signalman))~~ signalperson and the operator of the helicopter shall be those submitted to the Federal Aviation Agency for the particular procedure or job. In the event no signals have been submitted to the Federal Aviation Administration, a system of signaling shall be used which has been reduced to writing and which is capable of being clearly understood by all employees and others involved in the job.

(2) Should there occur a change in the hazards, method of performing the job, signals to be used, or other operating conditions during the course of any particular job, a conference shall immediately be held at which time all affected employees and others, including ~~((signalmen, groundmen))~~ signalpersons, groundworkers, pilot(s), will be advised of

such hazards or change of operation. No employee shall be permitted to work unless such employee and others fully understand the change(s) which have taken place.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67521 Operator's responsibility.** (1) The helicopter operator shall be responsible for the size, weight and manner in which loads are connected to the helicopter.

~~((+))~~ (2) No load shall be made if the helicopter operator believes the lift cannot safely be performed. The employer shall make certain that the operator of the helicopter is able to freely exercise ~~((his))~~ their prerogative and judgment as to safe operation of the helicopter itself concerning size, weight and manner by which loads are connected.

~~((2))~~ (3) No employee shall work on, under, near or in conjunction with a helicopter whose operation does not correspond with the foregoing provisions.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67527 Load permitted.** (1) Weight of the external load shall not exceed the manufacturer's load limit.

~~((+))~~ (2) A helicopter shall not pull any cable, rope or similar line which is at any point attached to a fixed object other than the helicopter itself. Helicopters may pull a free-wheeling sock line so long as the end of the sock line is not tied to a reel, truck, or other fixed object. Such line cannot be tied to or otherwise secured to the roll-off reel other than by having been wrapped around such reel.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67531 Signal systems.** (1) Communication shall be maintained between the air crew and ground personnel at all times. Such signal systems shall be understood by the air crew and the ground crew, including ~~((signalmen))~~ signalpersons, prior to the hoisting of any load. There shall be constant radio and hand signals used. The ~~((signalman))~~ signalperson shall have the sole and exclusive function during periods of loading and unloading of signaling and maintaining communications with the pilot. The ~~((signalman))~~ signalperson shall be so dressed as to make ~~((his))~~ their appearance distinguishable from other members of the ground crew by the operator of the craft. This may be by way of orange-colored gloves, vest, or other wearing apparel. In addition, the ~~((foreman))~~ leadworker and one top ~~((man))~~ person shall also have an operating transmitter and receiver.

~~((+))~~ (2) Designated employees may come within 50 feet of the helicopter when the rotor blades are turning, but no closer, other than to enter the craft or to hook or unhook the load or do other essential functions. Other employee(s) shall not come closer than 100 feet of the craft when it is operating.



AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67535 In helicopter.** (1) While in the helicopter, safety belts will remain fastened at all times except when pilot or operator instructs otherwise or while entering or leaving the helicopter.

(2) No smoking in the helicopter unless otherwise permitted by the pilot.

(3) All rack cargo will be secured prior to and during takeoff and flight.

(4) All internal cargo will be secured or otherwise held.

(5) No gear shall be thrown toward or placed in front of the cockpit on or near plexiglass enclosure.

(6) No employee shall lean against or rub the plexiglass.

(7) No employee shall ride in or work under or near a helicopter with less than 15 minutes reserve fuel.

(8) No employee shall have sharp objects in ~~(his)~~ their pocket while sitting in or on the helicopter.

(9) No employee shall touch any switch, knob, instrument, or other control or device in the cockpit unless specifically directed by the operator.

(10) No cargo shall be thrown into pans or cargo rack.

(11) No employee shall obscure or otherwise obstruct the pilot's ability to visually see the instruments or flight path during flight or operation.

(12) No employee shall attempt to slow or stop the rotorcraft blades by hand unless directed or instructed to do so and aided by the pilot.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

**WAC 296-45-67543 General.** No employee shall work under or in the near vicinity of helicopters unless the operator has a valid license for operating the craft, knows the signals to be used, has been present at the last briefing held and knows these rules. No employee shall work under or near such craft if the operator is under the influence of intoxicating beverages or prescription medications which affect ~~(his)~~ his/her ability, nor shall any employee work under or near such craft if the operator is careless or engages in any negligent or reckless operation of the helicopter.

NEW SECTION

**WAC 296-45-680 Communication facilities.** (1) Microwave transmission. The employer shall ensure that no employee looks into an open waveguide or antenna that is connected to an energized microwave source.

(2) If the electromagnetic radiation level within an accessible area associated with microwave communications systems exceeds the radiation protection guide given in chapter 296-62 WAC, Part J-1. The area shall be posted with the warning symbol described in chapter 296-62 WAC, Part J-1. The lower half of the warning symbol shall include the following statements or ones that the employer can demonstrate are equivalent: Radiation in this area may exceed hazard limitations and special precautions are required. Obtain specific instruction before entering.

(3) When an employee works in an area where the electromagnetic radiation could exceed the radiation protection guide, the employer shall institute measures that ensure

that the employee's exposure is not greater than that permitted by that guide. Such measures may include administrative and engineering controls and personal protective equipment.

(4) Power line carrier. Power line carrier work, including work on equipment used for coupling carrier current to power line conductors, shall be performed in accordance with the requirements of this section pertaining to work on energized lines.

NEW SECTION

**WAC 296-45-690 Power generation.** (1) This section provides additional requirements and related work practices for power generating plants.

(a) Interlocks and other safety devices.

(i) Interlocks and other safety devices shall be maintained in a safe, operable condition.

(ii) No interlock or other safety device may be modified to defeat its function, except for test, repair, or adjustment of the device.

(b) Changing brushes. Before exciter or generator brushes are changed while the generator is in service, the exciter or generator field shall be checked to determine whether a ground condition exists. The brushes may not be changed while the generator is energized if a ground condition exists.

(c) Access and working space. Sufficient access and working space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and workspace about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1987. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

<sup>1</sup>That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

<sup>2</sup>That the configuration of the installation enables employees to maintain the minimum approach distances required by this section while they work on exposed, energized parts; and

<sup>3</sup>That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1987.

(d) Guarding of rooms containing electric supply equipment.

(i) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of this section under the following conditions:

(A) If exposed live parts operating at 50 to 150 volts to ground are located within eight feet of the ground or other working surface inside the room or space;

(B) If live parts operating at 151 to 600 volts and located within eight feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under this section; or

(C) If live parts operating at more than 600 volts are located within the room or space; unless:

(I) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so

that foreign objects inserted in these openings will be deflected from energized parts; or

(II) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an eight-foot height at 50 volts.

(ii) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(iii) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(iv) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(v) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

(e) Guarding of energized parts.

(i) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1987. Installations meeting the ANSI provisions comply with (e)(i) of this subsection. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with (e)(i) of this subsection if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

<sup>1</sup>That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

<sup>2</sup>That each employee is isolated from energized parts at the point of closest approach; and

<sup>3</sup>That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1987.

(ii) Except for fuse replacement or other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(iii) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

(f) Water or steam spaces. The following requirements apply to work in water and steam spaces associated with boilers:

(i) A designated employee shall inspect conditions before work is permitted and after its completion. Eye protection, or full face protection if necessary, shall be worn at all times when condenser, heater, or boiler tubes are being cleaned.

(ii) Where it is necessary for employees to work near tube ends during cleaning, shielding shall be installed at the tube ends.

(g) Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(i) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

(A) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(B) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(ii) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(iii) There shall be ready access to water or showers for emergency use.

Note: See chapter 296-24 WAC, Part B for requirements that apply to the water supply and to washing facilities.

(iv) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

(h) Chlorine systems.

(i) Chlorine system enclosures shall be posted with signs restricting entry and warning of the hazard to health and the hazards of fire and explosion.

Note: See chapter 296-62 WAC for requirements necessary to protect the health of employees from the effects of chlorine.

(ii) Only designated employees may enter the restricted area. Additionally, the number of personnel shall be limited to those necessary to accomplish the task safely.

(iii) Emergency repair kits shall be available near the shelter or enclosure to allow for the prompt repair of leaks in chlorine lines, equipment, or containers.

(iv) Before repair procedures are started, chlorine tanks, pipes, and equipment shall be purged with dry air and isolated from other sources of chlorine.

(v) The employer shall ensure that chlorine is not mixed with materials that would react with the chlorine in a dangerously exothermic or other hazardous manner.

(i) Boilers.

(i) Before internal furnace or ash hopper repair work is started, overhead areas shall be inspected for possible falling objects. If the hazard of falling objects exists, overhead protection such as planking or nets shall be provided.

(ii) When opening an operating boiler door, employees shall stand clear of the opening of the door to avoid the heat blast and gases which may escape from the boiler.

(j) Turbine generators.

(i) Smoking and other ignition sources are prohibited near hydrogen or hydrogen sealing systems, and signs warning of the danger of explosion and fire shall be posted.

(ii) Excessive hydrogen makeup or abnormal loss of pressure shall be considered as an emergency and shall be corrected immediately.

(iii) A sufficient quantity of inert gas shall be available to purge the hydrogen from the largest generator.

(k) Coal and ash handling.

(i) Only designated persons may operate railroad equipment.

(ii) Before a locomotive or locomotive crane is moved, a warning shall be given to employees in the area.

(iii) Employees engaged in switching or dumping cars may not use their feet to line up drawheads.

(iv) Drawheads and knuckles may not be shifted while locomotives or cars are in motion.

(v) When a railroad car is stopped for unloading, the car shall be secured from displacement that could endanger employees.

(vi) An emergency means of stopping dump operations shall be provided at railcar dumps.

(vii) The employer shall ensure that employees who work in coal- or ash-handling conveyor areas are trained and knowledgeable in conveyor operation and in the requirements of this section.

(viii) Employees may not ride a coal- or ash-handling conveyor belt at any time. Employees may not cross over the conveyor belt, except at walkways, unless the conveyor's energy source has been deenergized and has been locked out or tagged in accordance with (d) of this subsection.

(ix) A conveyor that could cause injury when started may not be started until personnel in the area are alerted by a signal or by a designated person that the conveyor is about to start.

(x) If a conveyor that could cause injury when started is automatically controlled or is controlled from a remote location, an audible device shall be provided that sounds an alarm that will be recognized by each employee as a warning that the conveyor will start and that can be clearly heard at all points along the conveyor where personnel may be present. The warning device shall be actuated by the device starting the conveyor and shall continue for a period of time before the conveyor starts that is long enough to allow employees to move clear of the conveyor system. A visual warning may be used in place of the audible device if the employer can demonstrate that it will provide an equally effective warning in the particular circumstances involved.

Note: Exception: If the employer can demonstrate that the system's function would be seriously hindered by the required time delay, warning signs may be provided in place of the audible warning device. If the system was installed before November 20, 1995, warning signs may be provided in place of the audible warning device until such time as the conveyor or its control system is rebuilt or rewired. These warning signs shall be clear, concise, and legible and shall indicate that conveyors and allied equipment may be started at any time, that danger exists, and that personnel must keep clear. These warning signs shall be provided along the conveyor at areas not guarded by position or location.

(xi) Remotely and automatically controlled conveyors, and conveyors that have operating stations which are not manned or which are beyond voice and visual contact from drive areas, loading areas, transfer points, and other locations on the conveyor path not guarded by location, position, or guards shall be furnished with emergency stop buttons, pull cords, limit switches, or similar emergency stop devices. However, if the employer can demonstrate that the design, function, and operation of the conveyor do not expose an employee to hazards, an emergency stop device is not required.

(A) Emergency stop devices shall be easily identifiable in the immediate vicinity of such locations.

(B) An emergency stop device shall act directly on the control of the conveyor involved and may not depend on the stopping of any other equipment.

(C) Emergency stop devices shall be installed so that they cannot be overridden from other locations.

(xii) Where coal-handling operations may produce a combustible atmosphere from fuel sources or from flammable gases or dust, sources of ignition shall be eliminated or safely controlled to prevent ignition of the combustible atmosphere. The effective date will be February 1, 1996.

Note: Locations that are hazardous because of the presence of combustible dust are classified as Class II hazardous locations. See chapter 296-24 WAC, Part L.

(xiii) An employee may not work on or beneath overhanging coal in coal bunkers, coal silos, or coal storage areas, unless the employee is protected from all hazards posed by shifting coal.

(xiv) An employee entering a bunker or silo to dislodge the contents shall wear a body harness with lifeline attached. The lifeline shall be secured to a fixed support outside the bunker and shall be attended at all times by an employee located outside the bunker or facility.

(l) Hydroplants and equipment. Employees working on or close to water gates, valves, intakes, forebays, flumes, or other locations where increased or decreased water flow or levels may pose a significant hazard shall be warned and shall vacate such dangerous areas before water flow changes are made.

#### NEW SECTION

**WAC 296-45-695 Hazardous energy control (lockout/tagout) procedures.** (1) Application. The provisions of this section apply to the use of lockout/tagout procedures for the control of energy sources in installations for the purpose of electric power generation, including related equipment for communication or metering. Locking and tagging procedures for the deenergizing of electric energy sources which are used exclusively for purposes of transmission and distribution are addressed by WAC 296-45-65023.

Note 1: Installations in electric power generation facilities that are not an integral part of, or inextricably commingled with, power generation processes or equipment are covered under chapter 296-24 WAC.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC will also be deemed to comply with this section if the procedures address the hazards covered by this section.

(2) General.

(a) The employer shall establish a program consisting of energy control procedures, employee training, and periodic inspections to ensure that, before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine or equipment is isolated from the energy source and rendered inoperative.

(b) The employer's energy control program under this section shall meet the following requirements:

(i) If an energy isolating device is not capable of being locked out, the employer's program shall use a tagout system.

(ii) If an energy isolating device is capable of being locked out, the employer's program shall use lockout, unless the employer can demonstrate that the use of a tagout system will provide full employee protection as follows:

(A) When a tagout device is used on an energy isolating device which is capable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will provide a level of safety equivalent to that obtained by the use of a lockout program.

(B) In demonstrating that a level of safety is achieved in the tagout program equivalent to the level of safety obtained by the use of a lockout program, the employer shall demonstrate full compliance with all tagout-related provisions of this standard together with such additional elements as are necessary to provide the equivalent safety available from the use of a lockout device. Additional means to be considered as part of the demonstration of full employee protection shall include the implementation of additional safety measures such as the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energizing.

(c) After March 20, 1995, whenever replacement or major repair, renovation, or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(d) Procedures shall be developed, documented, and used for the control of potentially hazardous energy covered by this section.

(e) The procedure shall clearly and specifically outline the scope, purpose, responsibility, authorization, rules, and techniques to be applied to the control of hazardous energy, and the measures to enforce compliance including, but not limited to, the following:

(i) A specific statement of the intended use of this procedure;

(ii) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;

(iii) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and

(iv) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

(f) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of this section are being followed.

(i) The periodic inspection shall be performed by an authorized employee who is not using the energy control procedure being inspected.

(ii) The periodic inspection shall be designed to identify and correct any deviations or inadequacies.

(iii) If lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

(iv) Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that

employee's responsibilities under the energy control procedure being inspected, and the elements set forth in this section.

(v) The employer shall certify that the inspections required have been accomplished. The certification shall identify the machine or equipment on which the energy control procedure was being used, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

Note: If normal work schedule and operation records demonstrate adequate inspection activity and contain the required information, no additional certification is required.

(g) The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of energy controls are acquired by employees. The training shall include the following:

(i) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of energy available in the workplace, and in the methods and means necessary for energy isolation and control.

(ii) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(iii) All other employees whose work operations are or may be in an area where energy control procedures may be used shall be instructed about the procedures and about the prohibition relating to attempts to restart or reenergize machines or equipment that are locked out or tagged out.

(h) When tagout systems are used, employees shall also be trained in the following limitations of tags:

(i) Tags are essentially warning devices affixed to energy isolating devices and do not provide the physical restraint on those devices that is provided by a lock.

(ii) When a tag is attached to an energy isolating means, it is not to be removed without authorization of the authorized person responsible for it, and it is never to be by-passed, ignored, or otherwise defeated.

(iii) Tags must be legible and understandable by all authorized employees, affected employees, and all other employees whose work operations are or may be in the area, in order to be effective.

(iv) Tags and their means of attachment must be made of materials which will withstand the environmental conditions encountered in the workplace.

(v) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(vi) Tags must be securely attached to energy isolating devices so that they cannot be inadvertently or accidentally detached during use.

(3) Retraining shall be provided by the employer as follows:

(a) Retraining shall be provided for all authorized and affected employees whenever there is a change in their job assignments, a change in machines, equipment, or processes that present a new hazard or whenever there is a change in the energy control procedures.

(b) Retraining shall also be conducted whenever a periodic inspection reveals, or whenever the employer has

reason to believe, that there are deviations from or inadequacies in an employee's knowledge or use of the energy control procedures.

(c) The retraining shall reestablish employee proficiency and shall introduce new or revised control methods and procedures, as necessary.

(d) The employer shall certify that employee training has been accomplished and is being kept up to date. The certification shall contain each employee's name and dates of training.

(4) Protective materials and hardware.

(a) Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources.

(b) Lockout devices and tagout devices shall be singularly identified; shall be the only devices used for controlling energy; may not be used for other purposes; and shall meet the following requirements:

(i) Lockout devices and tagout devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

(ii) Tagout devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible.

(iii) Tagout devices shall be so constructed as not to deteriorate when used in corrosive environments.

(c) Lockout devices and tagout devices shall be standardized within the facility in at least one of the following criteria: Color, shape, size. Additionally, in the case of tagout devices, print and format shall be standardized.

(d) Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or metal cutting tools.

(e) Tagout devices, including their means of attachment, shall be substantial enough to prevent inadvertent or accidental removal. Tagout device attachment means shall be of a nonreusable type, attachable by hand, self-locking, and nonreleasable with a minimum unlocking strength of no less than fifty pounds and shall have the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(f) Each lockout device or tagout device shall include provisions for the identification of the employee applying the device.

(g) Tagout devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as the following: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

Note: For specific provisions covering accident prevention tags, see chapter 296-24 WAC.

(5) Energy isolation. Lockout and tagout device application and removal may only be performed by the authorized employees who are performing the servicing or maintenance.

(6) Notification. Affected employees shall be notified by the employer or authorized employee of the application and removal of lockout or tagout devices. Notification shall

be given before the controls are applied and after they are removed from the machine or equipment.

Note: See that the second notification takes place before the machine or equipment is reenergized.

(7) Lockout/tagout application. The established procedures for the application of energy control (the lockout or tagout procedures) shall include the following elements and actions, and these procedures shall be performed in the following sequence:

(a) Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(b) The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown shall be used to avoid any additional or increased hazards to employees as a result of the equipment stoppage.

(c) All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from energy sources.

(d) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(i) Lockout devices shall be attached in a manner that will hold the energy isolating devices in a "safe" or "off" position.

(ii) Tagout devices shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

(e) Where tagout devices are used with energy isolating devices designed with the capability of being locked out, the tag attachment shall be fastened at the same point at which the lock would have been attached.

(f) Where a tag cannot be affixed directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

(8) Following the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, or otherwise rendered safe.

(a) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed or until the possibility of such accumulation no longer exists.

(b) Before starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and deenergizing of the machine or equipment have been accomplished. If normally energized parts will be exposed to contact by an employee while the machine or equipment is deenergized, a test shall be performed to ensure that these parts are deenergized.

(9) Release from lockout/tagout. Before lockout or tagout devices are removed and energy is restored to the machine or equipment, procedures shall be followed and actions taken by the authorized employees to ensure the following:

(a) The work area shall be inspected to ensure that nonessential items have been removed and that machine or equipment components are operationally intact.

(b) The work area shall be checked to ensure that all employees have been safely positioned or removed.

(c) After lockout or tagout devices have been removed and before a machine or equipment is started, affected employees shall be notified that the lockout or tagout devices have been removed.

(d) Each lockout or tagout device shall be removed from each energy isolating device by the authorized employee who applied the lockout or tagout device. However, if that employee is not available to remove it, the device may be removed under the direction of the employer, provided that specific procedures and training for such removal have been developed, documented, and incorporated into the employer's energy control program. The employer shall demonstrate that the specific procedure provides a degree of safety equivalent to that provided by the removal of the device by the authorized employee who applied it. The specific procedure shall include at least the following elements:

(i) Verification by the employer that the authorized employee who applied the device is not at the facility;

(ii) Making all reasonable efforts to contact the authorized employee to inform him or her that his or her lockout or tagout device has been removed; and

(iii) Ensuring that the authorized employee has this knowledge before he or she resumes work at that facility.

(10) Additional requirements.

(a) If the lockout or tagout devices must be temporarily removed from energy isolating devices and the machine or equipment must be energized to test or position the machine, equipment, or component thereof, the following sequence of actions shall be followed:

(i) Clear the machine or equipment of tools and materials in accordance with this section;

(ii) Remove employees from the machine or equipment area in accordance with this section;

(iii) Remove the lockout or tagout devices as specified in this section;

(iv) Energize and proceed with the testing or positioning; and

(v) Deenergize all systems and reapply energy control measures in accordance with this section to continue the servicing or maintenance.

(b) When servicing or maintenance is performed by a crew, craft, department, or other group, they shall use a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device. Group lockout or tagout devices shall be used in accordance with the procedures required by the following specific requirements:

(i) Primary responsibility shall be vested in an authorized employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(ii) Provision shall be made for the authorized employee to ascertain the exposure status of all individual group members with regard to the lockout or tagout of the machine or equipment;

(iii) When more than one crew, craft, department, or other group is involved, assignment of overall job-associated

lockout or tagout control responsibility shall be given to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and

(iv) Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

(c) Procedures shall be used during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout device protection between off-going and on-coming employees, to minimize their exposure to hazards from the unexpected energizing or start-up of the machine or equipment or from the release of stored energy.

(d) Whenever outside servicing personnel are to be engaged in activities covered by this section, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures, and each employer shall ensure that his or her personnel understand and comply with restrictions and prohibitions of the energy control procedures being used.

(e) If energy isolating devices are installed in a central location under the exclusive control of a system operator, the following requirements apply:

(i) The employer shall use a procedure that affords employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

(ii) The system operator shall place and remove lockout and tagout devices in place of the authorized employee.

(iii) Provisions shall be made to identify the authorized employee who is responsible for (that is, being protected by) the lockout or tagout device, to transfer responsibility for lockout and tagout devices, and to ensure that an authorized employee requesting removal or transfer of a lockout or tagout device is the one responsible for it before the device is removed or transferred.

#### NEW SECTION

**WAC 296-45-700 Testing and test facilities.** (1) Application. This section provides for safe work practices for high-voltage and high-power testing performed in laboratories, shops, and substations, and in the field and on electric transmission and distribution lines and equipment. It applies only to testing involving interim measurements utilizing high voltage, high power, or combinations of both, and not to testing involving continuous measurements as in routine metering, relaying, and normal line work.

Note: Routine inspection and maintenance measurements made by qualified employees are considered to be routine line work and are not included in the scope of subsection (1) of this section, as long as the hazards related to the use of intrinsic high-voltage or high-power sources require only the normal precautions associated with routine operation and maintenance work required in the other subsections of this section. Two typical examples of such excluded test work procedures are "phasing-out" testing and testing for a "no-voltage" condition.

(2) General requirements.

(a) The employer shall establish and enforce work practices for the protection of each worker from the hazards

of high-voltage or high-power testing at all test areas, temporary and permanent. Such work practices shall include, as a minimum, test area guarding, grounding, and the safe use of measuring and control circuits. A means providing for periodic safety checks of field test areas shall also be included.

(b) Employees shall be trained in safe work practices upon their initial assignment to the test area, with periodic reviews and updates provided as required by subsections of this section.

(3) Guarding of test areas.

(a) Permanent test areas shall be guarded by walls, fences, or barriers designed to keep employees out of the test areas.

(b) In field testing, or at a temporary test site where permanent fences and gates are not provided, one of the following means shall be used to prevent unauthorized employees from entering:

(i) The test area shall be guarded by the use of distinctively colored safety tape that is supported approximately waist high and to which safety signs are attached;

(ii) The test area shall be guarded by a barrier or barricade that limits access to the test area to a degree equivalent, physically and visually, to the barricade specified in this section; or

(iii) The test area shall be guarded by one or more test observers stationed so that the entire area can be monitored.

(c) The barriers required by this section shall be removed when the protection they provide is no longer needed.

(d) Guarding shall be provided within test areas to control access to test equipment or to apparatus under test that may become energized as part of the testing by either direct or inductive coupling, in order to prevent accidental employee contact with energized parts.

(4) Grounding practices.

(a) The employer shall establish and implement safe grounding practices for the test facility.

(i) All conductive parts accessible to the test operator during the time the equipment is operating at high voltage shall be maintained at ground potential except for portions of the equipment that are isolated from the test operator by guarding.

(ii) Wherever ungrounded terminals of test equipment or apparatus under test may be present, they shall be treated as energized until determined by tests to be deenergized.

(b) Visible grounds shall be applied, either automatically or manually with properly insulated tools, to the high-voltage circuits after they are deenergized and before work is performed on the circuit or item or apparatus under test. Common ground connections shall be solidly connected to the test equipment and the apparatus under test.

(c) In high-power testing, an isolated ground-return conductor system shall be provided so that no intentional passage of current, with its attendant voltage rise, can occur in the ground grid or in the earth. However, an isolated ground-return conductor need not be provided if the employer can demonstrate that both the following conditions are met:

(i) An isolated ground-return conductor cannot be provided due to the distance of the test site from the electric energy source; and

(ii) Employees are protected from any hazardous step and touch potentials that may develop during the test.

Note: See Appendix C of this chapter for information on measures that can be taken to protect employees from hazardous step and touch potentials.

(d) In tests in which grounding of test equipment by means of the equipment grounding conductor located in the equipment power cord cannot be used due to increased hazards to test personnel or the prevention of satisfactory measurements, a ground that the employer can demonstrate affords equivalent safety shall be provided, and the safety ground shall be clearly indicated in the test set-up.

(e) When the test area is entered after equipment is deenergized, a ground shall be placed on the high-voltage terminal and any other exposed terminals.

(i) High capacitance equipment or apparatus shall be discharged through a resistor rated for the available energy.

(ii) A direct ground shall be applied to the exposed terminals when the stored energy drops to a level at which it is safe to do so.

(f) If a test trailer or test vehicle is used in field testing, its chassis shall be grounded. Protection against hazardous touch potentials with respect to the vehicle, instrument panels, and other conductive parts accessible to employees shall be provided by bonding, insulation, or isolation.

(5) Control and measuring circuits.

(a) Control wiring, meter connections, test leads and cables may not be run from a test area unless they are contained in a grounded metallic sheath and terminated in a grounded metallic enclosure or unless other precautions are taken that the employer can demonstrate as ensuring equivalent safety.

(b) Meters and other instruments with accessible terminals or parts shall be isolated from test personnel to protect against hazards arising from such terminals and parts becoming energized during testing. If this isolation is provided by locating test equipment in metal compartments with viewing windows, interlocks shall be provided to interrupt the power supply if the compartment cover is opened.

(c) The routing and connections of temporary wiring shall be made secure against damage, accidental interruptions and other hazards. To the maximum extent possible, signal, control, ground, and power cables shall be kept separate.

(d) If employees will be present in the test area during testing, a test observer shall be present. The test observer shall be capable of implementing the immediate deenergizing of test circuits for safety purposes.

(6) Safety check.

(a) Safety practices governing employee work at temporary or field test areas shall provide for a routine check of such test areas for safety at the beginning of each series of tests.

(b) The test operator in charge shall conduct these routine safety checks before each series of tests and shall verify at least the following conditions:

(i) That barriers and guards are in workable condition and are properly placed to isolate hazardous areas;

(ii) That system test status signals, if used, are in operable condition;



- (iii) That test power disconnects are clearly marked and readily available in an emergency;
- (iv) That ground connections are clearly identifiable;
- (v) That personal protective equipment is provided and used;
- (vi) That signal, ground, and power cables are properly separated.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

**WAC 296-54-511 Personal protective equipment.**

(1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

(4) Occupational head protection. (~~Hard hats~~) Protective helmets meeting the specifications contained in American National Standards Institute (ANSI) (~~Z89.1-1969~~), shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. (~~Hard hats~~) Protective helmets shall be maintained in serviceable condition.

(a) Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.

(b) Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head

Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General safety and health standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

Note: See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

**WAC 296-62-07367 Respiratory protection and personal protective equipment.**

(1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-07355 through 296-62-07389. Respirators shall be used in the following circumstances.

(a) During the interval necessary to install or implement feasible engineering and work practice controls;

(b) In work operations, such as maintenance and repair activities, vessel cleaning, or other activities for which engineering and work practice controls are not feasible;

(c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the TWA or excursion limit; and

(d) In emergencies.

## (2) Respirator selection.

(a) Where respirators are required under WAC 296-62-07355 through 296-62-07389, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1, and shall ensure that the employee uses the respirator provided.

(b) The employer shall select respirators from among those jointly approved as being acceptable for protection against EtO by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(3) Respirator program. Where respiratory protection is required by WAC 296-62-07355 through 296-62-07389, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(4) Protective clothing and equipment. Where eye or skin contact with liquid EtO or EtO solutions may occur, the employer shall select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with ~~((WAC 296-24-07501 and 296-24-07801))~~ chapter 296-24 WAC, Part A-2, and to protect any area of the body that may come in contact with liquid EtO or EtO in solution, and shall ensure that the employee wears the protective clothing and equipment provided.

**AMENDATORY SECTION** (Amending Order 93-06, filed 10/20/93, effective 12/1/93)

**WAC 296-62-07417 Protective work clothing and equipment.** (1) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, head coverings, and boots or foot coverings;

and

- (c) Face shields, vented goggles, or other appropriate protective equipment that complies with ~~((WAC 296-24-078))~~ chapter 296-24 WAC, Part A-2.

## (2) Removal and storage.

(a) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with WAC 296-62-07419(1).

(b) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(c) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable

containers that are designed to prevent dispersion of cadmium dust.

(d) The employer shall assure that bags or containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance, or disposal shall bear labels in accordance with WAC 296-62-07425(3).

## (3) Cleaning, replacement, and disposal.

(a) The employer shall provide the protective clothing and equipment required by subsection (1) of this section in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this paragraph to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(b) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(c) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(d) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in WAC 296-62-07405.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

**AMENDATORY SECTION** (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

**WAC 296-62-07617 Protective work clothing and equipment.** (1) Provision and use. Where employees are subject to dermal exposure to MDA, where liquids containing MDA can be splashed into the eyes, or where airborne concentrations of MDA are in excess of the PEL, the employer shall provide, at no cost to the employee, and ensure that the employee uses, appropriate protective work clothing and equipment which prevent contact with MDA such as, but not limited to:

- (a) Aprons, coveralls, or other full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, chemical goggles; or

(d) Other appropriate protective equipment which comply with ~~((WAC 296-24-078))~~ chapter 296-24 WAC, Part A-2.

## (2) Removal and storage.

(a) The employer shall ensure that, at the end of their work shift, employees remove MDA-contaminated protective work clothing and equipment that is not routinely removed throughout the day in change rooms provided in accordance with the provisions established for change rooms.

(b) The employer shall ensure that, during their work shift, employees remove all other MDA-contaminated protective work clothing or equipment before leaving a regulated area.

(c) The employer shall ensure that no employee takes MDA-contaminated work clothing or equipment out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(d) MDA-contaminated work clothing or equipment shall be placed and stored in closed containers which prevent dispersion of the MDA outside the container.

(e) Containers of MDA-contaminated protective work clothing or equipment which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal shall bear labels warning of the hazards of MDA.

(3) Cleaning and replacement.

(a) The employer shall provide the employee with clean protective clothing and equipment. The employer shall ensure that protective work clothing or equipment required by this paragraph is cleaned, laundered, repaired, or replaced at intervals appropriate to maintain its effectiveness.

(b) The employer shall prohibit the removal of MDA from protective work clothing or equipment by blowing, shaking, or any methods which allow MDA to reenter the workplace.

(c) The employer shall ensure that laundering of MDA-contaminated clothing shall be done so as to prevent the release of MDA in the workplace.

(d) Any employer who gives MDA-contaminated clothing to another person for laundering shall inform such person of the requirement to prevent the release of MDA.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with MDA of the potentially harmful effects of exposure.

(f) MDA-contaminated clothing shall be transported in properly labeled, sealed, impermeable bags or containers.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-78-515 Management's responsibility.** (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) The employer shall develop and maintain a hazard communication program as required by ~~((WAC 296-62-054 through 296-62-05427))~~ chapter 296-62 WAC, Part C, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) Management shall not assign mechanics, millwrights, or other persons to work on equipment by themselves when

there is a probability that the person could fall from elevated work locations or equipment or that a person could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

Note: This subsection does not apply to operators of motor vehicles, ~~((watchmen))~~ watchperson or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(4) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative if available and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation.

(5) Reporting of fatality or multiple hospitalization ~~((accidents))~~ incidents.

(a) ~~Within ((twenty-four)) eight hours after the ((occurrence of an employment accident which results in an immediate or probable fatality(s) or which results in the hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident, either orally or in writing, to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.)) fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of two or more employees as a result of a work-related incident, the employer of any employees so affected shall report the fatality/multiple hospitalization by telephone or in person, to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.~~

(i) This requirement applies to each such fatality or hospitalization of two or more employees which occurs within thirty days of the incident.

(ii) Exception: If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(iii) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.

(b) Equipment involved in an ~~((accident))~~ incident resulting in an immediate or probable fatality or in the inpatient hospitalization of two or more employees, shall not be moved, until a representative of the ~~((division of industrial safety and health))~~ department investigates the ~~((accident))~~ incident and releases such equipment, except where removal is essential to prevent further ~~((accident))~~ incident. Where

necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of ~~((division of industrial safety and health))~~ a department investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the ~~((accident))~~ incident, or whoever the investigator deems necessary to complete ~~((his))~~ the investigation.

(6) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.

Note: Recordable cases include:

- (a) Every occupational death.
- (b) Every industrial illness.
- (c) Every occupational injury that involves one of the following:
  - (i) Unconsciousness.
  - (ii) Inability to perform all phases of regular job.
  - (iii) Inability to work full time on regular job.
  - (iv) Temporary assignment to another job.
  - (v) Medical treatment beyond first aid.

All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - supplementary record occupational injuries and illnesses and OSHA 200 - log and summary. Forms other than OSHA 101 may be substituted for the supplementary record of occupational injuries and illnesses if they contain the same items.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-525 Accident-prevention programs.** Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazards involved. The ~~((division))~~ department may be contacted for assistance in developing appropriate programs.

(1) The following are the minimal program elements for all employers:

- (a) A safety orientation program describing the employer's safety program and including:
  - (i) How and when to report injuries, including instruction as to the location of first-aid facilities.
  - (ii) How to report unsafe conditions and practices.
  - (iii) The use and care of required personal protective equipment.
  - (iv) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.
  - (v) Identification of the hazardous gases, chemicals or materials involved along with the instructions on the safe use and emergency action following accidental exposure.
  - (vi) A description of the employers total safety program.
  - (vii) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(b) A designated safety and health committee consisting of management and employee representatives with the employee representatives being elected or appointed by fellow employees.

(2) Each accident-prevention program shall be outlined in written format.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-670 Glue machines.** (1) Personal protective equipment as required by the general safety and health standard, ~~((WAC 296-24-075 through 296-24-092))~~ chapter 296-24 WAC, Part A-2, and the general occupational health standard, WAC 296-62-11021, and proper washing facilities with noncaustic soap and sterilizers, shall be provided for all employees handling glue. Rubber gloves and other personal equipment must be sterilized when transferred from one person to another.

(2) Glue spreaders shall be enclosed on the in-running side, leaving only sufficient space to insert the stock.

(3) All glue spreaders shall be equipped with a panic bar or equivalent type device that can be reached from either the infeed or outfeed side of the spreader to shut-off the power in an emergency situation. Such device shall be installed on existing glue spreaders no later than April 1, 1982, and be standard equipment on any glue spreader purchased after January 1, 1982.

(4) All glue mixing and handling rooms where located above work areas shall have water tight floors.

(5) All glue rooms shall be provided with ventilation in accordance with WAC 296-62-110 through 296-62-11013, of the general occupational health standard.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71015 Tanks and chemicals.** (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of WAC 296-62-11021, open surface tanks.

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in ~~((WAC 296-62-070 through 296-62-080 of the general occupational health standards))~~ chapter 296-24 WAC, Part A-2.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by ~~((WAC 296-24-075 through 296-24-092 of the general safety and health standards))~~ chapter 296-24 WAC, Part A-2.

(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect

workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with WAC 296-24-405 of the general safety and health standards.

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of WAC 296-24-405. The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-24-120 through 296-24-13013 of the general safety and health standards, shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-84005 Dry kilns.** (1) Transfer, kiln and dolly tracks shall be properly maintained at all times and shall have a grade of not more than one and one-fourth percent. Bumpers or stops shall be installed at the ends of all tracks capable of stopping a normal load for which the track is installed. A means shall be provided for chocking or blocking cars.

(2) Doors.

(a) Main kiln doors. Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(b) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(c) Means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(3) Kilns whose operation requires inside inspection shall be maintained with not less than eighteen inches clearance between loaded cars and the walls of the kiln. The requirements for personal protective equipment specified in (~~WAC 296-24-075 through 296-24-092~~) chapter 296-24 WAC, Part A-2, shall be complied with.

(4) Kiln loads shall be equipped or arranged for easy attachment and detachment of transfer cables. Means for stopping kiln cars shall be available at all times.

(5) Cars shall not be moved until tracks are clear and workers are out of the bight of transfer lines.

(6) When kiln or dolly loads of lumber are permitted to coast through or adjacent to any work area, audible warning shall be given.

(7) Stickers shall not be allowed to protrude more than two inches from the sides of kiln stacks.

(8) Yards and storage areas shall be kept reasonably free of debris and unnecessary obstruction. Warning signs shall be conspicuously posted wherever there is danger from moving vehicles or equipment.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-79-050 Personal protection.** (1) Personal protective equipment and clothing. Personal protective clothing and equipment as required by the general safety and health standards and the general occupational health standards shall be furnished by the employer and worn or used by the employee when needed to eliminate or minimize the degree of hazard involved with any specific operation.

(a) Required clothing, caps, etc. Employees shall wear sufficient clothing to protect them from hazards to which they may be exposed while performing their duties. Consideration must be given to temperatures in certain areas in which persons work. Employees whose hair is long enough to be caught in machinery or equipment around which they work shall wear caps, hair nets or other protection which will adequately confine the hair while performing their duties.

Rings or other jewelry which could create a hazard should not be worn by employees while in the performance of their work.

(b) Protective footwear. Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear. Shoe guards and toe protectors will be supplied by management. Management shall also make safety shoes available for purchase by employees at not more than actual cost to management.

Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs. Calk boots shall be made available at cost.

Note: See chapter 296-24 WAC, Part A-2, for additional personal protective equipment requirements.

(2) Working over or near water.

(a) Employees working over or near water who are exposed to the danger of drowning shall be provided with and shall wear U.S. Coast Guard approved personal flotation devices.

Note: The following exceptions will apply:

- (i) When water is known to be chest-deep or less on the exposed worker(s);
- (ii) When the employee is protected by standard guardrails;
- (iii) When the employee is protected by a safety belt or lanyard; or
- (iv) When the employee is within the confines of the cabin of a boat or other equivalent enclosure.

(b) Prior to and after each use, buoyant work devices shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(3) Protection from noise. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

(4) Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 4/15/94)

**WAC 296-306-020 Serious injury reporting.** (1) The employer or someone in his/her behalf shall ~~((notify))~~ orally report to the nearest office of the department of labor and industries within ~~((24))~~ eight hours of ~~((the date of))~~ an ~~((accident))~~ incident that causes a fatal or possibly fatal injury, an ~~((accident))~~ incident that involves acute injury or illness from exposure(s) to any pesticides ~~((or herbicides))~~ or an ~~((accident))~~ incident that causes injury requiring in-patient hospitalization of any employees. The report shall be made by telephone or in person or by using the OSHA toll-free central telephone number, 1-800-321-6742.

(a) This requirement applies to each such fatality or hospitalization of any employee which occurs within thirty days of an incident.

(b) Exception: If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(c) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities, hospitalized employees or pesticide exposures, contact

person, phone number, and a brief description of the incident.

(2) When any investigator from the department ~~((the division of safety and health))~~ arrives, the farm employer shall assign to assist in the investigation any persons the investigator deems necessary.

(3) When a fatality or in-patient hospitalization occurs, equipment involved in the ~~((accident))~~ incident shall not be moved until after a representative from the ~~((division of industrial safety and health))~~ department has completed an investigation unless the equipment must be moved to prevent additional ~~((accidents))~~ incidents, or to remove the victim.

**WSR 94-20-059**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**  
[Filed September 30, 1994, 3:18 p.m.]

Date of Adoption: September 30, 1994.

Purpose: To repeal WAC 284-24-055 and amend WAC 284-24-060 in order to complete the repeal of RCW 48.19.040(5) by the 1994 legislative (section 8, chapter 131, Laws of 1994).

Citation of Existing Rules Affected by this Order: Repealing WAC 284-24-055; and amending WAC 284-24-060.

Statutory Authority for Adoption: RCW 48.02.060.  
Pursuant to notice filed as WSR 94-17-176 on August 24, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 30, 1994  
Krishna Fells  
Chief of Staff

AMENDATORY SECTION (Amending Order R 90-5, filed 6/14/90, effective 7/15/90)

**WAC 284-24-060 Modification of filing requirements.** (1) Pursuant to RCW 48.19.080, the commissioner rules and hereby orders that the rate filing requirements set forth in chapter 48.19 RCW are modified so that:

(a) No filings with respect to rates pertaining to surplus line coverages placed in this state pursuant to chapter 48.15 RCW need be made, hereby confirming the longstanding practice in this state; and

(b) Rating organizations may make reference filings of prospective loss costs. Such filings shall contain the statistical data and supporting information for all calculations and assumptions underlying the prospective loss costs, but need not provide the information required by RCW 48.19.040 (2)(b) and (c). Filings of prospective loss costs must be approved by the commissioner prior to use by any insurer as a reference document. A member or subscribing insurer must file a loss cost adjustment and obtain the commissioner's approval prior to use of rates based on prospective loss costs.

~~((c) With respect to coverages not subject to RCW 48.19.040(5);))~~ A member or subscribing insurer of a rating organization may use rates based on prospective loss costs filed by such an organization and approved by the commis-

sioner as a reference document without complying with the requirements of RCW 48.19.040 if:

(i) The insurer has an approved loss cost adjustment on file with the commissioner and proposes no changes to it; and

(ii) The insurer will begin using the prospective loss costs on the date proposed by the rating organization and approved by the commissioner.

~~((d) The requirements of RCW 48.19.040(5) are waived:~~

~~(i) With respect to filings of supplementary rating information;~~

~~(ii) With respect to filings of rates for umbrella and excess liability policies; and~~

~~(iii) With respect to filings of rates or prospective loss costs for minor optional or miscellaneous coverages. For any minor optional or miscellaneous coverage not listed specifically in subsection (2)(g) of this section, the requirements of RCW 48.19.040(5) may be waived by the commissioner upon the prior written request of the insurer or rating organization making the filing.))~~

(2) For purposes of this section, the following definitions apply:

(a) "Rating organization" means an organization licensed pursuant to RCW 48.19.180.

(b) "Member or subscribing insurer" means an insurer that has granted filing authority to a rating organization pursuant to RCW 48.19.050.

(c) "Prospective loss cost" means that portion of a rate that provides only for losses and loss adjustment expense and does not include provisions for expenses (other than loss adjustment expenses) or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

(d) "Loss cost adjustment" means a factor by which prospective loss costs are multiplied to obtain final rates. It takes into account:

(i) Operating expenses;

(ii) Underwriting profit (or loss) and contingencies;

(iii) Investment income;

(iv) Dividends, savings, or unabsorbed premium deposits allowed or returned to policyholders, members, or subscribers;

(v) Variations in loss experience unique to the insurer making the filing;

(vi) The effect of the timing difference on the prospective loss costs in those instances in which an insurer elects to begin using prospective loss costs on a date other than that proposed by the rating organization and approved by the commissioner; and

(vii) Other relevant factors, if any.

(e) "Rate" means the cost of insurance per exposure unit, whether expressed as a single number or separately as prospective loss cost and loss cost adjustment, prior to any application of individual risk variations as permitted by WAC 284-24-100, and does not include minimum premiums or supplementary rating information.

(f) "Supplementary rating information" means any manual or plan of policy writing rules, rating rules, classification system, territory codes and descriptions, rating plans, and any other similar information needed to determine the

applicable premium for an insured. It includes factors and relativities, such as increased limits factors, package modification factors, classification relativities, and deductible relativities.

~~((g) "Minor optional and miscellaneous coverages" include but are not limited to:~~

~~(i) Towing and labor coverage.~~

~~(ii) Auto dealers pickup or delivery coverage.~~

~~(iii) Auto dealers false pretense coverage.~~

~~(iv) Antique auto physical damage coverage.~~

~~(v) Golfmobile coverage.~~

~~(vi) Drive other car coverage.~~

~~(vii) Nonownership liability coverage.~~

~~(viii) Hired auto coverage.~~

~~(ix) Rental reimbursement coverage.~~

~~(x) Sound receiving and transmitting equipment coverage.~~

~~(xi) Tapes and records coverage.~~

~~(xii) Additional interests coverage.~~

~~(xiii) Owners and contractors protective coverage.~~

~~(xiv) Principals protective coverage.~~

~~(xv) Railroad protective coverage.~~

~~(xvi) Elevator or escalator inspection charge.))~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-24-055 Fifteen-month refiling requirement.

#### **WSR 94-20-062**

##### **PERMANENT RULES**

#### **CENTRAL WASHINGTON UNIVERSITY**

[Order CWU AO 73—Filed September 30, 1994, 4:29 p.m.]

Date of Adoption: September 27, 1994.

Purpose: WAC 106-08-001, to change meeting location for board of trustees; WAC 106-08-002, to change reference to statute regulating formal hearings; WAC 106-08-040, to add identifying information to the list of exemptions to open adjudicative proceedings; WAC 106-08-110, to remove sexist language from guidelines for service of process; WAC 106-08-230, to remove duplicate word from procedure for depositions and interrogatories; WAC 106-08-260, to remove sexist language from instruction defining authorization for contested depositions and interrogatories; WAC 106-08-290, to remove sexist language from guidelines governing recording depositions and interrogatories; WAC 106-08-300, to correct spelling and remove sexist language from procedure for signing and returning depositions and interrogatories; WAC 106-08-310, to remove sexist language from guidelines for use of depositions and interrogatories; WAC 106-08-340, to correct punctuation and remove sexist language from interrogation procedures for depositions; WAC 106-08-350, to remove sexist language from procedure for attestation and return of depositions; WAC 106-08-400, to change statutory reference and remove sexist language from guidelines for appointment of hearing officers; WAC 106-08-410, to change statutory reference for location of rules governing hearing procedures; WAC 106-08-420, to



modify statutory reference for duties of hearing officers; WAC 106-08-430, to correct punctuation used in stipulations and admissions of record; WAC 106-08-450, to remove sexist language from procedure for request of continuance; WAC 106-08-460, to correct punctuation used in admissibility of evidence criteria; WAC 106-20-100, to correct addresses used to access operations and information; WAC 106-50-100, to modify address for rules coordinator; WAC 106-72-005, to redefine policy statement and clarify protected groups; WAC 106-72-015, to correct punctuation used to define protected workforce groups which will be analyzed annually; WAC 106-72-025, to clarify protected groups to be provided equal access to university sponsored programs and activities; WAC 106-72-200, to clarify protected groups of the student population to be provided equal access to student services; WAC 106-72-400, to redefine protected groups who will not be penalized or retaliated against for participation in complaint procedure; WAC 106-72-410, to adjust punctuation used within description of informal grievance procedure; WAC 106-72-440, to modify punctuation used within guidelines for formal grievance committee; WAC 106-72-510, to correct punctuation used within proceeding notice guidelines for formal grievance procedure; WAC 106-72-540, to make grammatical change within availability of necessary parties for an adjudicative proceeding; WAC 106-72-580, to correct punctuation used within description of rights of parties in an adjudicative proceeding; WAC 106-72-600, to correct punctuation used within directions for filing findings of grievance committee; and WAC 106-72-610, to correct punctuation used within outline of appeal procedure.

Citation of Existing Rules Affected by this Order: Amending chapter 106-08, 106-20, 106-50, and 106-72 WAC; amending WAC 106-08-001 Regular meetings; 106-08-002 Formal hearing policy, 106-08-040 Adjudicative proceedings open, 106-08-110 Service of process—Service upon parties, 106-08-230 Depositions and interrogatories in contested cases—Right to take, 106-08-260 Depositions and interrogatories in contested cases—Authorization, 106-08-290 Depositions and interrogatories in contested cases—Recordation, 106-08-300 Depositions and interrogatories in contested cases—Signing attestation and return, 106-08-310 Depositions and interrogatories in contested cases—Use and effect, 106-08-340 Depositions upon interrogatories—Interrogation, 106-08-350 Depositions upon interrogatories—Attestation and return, 106-08-400 Hearing officers, 106-08-410 Hearing procedures, 106-08-420 Duties of hearing officers, 106-08-430 Stipulations and admissions of record, 106-08-450 Continuances, 106-08-460 Rules of evidence—Admissibility criteria, 106-20-100 Organization—Operation—Information, 106-50-100 Address of rules coordinator, 106-72-005 Affirmative action policy statement, 106-72-015 Annual workforce analysis, 106-72-025 Nondiscrimination in delivery of services, 106-72-200 Procedures, rules, and regulations—Student services, 106-72-400 Affirmative action grievance procedure, 106-72-410 Informal grievance procedure, 106-72-440 Formal grievance procedure—Grievance committee, 106-72-510 Formal grievance procedure—Proceeding notice, 106-72-540 Adjudicative proceeding—Availability of necessary parties, 106-72-580 Adjudicative proceeding—Rights of parties, 106-72-600 Findings of grievance committee, and 106-72-610 Appeal procedure.

Statutory Authority for Adoption: RCW 28B.10.528, 28B.35.120(12).

Pursuant to notice filed as WSR 94-17-074 on August 15, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 28, 1994  
Ivory V. Nelson  
President

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-08-001 Regular meetings.** The regular meetings of the board of trustees of Central Washington University shall be held (~~(quarterly)~~) in Room (~~(143)~~) 412 in (~~(Bouillon)~~) Barge Hall on the Central Washington University campus in Ellensburg, Washington.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-002 Formal hearing policy.** In each instance that a formal hearing is required by institutional policy or chapter (~~(28B-19)~~) 34.05 RCW, the provisions of WAC 106-08-002 through 106-08-999 shall be applicable.

AMENDATORY SECTION (Amending Order CWU AO 68, filed 10/31/91, effective 12/1/91)

**WAC 106-08-040 Adjudicative proceedings open.** All adjudicative proceedings shall be open to the public, with the exception of student, faculty, and administrative, civil service-exempt disciplinary proceedings unless the subject of the proceedings chooses an open proceeding.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-110 Service of process—Service upon parties.** The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or her or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-230 Depositions and interrogatories in contested cases—Right to take.** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of (~~(of)~~) a complaint, application or petition. Depositions shall be taken only in accordance with this rule.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-260 Depositions and interrogatories in contested cases—Authorization.** A party desiring to take the deposition of any person upon oral examination shall

give reasonable notice of not less than three days in writing to the agency and all parties. 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 general description sufficient to identify ~~((him))~~ the person or the particular class or group to which ~~((he))~~ the person belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, 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 other depositions.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-290 Depositions and interrogatories in contested cases—Recordation.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under ~~((his))~~ the officer's direction and in ~~((his))~~ the officer's presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.** (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by ~~((him))~~ the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given ~~((therefor))~~ therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him or her and that the deposition is a true record of the testimony given by the witness. ~~((He))~~ The officer shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges ~~((therefor))~~ therefore, the officer

shall furnish a copy of the deposition to any party or to the deponent.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-310 Depositions and interrogatories in contested cases—Use and effect.** Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his or her witness by taking ~~((his))~~ a deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or her or any other party.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-340 Depositions upon interrogatories—Interrogation.** Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 106-08-250 the officer taking the same after duly swearing the deponent, shall read to ~~((him))~~ the deponent seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer, and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-350 Depositions upon interrogatories—Attestation and return.** The officer before whom interrogatories are verified or answered shall:

(1) Certify under ~~((his))~~ the officer's official signature and seal that the deponent was duly sworn by him or her, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither ~~((he))~~ the officer nor the stenographer ~~((to his knowledge))~~ is a party, privy to a party, or interested in the event of the proceedings, and

(2) Promptly send by registered or certified mail the original copy of the deposition and exhibits with ~~((his))~~ the officer's attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-400 Hearing officers.** In each instance that a formal hearing is required by institutional policy or chapter ~~((28B-19))~~ 34.05 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter ~~((28B-19))~~ 34.05 RCW, the ~~((chairman, vice chairman))~~ chair, vice-chair, or another member of the board of trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for

any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter ((28B-19)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-410 Hearing procedures.** Each hearing shall be conducted in the manner provided for in these rules and in chapter ((28B-19)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-420 Duties of hearing officers.** (1) All hearing officers appointed in accordance with WAC 106-08-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board of trustees as set forth in these rules and in chapter ((28B-19)) 34.05 RCW: *Provided*, That hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the board of trustees, together with a record of the proceeding. Within thirty days of service of such proposal for decisions, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-430 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument, or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency 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.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-450 Continuances.** Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

**WAC 106-08-460 Rules of evidence—Admissibility criteria.** Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

AMENDATORY SECTION (Amending Order CWU AO 69, filed 11/12/91, effective 12/13/91)

**WAC 106-20-100 Organization—Operation—Information.** (1) Organization. Central Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a seven-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administration office is located at the following address:

Business Office  
Central Washington University  
400 East 8th Avenue  
Ellensburg, WA 98926-7481

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

CWU Lynnwood ((CWU)) Center  
20000 68th Avenue West SKB  
Lynnwood, WA 98036

((South Seattle CWU Center)  
6000 16th Avenue SW  
Seattle, WA 98106)

CWU SeaTac Center  
2450 South 142nd St  
SeaTac, WA 98188

CWU Steilacoom ((CWU)) Center  
9401 Farwest Drive SW  
Tacoma, WA 98498

CWU Yakima ((CWU)) Center  
P.O. Box 1647  
16th Avenue and Nob Hill Blvd  
Yakima, WA 98907

(3) Information. Additional and detailed information concerning ~~((the))~~ educational offerings may be obtained from the catalog, copies of which are available at the following address:

~~((Admissions Office))~~ Academic Services  
Central Washington University  
400 East 8th Avenue  
Ellensburg, WA 98926-7463

AMENDATORY SECTION (Amending Order CWU AO 69, filed 11/12/91, effective 12/13/91)

**WAC 106-50-100 Address of rules coordinator.** The rules coordinator for this institution shall have an office in the following location:

President's Office  
 Central Washington University  
400 East 8th Avenue  
Ellensburg, WA 98926-7501

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-005 Affirmative action policy statement.** Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons forty years of age or older, persons of disability, ~~((and))~~ disabled veterans and Vietnam-era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

Furthermore, as an equal opportunity employer Central Washington University will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, ~~((religion, creed, age, national origin, disabled or Vietnam era veteran status, the presence of any physical, mental, or sensory handicap, marital status, sexual orientation, or sex except where a bona fide occupational qualification exists))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

(2) ~~((Ensure))~~ Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race,

color, ~~((religion, sex, age, national origin, creed, marital status, or the presence of any physical, mental or sensory handicap))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-015 Annual workforce analysis.** (1) The affirmative action office will conduct an annual workforce analysis for each academic department and a separate utilization analysis for protected group members (i.e., minorities, women, Vietnam-era and disabled veterans, persons of disability, and persons over the age of forty in each major job group. The university will set forth specific goals and timetables where underutilization is identified. Underutilization is defined as having fewer protected group members in a particular job than would reasonably be expected by their availability. (Higher Education Guidelines, Executive Order 11246.)

(2) The university and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill vacancies in order to achieve its goals, searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, a designee of the affirmative action office or the personnel services office must certify that the appropriate recruitment and hiring procedures have been followed.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-025 Nondiscrimination in delivery of services.** Central Washington University will provide equal access to all programs for all students on the basis of merit without regard to race, color, ~~((religion, sex, age, national origin, or the presence of any sensory, physical, or mental handicap))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and intercollegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-72-200 Procedures, rules, and regulations—Student services.** It is the goal of this university to create and maintain all student services which are responsible to the needs and desires of all students and which reflect a policy of nondiscrimination. In all areas of student services, students are to be treated as individuals without regard for race, ~~((religion, color, national origin, sex, age, or~~

physical disability)) color, creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-400 Affirmative action grievance procedure.** (1) A person who believes he or she has been discriminated against by Central Washington University because of race, color, ~~((ethnic background, sexual orientation, religion, national origin, sex, physical or mental handicap, or Vietnam era or disabled veteran))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran status is encouraged to utilize the grievance procedures provided by Central Washington University. There are informal and formal means of addressing complaints through the affirmative action office. These should be used as soon as possible after the alleged act of discrimination. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in this complaint procedure.

(2) All persons who seek the advice and assistance of the affirmative action office shall have explained to them the informal and the formal grievance procedures available to them through the university as well as the existence of external complaint procedures available through state and federal agencies. They shall also receive a copy of the affirmative action grievance procedure.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-410 Informal grievance procedure.** Informal review and consultative processes are highly desirable means of resolving problems. Use of those methods by individuals (e.g., students, employees, applicants) at the lowest possible level within the university is strongly encouraged.

(1) Individuals who believe that they have been the target of discrimination by Central Washington University are encouraged to discuss the matter initially with their department chair, dean, administrative supervisor, or department head. Students are encouraged to discuss the matter with the appropriate department chair, dean, or the vice-president for student affairs. The matter may be concluded by mutual consent at this point. However, complainants should feel free to bring the alleged act of discrimination to the attention of the director of affirmative action at any time.

(2) Any person may contact the affirmative action office for informal discussion, advice, and assistance. The affirmative action director or a designee will assist the complainant(s) in determining whether there exists any relationship of the complaint to civil rights legislation and the university's affirmative action program.

(3) With the consent of the complainant, there may be facilitation or informal intervention by the affirmative action director or a designee. Discussion of the grievance by the affirmative action director or a designee with the immediate supervisor of the respondent may follow the visit to the affirmative action office by the complainant. The discussion between the director of affirmative action and the immediate

supervisor shall be confidential. The complainant may choose to participate in this discussion at his/her option. At this time it shall be the option of the director of affirmative action to notify the respondent's next higher supervisory authority of the complaint.

(4) All discussions held under this informal procedure shall have the goal of resolving the matter without the necessity of entering into a formal complaint procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-72-440 Formal grievance procedure—Grievance committee.** An affirmative action grievance committee shall be appointed annually by the president and shall consist of five individuals representing the various university constituencies, including minority group members and both men and women. The committee shall be made up of one administrator, two faculty members, and two civil service employees and shall select its own chair. If a complainant is a student and so requests, two students may be substituted by the president for a like number of existing members of the committee. Members of the affirmative action grievance committee shall remove themselves from the case if they deem themselves biased or personally interested in its outcome.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-510 Formal grievance procedure—Proceeding notice.** If probable cause is found, a proceeding will be held.

(1) The chair of the committee shall establish a date for the proceeding. A notice establishing the date, time, and place of the proceeding shall be provided the parties not more than ten working days from the issuance of the probable cause or no cause decision. The composition of the proceeding committee shall be provided also.

(2) The proceeding shall be held not less than fifteen working days from the mailing of the notice of proceeding unless all of the parties, with the consent of the chair, agree to shorten the time to less than fifteen days.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-540 Adjudicative proceeding—Availability of necessary parties.** The parties and any others the affirmative action grievance committee ~~((deems))~~ deem necessary to the proceedings shall make themselves available to appear at the proceeding unless they can verify to the committee that their absence is unavoidable.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-580 Adjudicative proceeding—Rights of parties.** (1) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to examine and cross-examine witnesses.

(2) No individual shall be compelled to divulge information in any form which she/he could not be compelled to divulge in, or in connection with, superior court proceedings.

(3) Any legal opinion or interpretation given to the grievance committee by the parties may be shared with all parties to the case.

October 3, 1994  
Deborah Senn  
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

**WAC 106-72-600 Findings of grievance committee.** The affirmative action grievance committee shall file its findings and recommendations with the president, the affirmative action director, the complainant, and the respondent within fifteen working days after the conclusion of the proceeding. If the findings and recommendations of the affirmative action grievance committee are acceptable to the complainant and the respondent, the president may direct implementation of the recommendations.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-72-610 Appeal procedure.** (1) If the complainant or respondent objects to the findings and recommendations and wishes to appeal, a written appeal may be submitted to the president within ten working days from the date the report is delivered to the complainant and the respondent. The appeal must specify in detail the findings, recommendations, or other aspects of the report or decision to which exception is taken, as well as the reasons for the exceptions and the desired corrective action after consideration of the appeal by the president.

(2) After considering an appeal, the president shall issue a written decision to the parties involved within ten working days of receipt of the appeal. The decision of the president will not be further appealable within the university.

**WSR 94-20-068  
PERMANENT RULES  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Order R 94-15—Filed October 3, 1994, 12:08 p.m.]

Date of Adoption: October 3, 1994.

Purpose: To implement the short-term health insurance reforms enacted by the legislature during the 1993 session in the Washington Health Services Act of 1993 (chapter 492, Laws of 1993) to allow health carriers to reduce benefits based on the existence of other health coverage to a greater extent than previously allowed. This regulation shall remain in place during the transition to a fully reformed health services system.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-51-070; and amending WAC 284-51-010, 284-51-020, 284-51-030, 284-51-040, 284-51-050, 284-51-060, 284-51-075, 284-51-120, 284-51-130, 284-51-140, 284-51-150, and 284-51-170.

Statutory Authority for Adoption: RCW 48.01.200, 48.21.200, 48.01.030, 48.02.060 (3)(a).

Pursuant to notice filed as WSR 94-11-122 on May 18, 1994.

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

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-010 Purpose and scope.** (1) This regulation, WAC 284-51-010 through 284-51-180, is adopted pursuant to RCW 48.21.200 to establish standard coordination of benefit provisions, and uniform guidelines for their interpretation and administration, for group and individual disability insurance policies (as defined in RCW 48.20.002 and 48.21.010), group and individual health care service ((contractor group agreements)) contracts and group and individual health maintenance organization ((group)) agreements (all of which are hereinafter referred to as "(group) health contracts"), whose hospital, medical, or surgical benefits may be reduced because of other existing coverages. This regulation applies to individual and group contracts delivered or issued for delivery in Washington state. Except where the context otherwise requires, the definitions given in the Washington Insurance Code, Title 48 RCW, govern the construction of this regulation.

(2) This regulation does not require the use of coordination of benefit provisions in ((group)) health contracts(?); however, if a ((group)) health contract contains any provision for the reduction of benefits otherwise payable because of other insurance, it shall be consistent with and no less favorable than the requirements of this regulation, except that a plan of coverage designed to be supplementary over the policyholder's underlying basic plan of coverage may provide that its coverage shall be excess to that specific policyholder's plan of basic coverage from whatever source provided.

(3) For purposes of this regulation, the word "insurer" includes health care service contractors and health maintenance organizations.

(4) ~~(Pursuant to RCW 48.21.200(1) and WAC 284-44-040(9), no group disability insurance policy which provides benefits for hospital, medical or surgical expenses and no group health care service contract may contain any provision permitting a reduction or refusal to pay benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy (including "franchise plan" insurance) or any individual health care service contract.~~

(5) For purposes of this regulation, the words "medical benefits" shall be broadly construed and shall include, but not be limited to dental, optical, prescription drug and audio benefits.

NEW SECTION

**WAC 284-51-015 Amount of reduction allowed.** (1) As to benefits for preventive care, no health contract which is allowed to reduce or refuse to pay its benefits hereunder and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses.

PERMANENT

(2) As to benefits which are not for preventive care, no contract which is allowed to reduce or refuse to pay its benefits hereunder and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements. When out-of-pocket costs to the consumer reach two-hundred-fifty-dollars in a given calendar year over that carrier's deductible amount, if any, then coordination of benefits which are not for preventive care shall be done, if at all, in the manner prescribed in subsection (1) of this section.

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-020 Required provisions for coordination of benefits.** (1) A ~~((group))~~ health contract which provides for coordination of hospital, medical, or surgical benefits shall contain the required contractual provisions set forth in WAC 284-51-030 through 284-51-140, and 284-51-180, or provisions which are not less favorable to the insured or the insured's beneficiary. Such provisions shall be preceded individually by the caption appearing in such sections or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve. Such provisions collectively constitute the "coordination of benefits provision," which is referred to therein as "this provision."

(2) A blanket disability insurance policy, as defined in RCW 48.21.040, is not within the scope of this regulation, thus it may include an "excess" or "nonduplication of benefits" provision.

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-030 Benefits subject to coordination.**

(1) A ~~((group))~~ health contract which provides for coordination of all benefits thereunder shall contain a provision as follows: "**Benefits subject to this provision:** All of the benefits provided under this policy are subject to this provision."

(2) If one or more of the ~~((policy))~~ health contract benefits are to be exempt from reduction under the coordination provision, appropriate changes shall be made in the wording set forth in subsection (1). For example: "Only the major medical expense benefits provided under this policy are subject to this provision."

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-040 "Plan" defined.** (1) A ~~((group))~~ health contract which provides for coordination of benefits shall contain a provision stating what benefits from that ~~((policy))~~ health contract and other sources are to be recognized under the coordination provision. Each such source shall be defined as a "Plan."

(2) The definition of a "Plan" may include such sources of benefits or services as:

(a) Group, individual or blanket disability insurance policies and health care service contractor and health maintenance organization group or individual agreements, issued by insurers, health care service contractors and health maintenance organizations;

(b) Labor-management trustee plans, labor organization plans, employer organization plans or employee benefit organization plans;

(c) Governmental programs; and

(d) Coverage required or provided by any statute.

(3) This provision shall include the following wording or its equivalent: "The term 'plan' shall be construed separately with respect to each ~~((policy, agreement))~~ health contract or other arrangement for benefits or services, and separately with respect to the respective portions of any such ~~((policy, agreement))~~ health contract or other arrangement which do and which do not reserve the right to take the benefits or services of other ~~((policies, agreements))~~ health contract or other arrangements into consideration in determining its benefits."

(4) If not all of the ~~((group))~~ health contract's benefits are subject to coordination, this provision shall include the following wording or its equivalent: "'This Plan' means that portion of this ~~((policy))~~ health contract which provides the benefits that are subject to this provision." Any benefits provided under the ~~((group contract))~~ health contract that are not subject to this provision constitute another Plan.

~~((The definition of a "Plan" may not include individual or family disability insurance policies permitted by chapter 48.20 RCW; nongroup health care service contractor agreements permitted under chapter 48.44 RCW; nongroup health maintenance organization agreements permitted under chapter 48.46 RCW.~~

~~((6))~~ The definition of a "Plan" may not include group hospital indemnity benefits (that is, benefits paid on other than an expense incurred basis) of \$200 per day or less. It may, however, include reimbursement-type benefits where the insured has the right to elect indemnity-type benefits in lieu of the reimbursement benefits at the time of claim. The amount of group hospital indemnity benefits which exceeds \$200 per day may be included in the definition of "Plan."

~~((7))~~ ~~((6))~~ The definition of a "Plan" may not include coverage on preschool, grammar school, high school and college students for accidents only, including athletic injuries, either on a 24-hour basis or a "to and from school" basis.

~~((8))~~ ~~((7))~~ The definition of a "Plan" may include automobile insurance policies required by statute to provide medical benefits.

NEW SECTION

**WAC 284-51-045 "Preventive care" defined.** For purposes of this chapter, "preventive care" means "examinations, well baby care and other outpatient services specifically provided to monitor and maintain the patient's health and/or to prevent illness."



**AMENDATORY SECTION** (Amending Order R 91-6, filed 8/23/91, effective 9/23/91)

**WAC 284-51-050 Allowable expense.** (1) A ((group)) health contract which provides for coordination of benefits ("COB") shall contain a provision stating what expenses are to be recognized under the coordination provision as an allowable expense.

(a) Each such ((group)) health contract shall include the following definition: "Allowable expense means the (usual, customary and reasonable) charge for any necessary health care service or supply when the service or supply is covered at least in part under any of the plans involved. When a plan provides benefits in the form of services or supplies rather than cash payments, the reasonable cash value of each service rendered or supply provided shall be considered an allowable expense. The difference between the cost of a private hospital room and the cost of a semi-private hospital room is not considered an allowable expense under the above definition unless the covered person's stay in a private hospital room is considered medically necessary under at least one of the plans involved."

(b) Notwithstanding the above definition, health care services or supplies under plans which are limited to providing coverages such as dental care, vision care, prescription drugs or hearing aids may ~~(be excluded from)~~ limit the definition of allowable expense. A plan which provides benefits only for any such health care services or supplies may limit its definition of allowable expense to like services or supplies.

(c) When COB is restricted in its use to specific benefits in a health contract (for example, major medical or dental benefits, only), the definition of allowable expense must include the corresponding services and supplies to which COB applies.

(2) A plan is not required to include language in its ((group)) health contracts which is substantially similar to subsections (3) through (8) of this section. However, it may not include language which conflicts with subsections (3) through (8) of this section. COB adjudication practices must reflect subsections (3) or (4) or (5), and (6) and (7) and (8) of this section.

(3) When a plan provides benefits in the form of cash payments rather than services or supplies, the allowable expense may be the lesser of either the provider's charge for a health care service or supply, or the "usual, customary and reasonable" charge for that particular health care service or supply. In lieu of "usual, customary and reasonable," a plan may substitute the terms "usual and prevailing," or "reasonable and customary," or other terms which are commonly understood to be similar in meaning. A plan may only limit allowable expense to the "usual, customary and reasonable" charge if:

(a) That term is reasonably defined in that insurer's ((group)) health contract. Prior to limiting an allowable expense to a "usual, customary and reasonable" charge, the insurer must be able to support that such a limitation is based upon the application of statistically reliable comparative statistical measures, and is regularly reevaluated based on data which is current within twelve months of the date the service or supply was provided. When a secondary plan's "usual, customary and reasonable" charge for a

particular health care service or supply is less than the primary plan's "usual, customary and reasonable" charge for that same health care service or supply, the secondary plan must coordinate benefits based on no less than the primary plan's "usual, customary and reasonable" charge for that health care service or supply; or

(b) The health care service or supply is a covered benefit under the primary plan and the primary plan limits its allowable expense to the "usual, customary and reasonable" charge in accordance with (a) of this subsection: *And provided further*, That the secondary plan excludes that service or supply in the absence of COB. In such case, the secondary plan may coordinate benefits for that service or supply based on the primary plan's "usual, customary and reasonable" charge.

(4)(a) A plan may provide benefits in the form of services or supplies rather than cash payments. Services or supplies may be provided directly by the insurer, or they may be provided through various contractual arrangements between providers and the insurer which involve the payment of negotiated amounts based on fee schedules, percentage discounts off of a provider's usual charge, per diem payments, case price payments, or other substantially similar types of negotiated arrangements.

(b) For the purposes of this subsection (4) of this section, when services or supplies are provided through a contractual arrangement between the provider and the insurer in exchange for payment of a negotiated amount to the provider, the "negotiated amount" shall mean the amount set forth in the contractual arrangement in effect at the time of service. Such contractual arrangements must specify that the provider agrees to accept such amount as payment in full for a covered health care service or supply provided to a person enrolled under a group contract issued by that insurer.

(c) If the provider agrees to accept the negotiated amount as payment in full, whether that amount is paid in whole or in part by the covered person, or by that insurer, or by any combination of payors including other insurers which pay before that insurer in the order of benefit determination, then and only then may the insurer which is a party to that contractual arrangement with the provider consider the negotiated amount as the allowable expense. An insurer may not consider amounts negotiated in a contractual arrangement to which it is not a party to be the allowable expense.

(i) When the covered person is not responsible for paying any portion of the negotiated amount, and the insurer pays the entire negotiated amount to the provider, then that insurer may consider the negotiated amount as both an allowable expense and a benefit paid.

(ii) When any portion of the negotiated amount is paid by the covered person in accordance with the ((group)) health contract issued by the insurer, or is paid by any other person including any other insurer, then the negotiated amount may be considered the allowable expense. The negotiated amount less any amounts payable by other persons, including the covered person, shall be considered the benefit paid.

(5) When services or supplies are provided directly by the insurer, the reasonable cash value of the health care service or supply shall be considered the allowable expense. When the covered person is not responsible for paying any portion of the allowable expense, that insurer may consider

the reasonable cash value of the health care service or supply as both an allowable expense and a benefit paid. When the covered person is responsible for paying any portion of the allowable expense in accordance with the insurer's group contract covering the enrolled person, the reasonable cash value may be considered the allowable expense but the reasonable cash value less any amounts payable by other persons including the covered person shall be considered the benefit paid.

(6) The inclusion of Medicare or similar governmental benefits in the definition of a plan will not require the definition of allowable expense to recognize governmental benefits other than hospital, medical and surgical benefits.

(7) "Total allowable expenses" shall mean the sum of all allowable expenses for a particular covered person for a particular claim determination period. A secondary plan may reduce its benefits so that the total benefits paid or total services and supplies provided by all plans during a claim determination period are not more than total allowable expenses. The amount by which the secondary plan's benefits have been reduced (that plan's COB savings) shall be used by the secondary plan to pay allowable expenses, not otherwise paid, which were incurred during the claim determination period by the covered person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay or provide for allowable expenses based on all claims which were submitted up to that point in time during the claim determination period.

(8) When a secondary plan provides a benefit in the form of services or supplies through a contractual arrangement between the provider and the insurer rather than in the form of a cash payment, and that plan's allowable expense is less than the amount of the payment provided by any primary plan for that service or supply, the secondary plan shall not consider the primary plan's benefit to be more than the secondary plan's allowable expense for that service or supply for the purpose of determining total allowable expenses. In no event should a deficit amount be credited to the total allowable expenses because the primary plan's benefit payment exceeded the secondary plan's allowable expense.

(9) In the case where coverage is provided through internal maximums in the contract, the secondary carrier must coordinate benefits in such a manner to allow coverage for the internal maximums provided for in both the primary contract and the secondary contract. If internal maximums are provided for by a specified maximum dollar amount then the secondary carrier must coordinate benefits as secondary carrier until benefits under the primary contract are exhausted then pay its own contract benefits (up to its internal maximum dollar amount) until its own benefits are exhausted. If internal maximums are provided for by a specified maximum number of visits then the secondary carrier must coordinate benefits as secondary carrier until benefits under the primary contract are exhausted then pay its own contract benefits (up to its own maximum) until its own benefits are exhausted.

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-060 Claim determination period.** A ((group)) health contract which provides for coordination of benefits shall contain a provision stating the period to be used in applying the coordination provision, as follows: "Claim determination period: 'Claim determination period' means calendar year."

AMENDATORY SECTION (Amending Order R 86-6, filed 11/4/86, effective 1/1/87)

**WAC 284-51-075 Order of benefit determination.** (1) When a claim under a plan with a coordination of benefits provision involves another plan which also has a coordination of benefits provision, the following rules will be applied by the insurers involved to decide the order in which the benefits payable under the respective plans will be determined:

(a) The benefits of a plan which covers the person on whose expenses claim is based other than as a dependent, shall be determined before the benefits of a plan which covers such person as a dependent.

(b) Except for cases of a person for whom claim is made as a dependent child whose parents are separated or divorced, the benefits of a plan which covers the person on whose expenses claim is based as a dependent of a person whose date of birth, excluding year of birth, occurs earlier in a calendar year, shall be determined before the benefits of a plan which covers such person as a dependent of a person whose date of birth, excluding year of birth, occurs later in a calendar year. If either plan does not have the provisions of this subsection regarding dependents, which results either in each plan determining its benefits before the other or in each plan determining its benefits after the other, the provisions of this subsection shall not apply, and the rule set forth in the plan which does not have the provisions of this subsection shall determine the order of benefits. In the case of a person for whom claim is made as a dependent child, however,

(i) When the parents are separated or divorced and the parent with custody of the child has not remarried, the benefits of a plan which covers the child as a dependent of the parent with custody of the child will be determined before the benefits of a plan which covers the child as a dependent of the parent without custody; or

(ii) When parents are divorced and the parent with custody of the child has remarried, the benefits of a plan which covers the child as a dependent of the parent with custody shall be determined before the benefits of a plan which covers that child as a dependent of the stepparent, and the benefits of a plan which covers that child as a dependent of the stepparent will be determined before the benefits of a plan which covers that child as a dependent of the parent without custody; or

(iii) Notwithstanding items (i) and (ii) of this subdivision, if there is a court decree which would otherwise establish financial responsibility for the medical, dental or other health care expenses with respect to the child, the benefits of a plan which covers the child as a dependent of the parent with such financial responsibility shall be deter-

mined before the benefits of any other plan which covers the child as a dependent child.

(c) When (a) and (b) of this subsection do not establish an order of benefit determination, the benefits of a plan which has covered the person on whose expenses claim is based for the longer period of time shall be determined before the benefits of a plan which has covered such person the shorter period of time, provided that:

(i) The benefits of a plan covering the person on whose expenses claim is based as a laid off or retired employee, or dependent of such person, shall be determined after the benefits of any other plan covering such person as an employee, other than a laid off or retired employee, or dependent of such person;

(ii) If either plan does not have a provision regarding laid off or retired employees, which results in each plan determining its benefits after the other, then the provisions of (i) of this subsection shall not apply.

(d) If none of the above rules determines the order of benefits, the benefits of the plan which covered an employee, member, or subscriber longer are determined before those of the plan which covered that person for the shorter time.

(2) If the ((policy)) health contract provides more than one benefit, the ((policy)) health contract shall contain a provision stating how the reduction in benefits by the coordination provision affects each benefit under the ((policy)) health contract. Suggested language for such provision is included in Appendix B, WAC 284-51-185.

(3) A group contract which provides for coordination of benefits shall contain a provision entitled "*Effect on Benefits*," stating the manner in which benefits are reduced by coordination, which provision shall be substantially as set forth in Appendix B, WAC 284-51-185.

(4) This section takes effect on January 1, 1987. The provisions of this section shall apply to all policy and contract forms subject to this section that are issued on or after this effective date, and all policy and contract forms that were issued prior to said effective date shall be brought into compliance with the requirements of this section by the later of the next anniversary date or renewal date of the group policy or contract, or the expiration of any applicable collectively bargained contract pursuant to which they are written.

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-120 Facility of payment.** A ((group)) health contract which provides for coordination of benefits shall contain a provision substantially as follows: "**Facility of payment:** Whenever payments which should have been made under this Plan in accordance with this provision have been made under any other Plan, the insurer shall have the right, exercisable alone and in its sole discretion, to pay over to any Plan making such other payments any amounts it shall determine to be warranted in order to satisfy the intent of this provision, and amounts so paid shall be considered benefits paid under this Plan and, to the extent of such payments, the insurer shall be fully discharged from liability under this Plan."

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-130 Right of recovery.** A ((group)) health contract which provides for coordination of benefits shall contain a provision substantially as follows: "**Right of recovery:** Whenever payments have been made by the insurer with respect to allowable expenses in total amount, at any time, in excess of the maximum amount of payment necessary at that time to satisfy the intent of this provision, the insurer shall have the right to recover such payments, to the extent of such excess, from one or more of the following, as the insurer shall determine: Any persons to or for or with respect to whom such payments were made, any other insurers, any service plans or any other organizations or other Plans."

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-140 Right to receive and release necessary information.** A ((group)) health contract which provides for coordination of benefits may contain a provision substantially as follows: "**Right to receive and release necessary information:** For the purpose of determining the applicability of and implementing this provision and any provision of similar purpose in any other Plan, the insurer may, with such consent of the insured person as may be necessary, release to or obtain from any other insurer, organization or person any information, with respect to any person, which the insurer considers necessary for such purpose. Any person claiming benefits under this Plan shall furnish to the insurer the information necessary for such purpose."

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-150 Disclosure of coordination.** (1) Each certificate of coverage under a ((group)) health contract which provides for coordination of benefits must contain, at least in summary form, a description of the coordination provision.

(2) Each certificate of coverage shall contain a statement substantially as follows: "If you have other coverage besides ours, we recommend that you submit your claim to us and to each other insurer at the same time. In that way, the proper coordinated benefits may be most quickly determined and paid."

(3) In addition, each insurer shall urge its group clients to take reasonable steps so that those insured by the group policy are exposed to reasonably concise explanations, with as little technical terminology as is consistent with accuracy, of the purpose and operation of the coordination of benefits provision. Such educational effort may, for example, take the form of articles in company magazines or newspapers, speeches before labor organizations or other employee groups, brochures in pay envelopes, notices on bulletin boards and materials used by employers in counseling employees.

**AMENDATORY SECTION** (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

**WAC 284-51-170 Effective date.** This regulation, WAC 284-51-010 through 284-51-180, shall take effect January 1, ~~((1982))~~ 1995.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 284-51-070 Order of benefit determination.  
WAC 284-51-160 Conformity of contracts.

**WSR 94-20-070**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed October 3, 1994, 12:46 p.m.]

Date of Adoption: September 29, 1994.

Purpose: Ensure the integrity and proper administration of race day medication prior to racing.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-026 Bleeder treatment.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 94-17-143 on August 23, 1994.

Effective Date of Rule: Thirty-one days after filing.  
October 3, 1994

Bruce Batson  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 87-15-020, filed 7/8/87)

**WAC 260-70-026 Bleeder treatment.** A horse on the bleeder list must be treated at least four hours prior to post time with furosemide (i.e., Lasix®). No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide (i.e., Lasix®) by oral administration is NOT PERMITTED for such purposes.

(1) The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

(2) The trainer of the horse to be treated as authorized by this rule, or his/her designated representative, shall witness the administration of the bleeder medication.

**WSR 94-20-072**

**PERMANENT RULES**

**GRAYS HARBOR COLLEGE**

[Filed October 3, 1994, 2:18 p.m.]

Date of Adoption: September 19, 1994.

Purpose: To delete references to Title IX discrimination which will be covered in chapter 132B-310 WAC. The vice-president for student services replaces the Title IX/handicap office of the college.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Other Authority: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 94-16-090 on August 1, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 19, 1994

Kathy Quigg

Acting Chairman

Board of Trustees

**Chapter 132B-300 WAC**

**GRIEVANCE PROCEDURE—HANDICAPPED**

**AMENDATORY SECTION** (Amending Order 78-1, Resolution No. 17-78, filed 12/1/78)

**WAC 132B-300-010 Statement of policy.** Grays Harbor Community College is covered by ~~((Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and))~~ Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. It is the policy of Grays Harbor Community College to ensure equal opportunity without regard to ~~((sex or))~~ handicap status in all areas of admission, education, application for employment, and employment.

A grievance procedure is required by ~~((Title IX of the Education Amendments of 1972 and))~~ Section 504 of the Rehabilitation Act of 1973.

**AMENDATORY SECTION** (Amending Order 78-1, Resolution No. 17-78, filed 12/1/78)

**WAC 132B-300-020 Grievance procedure.** (1) Any applicant for admission, enrolled student, applicant for employment or employee of Grays Harbor Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting, the complainant may request a meeting with the college ~~((Title IX/handicap officer))~~ vice-president for student services.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within 30 calendar days of receiving the written request, the ~~((college Title IX/handicap officer))~~ vice-president for student services shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within 30 calendar days of receiving the written request, the college officer will

report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the (~~college Title IX/handicap officer~~) vice-president for student services, either the complainant or the person to whom the complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within 10 days after receipt of the written results of the Step 2 official hearing.

(ii) Within 15 days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the (~~Title IX/handicap officer~~) vice-president for student services, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW, 1321 Second Avenue, Seattle, Washington 98101.

(b) The Equal Opportunity Commission, 705 Second Avenue, Seattle, Washington 98101.

(c) The Human Rights Commission, 402 Evergreen Plaza Building, 7th and Capitol Way, Olympia, Washington 98504.

**WSR 94-20-073**  
**PERMANENT RULES**  
**GRAYS HARBOR COLLEGE**  
[Filed October 3, 1994, 2:26 p.m.]

Date of Adoption: September 19, 1994.

Purpose: To establish rules governing the filing of grievances based on sex discrimination and sexual harassment.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Pursuant to notice filed as WSR 94-16-091 on August 1, 1994.

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

September 19, 1994

Kathy Quigg  
Acting Chairman  
Board of Trustees

**Chapter 132B-310 WAC**  
**GRIEVANCE RULES—TITLE IX**

NEW SECTION

**WAC 132B-310-010 Statement of policy.** Grays Harbor College, as a place of work and study, aspires to be maintained free of all forms of harassment, discrimination, intimidation and exploitation. Members of the college community should be aware that the college will take action to prevent and correct such behavior and that individuals who engage in such behavior are subject to discipline. Retaliation against any employee, student, applicant or volunteer who reports harassment is also subject to discipline.

It is the intent of this policy to provide an internal means of mediating and resolving harassment complaints, with the understanding that all parties to such complaints have access to resources outside the college as well. Cases involving a student as the accused will be referred to the vice-president for student services for disposition under the student conduct code.

NEW SECTION

**WAC 132B-310-020 Definitions.** Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment.

Harassment based on any of the above violates the policies of the board of trustees of Grays Harbor College and may violate federal and state laws.

Application to students. Where students are involved, such behavior is considered harassment whenever such conduct has the purpose or effect of interfering with the student's learning or learning performance or when the learning environment becomes intimidating, hostile, or offensive to the student involved.

In addition, the unwelcome behavior is considered harassment when: Submission to such conduct is made either explicitly or implicitly a term or condition of the student's grade, receipt of a grade or status as a student; or the student's submission to or rejection of such conduct is used as a basis for a decision affecting that student.

Further, it includes behavior that overtly or covertly uses the power inherent in the status of instructor or other employee to affect a student's educational experience or career opportunities by intimidating, threatening or coercing the student to accept the unwelcome behavior or risk reprisal in terms of a grade, a recommendation, an opportunity for professional growth, or a job.

Application to employees, volunteers, and applicants. In the case of employees, volunteers, or applicants, such

behavior is considered harassment whenever such conduct has the purpose or effect of unreasonably interfering with the person's work or work performance, or creating an intimidating, hostile, or offensive environment.

Additionally, harassment of an employee, volunteer, or applicant is defined as unwelcome or offensive verbal or physical conduct when: Submission to such conduct is made either explicitly or implicitly a term or condition of the person's employment, promotion, or status as an employee or volunteer; the person's submission to or rejection of such conduct is used as a basis for a decision affecting that person.

Examples. Examples of behaviors that may constitute harassment include, but are not limited to, the following:

- \* Repeated, offensive and unwelcome insults and/or jokes;
- \* Repeated, unwelcome comments about an individual's body or clothing;
- \* Unwelcome and offensive displays of objects or pictures;
- \* Persistent unwelcome flirtation, advances, and/or propositions of a sexual nature;
- \* Deliberate and unwelcome touching, such as patting, pinching, hugging, or repeated brushing against an individual's body;
- \* Pressure for dates or sex, if unwelcome and repeated;
- \* Pressure for dates or sex in exchange for grades, promotions, salary increases or benefits;
- \* Stating or implying to an applicant that he or she will be hired with sexual relations as a condition of employment.

#### NEW SECTION

**WAC 132B-310-030 College community responsibilities.** Any student, employee, volunteer or applicant on campus who feels that he or she has been harassed should report allegations of harassment to the equity resource director or one of the college's designated ombudspersons who will be appointed annually by the president. It is the responsibility of the vice-president for student services to maintain and ensure wide publicity of the list of ombudspersons' names. Every attempt will be made to handle such information in a discreet and professional manner.

All members of this college community are responsible for ensuring that their conduct does not harass any other member of this institution's community. If a member of the college community observes incidents of harassment or discovers that a problem exists, he or she has a responsibility to report that information to the equity resource director, the vice-president for student services, or the college's designated ombudspersons.

Administrators and supervisors have the added responsibility of helping to prevent and eliminate harassment within the area(s) they oversee.

#### NEW SECTION

**WAC 132B-310-040 Complaint options.** (1) Informal resolution. Internal review and consultative process have been proven to be desirable means of resolving problems.

An individual who believes he or she has been or is being harassed may choose to informally share information and seek advice from the equity resource director or one of the college's designated ombudspersons. The purpose of this informal procedure is to give the complainant a sounding board, to help make sure that the complainant becomes informed of the options available, and to effect an informal resolution of complaints where possible. These include, but are not limited to:

- \* Mediation through a liaison between parties.
- \* Mediation through a face-to-face meeting between parties.
- \* Mediation through written correspondence between parties. Every attempt will be made to keep this material confidential; however, confidentiality cannot be guaranteed.
- \* Filing of an informal incident report with the college equity resource director. The informal incident report will be shared with the other party by the appropriate administrative supervisor for a response no later than the end of the subsequent academic term. If over a period of time, complaints continue to be received regarding the conduct of the same individual, it will then be the responsibility of the administrative supervisor to initiate a formal investigation of the merits of the complaints against that individual. All incident reports and responses will remain in the equity resource director's files for no more than six years.

If the complainant is satisfied at this point, he or she may decline to pursue the matter any further. No further action will be taken unless the complainant specifically requests such action or the college decides to pursue the matter on behalf of the college. Every attempt will be made to keep these discussions and materials confidential; however, confidentiality cannot be guaranteed.

Personnel action authority has been delegated to the college president, vice-president for administration, and vice-president for instruction. If a complainant brings an allegation to any one of these three administrators, that administrator will make a good faith effort to inform the employee of the complaint. However, the administrator will consider whether doing so would seriously impair the investigative process. It is the responsibility of these administrators to inform a potential claimant of their responsibility to so inform the other party.

(2) Formal. The complainant may file a formal written complaint:

- (a) At any point in the process, whether an informal resolution has been attempted or not; or
- (b) If a satisfactory resolution cannot be obtained through the informal procedure.

The formal written complaint should include the times, dates, places and circumstances surrounding the allegation. The accused will be notified of the allegation at this point.

The investigative process begins with a preliminary meeting with the college's equity resource director or vice-

president for student services. The purpose of this meeting is to orient the complainant to the formal complaint process. The complainant is encouraged to bring to this meeting any personal support person such as a friend, clergy, family member, professional counselor, etc., of the complainant's choice who is not, however, an employee of the college. These support persons will be encouraged to accompany the complainant through the remainder of the complaint process. Like the complainant, the accused will be encouraged to identify a support person such as a friend, clergy, family member, professional counselor, etc., who is not an employee of the college to accompany him or her through the remainder of the process.

Nothing herein shall be deemed to preclude an employee's right to union representation. If at any point either party secures legal counsel, the other party will be so notified immediately. The formal complaint will be referred for investigation to the vice-president for administration, the vice-president for instruction or the equity resource director if they have not previously been involved with the case, the selection to be made by the president. In appointing an investigator, the president should obtain such information as he deems appropriate.

Because damage could result to the career and reputation of any person who is affected by a harassment complaint investigation, all investigations of and hearings on such matters will be conducted insofar as possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant, until the matter is impartially resolved. Only those persons responsible for investigating and enforcing harassment complaints will have access to the investigative files during the pendency of any proceedings.

**NEW SECTION**

**WAC 132B-310-050 Resolution of formal written complaints.** In determining whether the alleged conduct constitutes harassment, the investigator will consider the record as a whole and all relevant circumstances. The investigator will make a complete investigation in a timely manner. Upon concluding the investigation, the investigator will submit a written summary of the investigative files and a recommendation for appropriate resolution of the complaint to the president.

Within five working days after reviewing the investigator's report, the president will make a determination and will advise the accused and the complainant of the decision, which may include, but is not limited to, the following:

(1) If there appears to be a sufficient foundation for the allegation, the options may include a verbal and/or written reprimand, demotion, suspension or referral to the Grays Harbor College dismissal review committee or the Washington state department of personnel in cases of recommended dismissal. A summary of all action taken to resolve the complaint will be entered into the accused's personnel file or the employment/volunteer application file.

(2) If there appears to be an inadequate foundation for the complaint, no record of the allegation will be made in the personnel records or the employee/volunteer application files of either the accused or the complainant. Malicious or

dishonest allegations may justify disciplinary action against the complainant.

Appeals by faculty members will be referred to the board of trustees. Appeals by classified personnel will be heard by a hearing officer of the personnel appeals board.

A summary of all harassment investigations will be retained in the equity resource director's files.

It shall be the responsibility of the college president to provide written complaint investigation guidelines as administrative procedures for the college.

If desired, inquiries or appeals beyond the institution level may be directed to:

(a) United States Equal Opportunity Commission, 2815 Second Avenue, Suite 500, Seattle, WA 98121.

(b) The Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490. Phone (206) 753-6770 or 1-800-233-3247.

(c) United States Department of Education, Office of Civil Rights, 1915 Second Avenue, Room 3310, Seattle, WA 98174-1099.

**WSR 94-20-074**

**PERMANENT RULES**

**CENTRAL WASHINGTON UNIVERSITY**

[Order CWU AO 74—Filed October 3, 1994, 2:30 p.m.]

Date of Adoption: September 27, 1994.

Purpose: Eliminate warning consideration for first parking infraction notice.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-603.

Statutory Authority for Adoption: RCW 28B.10.528, 28B.10.560, 28B.35.120.

Pursuant to notice filed as WSR 94-17-149 on August 23, 1994.

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

September 29, 1994

Ivory V. Nelson  
President

**AMENDATORY SECTION** (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

**WAC 106-116-603 Monetary penalty schedule.**

Offense	Penalty
(1) Improper display of permit . . . . .	\$ 5.00
(2) Parking faculty-staff area . . . . .	12.00
(3) Parking yellow stripe or curb . . . . .	7.00
(4) Parking outside designated parking area . . . . .	7.00
(5) Obstructing traffic . . . . .	25.00
(6) Parking at improper angle or using more than one stall, or backing into parking stall . . . . .	7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901 . . . . .	7.00
(8) Reserved parking area . . . . .	12.00
(9) No parking area . . . . .	10.00
(10) Overtime parking . . . . .	7.00

PERMANENT



- (11) Using counterfeit, falsely made, or altered permit . . . . . 100.00
- (12) Illegal use of permit . . . . . 100.00
- (13) No current permit . . . . . 7.00
- (14) Parking service drive . . . . . 12.00
- (15) Parking/driving sidewalks, malls . . . . . 15.00
- (16) Parking/driving lawns . . . . . 20.00
- (17) Parking fire lane . . . . . 25.00
- (18) Parking fire hydrant . . . . . 25.00
- (19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401) . . . . . 12.00
- (20) Other violations of the objectives of the CWU parking and traffic regulations . . . . . 7.00 to 12.00
- (21) Parking in a space marked "disabled person permit only" . . . . . 30.00
- (22) Continuous parking . . . . . 20.00

~~((The first \$5.00 to \$7.00 infraction notice between September 1 and August 31 each year shall be considered a written warning and no monetary penalty will be imposed if brought to the public safety and police services department within seven calendar days from the date of the infraction. Parking warning transactions will be processed by that department between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.))~~ Parking infraction notices shall qualify for a \$3.00 reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a \$3.00 reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

**WSR 94-20-075**  
**PERMANENT RULES**  
**CENTRAL WASHINGTON UNIVERSITY**  
 [Order CWU AO 76—Filed October 3, 1994, 2:32 p.m.]

Date of Adoption: September 27, 1994.

Purpose: WAC 106-140-010, to amend punctuation and clarify terminology; WAC 106-140-011, to correct grammar and specify that business sales must comply with commercial activity policies of the university; WAC 106-140-020, to correct punctuation; WAC 106-140-021, to revise punctuation, position title, and sexist language; WAC 106-140-023, to correct punctuation; WAC 106-140-031, to modify

punctuation; WAC 106-140-032, to correct numerical references; WAC 106-140-035, to revise punctuation; WAC 106-140-040, to modify grammar, punctuation, and titles; eliminate sexist language; clarify control of vending machines; and define where violations should be reported; WAC 106-140-050, to correct grammar and punctuation; WAC 106-140-051, to clarify terminology and adjust punctuation; WAC 106-140-052, to amend punctuation; WAC 106-140-110, to change title and clarify violation details; WAC 106-140-111, to modify grammar and department title; WAC 106-140-112, to clarify approval procedure for installation of telephones; WAC 106-140-113, to modify department title; WAC 106-140-130, to correct agency designation; WAC 106-140-131, to adjust punctuation; WAC 106-140-133, to change position title; WAC 106-140-160, to adjust punctuation; WAC 106-140-401, to modify sexist language and delete outdated procedural reference; WAC 106-140-600, to specify departments maintaining entertainment policies; WAC 106-140-605, to change position title and correct sexist language; WAC 106-140-632, to correct punctuation; WAC 106-140-660, to adjust punctuation; WAC 106-140-670, to change position title, correct sexist language, and adjust punctuation; WAC 106-276-005, to amend punctuation; WAC 106-276-010, to modify punctuation and make APA-mandated wording changes; WAC 106-276-030, to correct grammar, sexist language, punctuation, and position titles and clarify division reporting structure; WAC 106-276-040, to modify reference to Administrative Procedure Act, change non-APA wording, adjust grammar, and title designation; WAC 106-276-060, to clarify responsibility for and access to public records and grammatical changes; WAC 106-276-070, to correct punctuation and clarify procedure for inspection and copying of public records; WAC 106-276-080, to modify procedure for request of public records; WAC 106-276-090, to correct grammar and punctuation and clarify policy governing charges for copying or reproduction of public records; WAC 106-276-100, to correct sexist language and spelling; and WAC 106-276-110, to clarify process concerning review of public records request denial, correct grammar, and modify sexist and non-APA language.

Citation of Existing Rules Affected by this Order: Amending chapters 106-140 and 106-276 WAC, WAC 106-140-010 Business sales, 106-140-011 Business sales—Restrictions, 106-140-020 Advertising—Advertising in recognized student and faculty publications, 106-140-021 Advertising—Advertising on bulletin boards, 106-140-023 Advertising rates—Student publications, 106-140-031 Publicity and literature—Outdoor signs, 106-140-032 Publicity and literature—Bulletin boards, 106-140-035 Publicity and literature—Use of tables, 106-140-040 Selling on campus, 106-140-050 Soliciting and selling of published materials, 106-140-051 Soliciting and selling of published materials—Exceptions, 106-140-052 Soliciting and selling of published materials—Prohibitions, 106-140-110 Telephone services—Long distance calls, 106-140-111 Telephone services—Requests for repairs, 106-140-112 Telephone services—Approval of installations, 106-140-113 Telephone services—Right to restrict or modify services, 106-140-130 Prohibition of smoking, 106-140-131 Building key—Authority to issue, 106-140-133 Responsibility for expenses resulting from failure to return keys, 106-140-160 Use of

PERMANENT

university mailing and stationery services, 106-140-401 Facilities scheduling and use, 106-140-600 Entertainment policy, 106-140-605 Entertainment—Approval required, 106-140-632 Entertainment—Damages bond—Responsibilities of sponsor, 106-140-660 Authority of athletic director to administer athletic events, 106-140-670 Authority of (~~dean of students~~) vice-president for student affairs to administer recreation program, 106-276-005 Definitions, 106-276-010 Definition of public record, 106-276-030 Description of central and field organization at Central Washington University, 106-276-040 General course and method of decision-making, 106-276-060 Designation of public records officers, 106-276-070 Availability for public inspection and copying or reproduction of public records, 106-276-080 Requests for public records, 106-276-090 Charges for copying or reproduction, 106-276-100 Determination regarding exempt records, and 106-276-110 Review of denials of public records requests.

Statutory Authority for Adoption: RCW 28B.10.528, 28B.35.120(12).

Pursuant to notice filed as WSR 94-17-076 on August 15, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 29, 1994  
Ivory V. Nelson  
President

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-010 Business sales.** The soliciting, selling, exposing for sale, or offering to sell of any goods, services, articles, wares or merchandise of any nature whatsoever, within the boundaries of Central Washington University property is prohibited except by written permission of the board of trustees, president, or his designee: *Provided*, That this section shall not apply to any otherwise legal private, personal, noncommercial sales between individuals where no general or public solicitation, exposure for sale or offer to sell is involved, or to the soliciting, selling, exposing for sale, or offering to sell of individual books, newspapers, magazines, pamphlets, and similar published materials.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-011 Business sales—Restrictions.** Central Washington University property and facilities may not be used for the activities set forth in WAC 106-140-010 unless such activities serve the purposes and needs of the university and are sponsored by a university department, agency, or recognized organization((s)). Such activities (~~(should only be permitted where they complement the services provided by local businesses)~~) must be in compliance with the commercial activity policies of the university.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-020 Advertising—Advertising in recognized student and faculty publications.** Advertising in publications of the university and its recognized student

or faculty organizations or on university-operated radio or television broadcasts is permitted within the requirements of journalistic policies, prices, rules, and regulations established by each program.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-021 Advertising—Advertising on bulletin boards.** Advertising in order of priority, by students, university employees, and recognized organizations thereof on bulletin boards is approved but shall be subject to regulation by the (~~dean of students~~) vice-president for student affairs or his or her designated representative with respect to priority when there is a lack of space, and to the size and duration of the posting. This section applies to bulletin boards located at the following places:

Location	Users
(1) Samuelson Union Building Nature of advertisements: Activities of the sponsoring organization((s)) only.	Student government activities Campus-sponsored groups Campus-sponsored events
(2) Mitchell Hall Nature of advertisements: Activities of the sponsoring organization only.	Student government activities Campus-sponsored groups Campus-sponsored events
(3) Bookstore Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations and students.
(4) Any additional ASC bulletin board space which may be provided by the university or by a recognized organization.  Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations.
(5) Residence halls Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations.

Advertising by other than Central Washington University affiliated or recognized groups is not permitted at any time on university property and will be removed upon discovery.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-023 Advertising rates—Student publications.** The following rules shall be followed regarding advertising rates in student publications:

- (1) Display advertising rates shall be appropriately and publicly announced prior to each year's publication period.
- (2) Rates shall bear reasonable relationship to prevailing commercial standards and shall be based upon current economic conditions, publication financial requirements, and competitive situations.

PERMANENT

(3) Differentials in display advertising rates shall be permitted based upon frequency and amount of advertising by advertisers and upon classification of advertisements, such as "local" or "national."

(4) Classified advertising rates, appropriately set and properly announced, shall be on the basis of cost per line.

(5) Closing dates for receipt of advertising material shall be set according to current mechanical publication requirements.

(6) Acceptability of advertisements shall be determined prior to each year's publication period and based upon current state law, other university rules and regulations, and commonly accepted practices and mores.

**AMENDATORY SECTION** (Amending Order 39, filed 7/11/78)

**WAC 106-140-031 Publicity and literature—Outdoor signs.** These signs may include banners, posters, stick signs, sandwich boards, or other types of signs. Any sign causing destruction of property will be removed upon discovery.

(1) Student activity signs approved by the scheduling center may be placed anywhere on the major walkways or malls immediately adjacent to the Samuelson Union Building.

(2) Stick signs and banners or posters may be posted in the immediate area of Commons and Holmes dining hall entrances. Signs in these areas will be limited to two feet by three feet in size. Pep banners or any other large signs to be posted in the immediate area of Commons or Holmes dining hall entrances must receive specific approval of the scheduling center and the director of food services.

(3) For Central Washington University student election campaigns, other areas such as the west end of Black Hall or the east end of Hertz Hall may be designated by the election committee subject to the approval of the university official responsible for that area.

(4) All signs, banners, and posters on the physical property immediately surrounding dormitories must be approved by the scheduling center and housing manager.

(5) Signs shall not be posted on trees or doors anywhere on campus; any so placed may be removed and destroyed by Central Washington University and Central Washington University may charge the group or individual responsible for such sign placement for the labor required to restore the premises.

(6) Outdoor signs shall be removed within thirty-six hours after an event.

(7) If signs and debris are not removed by the individuals or groups responsible for their erection within thirty-six hours after an event, after warning the individual or group, the university may take steps to remove the debris, litter, or material and charge the group or individual responsible for such erection, installation, or placement, for the labor required to restore the premises to the original condition.

**AMENDATORY SECTION** (Amending Order 2, filed 1/13/72)

**WAC 106-140-032 Publicity and literature—Bulletin boards.** Posting on bulletin boards for regularly scheduled meetings shall not be earlier than three days before an event;

posters for major activities such as speakers and dances shall not be placed on bulletin boards until ~~((7))~~ seven days before the event. All posters shall be removed within ~~((36))~~ thirty-six hours after the event. Maximum allowable size of any sign is 12 x 18 inches; any sign in excess of the stated size may be removed at any time.

**AMENDATORY SECTION** (Amending Order 2, filed 1/13/72)

**WAC 106-140-035 Publicity and literature—Use of tables.** Representatives of organizations recognized by the associated students of Central may arrange for use of literature tables through the scheduling office. Such tables shall be used only for literature from students, faculty, or departments.

**AMENDATORY SECTION** (Amending Order 59, filed 11/7/86)

**WAC 106-140-040 Selling on campus.** Selling within the boundaries of Central Washington University property may be permitted in the manner and at the locations as set forth below:

(1) University housing:

(a) The selling of ~~((food))~~ items in vending machines is controlled by and administered through the office of the director of auxiliary services, excepting those in the student union building, which are under the control of the student union building administration.

(b) Residents in university housing are allowed to sell or to offer services on commission with a special permit from the director of auxiliary services or ~~((his))~~ designee. Students may request such a permit only for their assigned room or housing unit ~~((only since))~~ because door-to-door selling is not allowed on campus.

(2) Other campus areas, as follows:

(a) Selling by individual students or by recognized organizations in classroom buildings, administrative buildings, or service buildings is not allowed without special permission that must be obtained from the vice-president for business and financial affairs or ~~((his))~~ designee not less than five business days prior to the date the requested activity is to take place.

(b) The university athletic committee regulates the selling policy at university athletic events. Applications for permission to sell at such events shall be made to the university athletic director or ~~((his))~~ designee.

(c) The ~~((SUB facilities council))~~ Samuelson Union board regulates selling by individuals and groups in the Samuelson Union Building. Applications for permission to sell in the Samuelson Union Building shall be made to the ~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee through the scheduling center. Off-campus vendors may rent table space in the union building for a maximum of two days (five if ware fairs are included) per academic quarter. Requests for exceptions to this regulation will be made to the ~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee.

(3) Violations of the foregoing on any university property should be reported promptly to the ~~((dean of students))~~ vice-president for business and financial affairs

except for Samuelson Union Building which should be reported to the vice-president for student affairs.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-050 Soliciting and selling of published materials.** The personal, noncommercial soliciting, selling, exposing for sale, or offering to sell by ~~((an))~~ a person or persons, of any books, newspapers, magazines, pamphlets, and similar published materials shall be permitted within the boundaries of Central Washington University property, provided that such published materials are not already available for sale at the university, and shall be subject to regulation by the university president or his designee as to the time, place, and manner thereof. Applications for permission to solicit or sell under this policy shall be submitted to the president or his designee twenty-four hours prior to the time such use of the university facilities is desired. The president or his designee shall establish the time, place, and manner that such soliciting and selling shall occur within the boundaries of university property. All rules and regulations, orders or directives adopted by the president or his designee pursuant to this section shall be promulgated.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-051 Soliciting and selling of published materials—Exceptions.** WAC 106-140-050 shall not apply to otherwise legal private sales between individuals where no general or public solicitation, exposure for sale, or offer to sell is involved.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-052 Soliciting and selling of published materials—Prohibitions.** The soliciting, selling, exposing for sale, or offering to sell of any material in violation of Washington state law is prohibited.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-110 Telephone services—Long distance calls.** Personal long distance calls may not be charged to any university telephone number; any individual doing so shall pay for the cost of the toll charge, plus an additional penalty charge established by the university. Long distance telephone calls may be placed from ~~((college))~~ university telephones by charging the call to a nonuniversity telephone number or to a credit card.

~~((Repeated))~~ Violation~~((s))~~ of this section may result in disciplinary action.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-111 Telephone services—Requests for repairs.** All requests for repair of university telephones are to be made with ~~((the))~~ university ~~((telephone office))~~ telecommunication services.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-112 Telephone services—Approval of installations.** ~~Telephones ((may be installed on the Central Washington University campus only with the approval of the director of auxiliary services or his designee))~~ in all administrative and academic buildings of the university may only be installed with the approval of the manager of telecommunication services.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-113 Telephone services—Right to restrict or modify services.** The university reserves the right at any time it deems necessary to restrict or change:

- (1) The telephone services,
- (2) Access to controlled long distance networks,
- (3) The hours of having operators on duty,
- (4) The amounts and types of information it will make available to the public through ~~((the telephone office))~~ telecommunication services.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72, effective 7/20/72)

**WAC 106-140-130 Prohibition of smoking.** Smoking is prohibited in ~~((college))~~ university buildings except campus living facilities and designated areas.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-131 Building key—Authority to issue.** (1) Only department chairs and administrative heads may authorize issuance of submaster, building entrance, or individual room keys for their departments to faculty, staff, administrators, students, contractors, vendors, or service agents.

(2) Only deans, vice-presidents, the director of auxiliary services, and the director of physical plant are authorized to issue building masters for their respective operational areas.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-133 Responsibility for expenses resulting from failure to return keys.** (1) The administrative head authorizing issuance of keys to contractors, vendors, or service agents will be responsible for the return of the keys to the lock shop as scheduled, and if the keys are not returned as scheduled, will be required to pay the cost of recombining work necessary to retain building security and function as determined by the director of ~~((physical plant))~~ facilities management.

(2) The department responsible for the issuance of keys may be billed the cost of recombining work necessary to restore security when faculty, staff, administrators, or students fail to return keys to the key shop. The work required to restore security will be determined by the director of ~~((physical plant))~~ facilities management for state-funded facilities and by the director of auxiliary services for auxiliary service facilities. The responsible department chair

or administrative head will be informed of the cost estimate prior to the rekeying process.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-160 Use of university mailing and stationery services.** No one may employ university stationery, services (mail, duplicating, equipment, etc.), and supplies for personal use or for organizations not sponsored solely by the university.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-401 Facilities scheduling and use.** The coordinator of the university scheduling center shall have authority for approving and scheduling the use of the following facilities:

(1) Classrooms (lecture and seminar) and certain specified conference rooms within academic facilities: *Provided*, That scheduling of these facilities by academic departments for academic purposes shall have priority over other uses;

(2) Samuelson Union Building facilities;

(3) Limited housing and dining hall facilities, except that such facilities are made available only through the director of auxiliary services or ~~((his))~~ the director's designee. ~~((Policies and procedures which individuals and organizations must follow in scheduling the use of facilities are provided in the Central Washington University Facilities Use Policy which is maintained in the scheduling center in the Samuelson Union Building. In addition, use of university facilities must comply with the provisions of WAC 106-140-410 through 106-140-528.))~~

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-600 Entertainment policy.** The entertainment policy for Central Washington University shall be maintained by the director of student activities, except for those for university housing which shall be maintained by the director of housing services and the director of residence living. All entertainment as defined in WAC 106-140-601 shall be presented in accordance with this policy and in accordance with the provisions of WAC 106-140-602 through 106-140-632.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-605 Entertainment—Approval required.** All entertainment, except athletic events administered by academic departments and events sponsored through the university office of recreation and intramurals must have the signed approval of the ~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-632 Entertainment—Damages bond—Responsibilities of sponsor.** Officially recognized organizations and private entities may be required to furnish Central Washington University with a certificate of insurance or other satisfactory proof that such organization or private entity has purchased reasonable broad form insurance coverage (e.g., \$1,000,000 liability coverage and \$250,000 property damage coverage for use of Nicholson Pavilion) for the entertainment event presented by such organization or private entity, of which Central Washington University is the sole beneficiary. The following shall be required of all officially recognized organizations and private entities presenting entertainment:

(1) Each organization or private entity shall provide the scheduling office with a complete list of all the officers, agents, and representatives of the organization, including full names, local addresses, and permanent addresses of each.

(2) Each organization or private entity shall be responsible for the admissions, attendance, and crowd control in the university facilities during the time reserved for their organization.

(3) Each organization or private entity assumes responsibility for all violations of campus regulations and policies, state law, and federal law which occur in connection with the use of the facilities and shall hold the university harmless from any claims or liability for any act or failure to act on the part of the organization.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-660 Authority of athletic director to administer athletic events.** The athletic director of Central Washington University shall establish reasonable admission fees, rules, and regulations regarding attendance and crowd control at athletic events at Central Washington University. Advance notice of such admissions fees, rules, and regulations regarding attendance and crowd control at athletic events at Central Washington University will be provided to interested parties, whenever possible, by the athletic director.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-670 Authority of ~~((dean of students))~~ vice-president for student affairs to administer recreation program.** The ~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee may establish reasonable admission charges, schedules, rules, and regulations regarding uses, attendance, and crowd control at Nicholson Pavilion and Pool, and admission charges will be assessed for university employees and their immediate families during such periods. Advance notice of such charges, schedules, rules, and regulations shall be provided to interested parties, whenever possible, by the ~~((dean of students))~~ vice-president or ~~((his))~~ designee.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-005 Definitions.** As used in the provisions of this chapter, the following definitions shall apply wherever the following words are used:

(1) "Request for a public record" means a written request submitted on a proper CWU public records request form for a public record, a review of public records, or a copy or reproduction of a public record.

(2) "Students in public schools" means all past, present, and future students enrolled at Central Washington University.

(3) "Vital governmental interest" includes, but is not limited to, matters affecting national security; the selection of a site or the purchase of real estate when publicity regarding such consideration would cause a likelihood of increased price.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-010 Definition of public record.** (1) A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Central Washington University, regardless of the physical form or characteristics: *Provided, however,* That in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record:

(a) Personal information in any files maintained for students in public schools and the information, data, and records subject to the student records policy, WAC 106-172-700 through 106-172-799.

(b) Personal information in any files maintained for patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(c) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(d) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(e) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(f) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology

agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: *Provided,* That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: *Provided further,* That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(g) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(h) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(i) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(j) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(k) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(l) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(m) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(2) The exemptions of this section 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 shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a ~~(hearing)~~ proceeding with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Any response refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-030 Description of central and field organization at Central Washington University.** (1) Central Washington University is located on a campus in ~~((and near))~~ the city of Ellensburg, Washington. This campus comprises the central headquarters for all operations of the university; any "field" activities of the university are administered by personnel located on the campus at Ellensburg. The university is governed by a board of trustees appointed by the governor; such board meets at regular intervals, as provided in WAC 106-08-001. The board employs a president, ~~((his))~~ the president's assistants, members of the faculty and other employees. It establishes such organizational units as are necessary to carry out the purposes of the university, provides the necessary property, facilities, and equipment and promulgates such rules, regulations, and policies as are necessary to the administration of the university.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic, and support divisions to enable the university to discharge its obligations. Academic matters ~~((and student affairs))~~ are the concern of the provost and vice-president for academic affairs; business and physical planning functions are the concern of the vice-president for business and financial affairs; ~~((university services are the concern of the executive assistant to the president))~~ matters related to student services are the concern of the vice-president for student affairs; the vice-president for university advancement oversees matters related to the internal and external affairs of the university and fund raising from private sources. These offices report to the president of the university.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-040 General course and method of decision-making.** (1) The formal procedures for decision-making at the university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter ~~((28B-19))~~ 34.05 RCW, the ~~((Higher Education))~~ Administrative Procedure Act ~~((HEAPA))~~ (APA). Accordingly, all rules, orders or directives, or regulations of the university which affect the relationship of the general public with the institution, or the relationship of particular segments of the university, such as students, faculty, or other employees, with the university or with each other,

(a) The violation of which subjects the person to a penalty or administrative sanction; or

(b) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional ~~((hearings))~~ proceedings; or

(c) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented through the procedures of the ~~((HEAPA))~~ APA and appear in Title 106 WAC, provided, however, that in accordance with RCW ~~((28B-19.020(2)))~~ 34.05.220, the university reserves the right to promulgate as internal rules not created or implemented in accordance with the ~~((HEAPA))~~ APA, the following:

Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for ~~((admissions))~~ admission; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial ~~((aids))~~ aid, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under ~~((HEAPA))~~ APA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the university's published catalogs and handbooks shall be collected in a general university ~~((handbook))~~ policies manual, a copy of which shall be maintained on file in the university library and be available to the public.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-060 Designation of public records officers.** (1) In accordance with the requirements of chapter 42.17 RCW, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official divisions while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in Mitchell Hall at the university. The exact location and name of the public records officer may be determined by inquiry at the office of the president of the university. The public records officer shall also be responsible for compiling and maintaining the index required by chapter 42.17 RCW.

~~((For purposes of this chapter, the custody of the university's records shall be deemed divided into the following divisions:~~

~~((a) Office of the president;~~

~~((b) Office of the vice president for academic affairs;~~

~~((c) Office of the vice president for business and financial affairs;~~

~~((d) Office of the dean of students. The above designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. Such division heads shall be known as the university "records custodians."~~

~~((4))~~ In ~~((any))~~ cases where a question arises as to whether a given public record is ~~((a))~~ the responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the university.



AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-070 Availability for public inspection and copying or reproduction of public records.** (1) Public records shall be available for inspection, copying, and reproduction during the customary office hours of the university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the university, acting through the public records officer (~~or a records custodian~~), agree on a different time.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-080 Requests for public records.** In accordance with chapter 42.17 RCW the requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer (~~or any other of the persons designated by this chapter as a custodian of certain university records~~), per WAC 106-276-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the university records officer, a reference to the requested record as it is described in such current index;
- (d) If the requested matter is not identifiable by reference to the university records current index, a statement that succinctly describes the record requested;
- (e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the university "public records officer" (~~or records custodian~~), or that individual's designee, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-090 Charges for copying or reproduction.** (1) No fee shall be charged for inspection of public records. The university may impose a reasonable charge for providing copies or reproductions of public records (~~and~~) for (~~the~~) use by any person of agency equipment to copy or reproduce public records(~~and~~) and for any excessive time expended by a state employee in researching the requested records, as determined by the public records officer. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying or reproduction.

(2) No record shall be copied by photostatic process or otherwise reproduced until and unless the person requesting the copying or reproduction of the public record has tendered payment for such copying or reproduction to the records official from whom the public record was obtained, or to any person designated by such records official.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-100 Determination regarding exempt records.** (1) The university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the university, president of the university, or an assistant attorney general assigned to the university.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether or not (~~his~~) the request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or (~~his~~) designee, specifying the specific reasons (~~therefor~~) therefore.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record (~~or his duly authorized representative~~) shall petition for prompt review of such decision by tendering to the president's office a written request for a review of such denial. Such written request by a person (~~or his duly authorized representative~~) demanding prompt review shall specifically reference the written statement by the university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person (~~or his duly authorized representative~~) petitioning for prompt review of a decision denying a public record, the president of the university or any (~~of his designees~~) designee, which for the purposes of this section may include the public records officer (~~or the records custodians~~), shall consider such petition.

(3) During the course of the two business days in which the president or (~~his~~) designee reviews the decision of the public records officer denying the request for a public record, the president or (~~his~~) designee may conduct (~~an informal hearing~~) a brief adjudicative proceeding. During the course of such (~~informal hearing~~) brief adjudicative proceeding, the president or (~~his~~) designee may require that the person requesting the public record (~~or his duly authorized representative~~) appear at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record (~~he~~) the person is seeking. Failure by the person requesting the review (~~hearing or his duly authorized representative~~) proceeding to appear at such (~~informal hearing~~) brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon

completion of the review of ~~((his))~~ the request within two business days. If the petitioner requesting review ~~((or his duly authorized representative))~~ does appear at such ~~((informal hearing))~~ brief adjudicative proceeding, then the period for review by the university shall be extended to a period not exceeding twenty-four hours after such person requesting review ~~((or his duly authorized representative))~~ has appeared before the president or ~~((his))~~ designee.

(4) During the course of the ~~((informal hearing))~~ brief adjudicative proceeding conducted by the president or ~~((his))~~ designee under this section, the ~~((hearing))~~ presiding officer shall consider the obligations of the university ~~((fully))~~ to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.290 insofar as it requires the university to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.

**WSR 94-20-080**  
PERMANENT RULES  
**DEPARTMENT OF HEALTH**  
(Division of Community and Family Health)  
[Filed October 4, 1994, 8:22 a.m.]

Date of Adoption: August 10, 1994.

Purpose: To create a training course for unlicensed personnel to administer and interpret TB skin tests and directly observed therapy.

Statutory Authority for Adoption: ESB 6158, chapter 70.28 RCW.

Pursuant to notice filed as WSR 94-14-081 on July 5, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 28, 1994  
Sylvia Beck  
Executive Director  
Board of Health

**NEW SECTION**

**WAC 246-170-035 Tuberculin skin testing and medication administration training.** The department shall make available a course to be used by the state tuberculosis control program or local health departments to train tuberculosis community health workers.

This course shall include, but not be limited to:

- (1) Tuberculosis infection and disease, including prevention, transmission, pathogenesis, diagnosis and treatment;
- (2) The administration, reading, and interpretation of the Mantoux tuberculin skin test;
- (3) The performance of oral directly observed therapy and directly observed preventive therapy;
- (4) Adverse reactions to tuberculosis medications and how to monitor patients for adverse reactions;
- (5) Appropriate referral mechanisms for positive skin tests, adverse reactions, or other medical needs;

- (6) Personal health and safety requirements including the use of personal protective equipment.

**WSR 94-20-081**  
PERMANENT RULES  
**DEPARTMENT OF HEALTH**  
(Nursing Care Quality Assurance Commission)  
[Filed October 4, 1994, 8:25 a.m.]

Date of Adoption: September 16, 1994.

Purpose: To clarify licensure requirements for students who have graduated from a basic professional nursing course and are continuing their education in nursing.

Statutory Authority for Adoption: RCW 18.88.080.

Pursuant to notice filed as WSR 94-16-104 on August 2, 1994.

Effective Date of Rule: Thirty-one days after filing.  
September 16, 1994  
Patricia O. Brown, RN, MSN  
Executive Director

**AMENDATORY SECTION** (Amending WSR 94-07-012, filed 3/4/94, effective 4/4/94)

**WAC 246-839-020 Documents which indicate authorization to practice registered nursing in Washington.** The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure ~~((--))~~<sub>2</sub> confers the right to use the title registered nurse and the use of its abbreviation, R.N.<sub>2</sub> and to practice as a registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the board of nursing on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The board requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-839-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires

to retire temporarily from the practice of nursing in this state.

(3) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 246-839-120).

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 246-839-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 246-839-410. This authorizes the ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

**WSR 94-20-103  
PERMANENT RULES  
ENERGY OFFICE**

[Filed October 4, 1994, 4:52 p.m.]

Date of Adoption: October 4, 1994.

Purpose: To allow the state to manage protracted shortages of electric energy, and to prevent system-wide collapses of the regional transmission grid.

Statutory Authority for Adoption: RCW 43.21F.045.

Pursuant to notice filed as WSR 94-11-128 on May 18, 1994.

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

October 4, 1994

Judith Merchant  
Director

**Chapter 194-22 WAC  
WASHINGTON STATE CURTAILMENT  
PLAN FOR ELECTRIC ENERGY**

NEW SECTION

**WAC 194-22-010 Purpose and goal.** The purpose of this chapter is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy. This chapter constitutes the Washington state curtailment plan for electric energy (plan). The plan is not intended to be activated for relatively short-term emergencies such as those caused by extremely cold weather or the temporary loss of a major generating plant, but for regional, protracted shortages of electric energy. The plan will be activated by the Washington state energy office for regional emergencies for which regional curtailment is necessary. Such emergencies may or may not coincide with other emergencies for which other actions, such as repair of damaged facilities, are necessary.

The goal of this plan is to accomplish necessary curtailment while treating consumers fairly and equitably, minimizing adverse impacts from curtailment, complying with existing state laws and regulations, and providing for smooth, efficient, and effective curtailment administration.

NEW SECTION

**WAC 194-22-020 Definitions.** "Base billing period" is one of the billing periods comprising the base year. Base billing period data may be weather-normalized at each utility's discretion before being used to calculate the amount of curtailment required by consumers.

"Base year" is the period from which required curtailment is calculated. It is normally the twelve-month period immediately preceding imposition of state-initiated load curtailment.

"Critical load consumer" includes consumers that supply essential services relating to public health, safety, welfare, or energy production, and includes but is not limited to those consumers listed in RCW 43.21G.030.

"Curtailment" means electric load reduction, irrespective of the means by which that reduction is achieved.

"Curtailment target" is the maximum amount of energy that a consumer may use and still remain in compliance with the state curtailment request or order; the curtailment target is figured individually for each consumer.

"Direct service industries" means industries, primarily aluminum plants, that receive electric power directly from the Bonneville Power Administration (BPA).

"Excess power consumption" is that amount of electric energy consumed during any billing period which is above the consumer's calculated curtailment target. It is calculated as one of two values:

\*Actual or estimated load minus curtailment target; or

\*Weather-normalized load minus curtailment target.

Under mandatory curtailment, if a consumer's electric energy consumption exceeds the threshold consumption level, all excess power consumption is subject to penalty unless exempted (see WAC 194-22-110, mandatory curtailment enforcement).

"General use customer" refers to any nonresidential consumer who purchased and consumed five average megawatts or less during the base year.

"Major use consumer" refers to any consumer who purchased and consumed over five average megawatts during the base year.

"Minimum audit level" is the minimum percentage of consumers in each consuming sector that must be audited each billing period under mandatory curtailment. The minimum audit level is set by the state and subject to change.

"Region" includes the states of Washington, Oregon, Idaho, and those portions of Montana that are west of the continental divide and/or within the control area of the Montana Power Company.

"Regional curtailment plan for electric energy, May 22, 1992" is the model document on which this plan is based. The regional curtailment plan for electric energy and appendices are a policy document the state will use to guide implementation of this plan. Where there are discrepancies, this chapter applies.

"Regional load" is the electric load placed by ultimate consumers within the region on their respective utility suppliers.

"State" means the Washington state energy office. Other state agencies which may participate in curtailment activities include: The office of the governor; the utilities and transportation commission; the joint senate and house energy and utilities committee established during energy emergencies; and the department of community, trade, and economic development.

"State contacts" refers to individuals who represent the state of Washington in connection with curtailment issues.

"State-initiated" refers to actions taken by the state to implement load curtailment.

"Threshold consumption level" is the maximum amount of energy that a consumer can use during mandatory load curtailment without being subject to enforcement measures (see WAC 194-22-110, mandatory curtailment enforcement) taken under this plan. The threshold consumption level is set by the state and subject to change.

"Utility contacts" refers to individuals representing utilities in connection with curtailment issues.

"Utility coordinator" is the director of the northwest power pool.

"Utility curtailment reports" are reports summarizing curtailment data, which must be submitted monthly to the state and the utility coordinator. Reporting requirements are provided by the state to utilities.

"Weather-normalization" is the procedure used to reflect the impact of weather on utility load levels, sometimes referred to as "weather-adjustment."

**NEW SECTION**

**WAC 194-22-030 Curtailment stages.** State curtailment directives apply to all retail loads served within the state of Washington. Under this plan, curtailment is requested or ordered as a percentage of historical, base billing period electric energy consumption, weather normalized at the discretion of each utility, for all individual residential, general, and major use consumers in the state of Washington. Curtailment stages are associated with increasing energy deficits, and are therefore likely to be implemented

in a sequential manner, however, circumstances may require nonsequential implementation.

The five curtailment stages are:

Curtailment			
Stage #	Nature	Percent	Type of Curtailment
Stage 1	Voluntary	No specified %	Uniform among all consumers
Stage 2	Voluntary	5% +	Uniform among all consumers
Stage 3	Mandatory	5 to 15%	Uniform among all consumers
Stage 4	Mandatory	15% 15% + 15% +	Residential consumers General use consumers Major use consumers
Stage 5	Mandatory	% associated with Stage 4 + additional curtailment	Continued consumer curtailment plus utility action, including plant closures and possible black-outs

**NEW SECTION**

**WAC 194-22-040 Initiation of load curtailment.** The state, in consultation with regional state and utility contacts, will determine if curtailment is required, and if so, the appropriate initial stage. It is the intent of the state to initiate state-wide curtailment concurrent with Oregon, Idaho, and Montana, leading to an effective regional curtailment and consistent implementation policies. The state will formally notify the utility coordinator and all electric utilities operating within the state of Washington that regional and state-wide electric load curtailment are in effect. If any stage associated with a specific level of curtailment is declared (Stages 2-5), the state will publicly announce the need for curtailment and provide all utilities operating within the state of Washington with written instructions regarding utility obligations during the period of state-initiated load curtailment. Upon notification by the state, utilities shall immediately initiate curtailment on their own systems in conformance with this plan.

**NEW SECTION**

**WAC 194-22-050 Curtailment administration—Stage by stage utility obligations.** Throughout the curtailment period, utilities will provide consumers with as much useful information as they reasonably can. The requirements specified below represent minimum actions to be taken. All requirements for lower level stages continue to apply to higher level stages. Utilities will provide information to the public, state and utility coordinator in conformance with the regional curtailment plan for electric energy, Appendix B, "Types of Curtailment Information."

(1) Stage 1 requirements: Utilities will begin providing curtailment information to all consumers. Utilities shall also assist states, as appropriate, in briefing the media about the shortage.

(2) Stage 2 requirements: Utilities will:

- (a) Notify consumers of the percentage level of state-initiated voluntary curtailment;
- (b) Provide curtailment tips to consumers;
- (c) Answer consumer questions about curtailment;

PERMANENT

(d) Provide curtailment reports to the states and the utility coordinator; and

(e) Provide more detailed information to the media than provided in Stage 1.

(3) Stage 3 requirements: Utilities will:

(a) Notify consumers of the percentage level of state-ordered mandatory curtailment;

(b) Calculate base billing period data and curtailment targets for all consumers subject to audit in the current billing period;

(c) Provide curtailment targets to all consumers who request such data for their own accounts;

(d) Provide consumers with information about how to apply for exemption and adjustment of base year data (utilities may elect to provide this information only to audited consumers or those subject to penalties (see WAC 194-22-110, mandatory curtailment enforcement) under this plan);

(e) Process requests for exemption and base year data adjustments from those consumers selected for audit who would otherwise be subject to penalties (see WAC 194-22-110, mandatory curtailment enforcement); and

(f) Implement the enforcement requirements (see WAC 194-22-110, mandatory curtailment enforcement) of the plan.

(4) Stage 4 requirements: Utilities will notify consumers of any applicable changes in state-initiated mandatory curtailment.

(5) Stage 5 requirements: Utilities will collaborate with the state to develop and implement the most effective methods for securing the required load curtailment and to minimize the economic and human hardships of the last stage of load curtailment.

#### NEW SECTION

**WAC 194-22-060 Curtailment administration—Suggested curtailment actions.** Utilities will provide their consumers with curtailment information about actions they can take to reduce their electric energy consumption. The state and utilities will work together to develop this material. The recommendations will be based on the actions described in the regional curtailment plan for electric energy, Appendix C, "Curtailment Measures." Utilities are responsible for tailoring curtailment information to their service areas, adding utility-specific information, printing the material in an appropriate form, and disseminating it to their consumers.

#### NEW SECTION

**WAC 194-22-070 Curtailment administration—Base year, base billing period data.** The state will select a base year to be used in calculating curtailment targets for individual consumers. Base year and base billing period data may be weather-normalized at each utility's discretion using standard utility procedures, and will be calculated for any consumer audited under this plan. Utilities may elect to audit residential and general use consumers for whom no actual base year or base billing period data exists, but must estimate data for such consumers. Utilities will estimate base year and base billing period data for all major use consumers for whom no actual billing data exists.

#### NEW SECTION

**WAC 194-22-080 Curtailment administration—Curtailment targets.** Under voluntary curtailment utilities need do no more than provide curtailment tips to consumers, provided sufficient curtailment is being achieved equitably between states and utilities. At the direction of the state, utilities will provide individual consumers with curtailment targets. Utilities will provide retrospective, current, and forthcoming billing period curtailment target data to all consumers as directed by the state. Under mandatory curtailment the following will apply:

(1) At a minimum, utilities will provide retrospective, current, and forthcoming billing period curtailment target data to any audited consumer and to any consumer who so requests.

(2) Utilities may elect to audit up to one hundred percent of their customers, provided that each billing period minimum audit level requirements are met. Unless adjusted by the state, the minimum audit level will be at least one percent of residential consumers, five percent of general use consumers, one hundred percent of major use consumers, and any consumer whose previous billing period consumption exceeded the threshold consumption level. Such consumers will continue to be audited until their energy use falls below the threshold consumption level. Once their energy use falls below that level, they will be audited again only if selected by sample.

(3) For audit, new samples will be drawn each month. The number of consumers exempted or excluded from audit will not affect the sample size.

(4) Unless a utility is auditing one hundred percent of its residential and general use consumers, all such consumers selected for audit will be chosen on a random sample basis, except that the following consumers will be excluded:

(a) Consumers granted an exemption under this plan; and

(b) Consumers with an estimated power bill in the current billing period.

Utilities may elect to exclude residential and general use consumers with estimated base billing period data, if the state does not require their inclusion in the pool of consumers subject to audit.

(5) Any existing curtailment of load based on contractual provisions between an industrial consumer and its utility does not count towards the consumer's required curtailment obligation to the state, excepting where such curtailment represents fifty percent of the consumer's base year consumption level. This exemption may be suspended by the state under Stage 5 of mandatory curtailment.

#### NEW SECTION

**WAC 194-22-090 Curtailment administration—Excess power consumption.** Excess power consumption is calculated at each utility's discretion as one of two values: Actual or estimated load minus curtailment target; or weather-normalized load minus curtailment target. Enforcement measures (see WAC 194-22-110, mandatory curtailment enforcement) will only be assessed on excess power consumption if a consumer's actual, estimated or weather-normalized load is greater than the threshold consumption level.

NEW SECTION

**WAC 194-22-100 Curtailment administration—Threshold consumption level.** The threshold consumption level assigned to each consumer class is identified in the table below. These values are subject to change by the state.

Type of Consumer	Threshold Consumption Level
Residential consumers	10% above curtailment target
General use consumers	10% above curtailment target
Major use consumers	2% above curtailment target

NEW SECTION

**WAC 194-22-110 Curtailment administration—Mandatory curtailment enforcement.** The state will take whatever measures are available and appropriate at the time mandatory curtailment is instituted to ensure that consumers comply with the mandates of the plan.

Enforcement measures applicable to BPA's DSI customers may be assessed by the state based on billing data provided by BPA.

NEW SECTION

**WAC 194-22-120 Curtailment administration—Exemptions and adjustments.** (1) Utilities will inform consumers how to apply for exemption from plan requirements and for adjustments of base billing period data. Utilities may elect to process exemptions and adjustments only for audited consumers. Consumers seeking an exemption or adjustment shall apply first to their utility and then, if dissatisfied with that outcome, to the state.

(2) No automatic consumer exemptions will be granted under mandatory state-initiated load curtailment. Critical load consumers may be exempted once they have demonstrated to their utility that they have eliminated all nonessential energy use and are using any reliable, cost-effective back-up energy resources. Exempted consumers should be informed that exemption may not protect them from Stage 5 black-outs.

(3) Exemptions for consumers not qualifying as critical load consumers under this plan will be evaluated based on whether curtailment would result in unreasonable exposure to health or safety hazards, seriously impair the welfare of the affected consumer, cause extreme economic hardship relative to the amount of energy saved, or produce counterproductive results.

(4) Utilities will maintain a list of all consumers applying for exemption, noting the account, the nature of the requested exemption (base year adjustment or exemption from the mandatory curtailment order), the rationale provided by the consumer, and the action taken by the utility with respect to the request. Records regarding exemption determinations will be made available to the Washington state energy office upon request.

NEW SECTION

**WAC 194-22-130 Curtailment administration—State appeals board.** (1) In the event that mandatory curtailment is ordered, the state shall form an electricity curtailment appeals board (board) to process consumer requests for either exemption or adjustment of base year data where the consumer is appealing a utility determination. The board shall consist of twelve members: The director of the state energy office or designee who shall serve as chair, the chair of the Washington utilities and transportation commission or designee, and one representative from each of the following groups as appointed by the governor; public utility districts, cooperative, municipal, and investor-owned utilities, county and municipal government, commercial and industrial users, and two citizens at large.

(2) The board will:

(a) Develop its own plans and procedures for hearing appeals;

(b) Initiate communications with utilities for receiving appeals; and

(c) Provide information to the governor for any case in which the board refuses to grant the requested exemption or adjustment.

(3) Throughout the appeals process, the state will periodically inform the appealing consumers and their respective utilities of the status of the appeals.

NEW SECTION

**WAC 194-22-140 Utility exemption from plan.** The state expects all electric utilities to comply with all aspects of this plan, and to work together to assist each other in conforming to curtailment requirements. Nevertheless, utilities may appeal to the state requesting an exemption from any aspect of this plan. A petition for exemption shall identify specific requirements from which a utility wishes to be exempted, demonstration of need for the exemption, and alternative actions the utility will take in lieu of complying with plan requirements.

NEW SECTION

**WAC 194-22-150 Utility waiver of liability and financial relief.** Utilities are released from liability and may seek financial relief from the extraordinary costs of curtailment in accordance with RCW 43.21G.050 and 43.21G.080.

NEW SECTION

**WAC 194-22-160 Scheduling curtailment.** During periods of mandatory curtailment a consumer is obligated to provide the requisite amount of curtailment within each billing period. Within that billing period, and subject to equipment limitations and utility rules on load fluctuations, consumers are free to schedule their curtailment so as to minimize the economic cost, hardship, or inconvenience they experience as a result of the mandatory curtailment requirement.

NEW SECTION

**WAC 194-22-170 Purchase of curtailment requirements.** General and major use customers may, with approval from the state, and with the assistance and approval of effected utilities, sell curtailment requirements to other regional general and major use customers, which would allow reduced curtailment for one customer and a commensurate increase in curtailment requirements for the other. No arrangement under this section may be carried out that contravenes the goals of regional curtailment. No sale of curtailment requirements may result in a net increase in actual electricity consumption during the curtailment year.

NEW SECTION

**WAC 194-22-180 Consumer owned generation.** Consistent with the need for safety and system protection, consumers having their own generation facilities or access to electricity from nonutility power sources may use energy from those other sources to supplement their curtailed power purchases from their electric utility.

NEW SECTION

**WAC 194-22-190 Return to normal operations.** The state will develop a plan for returning to normal utility operations based upon the circumstances at the end of the shortage. The nature of the actions required will depend on the last existing stage of curtailment and the actions taken and processes put in place during the curtailment. At a minimum, the procedures will address public information matters and the close-out of curtailment administrative procedures.





**WSR 94-20-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed September 21, 1994, 4:37 p.m.]

Date of Adoption: September 20, 1994.

Purpose: Expressly authorize integrated compliance with SEPA and GMA so as to ensure that environmental analyses required under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA.

Citation of Existing Rules Affected by this Order: Amending chapter 197-11 WAC.

Statutory Authority for Adoption: RCW 43.21C.110.

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: Reduce waste of public resources brought about by duplication and inefficiencies in meeting the requirements of SEPA and GMA. Reduce risks to the health, safety and general welfare caused by not fully taking into account environmental factors in the development of plans and regulations at the time decisions are made.

Effective Date of Rule: Immediately.

September 20, 1994

Mary Riveland  
Director

Integrating the Growth Management Act (GMA)  
and the State Environmental Policy Act (SEPA)

PREAMBLE

This preamble is included to help the reader understand the emergency rule below. It provides information only and is not regulatory. The reader should refer to the rule for more complete direction.

A. Purpose and policy of integrating SEPA review with GMA planning.

(1) Deadlines for Growth Management Act plan decisions are imminent, and a number of cities and counties are seeking to integrate their GMA and SEPA processes in the initial phase of GMA compliance in order to protect and promote public safety, health and welfare in their communities. Moreover, communities are preparing, refining and revising comprehensive plan elements, subarea plans, and development regulations under GMA. The current SEPA rules do not explicitly authorize local governments planning under GMA to, among other things, initiate expanded scoping prior to SEPA threshold determinations, to make threshold determinations after proposed GMA actions are developed, or to use a substantially different format for integrated GMA/SEPA documents. The primary purpose of this rule is to provide such explicit authorization.

(2) Both GMA and SEPA seek to achieve healthy, sustainable communities and productive harmony between people and nature. GMA governs policy choices on managing growth through local comprehensive plans and development regulation. SEPA requires that a decision on these GMA actions, as well as subsequent decisions on specific

projects, consider impacts to the natural and built environment. By providing plans and development regulations that are both more specific and more comprehensive than in the past, GMA will produce policies for land use and resource management that have sometimes been the result of project level review under SEPA. As GMA is implemented, comprehensive plans and development regulations should result in faster and more focused site specific environmental review.

B. Preface on integrating SEPA review with GMA planning.

(1) Among other mandates, SEPA requires all state and local agencies to use an interdisciplinary, integrated approach to build environmental factors into planning and making decisions. The terms "SEPA review" or "environmental review" are used in these rules to refer to state and local agencies giving appropriate consideration to the environment in agency decision making. Although these terms include formal SEPA documents and determinations, such as environmental impact statements (EISs) and determinations of nonsignificance (DNSs), SEPA or environmental review has a much more inclusive meaning. These terms refer to the basic concept of taking environmental quality into account in whatever an agency does. See RCW 34.21C.020, [34.21C.]030, [34.21C.]060; WAC 197-11-030 and [197-11-]746.

(2) GMA governs one of the most important things that agencies do. Under GMA, local agencies adopt policies, plans and regulations to manage land use, environmental resources, and other aspects of growth in their own jurisdictions and in a coordinated way with other jurisdictions. It is not possible to develop policies, plans, or regulations that meet GMA goals or to make informed plan decisions without giving appropriate consideration to environmental factors.

(3) Over the past 20 years, many people have focused on the SEPA process in terms of whether or not an environmental impact statement is required (a SEPA threshold determination), rather than on how to provide useful environmental analysis to make decisions. This problem has been compounded by a general unwillingness to depart from a typical environmental checklist or EIS format and to combine other planning and SEPA documents, even though these rules mandate and encourage people to do so. GMA and SEPA will be integrated only if:

(a) Quality environmental analysis is performed along with other planning analyses, often well in advance of formal SEPA determinations and proposed GMA plan documents;

(b) An ongoing informal effort is made to define the scope of the options and their environmental consequences throughout the planning process leading up to plan decisions; and

(c) GMA and SEPA documents are one and the same wherever possible, rather than preparation of separate "planning" and "environmental" documents.

C. Integrating the timing of GMA actions and SEPA review.

(1) Interrelationship between environmental analysis and planning.

(a) Environmental review occurs from the time planning begins through the time that policies, plans, and regulations are finally adopted. It then recommences or continues as

policies, plans, and regulations are amplified, refined, and amended. For practical purposes, this review falls into two areas: (i) Preliminary analysis needed to develop and define a proposed action; and (ii) formal determinations or documents that accompany proposed actions through formal public and agency comment and adoption.

(b) Preparing GMA policies, plans, and regulations involves a community exploring and testing visions, goals, directions, concepts, options, tradeoffs, consequences, and so on. Environmental as well as fiscal and other analysis should be part of and occur throughout this planning process. Sound environmental (and other necessary) analysis and good comprehensive land use planning are basically inseparable. Formal GMA and SEPA documents represent the "tip of the iceberg" which reflect a "snapshot" of the planning process at the time these documents are written.

(c) SEPA's formal documents serve three main purposes, as emphasized elsewhere in these rules: (i) To document that actual and appropriate consideration of environmental values occurred in the planning process; (ii) to provide public, agency and tribal review and comment prior to adopting a policy, plan, or regulation; and (iii) to ensure coordination among the policies, plans, and regulations of various governments. As this rule provides, these purposes can be met to a greater degree by integrated SEPA/GMA documents.

(d) The process of preparing good policies, plans, and regulations should allow for ongoing, informal interaction among public officials and all sectors of the public. Each city and county has the discretion to decide the most useful time for preparing both preliminary environmental analyses and formal SEPA documents and determinations. WAC 197-11-055 (2)(b).

(e) It is the intent of this rule to set a clear standard for the time by which formal SEPA documents and determinations must be prepared and to provide wide latitude for cities and counties to decide how to structure an integrated SEPA/GMA process.

(2) Preliminary environmental analysis and preliminary planning: Scoping a community's options.

(a) Exploring options and ideas. Thinking "out loud" about environmental quality is one of the essential purposes of SEPA and GMA. This approach may be considered preliminary discussion, exploration or documentation of ideas and options, and may occur prior to commencing "formal" environmental review. See WAC 197-11-055 (1), (2)(a)(ii), (4)(c), which should be interpreted as applying to GMA planning prior to the stage of a formally proposed plan or development regulation.

(b) Preliminary environmental analyses. Prior to a threshold determination but as part of the planning process, GMA jurisdictions may prepare environmental analyses for use by decision makers and the public to assist in developing and reviewing preliminary drafts of GMA plan decisions and amendments, including county-wide planning policies, comprehensive plans, subarea plans, and development regulations, or elements or portions of these documents. This integrated approach implements one of SEPA's basic purposes: To use environmental and ecological information in an interdisciplinary planning process to develop proposed actions.

(c) Scoping of options and studies. Both GMA and SEPA require that reasonable alternatives and their impacts be identified and considered, in consultation with other agencies, tribes, and the public, so that proposals can be developed that further the purposes of these laws. See RCW 43.21C.030 and [43.21C.]110(1), 36.70A.020 and [36.70A.]140, WAC 365-195-060, [365-195-]210(26), [365-195-]300(2), [365-195-]600 and [365-195-]610. Some people have misunderstood "scoping" under SEPA as referring to the public comment period on the proposed scope of environmental studies. As stated in WAC 197-11-793, [197-11-]408, [197-11-]750 and [197-11-]410, "scoping" is the ongoing process of defining these options and consequences and the studies needed to evaluate them.

(d) Scoping process. Although one or more time periods for public and interagency comment may occur as part of scoping, the scoping process actually continues until the final, formal environmental document (or integrated GMA/SEPA document) has been prepared on a proposal. Public comment is one element of scoping, as is in-house analysis by the lead agency or its consultants. Scoping therefore has various phases, from initial visions or concepts, to defining and budgeting scopes of studies, to refining scopes of studies based on public comments or in-house analysis at various points in the planning process.

(e) Use of expanded scoping. Although "scoping" under SEPA is required when EISs are prepared, "expanded scoping" can be used at any time to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. See WAC 197-11-410(2). Expanded scoping can be used prior to, and to assist in making, SEPA threshold determinations. To achieve effective integration between GMA planning and SEPA environmental review, therefore, expanded scoping can and should be combined with similar in-house and public preliminary planning work under GMA to articulate community visions and concepts, explore alternatives, identify potential impacts (whether or not environmental), and define studies needed to develop and make decisions on proposed actions under GMA.

#### D. Principles for integrating SEPA and GMA.

In jurisdictions planning under GMA, all citizens and governmental entities should:

(a) Do comprehensive land use planning through the GMA process (including plan-level environmental analysis) rather than through SEPA review of proposed projects;

(b) Think about environmental quality as each community charts its future, by involving diverse sectors of the public and by incorporating early and informal environmental analysis into GMA planning and decision making;

(c) Recognize that different questions will need to be answered and different levels of detail will apply for each GMA action and at each phase of GMA planning, from the initial development of plan concepts or plan elements to implementation programs.

(c) Use SEPA review together with other analyses and public involvement to produce better plan decisions;

(d) Combine to the fullest extent possible the processes, analysis, and documents required under GMA and SEPA, so that GMA plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals of GMA and SEPA and mitigate

undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental choices most relevant to that stage of the process;

(f) Not duplicate the review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to help:

(i) Review and document consistency with GMA plans and regulations; (ii) provide prompt and coordinated review by agencies, tribes and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures; and

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes.

#### E. Examples of integration options.

Either of two different approaches to the timing of formal SEPA documents and determinations would meet the intent to integrate environmental factors into planning and decision making:

(a) Phased or tiered approach using formal SEPA documents. Agencies may choose to produce [or] issue formal environmental documents at various steps throughout the GMA process, leading up to a proposed GMA comprehensive plan. This could be one way to encourage comment on specific concepts or plan elements prior to a proposed plan/EIS. For example, a draft EIS could be issued for public comment on different overall plan concepts. The environmental consequences would be at a very broad policy level of detail, focusing on broad choices and tradeoffs. By its very purpose, the document will not be as comprehensive or have as much information as will ultimately be developed on the proposed plan (or subsequent subarea plans). Supplemental EISs or addenda could then be issued focusing on key issues or geographic areas identified at the prior phase, such as for a transportation element. At each phase, policy choices could be made and alternatives could be screened and assembled to assist the community in developing its proposed plan and development regulations. An integrated GMA/SEPA document could then consolidate the previous key findings, analyses and decisions for the more detailed plan.

(b) Early environmental analyses resulting in a formal SEPA document. Conversely, an agency may wait until a proposed plan or development regulation has been developed, with the benefit of preliminary environmental and other analysis, to prepare its SEPA threshold determination and a formal integrated GMA/SEPA document. In the latter case, the formal document would reflect public and technical analysis that led to the proposed plan and would summarize alternatives that were considered and screened, rather than "proposing" these alternatives. Additional public comment on the proposed GMA/SEPA document would allow for further revisions.

#### F. Contents of this emergency rule.

This emergency rule addresses how local governments that plan under GMA can and should take environmental factors into account in preparing and making plan decisions under GMA. This rule also guides other participants in the GMA process such as citizens, state agencies, or review bodies. The rule provides overall policies, procedures, and examples of integration, as follows:

WAC 197-11-225 Purpose, applicability and definitions, articulates an overall policy direction for integrating SEPA and GMA and explains how the rule applies to GMA decisions that are under way.

WAC 197-11-228 Overall integration procedures, provides overall procedures for achieving integration, such as joint processes and phased review.

WAC 197-11-230 Timing of an integrated GMA/SEPA process, provides procedures on the timing of SEPA compliance for proposed actions under GMA.

WAC 197-11-232 Preliminary planning and expanded scoping, provides procedures for preliminary planning and environmental analysis, including the use of expanded scoping.

WAC 197-11-235 Integrating SEPA/GMA documents, provides procedures for combining certain SEPA and GMA documents.

#### NEW SECTION

**WAC 197-11-225 Purpose, policy, applicability and definitions.** (1) "Purpose." The purpose of this emergency rule is to expressly authorize integrated compliance with SEPA and GMA so as to ensure that environmental analyses required under SEPA can occur concurrently with and as an integral part of the planning and decision making required under GMA. In order to protect and promote public safety, health and welfare, local governments need immediate relief to remove potential obstacles and provide legal support for SEPA/GMA integration.

(2) "Applicability." Jurisdictions planning under GMA may use the procedures of these rules to satisfy the requirements of SEPA for GMA actions, beginning immediately. For jurisdictions not using these procedures, nothing in these Rules is intended to jeopardize the adequacy or require the revision of any SEPA and GMA processes, analyses, or document deadlines specified in GMA.

(3) "Definitions." For purposes of SEPA:

(a) "Formal SEPA documents" mean: (i) a non-project environmental checklist/DNS; (ii) a notice of adoption with or without an addendum; (iii) an addendum; (iv) an EIS; or (vi) an integrated GMA document.

(b) "GMA" means the Growth Management Act, ch. 36.70A RCW and those statutes codified in other chapters of the Revised Code of Washington that were enacted or amended as part of 1990 1st ex.s. c 17 and 1991 sp.s c 32.

(c) "Proposed GMA Action" means a proposal for a GMA Action that has been issued for public and interagency comment and is being considered for adoption by a local legislative body at least 60 days prior to final adoption under RCW 36.70A.106. It does *not* include drafts, preliminary drafts, or other materials or processes that have been used to develop GMA documents or elements of GMA documents: such drafts are not considered a "proposal" or "proposed action" under 197-11-055 and 406.

(d) "GMA Action" means, policies, plans and regulations adopted or amended under RCW 36.70A.210. Actions do not include preliminary determinations on the scope and content of GMA Actions, appeals of GMA Actions, actions by the Governor or by the Growth Management Hearings Boards.

(e) "Integrated GMA document" means a GMA document which contains or combines other relevant analyses including environmental analysis under SEPA.

**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 197-11-228 Overall integration procedures** (1) "Joint process." These rules provide full authority for GMA jurisdictions to carry out SEPA and GMA processes, analyses and documents together. Nothing in these Rules should be construed to discourage, prohibit, or conflict with integrating SEPA and GMA compliance.

(2) "Phasing and level of detail." To integrate SEPA and GMA:

(a) The appropriate scope and level of detail of environmental review should be tailored to the GMA Action being developed or considered for adoption.

(b) Jurisdictions are authorized to modify SEPA phased review as necessary to track the phasing of GMA Actions, as provided in GMA and the procedural criteria in ch. 365-195 WAC. (For example, actions of narrower scope, such as interim urban growth boundaries or development regulations, subarea plans, and plan elements may be adopted prior to GMA Actions of broader scope, such as an overall comprehensive plan revision.)

(c) The process of integrating SEPA and GMA should begin at the early stages of plan development. One purpose of an integrated GMA document (see 197-11-235) is to bring early studies together for agency and public review later in the planning and environmental review process (see 197-11-230(2) and 235). Although early planning documents and environmental analyses such as documents on concepts or plan elements may serve specific purposes and are not each required to be comprehensive in scope, they should explain their relationship to the overall GMA/SEPA process that is underway and identify how cumulative impacts are being considered in this overall process.

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

#### NEW SECTION

**WAC 197-11-230 Timing of an integrated GMA/SEPA process.** (1) "Preparation and review of SEPA documents." A formal SEPA document (which may be a draft integrated GMA document under 197-11-235):

(a) shall be prepared and issued no later than the time that a proposed GMA action is issued for public and interagency review;

(b) shall be provided: (i) to the legislative body that will consider issuing a GMA Action; and (ii) to any advisory body designated by the local legislative body or chief

executive of the city or county to make a formal recommendation to the local legislative body on whether to propose a GMA Action, including Planning Commissions and citizen advisory groups. The draft document shall also be circulated as otherwise required of formal SEPA documents.

(2) "Threshold determinations." A SEPA threshold determination:

(a) may be made at any time, as long as it is early enough in the process so that the appropriate environmental document can accompany or be combined with a proposed GMA Action;

(b) shall be made early in the planning for the GMA Action if the responsible official can determine under 197-11-330 that a significant adverse environmental impact is likely to result from the implementation of the GMA action being developed;

(c) is *not* required when there has been a previous threshold determination or a notice of adoption or an addendum is prepared, except when a new threshold determination is required pursuant to 197-11-600(3).

#### NEW SECTION

**WAC 197-11-232 Integration procedures for preliminary planning, environmental analysis, and expanded scoping.** (1) Preliminary environmental analyses. As part of the planning process, GMA jurisdictions may prepare environmental analyses for use by decision makers and the public to assist in developing and reviewing preliminary drafts of GMA documents. Environmental analyses prepared for use in preliminary GMA planning:

(a) do not require a threshold determination.

(b) may be separate from, or woven into, issue papers or other agency planning materials or presentations.

(c) may use the format of SEPA documents, including a nonproject environmental checklist (Part D of 197-11-960) or addendum (197-11-706, 625), which are intended to be flexible and may be used at any time in the SEPA process.

(d) may include evaluation of issues and concerns that are not required in SEPA documents, such as economic or other factors identified in GMA, SEPA, and WAC 197-11-448.

(2) "Expanded Scoping."

(a) *Timing and use.* Expanded scoping may be used prior to a threshold determination to meet one or more of the purposes stated in 197-11-030, 225, 230, 235 and 410(2). Expanded scoping may initiate or be combined with any early GMA planning activities such as "visioning," development of alternative concepts or elements, or scoping of possible GMA Actions and studies. Scoping under 197-11-408 may also be used for these purposes if a determination of significance has been issued.

(b) *Notice.* An expanded scoping notice may be issued separately from or without a threshold determination. If so the notice should explain that SEPA determinations and documents will occur later and that scoping is starting early to assist and involve the public, tribes and agencies in formulating a specific proposed GMA Action and identifying useful environmental analyses.

NEW SECTION

**WAC 197-11-235** (1) "Integrating documents." Formal SEPA documents may be prepared as companion documents to accompany proposed GMA Actions or may be integrated into the documentation of GMA Actions. This section clarifies how 197-11-640 (all SEPA documents) and 197-11-425 through 442 (EISs) apply to integrated SEPA/GMA documents. The overriding consideration is the quality of information and analysis at the appropriate scope and level of detail for the particular GMA document, and not the format, length or bulk of the document.

## (2) "Document format."

(a) There is no standard format for an integrated GMA document. An integrated GMA document may look more like a GMA document with an Environmental Summary (see 197-11-235(5)), in contrast to a format described in 197-11-430. For example, for a comprehensive plan or subarea plan, the integrated document may look like a plan with a Environmental Summary in front. Any separately bound supporting documents shall be clearly identified in the integrated document.

(b) An integrated GMA document is not required to contain a separate section on affected environment, significant impacts, and mitigation measures under 197-11-440(6), as long as this information is summarized as required in this section, and the basis for this information can be readily found in the document and the supporting record.

## (3) "Integrated Non-EIS documents."

(a) If a proposed GMA Action is not likely to have a significant adverse environmental impact, an integrated GMA document may be prepared that combines the formal SEPA document (such as an environmental checklist, a notice of adoption or addendum) with the GMA document. The provisions of 197-11-235 (1) and (2) apply to these integrated documents.

(b) If an environmental checklist is used, only Parts A (which serves as a fact sheet), C (responsible official's signature), and D (non-project checklist) need be prepared, plus an Environmental Summary as specified in 197-11-235(5). Part D and the Summary may be combined.

(c) If an addendum is to accompany or be incorporated into an integrated GMA document, it shall contain the information specified in 197-11-235(5) for an Environmental Summary.

(4) "Plan/EIS documents." Because these documents need to contain sufficient analysis for GMA Actions, the same documents that meet GMA planning needs should constitute the SEPA documents for GMA Actions and should provide a basis for future decisions on projects. An integrated document will constitute the necessary SEPA document, if accompanied by the following (as further specified by 197-11-235 (5)-(7) below):

- (a) Environmental Summary and fact sheet;
  - (b) concise analysis of alternatives;
  - (c) comments and responses; and
  - (d) appropriate technical and other materials.
- (5) "Environmental Summary and fact sheet."

(a) The Environmental Summary includes the contents required in 197-11-440(4). It should emphasize the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environ-

mental choices to be made and the effectiveness of mitigation measures. The Summary is not to be a summary of the GMA Action.

(b) The Summary should highlight from an environmental perspective the main options that would be preserved or foreclosed by the proposed GMA Action. It should reflect SEPA's substantive policies and focus on any significant irreversible or irretrievable commitments of natural resources that would be likely to harm long term environmental productivity, taking into account cumulative impacts. A summary of the principal environmental impacts may be presented in chart or matrix form, summarizing the relevant elements of the environment and impact assessment required by 197-11-440 (6)(b)-(e). The Summary may discuss non-environmental factors and should do so if relevant to resolving issues concerning the main environmental choices facing decision makers.

(c) The Summary should be no longer than necessary (generally 15-30 pages for a plan/EIS, less for other integrated documents) and include tables or graphics to assist readability. At a minimum the Fact Sheet shall contain the information required in 197-11-440(2). The Fact Sheet shall precede the Summary in the integrated GMA document.

## (6) "Alternatives analysis."

(a) This concise analysis focuses on a comparative evaluation of the environmental consequences of the principal alternative courses of action that are or have been under consideration in the GMA planning process, as provided by 197-11-440(5). The alternatives analysis shall evaluate the proposed GMA Action compared to the principal alternative concepts and plan elements or regulatory options that were considered. These alternatives may be (i) those which are actively being considered, or (ii) those considered and screened earlier as part of a public GMA planning process. This analysis allows decision makers, other agencies and the public to determine whether the proposed GMA Action can or should be revised before adoption to avoid or reduce environmental or other impacts.

(b) Descriptive material on the features of the alternatives (in contrast to comparing their impacts) should be kept to the minimum necessary to understand the comparative evaluation. If more description is necessary, it should be cited or located in the supporting record. Depending on the scope of the GMA action, the text of the alternatives analysis should be less than 40 pages.

(7) "Comments and responses." The inclusion of comments and responses is not required for a draft integrated GMA document. For a final integrated document, comments (or a summary of comments) shall be compiled and response prepared as provided in 197-11-560(3). A jurisdiction may include comments (or a summary of comments) received during the scoping process or on preliminary documents, as well as general or specific responses to these comments if any have been prepared, with the integrated GMA document on a proposed GMA Action. If this approach is not used, these preliminary comments shall be included in the supporting record.

## (8) "Supporting record, analyses, and materials."

(a) The integrated GMA document shall contain a list of the principal analytical documents and other materials (such as meeting minutes, maps, models, tapes or videos) that have been prepared, received, or used in developing the GMA

Action. These materials shall be considered to be incorporated by reference under SEPA and part of the supporting record for SEPA compliance, and their contents need not be further described as required in 197-11-635. Annotated lists are encouraged, but not required, to assist current and future reviewers.

(b) Materials in the supporting record should enable agencies and members of the public to identify and review the planning basis for the conclusions and analysis presented in the integrated GMA document as provided in the "procedural criteria" for preparing plan documents.

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 94-20-014  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-107—Filed September 22, 1994, 4:34 p.m., effective September 23, 1994]

Date of Adoption: September 22, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-57-23500F, 220-57-31000L and 220-57-31900H; and amending WAC 220-57-235 and 220-57-310.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of coho salmon are present. Continued protection of chinook salmon is necessary.

Effective Date of Rule: September 23, 1994.

September 22, 1994  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-57-23500G Elochoman River.** Notwithstanding the provisions of WAC 220-57-235, effective September 23, 1994 through December 31, 1994, those waters of the Elochoman River downstream from the mouth of the west fork, Bag Limit A, except that all chinook salmon must be released immediately.

The following waters are closed to salmon angling through October 15 1994:

Those waters from the WDFW temporary rack downstream to the mouth.

**NEW SECTION**

**WAC 220-57-31000M Kalama River.** Notwithstanding the provisions of WAC 220-57-310, effective September 23, 1994 through December 31, 1994, Bag Limit A, except that all chinook salmon must be released immediately.

The following waters are closed to salmon angling through October 15, 1994:

Those waters downstream from a point 200 feet above the temporary rack at Modrow.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective September 23, 1994:

- WAC 220-57-23500F Elochoman River. (94-91)
- WAC 220-57-31000L Kalama River. (94-94)
- WAC 220-57-31900H Lewis River. (94-94)

**WSR 94-20-015  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-108—Filed September 22, 1994, 4:37 p.m., effective September 23, 1994]

Date of Adoption: September 22, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable steelhead are available.

Effective Date of Rule: September 23, 1994.

September 22, 1994  
Patricia McLain

Senior Assistant Director  
for John C. McGlenn, Chair  
Fish and Wildlife Commission

**NEW SECTION**

**WAC 232-28-61959 1994-95 Washington game fish seasons and catch limits—Lewis River (North Fork).** Notwithstanding the provisions of WAC 232-28-619, effective September 23, 1994 the following regulation applies:

**LEWIS RIVER (North Fork):** From lower Cedar Creek concrete boat ramp to Colvin Creek: Open to fishing for steelhead effective September 23, 1994.

All other provisions of WAC 232-28-619 for this water remains in effect and unchanged.

EMERGENCY



**WSR 94-20-016  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-109—Filed September 23, 1994, 2:54 p.m., effective September 25, 1994, 12:01 a.m.]

Date of Adoption: September 23, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-516.

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 the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement are necessary to reduce chinook impacts relative to regional chinook run size estimate 31% below preseason forecast. Opening in Area 9A provides opportunity to harvest the non-Indian share of Hood Canal hatchery-origin coho according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: September 25, 1994, 12:01 a.m.

September 23, 1994

E. Manary

Assistant Director

for Robert Turner

Director

**NEW SECTION**

**WAC 220-47-517 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 25th, 1994 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 - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday October 29. Purse seines are required to release all chinook.
- \* Area 9A - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday September 26 to 4:00 p.m. Friday September 30.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 25, 1994:

WAC 220-47-516

Puget Sound all-citizen commercial salmon fishery. (94-105)

**WSR 94-20-026  
EMERGENCY RULES  
FISH AND WILDLIFE  
COMMISSION**

[Order 94-110—Filed September 26, 1994, 11:07 a.m.]

Date of Adoption: September 24, 1994.

Purpose: Amend personal use game fish rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sterile walleye have been released into Alkali Lake to control stunted perch, and protection is required to see if this method is successful.

Effective Date of Rule: Immediately.

September 24, 1994

John C. McGlenn

Chairman

**NEW SECTION**

**WAC 232-28-61958 1994-1995 Washington game fish seasons and catch limits—Alkali Lake (Grant Co.)** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice it is unlawful to fish for or possess walleye taken from Alkali Lake.

**WSR 94-20-027  
EMERGENCY RULES  
FISH AND WILDLIFE  
COMMISSION**

[Order 94-111—Filed September 26, 1994, 4:43 p.m.]

Date of Adoption: September 24, 1994.

Purpose: To adopt WAC 232-28-24101 1994-95 Upland bird seasons—Special Tyee Creek restrictions. Special restrictions are needed as a result of the Tyee Creek fire.

Citation of Existing Rules Affected by this Order:

Amending WAC 232-28-241.

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

EMERGENCY

adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The summer 1994 Tye Creek fire burned over seventy percent of the Entiat game management unit. Upland bird habitat has been seriously impacted, which will likely result in significant population declines of some upland birds.

Effective Date of Rule: Immediately.  
September 24, 1994  
John C. McGlenn  
Chairman

**NEW SECTION**

**WAC 232-28-24101 1994-95 Upland bird seasons—Special Tye Creek restrictions.** Notwithstanding the provisions of WAC 232-28-241, effective October 15, 1994 through January 15, 1995, it is unlawful to hunt upland birds in Game Management Unit 308, Entiat, or to possess upland birds taken from Game Management Unit 308, Entiat. Upland birds include grouse, chukar, quail, and pheasant.

**WSR 94-20-028  
EMERGENCY RULES  
FISH AND WILDLIFE  
COMMISSION**

[Order 94-112—Filed September 26, 1994, 4:45 p.m.]

Date of Adoption: September 24, 1994.  
Purpose: To amend 1994-95 Deer and elk permit hunting seasons, WAC 232-28-24502.  
Citation of Existing Rules Affected by this Order: Amending WAC 232-28-245.  
Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The summer 1994 Tye Creek fire burned over seventy percent of the Entiat game management unit. Since this is a major deer winter range an estimated 3,500 deer will not have adequate forage to sustain them this winter and special hunts are needed to prevent habitat degradation.

Effective Date of Rule: Immediately.  
September 24, 1994  
John C. McGlenn  
Chairman

**NEW SECTION**

**WAC 232-28-24502 1994-95 Deer and elk permit hunting seasons—Special Tye Creek hunts.** Notwithstanding the provisions of WAC 232-28-245, the following are established as Special Tye Creek Hunts and permits for the following hunts will be drawn by random selection.

**DEER MUZZLELOADER ONLY**

Applicants for the following hunt will be drawn from the 1994 Unsuccessful Applicant File for Hunt No. 1081 (Chiwawa, GMU 304).

Hunt No.	Hunt Name	No. Permits	Permit Boundary Season	Special Restrictions	Description
113	Chiwawa A	177	Nov. 12-20	Either Sex	GMU 304

**DEER MODERN FIREARM/MUZZLELOADER**

Applicants for the following hunts will be drawn from the 1994 Unsuccessful Applicant File for Hunt No. 1043 (Wenatchee, Portion of GMU 314).

Hunt No.	Hunt Name	No. Permits	Permit Boundary Season	Special Restrictions	Description
1114	Chiwawa B	377	Oct. 22-31	Either Sex	GMU 304
1115	Slide Ridge	100	Oct. 22-31	3 Pt. Min. or Antlerless	GMU 306

**WSR 94-20-029  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-113—Filed September 26, 1994, 4:48 p.m.]

Date of Adoption: September 26, 1994.  
Purpose: Commercial fishing regulations.  
Citation of Existing Rules Affected by this Order: Amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.  
Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon and shad are present. This regulation is consistent with that adopted by the Confederated Tribes of the Umatilla on September 26, 1994.

Effective Date of Rule: Immediately.  
September 26, 1994  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-32-05100I Columbia River salmon seasons above Bonneville.** Notwithstanding the provisions of WAC 220-32-051, effective 12:00 noon September 26, 1994 to 6:00 p.m. October 1, 1994, treaty Indian fishers of the Umatilla Tribe may fish for and possess chinook salmon and shad taken from those waters of the Columbia River downstream from the wooden powerline towers at the old Hanford townsite to the Highway 182 Bridge at Richland. Maximum net length is 400 feet and minimum mesh size is 8 inches.

EMERGENCY

It is unlawful to retain any sturgeon taken incidental to the fishery provided herein. Chinook salmon and shad taken in this fishery must be sold within a 5-mile radius of the open fishery area.

**WSR 94-20-034  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-114—Filed September 27, 1994, 4:50 p.m., effective October 3, 1994]

Date of Adoption: September 27, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-57-14000M; and amending WAC 220-57-140.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to make the management of the Chehalis River consistent with the Grays Harbor management plan adopted by the department and the Quinault Indian Nation.

Effective Date of Rule: October 3, 1994.

September 27, 1994  
Edward P. Manary  
for Robert Turner  
Director

NEW SECTION

**WAC 220-57-14000N Chehalis River.** Notwithstanding the provisions of WAC 220-57-140, effective October 3, 1994 through October 31, 1994, downstream from the Fuller Bridge to the Union Pacific Railroad Bridge in Aberdeen. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of these six salmon may be chinook over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in the Chehalis River.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 2, 1994:

WAC 220-57-14000M Chehalis River. (94-88)

**WSR 94-20-038  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3780—Filed September 28, 1994, 4:18 p.m., effective October 1, 1994]

Date of Adoption: September 28, 1994.

Purpose: Requires the department to advise the food stamp household of their right to select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-100 Rights and responsibilities.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Public Law 101-624 Section 1725 and Administrative Notice 92-34.

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: Public Law 101-624 requires that certain food stamp households be allowed to select the head of household for employment and training and voluntary quit purposes. A new definition "household employment representative" has been created to identify who shall be designated as the head of household for this provision.

Effective Date of Rule: October 1, 1994.

September 28, 1994  
Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

**WAC 388-49-100 Rights and responsibilities.** The department shall advise the household of the following:

- (1) The right to:
  - (a) Receive an application upon request;
  - (b) File an application the day of receipt;
  - (c) If eligible, receive food stamps within thirty days after the application is filed;
  - (d) If eligible, receive expedited services;
  - (e) Have a fair hearing;
  - (f) Have information remain confidential; ((and))
  - (g) Be treated without discrimination because of age, handicap, color, sex, religion, race, national origin, or political beliefs; and
  - (h) Select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.
- (2) The responsibility to:
  - (a) Report certain changes, and
  - (b) Submit a food stamp monthly report each month if applicable.

EMERGENCY

**WSR 94-20-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3788—Filed September 28, 1994, 4:24 p.m., effective October 1, 1994]

Date of Adoption: September 28, 1994.

Purpose: New definition "household employment representative" identifies which food stamp households can select their head of household for employment and training purposes and voluntary quit provisions. Explains that the principal wage earner shall be designated for those food stamp households who do not make a selection of [or] who are not eligible to make a selection.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020 Definitions.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Administrative Notice 92-34, Public Law 101-624 Section 1725.

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: Public Law 101-624 requires that certain food stamp households be allowed to select the head of household for employment and training and voluntary quit purposes. New definition "household employment representative" has been created to identify who shall be designated as the head of household for this provision. Definition "principal wage earner" defined in chapter 3.02 RCW.

Effective Date of Rule: October 1, 1994.

September 28, 1994

Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3757, filed 7/27/94, effective 9/1/94)

**WAC 388-49-020 Definitions.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance

program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d) who is a:

(a) Person paying reasonable compensation to the household for lodging and meals; or

(b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran;

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act.

(f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means:

(a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting which:

(a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means(~~(a))~~ the person designated by the household to be named on the case file, identification card, and FCA card(~~(a))~~

~~(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:~~

~~(i) The employment involves at least twenty hours per week; and~~

~~(ii) The person is not living with a parent or a person fulfilling that role who is:~~

~~(A) Registered for work;~~

~~(B) Exempt from work registration because of registration in a Title IV A or IV C work program of the Social Security Act, as amended, or the receipt of unemployment compensation; or~~

~~(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours).~~

(35) "Household employment representative" means:

(a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

(i) An adult parent of children, of any age, living in the household; or

(ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

(b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

(36) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

~~((36))~~ (37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

~~((37))~~ (38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

~~((38))~~ (39) "Household" means the basic client unit in the food stamp program.

~~((39))~~ (40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

~~((40))~~ (41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

~~((41))~~ (42) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

~~((42))~~ (43) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

~~((43))~~ (44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

~~((44))~~ (45) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

~~((45))~~ (46) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

~~((46))~~ (47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

~~((47))~~ (48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

~~((48))~~ (49) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

~~((49))~~ (50) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

~~((50))~~ (51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

~~((51))~~ (52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

~~((52))~~ (53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

~~((53))~~ (54) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

~~((54))~~ (55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

~~((55))~~ (56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

~~((56))~~ (57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

~~((57))~~ (58) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

~~((58))~~ (59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

~~((59))~~ (60) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

~~((60))~~ (61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

(62) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

~~((61))~~ (63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

~~((62))~~ (64) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

~~((63))~~ (65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((64))~~ (66) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

~~((65))~~ (67) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

~~((66))~~ (68) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

~~((67))~~ (69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

~~((68))~~ (70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

~~((69))~~ (71) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

~~((70))~~ (72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

~~((71))~~ (73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

~~((72))~~ (74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

~~((73))~~ (75) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

~~((74))~~ (76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

~~((75))~~ (77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

~~((76))~~ (78) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

~~((77))~~ (79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

~~((78))~~ (80) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~((79))~~ (81) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

~~((80))~~ (82) "Student" means any person:

(a) At least eighteen but less than fifty years of age;

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half time in an institution of higher education.

~~((81))~~ (83) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

~~((82))~~ (84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

~~((83))~~ (85) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis



for all allotments, taking into account the household size adjustments based on a scale.

~~((84))~~ (86) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2); or

(c) Married.

~~((85))~~ (87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

~~((86))~~ (88) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

~~((87))~~ (89) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 94-20-044  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3789—Filed September 28, 1994, 4:25 p.m., effective October 1, 1994]

Date of Adoption: September 28, 1994.

Purpose: Implements increased thrifty food plan (TFP).

Citation of Existing Rules Affected by this Order:

Amending WAC 388-49-550 Monthly allotments.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: FNS Administrative Memo on July 19, 1994, and CFR 273.10 (e)(4)(ii)(F).

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: The food and nutrition service (FNS) has increased the thrifty food plan (TFP).

Effective Date of Rule: October 1, 1994.

September 28, 1994  
Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3755, filed 7/27/94, effective 9/1/94)

**WAC 388-49-550 Monthly allotments.** (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

Household Size	Thrifty Food Plan
1	<del>((112))</del> 115
2	<del>((206))</del> 212
3	<del>((295))</del> 304
4	<del>((375))</del> 386
5	<del>((446))</del> 459
6	<del>((535))</del> 550
7	<del>((591))</del> 608
8	<del>((676))</del> 695
9	<del>((761))</del> 782
10	<del>((846))</del> 869
Each additional member	+ <del>((85))</del> 87

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month's allotment to households applying within one calendar month of a prior certification period.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

**WSR 94-20-046  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3791—Filed September 28, 1994, 4:27 p.m., effective October 1, 1994]

Date of Adoption: September 28, 1994.

EMERGENCY

Purpose: Update maximum gross income and net income standards as required by 7 CFR 273.9(a) to ensure correct determination of food stamp program eligibility effective October 1, 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-510 Income eligibility standards.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.9(a).

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: Informs field staff of new income limits to ensure correct determination of food stamp program eligibility.

Effective Date of Rule: October 1, 1994.

September 28, 1994  
Dewey Brock, Chief  
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3666, filed 11/10/93, effective 12/11/93)

**WAC 388-49-510 Income eligibility standards.** (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard

Household Size	Maximum Standard
1	<del>(\$ 756)</del> \$ 798
2	<del>(+1,022)</del> 1,066
3	<del>(+1,289)</del> 1,335
4	<del>(+1,555)</del> 1,604
5	<del>(+1,822)</del> 1,872
6	<del>(+2,088)</del> 2,141
7	<del>(+2,355)</del> 2,410
8	<del>(+2,621)</del> 2,678
9	<del>(+2,888)</del> 2,947
10	<del>(+3,155)</del> 3,216
Each additional person	<del>(+267)</del> +269

Net Monthly Income Standard

Household Size	Maximum Standard
1	<del>(\$ 581)</del> \$ 614
2	<del>(786)</del> 820
3	<del>(991)</del> 1,027
4	<del>(+1,196)</del> 1,234
5	<del>(+1,401)</del> 1,440
6	<del>(+1,606)</del> 1,647
7	<del>(+1,811)</del> 1,854
8	<del>(+2,016)</del> 2,060
9	<del>(+2,221)</del> 2,267

10	<del>(2,426)</del> 2,474
Each additional person	<del>(+205)</del> +207

**WSR 94-20-050  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-115—Filed September 29, 1994, 4:36 p.m., effective October 1, 1994, 12:01 p.m.]

Date of Adoption: September 29, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-360.

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: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2, and 3. Department of Health has issued a human health advisory for clams dug north of the Quinault Indian Reservation. Digging clams determined to be unsafe for human consumption would lead to wastage.

Effective Date of Rule: October 1, 1994, 12:01 p.m.  
September 29, 1994  
Edward P. Manary  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-36000L Razor clams.** Notwithstanding the provisions of wac 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 p.m. October 1 through 11:59 p.m. October 31, 1994, razor clam digging is allowed in the following areas: all of Razor Clam Area 1; that portion of Razor Clam Area 3 that is located south of the Copalis River (Grays Harbor County). Digging is allowed from 12:01 pm to 11:59 pm on odd numbered days only.

(2) Effective 12:01 pm October 1 through 11:59 pm November 29, 1994, razor clam digging is allowed in the following areas: all of Razor Clam Area 2; that portion of Razor Clam Area 3 that is located between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (as posted). Digging is allowed from 12:01 pm to 11:59 pm on odd numbered days only.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

EMERGENCY

**WSR 94-20-060**  
**EMERGENCY RULES**  
**FOREST PRACTICES BOARD**

[Filed September 30, 1994, 3:41 p.m., effective October 5, 1994]

Date of Adoption: September 13, 1994.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable timber industry.

Citation of Existing Rules Affected by this Order: WAC 222-16-010, 222-16-080, 222-24-030, 222-30-050, 222-30-060, 222-30-070, 222-30-100, 222-38-020 and 222-38-030; new sections WAC 222-30-065 and 222-30-075.

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: This emergency rule provides protection to the northern spotted owl and the marbled murrelet while the Forest Practices Board conducts the permanent rule adoption process. The northern spotted owl was listed as threatened by the United States Fish and Wildlife Service in July 1990 and by the Washington Wildlife Commission in January 1988. The marbled murrelet was listed in October 1992 and October 1993, respectively.

Effective Date of Rule: October 5, 1994.

September 20, 1994

Jennifer M. Belcher

Commissioner of Public Lands

**AMENDATORY SECTION** (Amending WSR 94-17-033, filed 8/10/94, effective 8/13/94)

**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: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); 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, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"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**" 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.

**"Northern spotted owl site center"** means the location documented by the department of fish and wildlife for Status 1, 2 or 3 northern spotted owls. The department shall rely upon the department of fish and 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 two birds of the opposite sex where pair status cannot be determined and where at least one 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 three 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., two responses in year one and one response in year two, for the same general area).

"**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 contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

• A nest is located; or

• Downy chicks or eggs or egg shells are found; or

• Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

• Birds calling from a stationary location within the area; or

• Birds circling above the canopy; or

• A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than three hundred feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap greater than three hundred feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

The department shall rely upon the department of fish and 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 a contiguous forested area with all of the following characteristics:

- Within forty miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least forty percent of the trees equal to or greater than thirty-two inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and
- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and fifty feet or more in height above the ground.

"**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 fish and 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.

(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 one thousand three hundred 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 three hundred foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of seventy-five trees per acre greater than 6 inches dbh; provided that twenty-five of which shall be greater than 12 inches dbh including five 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 two hundred feet and extended to maximum of four hundred feet as long as an average of three hundred 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 one thousand three hundred 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 fish and 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 fish and 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).

**AMENDATORY SECTION** (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

**WAC 222-24-030 Road construction.** (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

**\*(2) Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

**\*(4) Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

**\*(5) Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

**\*(6) Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

**\*(7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

**\*(8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

**\*(9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

**\*(10) Disturbance avoidance.** Road construction, operation of heavy equipment and blasting shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-050 Felling and bucking.** **\*(1) Falling along water.**

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

**\*(2) Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

**\*(3) Falling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

**\*(4) Falling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

**\*(5) Disturbance avoidance.** Felling and bucking shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-060 Cable yarding.** **\*(1) Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.

**\*(2) Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

**\*(3) Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.

**\*(4) Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize

damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

\*(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) Disturbance avoidance. The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

**WAC 222-30-065 Helicopter yarding.** Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-070 Tractor and wheeled skidding systems.** \*(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

\*(2) **Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

\*(3) **Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

\*(4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

\*(5) **Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

\*(7) **Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outslopped where practical, but be inslopped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

\*(8) **Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

\*(9) **Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) Disturbance avoidance. The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

**WAC 222-30-075 Timber and rock hauling.** The following limits on timber hauling shall apply within 0.25 mile northern spotted owl site center between March 1 and August 31:

(1) At all times of the day vehicle speed shall be limited to fifteen miles per hour; and

(2) Timber and rock hauling shall be limited to one hour after official sunrise to one hour before official sunset; and

(3) All reasonable attempts shall be made to minimize traffic within suitable habitat, attempt to route traffic through nonhabitat.

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-30-100 Slash disposal or prescribed burning.** (1) **Slash disposal techniques:**

\*(a) Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, soil, residual timber, public resources, and other property.

\*(c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

(2) **Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).

(3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

\*(4) **Removing slash and debris** from streams.

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

\*(5) **Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands.

When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

(6) **Disturbance avoidance.** Burning shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

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

**WAC 222-38-020 Handling, storage, and application of pesticides.** \*(1) **No pesticide leakage, contamination, pollution.**

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

\*(2) **Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

\*(3) **Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

\*(4) **Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

\*(5) **Aerial application of pesticides.**

(a) To keep pesticides out of the water, leave a 50 foot buffer strip on all typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

(h) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

**\*(6) Ground application of pesticides with power equipment.**

Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

**\*(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

**\*(10) Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

**\*(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

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

**WAC 222-38-030 Handling, storage, and application of fertilizers.** **\*(1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any

fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

**\*(2) Riparian management zone.** Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(3) Wetland management zone.** Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a 25 foot buffer on all Type 1, 2, and 3 Waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

(g) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

**\*(5) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(6) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

**WSR 94-20-063  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-116—Filed September 30, 1994, 4:50 p.m., effective October 2, 1994, 12:01 a.m.]

Date of Adoption: September 30, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-517.

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 Areas 7 and 7A provides opportunity to harvest the nontreaty share of Canadian-origin chum salmon according to preseason Pacific Fishery Management Council North of Falcon agreements. Coho and chinook release requirements necessary to reduce nontreaty impact on stocks of concern. Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin. The gill net mesh size restriction and purse seine chinook release requirement are necessary to reduce nontreaty chinook impacts relative to regional chinook run size estimate 31% below preseason forecast. Opening in Area 9A provides opportunity to harvest the non-Indian share of Hood Canal hatchery-origin coho according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: October 2, 1994, 12:01 a.m.

September 30, 1994

Robert Turner  
Director

#### NEW SECTION

**WAC 220-47-518 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 2nd, 1994 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* **AREAS 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, Sunday October 2 to Saturday October 22. It is unlawful to retain coho and chinook salmon taken with reef net gear.
- \* **AREAS 7B** - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish continuously through 11:59 p.m. Saturday October 29. Purse seines are required to release all chinook.
- \* **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 3 to 4:00 p.m. Friday October 7.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 2, 1994:

WAC 220-47-517 Puget Sound all-citizen commercial salmon fishery. (94-109)

#### **WSR 94-20-064 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 94-117—Filed September 30, 1994, 4:51 p.m., effective October 3, 1994, 6:00 a.m.]

Date of Adoption: September 30, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-32-05100H; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and shad are present. This regulation is adopted pursuant to Yakama Nation Regulations.

Effective Date of Rule: October 3, 1994, 6:00 a.m.

September 30, 1994

Robert Turner  
Director

#### NEW SECTION

**WAC 220-32-05100J Columbia River salmon seasons above Bonneville.** Notwithstanding the provisions of WAC 220-32-051, effective 6:00 a.m. October 3, to 6:00 p.m. October 6, 1994, treaty fishers of the Yakama Indian Nation may fish for and possess salmon and shad taken from those waters of the Columbia River from power lines crossing the river near the old Hanford townsite north of Richland, downstream to the Interstate-395 bridge over the Columbia River at Pasco. Fishers may not land or beach their boats on the west bank of the river within the boundaries of the Hanford Reservation without prior security clearance. Set gillnets shall not exceed 400' in length, or drift gillnets not to exceed 600' in length. All nets must have a mesh greater than 7 3/4" (stretch measure). In addition, scaffolds may be erected in the Hanford Reach of the Columbia River after receiving authorization from the Fish and Wildlife Committee. It is unlawful to retain any sturgeon taken incidental to the fishery provided herein. Salmon and shad taken in this fishery must be sold within a 5-mile radius of the fishing area described above.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100H Columbia River salmon seasons above Bonneville. (94-106)

**WSR 94-20-076  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-118—Filed October 3, 1994, 4:46 p.m.]

Date of Adoption: October 3, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100I; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and shad are present. This regulation is adopted pursuant to Umatilla tribal regulations.

Effective Date of Rule: Immediately.

October 3, 1994

Robert Turner

Director

**NEW SECTION**

**WAC 220-32-05100K Columbia River salmon seasons above Bonneville.** Notwithstanding the provisions of WAC 220-21-051, effective 6:00 a.m. October 4, to 6:00 p.m. October 7, 1994, treaty fishers of the Confederated Tribes of the Umatilla may fish for and possess chinook salmon and shad taken from those waters of Columbia River upstream of the I-395 bridge at Pasco to the wooden powerline towers at the old Hanford townsite. Fishers may fish in any section on the Columbia River within these boundaries. Nets may be placed on either bank or in mid-river. Commercial fishing gear may be floating set nets or drift gillnets not exceeding 400' in length. Mesh size shall be no smaller than 8 inches stretch measure. Commercial species caught in this fishery may be sold within a five mile radius of above defined area. Chinook and shad may be retained for subsistence purposes. Sturgeon may not be retained for any purpose.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100I Columbia River salmon seasons above Bonneville (Order #94-113).

**WSR 94-20-088  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3792—Filed October 4, 1994, 11:20 a.m., effective October 5, 1994, 12:01 a.m.]

Date of Adoption: October 4, 1994.

Purpose: Children who receive foster care are now considered "independent children" to qualify needy, nonparental relatives for AFDC although the income, resources, or needs of these children is not taken into account. Clarifies that children receiving SSI may also qualify a needy, nonparental relative for AFDC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1610 Assistance units—Optional members.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Federal administrative policy (Action Transmittal #ACF-AT-94-5).

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.

Reasons for this Finding: The federal administrative policy considers children who receive foster care as "independent children" in order to qualify needy, nonparental relatives for AFDC although the income, resources, or needs of these children are not taken into account.

Effective Date of Rule: October 5, 1994, 12:01 a.m.

October 4, 1994

Dewey Brock, Chief

Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-215-1610 Assistance units—Optional members.** Except as specified under WAC 388-215-1620, the department may include in the assistance unit at the option of the family:

(1) One needy (~~relative~~) nonparental caretaker relative of specified degree as defined under WAC 388-215-1080 whose eligibility depends solely on caring for the eligible child(ren), if a parent does not reside in the family home(±). For the purpose of determining the eligibility of the nonparental caretaker relative under this section, the department shall:

(a) Consider a child who receives SSI or federal, state or local foster care benefits as an eligible child when no other AFDC eligible child lives in the home; and

(b) Not include the income, resources or needs of the child who receives SSI or federal, state or local foster care



when determining the need and the amount of the assistance payment of the assistance unit.

(2) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in WAC 388-215-1600;

(3) ~~((At the option of the family, the department shall exclude))~~ The sibling(s) of an SSI child.

**WSR 94-20-130**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed October 5, 1994, 11:52 a.m.]

Date of Adoption: October 5, 1994.

Purpose: To provide tax reporting information to taxpayers engaged in business as tour operators in the interim until the rule can be adopted on permanent basis.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-258.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Chapter 25, Laws of 1993 sp. sess.

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: 2ESSB 5967, chapter 25, Laws of 1993 sp. sess., made tax law changes which took effect on July 1, 1993.

Effective Date of Rule: Immediately.

October 5, 1994  
Claire Hesselholt  
Acting Assistant Director  
Legislation and Policy

AMENDATORY SECTION (Amending WSR 90-17-003, filed 8/2/90)

**WAC 458-20-258 Travel agents ~~((and))~~ tour operators, guided tours and guided charters.** (1) **Introduction.** This section describes the business and occupation (B&O) taxation of travel agents and tour operators. ~~((Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. However, the business activities of tour operators may sometimes include activities like those of a travel agent. This section recognizes the overlap of activities and taxes them consistently.))~~ The definition of "retail sale" in RCW 82.04.050 was amended in 1993 to include charges for guided tours and guided charters. This change became effective July 1, 1993. This section also discusses the B&O and retail sales tax liability for guided tours and charters.

**(2) Definitions:**

(a) "Commission" means the fee or percentage of the charge or ~~((their))~~ its equivalent, received in the ordinary course of business as compensation for arranging the service. The customer or receiver of the service, not the person

receiving the commission, is always responsible for payment of the charge.

(b) "Pass-through expense" means a charge to a tour operator business where the tour operator is acting as an agent of the customer and the customer, not the tour operator, is liable for the charge. The tour operator cannot be primarily or secondarily liable for the charge other than as agent for the customer. See: WAC 458-20-111 Advances and reimbursements.

(c) "Tour operator business" means a business activity of providing directly or through third party providers, transportation, lodging, meals, guided tours, and other associated services where the tour operator purchases or itself provides any or all of the services offered, and is itself liable for the services purchased.

(d) "Travel agent business" means the business activity of arranging transportation, lodging, meals, or other similar services which are purchased by the customer and where the travel agent or agency merely receives a commission for arranging the service.

(e) "Guide" means a person who conducts tours of specific locations or attractions by providing a narrative of the area and/or by directing the participants through the area toured. A guide does not include a person who only serves as a host or hostess to provide services such as accounting for everyone on the tour, providing maps or brochures of the area or areas toured, and/or helping with luggage or any similar problems that may arise during the tour.

(f) "Guided tour" is a sightseeing, adventure, recreational or similar experience in which a guide is present for at least twenty five percent of the time measured from the beginning to the end of the tour. Guided tours include, but are not limited to, walking tours of historic areas, hikes, mountain climbs, bicycle, kayak, rafting and canoe trips which are accompanied by a guide. Guided tours also include bus tours, boat tours and aerial tours of scenic areas during which the driver, pilot, or another person gives a narrative of the area toured.

(g) "Charter" is the hiring of the exclusive use of a bus, plane, boat or other transportation vehicle where the owner or the owner's agent retains possession, command, and control of the transportation.

(h) "Charter Operator" means a person engaged in the business of providing charters, directly or through third party providers.

(i) "Guided charter" means a charter in which a guide is present for at least twenty-five percent of the time of the charter. Guided charters include, but are not limited to, fishing charters.

**(3) Travel agents.**

(a) Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). The gross income of a travel agent or a travel agent business is the gross commissions received without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense. ~~((It is taxed at the special travel agent rate.))~~

(b) Gross receipts, other than commissions, from other business activities of a travel agent, including activities as a tour operator, are taxed in the appropriate B&O classification, service, retailing, etc., as the case may be.

**(4) Tour operators.**

(a) ~~((The gross income of a tour operator or a tour operator business is the gross commissions received when the activity is that of a travel agent business.~~

~~(i) When a tour operator receives commissions from a third party service provider for all or a part of the tour or tour package, the gross income of the business for that travel agent activity is the commissions received.~~

~~(b) However, if the activity is that of a tour operator business,)) Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. Tour operators who directly provide guided tours in this state are taxed under the retailing business classification and must collect and remit retail sales tax on the charge for the guided tour. Guided tours are discussed in section five below. ~~((#))~~Receipts are B&O taxable in the service classification without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense; **except**, receipts attributable to pass-through expenses are not included as part of the gross income of the business.~~

~~(i) If pass-through expenses include lodging, meals, guided tours or other services which are retail sales, the tour operator should pay the applicable retail sales tax at source.~~

~~(b) Gross receipts from other business activities are taxed in the appropriate B&O classification. If a tour operator receives commissions from a third party service provider such as a hotel or restaurant, the commissions are taxed at the special travel agent rate.~~

~~(5) Guided tours and guided charters. Charges for guided tours and guided charters which take place in Washington State are retail sales and subject to Washington's retail sales tax and retailing B&O tax.~~

~~(a) If the guided tour or charter only takes place in this state, the total price of the guided tour or charter is subject to Washington's retail sales tax. For purposes of this rule, "in this state" includes waters contiguous to this state which are not in any other state.~~

~~(b) If a guided tour or guided charter takes place both inside and outside of Washington, that percentage of the tour that takes place in this state is subject to Washington's retail sales tax if the percentage is more than twenty-five percent. Percentage of tour relates to the time spent on the tour. For example, if one day of a three day guided tour is spent in this state and two days are spent outside this state, one third of the tour is a retail sale in this state. The tour operator must collect and remit Washington's retail sales tax on one-third of the charge for the tour.~~

~~(c) The sale takes place at the time the customer purchases the tour or charter and has the obligation to make payment. A "customer" can include the person who will take the tour as well as travel agents or other tour operators who may purchase guided tours to include in a tour package.~~

~~(d) If the tour is advertised as a tour to one location, the place of sale is the place of destination. If the tour is to several areas, the place of sale is the first place in this state which is included in the tour.~~

~~(e) If a guided tour is included in a tour package which includes lodging, meals and/or other services, the guided tour portion of the package is a retail sale. If the guided tour is provided by a third party, the tour operator who packages the tour should pay retail sales tax on the charges for the guided tour as well as the charges for the lodging and meals. If the~~

tour operator who packages the tour is personally providing the guided tour portion of the package, the tour operator would owe retailing B&O and retail sales tax on the fair market value of the guided tour portion of the package. The tour operator may advertise the tour as including retail sales tax and back the appropriate amount of retail sales tax out of the charge for the guided tour. Fair market value for the guided tour portion can be computed by one of the following methods:

(i) If the guided tour portion is also sold separately from the tour package, that amount constitutes the fair market value of the guided tour.

(ii) If the guided tour portion is not sold separately, the amounts for any lodging, meals, or guided tours provided by third parties may be deducted from the charge for the total package. The balance would constitute the fair market value of the guided tour portion of the package which is subject to retail sales tax.

(f) If more than seventy-five percent of the time spent on a guided tour is outside this state, no retail sales tax is due on the charge for the tour.

~~((#))~~ (6) Examples: The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) A travel agent issues an airplane ticket to a customer. The cost of the ticket is \$250 which is paid by the customer. The travel agent receives \$25 from the airline for providing the service.

~~((#))~~ The gross income of the business for the travel agent is the \$25 commission received((-

(ii) The gross income of the business)) which is taxed at the special travel agent rate.

(b) A tour operator offers a tour costing \$1,500 per person. The tour cost consists of \$800 airfare, \$500 lodging and meals, and \$200 bus transportation. The tour operator has an arrangement with each of the service providers to receive a 10% commission for each service of the tour, which in this case is \$150 (\$80 + \$50 + \$20). The tour operator issues tickets, etc, only when paid by the customer and is not liable for any services reserved but not provided.

~~((#))~~ The tour operator is engaged in a travel agent activity and the gross income of the business is commissions received, \$150, which((-

(ii) The gross income of the business, \$150,)) is taxed at the special travel agent rate.

(c) The same facts as in example (b) except that the tour operator has a policy of requiring 10% or \$150 as a down payment with the remaining \$1,350 payable 20 days prior to departure with 95% refundable up to 10 days prior to departure and nothing refunded after 10 days prior to departure. The customer cancels 15 days prior to departure and is refunded \$1,425 with the tour operator retaining \$75.

~~((#))~~ The gross income of the tour operator business is the \$75 retained which is taxed at the service B&O rate. No amount is attributable to pass-through expense since the tour operator was not obligated to the service provider in the event of cancellation and the tour operator was not acting as the agent of the customer.

~~((ii) The gross income of the business, \$75, is taxed in the service B&O tax classification.))~~

(d) A tour operator offers a package tour for the Superbowl costing \$800 per person. The tour operator purchases noncancellable rooms in a hotel for \$300 per room for 2 nights, and game tickets which cost \$100 each. The package includes airfare which costs \$200 per person for which the tour operator receives the normal commission of \$20. As an extra feature, the tour operator offers to provide, for an extra cost, special event tickets, if available, at his cost of \$50 each. The tour operator is B&O taxable as follows:

(i) The gross income of the tour operator business is \$600 (\$800 less \$200 airfare). Because the tour operator purchased the rooms and the game tickets in its own name and is liable for the rooms or tickets if not resold, the tour operator is not operating as a travel agent business and is B&O taxable in the service classification. If the tour operator receives a commission on the rooms sold to itself, the activity remains taxable as a tour operator business under the service classification and the commission received is treated as a cost discount, not included in the gross income of the business.

(ii) The \$50 received for the special event ticket is attributable to a pass-through expense and is not included in the gross income of the tour operator business. The special event ticket receipt is attributable to a pass-through expense because the tour operator is acting as an agent for the customer.

(iii) The \$20 received as commission from the sale of the airfare is a travel agent business activity and is included as gross income of a travel agent and taxed at the special travel agent rate.

(e) A tour operator sells a package tour to Mount Rainier National Park. The tour includes transportation by bus to Paradise Lodge on Mount Rainier from Seattle, lunch at a restaurant on the way to the mountain, an optional hike, and return to Seattle. A guide accompanies the tour and provides a narrative of the areas toured. The tour is a "guided tour" because more than 25% of the time is spent with a guide. The charge for the tour, therefore, is subject to Washington's retail sales tax and Retailing B&O tax. The tour operator may advertise the tour as including applicable retail sales tax and back out the appropriate amount of tax for the guided tour portion of the package.

(i) The tour operator should pay retail sales tax at source for the lunches and deduct the total charge for the lunches from the cost of the total tour. If the tour operator receives a commission from the restaurant, that amount is subject to tax at the travel agent rate as provided in (4)(b) above. The remaining amount is considered the charge for the guided bus tour and is subject to retailing B&O tax and retail sales tax.

(ii) The place of sale is the tour destination, Mount Rainier National Park.

(f) A tour operator provides a package tour from Seattle to San Juan Island, Washington. The tour includes a bus trip to the ferry dock, a ferry ride to San Juan Island, a guided bus tour of the island provided by a third-party tour operator, dinner, and a return ferry and bus trip. A hostess accompanies the tour to help direct and account for passengers. The total time for the tour is twelve hours; the guided bus tour is for two hours. The bus trip to and from the ferry dock is

not a "guided tour" because a person who only directs and accounts for passengers is not a "guide."

(i) The company should pay retail sales tax at source on the charges for the guided bus tour of the island and for the dinner. These costs as well as the cost for the ferry tickets are pass-through costs which are not included as part of the tour operator's gross income.

(ii) The tour operator will owe B&O tax on any commission income received from the restaurant or third party tour operator at the special travel agent rate. The remaining income is taxable as a tour operator business at the service rate.

(g) A Canadian company provides guided tours from this state to British Columbia ("C" tours) and guided tours from British Columbia to this state ("W" tours). Most of the tickets are sold through the company's office in Vancouver, B.C. Passengers on the "C" tours spend more than 75% of their time in Canada. The "C" tours, therefore, are not subject to Washington's retail sales tax. Passengers on the "W" tours spend 75% of the time for the tour in this state. The tour operator must collect and remit Washington's retail sales tax on 75% of the charge for the tour. The place of sale would be the first place in this state which is included in the tour.

(h) A tour operator sells a weekend package which includes a four-hour guided bus tour of Seattle, lodging, and three meals. The tour operator purchases the lodging and meals from third party providers while itself providing the guided bus tour. Customers have the option of purchasing the tour as part of the weekend package or of purchasing only the guided bus tour. The tour operator may break out the cost of the guided bus tour from the weekend package and remit retailing and retail sales tax on that portion of the charge. The amount remaining, the "commission" for arranging the lodging and meals is subject to B&O tax at either the travel agent or service rate as provided above.

(i) A tour operator provides bus tours for senior citizens to several different localities for shopping excursions. A person hired by the tour operator accompanies the group to direct the group as to where to meet and to help with any problems that may arise during the excursion. The company is not providing a "guided tour." The company should report its income under the service classification as a tour operator.

(j) A tour operator provides bus transportation to and from the opera, theater, and various sporting events. Sometimes a person hired by the tour operator accompanies the group and gives a lecture on the event that will be seen. Such tours are not "guided tours" as the person who accompanies the tour is not a "guide" as defined in (2)(e) above. The tour operator is taxable under the service B&O tax classification.

(k) A tour operator provides an eight-hour bus tour of several different areas in Washington State. At one of the locations, the tour operator hires a local independent sight-seeing guide, sometimes referred to as a "step-on" guide, to give a one-hour tour of the local area. Because a guide is not present for at least 25% of the tour, the tour is not a "guided tour." The tour operator owes service B&O on the charge for the tour with no deduction for the charge by the guide. The "step-on" guide owes service B&O on amounts received for providing the guide service to the tour operator.

(l) A tour operator provides an eight-hour bus tour of Whidbey Island. A "step-on" guide is present for four hours of the tour. This tour is a "guided tour" because more than 25% of the time is spent with a guide. The tour operator should report retailing B&O and collect and report retail sales tax on the total charge for the tour. The "step-on" guide owes service B&O on amounts received for providing the guide service to the tour operator.

(m) A tour operator provides a four hour boat trip to see whales and other marine life off the coast of Washington. A person accompanies the tour to give a short lecture on the area and to help the passengers spot the whales. The charter is a "guided charter" because a guide is present for the duration of the charter. The total charge for the tour is subject to Washington's retail sales tax.

**WSR 94-20-009**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 [Memorandum—September 22, 1994]

Please publish a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the State Register.

DATE: November 16, 1994  
 TIME: 10:00 a.m. to noon  
 PLACE: GFP Board Room  
 SeaTac Airport  
 17801 Pacific Highway South  
 Main Terminal 5110  
 SeaTac, WA

**WSR 94-20-011**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Memorandum—September 21, 1994]

The Public Disclosure Commission has cancelled its regular meeting scheduled for Tuesday, September 27, 1994. The next regular meeting is scheduled for 9 a.m. October 27, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA.

**WSR 94-20-012**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
 [Memorandum—September 21, 1994]

The October 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, October 19, and 9:00 a.m. on Thursday, October 20, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, October 19, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The November 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, November 16, and 9:00 a.m. on Thursday, November 17, 1994, in the Shaw/Lopez Room, WestCoast Everett Pacific Hotel, 3105 Pine Street, Everett, WA. There will be committee meetings at 9:00 a.m., Wednesday, November 16, in the Whidbey/Camano and Bainbridge/Vashon Rooms at the WestCoast Everett Pacific Hotel.

**WSR 94-20-013**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—September 22, 1994]

BOARD OF TRUSTEES  
 September 23, 1994, 900 a.m.  
 Spokane Center, Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in Room 222 on the Second Floor of the Spokane Center.

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 94-20-017**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1994 No. 14**  
 [September 16, 1994]

**PUBLIC WORKS—PUBLIC AGENCY CONTRACTS—CONTRACTORS AND SUBCONTRACTORS—**Obligation of general contractor to list subcontractors on public works bid

A general contractor is obligated by RCW 39.30.060, as amended, to submit a list of the major subcontractors it will actually use on a public works contract if awarded the bid; the statute assigns no specific duties to public agencies in implementing its provisions, and does not specify a procedure for substituting subcontractors after the bid award.

Requested by:

Honorable Hans Dunshee  
 State Representative, District 39  
 436 John L. O'Brien Building, MS 40677  
 Olympia, WA 98504-0677

**WSR 94-20-018**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1994 No. 15**  
 [September 19, 1994]

**COURTS—SUPERIOR COURTS—FILING FEES—PUBLIC FUNDS—STATE TREASURER—COUNTY TREASURER—LAW LIBRARIES—**Procedures for dividing filing fees received on superior court cases between the state and county treasuries, and calculating the amount due to the county law library fund

1. Current law requires county treasurers to remit to the state treasurer 46 percent of all superior court filing fees covered by RCW 36.18.020 before calculating any amounts due to the county or regional law library fund.
2. After remitting the state's share of superior court filing fees to the state treasurer, county treasurers are required by RCW 27.24.070 to deposit an amount in the county or regional law library fund equal to \$12 times the number of civil or probate fees paid in connection with the filing of a new matter.

Requested by:

Honorable John W. Ladenburg  
 Pierce County Prosecuting Attorney  
 955 Tacoma Avenue South, Suite 301  
 Tacoma, WA 98402-2160

OCTOBER 18 - 19, 1994

COLUMBIA BASIN COLLEGE  
 BUILDING H  
 SENATE ROOM  
 2600 NORTH 20TH AVENUE  
 PASCO, WA

**WSR 94-20-019**  
 NOTICE OF PUBLIC MEETINGS  
 UNIVERSITY OF WASHINGTON  
 [Memorandum—September 20, 1994]

Following is a revised 1994 meeting schedule(s) for regular meetings to be held by the University of Washington's faculty of the Department of Ophthalmology.

**Ophthalmology  
 Department Faculty Meeting**

Meetings Dates	Location	Time
January 13, 1994	BB-824 HSC	noon
February 17, 1994	BB-824 HSC	noon
March 17, 1994	BB-824 HSC	noon
April 7, 1994	BB-824 HSC	noon
May 1994	no meeting	
June 9, 1994	BB-824 HSC	noon
July 1994	no meeting	
August 1994	no meeting	
September	no meeting	
October 13, 1994	BB-824 HSC	noon
November 10, 1994	BB-824 HSC	noon
December 8, 1994	BB-824 HSC	noon

**Clinical Faculty Meeting**

Meeting Dates	Location	Time
January 20, 1994	BB-824 HSC	noon
February 24, 1994	BB-824 HSC	noon
March 24, 1994	BB-824 HSC	noon
April 21, 1994	BB-824 HSC	noon
May 26, 1994	BB-824 HSC	noon
June 16, 1994	BB-824 HSC	noon
July 1994	no meeting	
August 1994	no meeting	
September 15, 1994	BB-824 HSC	noon
October 20, 1994	BB-824 HSC	noon
November 17, 1994	BB-824 HSC	noon
December	not scheduled	

**WSR 94-20-030**  
 NOTICE OF PUBLIC MEETINGS  
 WORKFORCE TRAINING AND  
 EDUCATION COORDINATING BOARD  
 [Memorandum—September 26, 1994]

MEETING NOTICE  
 WASHINGTON STATE  
 WORKFORCE TRAINING AND  
 EDUCATION COORDINATING BOARD

October 18, 1994, 6:00 - 8:00 p.m., the Workforce Training and Education Coordinating Board will hold an informal dinner meeting on October 18 at the Red Lion Inn, 2525 North 20th, Pasco, WA, beginning at 6:00 p.m.

October 19, 1994, Building L, Room L-102, 8:00 a.m. - 11:00 a.m., the Outcomes and Evaluation Committee will meet to discuss the NGA Performance Management Project, and preliminary report frameworks for HB-1988 funded activities.

October 19, 1994, Building H, Senate Room, 8:00 a.m. - 11:00 a.m., the Planning and Coordination Committee will meet to discuss the following agenda items: Implementation of "High Skills, High Wages" including Carl Perkins and job skills program planning; HB 1988-directed study on training/retraining and an update on the state's "One-Stop" planning.

October 19, 1994, Building H, Senate Room, 12:30 p.m. - 4:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold its regular business meeting on Wednesday, October 19, beginning at 12:30 p.m. The meeting will be held in Building H, Senate Room at Columbia Basin Community College.

Agenda items will include: Reports from the Outcomes and Evaluation Committee and the Planning and Coordination Committee, a discussion of school-to-work system building, including a review of the Governor's Council on School-to-Work Transition, and a report on TECH PREP.

People needing special accommodations, please call Anne Townsend at least ten days in advance at (206) 753-5677 or SCAN 234-5677.

**WSR 94-20-048**  
 NOTICE OF PUBLIC MEETINGS  
 DEPARTMENT OF HEALTH  
 (Board of Physical Therapy)  
 [Memorandum—September 27, 1994]

The Washington State Board of Physical Therapy has scheduled the following meetings for 1995. We can only provide the city in which the meeting will be held since facilities do not book that far in advance.

January 17, 1995	SeaTac
March 21, 1995	SeaTac
May 16, 1995	Spokane
July 16-18, 1995	Spokane
September 19, 1995	SeaTac
November 21, 1995	SeaTac

If you have any questions, please call 753-0876.

MISCELLANEOUS

**WSR 94-20-051**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Asparagus Commission)  
 [Memorandum—September 27, 1994]

The quarterly meeting of the Washington Asparagus Commission which was scheduled for Tuesday, October 18, 1994, at 1:00 p.m. has been changed to Thursday, October 27, 1994, at 1:00 p.m. Location remains the same: Sue's Pioneer Kitchen, Toppenish, Washington.

**WSR 94-20-052**  
**PERMANENT RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**  
 [Filed September 30, 1994, 9:09 a.m.]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

**CERTIFICATE AND ORDER FOR FILING PERMANENT  
 ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE  
 REVISER**

I hereby certify that the copy shown below is a true, full and correct copy of permanent rule(s) adopted on September 27, 1994, by the Columbia River Gorge Commission to become effective October 31, 1994.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action in Code Revisers Register:  
 Yes.

Now therefore, it is hereby ordered that the following action to be taken: Adopting 350-120, Economic development certification process as administrative rules of the Columbia River Gorge Commission.

Dated this 28th day of September, 1994.

Jonathan Doherty  
 Executive Director

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

**COLUMBIA RIVER GORGE COMMISSION**  
 Chapter 350  
 Division 120  
 Economic Development Certification Process

**350-120-000. Purpose.**

This division specifies the process of the Columbia River Gorge Commission (Commission) to certify activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Scenic Area Act, the management plan, and land use ordinances adopted pursuant to the Act.

**350-120-010. Authority.**

Section 11 (c)(1) of the Scenic Area Act requires the Commission to certify all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to the Act.

The Scenic Area Act states as follows:

**§ 544i. Economic development**

(a) **Economic development plan.** Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act.

(b) **Funds provided to States for grants.** Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide \$5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of this Act.

(c) **Conditions of grants.** Each State making grants under this section shall require as a condition of a grant that—

(1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to this Act;

(2) grants and loans are not used to relocate a business from one community to another;

(3) grants and loans are not used for program administration; and

(4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary pursuant to section 8 of this Act [16 USCS § 544f].

(d) **Report.** Each State shall—

(1) prepare and provide the Secretary with an annual report to the Secretary on the use of the funds made available under this section;

(2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

16 USCS § 544i.



**350-120-020. Application for certification.**

(1) The applicant shall submit one complete application to the Executive Director of the Commission.

(2) A complete application shall include:

(a) One complete copy of the application materials required by the state agency administering the grant or loan program, excluding confidential financial information;

(b) If the proposed project will be located entirely or partially within the general management area or special management area one complete copy of a Scenic Area land use ordinance development review decision, issued by the applicable county planning director, approving the proposed project as consistent with the ordinance requirements, or a copy of a letter from the applicable county planning director stating why the proposed project does not require review under the county's Scenic Area land use ordinance;

(c) One completed application for certification form, available from the Gorge Commission and/or the state agencies administering the grant or loan program. The form shall include the following information:

(A) applicant's name and business address;

(B) description of proposed project for which a Scenic Area grant or loan is sought;

(C) legal description and map of the specific location of proposed project; if project has multiple or regional locations, these should be identified;

(D) description of the existing use of the property or properties on which the project will be located and/or used;

(E) a statement setting forth any local, state or federal permits required and a report on their status; and

(F) signature of applicant and property owner if, different from applicant.

(d) One copy of each of any state and federal environmental permits that have been issued for the proposed project. If permits have not been received, copies of permit applications shall be submitted instead.

(3) The Director shall review the application and determine if it is complete. If it is not complete, the applicant is required to submit the additional information requested by the Director. Once the Director determines the application is complete, the process of staff analysis shall begin.

**350-120-030. Recommendation of the Director.**

(1) In making a recommendation on a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(2) The Director shall recommend a grant or loan for certification only if it is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(3) Within 15 working days of acceptance of the application as complete, the Director shall issue a report setting forth the recommendation and the basis for it.

(4) The Director shall mail a copy of the decision to the applicant, Gorge Commissioners, the Forest Service, the States of Oregon and Washington, the Indian Tribes with

treaty rights in the Scenic Area, and the planning director of the applicable county or city.

**350-120-040. Review and decision by commission.**

(1) The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.

(2) The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:

(a) approve the request, certifying the grant or loan is consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;

(b) approve the request contingent upon approval of certain required state and/or federal environmental permits;

(c) defer the decision, pending receipt of further information; or

(d) deny the request, stating that the grant or loan is not consistent with the purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

**WSR 94-20-053**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed September 30, 1994, 9:55 a.m.]

ANNUAL FISCAL YEAR AGENDA: POTENTIAL SIGNIFICANT RULES UNDER CONSIDERATION FOR  
 DEVELOPMENT

WAC Chapter	Subject	Approximate File Date of CR-101	Approximate Adoption Date (and File Date of CR-103)	Other agencies That May Be Affected
16-200	Fertilizer Rule "Organic" definition revision. Strive for uniformity with other states in the regulation of organic fertilizers.	1/95	11/95	None
16-228	Nonfood Status: Small Vegetable Seed Crops With WSU, develop a program to assist small vegetable seed growers in gaining new pesticide registrations by classifying the sites as nonfood and nonfeed sites.	9/94	12/94	None
16-228	Classification of Category I Handlers To adequately ensure the safety of individuals who mix, load and apply highly toxic pesticides.	1/95	10/95	Labor & Industries Health
16-228	Commercial Applicator License Exemptions Exemption to licensure for busi- nesses which commercially apply general use antifouling paints to their customers' marine vessels. WSDA working with DOE to incorporate additional best man- agement practices into their permitting.	10/94	1/95	Ecology
16-228	Revising Private Applicator Expiration Dates Allow for more efficient issuance of annual pesticide licenses	11/94	4/95	None
16-228	General Pesticide Rules Some housekeeping changes; some technical changes; penalty matrix changes; definition and recordkeeping changes. Various section changes planned to be worked with public participation groups.	5/95 (Note: Timetable is best estimate)	12/95	Ecology (some sections) Labor & Industries (some sections)
New WAC	Worker Protection Declaration of an agricultural emergency under the worker protection standards. Process required under federal regulations.	10/94	3/95	Labor & Industries

For questions contact: Dannie McQueen, Rules Coordinator, phone 902-1809.

Submitted by:  
Jim Jesernig  
Director

**WSR 94-20-071  
COMMUNITY COLLEGES  
OF SPOKANE**

[Filed October 3, 1994, 2:12 p.m.]

Community Colleges of Spokane plans no significant rules development for fiscal year 1994-95 other than what has been published in Issue 94-18 of the Washington State Register.

Geoffrey J. Eng  
Rules Coordinator

**WSR 94-20-082  
NOTICE OF PUBLIC MEETINGS  
BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Memorandum—October 4, 1994]

Resolved that the State Board for Community and Technical Colleges hereby approves the 1995 state board meeting dates and locations schedule as follows:

January 18-19, 1995	State Board Office WEA Conference Room Olympia
March 1-2, 1995	No February meeting Bates Technical College Tacoma
April 19-20, 1995	South Puget Sound Community College Olympia
June 7-8, 1995	No May meeting Spokane Community College
August 6-8, 1995	State Board Retreat Battelle Conference Center Seattle
September 13-14, 1995	Peninsula College in Port Angeles No October meeting
November 1-2, 1995	Shoreline Community College Seattle
December 6-7, 1995	Clover Park Technical College Tacoma

**WSR 94-20-083  
NOTICE OF PUBLIC MEETINGS  
SOUTH PUGET SOUND  
COMMUNITY COLLEGE**

[Memorandum—October 3, 1994]

The board of trustees of Community College District 24 have scheduled a board retreat for Friday morning, November 4, 1994, to be held on the campus of South Puget Sound Community College. This will be a working session and no action will be taken.

**WSR 94-20-084  
NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—October 4, 1994]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 20, 1994, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus.

**WSR 94-20-085  
NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**  
[Memorandum—October 3, 1994]

SPECIAL MEETING

BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE

There will be a special meeting of the board of trustees on Monday, October 10, 1994, 12:00 noon in the Conference Room of the Matheson Building, 314 Pine Street, Mount Vernon, WA. This meeting is mainly for a planning discussion. No formal board action will be taken.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

**WSR 94-20-099  
NOTICE OF PUBLIC MEETINGS  
NOXIOUS WEED CONTROL BOARD**  
[Memorandum—October 4, 1994]

The Washington State Noxious Weed Control Board November meeting place has been changed. The meeting will be held as follows: November 16, 1994, 8:30 a.m. - 5:00 p.m., Washington State Department of Agriculture, 1111 Washington Street, Room 259, Olympia, WA.

The public is welcome to attend all meetings. Contact Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, (206) 872-2972, if you have any questions.

**WSR 94-20-108  
NOTICE OF PUBLIC MEETINGS  
MARINE EMPLOYEES' COMMISSION**  
[Memorandum—October 4, 1994]

Due to scheduling conflicts, the October 28, 1994, meeting of the Marine Employees' Commission has been canceled.

The next regularly scheduled Marine Employees' Commission meeting will be November 18, 1994, in the "Spike" Eikum Conference Room, Colman Dock, Pier 52, Seattle, Washington.

MISCELLANEOUS

**WSR 94-20-109**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1994 No. 16**  
 [September 28, 1994]

**COLLEGES AND UNIVERSITIES—COLLECTIVE BARGAINING—HIGHER EDUCATION—**Authority of four-year state-supported higher education institutions to engage in collective bargaining with faculty representatives

1. The faculty at four-year state-supported higher education institutions do not have a right under current law to engage in collective bargaining with their employers.
2. At their discretion, the governing bodies of four-year state-supported higher education institutions may enter into bargaining with representatives of the faculty concerning wages, hours, and working conditions, but such bargaining does not establish the terms of employment for nonrepresented faculty members.

Requested by:

Honorable James E. West  
 State Senator, District 6  
 115-D Institutions Building  
 Olympia, WA 98504-0406

**WSR 94-20-112**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—October 4, 1994]

The Washington State Human Rights Commission will hold its November regular commission meeting in Tacoma, Washington on November 17 and 18, 1994. The meetings will be held on both days at the Municipal Building, Sixth Floor Conference Room 601, 747 Market Street, Tacoma. The meeting on November 17, will be mainly a planning and training session beginning at 7:00 p.m. The regular business meeting on November 18, will begin at 9:00 a.m.

**WSR 94-20-113**  
**RULES COORDINATOR**  
**OFFICE OF**  
**STATE TREASURER**  
 [Filed October 5, 1994, 9:25 a.m.]

The rules coordinator for the Office of State Treasurer, as of September 30, 1994, is Scott Jarvis, Office of State Treasurer, Legislative Building, Mailstop 40200, Olympia, WA 98504-0200, phone (206) 586-7293.

Daniel K. Grimm  
 State Treasurer  
 By Ann Daley  
 Assistant Treasurer

**WSR 94-20-126**  
**PROPOSED RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**  
 [Filed October 5, 1994, 11:35 a.m.]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

In the matter of adopting administrative rules relating to appeals from decisions under gorge commission ordinances.

**HEARING AND ADOPTION OF RULES:** The Columbia River Gorge Commission proposes to amend rules relating to appeals from decisions under gorge commission ordinances, 350-70, at its regularly scheduled meeting on December 13, 1993 [1994], at 1:30 p.m., Rock Creek Center, Rock Creek Drive, Stevenson, Washington.

The chair of the commission will preside over and conduct the hearing.

Amend: Rule 350-70-060. The commission is the proponent of this proposed amendment.

No prior notice given.

**SUMMARY OF RULES:** The proposed language amends the rule which provides for a special review process in the commission's appeal rule for decisions under commission land use ordinances. The amendment clarifies the process and makes a change whereby the final decision no longer rests with the director but with the commission. The amendment provides for a contested case hearing for the commission to rule on the recommendations made by the director.

**STATEMENT OF NEED:** 1. The National Scenic Area Act contemplates the gorge commission shall act in an appellate role once land use ordinances have been adopted by counties in the gorge or, when the gorge commission has adopted such ordinances to implement the act. 2. The special review process ensures a remedy is available in case the impact of a regulation is so strict that, but for the regulation, all reasonable use is extinguished. The review process allows the commission the opportunity to consider if such a case exists and to provide relief where appropriate.

**STATUTORY AUTHORITY:** Authority to adopt the rules as proposed derives from the Scenic Area Act (16 U.S.C. § 544 et. seq.[]) and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196.150 and RCW 43.97.015. The proposed rule is necessary as a result of federal law, 16 U.S.C. § 544 et. seq. as well as state law, to ensure a remedy exists if the application of a regulation will otherwise extinguish all reasonable use of the property in question.

**DOCUMENTS RELIED UPON:** The proposed rule is based on the Columbia River Gorge National Scenic Area Management Plan and the National Scenic Area Act (16 U.S.C. § et. seq.), as well as the state and federal constitution. Copies of these documents are available at the Columbia River Gorge Commission office.

**STATEMENT OF ANTICIPATED EFFECTS:** The proposed amendment clarifies the special review process and provides a consistent process throughout the appellate process as a similar special review process is used in the rule governing appeals from decisions under county land use ordinances.

The proposed rule will ensure the commission has the opportunity to review and consider the impact of its regulations and ensure a property owner has a remedy if it appears a regulation extinguishes all reasonable use.

**FISCAL IMPACT STATEMENT:** The proposed rule will not have an adverse fiscal impact on the public or local government. The rule clarifies and makes more consistent a process for special review process in the commission's rule governing appeals from decisions under commission land use ordinances.

**ADVISORY COMMITTEE - PUBLIC INVOLVEMENT:** A specific advisory committee was not used to review the proposed amendment. However, the commission has met with several affected parties regarding this specific rule. The commission held a public workshop and allowed public and written comment on the issue. The proposed language is the product of discussions with interested parties.

**AVAILABILITY OF RULE:** The proposed rule is available on request from: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

**PUBLIC COMMENT:** Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by December 2, 1994, will also be considered. Comment may be made to: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

**Reviser's note:** The material contained in this filing will appear in the 94-21 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 94-20-127**  
**PROPOSED RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**  
 [Filed October 5, 1994, 11:40 a.m.]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

In the matter of adopting administrative rules relating to land use ordinances.

**HEARING AND ADOPTION OF RULES:** The Columbia River Gorge Commission proposes to amend rules relating to land use ordinances, 350-80, at its regularly scheduled meeting on December 13, 1993 [1994], at 10:30 a.m., Rock Creek Center, Rock Creek Drive, Stevenson, Washington.

The chair of the commission will preside over and conduct the hearing.

Amend: Rule 350-80, 350-80-020, 350-80-025 (new section), 350-80-040, 350-80-070, 350-80-080, 350-80-100, 350-80-110, 350-80-120, 350-80-130, 350-80-150, 350-80-160, 350-80-190, 350-80-200, 350-80-230, 350-80-270, 350-80-280, 350-80-335 (new section), 350-80-340, 350-80-370, 350-80-380, 350-80-420, 350-80-430, 350-80-520, 350-80-530, 350-80-540, 350-80-550, 350-80-560, 350-80-570, 350-

80-600, and 350-80-620. The commission is the proponent of the proposed amendments.

No prior notice given.

**SUMMARY OF RULES:** The proposed amendments clarify specific sections of the commission's land use ordinance.

**STATEMENT OF NEED:** 1. The National Scenic Area Act requires the gorge commission to adopt land use ordinances for those counties who do not adopt ordinances implementing the management plan. 2. The proposed amendments clarify language in the commission's land use ordinance.

**STATUTORY AUTHORITY:** Authority to adopt the rules as proposed derives from the Scenic Area Act (16 U.S.C. § 544 et. seq.[]) and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196.150 and RCW 43.97.015. The proposed rule is necessary as a result of federal law, 16 U.S.C. § 544 et. seq. as well as state law.

**DOCUMENTS RELIED UPON:** The proposed rule is based on the Columbia River Gorge National Scenic Area Management Plan and the National Scenic Area Act (16 U.S.C. § 544 et. seq.). Copies of these documents are available at the Columbia River Gorge Commission office.

**STATEMENT OF ANTICIPATED EFFECTS:** The proposed amendments clarify the commission's land use ordinance.

**FISCAL IMPACT STATEMENT:** The proposed amendments will not have an adverse fiscal impact on the public or local government.

**ADVISORY COMMITTEE - PUBLIC INVOLVEMENT:** A specific advisory committee was not used to review the proposed amendments. The commission held several public workshops and allowed public and written comment on the issue. The proposed language is the product of discussions with interested parties.

**AVAILABILITY OF RULE:** The proposed rule is available on request from: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

**PUBLIC COMMENT:** Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by December 2, 1994, will also be considered. Comment may be made to: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

**Reviser's note:** The material contained in this filing will appear in the 94-22 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-21-010	AMD-P	94-09-045	16-54-071	PREP	94-19-079	16-219-022	NEW-P	94-05-092
1-21-010	AMD	94-12-075	16-54-071	PREP	94-19-080	16-219-022	NEW	94-09-028
1-21-170	AMD-P	94-09-045	16-54-071	AMD-P	94-20-107	16-219-025	AMD-P	94-05-092
1-21-170	AMD	94-12-075	16-54-145	PREP	94-19-079	16-219-025	AMD	94-09-028
4-25-020	REP-P	94-13-060	16-54-145	PREP	94-19-080	16-219-027	NEW-P	94-05-092
4-25-030	REP-P	94-13-060	16-54-145	NEW-P	94-20-107	16-219-027	NEW	94-09-028
4-25-080	REP-P	94-13-060	16-59-010	PREP	94-19-081	16-219-027	AMD-E	94-15-050
4-25-185	REP	94-02-070	16-59-010	AMD-P	94-20-105	16-219-029	NEW-P	94-05-092
4-25-186	REP	94-02-070	16-59-030	PREP	94-19-081	16-219-029	NEW	94-09-028
4-25-187	REP	94-02-070	16-59-030	AMD-P	94-20-105	16-219-030	REP-P	94-05-092
4-25-188	REP	94-02-070	16-59-070	PREP	94-19-081	16-219-030	REP	94-09-028
4-25-270	REP-P	94-13-060	16-59-070	AMD-P	94-20-105	16-219-031	NEW-P	94-05-092
4-25-280	REP	94-02-070	16-86-015	AMD	94-05-008	16-219-031	NEW	94-09-028
4-25-300	REP	94-02-070	16-103-001	AMD	94-05-040	16-219-033	NEW-E	94-15-050
4-25-320	REP	94-02-070	16-103-010	NEW-E	94-13-074	16-219-100	NEW-P	94-05-061
4-25-410	NEW-P	94-13-059	16-103-010	NEW-P	94-14-034	16-219-100	NEW	94-08-035
4-25-521	NEW	94-02-068	16-103-010	NEW-W	94-14-060	16-219-105	NEW-P	94-05-061
4-25-522	NEW	94-02-068	16-103-010	NEW-P	94-15-056	16-219-105	NEW	94-08-035
4-25-625	NEW-P	94-13-062	16-103-010	NEW	94-19-011	16-221-001	REP	94-03-024
4-25-627	NEW-P	94-13-062	16-103-020	NEW-E	94-13-074	16-221-010	REP	94-03-024
4-25-710	PREP	94-18-052	16-103-020	NEW-P	94-14-034	16-221-020	REP	94-03-024
4-25-780	NEW	94-10-039	16-103-020	NEW-W	94-14-060	16-221-030	REP	94-03-024
4-25-810	NEW	94-02-072	16-103-020	NEW-P	94-15-056	16-221-040	REP	94-03-024
4-25-811	NEW	94-02-072	16-103-020	NEW	94-19-011	16-223-001	REP	94-03-023
4-25-812	NEW	94-02-072	16-108-010	AMD-P	94-05-074	16-223-002	REP	94-03-023
4-25-813	NEW	94-02-072	16-108-010	AMD-W	94-07-038	16-223-004	REP	94-03-023
4-25-820	NEW	94-02-071	16-125	PREP	94-16-100	16-223-005	REP	94-03-023
4-25-910	NEW-P	94-13-061	16-200-805	AMD-P	94-05-060	16-223-010	REP	94-03-023
4-25-920	NEW	94-02-069	16-200-805	AMD	94-08-034	16-223-020	REP	94-03-023
16-22-010	PREP	94-19-077	16-212-020	AMD-P	94-06-058	16-223-030	REP	94-03-023
16-22-010	AMD-P	94-20-104	16-212-020	AMD	94-10-002	16-223-040	REP	94-03-023
16-22-030	PREP	94-19-077	16-212-030	AMD-P	94-06-058	16-223-050	REP	94-03-023
16-22-030	AMD-P	94-20-104	16-212-030	AMD	94-10-002	16-223-060	REP	94-03-023
16-22-050	PREP	94-19-077	16-212-060	AMD-P	94-06-058	16-223-070	REP	94-03-023
16-22-050	AMD-P	94-20-104	16-212-060	AMD	94-10-002	16-228-010	PREP	94-20-110
16-23-010	PREP	94-19-078	16-212-070	AMD-P	94-06-058	16-228-235	REP-P	94-09-017
16-23-010	AMD-P	94-20-106	16-212-070	AMD	94-10-002	16-228-235	REP	94-13-195
16-23-020	PREP	94-19-078	16-212-080	AMD-P	94-06-058	16-228-245	REP-P	94-09-017
16-23-020	AMD-P	94-20-106	16-212-080	AMD	94-10-002	16-228-245	REP	94-13-195
16-23-170	PREP	94-19-078	16-212-082	AMD-P	94-06-058	16-228-250	REP-P	94-09-017
16-23-170	AMD-P	94-20-106	16-212-082	AMD	94-10-002	16-228-250	REP	94-13-195
16-32-009	NEW-P	94-09-072	16-219	AMD-C	94-08-033	16-228-255	REP-P	94-09-017
16-32-009	NEW	94-12-053	16-219-015	AMD-P	94-05-092	16-228-255	REP	94-13-195
16-32-010	REP-P	94-09-072	16-219-015	AMD	94-09-028	16-228-260	REP-P	94-09-017
16-32-010	REP	94-12-053	16-219-017	NEW-P	94-05-092	16-228-260	REP	94-13-195
16-32-011	NEW-P	94-09-072	16-219-017	NEW	94-09-028	16-228-265	REP-P	94-09-017
16-32-011	NEW	94-12-053	16-219-017	AMD-E	94-15-050	16-228-265	REP	94-13-195
16-38-001	REP	94-05-009	16-219-018	NEW-P	94-05-092	16-228-275	REP-P	94-09-017
16-38-010	REP	94-05-009	16-219-018	NEW	94-09-028	16-228-275	REP	94-13-195
16-38-020	REP	94-05-009	16-219-020	AMD-P	94-05-092	16-228-600	PREP	94-18-125
16-54-035A	NEW-E	94-09-004	16-219-020	AMD	94-09-028	16-228-650	PREP	94-20-110

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-228-655	PREP	94-20-110	16-470-92025	NEW-W	94-06-051	44-06-060	AMD-P	94-06-050
16-228-660	PREP	94-20-110	16-470-92030	NEW-C	94-06-003	44-06-060	AMD	94-13-039
16-304-040	AMD-P	94-09-046	16-470-92030	NEW-W	94-06-051	44-06-070	AMD-P	94-06-050
16-304-040	AMD	94-12-046	16-470-92035	NEW-C	94-06-003	44-06-070	AMD	94-13-039
16-304-050	AMD-P	94-09-046	16-470-92035	NEW-W	94-06-051	44-06-080	AMD-P	94-06-050
16-304-050	AMD	94-12-046	16-470-92040	NEW-C	94-06-003	44-06-080	AMD	94-13-039
16-304-110	AMD-P	94-09-046	16-470-92040	NEW-W	94-06-051	44-06-085	NEW-P	94-06-050
16-304-110	AMD	94-12-046	16-482-016	AMD-P	94-01-111	44-06-085	NEW	94-13-039
16-304-130	AMD-P	94-09-046	16-482-016	AMD	94-11-069	44-06-090	AMD-P	94-06-050
16-304-130	AMD	94-12-046	16-514-020	AMD-P	94-05-073	44-06-090	AMD	94-13-039
16-313-015	AMD-P	94-09-046	16-514-020	AMD	94-08-091	44-06-110	AMD-P	94-06-050
16-313-015	AMD	94-12-046	16-580-040	AMD-P	94-05-066	44-06-110	AMD	94-13-039
16-313-035	AMD-P	94-09-046	16-580-040	AMD	94-08-090	44-06-120	AMD-P	94-06-050
16-313-035	AMD	94-12-046	16-602-025	NEW	94-05-049	44-06-120	AMD	94-13-039
16-316-0901	AMD-P	94-09-046	16-602-027	NEW-P	94-09-052	44-06-130	AMD-P	94-06-050
16-316-0901	AMD	94-12-046	16-602-027	NEW	94-12-045	44-06-130	AMD-W	94-19-087
16-316-105	AMD-P	94-09-046	16-604-008	NEW-P	94-10-074	44-06-140	AMD-P	94-06-050
16-316-105	AMD	94-12-046	16-604-008	NEW	94-13-069	44-06-140	AMD	94-13-039
16-316-230	AMD-P	94-09-046	16-604-010	AMD-P	94-10-074	44-06-150	NEW-P	94-06-050
16-316-230	AMD	94-12-046	16-604-010	AMD	94-13-069	44-06-150	NEW	94-13-039
16-316-350	AMD-P	94-09-046	16-604-012	NEW-P	94-10-074	44-06-160	NEW-P	94-06-050
16-316-350	AMD	94-12-046	16-604-012	NEW	94-13-069	44-06-160	NEW	94-13-039
16-316-440	AMD-P	94-09-046	16-605A-001	NEW-P	94-10-076	50-60	PREP	94-17-125
16-316-440	AMD	94-12-046	16-605A-001	NEW	94-13-068	50-60-010	NEW	94-03-009
16-316-474	AMD-P	94-09-046	16-605A-010	NEW-P	94-10-076	50-60-020	NEW	94-03-009
16-316-474	AMD	94-12-046	16-605A-010	NEW	94-13-068	50-60-030	NEW	94-03-009
16-316-717	AMD-P	94-09-046	16-620-010	AMD-P	94-10-075	50-60-040	NEW	94-03-009
16-316-717	AMD	94-12-046	16-620-010	AMD	94-13-070	50-60-040	AMD-E	94-17-054
16-316-727	AMD-P	94-09-046	16-620-015	NEW-P	94-10-075	50-60-040	AMD-P	94-20-128
16-316-727	AMD	94-12-046	16-620-015	NEW	94-13-070	50-60-045	NEW-E	94-17-054
16-316-800	AMD-P	94-09-046	16-620-270	REP-P	94-10-075	50-60-045	NEW-P	94-20-128
16-316-800	AMD	94-12-046	16-620-270	REP	94-13-070	50-60-050	NEW	94-03-009
16-316-820	AMD-P	94-09-046	16-620-280	AMD-P	94-10-075	50-60-060	NEW	94-03-009
16-316-820	AMD	94-12-046	16-620-280	AMD	94-13-070	50-60-060	AMD-E	94-17-054
16-316-830	AMD-P	94-09-046	16-620-290	AMD-P	94-10-075	50-60-060	AMD-P	94-20-128
16-316-830	AMD	94-12-046	16-620-290	AMD	94-13-070	50-60-070	NEW	94-03-009
16-324-640	REP-P	94-01-110	16-620-340	AMD-P	94-10-075	50-60-080	NEW	94-03-009
16-324-640	REP	94-11-070	16-620-340	AMD	94-13-070	50-60-080	AMD-E	94-17-054
16-400-210	AMD-E	94-04-091	16-620-380	AMD-P	94-10-075	50-60-080	AMD-P	94-20-128
16-400-210	AMD-P	94-13-041	16-620-380	AMD	94-13-070	50-60-085	NEW-E	94-17-054
16-400-210	AMD	94-16-060	16-620-400	NEW-P	94-10-075	50-60-085	NEW-P	94-20-128
16-403-145	AMD-P	94-05-050	16-620-400	NEW	94-13-070	50-60-090	NEW	94-03-009
16-403-145	AMD	94-07-133	16-620-410	NEW-P	94-10-075	50-60-100	NEW	94-03-009
16-403-150	AMD-P	94-05-050	16-620-410	NEW	94-13-070	50-60-110	NEW	94-03-009
16-403-150	AMD	94-07-133	16-675-010	AMD-P	94-09-054	50-60-120	NEW	94-03-009
16-403-290	AMD-P	94-05-050	16-675-010	AMD	94-12-035	50-60-130	NEW	94-03-009
16-403-290	AMD	94-07-133	16-675-029	NEW-P	94-09-054	50-60-140	NEW	94-03-009
16-415-010	REP	94-03-026	16-675-029	NEW	94-12-035	50-60-150	NEW	94-03-009
16-415-020	REP	94-03-026	16-675-030	AMD-P	94-09-054	50-60-160	NEW	94-03-009
16-415-030	REP	94-03-026	16-675-030	AMD	94-12-035	50-60-165	NEW-E	94-17-054
16-415-040	REP	94-03-026	16-675-039	NEW-P	94-09-054	50-60-165	NEW-P	94-20-128
16-432-010	REP	94-03-025	16-675-039	NEW	94-12-035	50-60-170	NEW	94-03-009
16-432-020	REP	94-03-025	16-675-040	AMD-P	94-09-054	50-60-170	AMD-E	94-17-054
16-432-030	REP	94-03-025	16-675-040	AMD	94-12-035	50-60-170	AMD-P	94-20-128
16-432-040	REP	94-03-025	16-678-001	REP	94-03-022	50-60-180	NEW	94-03-009
16-432-050	REP	94-03-025	16-678-010	REP	94-03-022	51-04-015	AMD	94-05-058
16-432-060	REP	94-03-025	16-680-001	REP	94-03-021	51-04-018	AMD	94-05-058
16-432-070	REP	94-03-025	16-680-010	REP	94-03-021	51-04-020	AMD	94-05-058
16-432-080	REP	94-03-025	16-680-015	REP	94-03-021	51-04-025	AMD	94-05-058
16-432-090	REP	94-03-025	16-694-001	AMD-P	94-09-055	51-04-030	AMD-W	94-05-102
16-432-100	REP	94-03-025	16-694-001	AMD	94-12-034	51-04-030	PREP	94-12-015
16-432-110	REP	94-03-025	16-750	PREP	94-20-100	51-04-030	AMD-P	94-16-114
16-432-120	REP	94-03-025	44-06	AMD	94-13-039	51-04-060	AMD	94-05-058
16-432-130	REP	94-03-025	44-06-010	AMD-P	94-06-050	51-11	PREP	94-12-017
16-470-92005	NEW-C	94-06-003	44-06-010	AMD	94-13-039	51-11-0105	AMD-P	94-16-116
16-470-92005	NEW-W	94-06-051	44-06-020	AMD-P	94-06-050	51-11-0108	AMD-P	94-16-116
16-470-92010	NEW-C	94-06-003	44-06-020	AMD	94-13-039	51-11-0201	AMD	94-05-059
16-470-92010	NEW-W	94-06-051	44-06-030	AMD-P	94-06-050	51-11-0402	AMD	94-05-059
16-470-92015	NEW-C	94-06-003	44-06-030	AMD	94-13-039	51-11-0502	AMD-E	94-05-007
16-470-92015	NEW-W	94-06-051	44-06-040	AMD-P	94-06-050	51-11-0502	AMD	94-05-059
16-470-92020	NEW-C	94-06-003	44-06-040	AMD	94-13-039	51-11-0502	AMD-P	94-16-116
16-470-92020	NEW-W	94-06-051	44-06-050	AMD-P	94-06-050	51-11-0525	AMD	94-05-059
16-470-92025	NEW-C	94-06-003	44-06-050	AMD	94-13-039	51-11-0527	AMD	94-05-059

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-11-0530	AMD-P	94-16-116	51-30-0900	NEW-P	94-16-143	51-30-3400	NEW-P	94-16-143
51-11-0601	AMD	94-05-059	51-30-0902	NEW-P	94-16-143	51-30-3404	NEW-P	94-16-143
51-11-0602	AMD	94-05-059	51-30-0904	NEW-P	94-16-143	51-30-93115	NEW-P	94-16-143
51-11-0603	AMD	94-05-059	51-30-1000	NEW-P	94-16-143	51-30-93115	NEW-S	94-18-094
51-11-0625	AMD	94-05-059	51-30-1001	NEW-P	94-16-143	51-30-93116	NEW-P	94-16-143
51-11-0625	AMD-P	94-16-116	51-30-1004	NEW-P	94-16-143	51-30-93116	NEW-S	94-18-094
51-11-0626	AMD	94-05-059	51-30-1005	NEW-P	94-16-143	51-30-93117	NEW-P	94-16-143
51-11-0626	AMD-P	94-16-116	51-30-1006	NEW-P	94-16-143	51-30-93117	NEW-S	94-18-094
51-11-0627	AMD	94-05-059	51-30-1007	NEW-P	94-16-143	51-30-93118	NEW-P	94-16-143
51-11-0627	AMD-P	94-16-116	51-30-1009	NEW-P	94-16-143	51-30-93118	NEW-S	94-18-094
51-11-0628	AMD	94-05-059	51-30-1014	NEW-P	94-16-143	51-30-93119	NEW-P	94-16-143
51-11-0628	AMD-P	94-16-116	51-30-1019	NEW-P	94-16-143	51-30-93119	NEW-S	94-18-094
51-11-0629	AMD	94-05-059	51-30-1030	NEW-P	94-16-143	51-30-93120	NEW-P	94-16-143
51-11-0629	AMD-P	94-16-116	51-30-1100	NEW-P	94-16-143	51-30-93120	NEW-S	94-18-094
51-11-0630	AMD	94-05-059	51-30-1100	NEW-S	94-18-094	51-32-001	NEW-P	94-16-118
51-11-0630	AMD-P	94-16-116	51-30-1101	NEW-P	94-16-143	51-32-002	NEW-P	94-16-118
51-11-0900	AMD-P	94-16-116	51-30-1101	NEW-S	94-18-094	51-32-003	NEW-P	94-16-118
51-11-1006	AMD-E	94-05-007	51-30-1102	NEW-P	94-16-143	51-32-004	NEW-P	94-16-118
51-11-1006	AMD	94-05-059	51-30-1102	NEW-S	94-18-094	51-32-005	NEW-P	94-16-118
51-11-1011	NEW-E	94-05-007	51-30-1103	NEW-P	94-16-143	51-32-007	NEW-P	94-16-118
51-11-1143	AMD-P	94-16-116	51-30-1103	NEW-S	94-18-094	51-32-008	NEW-P	94-16-118
51-13	PREP	94-12-016	51-30-1104	NEW-P	94-16-143	51-32-0200	NEW-P	94-16-118
51-13-106	AMD-P	94-16-117	51-30-1104	NEW-S	94-18-094	51-32-0223	NEW-P	94-16-118
51-13-201	AMD-P	94-16-117	51-30-1105	NEW-P	94-16-143	51-32-0300	NEW-P	94-16-118
51-13-302	AMD-P	94-16-117	51-30-1105	NEW-S	94-18-094	51-32-0327	NEW-P	94-16-118
51-13-304	AMD-P	94-16-117	51-30-1106	NEW-P	94-16-143	51-32-0500	NEW-P	94-16-118
51-13-402	AMD-P	94-16-117	51-30-1106	NEW-S	94-18-094	51-32-0504	NEW-P	94-16-118
51-13-501	AMD-P	94-16-117	51-30-1107	NEW-P	94-16-143	51-32-0600	NEW-P	94-16-118
51-13-502	AMD-P	94-16-117	51-30-1107	NEW-S	94-18-094	51-32-0601	NEW-P	94-16-118
51-26-0909	NEW-P	94-16-115	51-30-1108	NEW-P	94-16-143	51-32-0605	NEW-P	94-16-118
51-26-1007	NEW-P	94-16-115	51-30-1108	NEW-S	94-18-094	51-32-1300	NEW-P	94-16-118
51-26-1009	NEW-P	94-16-115	51-30-1109	NEW-P	94-16-143	51-32-1312	NEW-P	94-16-118
51-26-1020	NEW-P	94-16-115	51-30-1109	NEW-S	94-18-094	51-32-1313	NEW-P	94-16-118
51-26-1301	NEW-P	94-16-115	51-30-1110	NEW-P	94-16-143	51-34	NEW-C	94-18-093
51-26-1803	AMD-P	94-16-115	51-30-1110	NEW-S	94-18-094	51-34-001	NEW-P	94-16-113
51-26-1810	AMD-P	94-16-115	51-30-1111	NEW-P	94-16-143	51-34-002	NEW-P	94-16-113
51-26-1820	AMD-P	94-16-115	51-30-1111	NEW-S	94-18-094	51-34-003	NEW-P	94-16-113
51-26-1830	AMD-P	94-16-115	51-30-1112	NEW-P	94-16-143	51-34-007	NEW-P	94-16-113
51-26-2200	AMD-P	94-16-115	51-30-1112	NEW-S	94-18-094	51-34-008	NEW-P	94-16-113
51-30-001	NEW-P	94-16-143	51-30-1113	NEW-P	94-16-143	51-34-0200	NEW-P	94-16-113
51-30-002	NEW-P	94-16-143	51-30-1113	NEW-S	94-18-094	51-34-0206	NEW-P	94-16-113
51-30-003	NEW-P	94-16-143	51-30-1114	NEW-P	94-16-143	51-34-0216	NEW-P	94-16-113
51-30-004	NEW-P	94-16-143	51-30-1114	NEW-S	94-18-094	51-34-0219	NEW-P	94-16-113
51-30-005	NEW-P	94-16-143	51-30-1115	NEW-P	94-16-143	51-34-0223	NEW-P	94-16-113
51-30-007	NEW-P	94-16-143	51-30-1120	NEW-P	94-16-143	51-34-0900	NEW-P	94-16-113
51-30-008	NEW-P	94-16-143	51-30-1120	NEW-S	94-18-094	51-34-0901	NEW-P	94-16-113
51-30-009	NEW-P	94-16-143	51-30-1121	NEW-P	94-16-143	51-34-0902	NEW-P	94-16-113
51-30-0100	NEW-P	94-16-143	51-30-1121	NEW-S	94-18-094	51-34-1000	NEW-P	94-16-113
51-30-0104	NEW-P	94-16-143	51-30-1122	NEW-P	94-16-143	51-34-1003	NEW-P	94-16-113
51-30-0200	NEW-P	94-16-143	51-30-1122	NEW-S	94-18-094	51-34-1007	NEW-P	94-16-113
51-30-0204	NEW-P	94-16-143	51-30-1123	NEW-P	94-16-143	51-34-2500	NEW-P	94-16-113
51-30-0207	NEW-P	94-16-143	51-30-1123	NEW-S	94-18-094	51-34-2501	NEW-P	94-16-113
51-30-0217	NEW-P	94-16-143	51-30-1124	NEW-P	94-16-143	51-34-5200	NEW-P	94-16-113
51-30-0220	NEW-P	94-16-143	51-30-1124	NEW-S	94-18-094	51-34-5201	NEW-P	94-16-113
51-30-0300	NEW-P	94-16-143	51-30-1125	NEW-P	94-16-143	51-34-5204	NEW-P	94-16-113
51-30-0302	NEW-P	94-16-143	51-30-1125	NEW-S	94-18-094	51-34-6100	NEW-P	94-16-113
51-30-0304	NEW-P	94-16-143	51-30-1200	NEW-P	94-16-143	51-34-6103	NEW-P	94-16-113
51-30-0305	NEW-P	94-16-143	51-30-1203	NEW-P	94-16-143	51-34-6104	NEW-P	94-16-113
51-30-0307	NEW-P	94-16-143	51-30-1600	NEW-P	94-16-143	51-34-6105	NEW-P	94-16-113
51-30-0310	NEW-P	94-16-143	51-30-1614	NEW-P	94-16-143	51-34-6106	NEW-P	94-16-113
51-30-0311	NEW-P	94-16-143	51-30-1700	NEW-P	94-16-143	51-34-6107	NEW-P	94-16-113
51-30-0313	NEW-P	94-16-143	51-30-1702	NEW-P	94-16-143	51-34-7800	NEW-P	94-16-113
51-30-0400	NEW-P	94-16-143	51-30-1900	NEW-P	94-16-143	51-34-7802	NEW-P	94-16-113
51-30-0403	NEW-P	94-16-143	51-30-1909	NEW-P	94-16-143	51-34-7900	NEW-P	94-16-113
51-30-0405	NEW-P	94-16-143	51-30-2200	NEW-P	94-16-143	51-34-7901	NEW-P	94-16-113
51-30-0417	NEW-P	94-16-143	51-30-2211	NEW-P	94-16-143	51-34-7902	NEW-P	94-16-113
51-30-0500	NEW-P	94-16-143	51-30-2400	NEW-P	94-16-143	51-34-7904	NEW-P	94-16-113
51-30-0502	NEW-P	94-16-143	51-30-2406	NEW-P	94-16-143	51-34-8000	NEW-P	94-16-113
51-30-0510	NEW-P	94-16-143	51-30-2900	NEW-P	94-16-143	51-34-8001	NEW-P	94-16-113
51-30-0600	NEW-P	94-16-143	51-30-2902	NEW-P	94-16-143	51-34-8003	NEW-P	94-16-113
51-30-0601	NEW-P	94-16-143	51-30-2903	NEW-P	94-16-143	51-34-9100	NEW-P	94-16-113
51-30-0800	NEW-P	94-16-143	51-30-2904	NEW-P	94-16-143	51-34-9101	NEW-P	94-16-113
51-30-0804	NEW-P	94-16-143	51-30-2910	NEW-P	94-16-143	51-34-9102	NEW-P	94-16-113



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-34-9103	NEW-P	94-16-113	106-08-002	AMD-E	94-17-075	106-72-410	AMD	94-20-062
51-34-9104	NEW-P	94-16-113	106-08-002	AMD	94-20-062	106-72-440	AMD-P	94-17-074
51-34-9105	NEW-P	94-16-113	106-08-040	AMD-P	94-17-074	106-72-440	AMD-E	94-17-075
51-34-9106	NEW-P	94-16-113	106-08-040	AMD-E	94-17-075	106-72-440	AMD	94-20-062
51-34-9107	NEW-P	94-16-113	106-08-040	AMD	94-20-062	106-72-510	AMD-P	94-17-074
51-34-9108	NEW-P	94-16-113	106-08-110	AMD-P	94-17-074	106-72-510	AMD-E	94-17-075
51-35	NEW-C	94-18-093	106-08-110	AMD-E	94-17-075	106-72-510	AMD	94-20-062
51-35-001	NEW-P	94-16-113	106-08-110	AMD	94-20-062	106-72-540	AMD-P	94-17-074
51-35-002	NEW-P	94-16-113	106-08-230	AMD-P	94-17-074	106-72-540	AMD-E	94-17-075
51-35-003	NEW-P	94-16-113	106-08-230	AMD-E	94-17-075	106-72-540	AMD	94-20-062
51-35-007	NEW-P	94-16-113	106-08-230	AMD	94-20-062	106-72-580	AMD-P	94-17-074
51-35-008	NEW-P	94-16-113	106-08-260	AMD-P	94-17-074	106-72-580	AMD-E	94-17-075
51-35-09000	NEW-P	94-16-113	106-08-260	AMD-E	94-17-075	106-72-580	AMD	94-20-062
51-35-52000	NEW-P	94-16-113	106-08-260	AMD	94-20-062	106-72-600	AMD-P	94-17-074
51-35-52400	NEW-P	94-16-113	106-08-290	AMD-P	94-17-074	106-72-600	AMD-E	94-17-075
51-35-52404	NEW-P	94-16-113	106-08-290	AMD-E	94-17-075	106-72-600	AMD	94-20-062
51-35-52411	NEW-P	94-16-113	106-08-290	AMD	94-20-062	106-72-610	AMD-P	94-17-074
51-35-52417	NEW-P	94-16-113	106-08-300	AMD-P	94-17-074	106-72-610	AMD-E	94-17-075
51-35-52500	NEW-P	94-16-113	106-08-300	AMD-E	94-17-075	106-72-610	AMD	94-20-062
51-35-52501	NEW-P	94-16-113	106-08-300	AMD	94-20-062	106-116-011	AMD-P	94-07-090
51-35-52502	NEW-P	94-16-113	106-08-310	AMD-P	94-17-074	106-116-011	AMD-E	94-07-091
51-35-52503	NEW-P	94-16-113	106-08-310	AMD-E	94-17-075	106-116-011	AMD	94-10-049
51-35-52504	NEW-P	94-16-113	106-08-310	AMD	94-20-062	106-116-040	AMD-P	94-07-090
51-35-52505	NEW-P	94-16-113	106-08-340	AMD-P	94-17-074	106-116-040	AMD-E	94-07-091
51-35-52506	NEW-P	94-16-113	106-08-340	AMD-E	94-17-075	106-116-040	AMD	94-10-049
51-35-52507	NEW-P	94-16-113	106-08-340	AMD	94-20-062	106-116-042	AMD-P	94-07-090
51-35-52508	NEW-P	94-16-113	106-08-350	AMD-P	94-17-074	106-116-042	AMD-E	94-07-091
51-35-52509	NEW-P	94-16-113	106-08-350	AMD-E	94-17-075	106-116-042	AMD	94-10-049
51-35-52600	NEW-P	94-16-113	106-08-350	AMD	94-20-062	106-116-103	AMD-P	94-07-090
55-01-010	AMD-E	94-06-032	106-08-400	AMD-P	94-17-074	106-116-103	AMD-E	94-07-091
55-01-010	AMD-W	94-07-075	106-08-400	AMD-E	94-17-075	106-116-103	AMD	94-10-049
55-01-010	AMD-E	94-14-017	106-08-400	AMD	94-20-062	106-116-10401	AMD-P	94-07-090
55-01-020	AMD-E	94-06-032	106-08-410	AMD-P	94-17-074	106-116-10401	AMD-E	94-07-091
55-01-020	AMD-W	94-07-075	106-08-410	AMD-E	94-17-075	106-116-10401	AMD	94-10-049
55-01-020	AMD-E	94-14-017	106-08-410	AMD	94-20-062	106-116-201	AMD-P	94-07-090
55-01-030	AMD-E	94-06-032	106-08-420	AMD-P	94-17-074	106-116-201	AMD-E	94-07-091
55-01-030	AMD-W	94-07-075	106-08-420	AMD-E	94-17-075	106-116-201	AMD	94-10-049
55-01-030	AMD-E	94-14-017	106-08-420	AMD	94-20-062	106-116-202	AMD-P	94-07-090
55-01-040	AMD-E	94-06-032	106-08-430	AMD-P	94-17-074	106-116-202	AMD-E	94-07-091
55-01-040	AMD-W	94-07-075	106-08-430	AMD-E	94-17-075	106-116-202	AMD	94-10-049
55-01-040	AMD-E	94-14-017	106-08-430	AMD	94-20-062	106-116-203	AMD-P	94-07-090
55-01-050	AMD-E	94-06-032	106-08-450	AMD-P	94-17-074	106-116-203	AMD-E	94-07-091
55-01-050	AMD-W	94-07-075	106-08-450	AMD-E	94-17-075	106-116-203	AMD	94-10-049
55-01-050	AMD-E	94-14-017	106-08-450	AMD	94-20-062	106-116-204	AMD-P	94-07-090
55-01-060	AMD-E	94-06-032	106-08-460	AMD-P	94-17-074	106-116-204	AMD-E	94-07-091
55-01-060	AMD-W	94-07-075	106-08-460	AMD-E	94-17-075	106-116-204	AMD	94-10-049
55-01-060	AMD-E	94-14-017	106-08-460	AMD	94-20-062	106-116-205	AMD-P	94-07-090
55-01-070	AMD-E	94-06-032	106-20	PREP	94-15-080	106-116-205	AMD-E	94-07-091
55-01-070	AMD-W	94-07-075	106-20-100	AMD-P	94-17-074	106-116-205	AMD	94-10-049
55-01-070	AMD-E	94-14-017	106-20-100	AMD-E	94-17-075	106-116-207	AMD-P	94-07-090
55-01-080	AMD-W	94-07-075	106-20-100	AMD	94-20-062	106-116-207	AMD-E	94-07-091
67-25	PREP	94-16-146	106-50	PREP	94-15-080	106-116-207	AMD	94-10-049
67-35-030	AMD-P	94-07-067	106-50-100	AMD-P	94-17-074	106-116-208	AMD-P	94-07-090
67-35-030	AMD	94-11-054	106-50-100	AMD-E	94-17-075	106-116-208	AMD-E	94-07-091
67-35-051	PREP	94-17-001	106-50-100	AMD	94-20-062	106-116-208	AMD	94-10-049
67-35-051	NEW-P	94-20-032	106-72	PREP	94-15-080	106-116-212	AMD-P	94-07-090
67-35-070	PREP	94-17-001	106-72-005	AMD-P	94-17-074	106-116-212	AMD-E	94-07-091
67-35-070	AMD-P	94-20-032	106-72-005	AMD-E	94-17-075	106-116-212	AMD	94-10-049
67-35-072	PREP	94-17-001	106-72-005	AMD	94-20-062	106-116-213	AMD-P	94-07-090
67-35-072	AMD-P	94-20-032	106-72-015	AMD-P	94-17-074	106-116-213	AMD-E	94-07-091
67-35-230	AMD-P	94-07-067	106-72-015	AMD-E	94-17-075	106-116-213	AMD	94-10-049
67-35-230	AMD-W	94-11-053	106-72-015	AMD	94-20-062	106-116-301	AMD-P	94-07-090
67-35-230	AMD-P	94-12-072	106-72-025	AMD-P	94-17-074	106-116-301	AMD-E	94-07-091
67-35-230	AMD	94-15-052	106-72-025	AMD-E	94-17-075	106-116-301	AMD	94-10-049
67-35-910	PREP	94-17-001	106-72-025	AMD	94-20-062	106-116-303	AMD-P	94-07-090
67-35-910	AMD-P	94-20-032	106-72-200	AMD-P	94-17-074	106-116-303	AMD-E	94-07-091
82-50-021	AMD-P	94-10-055	106-72-200	AMD-E	94-17-075	106-116-303	AMD	94-10-049
82-50-021	AMD	94-13-097	106-72-200	AMD	94-20-062	106-116-304	AMD-P	94-07-090
106-08	PREP	94-15-080	106-72-400	AMD-P	94-17-074	106-116-304	AMD-E	94-07-091
106-08-001	AMD-P	94-17-074	106-72-400	AMD-E	94-17-075	106-116-304	AMD	94-10-049
106-08-001	AMD-E	94-17-075	106-72-400	AMD	94-20-062	106-116-305	AMD-P	94-07-090
106-08-001	AMD	94-20-062	106-72-410	AMD-P	94-17-074	106-116-305	AMD-E	94-07-091
106-08-002	AMD-P	94-17-074	106-72-410	AMD-E	94-17-075	106-116-305	AMD	94-10-049

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
106-116-306	AMD-P	94-07-090	106-124	PREP	94-15-081	106-140-401	AMD-E	94-17-077
106-116-306	AMD-E	94-07-091	106-124	AMD-P	94-17-151	106-140-401	AMD	94-20-075
106-116-306	AMD	94-10-049	106-124	AMD-E	94-17-152	106-140-600	AMD-P	94-17-076
106-116-307	AMD-P	94-07-090	106-124-010	AMD-P	94-17-151	106-140-600	AMD-E	94-17-077
106-116-307	AMD-E	94-07-091	106-124-010	AMD-E	94-17-152	106-140-600	AMD	94-20-075
106-116-307	AMD	94-10-049	106-124-011	AMD-P	94-17-151	106-140-605	AMD-P	94-17-076
106-116-308	AMD-P	94-07-090	106-124-011	AMD-E	94-17-152	106-140-605	AMD-E	94-17-077
106-116-308	AMD-E	94-07-091	106-124-700	AMD-P	94-17-151	106-140-605	AMD	94-20-075
106-116-308	AMD	94-10-049	106-124-700	AMD-E	94-17-152	106-140-632	AMD-P	94-17-076
106-116-310	AMD-P	94-07-090	106-124-801	AMD-P	94-17-151	106-140-632	AMD-E	94-17-077
106-116-310	AMD-E	94-07-091	106-124-801	AMD-E	94-17-152	106-140-632	AMD	94-20-075
106-116-310	AMD	94-10-049	106-140	PREP	94-15-082	106-140-660	AMD-P	94-17-076
106-116-311	AMD-P	94-07-090	106-140-010	AMD-P	94-17-076	106-140-660	AMD-E	94-17-077
106-116-311	AMD-E	94-07-091	106-140-010	AMD-E	94-17-077	106-140-660	AMD	94-20-075
106-116-311	AMD	94-10-049	106-140-011	AMD	94-20-075	106-140-670	AMD-P	94-17-076
106-116-403	AMD-P	94-07-090	106-140-011	AMD-P	94-17-076	106-140-670	AMD-E	94-17-077
106-116-403	AMD-E	94-07-091	106-140-011	AMD-E	94-17-077	106-140-670	AMD	94-20-075
106-116-403	AMD	94-10-049	106-140-011	AMD	94-20-075	106-156	PREP	94-15-083
106-116-410	AMD-P	94-07-090	106-140-020	AMD-P	94-17-076	106-156-010	AMD-P	94-17-153
106-116-410	AMD-E	94-07-091	106-140-020	AMD-E	94-17-077	106-156-010	AMD-E	94-17-154
106-116-410	AMD	94-10-049	106-140-020	AMD	94-20-075	106-156-011	AMD-P	94-17-153
106-116-501	AMD-P	94-07-090	106-140-021	AMD-P	94-17-076	106-156-011	AMD-E	94-17-154
106-116-501	AMD-E	94-07-091	106-140-021	AMD-E	94-17-077	106-156-012	AMD-P	94-17-153
106-116-501	AMD	94-10-049	106-140-021	AMD	94-20-075	106-156-012	AMD-E	94-17-154
106-116-513	AMD-P	94-07-090	106-140-023	AMD-P	94-17-076	106-156-013	AMD-P	94-17-153
106-116-513	AMD-E	94-07-091	106-140-023	AMD-E	94-17-077	106-156-013	AMD-E	94-17-154
106-116-513	AMD	94-10-049	106-140-023	AMD	94-20-075	106-156-015	AMD-P	94-17-153
106-116-514	AMD-P	94-07-090	106-140-031	AMD-P	94-17-076	106-156-015	AMD-E	94-17-154
106-116-514	AMD-E	94-07-091	106-140-031	AMD-E	94-17-077	106-160	PREP	94-15-083
106-116-514	AMD	94-10-049	106-140-031	AMD	94-20-075	106-160-001	REP-P	94-17-153
106-116-515	AMD-P	94-07-090	106-140-032	AMD-P	94-17-076	106-160-001	REP-E	94-17-154
106-116-515	AMD-E	94-07-091	106-140-032	AMD-E	94-17-077	106-160-002	REP-P	94-17-153
106-116-515	AMD	94-10-049	106-140-032	AMD	94-20-075	106-160-002	REP-E	94-17-154
106-116-521	AMD-P	94-07-090	106-140-035	AMD-P	94-17-076	106-160-005	REP-P	94-17-153
106-116-521	AMD-E	94-07-091	106-140-035	AMD-E	94-17-077	106-160-005	REP-E	94-17-154
106-116-521	AMD	94-10-049	106-140-035	AMD	94-20-075	106-160-010	REP-P	94-17-153
106-116-601	AMD-P	94-07-090	106-140-040	AMD-P	94-17-076	106-160-010	REP-E	94-17-154
106-116-601	AMD-E	94-07-091	106-140-040	AMD-E	94-17-077	106-160-015	REP-P	94-17-153
106-116-601	AMD	94-10-049	106-140-040	AMD	94-20-075	106-160-015	REP-E	94-17-154
106-116-603	AMD-P	94-07-090	106-140-050	AMD-P	94-17-076	106-160-016	REP-P	94-17-153
106-116-603	AMD-E	94-07-091	106-140-050	AMD-E	94-17-077	106-160-016	REP-E	94-17-154
106-116-603	AMD	94-10-049	106-140-050	AMD	94-20-075	106-160-016	REP-P	94-17-153
106-116-603	PREP	94-16-002	106-140-051	AMD-P	94-17-076	106-160-017	REP-E	94-17-154
106-116-603	AMD-P	94-17-149	106-140-051	AMD-E	94-17-077	106-160-017	REP-P	94-17-153
106-116-603	AMD-E	94-17-150	106-140-051	AMD	94-20-075	106-160-020	REP-P	94-17-153
106-116-603	AMD	94-20-074	106-140-052	AMD-P	94-17-076	106-160-020	REP-E	94-17-154
106-116-701	AMD-P	94-07-090	106-140-052	AMD-E	94-17-077	106-160-021	REP-P	94-17-153
106-116-701	AMD-E	94-07-091	106-140-052	AMD	94-20-075	106-160-021	REP-E	94-17-154
106-116-701	AMD	94-10-049	106-140-110	AMD-P	94-17-076	106-160-022	REP-P	94-17-153
106-116-702	AMD-P	94-07-090	106-140-110	AMD-E	94-17-077	106-160-022	REP-E	94-17-154
106-116-702	AMD-E	94-07-091	106-140-110	AMD	94-20-075	106-160-023	REP-P	94-17-153
106-116-702	AMD	94-10-049	106-140-110	AMD	94-20-075	106-160-023	REP-E	94-17-154
106-116-853	AMD-P	94-07-090	106-140-111	AMD-P	94-17-076	106-160-024	REP-P	94-17-153
106-116-853	AMD-E	94-07-091	106-140-111	AMD-E	94-17-077	106-160-024	REP-E	94-17-154
106-116-853	AMD	94-10-049	106-140-111	AMD	94-20-075	106-160-026	REP-P	94-17-153
106-116-901	AMD-P	94-07-090	106-140-112	AMD-P	94-17-076	106-160-026	REP-E	94-17-154
106-116-901	AMD-E	94-07-091	106-140-112	AMD-E	94-17-077	106-160-027	REP-P	94-17-153
106-116-901	AMD	94-10-049	106-140-112	AMD	94-20-075	106-160-027	REP-E	94-17-154
106-120	PREP	94-15-081	106-140-113	AMD-P	94-17-076	106-160-029	REP-P	94-17-153
106-120-003	AMD-P	94-17-151	106-140-113	AMD-E	94-17-077	106-160-029	REP-E	94-17-154
106-120-003	AMD-E	94-17-152	106-140-113	AMD	94-20-075	106-160-030	REP-P	94-17-153
106-120-004	AMD-P	94-17-151	106-140-130	AMD-P	94-17-076	106-160-030	REP-E	94-17-154
106-120-004	AMD-E	94-17-152	106-140-130	AMD-E	94-17-077	106-160-031	REP-P	94-17-153
106-120-027	AMD-P	94-17-151	106-140-130	AMD	94-20-075	106-160-031	REP-E	94-17-154
106-120-027	AMD-E	94-17-152	106-140-131	AMD-P	94-17-076	106-160-032	REP-P	94-17-153
106-120-028	AMD-P	94-17-151	106-140-131	AMD-E	94-17-077	106-160-032	REP-E	94-17-154
106-120-028	AMD-E	94-17-152	106-140-131	AMD	94-20-075	106-160-033	REP-P	94-17-153
106-120-131	AMD-P	94-17-151	106-140-133	AMD-P	94-17-076	106-160-033	REP-E	94-17-154
106-120-131	AMD-E	94-17-152	106-140-133	AMD-E	94-17-077	106-160-034	REP-P	94-17-153
106-120-132	AMD-P	94-17-151	106-140-133	AMD	94-20-075	106-160-034	REP-E	94-17-154
106-120-132	AMD-E	94-17-152	106-140-160	AMD-P	94-17-076	106-160-035	REP-P	94-17-153
106-120-143	AMD-P	94-17-151	106-140-160	AMD-E	94-17-077	106-160-035	REP-E	94-17-154
106-120-143	AMD-E	94-17-152	106-140-160	AMD	94-20-075	106-160-040	REP-P	94-17-153
			106-140-401	AMD-P	94-17-076	106-160-040	REP-E	94-17-154

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
106-160-041	REP-P	94-17-153	106-172-735	AMD-E	94-17-152	132B-300-020	AMD-P	94-16-090
106-160-041	REP-E	94-17-154	106-172-750	AMD-P	94-17-151	132B-300-020	AMD	94-20-072
106-160-050	NEW-P	94-17-153	106-172-750	AMD-E	94-17-152	132B-310-010	NEW-P	94-16-091
106-160-050	NEW-E	94-17-154	106-172-761	AMD-P	94-17-151	132B-310-010	NEW	94-20-073
106-160-060	NEW-P	94-17-153	106-172-761	AMD-E	94-17-152	132B-310-020	NEW-P	94-16-091
106-160-060	NEW-E	94-17-154	106-172-763	AMD-P	94-17-151	132B-310-020	NEW	94-20-073
106-160-070	NEW-P	94-17-153	106-172-763	AMD-E	94-17-152	132B-310-030	NEW-P	94-16-091
106-160-070	NEW-E	94-17-154	106-172-765	AMD-P	94-17-151	132B-310-030	NEW	94-20-073
106-160-080	NEW-P	94-17-153	106-172-765	AMD-E	94-17-152	132B-310-040	NEW-P	94-16-091
106-160-080	NEW-E	94-17-154	106-172-772	AMD-P	94-17-151	132B-310-040	NEW	94-20-073
106-160-090	NEW-P	94-17-153	106-172-772	AMD-E	94-17-152	132B-310-050	NEW-P	94-16-091
106-160-090	NEW-E	94-17-154	106-276	PREP	94-15-082	132B-310-050	NEW	94-20-073
106-160-100	NEW-P	94-17-153	106-276-005	AMD-P	94-17-076	132F-08-001	REP-P	94-05-097A
106-160-100	NEW-E	94-17-154	106-276-005	AMD-E	94-17-077	132F-08-001	REP	94-18-070
106-160-110	NEW-P	94-17-153	106-276-005	AMD	94-20-075	132F-08-005	REP-P	94-05-097A
106-160-110	NEW-E	94-17-154	106-276-010	AMD-P	94-17-076	132F-08-005	REP	94-18-070
106-160-120	NEW-P	94-17-153	106-276-010	AMD-E	94-17-077	132F-08-010	REP-P	94-05-097A
106-160-120	NEW-E	94-17-154	106-276-010	AMD	94-20-075	132F-08-010	REP	94-18-070
106-160-130	NEW-P	94-17-153	106-276-030	AMD-P	94-17-076	132F-08-080	REP-P	94-05-097A
106-160-130	NEW-E	94-17-154	106-276-030	AMD-E	94-17-077	132F-08-080	REP	94-18-070
106-160-140	NEW-P	94-17-153	106-276-030	AMD	94-20-075	132F-08-090	REP-P	94-05-097A
106-160-140	NEW-E	94-17-154	106-276-040	AMD-P	94-17-076	132F-08-090	REP	94-18-070
106-160-150	NEW-P	94-17-153	106-276-040	AMD-E	94-17-077	132F-08-100	REP-P	94-05-097A
106-160-150	NEW-E	94-17-154	106-276-040	AMD	94-20-075	132F-08-100	REP	94-18-070
106-160-160	NEW-P	94-17-153	106-276-060	AMD-P	94-17-076	132F-08-110	REP-P	94-05-097A
106-160-160	NEW-E	94-17-154	106-276-060	AMD-E	94-17-077	132F-08-110	REP	94-18-070
106-160-170	NEW-P	94-17-153	106-276-060	AMD	94-20-075	132F-08-120	REP-P	94-05-097A
106-160-170	NEW-E	94-17-154	106-276-070	AMD-P	94-17-076	132F-08-120	REP	94-18-070
106-160-180	NEW-P	94-17-153	106-276-070	AMD-E	94-17-077	132F-08-130	REP-P	94-05-097A
106-160-180	NEW-E	94-17-154	106-276-070	AMD	94-20-075	132F-08-130	REP	94-18-070
106-160-190	NEW-P	94-17-153	106-276-080	AMD-P	94-17-076	132F-08-140	REP-P	94-05-097A
106-160-190	NEW-E	94-17-154	106-276-080	AMD-E	94-17-077	132F-08-140	REP	94-18-070
106-160-200	NEW-P	94-17-153	106-276-080	AMD	94-20-075	132F-08-230	REP-P	94-05-097A
106-160-200	NEW-E	94-17-154	106-276-090	AMD-P	94-17-076	132F-08-230	REP	94-18-070
106-160-210	NEW-P	94-17-153	106-276-090	AMD-E	94-17-077	132F-08-240	REP-P	94-05-097A
106-160-210	NEW-E	94-17-154	106-276-090	AMD	94-20-075	132F-08-240	REP	94-18-070
106-160-220	NEW-P	94-17-153	106-276-100	AMD-P	94-17-076	132F-08-250	REP-P	94-05-097A
106-160-220	NEW-E	94-17-154	106-276-100	AMD-E	94-17-077	132F-08-250	REP	94-18-070
106-160-230	NEW-P	94-17-153	106-276-100	AMD	94-20-075	132F-08-260	REP-P	94-05-097A
106-160-230	NEW-E	94-17-154	106-276-110	AMD-P	94-17-076	132F-08-260	REP	94-18-070
106-160-240	NEW-P	94-17-153	106-276-110	AMD-E	94-17-077	132F-08-270	REP-P	94-05-097A
106-160-240	NEW-E	94-17-154	106-276-110	AMD	94-20-075	132F-08-270	REP	94-18-070
106-160-250	NEW-P	94-17-153	131-46-010	AMD	94-04-120	132F-08-280	REP-P	94-05-097A
106-160-250	NEW-E	94-17-154	131-46-020	AMD	94-04-120	132F-08-280	REP	94-18-070
106-160-260	NEW-P	94-17-153	131-46-025	AMD	94-04-120	132F-08-290	REP-P	94-05-097A
106-160-260	NEW-E	94-17-154	131-46-027	NEW	94-04-120	132F-08-290	REP	94-18-070
106-160-270	NEW-P	94-17-153	131-46-029	NEW	94-04-120	132F-08-300	REP-P	94-05-097A
106-160-270	NEW-E	94-17-154	131-46-030	AMD	94-04-120	132F-08-300	REP	94-18-070
106-160-280	NEW-P	94-17-153	131-46-035	AMD	94-04-120	132F-08-310	REP-P	94-05-097A
106-160-280	NEW-E	94-17-154	131-46-040	AMD	94-04-120	132F-08-310	REP	94-18-070
106-160-290	NEW-P	94-17-153	131-46-045	AMD	94-04-120	132F-08-320	REP-P	94-05-097A
106-160-290	NEW-E	94-17-154	131-46-050	AMD	94-04-120	132F-08-320	REP	94-18-070
106-160-300	NEW-P	94-17-153	131-46-055	AMD	94-04-120	132F-08-330	REP-P	94-05-097A
106-160-300	NEW-E	94-17-154	131-46-060	AMD	94-04-120	132F-08-330	REP	94-18-070
106-160-310	NEW-P	94-17-153	131-46-065	AMD	94-04-120	132F-08-340	REP-P	94-05-097A
106-160-310	NEW-E	94-17-154	131-46-070	AMD	94-04-120	132F-08-340	REP	94-18-070
106-160-320	NEW-P	94-17-153	131-46-075	AMD	94-04-120	132F-08-350	REP-P	94-05-097A
106-160-320	NEW-E	94-17-154	131-46-077	NEW	94-04-120	132F-08-350	REP	94-18-070
106-168	PREP	94-15-083	131-46-080	AMD	94-04-120	132F-08-360	REP-P	94-05-097A
106-168-009	AMD-P	94-17-153	131-46-085	AMD	94-04-120	132F-08-360	REP	94-18-070
106-168-009	AMD-E	94-17-154	131-46-090	AMD	94-04-120	132F-08-400	REP-P	94-05-097A
106-168-065	AMD-P	94-17-153	131-46-095	AMD	94-04-120	132F-08-400	REP	94-18-070
106-168-065	AMD-E	94-17-154	131-46-100	AMD	94-04-120	132F-08-410	REP-P	94-05-097A
106-168-097	AMD-P	94-17-153	131-46-105	AMD	94-04-120	132F-08-410	REP	94-18-070
106-168-097	AMD-E	94-17-154	131-46-110	AMD	94-04-120	132F-08-420	REP-P	94-05-097A
106-172	PREP	94-15-081	131-46-115	AMD	94-04-120	132F-08-420	REP	94-18-070
106-172-711	AMD-P	94-17-151	131-46-120	AMD	94-04-120	132F-08-430	REP-P	94-05-097A
106-172-711	AMD-E	94-17-152	131-46-125	NEW	94-04-120	132F-08-430	REP	94-18-070
106-172-721	AMD-P	94-17-151	131-46-130	NEW	94-04-120	132F-08-440	REP-P	94-05-097A
106-172-721	AMD-E	94-17-152	132B-300	AMD-P	94-16-090	132F-08-440	REP	94-18-070
106-172-731	AMD-P	94-17-151	132B-300	AMD	94-20-072	132F-08-450	REP-P	94-05-097A
106-172-731	AMD-E	94-17-152	132B-300-010	AMD-P	94-16-090	132F-08-450	REP	94-18-070
106-172-735	AMD-P	94-17-151	132B-300-010	AMD	94-20-072	132F-08-460	REP-P	94-05-097A

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132F-08-460	REP	94-18-070	132J-116-010	AMD	94-04-052	136-160-020	REP	94-16-111
132F-08-470	REP-P	94-05-097A	132J-116-020	REP	94-04-052	136-160-024	REP-P	94-13-182
132F-08-470	REP	94-18-070	132J-116-021	NEW	94-04-052	136-160-024	REP	94-16-111
132F-08-480	REP-P	94-05-097A	132J-116-040	AMD	94-04-052	136-160-030	REP-P	94-13-182
132F-08-480	REP	94-18-070	132J-116-050	AMD	94-04-052	136-160-030	REP	94-16-111
132F-104-030	AMD-P	94-05-097A	132J-116-060	AMD	94-04-052	136-160-040	REP-P	94-13-182
132F-104-030	AMD	94-18-070	132J-116-070	REP	94-04-052	136-160-040	REP	94-16-111
132F-104-811	AMD-P	94-05-097A	132J-116-080	AMD	94-04-052	136-160-050	AMD-P	94-06-028
132F-104-811	AMD	94-18-070	132J-116-090	AMD	94-04-052	136-160-050	AMD	94-10-022
132F-104-813	AMD-P	94-05-097A	132J-116-100	AMD	94-04-052	136-160-050	REP-P	94-13-182
132F-104-813	AMD	94-18-070	132J-116-110	AMD	94-04-052	136-160-050	REP	94-16-111
132F-104-815	AMD-P	94-05-097A	132J-116-120	AMD	94-04-052	136-160-060	AMD-P	94-06-030
132F-104-815	AMD	94-18-070	132J-116-130	AMD	94-04-052	136-160-060	AMD	94-10-023
132F-104-819	AMD-P	94-05-097A	132J-116-140	AMD	94-04-052	136-160-060	REP-P	94-13-182
132F-104-819	AMD	94-18-070	132J-116-150	AMD	94-04-052	136-160-060	REP	94-16-111
132F-108-010	NEW-P	94-05-097A	132J-116-160	AMD	94-04-052	136-160-065	REP-P	94-13-182
132F-108-010	NEW	94-18-070	132J-116-170	AMD	94-04-052	136-160-065	REP	94-16-111
132F-108-020	NEW-P	94-05-097A	132J-116-180	AMD	94-04-052	136-161-010	NEW-P	94-13-182
132F-108-020	NEW	94-18-070	132J-116-190	AMD	94-04-052	136-161-010	NEW	94-16-111
132F-108-030	NEW-P	94-05-097A	132J-116-200	REP	94-04-052	136-161-020	NEW-P	94-13-182
132F-108-030	NEW	94-18-070	132J-116-210	AMD	94-04-052	136-161-020	NEW	94-16-111
132F-108-040	NEW-P	94-05-097A	132J-116-220	AMD	94-04-052	136-161-030	NEW-P	94-13-182
132F-108-040	NEW	94-18-070	132J-116-240	AMD	94-04-052	136-161-030	NEW	94-16-111
132F-108-050	NEW-P	94-05-097A	132J-128-010	REP	94-04-053	136-161-040	NEW-P	94-13-182
132F-108-050	NEW	94-18-070	132J-128-020	REP	94-04-053	136-161-040	NEW	94-16-111
132F-108-060	NEW-P	94-05-097A	132J-128-030	REP	94-04-053	136-161-050	NEW-P	94-13-182
132F-108-060	NEW	94-18-070	132J-128-040	REP	94-04-053	136-161-050	NEW	94-16-111
132F-108-070	NEW-P	94-05-097A	132J-128-050	REP	94-04-053	136-161-060	NEW-P	94-13-182
132F-108-070	NEW	94-18-070	132J-128-060	REP	94-04-053	136-161-060	NEW	94-16-111
132F-108-080	NEW-P	94-05-097A	132J-128-070	REP	94-04-053	136-161-070	NEW-P	94-13-182
132F-108-080	NEW	94-18-070	132J-128-080	REP	94-04-053	136-161-070	NEW	94-16-111
132F-108-090	NEW-P	94-05-097A	132J-128-090	REP	94-04-053	136-161-080	NEW-P	94-13-182
132F-108-090	NEW	94-18-070	132J-128-100	REP	94-04-053	136-161-080	NEW	94-16-111
132F-108-100	NEW-P	94-05-097A	132J-128-110	REP	94-04-053	136-161-090	NEW-P	94-13-182
132F-108-100	NEW	94-18-070	132J-128-120	REP	94-04-053	136-161-090	NEW	94-16-111
132F-108-110	NEW-P	94-05-097A	132J-128-130	REP	94-04-053	136-161-100	NEW-P	94-13-182
132F-108-110	NEW	94-18-070	132J-128-140	REP	94-04-053	136-161-100	NEW	94-16-111
132F-108-120	NEW-P	94-05-097A	132J-128-200	NEW	94-04-053	136-165-010	NEW-P	94-13-184
132F-108-120	NEW	94-18-070	132J-128-210	NEW	94-04-053	136-165-010	NEW	94-16-109
132F-108-130	NEW-P	94-05-097A	132J-136-020	REP	94-04-054	136-165-020	NEW-P	94-13-184
132F-108-130	NEW	94-18-070	132J-136-025	REP	94-04-054	136-165-020	NEW	94-16-109
132F-108-140	NEW-P	94-05-097A	132J-136-030	REP	94-04-054	136-165-030	NEW-P	94-13-184
132F-108-140	NEW	94-18-070	132J-136-040	REP	94-04-054	136-165-030	NEW	94-16-109
132H-160-040	REP	94-04-098	132J-136-050	REP	94-04-054	136-165-040	NEW-P	94-13-184
132H-160-050	REP	94-04-098	132P-33	PREP	94-17-135B	136-165-040	NEW	94-16-109
132H-160-056	REP	94-04-098	132P-116	PREP	94-17-135A	136-165-050	NEW-P	94-13-184
132H-160-059	REP	94-04-098	132Q-04-061	NEW-P	94-18-087	136-165-050	NEW	94-16-109
132H-160-070	REP	94-04-098	132Q-04-081	NEW-P	94-18-092	136-167-010	NEW-P	94-13-183
132H-160-080	REP	94-04-098	132Q-04-082	NEW-P	94-18-091	136-167-010	NEW	94-16-110
132H-160-120	REP	94-04-098	132Q-04-083	NEW-P	94-18-090	136-167-020	NEW-P	94-13-183
132H-160-140	REP	94-04-098	132Q-04-094	NEW-P	94-18-089	136-167-020	NEW	94-16-110
132H-160-150	REP	94-04-098	132Q-04-097	NEW-P	94-18-088	136-167-030	NEW-P	94-13-183
132H-160-260	REP	94-04-098	132R-190-010	AMD	94-07-019	136-167-030	NEW	94-16-110
132H-160-320	REP	94-04-098	132R-190-020	AMD	94-07-019	136-167-040	NEW-P	94-13-183
132H-160-330	REP	94-04-098	132R-190-030	AMD	94-07-019	136-167-040	NEW	94-16-110
132H-160-350	REP	94-04-098	132R-190-035	AMD	94-07-019	136-170-010	AMD-P	94-13-185
132H-160-390	REP	94-04-098	132R-190-040	AMD	94-07-019	136-170-010	AMD	94-16-112
132H-160-400	REP	94-04-098	132R-190-050	AMD	94-07-019	136-170-030	AMD-P	94-13-185
132H-160-430	REP	94-04-098	132R-190-060	AMD	94-07-019	136-170-030	AMD	94-16-112
132H-160-440	REP	94-04-098	132R-190-070	AMD	94-07-019	136-170-040	NEW-P	94-13-185
132H-160-492	REP	94-04-098	132R-190-080	AMD	94-07-019	136-170-040	NEW	94-16-112
132H-160-520	REP	94-04-098	132R-190-090	AMD	94-07-019	136-180-040	AMD-P	94-06-031
132H-160-600	REP	94-04-098	132R-190-100	AMD	94-07-019	136-180-040	AMD	94-10-021
132H-160-610	REP	94-04-098	132R-190-110	AMD	94-07-019	137-56-010	AMD	94-07-065
132H-160-620	REP	94-04-098	132V-300-020	AMD-W	94-03-082	137-56-015	AMD	94-07-065
132H-160-630	REP	94-04-098	132Y-125-004	AMD	94-03-010	137-56-030	AMD	94-07-065
132H-160-640	REP	94-04-098	136-130-040	AMD-P	94-06-028	137-56-040	AMD	94-07-065
132H-160-650	REP	94-04-098	136-130-040	AMD	94-10-022	137-56-050	AMD	94-07-065
132H-160-660	REP	94-04-098	136-130-060	AMD-P	94-06-029	137-56-060	AMD	94-07-065
132H-160-670	REP	94-04-098	136-130-060	AMD	94-10-020	137-56-070	AMD	94-07-065
132H-160-680	REP	94-04-098	136-160-010	REP-P	94-13-182	137-56-080	AMD	94-07-065
132H-160-690	REP	94-04-098	136-160-010	REP	94-16-111	137-56-090	AMD	94-07-065
132J-108-050	AMD	94-04-051	136-160-020	REP-P	94-13-182	137-56-095	AMD	94-07-065

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
137-56-100	AMD	94-07-065	162-26-040	AMD-W	94-04-087	173-70-010	REP-P	94-05-037
137-56-110	AMD	94-07-065	162-26-050	AMD-W	94-04-087	173-70-010	REP	94-12-001
137-56-120	AMD	94-07-065	162-26-060	AMD-W	94-04-087	173-70-020	REP-P	94-05-037
137-56-140	AMD	94-07-065	162-26-070	AMD-W	94-04-087	173-70-020	REP	94-12-001
137-56-150	AMD	94-07-065	162-26-080	AMD-W	94-04-087	173-70-030	REP-P	94-05-037
137-56-160	AMD	94-07-065	162-26-090	AMD-W	94-04-087	173-70-030	REP	94-12-001
137-56-170	AMD	94-07-065	162-26-100	AMD-W	94-04-087	173-70-040	REP-P	94-05-037
137-56-175	NEW	94-07-065	162-26-110	AMD-W	94-04-087	173-70-040	REP	94-12-001
137-56-180	AMD	94-07-065	162-26-120	AMD-W	94-04-087	173-70-050	REP-P	94-05-037
137-56-190	REP	94-07-065	162-26-130	AMD-W	94-04-087	173-70-050	REP	94-12-001
137-56-200	AMD	94-07-065	162-26-140	AMD-W	94-04-087	173-70-060	REP-P	94-05-037
137-56-210	AMD	94-07-065	162-30-010	AMD-W	94-04-087	173-70-060	REP	94-12-001
137-56-220	AMD	94-07-065	162-30-020	AMD-W	94-04-087	173-70-070	REP-P	94-05-037
137-56-230	AMD	94-07-065	162-30-030	NEW-W	94-04-087	173-70-070	REP	94-12-001
137-56-240	AMD	94-07-065	162-30-035	NEW-W	94-04-087	173-70-080	REP-P	94-05-037
137-56-250	AMD	94-07-065	162-30-040	NEW-W	94-04-087	173-70-080	REP	94-12-001
148-120-010	NEW-P	94-08-066	162-30-050	NEW-W	94-04-087	173-70-090	REP-P	94-05-037
148-120-010	NEW	94-13-058	162-30-060	NEW-W	94-04-087	173-70-090	REP	94-12-001
148-120-015	NEW-P	94-08-066	162-30-070	NEW-W	94-04-087	173-70-100	REP-P	94-05-037
148-120-015	NEW	94-13-058	162-30-080	NEW-W	94-04-087	173-70-100	REP	94-12-001
148-120-100	NEW-P	94-08-066	162-30-090	NEW-W	94-04-087	173-70-110	REP-P	94-05-037
148-120-100	NEW	94-13-058	162-30-100	NEW-W	94-04-087	173-70-110	REP	94-12-001
148-120-120	NEW-P	94-08-066	173-19-100	AMD-P	94-03-093	173-70-120	REP-P	94-05-037
148-120-120	NEW	94-13-058	173-19-100	AMD	94-16-085	173-70-120	REP	94-12-001
148-120-200	NEW-P	94-08-066	173-19-120	AMD-P	94-03-092	173-95-010	REP	94-04-030
148-120-200	NEW	94-13-058	173-19-120	AMD	94-10-081	173-95-020	REP	94-04-030
148-120-205	NEW-P	94-08-066	173-19-2401	AMD-C	94-05-038	173-95-030	REP	94-04-030
148-120-205	NEW	94-13-058	173-19-2401	AMD	94-07-013	173-95-040	REP	94-04-030
148-120-210	NEW-P	94-08-066	173-19-2520	AMD-P	94-14-086	173-95-050	REP	94-04-030
148-120-210	NEW	94-13-058	173-19-2521	AMD-P	94-17-168	173-95-060	REP	94-04-030
148-120-220	NEW-P	94-08-066	173-19-2602	AMD-P	94-04-107	173-95-070	REP	94-04-030
148-120-220	NEW	94-13-058	173-19-2602	AMD	94-10-082	173-95-080	REP	94-04-030
148-120-225	NEW-P	94-08-066	173-19-2208	AMD-E	94-18-097	173-95-090	REP	94-04-030
148-120-225	NEW	94-13-058	173-19-3303	AMD-P	94-07-120	173-95-100	REP	94-04-030
148-120-230	NEW-P	94-08-066	173-19-3303	AMD	94-13-046	173-95-110	REP	94-04-030
148-120-230	NEW	94-13-058	173-19-3506	AMD-W	94-07-074	173-95-120	REP	94-04-030
148-120-234	NEW-P	94-08-066	173-19-3506	AMD-P	94-10-040	173-95-130	REP	94-04-030
148-120-234	NEW	94-13-058	173-19-3506	AMD	94-14-029	173-95-140	REP	94-04-030
148-120-236	NEW-P	94-08-066	173-19-3507	AMD-P	94-17-126	173-95-150	REP	94-04-030
148-120-236	NEW	94-13-058	173-19-360	AMD-P	94-10-041	173-95-160	REP	94-04-030
162-12-100	AMD-W	94-04-087	173-19-360	AMD	94-14-030	173-180A-010	NEW	94-10-084
162-12-110	REP-W	94-04-087	173-19-390	AMD	94-03-095	173-180A-020	NEW	94-10-084
162-12-120	AMD-W	94-04-087	173-19-410	PREP	94-18-096	173-180A-030	NEW	94-10-084
162-12-130	AMD-W	94-04-087	173-19-420	PREP	94-20-087	173-180A-040	NEW	94-10-084
162-12-135	AMD-W	94-04-087	173-19-4203	AMD-P	94-07-119	173-180A-050	NEW	94-10-084
162-12-140	AMD-W	94-04-087	173-19-4203	AMD	94-13-047	173-180A-060	NEW	94-10-084
162-12-150	AMD-W	94-04-087	173-19-4205	AMD-P	94-03-094	173-180A-070	NEW	94-10-084
162-12-160	AMD-W	94-04-087	173-19-4205	AMD	94-10-080	173-180A-080	NEW	94-10-084
162-12-170	AMD-W	94-04-087	173-19-4205	PREP	94-20-087	173-180A-090	NEW	94-10-084
162-12-180	AMD-W	94-04-087	173-34-010	REP-P	94-03-071	173-180A-100	NEW	94-10-084
162-18-010	REP-W	94-04-087	173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084
162-18-020	REP-W	94-04-087	173-34-020	REP-P	94-03-071	173-180A-120	NEW	94-10-084
162-18-030	REP-W	94-04-087	173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084
162-18-040	REP-W	94-04-087	173-34-030	REP-P	94-03-071	173-180A-140	NEW	94-10-084
162-18-050	REP-W	94-04-087	173-34-030	REP	94-07-078	173-180A-150	NEW	94-10-084
162-18-060	REP-W	94-04-087	173-34-040	REP-P	94-03-071	173-180B-010	NEW	94-10-083
162-18-070	REP-W	94-04-087	173-34-040	REP	94-07-078	173-180B-020	NEW	94-10-083
162-18-080	REP-W	94-04-087	173-34-050	REP-P	94-03-071	173-180B-030	NEW	94-10-083
162-18-090	REP-W	94-04-087	173-34-050	REP	94-07-078	173-180B-040	NEW	94-10-083
162-18-100	REP-W	94-04-087	173-58-010	AMD-P	94-05-037	173-180B-050	NEW	94-10-083
162-22-010	AMD-W	94-04-087	173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083
162-22-020	AMD-W	94-04-087	173-58-020	AMD-P	94-05-037	173-180B-070	NEW	94-10-083
162-22-030	REP-W	94-04-087	173-58-020	AMD	94-12-001	173-180B-080	NEW	94-10-083
162-22-040	REP-W	94-04-087	173-58-090	AMD-P	94-05-037	173-180B-090	NEW	94-10-083
162-22-050	AMD-W	94-04-087	173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083
162-22-060	AMD-W	94-04-087	173-60-010	AMD-P	94-05-037	173-180B-110	NEW	94-10-083
162-22-070	AMD-W	94-04-087	173-60-010	AMD	94-12-001	173-180B-120	NEW	94-10-083
162-22-080	AMD-W	94-04-087	173-60-020	AMD-P	94-05-037	173-180B-130	NEW	94-10-083
162-22-090	AMD-W	94-04-087	173-60-020	AMD	94-12-001	173-180B-140	NEW	94-10-083
162-22-100	AMD-W	94-04-087	173-60-050	AMD-P	94-05-037	173-202-020	AMD-E	94-04-108
162-26-010	AMD-W	94-04-087	173-60-050	AMD	94-12-001	173-202-020	AMD-P	94-08-071
162-26-020	AMD-W	94-04-087	173-60-070	AMD-P	94-05-037	173-202-020	AMD-E	94-12-054
162-26-030	AMD-W	94-04-087	173-60-070	AMD	94-12-001	173-202-020	AMD	94-17-011

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-204	PREP	94-13-161	173-360-655	REP-P	94-19-084	173-422-075	AMD	94-05-039
173-224	AMD-C	94-05-082	173-360-660	REP-P	94-19-084	173-422-095	AMD	94-05-039
173-224	PREP	94-17-010	173-360-680	REP-P	94-19-084	173-422-130	AMD	94-05-039
173-224-020	AMD-P	94-02-080	173-360-690	REP-P	94-19-084	173-422-140	REP	94-05-039
173-224-020	AMD	94-10-027	173-360-695	REP-P	94-19-084	173-422-160	AMD	94-05-039
173-224-030	AMD-P	94-02-080	173-400	NEW-C	94-08-072	173-422-170	AMD	94-05-039
173-224-030	AMD	94-10-027	173-400	NEW-C	94-10-079	173-430-010	AMD-P	94-16-096
173-224-040	AMD-P	94-02-080	173-400-045	NEW-P	94-04-106	173-430-020	AMD-P	94-16-096
173-224-040	AMD	94-10-027	173-400-045	NEW	94-17-070	173-430-030	AMD-P	94-16-096
173-224-050	AMD-P	94-02-080	173-400-101	NEW-P	94-04-105	173-430-040	AMD-P	94-16-096
173-224-050	AMD	94-10-027	173-400-101	NEW	94-10-042	173-430-050	AMD-P	94-16-096
173-224-070	REP-P	94-02-080	173-400-116	NEW-P	94-04-106	173-430-060	AMD-P	94-16-096
173-224-070	REP-W	94-15-070	173-400-116	NEW	94-17-070	173-430-070	AMD-P	94-16-096
173-224-090	AMD-P	94-02-080	173-401	AMD-C	94-08-073	173-430-080	AMD-P	94-16-096
173-224-090	AMD	94-10-027	173-401-200	AMD-P	94-04-104	173-430-090	NEW-P	94-16-096
173-224-100	AMD-P	94-02-080	173-401-200	AMD	94-11-105	173-430-100	NEW-P	94-16-096
173-224-100	AMD	94-10-027	173-401-510	AMD-P	94-04-104	173-440-010	REP-P	94-10-078
173-224-120	REP-P	94-02-080	173-401-510	AMD	94-11-105	173-440-010	REP	94-14-067
173-224-120	REP-W	94-15-070	173-401-530	NEW-P	94-04-104	173-440-020	REP-P	94-10-078
173-303	AMD-C	94-08-092	173-401-530	NEW	94-11-105	173-440-020	REP	94-14-067
173-303-071	AMD	94-12-018	173-401-531	NEW-P	94-04-104	173-440-030	REP-P	94-10-078
173-303-104	AMD	94-12-018	173-401-531	NEW	94-11-105	173-440-030	REP	94-14-067
173-320-010	REP-P	94-03-071	173-401-532	NEW-P	94-04-104	173-440-040	REP-P	94-10-078
173-320-010	REP	94-07-078	173-401-532	NEW	94-11-105	173-440-040	REP	94-14-067
173-320-020	REP-P	94-03-071	173-401-533	NEW-P	94-04-104	173-440-100	REP-P	94-10-078
173-320-020	REP	94-07-078	173-401-533	NEW	94-11-105	173-440-100	REP	94-14-067
173-320-030	REP-P	94-03-071	173-402-010	REP-P	94-10-078	173-440-900	REP-P	94-10-078
173-320-030	REP	94-07-078	173-402-010	REP	94-14-067	173-440-900	REP	94-14-067
173-320-040	REP-P	94-03-071	173-402-020	REP-P	94-10-078	173-460-020	AMD	94-03-072
173-320-040	REP	94-07-078	173-402-020	REP	94-14-067	173-460-030	AMD	94-03-072
173-320-050	REP-P	94-03-071	173-406-100	NEW-P	94-17-127	173-460-040	AMD	94-03-072
173-320-050	REP	94-07-078	173-406-101	NEW-P	94-17-127	173-460-050	AMD	94-03-072
173-320-060	REP-P	94-03-071	173-406-102	NEW-P	94-17-127	173-460-060	AMD	94-03-072
173-320-060	REP	94-07-078	173-406-103	NEW-P	94-17-127	173-460-080	AMD	94-03-072
173-320-070	REP-P	94-03-071	173-406-104	NEW-P	94-17-127	173-460-090	AMD	94-03-072
173-320-070	REP	94-07-078	173-406-105	NEW-P	94-17-127	173-460-100	AMD	94-03-072
173-320-080	REP-P	94-03-071	173-406-106	NEW-P	94-17-127	173-460-110	AMD	94-03-072
173-320-080	REP	94-07-078	173-406-200	NEW-P	94-17-127	173-460-150	AMD	94-03-072
173-335-010	REP-P	94-03-071	173-406-201	NEW-P	94-17-127	173-460-160	AMD	94-03-072
173-335-010	REP	94-07-078	173-406-202	NEW-P	94-17-127	173-492-070	AMD	94-07-040
173-335-020	REP-P	94-03-071	173-406-300	NEW-P	94-17-127	173-548	PREP	94-20-086
173-335-020	REP	94-07-078	173-406-301	NEW-P	94-17-127	173-548-010	AMD-E	94-15-013
173-335-030	REP-P	94-03-071	173-406-302	NEW-P	94-17-127	173-548-015	NEW-E	94-15-013
173-335-030	REP	94-07-078	173-406-303	NEW-P	94-17-127	173-548-030	AMD-E	94-15-013
173-335-040	REP-P	94-03-071	173-406-400	NEW-P	94-17-127	173-563-090	PREP	94-13-162
173-335-040	REP	94-07-078	173-406-401	NEW-P	94-17-127	173-563-015	AMD-P	94-14-085
173-335-050	REP-P	94-03-071	173-406-402	NEW-P	94-17-127	173-563-015	AMD-C	94-15-073
173-335-050	REP	94-07-078	173-406-500	NEW-P	94-17-127	173-564-040	AMD-P	94-14-085
173-360-100	AMD-P	94-19-084	173-406-501	NEW-P	94-17-127	173-564-040	AMD-C	94-15-073
173-360-110	AMD-P	94-19-084	173-406-502	NEW-P	94-17-127	180-16-200	AMD	94-03-104
173-360-120	AMD-P	94-19-084	173-406-600	NEW-P	94-17-127	180-16-222	AMD-P	94-16-128
173-360-130	AMD-P	94-19-084	173-406-601	NEW-P	94-17-127	180-16-223	AMD-P	94-16-061
173-360-190	AMD-P	94-19-084	173-406-602	NEW-P	94-17-127	180-16-223	AMD	94-20-054
173-360-200	AMD-P	94-19-084	173-406-603	NEW-P	94-17-127	180-24-310	AMD-P	94-08-103
173-360-210	AMD-P	94-19-084	173-406-604	NEW-P	94-17-127	180-24-310	AMD	94-13-018
173-360-305	AMD-P	94-19-084	173-406-605	NEW-P	94-17-127	180-24-312	AMD-P	94-08-103
173-360-310	AMD-P	94-19-084	173-406-700	NEW-P	94-17-127	180-24-312	AMD	94-13-018
173-360-320	AMD-P	94-19-084	173-406-701	NEW-P	94-17-127	180-24-315	AMD-P	94-08-103
173-360-325	AMD-P	94-19-084	173-406-702	NEW-P	94-17-127	180-24-315	AMD	94-13-018
173-360-330	AMD-P	94-19-084	173-406-703	NEW-P	94-17-127	180-24-320	AMD-P	94-08-103
173-360-335	AMD-P	94-19-084	173-406-704	NEW-P	94-17-127	180-24-320	AMD	94-13-018
173-360-340	AMD-P	94-19-084	173-406-705	NEW-P	94-17-127	180-24-325	AMD-P	94-08-103
173-360-345	AMD-P	94-19-084	173-406-706	NEW-P	94-17-127	180-24-325	AMD	94-13-018
173-360-350	AMD-P	94-19-084	173-406-800	NEW-P	94-17-127	180-24-355	AMD-P	94-08-103
173-360-370	AMD-P	94-19-084	173-406-801	NEW-P	94-17-127	180-24-355	AMD	94-13-018
173-360-380	AMD-P	94-19-084	173-406-802	NEW-P	94-17-127	180-26-025	PREP	94-15-035
173-360-385	AMD-P	94-19-084	173-406-900	NEW-P	94-17-127	180-26-025	AMD-P	94-16-062
173-360-600	AMD-P	94-19-084	173-406-1000	NEW-P	94-17-127	180-26-025	AMD	94-20-055
173-360-610	AMD-P	94-19-084	173-422	PREP	94-16-094	180-27-115	PREP	94-15-035
173-360-620	NEW-P	94-19-084	173-422-020	AMD	94-05-039	180-27-115	AMD-P	94-20-116
173-360-630	AMD-P	94-19-084	173-422-030	AMD	94-05-039	180-29-130	AMD-P	94-08-104
173-360-640	REP-P	94-19-084	173-422-050	AMD	94-05-039	180-29-130	AMD	94-13-019
173-360-650	REP-P	94-19-084	173-422-070	AMD	94-05-039	180-29-135	AMD-P	94-05-088

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-29-135	AMD-C	94-08-068	180-79-131	AMD-P	94-16-130	182-12-122	AMD-E	94-08-027
180-29-135	AMD	94-14-028	180-79-140	AMD-P	94-16-131	182-12-122	AMD-E	94-16-054
180-29-147	NEW-P	94-05-088	180-79-230	AMD-P	94-16-130	182-14-010	NEW-E	94-08-028
180-29-147	NEW-C	94-08-068	180-79-241	AMD-P	94-08-106	182-14-010	NEW-E	94-16-058
180-29-147	NEW	94-14-028	180-79-241	AMD	94-13-021	182-14-020	NEW-E	94-08-028
180-29-170	AMD-P	94-05-088	180-82-001	NEW-P	94-16-132	182-14-020	NEW-E	94-16-058
180-29-170	AMD-C	94-08-068	180-82-001	NEW-W	94-18-068	182-14-030	NEW-E	94-08-028
180-29-170	AMD	94-14-028	180-82-005	NEW-P	94-16-132	182-14-030	NEW-E	94-16-058
180-33-025	AMD-P	94-08-105	180-82-005	NEW-W	94-18-068	182-14-040	NEW-E	94-08-028
180-33-025	AMD	94-13-020	180-82-006	NEW-P	94-16-132	182-14-040	NEW-E	94-16-058
180-40-235	AMD	94-03-102	180-82-006	NEW-W	94-18-068	182-14-050	NEW-E	94-08-028
180-50-115	AMD	94-03-104	180-82-007	NEW-P	94-16-132	182-14-050	NEW-E	94-16-058
180-50-120	AMD	94-03-104	180-82-007	NEW-W	94-18-068	182-14-060	NEW-E	94-08-028
180-51-050	AMD	94-03-100	180-82-008	NEW-P	94-16-132	182-14-060	NEW-E	94-16-058
180-51-050	AMD-P	94-08-067	180-82-008	NEW-W	94-18-068	182-14-070	NEW-E	94-08-028
180-51-050	AMD	94-13-017	180-82-009	NEW-P	94-16-132	182-14-070	NEW-E	94-16-058
180-51-075	AMD	94-03-104	180-82-009	NEW-W	94-18-068	182-14-080	NEW-E	94-08-028
180-51-105	AMD	94-03-103	180-82-010	NEW-P	94-16-132	182-14-080	NEW-E	94-16-058
180-58	PREP	94-19-012	180-82-010	NEW-W	94-18-068	182-14-090	NEW-E	94-08-028
180-75-016	AMD-P	94-16-129	180-82-011	NEW-P	94-16-132	182-14-090	NEW-E	94-16-058
180-75-045	AMD-P	94-16-132	180-82-011	NEW-W	94-18-068	182-14-100	NEW-E	94-08-028
180-75-045	AMD-W	94-18-068	180-82-020	NEW-P	94-16-132	182-14-100	NEW-E	94-16-058
180-75-061	AMD-P	94-16-129	180-82-020	NEW-W	94-18-068	192-04-060	PREP	94-18-111
180-75-065	AMD-P	94-16-132	180-82-030	NEW-P	94-16-132	192-04-063	PREP	94-18-111
180-75-065	AMD-W	94-18-068	180-82-030	NEW-W	94-18-068	192-04-090	PREP	94-18-111
180-75-085	AMD-P	94-16-132	180-82-040	NEW-P	94-16-132	192-04-170	PREP	94-18-111
180-75-085	AMD-W	94-18-068	180-82-040	NEW-W	94-18-068	192-04-175	PREP	94-18-111
180-75-087	AMD-P	94-16-132	180-82-050	NEW-P	94-16-132	192-10-320	PREP	94-14-061
180-75-087	AMD-W	94-18-068	180-82-050	NEW-W	94-18-068	192-10-320	REP-P	94-18-124
180-75-110	PREP	94-15-021	180-82-065	NEW-P	94-16-132	192-12-030	PREP	94-14-061
180-78-015	AMD-P	94-20-117	180-82-065	NEW-W	94-18-068	192-12-030	AMD-P	94-18-124
180-78-025	AMD-P	94-16-130	180-82-070	NEW-P	94-16-132	192-12-150	PREP	94-14-061
180-78-065	AMD-P	94-16-130	180-82-070	NEW-W	94-18-068	192-12-150	AMD-P	94-18-124
180-78-085	REP-P	94-16-130	180-82-100	NEW-P	94-16-132	192-16-005	PREP	94-18-110
180-78-095	REP-P	94-16-130	180-82-100	NEW-W	94-18-068	192-16-010	PREP	94-18-110
180-78-110	REP-P	94-16-130	180-82-110	NEW-P	94-16-132	192-16-021	PREP	94-18-110
180-78-115	REP-P	94-16-130	180-82-110	NEW-W	94-18-068	192-16-030	PREP	94-18-110
180-78-120	REP-P	94-16-130	180-82-115	NEW-P	94-16-132	192-16-036	PREP	94-14-061
180-78-140	AMD-P	94-16-130	180-82-115	NEW-W	94-18-068	192-16-036	AMD-P	94-18-124
180-78-141	NEW-P	94-16-130	180-82-120	NEW-P	94-16-132	192-16-040	PREP	94-14-061
180-78-180	AMD-P	94-16-130	180-82-120	NEW-W	94-18-068	192-16-040	AMD-P	94-18-124
180-78-205	AMD-P	94-16-131	180-82-130	NEW-P	94-16-132	192-16-042	PREP	94-14-061
180-78-210	AMD-P	94-16-131	180-82-130	NEW-W	94-18-068	192-16-042	AMD-P	94-18-124
180-78-235	AMD-P	94-16-131	180-82-140	NEW-P	94-16-132	192-16-045	PREP	94-14-061
180-78-245	AMD-P	94-16-131	180-82-140	NEW-W	94-18-068	192-16-045	AMD-P	94-18-124
180-78-255	AMD-P	94-16-131	180-95-010	AMD	94-03-103	192-16-047	PREP	94-14-061
180-78-257	NEW-P	94-16-131	180-95-020	AMD	94-03-103	192-16-047	AMD-P	94-18-124
180-78-265	AMD-P	94-16-131	180-95-030	AMD	94-03-103	192-16-056	PREP	94-18-110
180-78-266	NEW-P	94-05-034	180-95-040	AMD	94-03-103	192-16-057	PREP	94-18-110
180-78-266	NEW	94-08-055	180-95-050	AMD	94-03-103	192-16-058	PREP	94-18-110
180-78-270	AMD-P	94-16-130	180-95-060	AMD	94-03-103	192-16-060	PREP	94-18-110
180-78-275	AMD-P	94-16-130	180-96-005	AMD	94-03-101	192-16-081	PREP	94-18-110
180-78-280	AMD-P	94-16-130	180-96-010	AMD	94-03-101	192-23-320	PREP	94-14-061
180-78-285	AMD-P	94-16-130	180-96-015	REP	94-03-101	192-23-320	AMD-P	94-18-124
180-78-290	REP-P	94-16-130	180-96-025	REP	94-03-101	192-28-145	AMD-P	94-04-124
180-78-300	REP-P	94-16-130	180-96-030	REP	94-03-101	192-28-145	AMD	94-10-044
180-78-305	REP-P	94-16-130	180-96-035	AMD	94-03-101	192-34-010	NEW	94-07-115
180-78-315	REP-P	94-16-130	180-96-045	AMD	94-03-101	192-34-015	NEW	94-07-115
180-78-320	REP-P	94-16-130	180-96-048	NEW	94-03-101	192-34-020	NEW	94-07-115
180-79-005	AMD-P	94-16-132	180-96-050	AMD	94-03-101	192-34-025	NEW	94-07-115
180-79-005	AMD-W	94-18-068	180-96-053	NEW	94-03-101	192-42-005	PREP	94-18-110
180-79-031	NEW-P	94-20-118	180-96-055	REP	94-03-101	194-20-010	PREP	94-08-070
180-79-032	NEW-P	94-20-118	180-96-058	NEW	94-03-101	194-20-020	PREP	94-08-070
180-79-035	NEW-P	94-20-118	180-96-060	REP	94-03-101	194-20-030	PREP	94-08-070
180-79-041	NEW-P	94-20-118	180-96-065	REP	94-03-101	194-20-040	PREP	94-08-070
180-79-049	AMD-P	94-16-130	180-96-070	REP	94-03-101	194-20-050	PREP	94-08-070
180-79-115	AMD-P	94-16-129	180-96-075	REP	94-03-101	194-20-060	PREP	94-08-070
180-79-120	AMD-P	94-16-131	182-12-110	AMD-E	94-08-027	194-20-070	PREP	94-08-070
180-79-121	NEW-P	94-16-130	182-12-110	AMD-E	94-16-054	194-20-080	PREP	94-08-070
180-79-122	AMD-P	94-16-131	182-12-111	AMD-E	94-08-027	194-20-090	PREP	94-08-070
180-79-123	AMD-P	94-16-131	182-12-111	AMD-E	94-16-054	194-20-100	PREP	94-08-070
180-79-125	AMD-P	94-16-130	182-12-115	AMD-E	94-08-027	194-20-110	PREP	94-08-070
180-79-128	AMD-P	94-16-130	182-12-115	AMD-E	94-16-054	194-20-120	PREP	94-08-070

TABLE



**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
194-20-130	PREP	94-08-070	197-11-230	NEW-E	94-12-032	220-16-460	NEW-P	94-03-105
194-20-140	PREP	94-08-070	197-11-230	NEW-P	94-19-083	220-16-460	NEW	94-14-069
194-20-150	PREP	94-08-070	197-11-230	NEW-E	94-20-001	220-16-46000A	NEW-E	94-10-043
194-20-160	PREP	94-08-070	197-11-232	NEW-E	94-12-032	220-20-021	AMD-P	94-03-106
194-20-170	PREP	94-08-070	197-11-232	NEW-P	94-19-083	220-20-021	AMD-C	94-12-007
194-20-180	PREP	94-08-070	197-11-232	NEW-E	94-20-001	220-20-021	AMD	94-12-009
194-20-190	PREP	94-08-070	197-11-235	NEW-E	94-12-032	220-20-025	AMD-P	94-03-106
194-22-010	PREP	94-08-070	197-11-235	NEW-P	94-19-083	220-20-025	AMD-C	94-12-007
194-22-010	NEW-P	94-11-128	197-11-235	NEW-E	94-20-001	220-20-025	AMD	94-12-009
194-22-010	NEW	94-22-103	197-11-250	NEW-P	94-19-083	220-20-02500B	NEW-E	94-05-002
194-22-020	PREP	94-08-070	197-11-253	NEW-P	94-19-083	220-20-051	AMD-P	94-11-005
194-22-020	NEW-P	94-11-128	197-11-256	NEW-P	94-19-083	220-20-05100A	REP-E	94-11-006
194-22-020	NEW	94-22-103	197-11-259	NEW-P	94-19-083	220-20-05100B	NEW-E	94-11-006
194-22-030	PREP	94-08-070	197-11-262	NEW-P	94-19-083	220-20-065	NEW-P	94-11-005
194-22-030	NEW-P	94-11-128	197-11-265	NEW-P	94-19-083	220-20-06500A	REP-E	94-11-006
194-22-030	NEW	94-22-103	197-11-268	NEW-P	94-19-083	220-20-06500B	NEW-E	94-11-006
194-22-040	PREP	94-08-070	197-11-305	AMD-P	94-19-083	220-22-030	AMD-P	94-09-071
194-22-040	NEW-P	94-11-128	197-11-340	AMD-P	94-19-083	220-22-030	AMD	94-15-001
194-22-040	NEW	94-22-103	197-11-680	AMD-P	94-19-083	220-32-05100E	NEW-E	94-04-048
194-22-050	PREP	94-08-070	197-11-748	REP-P	94-19-083	220-32-05100F	NEW-E	94-18-023
194-22-050	NEW-P	94-11-128	197-11-890	AMD-P	94-19-083	220-32-05100F	REP-E	94-19-002
194-22-050	NEW	94-22-103	197-11-904	AMD-P	94-19-083	220-32-05100G	NEW-E	94-19-002
194-22-060	PREP	94-08-070	197-11-908	AMD-P	94-19-083	220-32-05100H	NEW-E	94-19-076
194-22-060	NEW-P	94-11-128	197-11-938	AMD-P	94-19-083	220-32-05100H	REP-E	94-20-064
194-22-060	NEW	94-22-103	204-10-040	AMD-E	94-15-010	220-32-05100I	NEW-E	94-20-029
194-22-070	PREP	94-08-070	204-10-040	AMD-P	94-16-069	220-32-05100I	REP-E	94-20-076
194-22-070	NEW-P	94-11-128	204-10-040	AMD	94-20-047	220-32-05100J	NEW-E	94-20-064
194-22-070	NEW	94-22-103	204-24-050	AMD-E	94-02-081	220-32-05100K	NEW-E	94-20-076
194-22-080	PREP	94-08-070	204-24-050	AMD-P	94-02-082	220-32-05500F	NEW-E	94-09-022
194-22-080	NEW-P	94-11-128	204-24-050	AMD	94-08-069	220-32-05500F	REP-E	94-13-016
194-22-080	NEW	94-22-103	204-24-050	AMD-E	94-19-064	220-32-05500G	NEW-E	94-11-106
194-22-090	PREP	94-08-070	204-24-050	PREP	94-19-065	220-32-05500H	NEW-E	94-13-016
194-22-090	NEW-P	94-11-128	204-24-050	AMD-P	94-20-098	220-32-05500H	REP-E	94-14-036
194-22-090	NEW	94-22-103	204-30-010	REP	94-05-024	220-32-05500I	NEW-E	94-14-036
194-22-100	PREP	94-08-070	204-30-020	REP	94-05-024	220-33-01000U	NEW-E	94-04-101
194-22-100	NEW-P	94-11-128	204-30-030	REP	94-05-024	220-33-01000U	REP-E	94-06-042
194-22-100	NEW	94-22-103	204-30-040	REP	94-05-024	220-33-01000V	NEW-E	94-06-042
194-22-110	PREP	94-08-070	204-30-050	REP	94-05-024	220-33-01000V	REP-E	94-07-009
194-22-110	NEW-P	94-11-128	204-30-060	REP	94-05-024	220-33-01000W	NEW-E	94-07-009
194-22-110	NEW	94-22-103	204-30-070	REP	94-05-024	220-33-03000G	NEW-E	94-11-107
194-22-120	PREP	94-08-070	204-30-080	REP	94-05-024	220-33-03000G	REP-E	94-13-121
194-22-120	NEW-P	94-11-128	204-38-030	AMD-P	94-15-007	220-33-03000H	NEW-E	94-13-121
194-22-120	NEW	94-22-103	204-38-030	AMD	94-17-167	220-33-03000H	REP-E	94-14-020
194-22-130	PREP	94-08-070	204-91A-010	AMD-P	94-15-008	220-33-03000I	NEW-E	94-14-020
194-22-130	NEW-P	94-11-128	204-91A-010	AMD	94-18-083	220-33-060	AMD-P	94-03-106
194-22-130	NEW	94-22-103	204-91A-030	AMD-P	94-15-008	220-33-060	AMD-C	94-12-007
194-22-140	PREP	94-08-070	204-91A-030	AMD	94-18-083	220-33-060	AMD	94-12-009
194-22-140	NEW-P	94-11-128	204-91A-040	AMD-P	94-15-008	220-36-021	AMD-P	94-09-070
194-22-140	NEW	94-22-103	204-91A-040	AMD	94-18-083	220-36-021	AMD	94-13-014
194-22-150	PREP	94-08-070	204-91A-060	AMD-P	94-15-008	220-36-023	AMD-P	94-09-070
194-22-150	NEW-P	94-11-128	204-91A-060	AMD	94-18-083	220-36-023	AMD	94-13-014
194-22-150	NEW	94-22-103	204-91A-070	AMD-P	94-15-008	220-36-02300N	NEW-E	94-19-025
194-22-160	PREP	94-08-070	204-91A-070	AMD	94-18-083	220-36-02300N	REP-E	94-19-032
194-22-160	NEW-P	94-11-128	204-91A-080	AMD-P	94-15-008	220-40-021	AMD-P	94-09-070
194-22-160	NEW	94-22-103	204-91A-080	AMD	94-18-083	220-40-021	AMD	94-13-014
194-22-170	PREP	94-08-070	204-91A-110	AMD-P	94-15-008	220-40-027	AMD-P	94-09-070
194-22-170	NEW-P	94-11-128	204-91A-110	AMD	94-18-083	220-40-027	AMD-C	94-13-013
194-22-170	NEW	94-22-103	204-91A-160	AMD-P	94-15-008	220-40-027	AMD	94-16-017
194-22-180	PREP	94-08-070	204-91A-160	AMD	94-18-083	220-44-020	AMD-P	94-03-106
194-22-180	NEW-P	94-11-128	204-91A-170	PREP	94-13-078	220-44-020	AMD-C	94-12-007
194-22-180	NEW	94-22-103	204-91A-170	AMD-P	94-15-008	220-44-020	AMD	94-12-009
194-22-190	PREP	94-08-070	204-91A-170	AMD	94-18-083	220-44-030	AMD-P	94-03-106
194-22-190	NEW-P	94-11-128	204-91A-180	AMD-P	94-15-008	220-44-030	AMD-C	94-12-007
194-22-190	NEW	94-22-103	204-91A-180	AMD	94-18-083	220-44-030	AMD	94-12-009
197-11	PREP	94-15-038	208-04-010	NEW	94-09-010	220-44-04000E	NEW-E	94-11-074
197-11-200	NEW-P	94-19-083	208-04-020	NEW	94-09-010	220-44-050	AMD-P	94-10-073
197-11-210	NEW-P	94-19-083	208-04-030	NEW	94-09-010	220-44-050	AMD	94-13-077
197-11-220	NEW-P	94-19-083	220-12-02000B	NEW-E	94-07-052	220-44-05000I	REP-E	94-05-003
197-11-225	NEW-E	94-12-032	220-12-02000C	NEW-E	94-18-074	220-44-05000J	NEW-E	94-05-003
197-11-225	NEW-E	94-20-001	220-16	AMD-C	94-14-068	220-44-05000J	REP-E	94-14-071
197-11-228	NEW-E	94-12-032	220-16-015	AMD-P	94-03-106	220-44-05000K	NEW-E	94-14-071
197-11-228	NEW-P	94-19-083	220-16-015	AMD-C	94-12-007	220-44-090	NEW-P	94-03-106
197-11-228	NEW-E	94-20-001	220-16-015	AMD	94-12-009	220-44-090	NEW-C	94-12-007



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-44-090	NEW	94-12-009	220-48-019	AMD	94-12-009	220-49-057	AMD-C	94-12-007
220-44-09000C	NEW-E	94-11-073	220-48-028	AMD-P	94-03-106	220-49-057	AMD	94-12-009
220-44-09000C	REP-E	94-13-015	220-48-028	AMD-C	94-12-007	220-49-063	AMD-P	94-03-106
220-44-09000D	NEW-E	94-13-015	220-48-028	AMD	94-12-009	220-49-063	AMD-C	94-12-007
220-47-304	AMD-P	94-09-071	220-48-031	AMD-P	94-03-106	220-49-063	AMD	94-12-009
220-47-304	AMD	94-15-001	220-48-031	AMD-C	94-12-007	220-49-06300A	NEW-E	94-07-063
220-47-307	AMD-P	94-09-071	220-48-031	AMD	94-12-009	220-49-06300A	REP-E	94-07-077
220-47-307	AMD	94-15-001	220-48-041	AMD-P	94-03-106	220-49-06300B	NEW-E	94-07-077
220-47-311	AMD-P	94-09-071	220-48-041	AMD-C	94-12-007	220-49-064	AMD-P	94-03-106
220-47-311	AMD	94-15-001	220-48-041	AMD	94-12-009	220-49-064	AMD-C	94-12-007
220-47-401	AMD-P	94-09-071	220-48-051	AMD-P	94-03-106	220-49-064	AMD	94-12-009
220-47-401	AMD	94-15-001	220-48-051	AMD-C	94-12-007	220-49-06400A	NEW-E	94-07-063
220-47-411	AMD-P	94-09-071	220-48-051	AMD	94-12-009	220-49-06400A	REP-E	94-07-077
220-47-411	AMD	94-15-001	220-48-061	AMD-P	94-03-106	220-49-06400B	NEW-E	94-07-077
220-47-412	AMD-P	94-09-071	220-48-061	AMD-C	94-12-007	220-52-010	AMD-P	94-03-106
220-47-412	AMD	94-15-001	220-48-061	AMD	94-12-009	220-52-010	AMD-C	94-12-007
220-47-501	NEW-E	94-16-078	220-48-071	AMD-P	94-03-106	220-52-010	AMD	94-12-009
220-47-501	REP-E	94-17-005	220-48-071	AMD-C	94-12-007	220-52-018	AMD-P	94-03-106
220-47-502	NEW-E	94-17-005	220-48-071	AMD	94-12-009	220-52-018	AMD-C	94-12-007
220-47-502	REP-E	94-17-021	220-49-005	NEW-P	94-03-106	220-52-018	AMD	94-12-009
220-47-503	NEW-E	94-17-021	220-49-005	NEW-C	94-12-007	220-52-019	AMD-P	94-03-106
220-47-503	REP-E	94-17-067	220-49-005	NEW	94-12-009	220-52-019	AMD-C	94-12-007
220-47-504	NEW-E	94-17-067	220-49-011	AMD-P	94-03-106	220-52-019	AMD	94-12-009
220-47-504	REP-E	94-17-093	220-49-011	AMD-C	94-12-007	220-52-01901	AMD-P	94-03-106
220-47-505	NEW-E	94-17-093	220-49-011	AMD	94-12-009	220-52-01901	AMD-C	94-12-007
220-47-505	REP-E	94-17-120	220-49-012	AMD-P	94-03-106	220-52-01901	AMD	94-12-009
220-47-506	NEW-E	94-17-120	220-49-012	AMD-C	94-12-007	220-52-020	AMD-P	94-03-106
220-47-506	REP-E	94-17-130	220-49-012	AMD	94-12-009	220-52-020	AMD-C	94-12-007
220-47-507	NEW-E	94-17-130	220-49-013	AMD-P	94-03-106	220-52-020	AMD	94-12-009
220-47-507	REP-E	94-17-146	220-49-013	AMD-C	94-12-007	220-52-030	AMD-P	94-03-106
220-47-508	NEW-E	94-17-146	220-49-013	AMD	94-12-009	220-52-030	AMD-C	94-12-007
220-47-508	REP-E	94-17-162	220-49-014	AMD-P	94-03-106	220-52-030	AMD	94-12-009
220-47-509	NEW-E	94-17-162	220-49-014	AMD-C	94-12-007	220-52-03000H	NEW-E	94-16-003
220-47-509	REP-E	94-18-016	220-49-014	AMD	94-12-009	220-52-040	AMD-P	94-03-106
220-47-510	NEW-E	94-18-016	220-49-015	REP-P	94-03-106	220-52-040	AMD-C	94-12-007
220-47-510	REP-E	94-18-030	220-49-015	REP-C	94-12-007	220-52-040	AMD	94-12-009
220-47-511	NEW-E	94-18-030	220-49-015	REP	94-12-009	220-52-043	AMD-P	94-03-106
220-47-511	REP-E	94-18-062	220-49-016	REP-P	94-03-106	220-52-043	AMD-C	94-12-007
220-47-512	NEW-E	94-18-062	220-49-016	REP-C	94-12-007	220-52-043	AMD	94-12-009
220-47-512	REP-E	94-18-071	220-49-016	REP	94-12-009	220-52-046	AMD-P	94-03-106
220-47-513	NEW-E	94-18-071	220-49-017	AMD-P	94-03-106	220-52-046	AMD-C	94-12-007
220-47-513	REP-E	94-18-098	220-49-017	AMD-C	94-12-007	220-52-046	AMD	94-12-009
220-47-514	NEW-E	94-18-098	220-49-017	AMD	94-12-009	220-52-050	AMD-P	94-03-106
220-47-514	REP-E	94-19-019	220-49-020	AMD-P	94-03-106	220-52-050	AMD-C	94-12-007
220-47-515	NEW-E	94-19-019	220-49-020	AMD-C	94-12-007	220-52-050	AMD	94-12-009
220-47-515	REP-E	94-19-048	220-49-020	AMD	94-12-009	220-52-051	AMD-P	94-03-098
220-47-516	NEW-E	94-19-048	220-49-02000F	NEW-E	94-04-047	220-52-051	AMD-P	94-03-106
220-47-516	REP-E	94-20-016	220-49-02000G	NEW-E	94-09-021	220-52-051	AMD	94-07-092
220-47-517	NEW-E	94-20-016	220-49-021	AMD-P	94-03-106	220-52-051	AMD-C	94-12-007
220-47-517	REP-E	94-20-063	220-49-021	AMD-C	94-12-007	220-52-051	AMD-W	94-12-061
220-47-518	NEW-E	94-20-063	220-49-021	AMD	94-12-009	220-52-05100Q	NEW-E	94-11-072
220-48-001	AMD-P	94-03-106	220-49-022	REP-P	94-03-106	220-52-05100R	NEW-E	94-19-008
220-48-001	AMD-C	94-12-007	220-49-022	REP-C	94-12-007	220-52-060	AMD-P	94-03-106
220-48-001	AMD	94-12-009	220-49-022	REP	94-12-009	220-52-060	AMD-C	94-12-007
220-48-005	AMD-P	94-03-106	220-49-022	AMD-P	94-03-106	220-52-060	AMD	94-12-009
220-48-005	AMD-C	94-12-007	220-49-023	AMD-C	94-12-007	220-52-063	AMD-P	94-03-106
220-48-005	AMD	94-12-009	220-49-023	AMD	94-12-009	220-52-063	AMD-C	94-12-007
220-48-011	AMD-P	94-03-106	220-49-024	AMD-P	94-03-106	220-52-063	AMD	94-12-009
220-48-011	AMD-C	94-12-007	220-49-024	AMD-C	94-12-007	220-52-066	AMD-P	94-03-106
220-48-011	AMD	94-12-009	220-49-024	AMD	94-12-009	220-52-066	AMD-C	94-12-007
220-48-015	AMD-P	94-03-106	220-49-025	REP-P	94-03-106	220-52-066	AMD	94-12-009
220-48-015	AMD-C	94-12-007	220-49-025	REP-C	94-12-007	220-52-068	AMD-P	94-03-106
220-48-015	AMD	94-12-009	220-49-025	REP	94-12-009	220-52-068	AMD-C	94-12-007
220-48-015	AMD-P	94-13-064	220-49-026	REP-P	94-03-106	220-52-068	AMD	94-12-009
220-48-015	AMD	94-19-001	220-49-026	REP-C	94-12-007	220-52-069	AMD-P	94-03-106
220-48-016	NEW-P	94-03-106	220-49-026	REP	94-12-009	220-52-069	AMD-C	94-12-007
220-48-016	NEW-C	94-12-007	220-49-026	REP-P	94-03-106	220-52-069	AMD	94-12-009
220-48-016	NEW	94-12-009	220-49-055	REP-C	94-12-007	220-52-070	AMD-P	94-03-106
220-48-017	AMD-P	94-03-106	220-49-055	REP	94-12-009	220-52-070	AMD-C	94-12-007
220-48-017	AMD-C	94-12-007	220-49-056	AMD-P	94-03-106	220-52-070	AMD	94-12-009
220-48-017	AMD	94-12-009	220-49-056	AMD-C	94-12-007	220-52-071	AMD-P	94-03-106
220-48-019	AMD-P	94-03-106	220-49-056	AMD	94-12-009	220-52-071	AMD-C	94-12-007
220-48-019	AMD-C	94-12-007	220-49-057	AMD-P	94-03-106	220-52-071	AMD	94-12-009

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-52-07100P	NEW-E	94-10-037	220-56-25500W	NEW-E	94-13-063	220-57-14000N	NEW-E	94-20-034
220-52-07100P	REP-E	94-13-040	220-56-285	AMD-P	94-03-105	220-57-155	AMD-P	94-03-105
220-52-07100Q	NEW-E	94-13-040	220-56-285	AMD	94-14-069	220-57-155	AMD	94-14-069
220-52-07100Q	REP-E	94-13-136	220-56-28500B	NEW-E	94-10-043	220-57-16000T	NEW-E	94-08-049
220-52-07100R	NEW-E	94-13-136	220-56-28500C	NEW-E	94-18-118	220-57-16000U	NEW-E	94-10-036
220-52-07100R	REP-E	94-14-042	220-56-305	AMD-P	94-03-105	220-57-16000V	REP-E	94-15-036
220-52-07100S	NEW-E	94-14-042	220-56-305	AMD	94-14-069	220-57-16000V	NEW-E	94-15-036
220-52-07100S	REP-E	94-15-055	220-56-30500A	NEW-E	94-10-043	220-57-16000W	NEW-E	94-16-077
220-52-07100T	NEW-E	94-15-055	220-56-307	AMD-P	94-03-105	220-57-16000W	REP-E	94-19-075
220-52-07100T	REP-E	94-16-023	220-56-307	AMD	94-14-069	220-57-16000X	NEW-E	94-19-075
220-52-07100U	NEW-E	94-16-023	220-56-30700A	NEW-E	94-10-043	220-57-16000X	REP-E	94-19-047
220-52-073	AMD-P	94-03-106	220-56-315	AMD-P	94-03-105	220-57-16000Y	NEW-E	94-19-047
220-52-073	AMD-C	94-12-007	220-56-315	AMD	94-14-069	220-57-17000A	NEW-E	94-18-099
220-52-073	AMD	94-12-009	220-56-31500B	NEW-E	94-10-043	220-57-17500A	NEW-E	94-18-117
220-52-07300R	REP-E	94-03-063	220-56-320	AMD-P	94-03-105	220-57-17500Y	NEW-E	94-11-075
220-52-07300S	NEW-E	94-03-063	220-56-320	AMD	94-14-069	220-57-17500Z	NEW-E	94-18-099
220-52-07300S	REP-E	94-05-055	220-56-32500Z	NEW-E	94-11-072	220-57-17500Z	REP-E	94-18-117
220-52-07300T	NEW-E	94-05-055	220-56-32500A	NEW-E	94-12-008	220-57-200	AMD-P	94-03-105
220-52-075	AMD-P	94-03-106	220-56-32500A	REP-E	94-13-076	220-57-200	AMD	94-14-069
220-52-075	AMD-C	94-12-007	220-56-350	AMD-P	94-03-105	220-57-210	AMD-P	94-03-105
220-52-075	AMD	94-12-009	220-56-350	AMD	94-14-069	220-57-210	AMD	94-14-069
220-55-00100B	NEW-E	94-13-049	220-56-35000A	NEW-E	94-16-032	220-57-215	AMD-P	94-03-105
220-55-015	AMD-P	94-11-005	220-56-35000A	REP-E	94-17-092	220-57-215	AMD	94-14-069
220-55-01500A	REP-E	94-11-006	220-56-35000B	NEW-E	94-17-092	220-57-225	AMD-P	94-03-105
220-55-01500B	NEW-E	94-11-006	220-56-35000X	NEW-E	94-07-052	220-57-22500C	NEW-E	94-13-003
220-55-155	NEW-P	94-11-005	220-56-35000X	REP-E	94-07-076	220-57-230	AMD-P	94-03-105
220-55-15500A	REP-E	94-11-006	220-56-35000Y	NEW-E	94-07-076	220-57-230	AMD-W	94-16-108
220-55-15500B	NEW-E	94-11-006	220-56-35000Y	REP-E	94-12-033	220-57-23000F	NEW-E	94-19-018
220-56	AMD-C	94-14-068	220-56-35000Z	NEW-E	94-12-033	220-57-235	REP-P	94-03-105
220-56-100	AMD-P	94-03-105	220-56-35000Z	REP-E	94-16-032	220-57-235	REP-W	94-16-108
220-56-100	AMD	94-14-069	220-56-36000H	NEW-E	94-07-003	220-57-23500F	NEW-E	94-18-074
220-56-10000A	NEW-E	94-10-043	220-56-36000H	REP-E	94-08-009	220-57-23500G	NEW-E	94-20-014
220-56-105	AMD-P	94-03-105	220-56-36000I	NEW-E	94-08-009	220-57-250	AMD-P	94-03-105
220-56-105	AMD	94-14-069	220-56-36000I	REP-E	94-09-023	220-57-250	AMD	94-14-069
220-56-10500C	NEW-E	94-08-014	220-56-36000J	NEW-E	94-09-023	220-57-25000A	NEW-E	94-18-099
220-56-10500C	REP-E	94-10-036	220-56-36000J	REP-E	94-10-038	220-57-255	AMD-P	94-03-105
220-56-11500A	NEW-E	94-10-043	220-56-36000K	NEW-E	94-10-038	220-57-255	AMD	94-14-069
220-56-11500B	NEW-E	94-18-074	220-56-36000L	NEW-E	94-20-050	220-57-25500A	NEW-E	94-18-099
220-56-11600A	NEW-E	94-19-028	220-56-380	AMD-P	94-03-105	220-57-25500A	NEW-E	94-18-099
220-56-123	NEW-P	94-03-105	220-56-380	AMD	94-14-069	220-57-26000A	NEW-E	94-13-003
220-56-123	NEW	94-14-069	220-56-38000R	NEW-E	94-07-052	220-57-270	AMD-P	94-03-105
220-56-124	AMD-P	94-03-105	220-56-38000R	REP-E	94-07-076	220-57-270	AMD	94-14-069
220-56-124	AMD	94-14-069	220-56-38000S	NEW-E	94-07-076	220-57-280	AMD-P	94-03-105
220-56-128	AMD-P	94-03-105	220-56-38000S	REP-E	94-12-033	220-57-280	AMD	94-14-069
220-56-128	AMD	94-14-069	220-56-38000T	NEW-E	94-12-033	220-57-28000J	NEW-E	94-19-018
220-56-12800I	NEW-E	94-10-043	220-56-38000T	REP-E	94-16-032	220-57-285	AMD-P	94-03-105
220-56-190	AMD-P	94-03-105	220-56-38000U	NEW-E	94-16-032	220-57-285	AMD	94-14-069
220-56-190	AMD	94-14-069	220-56-38000U	REP-E	94-17-092	220-57-28500N	NEW-E	94-19-018
220-56-19000X	NEW-E	94-10-043	220-56-38000V	NEW-E	94-17-092	220-57-29000P	NEW-E	94-08-014
220-56-19000Y	NEW-E	94-19-018	220-56-382	AMD-P	94-03-105	220-57-29000P	REP-E	94-11-127
220-56-191	AMD-P	94-03-105	220-56-382	AMD	94-14-069	220-57-29000Q	NEW-E	94-11-127
220-56-191	AMD	94-14-069	220-56-38200A	NEW-E	94-10-043	220-57-300	AMD-P	94-03-105
220-56-19100E	NEW-E	94-10-043	220-56-390	AMD-P	94-03-105	220-57-300	AMD	94-14-069
220-56-19100E	REP-E	94-14-062	220-56-390	AMD	94-14-069	220-57-30000G	NEW-E	94-19-018
220-56-19100F	NEW-E	94-14-062	220-56-400	AMD-P	94-03-105	220-57-310	AMD-P	94-03-105
220-56-19100F	REP-E	94-17-055	220-56-400	AMD	94-14-069	220-57-310	AMD	94-14-069
220-56-19100G	NEW-E	94-17-055	220-56-40000C	NEW-E	94-10-043	220-57-31000A	NEW-E	94-18-099
220-56-195	AMD-P	94-03-105	220-56-405	AMD-P	94-03-105	220-57-31000A	REP-E	94-18-117
220-56-195	AMD	94-14-069	220-56-405	AMD	94-14-069	220-57-31000L	NEW-E	94-18-117
220-56-235	AMD-P	94-03-105	220-56-410	AMD-P	94-03-105	220-57-31000L	REP-E	94-20-014
220-56-235	AMD	94-14-069	220-56-410	AMD	94-14-069	220-57-31000M	NEW-E	94-20-014
220-56-23500H	NEW-E	94-10-043	220-56-415	NEW-P	94-03-105	220-57-31500Y	NEW-E	94-08-014
220-56-240	AMD-P	94-03-105	220-56-415	NEW	94-14-069	220-57-31500Y	REP-E	94-10-036
220-56-240	AMD	94-14-069	220-57	AMD-C	94-14-068	220-57-31500Z	NEW-E	94-10-036
220-56-245	AMD-P	94-03-105	220-57-130	AMD-P	94-03-105	220-57-319	AMD-P	94-03-105
220-56-245	AMD	94-14-069	220-57-130	AMD	94-14-069	220-57-319	AMD	94-14-069
220-56-24500M	NEW-E	94-10-043	220-57-135	AMD-P	94-03-105	220-57-31900A	NEW-E	94-18-099
220-56-255	AMD-P	94-03-105	220-57-135	AMD	94-14-069	220-57-31900A	REP-E	94-18-117
220-56-255	AMD	94-14-069	220-57-140	AMD-P	94-03-105	220-57-31900H	NEW-E	94-18-117
220-56-25500U	NEW-E	94-10-043	220-57-140	AMD	94-14-069	220-57-31900H	REP-E	94-20-014
220-56-25500U	REP-E	94-12-062	220-57-14000Q	NEW-E	94-10-068	220-57-335	AMD-P	94-03-105
220-56-25500V	NEW-E	94-12-062	220-57-14000M	NEW-E	94-19-018	220-57-335	AMD	94-14-069
220-56-25500V	REP-E	94-13-063	220-57-14000M	REP-E	94-20-034	220-57-350	AMD-P	94-03-105
						220-57-350	AMD	94-14-069

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-57-370	AMD-P	94-03-105	220-88A-010	NEW	94-07-092	222-16-035	AMD	94-17-033
220-57-370	AMD-W	94-16-108	220-88A-020	NEW-P	94-03-098	222-16-075	NEW-P	94-17-156
220-57-37000F	NEW-E	94-14-062	220-88A-020	NEW	94-07-092	222-16-080	AMD-E	94-05-046
220-57-385	AMD-P	94-03-105	220-88A-030	NEW-P	94-03-098	222-16-080	AMD-E	94-07-053
220-57-385	AMD	94-14-069	220-88A-030	NEW	94-07-092	222-16-080	AMD-W	94-12-076
220-57-38500V	NEW-E	94-13-071	220-88A-040	NEW-P	94-03-098	222-16-080	AMD-E	94-13-065
220-57-39500A	NEW-E	94-18-099	220-88A-040	NEW	94-07-092	222-16-080	AMD-P	94-17-156
220-57-400	AMD-P	94-03-105	220-88A-050	NEW-P	94-03-098	222-16-080	AMD	94-20-060
220-57-400	AMD	94-14-069	220-88A-050	NEW	94-07-092	222-21-010	NEW-P	94-17-156
220-57-41000C	NEW-E	94-18-074	220-88A-060	NEW-P	94-03-098	222-21-020	NEW-P	94-17-156
220-57-415	AMD-P	94-03-105	220-88A-060	NEW	94-07-092	222-21-030	NEW-P	94-17-156
220-57-415	AMD	94-14-069	220-88A-070	NEW-P	94-03-098	222-21-040	NEW-P	94-17-156
220-57-425	AMD-P	94-03-105	220-88A-070	NEW	94-07-092	222-24-030	AMD-E	94-05-046
220-57-425	AMD	94-14-069	220-88A-080	NEW-P	94-03-098	222-24-030	AMD-E	94-13-065
220-57-42700A	NEW-E	94-18-099	220-88A-080	NEW	94-07-092	222-24-030	AMD-P	94-17-156
220-57-430	AMD-P	94-03-105	220-88A-080	AMD-P	94-13-064	222-24-030	AMD-E	94-20-060
220-57-430	AMD	94-14-069	220-88A-080	AMD	94-19-001	222-30	AMD-C	94-15-024
220-57-435	AMD-P	94-03-105	220-110-010	AMD-P	94-11-126	222-30-020	AMD-P	94-09-029
220-57-435	AMD	94-14-069	220-110-020	AMD-P	94-11-126	222-30-020	AMD-E	94-09-030
220-57-450	AMD-P	94-03-105	220-110-030	AMD-P	94-11-126	222-30-020	AMD	94-17-033
220-57-450	AMD	94-14-069	220-110-032	NEW-P	94-11-126	222-30-050	AMD-E	94-05-046
220-57-455	AMD-P	94-03-105	220-110-035	NEW-P	94-11-126	222-30-050	AMD-E	94-13-065
220-57-455	AMD	94-14-069	220-110-040	AMD-P	94-11-126	222-30-050	AMD-P	94-17-156
220-57-46000A	NEW-E	94-13-071	220-110-050	AMD-P	94-11-126	222-30-050	AMD-E	94-20-060
220-57-465	AMD-P	94-03-105	220-110-060	AMD-P	94-11-126	222-30-060	AMD-E	94-05-046
220-57-465	AMD	94-14-069	220-110-070	AMD-P	94-11-126	222-30-060	AMD-E	94-13-065
220-57-473	AMD-P	94-03-105	220-110-080	AMD-P	94-11-126	222-30-060	AMD-P	94-17-156
220-57-473	AMD	94-14-069	220-110-090	REP-P	94-11-126	222-30-060	AMD-E	94-20-060
220-57-47300A	NEW-E	94-10-043	220-110-100	AMD-P	94-11-126	222-30-065	NEW-E	94-05-046
220-57-480	AMD-P	94-03-105	220-110-110	REP-P	94-11-126	222-30-065	NEW-E	94-13-065
220-57-480	AMD	94-14-069	220-110-120	AMD-P	94-11-126	222-30-065	NEW-P	94-17-156
220-57-48000A	NEW-E	94-18-099	220-110-130	AMD-P	94-11-126	222-30-065	NEW-E	94-20-060
220-57-490	AMD-P	94-03-105	220-110-140	AMD-P	94-11-126	222-30-070	AMD-E	94-05-046
220-57-490	AMD	94-14-069	220-110-150	AMD-P	94-11-126	222-30-070	AMD-E	94-13-065
220-57-495	AMD-P	94-03-105	220-110-160	AMD-P	94-11-126	222-30-070	AMD-P	94-17-156
220-57-495	AMD	94-14-069	220-110-170	AMD-P	94-11-126	222-30-070	AMD-E	94-20-060
220-57-49500A	NEW-E	94-18-099	220-110-180	AMD-P	94-11-126	222-30-075	NEW-E	94-05-046
220-57-49500L	NEW-E	94-10-043	220-110-190	AMD-P	94-11-126	222-30-075	NEW-E	94-13-065
220-57-49700H	NEW-E	94-08-014	220-110-200	AMD-P	94-11-126	222-30-075	NEW-P	94-17-156
220-57-49700H	REP-E	94-11-127	220-110-210	AMD-P	94-11-126	222-30-075	NEW-E	94-20-060
220-57-49700I	NEW-E	94-11-127	220-110-220	AMD-P	94-11-126	222-30-100	AMD-E	94-05-046
220-57-50500V	NEW-E	94-08-014	220-110-223	NEW-P	94-11-126	222-30-100	AMD-E	94-13-065
220-57-50500V	REP-E	94-10-036	220-110-224	NEW-P	94-11-126	222-30-100	AMD-P	94-17-156
220-57-50500W	NEW-E	94-10-036	220-110-230	AMD-P	94-11-126	222-30-100	AMD-E	94-20-060
220-57-51500K	NEW-E	94-08-014	220-110-240	AMD-P	94-11-126	222-38-020	AMD-E	94-05-046
220-57-51500K	REP-E	94-10-036	220-110-250	AMD-P	94-11-126	222-38-020	AMD-E	94-13-065
220-57-520	AMD-P	94-03-105	220-110-260	REP-P	94-11-126	222-38-020	AMD-P	94-17-156
220-57-520	AMD	94-14-069	220-110-270	AMD-P	94-11-126	222-38-020	AMD-E	94-20-060
220-57-52000J	NEW-E	94-19-018	220-110-271	NEW-P	94-11-126	222-38-030	AMD-E	94-05-046
220-57-525	AMD-P	94-03-105	220-110-280	AMD-P	94-11-126	222-38-030	AMD-E	94-13-065
220-57-525	AMD	94-14-069	220-110-285	NEW-P	94-11-126	222-38-030	AMD-P	94-17-156
220-57-52500J	NEW-E	94-19-018	220-110-290	AMD-P	94-11-126	222-38-030	AMD-E	94-20-060
220-57A	AMD-C	94-14-068	220-110-300	AMD-P	94-11-126	223-08-010	AMD-E	94-07-062
220-57A-00100A	NEW-E	94-11-068	220-110-310	AMD-P	94-11-126	223-08-010	AMD-P	94-07-097
220-57A-00100A	REP-E	94-12-012	220-110-320	AMD-P	94-11-126	223-08-010	AMD	94-12-030
220-57A-00100B	NEW-E	94-12-012	220-110-330	AMD-P	94-11-126	223-08-072	NEW-E	94-07-062
220-57A-012	AMD-P	94-03-105	220-110-340	AMD-P	94-11-126	223-08-072	NEW-P	94-07-097
220-57A-012	AMD	94-14-069	220-110-350	AMD-P	94-11-126	223-08-072	NEW	94-12-030
220-57A-01200A	NEW-E	94-10-043	220-110-360	NEW-P	94-11-126	223-08-148	NEW-E	94-07-062
220-57A-01200A	REP-E	94-11-068	222-10-030	NEW-P	94-17-156	223-08-148	NEW-P	94-07-097
220-57A-01200B	NEW-E	94-11-068	222-10-040	NEW-P	94-17-156	223-08-148	NEW	94-12-030
220-57A-14500A	NEW-E	94-18-074	222-16	AMD-C	94-15-024	223-08-162	NEW-E	94-07-062
220-57A-152	AMD-P	94-03-105	222-16-010	AMD-E	94-05-046	223-08-162	NEW-P	94-07-097
220-57A-152	AMD	94-14-069	222-16-010	AMD-E	94-07-053	223-08-162	NEW	94-12-030
220-57A-15200A	NEW-E	94-10-043	222-16-010	AMD-P	94-09-029	223-08-165	AMD-E	94-07-062
220-57A-15200A	REP-E	94-11-068	222-16-010	AMD-E	94-09-030	223-08-165	AMD-P	94-07-097
220-57A-15200B	NEW-E	94-11-068	222-16-010	AMD-W	94-12-076	223-08-165	AMD	94-12-030
220-57A-17500B	NEW-E	94-18-074	222-16-010	AMD-E	94-13-065	223-08-171	NEW-E	94-07-062
220-57A-18000B	NEW-E	94-18-074	222-16-010	AMD	94-17-033	223-08-171	NEW-P	94-07-097
220-57A-18000B	REP-E	94-19-042	222-16-010	AMD-P	94-17-156	223-08-171	NEW	94-12-030
220-57A-18000C	NEW-E	94-19-042	222-16-010	AMD-E	94-20-060	223-08-252	NEW-E	94-07-062
220-57A-18300D	NEW-E	94-15-036	222-16-035	AMD-P	94-09-029	223-08-252	NEW-P	94-07-097
220-88A-010	NEW-P	94-03-098	222-16-035	AMD-E	94-09-030	223-08-252	NEW	94-12-030

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
230-02-030	AMD-P	94-07-083	230-20-680	AMD	94-07-084	232-28-02241	NEW-E	94-12-068
230-02-030	AMD	94-11-095	230-20-685	AMD-P	94-16-009	232-28-02250	NEW-P	94-04-065
230-02-125	AMD-P	94-07-083	230-20-685	AMD-W	94-17-087	232-28-02250	NEW	94-11-041
230-02-125	AMD	94-11-095	230-20-700	AMD-P	94-17-089	232-28-02260	NEW-P	94-04-066
230-02-161	AMD-P	94-04-024	230-25-160	AMD-P	94-04-024	232-28-02260	NEW	94-11-042
230-02-161	AMD	94-07-084	230-25-160	AMD	94-07-084	232-28-02270	NEW-P	94-04-067
230-04-020	AMD-P	94-19-073	230-25-200	AMD-P	94-07-083	232-28-02270	NEW	94-11-043
230-04-035	AMD-P	94-04-024	230-25-200	AMD	94-11-095	232-28-02280	NEW-P	94-04-068
230-04-035	AMD	94-07-084	230-30-016	AMD-P	94-19-073	232-28-02280	NEW	94-11-044
230-04-075	AMD-P	94-04-024	230-30-050	AMD-P	94-07-083	232-28-02290	NEW-P	94-04-069
230-04-075	AMD	94-07-084	230-30-050	AMD	94-11-095	232-28-02290	NEW	94-11-045
230-04-125	AMD-P	94-19-073	230-30-060	AMD-P	94-04-024	232-28-226	REP-P	94-04-114
230-04-145	AMD-P	94-19-073	230-30-060	AMD	94-07-084	232-28-226	REP	94-11-046
230-04-190	AMD-P	94-17-089	230-30-070	AMD-P	94-16-010	232-28-227	REP-P	94-04-116
230-04-199	REP-P	94-17-089	230-30-070	AMD-C	94-19-072	232-28-227	REP	94-11-048
230-04-201	REP-P	94-17-089	230-30-072	AMD-P	94-04-024	232-28-228	REP-P	94-04-115
230-04-202	NEW-P	94-17-089	230-30-072	AMD	94-07-084	232-28-228	REP	94-11-047
230-04-203	NEW-P	94-17-089	230-30-072	AMD-P	94-17-089	232-28-236	REP-P	94-05-079
230-04-204	NEW-P	94-17-089	230-30-072	AMD-C	94-19-071	232-28-236	REP	94-11-050
230-04-260	AMD-P	94-19-073	230-30-075	AMD-P	94-17-089	232-28-237	REP-P	94-05-078
230-04-290	AMD-P	94-19-073	230-30-075	AMD-C	94-19-071	232-28-237	REP	94-11-051
230-04-310	AMD-P	94-19-073	230-30-102	AMD-P	94-04-024	232-28-238	REP-P	94-04-117
230-04-320	AMD-P	94-19-073	230-30-102	AMD	94-07-084	232-28-238	REP	94-11-049
230-04-325	AMD-P	94-19-073	230-30-103	AMD-P	94-04-024	232-28-239	NEW	94-04-123
230-04-340	AMD-P	94-19-073	230-30-103	AMD	94-07-084	232-28-240	NEW-P	94-04-114
230-04-350	AMD-P	94-19-073	230-30-998	REP-P	94-17-089	232-28-240	NEW	94-11-046
230-08-010	AMD-P	94-20-037	230-30-998	REP-C	94-19-071	232-28-240	AMD-P	94-17-145
230-08-015	AMD-P	94-04-024	230-40-010	AMD-P	94-10-006	232-28-241	NEW-P	94-04-115
230-08-015	AMD	94-07-084	230-40-010	AMD	94-13-098	232-28-241	NEW	94-11-047
230-08-017	AMD-P	94-17-089	230-40-050	AMD-E	94-13-100	232-28-24101	NEW-E	94-20-027
230-08-120	AMD-P	94-07-083	230-40-050	AMD-P	94-13-112	232-28-242	NEW-P	94-04-116
230-08-120	AMD	94-11-095	230-40-050	AMD	94-17-091	232-28-242	NEW	94-11-048
230-08-130	AMD-P	94-07-083	230-40-055	AMD-P	94-04-024	232-28-242	AMD-P	94-14-087
230-08-130	AMD	94-11-095	230-40-055	AMD	94-07-084	232-28-242	AMD	94-18-056
230-08-150	AMD-P	94-07-083	230-40-120	AMD-P	94-10-006	232-28-24201	NEW-E	94-11-078
230-08-150	AMD	94-11-095	230-40-120	AMD	94-13-098	232-28-243	NEW-P	94-04-117
230-08-160	AMD-P	94-07-083	230-40-225	AMD-P	94-10-006	232-28-243	NEW	94-11-049
230-08-160	AMD	94-11-095	230-40-225	AMD	94-13-098	232-28-244	NEW-P	94-05-079
230-08-260	AMD-P	94-07-083	230-40-244	NEW-P	94-16-011	232-28-244	NEW	94-11-050
230-08-260	AMD	94-11-095	230-46-100	NEW-P	94-17-089	232-28-245	NEW-P	94-05-078
230-12-010	AMD-P	94-04-024	232-12-024	AMD-P	94-14-090	232-28-245	NEW	94-11-051
230-12-010	AMD	94-07-084	232-12-024	AMD	94-18-059	232-28-245	AMD-P	94-14-088
230-12-040	AMD-P	94-10-005	232-12-131	AMD-P	94-04-118	232-28-245	AMD	94-18-057
230-12-040	AMD	94-13-099	232-12-131	AMD-W	94-06-036	232-28-24501	NEW-E	94-12-069
230-12-050	AMD-P	94-10-005	232-12-131	AMD-P	94-06-037	232-28-24502	NEW-E	94-20-028
230-12-050	AMD	94-13-099	232-12-131	AMD	94-11-030	232-28-417	AMD-E	94-04-007
230-12-070	AMD-P	94-10-005	232-12-166	AMD-P	94-06-043	232-28-417	REP-P	94-14-092
230-12-070	AMD	94-13-099	232-12-166	AMD	94-09-019	232-28-417	REP	94-17-119
230-12-090	NEW-P	94-17-089	232-12-168	AMD	94-06-014	232-28-418	NEW-P	94-14-092
230-12-305	AMD-P	94-04-024	232-28-022	REP-P	94-04-055	232-28-418	NEW	94-17-119
230-12-305	AMD	94-07-084	232-28-022	REP	94-11-031	232-28-513	REP-P	94-14-091
230-20-064	AMD-P	94-04-024	232-28-02201	NEW-P	94-04-055	232-28-513	REP	94-18-036
230-20-064	AMD	94-07-084	232-28-02201	NEW	94-11-031	232-28-514	NEW-P	94-14-091
230-20-064	AMD-P	94-19-073	232-28-02202	NEW-P	94-04-057	232-28-514	NEW	94-18-036
230-20-103	NEW-P	94-10-005	232-28-02202	NEW	94-11-032	232-28-61940	NEW	94-04-018
230-20-103	NEW-C	94-13-101	232-28-02203	NEW-P	94-04-056	232-28-61941	NEW	94-06-012
230-20-103	NEW	94-16-008	232-28-02203	NEW	94-11-033	232-28-61942	NEW	94-06-013
230-20-111	AMD-P	94-04-024	232-28-02204	NEW-P	94-04-058	232-28-61944	NEW-E	94-03-038
230-20-111	AMD	94-07-084	232-28-02204	NEW	94-11-034	232-28-61945	NEW-E	94-04-012
230-20-220	AMD-P	94-04-024	232-28-02205	NEW-P	94-04-059	232-28-61945	NEW-P	94-06-038
230-20-220	AMD	94-07-084	232-28-02205	NEW	94-11-035	232-28-61945	NEW	94-09-068
230-20-230	AMD-P	94-04-024	232-28-02206	NEW-P	94-04-060	232-28-61946	NEW-P	94-06-039
230-20-230	AMD	94-07-084	232-28-02206	NEW	94-11-036	232-28-61946	NEW	94-09-067
230-20-242	AMD-P	94-20-037	232-28-02210	NEW-P	94-04-061	232-28-61947	NEW-P	94-06-040
230-20-244	NEW-P	94-10-005	232-28-02210	NEW	94-11-037	232-28-61947	NEW	94-09-066
230-20-244	NEW-C	94-11-094	232-28-02220	NEW-P	94-04-062	232-28-61948	NEW-E	94-09-005
230-20-244	NEW-C	94-16-011	232-28-02220	NEW	94-11-038	232-28-61949	NEW-E	94-08-048
230-20-244	NEW	94-17-090	232-28-02220	NEW-P	94-04-063	232-28-61950	NEW-P	94-09-069
230-20-246	AMD-P	94-13-113	232-28-02230	NEW	94-11-039	232-28-61950	NEW	94-12-067
230-20-246	AMD	94-18-013	232-28-02240	NEW-P	94-04-064	232-28-61951	NEW-P	94-11-125
230-20-400	AMD-P	94-04-024	232-28-02240	NEW	94-11-040	232-28-61951	NEW	94-14-035
230-20-400	AMD	94-07-084	232-28-02240	AMD-P	94-14-089	232-28-61952	NEW-P	94-14-108
230-20-680	AMD-P	94-04-024	232-28-02240	AMD	94-18-058	232-28-61953	NEW-P	94-14-107

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-28-61953	NEW	94-17-084	240-20-048	NEW-P	94-05-100	240-20-230	NEW	94-10-030
232-28-61954	NEW-P	94-14-106	240-20-048	NEW-E	94-05-101	240-20-230	NEW	94-11-081
232-28-61954	NEW	94-17-083	240-20-048	NEW	94-10-030	240-20-310	NEW-P	94-05-100
232-28-61955	NEW-E	94-16-083	240-20-048	NEW	94-11-081	240-20-310	NEW-E	94-05-101
232-28-61957	NEW-P	94-17-037	240-20-050	NEW-P	94-05-100	240-20-310	NEW	94-10-030
232-28-61958	NEW-E	94-20-026	240-20-050	NEW-E	94-05-101	240-20-310	NEW	94-11-081
232-28-61959	NEW-E	94-20-015	240-20-050	NEW	94-10-030	240-20-320	NEW-P	94-05-100
236-14	PREP	94-09-047	240-20-050	NEW	94-11-081	240-20-320	NEW-E	94-05-101
236-15-010	NEW-P	94-16-036	240-20-052	NEW-P	94-05-100	240-20-320	NEW	94-10-030
236-15-015	NEW-P	94-16-036	240-20-052	NEW-E	94-05-101	240-20-320	NEW	94-11-081
236-15-050	NEW-P	94-16-036	240-20-052	NEW	94-10-030	240-20-330	NEW-P	94-05-100
236-15-100	NEW-P	94-16-036	240-20-052	NEW	94-11-081	240-20-330	NEW-E	94-05-101
236-15-200	NEW-P	94-16-036	240-20-054	NEW-P	94-05-100	240-20-330	NEW	94-10-030
236-15-300	NEW-P	94-16-036	240-20-054	NEW-E	94-05-101	240-20-330	NEW	94-11-081
236-15-700	NEW-P	94-16-036	240-20-054	NEW	94-10-030	240-20-410	NEW-P	94-05-100
236-15-800	NEW-P	94-16-036	240-20-054	NEW	94-11-081	240-20-410	NEW-E	94-05-101
236-15-900	NEW-P	94-16-036	240-20-056	NEW-P	94-05-100	240-20-410	NEW	94-10-030
236-24	PREP	94-19-066	240-20-056	NEW-E	94-05-101	240-20-410	NEW	94-11-081
236-28	PREP	94-19-067	240-20-056	NEW	94-10-030	240-20-420	NEW-P	94-05-100
236-48	PREP	94-19-090	240-20-056	NEW	94-11-081	240-20-420	NEW-E	94-05-101
236-48-096	AMD-P	94-16-035	240-20-058	NEW-P	94-05-100	240-20-420	NEW	94-10-030
236-48-190	PREP	94-11-007	240-20-058	NEW-E	94-05-101	240-20-420	NEW	94-11-081
236-48-190	AMD-P	94-16-034	240-20-058	NEW	94-10-030	240-20-430	NEW-P	94-05-100
236-48-1902	NEW-P	94-16-034	240-20-058	NEW	94-11-081	240-20-430	NEW-E	94-05-101
236-49	PREP	94-19-090	240-20-060	NEW-P	94-05-100	240-20-430	NEW	94-10-030
236-49-050	NEW-P	94-16-035	240-20-060	NEW-E	94-05-101	240-20-430	NEW	94-11-081
236-60	PREP	94-19-068	240-20-060	NEW	94-10-030	240-20-425	NEW-E	94-04-015
236-70	PREP	94-19-069	240-20-060	NEW	94-11-081	240-20-427	NEW-E	94-04-015
240-20	PREP	94-16-133	240-20-065	NEW-P	94-05-100	242-02-010	PREP	94-17-012
240-20-001	NEW-P	94-05-100	240-20-065	NEW-E	94-05-101	242-02-010	AMD-P	94-20-035
240-20-001	NEW-E	94-05-101	240-20-065	NEW	94-10-030	242-02-040	AMD	94-07-033
240-20-001	NEW	94-10-030	240-20-065	NEW	94-11-081	242-02-040	PREP	94-17-012
240-20-001	NEW	94-11-081	240-20-070	NEW-P	94-05-100	242-02-040	AMD-P	94-20-035
240-20-010	NEW-P	94-05-100	240-20-070	NEW-E	94-05-101	242-02-052	AMD	94-07-033
240-20-010	NEW-E	94-05-101	240-20-070	NEW	94-10-030	242-02-052	AMD-P	94-20-035
240-20-010	NEW	94-10-030	240-20-070	NEW	94-11-081	242-02-072	AMD	94-07-033
240-20-010	NEW	94-11-081	240-20-075	NEW-P	94-05-100	242-02-072	PREP	94-17-012
240-20-015	NEW-P	94-05-100	240-20-075	NEW-E	94-05-101	242-02-072	AMD-P	94-20-035
240-20-015	NEW-E	94-05-101	240-20-075	NEW-P	94-10-029	242-02-110	AMD	94-07-033
240-20-015	NEW	94-10-030	240-20-075	NEW-E	94-10-031	242-02-140	AMD	94-07-033
240-20-015	NEW	94-11-081	240-20-075	NEW	94-17-039	242-02-210	AMD	94-07-033
240-20-020	NEW-P	94-05-100	240-20-075	NEW-W	94-18-104	242-02-210	PREP	94-17-012
240-20-020	NEW-E	94-05-101	240-20-076	NEW-P	94-18-042	242-02-210	AMD-P	94-20-035
240-20-020	NEW	94-10-030	240-20-080	NEW-P	94-05-100	242-02-220	AMD	94-07-033
240-20-020	NEW	94-11-081	240-20-080	NEW-E	94-05-101	242-02-220	AMD-P	94-20-035
240-20-025	NEW-P	94-05-100	240-20-080	NEW	94-10-030	242-02-240	AMD	94-07-033
240-20-025	NEW-E	94-05-101	240-20-080	NEW	94-11-081	242-02-250	AMD	94-07-033
240-20-025	NEW	94-10-030	240-20-090	NEW-P	94-05-100	242-02-270	AMD	94-07-033
240-20-025	NEW	94-11-081	240-20-090	NEW-E	94-05-101	242-02-280	AMD	94-07-033
240-20-030	NEW-P	94-05-100	240-20-090	NEW	94-10-030	242-02-310	AMD	94-07-033
240-20-030	NEW-E	94-05-101	240-20-090	NEW	94-11-081	242-02-320	AMD	94-07-033
240-20-030	NEW	94-10-030	240-20-110	NEW-P	94-05-100	242-02-330	AMD	94-07-033
240-20-030	NEW	94-11-081	240-20-110	NEW-E	94-05-101	242-02-340	AMD	94-07-033
240-20-035	NEW-P	94-05-100	240-20-110	NEW	94-10-030	242-02-410	AMD	94-07-033
240-20-035	NEW-E	94-05-101	240-20-110	NEW	94-11-081	242-02-440	AMD	94-07-033
240-20-035	NEW	94-10-030	240-20-120	NEW-P	94-05-100	242-02-510	AMD	94-07-033
240-20-035	NEW	94-11-081	240-20-120	NEW-E	94-05-101	242-02-520	NEW-W	94-07-007
240-20-040	NEW-P	94-05-100	240-20-120	NEW	94-10-030	242-02-521	NEW-P	94-20-035
240-20-040	NEW-E	94-05-101	240-20-120	NEW	94-11-081	242-02-522	AMD	94-07-033
240-20-040	NEW	94-10-030	240-20-130	NEW-P	94-05-100	242-02-530	AMD	94-07-033
240-20-040	NEW	94-11-081	240-20-130	NEW-E	94-05-101	242-02-530	AMD-P	94-20-035
240-20-042	NEW-P	94-05-100	240-20-130	NEW	94-10-030	242-02-533	NEW-P	94-20-035
240-20-042	NEW-E	94-05-101	240-20-130	NEW	94-11-081	242-02-540	AMD	94-07-033
240-20-042	NEW	94-10-030	240-20-210	NEW-P	94-05-100	242-02-550	AMD	94-07-033
240-20-042	NEW	94-11-081	240-20-210	NEW-E	94-05-101	242-02-554	AMD	94-07-033
240-20-044	NEW-P	94-05-100	240-20-210	NEW	94-10-030	242-02-558	AMD	94-07-033
240-20-044	NEW-E	94-05-101	240-20-210	NEW	94-11-081	242-02-570	AMD	94-07-033
240-20-044	NEW	94-10-030	240-20-220	NEW-P	94-05-100	242-02-580	AMD	94-07-033
240-20-044	NEW	94-11-081	240-20-220	NEW-E	94-05-101	242-02-620	AMD	94-07-033
240-20-046	NEW-P	94-05-100	240-20-220	NEW	94-10-030	242-02-660	AMD-P	94-20-035
240-20-046	NEW-E	94-05-101	240-20-220	NEW	94-11-081	242-02-680	AMD	94-07-033
240-20-046	NEW	94-10-030	240-20-230	NEW-P	94-05-100	242-02-830	AMD	94-07-033
240-20-046	NEW	94-11-081	240-20-230	NEW-E	94-05-101	242-02-850	AMD	94-07-033

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
242-02-880	AMD	94-07-033	245-02-140	NEW-W	94-17-179	245-04-340	NEW-P	94-17-184
242-02-890	AMD-P	94-20-035	245-02-145	NEW-P	94-12-078	245-04-350	NEW-P	94-17-184
242-02-892	NEW-W	94-07-007	245-02-150	NEW-W	94-17-179	245-08-010	NEW-P	94-17-183
242-02-910	AMD	94-07-033	245-02-155	NEW-P	94-12-078	245-08-020	NEW-P	94-17-183
242-02-910	AMD-P	94-20-035	245-02-160	NEW-W	94-17-179	245-08-030	NEW-P	94-17-183
242-02-920	AMD	94-07-033	245-02-165	NEW-P	94-12-078	245-08-040	NEW-P	94-17-183
242-04-020	AMD-P	94-20-035	245-02-170	NEW-W	94-17-179	245-08-050	NEW-P	94-17-183
242-04-050	AMD	94-07-033	245-02-175	NEW-P	94-12-078	246-01-040	PREP	94-15-066
242-04-050	PREP	94-17-012	245-02-180	NEW-W	94-17-179	246-01-080	PREP	94-15-066
242-04-050	AMD-P	94-20-035	245-02-185	NEW-P	94-12-078	246-08-450	AMD	94-04-079
242-04-150	AMD-P	94-20-035	245-02-190	NEW-W	94-17-179	246-10-102	PREP	94-18-006
245-01-010	NEW	94-04-046	245-02-195	NEW-P	94-12-078	246-10-103	AMD	94-04-079
245-01-020	NEW	94-04-046	245-02-200	NEW-W	94-17-179	246-10-107	AMD	94-04-079
245-01-020	AMD-P	94-06-060	245-02-205	NEW-P	94-12-078	246-10-109	AMD	94-04-079
245-01-020	AMD-W	94-13-208	245-02-210	NEW-W	94-17-179	246-10-110	AMD	94-04-079
245-01-030	NEW	94-04-046	245-02-215	NEW-P	94-12-078	246-10-114	AMD	94-04-079
245-01-040	NEW	94-04-046	245-02-220	NEW-W	94-17-179	246-10-115	AMD	94-04-079
245-01-050	NEW	94-04-046	245-02-225	NEW-P	94-12-078	246-10-123	AMD	94-04-079
245-01-060	NEW	94-04-046	245-02-230	NEW-W	94-17-179	246-10-124	AMD	94-04-079
245-01-070	NEW	94-04-046	245-02-235	NEW-P	94-12-078	246-10-201	AMD	94-04-079
245-01-080	NEW	94-04-046	245-02-240	NEW-W	94-17-179	246-10-202	AMD	94-04-079
245-01-090	NEW	94-04-046	245-02-245	NEW-P	94-12-078	246-10-203	AMD	94-04-079
245-01-100	NEW	94-04-046	245-02-250	NEW-W	94-17-179	246-10-204	AMD	94-04-079
245-01-110	NEW	94-04-046	245-02-255	NEW-P	94-12-078	246-10-205	AMD	94-04-079
245-01-120	NEW	94-04-046	245-02-260	NEW-W	94-17-179	246-10-303	AMD-W	94-13-088
245-01-130	NEW	94-04-046	245-02-265	NEW-P	94-12-078	246-10-304	AMD	94-04-079
245-01-140	NEW	94-04-046	245-02-270	NEW-W	94-17-179	246-10-305	AMD	94-04-079
245-01-150	NEW	94-04-046	245-02-275	NEW-P	94-12-078	246-10-401	AMD	94-04-079
245-02-010	NEW-P	94-06-060	245-02-280	NEW-W	94-17-179	246-10-402	AMD	94-04-079
245-02-010	NEW-P	94-12-081	245-02-285	NEW-P	94-12-078	246-10-403	AMD	94-04-079
245-02-010	NEW-W	94-13-208	245-02-290	NEW-W	94-17-179	246-10-404	AMD	94-04-079
245-02-010	NEW-W	94-17-179	245-02-295	NEW-P	94-12-078	246-10-501	AMD	94-04-079
245-02-020	NEW-P	94-06-060	245-02-300	NEW-W	94-17-179	246-10-502	AMD	94-04-079
245-02-020	NEW-P	94-12-081	245-02-305	NEW-P	94-12-078	246-10-503	AMD	94-04-079
245-02-020	NEW-W	94-13-208	245-02-310	NEW-W	94-17-179	246-10-504	AMD	94-04-079
245-02-020	NEW-W	94-17-179	245-02-315	NEW-P	94-12-078	246-10-604	AMD	94-04-079
245-02-025	NEW-P	94-12-081	245-02-320	NEW-W	94-17-179	246-10-607	AMD	94-04-079
245-02-025	NEW-W	94-17-179	245-02-325	NEW-P	94-12-078	246-10-701	AMD	94-04-079
245-02-030	NEW-P	94-06-060	245-02-330	NEW-W	94-17-179	246-10-702	AMD	94-04-079
245-02-030	NEW-P	94-12-081	245-02-335	NEW-P	94-12-078	246-10-704	AMD	94-04-079
245-02-030	NEW-W	94-13-208	245-02-340	NEW-W	94-17-179	246-10-705	AMD	94-04-079
245-02-030	NEW-W	94-17-179	245-02-345	NEW-P	94-12-078	246-10-706	AMD	94-04-079
245-02-040	NEW-P	94-06-060	245-02-350	NEW-W	94-17-179	246-10-707	AMD	94-04-079
245-02-040	NEW-P	94-12-081	245-02-355	NEW-P	94-12-078	246-11	PREP	94-18-006
245-02-040	NEW-W	94-13-208	245-02-360	NEW-W	94-17-179	246-11-010	AMD	94-04-078
245-02-040	NEW-W	94-17-179	245-02-365	NEW-P	94-12-078	246-11-020	AMD	94-04-078
245-02-050	NEW-P	94-06-060	245-02-370	NEW-W	94-17-179	246-11-030	AMD	94-04-078
245-02-050	NEW-P	94-12-081	245-02-375	NEW-P	94-12-078	246-11-050	AMD	94-04-078
245-02-050	NEW-W	94-13-208	245-02-380	NEW-W	94-17-179	246-11-060	AMD	94-04-078
245-02-050	NEW-W	94-17-179	245-02-385	NEW-P	94-12-078	246-11-080	AMD	94-04-078
245-02-060	NEW-P	94-12-081	245-02-390	NEW-W	94-17-179	246-11-090	AMD	94-04-078
245-02-060	NEW-W	94-17-179	245-02-395	NEW-P	94-12-078	246-11-100	AMD	94-04-078
245-02-070	NEW-P	94-12-081	245-02-400	NEW-W	94-17-179	246-11-110	AMD	94-04-078
245-02-070	NEW-W	94-17-179	245-02-405	NEW-P	94-12-078	246-11-130	AMD	94-04-078
245-02-080	NEW-P	94-12-081	245-02-410	NEW-W	94-17-179	246-11-140	AMD	94-04-078
245-02-080	NEW-W	94-17-179	245-02-415	NEW-P	94-12-078	246-11-160	AMD	94-04-078
245-02-090	NEW-P	94-12-081	245-02-420	NEW-W	94-17-179	246-11-180	AMD	94-04-078
245-02-090	NEW-W	94-17-179	245-02-425	NEW-P	94-12-078	246-11-220	AMD	94-04-078
245-02-100	NEW-P	94-12-078	245-02-430	NEW-W	94-17-179	246-11-230	AMD	94-04-078
245-02-100	NEW-W	94-17-179	245-02-435	NEW-P	94-12-078	246-11-250	AMD	94-04-078
245-02-110	NEW-P	94-12-078	245-02-440	NEW-W	94-17-179	246-11-260	AMD	94-04-078
245-02-110	NEW-W	94-17-179	245-02-445	NEW-P	94-12-078	246-11-270	AMD	94-04-078
245-02-115	NEW-P	94-12-078	245-02-450	NEW-W	94-17-179	246-11-280	AMD	94-04-078
245-02-115	NEW-W	94-17-179	245-02-455	NEW-P	94-12-078	246-11-290	AMD	94-04-078
245-02-120	NEW-P	94-12-078	245-02-460	NEW-W	94-17-179	246-11-300	AMD	94-04-078
245-02-120	NEW-W	94-17-179	245-02-465	NEW-P	94-12-078	246-11-320	AMD-W	94-13-087
245-02-125	NEW-P	94-12-078	245-02-470	NEW-W	94-17-179	246-11-330	AMD	94-04-078
245-02-125	NEW-W	94-17-179	245-02-475	NEW-P	94-12-078	246-11-340	AMD	94-04-078
245-02-130	NEW-P	94-12-078	245-02-480	NEW-W	94-17-179	246-11-360	AMD	94-04-078
245-02-130	NEW-W	94-17-179	245-02-485	NEW-P	94-12-078	246-11-370	AMD	94-04-078
245-02-135	NEW-P	94-12-078	245-02-490	NEW-W	94-17-179	246-11-380	AMD	94-04-078
245-02-135	NEW-W	94-17-179	245-02-495	NEW-P	94-12-078	246-11-390	AMD	94-04-078
245-02-140	NEW-P	94-12-078	245-02-500	NEW-W	94-17-179			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-11-400	AMD	94-04-078	246-247-002	NEW	94-07-010	246-272-170	REP	94-09-025
246-11-420	AMD	94-04-078	246-247-010	AMD	94-07-010	246-272-17501	NEW	94-09-025
246-11-425	NEW	94-04-078	246-247-020	AMD	94-07-010	246-272-180	REP	94-09-025
246-11-430	AMD	94-04-078	246-247-030	AMD	94-07-010	246-272-18501	NEW	94-09-025
246-11-440	AMD	94-04-078	246-247-040	AMD	94-07-010	246-272-190	REP	94-09-025
246-11-450	AMD	94-04-078	246-247-050	REP	94-07-010	246-272-19501	NEW	94-09-025
246-11-480	AMD	94-04-078	246-247-060	AMD	94-07-010	246-272-200	REP	94-09-025
246-11-500	AMD	94-04-078	246-247-065	NEW	94-07-010	246-272-20501	NEW	94-09-025
246-11-510	AMD	94-04-078	246-247-070	REP	94-07-010	246-272-210	REP	94-09-025
246-11-530	AMD	94-04-078	246-247-075	NEW	94-07-010	246-272-21501	NEW	94-09-025
246-11-540	AMD	94-04-078	246-247-080	AMD	94-07-010	246-272-220	REP	94-09-025
246-11-560	AMD	94-04-078	246-247-085	NEW	94-07-010	246-272-22501	NEW	94-09-025
246-11-580	AMD	94-04-078	246-247-090	REP	94-07-010	246-272-230	REP	94-09-025
246-11-590	AMD	94-04-078	246-247-100	AMD	94-07-010	246-272-23501	NEW	94-09-025
246-11-600	AMD	94-04-078	246-247-110	NEW	94-07-010	246-272-24001	NEW	94-09-025
246-11-610	AMD	94-04-078	246-247-120	NEW	94-07-010	246-272-24001	NEW	94-09-025
236-15-010	NEW-P	94-16-036	246-247-130	NEW	94-07-010	246-272-25001	NEW	94-09-025
236-15-015	NEW-P	94-16-036	246-249-020	PREP	94-16-065	246-272-26001	NEW	94-09-025
236-15-050	NEW-P	94-16-036	246-249-080	PREP	94-16-065	246-272-27001	NEW	94-09-025
236-15-100	NEW-P	94-16-036	246-254-053	AMD-P	94-07-108	246-272-28001	NEW	94-09-025
236-15-200	NEW-P	94-16-036	246-254-053	AMD	94-11-010	246-282	PREP	94-12-087
236-15-300	NEW-P	94-16-036	246-254-070	AMD-P	94-07-107	246-282	PREP	94-12-088
236-15-700	NEW-P	94-16-036	246-254-070	AMD	94-11-011	246-282-005	NEW-P	94-17-121
236-15-800	NEW-P	94-16-036	246-254-080	AMD-P	94-07-107	246-290-010	AMD-P	94-08-075
236-15-900	NEW-P	94-16-036	246-254-080	AMD	94-11-011	246-290-010	AMD	94-14-001
246-50-001	PREP	94-09-042	246-254-090	AMD-P	94-07-107	246-290-020	AMD-P	94-08-075
246-50-001	NEW-P	94-20-079	246-254-090	AMD	94-11-011	246-290-020	AMD	94-14-001
246-50-010	PREP	94-09-042	246-254-100	AMD-P	94-07-107	246-290-025	NEW-P	94-08-075
246-50-010	NEW-P	94-20-079	246-254-100	AMD	94-11-011	246-290-025	NEW	94-14-001
246-50-020	PREP	94-09-042	246-254-120	AMD-P	94-07-107	246-290-030	AMD-P	94-08-075
246-50-020	NEW-P	94-20-079	246-254-120	AMD	94-11-011	246-290-030	AMD	94-14-001
246-50-030	PREP	94-09-042	246-254-160	AMD	94-07-010	246-290-040	AMD-P	94-08-075
246-50-030	NEW-P	94-20-079	246-260-990	REP-P	94-07-121	246-290-040	AMD	94-14-001
246-50-040	PREP	94-09-042	246-260-990	REP	94-11-056	246-290-060	AMD-P	94-08-075
246-50-040	NEW-P	94-20-079	246-260-9901	NEW-P	94-07-121	246-290-060	AMD	94-14-001
246-50-990	PREP	94-09-042	246-260-9901	NEW	94-11-056	246-290-100	AMD-P	94-08-075
246-50-990	NEW-P	94-20-079	246-272-001	REP	94-09-025	246-290-100	AMD	94-14-001
246-100	PREP	94-12-048	246-272-00101	NEW	94-09-025	246-290-110	AMD-P	94-08-075
246-100-011	AMD-P	94-14-081	246-272-002	REP	94-09-025	246-290-110	AMD	94-14-001
246-100-076	AMD-P	94-14-081	246-272-005	REP	94-09-025	246-290-115	NEW-P	94-08-075
246-100-236	AMD-P	94-14-081	246-272-00501	NEW	94-09-025	246-290-115	NEW	94-14-001
246-100-236	PREP	94-16-105	246-272-010	REP	94-09-025	246-290-130	AMD-P	94-08-075
246-132-020	REP	94-06-048	246-272-01001	NEW	94-09-025	246-290-130	AMD	94-14-001
246-132-030	REP	94-06-048	246-272-020	REP	94-09-025	246-290-135	AMD-P	94-08-075
246-170	PREP	94-12-048	246-272-02001	NEW	94-09-025	246-290-135	AMD	94-14-001
246-170-010	AMD-P	94-14-081	246-272-030	REP	94-09-025	246-290-140	AMD-P	94-08-075
246-170-030	AMD-P	94-14-081	246-272-03001	NEW	94-09-025	246-290-140	AMD	94-14-001
246-170-035	NEW-P	94-14-081	246-272-040	REP	94-09-025	246-290-230	AMD-P	94-08-075
246-170-035	NEW	94-20-080	246-272-04001	NEW	94-09-025	246-290-230	AMD	94-14-001
246-170-050	AMD-P	94-14-081	246-272-050	REP	94-09-025	246-290-300	AMD-P	94-08-075
246-220	PREP	94-17-015	246-272-05001	NEW	94-09-025	246-290-300	AMD	94-14-001
246-221	PREP	94-17-015	246-272-060	REP	94-09-025	246-290-310	AMD-P	94-08-075
246-221-250	AMD-E	94-19-029	246-272-070	REP	94-09-025	246-290-310	AMD	94-14-001
246-221-260	AMD-E	94-19-029	246-272-07001	NEW	94-09-025	246-290-320	AMD-P	94-08-075
246-225-020	AMD	94-06-017	246-272-080	REP	94-09-025	246-290-320	AMD	94-14-001
246-227-030	NEW-W	94-06-016	246-272-08001	NEW	94-09-025	246-290-330	AMD-P	94-08-075
246-227-100	NEW-W	94-06-016	246-272-090	REP	94-09-025	246-290-330	AMD	94-14-001
246-235	PREP	94-17-015	246-272-09001	NEW	94-09-025	246-290-410	AMD-P	94-08-075
246-235-077	PREP	94-15-028	246-272-09501	NEW	94-09-025	246-290-410	AMD	94-14-001
246-235-150	PREP	94-15-028	246-272-100	REP	94-09-025	246-290-440	AMD-P	94-08-075
246-239-020	AMD	94-06-017	246-272-110	REP	94-09-025	246-290-440	AMD	94-14-001
246-239-022	NEW	94-06-017	246-272-11001	NEW	94-09-025	246-290-480	AMD-P	94-08-075
246-239-030	AMD	94-06-017	246-272-11501	NEW	94-09-025	246-290-480	AMD	94-14-001
246-239-035	NEW	94-06-017	246-272-120	REP	94-09-025	246-290-632	AMD-P	94-08-075
246-239-050	AMD	94-06-017	246-272-12501	NEW	94-09-025	246-290-632	AMD	94-14-001
246-239-070	AMD	94-06-017	246-272-130	REP	94-09-025	246-290-654	AMD-P	94-08-075
246-239-080	AMD	94-06-017	246-272-13501	NEW	94-09-025	246-290-654	AMD	94-14-001
246-239-090	AMD	94-06-017	246-272-140	REP	94-09-025	246-290-660	AMD-P	94-08-075
246-239-100	AMD	94-06-017	246-272-14501	NEW	94-09-025	246-290-660	AMD	94-14-001
246-240	PREP	94-17-015	246-272-150	REP	94-09-025	246-290-662	AMD-P	94-08-075
246-240-020	AMD	94-06-017	246-272-15501	NEW	94-09-025	246-290-662	AMD	94-14-001
246-242	PREP	94-17-015	246-272-160	REP	94-09-025	246-290-664	AMD-P	94-08-075
246-247-001	AMD	94-07-010	246-272-16501	NEW	94-09-025	246-290-664	AMD	94-14-001

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-290-666	AMD-P	94-08-075	246-292-030	AMD	94-04-004	246-316-110	AMD	94-13-180
246-290-666	AMD	94-14-001	246-292-040	AMD	94-04-004	246-316-120	AMD-P	94-08-040
246-290-670	AMD-P	94-08-075	246-292-050	AMD	94-04-004	246-316-120	AMD	94-13-180
246-290-670	AMD	94-14-001	246-292-055	NEW	94-04-004	246-316-130	AMD-P	94-08-040
246-290-686	AMD-P	94-08-075	246-292-060	AMD	94-04-004	246-316-130	AMD	94-13-180
246-290-686	AMD	94-14-001	246-292-070	AMD	94-04-004	246-316-140	AMD-P	94-08-040
246-290-692	AMD-P	94-08-075	246-292-075	NEW	94-04-004	246-316-140	AMD	94-13-180
246-290-692	AMD	94-14-001	246-292-080	AMD	94-04-004	246-316-150	AMD-P	94-08-040
246-290-694	AMD-P	94-08-075	246-292-090	AMD	94-04-004	246-316-150	AMD	94-13-180
246-290-694	AMD	94-14-001	246-292-100	AMD	94-04-004	246-316-160	AMD-P	94-08-040
246-290-696	AMD-P	94-08-075	246-292-110	AMD	94-04-004	246-316-160	AMD	94-13-180
246-290-696	AMD	94-14-001	246-292-120	REP	94-04-004	246-316-170	AMD-P	94-08-040
246-291-001	NEW-P	94-06-008	246-292-130	REP	94-04-004	246-316-170	AMD	94-13-180
246-291-001	NEW	94-14-002	246-292-140	REP	94-04-004	246-316-180	AMD-P	94-08-040
246-291-010	NEW-P	94-06-008	246-292-150	REP	94-04-004	246-316-180	AMD	94-13-180
246-291-010	NEW	94-14-002	246-292-160	NEW	94-04-004	246-316-190	AMD-P	94-08-040
246-291-020	NEW-P	94-06-008	246-292-170	NEW	94-04-004	246-316-190	AMD	94-13-180
246-291-020	NEW	94-14-002	246-292-990	REP	94-04-004	246-316-200	AMD-P	94-08-040
246-291-025	NEW-P	94-06-008	246-295-001	NEW-P	94-13-085	246-316-200	AMD	94-13-180
246-291-025	NEW	94-14-002	246-295-001	NEW	94-18-108	246-316-210	AMD-P	94-08-040
246-291-030	NEW-P	94-06-008	246-295-010	NEW-P	94-13-085	246-316-210	AMD	94-13-180
246-291-030	NEW	94-14-002	246-295-010	NEW	94-18-108	246-316-220	AMD-P	94-08-040
246-291-040	NEW-P	94-06-008	246-295-020	NEW-P	94-13-085	246-316-220	AMD	94-13-180
246-291-040	NEW	94-14-002	246-295-020	NEW	94-18-108	246-316-230	AMD-P	94-08-040
246-291-050	NEW-P	94-06-008	246-295-030	NEW-P	94-13-085	246-316-230	AMD	94-13-180
246-291-050	NEW	94-14-002	246-295-030	NEW	94-18-108	246-316-240	AMD-P	94-08-040
246-291-060	NEW-P	94-06-008	246-295-040	NEW-P	94-13-085	246-316-240	AMD	94-13-180
246-291-060	NEW	94-14-002	246-295-040	NEW	94-18-108	246-316-250	AMD-P	94-08-040
246-291-100	NEW-P	94-06-008	246-295-050	NEW-P	94-13-085	246-316-250	AMD	94-13-180
246-291-100	NEW	94-14-002	246-295-050	NEW	94-18-108	246-316-260	AMD-P	94-08-040
246-291-110	NEW-P	94-06-008	246-295-060	NEW-P	94-13-085	246-316-260	AMD	94-13-180
246-291-110	NEW	94-14-002	246-295-060	NEW	94-18-108	246-316-265	NEW-P	94-08-040
246-291-120	NEW-P	94-06-008	246-295-070	NEW-P	94-13-085	246-316-265	NEW	94-13-180
246-291-120	NEW	94-14-002	246-295-070	NEW	94-18-108	246-316-268	NEW-P	94-08-040
246-291-130	NEW-P	94-06-008	246-295-080	NEW-P	94-13-085	246-316-268	NEW	94-13-180
246-291-130	NEW	94-14-002	246-295-080	NEW	94-18-108	246-316-270	REP-P	94-08-040
246-291-140	NEW-P	94-06-008	246-295-090	NEW-P	94-13-085	246-316-270	REP	94-13-180
246-291-140	NEW	94-14-002	246-295-090	NEW	94-18-108	246-316-280	AMD-P	94-08-040
246-291-200	NEW-P	94-06-008	246-295-100	NEW-P	94-13-085	246-316-280	AMD	94-13-180
246-291-200	NEW	94-14-002	246-295-100	NEW	94-18-108	246-316-290	AMD-P	94-08-040
246-291-210	NEW-P	94-06-008	246-295-110	NEW-P	94-13-085	246-316-290	AMD	94-13-180
246-291-210	NEW	94-14-002	246-295-110	NEW	94-18-108	246-316-300	AMD-P	94-08-040
246-291-220	NEW-P	94-06-008	246-295-120	NEW-P	94-13-085	246-316-300	AMD	94-13-180
246-291-220	NEW	94-14-002	246-295-120	NEW	94-18-108	246-316-310	AMD-P	94-08-040
246-291-230	NEW-P	94-06-008	246-295-130	NEW-P	94-13-085	246-316-310	AMD	94-13-180
246-291-230	NEW	94-14-002	246-295-130	NEW	94-18-108	246-316-320	AMD-P	94-08-040
246-291-240	NEW-P	94-06-008	246-316-001	AMD-P	94-08-040	246-316-320	AMD	94-13-180
246-291-240	NEW	94-14-002	246-316-001	AMD	94-13-180	246-316-330	AMD-P	94-08-040
246-291-250	NEW-P	94-06-008	246-316-010	AMD-P	94-08-040	246-316-330	AMD	94-13-180
246-291-250	NEW	94-14-002	246-316-010	AMD	94-13-180	246-316-335	NEW-P	94-08-040
246-291-260	NEW-P	94-06-008	246-316-020	AMD-P	94-08-040	246-316-335	NEW	94-13-180
246-291-260	NEW	94-14-002	246-316-020	AMD	94-13-180	246-316-340	AMD-P	94-08-040
246-291-270	NEW-P	94-06-008	246-316-030	AMD-P	94-08-040	246-316-340	AMD	94-13-180
246-291-270	NEW	94-14-002	246-316-030	AMD	94-13-180	246-316-990	AMD-P	94-08-040
246-291-300	NEW-P	94-06-008	246-316-040	AMD-P	94-08-040	246-316-990	AMD	94-13-180
246-291-300	NEW	94-14-002	246-316-040	AMD	94-13-180	246-322	PREP	94-13-177
246-291-310	NEW-P	94-06-008	246-316-045	AMD-P	94-08-040	246-324	PREP	94-13-177
246-291-310	NEW	94-14-002	246-316-045	AMD	94-13-180	246-327-001	AMD-P	94-10-047
246-291-320	NEW-P	94-06-008	246-316-050	AMD-P	94-08-040	246-327-001	AMD	94-17-136
246-291-320	NEW	94-14-002	246-316-050	AMD	94-13-180	246-327-010	AMD-P	94-10-047
246-291-330	NEW-P	94-06-008	246-316-055	NEW-P	94-08-040	246-327-010	AMD	94-17-136
246-291-330	NEW	94-14-002	246-316-055	NEW	94-13-180	246-327-025	AMD-P	94-10-047
246-291-340	NEW-P	94-06-008	246-316-060	AMD-P	94-08-040	246-327-025	AMD	94-17-136
246-291-340	NEW	94-14-002	246-316-060	AMD	94-13-180	246-327-030	NEW-P	94-10-047
246-291-350	NEW-P	94-06-008	246-316-070	AMD-P	94-08-040	246-327-030	NEW	94-17-136
246-291-350	NEW	94-14-002	246-316-070	AMD	94-13-180	246-327-035	AMD-P	94-10-047
246-291-360	NEW-P	94-06-008	246-316-080	AMD-P	94-08-040	246-327-035	AMD	94-17-136
246-291-360	NEW	94-14-002	246-316-080	AMD	94-13-180	246-327-045	REP-P	94-10-047
246-291-370	NEW-P	94-06-008	246-316-090	AMD-P	94-08-040	246-327-045	REP	94-17-136
246-291-370	NEW	94-14-002	246-316-090	AMD	94-13-180	246-327-055	REP-P	94-10-047
246-292-001	AMD	94-04-004	246-316-100	AMD-P	94-08-040	246-327-055	REP	94-17-136
246-292-010	AMD	94-04-004	246-316-100	AMD	94-13-180	246-327-065	AMD-P	94-10-047
246-292-020	AMD	94-04-004	246-316-110	AMD-P	94-08-040	246-327-065	AMD	94-17-136



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-327-077	AMD-P	94-10-047	246-336-010	AMD	94-17-137	246-450-020	REP-P	94-09-026
246-327-077	AMD	94-17-136	246-336-025	AMD-P	94-10-046	246-450-020	REP	94-12-089
246-327-085	AMD-P	94-10-047	246-336-025	AMD	94-17-137	246-450-030	REP-P	94-09-026
246-327-085	AMD	94-17-136	246-336-030	NEW-P	94-10-046	246-450-030	REP	94-12-089
246-327-090	AMD-P	94-10-047	246-336-030	NEW	94-17-137	246-450-040	REP-P	94-09-026
246-327-090	AMD	94-17-136	246-336-035	AMD-P	94-10-046	246-450-040	REP	94-12-089
246-327-095	AMD-P	94-10-047	246-336-035	AMD	94-17-137	246-450-050	REP-P	94-09-026
246-327-095	AMD	94-17-136	246-336-045	REP-P	94-10-046	246-450-050	REP	94-12-089
246-327-105	AMD-P	94-10-047	246-336-045	REP	94-17-137	246-450-060	REP-P	94-09-026
246-327-105	AMD	94-17-136	246-336-055	REP-P	94-10-046	246-450-060	REP	94-12-089
246-327-115	AMD-P	94-10-047	246-336-055	REP	94-17-137	246-450-070	REP-P	94-09-026
246-327-115	AMD	94-17-136	246-336-065	AMD-P	94-10-046	246-450-070	REP	94-12-089
246-327-125	AMD-P	94-10-047	246-336-065	AMD	94-17-137	246-450-080	REP-P	94-09-026
246-327-125	AMD	94-17-136	246-336-077	AMD-P	94-10-046	246-450-080	REP	94-12-089
246-327-135	AMD-P	94-10-047	246-336-077	AMD	94-17-137	246-450-090	REP-P	94-09-026
246-327-135	AMD	94-17-136	246-336-085	AMD-P	94-10-046	246-450-090	REP	94-12-089
246-327-145	AMD-P	94-10-047	246-336-085	AMD	94-17-137	246-450-100	REP-P	94-09-026
246-327-145	AMD	94-17-136	246-336-095	AMD-P	94-10-046	246-450-100	REP	94-12-089
246-327-155	REP-P	94-10-047	246-336-095	AMD	94-17-137	246-451-001	AMD-P	94-09-026
246-327-155	REP	94-17-136	246-336-100	AMD-P	94-10-046	246-451-001	AMD	94-12-089
246-327-165	AMD-P	94-10-047	246-336-100	AMD	94-17-137	246-451-010	AMD-P	94-09-026
246-327-165	AMD	94-17-136	246-336-105	AMD-P	94-10-046	246-451-010	AMD	94-12-089
246-327-175	REP-P	94-10-047	246-336-105	AMD	94-17-137	246-451-020	AMD-P	94-09-026
246-327-175	REP	94-17-136	246-336-115	AMD-P	94-10-046	246-451-020	AMD	94-12-089
246-327-185	AMD-P	94-10-047	246-336-115	AMD	94-17-137	246-451-030	AMD-P	94-09-026
246-327-185	AMD	94-17-136	246-336-125	AMD-P	94-10-046	246-451-030	AMD	94-12-089
246-327-990	AMD-P	94-10-047	246-336-125	AMD	94-17-137	246-451-040	AMD-P	94-09-026
246-327-990	AMD	94-17-136	246-336-135	AMD-P	94-10-046	246-451-040	AMD	94-12-089
246-331-001	AMD-P	94-10-045	246-336-135	AMD	94-17-137	246-451-050	AMD-P	94-09-026
246-331-001	AMD	94-17-138	246-336-165	AMD-P	94-10-046	246-451-050	AMD	94-12-089
246-331-010	AMD-P	94-10-045	246-336-165	AMD	94-17-137	246-451-060	AMD-P	94-09-026
246-331-010	AMD	94-17-138	246-336-990	AMD-P	94-10-046	246-451-060	AMD	94-12-089
246-331-025	AMD-P	94-10-045	246-336-990	AMD	94-17-137	246-452-001	REP-P	94-09-026
246-331-025	AMD	94-17-138	246-338	PREP	94-11-012	246-452-001	REP	94-12-089
246-331-030	NEW-P	94-10-045	246-338-010	AMD-P	94-14-039	246-452-010	REP-P	94-09-026
246-331-030	NEW	94-17-138	246-338-010	AMD	94-17-099	246-452-010	REP	94-12-089
246-331-035	AMD-P	94-10-045	246-338-020	AMD-P	94-14-039	246-452-020	REP-P	94-09-026
246-331-035	AMD	94-17-138	246-338-020	AMD	94-17-099	246-452-020	REP	94-12-089
246-331-045	REP-P	94-10-045	246-338-030	AMD-P	94-14-039	246-452-030	REP-P	94-09-026
246-331-045	REP	94-17-138	246-338-030	AMD	94-17-099	246-452-030	REP	94-12-089
246-331-055	REP-P	94-10-045	246-338-050	AMD-P	94-14-039	246-452-040	REP-P	94-09-026
246-331-055	REP	94-17-138	246-338-050	AMD	94-17-099	246-452-040	REP	94-12-089
246-331-065	AMD-P	94-10-045	246-338-990	AMD-P	94-14-039	246-452-050	REP-P	94-09-026
246-331-065	AMD	94-17-138	246-338-990	AMD	94-17-099	246-452-050	REP	94-12-089
246-331-077	AMD-P	94-10-045	246-360	PREP	94-10-058	246-452-060	REP-P	94-09-026
246-331-077	AMD	94-17-138	246-360-001	AMD-P	94-19-092	246-452-060	REP	94-12-089
246-331-085	AMD-P	94-10-045	246-360-010	AMD-P	94-19-092	246-452-070	REP-P	94-09-026
246-331-085	AMD	94-17-138	246-360-020	AMD-P	94-19-092	246-452-070	REP	94-12-089
246-331-095	AMD-P	94-10-045	246-360-030	AMD-P	94-19-092	246-452-080	REP-P	94-09-026
246-331-095	AMD	94-17-138	246-360-040	AMD-P	94-19-092	246-452-080	REP	94-12-089
246-331-100	AMD-P	94-10-045	246-360-050	AMD-P	94-19-092	246-453-001	AMD-P	94-09-026
246-331-100	AMD	94-17-138	246-360-060	AMD-P	94-19-092	246-453-001	AMD	94-12-089
246-331-105	AMD-P	94-10-045	246-360-070	AMD-P	94-19-092	246-453-010	AMD-P	94-09-026
246-331-105	AMD	94-17-138	246-360-080	AMD-P	94-19-092	246-453-010	AMD	94-12-089
246-331-115	AMD-P	94-10-045	246-360-090	AMD-P	94-19-092	246-453-050	AMD-P	94-09-026
246-331-115	AMD	94-17-138	246-360-100	AMD-P	94-19-092	246-453-050	AMD	94-12-089
246-331-125	AMD-P	94-10-045	246-360-110	AMD-P	94-19-092	246-453-070	AMD-P	94-09-026
246-331-125	AMD	94-17-138	246-360-120	AMD-P	94-19-092	246-453-070	AMD	94-12-089
246-331-135	AMD-P	94-10-045	246-360-130	AMD-P	94-19-092	246-453-090	AMD-P	94-09-026
246-331-135	AMD	94-17-138	246-360-140	AMD-P	94-19-092	246-453-090	AMD	94-12-089
246-331-155	REP-P	94-10-045	246-360-150	AMD-P	94-19-092	246-454-001	AMD-P	94-09-026
246-331-155	REP	94-17-138	246-360-160	AMD-P	94-19-092	246-454-001	AMD	94-12-089
246-331-165	AMD-P	94-10-045	246-360-170	AMD-P	94-19-092	246-454-010	AMD-P	94-09-026
246-331-165	AMD	94-17-138	246-360-180	AMD-P	94-19-092	246-454-010	AMD	94-12-089
246-331-175	REP-P	94-10-045	246-360-190	REP-P	94-19-092	246-454-020	AMD-P	94-09-026
246-331-175	REP	94-17-138	246-360-200	AMD-P	94-19-092	246-454-020	AMD	94-12-089
246-331-185	AMD-P	94-10-045	246-360-500	AMD-P	94-19-092	246-454-030	AMD-P	94-09-026
246-331-185	AMD	94-17-138	246-360-990	AMD-P	94-17-100	246-454-030	AMD	94-12-089
246-331-990	AMD-P	94-10-045	246-390	PREP	94-13-004	246-454-040	REP-P	94-09-026
246-331-990	AMD	94-17-138	246-450-001	REP-P	94-09-026	246-454-040	REP	94-12-089
246-336-001	AMD-P	94-10-046	246-450-001	REP	94-12-089	246-454-050	AMD-P	94-09-026
246-336-001	AMD	94-17-137	246-450-010	REP-P	94-09-026	246-454-050	AMD	94-12-089
246-336-010	AMD-P	94-10-046	246-450-010	REP	94-12-089	246-454-060	REP-P	94-09-026

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-454-060	REP	94-12-089	246-824-210	NEW-W	94-15-069	246-839-300	PREP	94-10-056
246-454-070	AMD-P	94-09-026	246-824-220	NEW-P	94-02-057	246-839-300	PREP	94-11-079
246-454-070	AMD	94-12-089	246-824-220	NEW	94-06-047	246-839-300	AMD-P	94-20-078
246-454-080	AMD-P	94-09-026	246-824-230	NEW-P	94-02-057	246-839-305	NEW-P	94-20-078
246-454-080	AMD	94-12-089	246-824-230	NEW	94-06-047	246-839-310	PREP	94-10-056
246-454-090	AMD-P	94-09-026	246-824-990	AMD-P	94-05-032	246-839-310	PREP	94-11-079
246-454-090	AMD	94-12-089	246-824-990	AMD	94-08-078	246-839-310	AMD-P	94-20-078
246-454-100	REP-P	94-09-026	246-828-055	NEW-P	94-08-037	246-839-315	NEW-P	94-20-078
246-454-100	REP	94-12-089	246-828-055	NEW	94-11-108	246-839-320	PREP	94-10-056
246-454-110	AMD-P	94-09-026	246-828-060	AMD-P	94-08-037	246-839-320	PREP	94-11-079
246-454-110	AMD	94-12-089	246-828-060	AMD	94-11-108	246-839-330	PREP	94-10-056
246-454-120	AMD-P	94-09-026	246-828-065	NEW-P	94-08-037	246-839-330	PREP	94-11-079
246-454-120	AMD	94-12-089	246-828-065	NEW	94-11-108	246-839-340	PREP	94-10-056
246-455-001	AMD-P	94-09-007	246-828-070	AMD-P	94-08-037	246-839-340	PREP	94-11-079
246-455-001	AMD	94-12-089	246-828-070	AMD	94-11-108	246-839-340	AMD-P	94-20-078
246-455-010	AMD-P	94-09-007	246-828-990	AMD	94-08-038	246-839-345	NEW-P	94-20-078
246-455-010	AMD	94-12-090	246-830	PREP	94-13-178	246-839-350	PREP	94-10-056
246-455-020	AMD-P	94-09-007	246-830-010	NEW-P	94-06-045	246-839-350	PREP	94-11-079
246-455-020	AMD	94-12-090	246-830-010	NEW	94-13-181	246-839-360	PREP	94-10-056
246-455-040	AMD-P	94-09-007	246-830-030	REP-P	94-05-080	246-839-360	PREP	94-11-079
246-455-040	AMD	94-12-090	246-830-030	REP	94-13-181	246-839-365	PREP	94-10-056
246-455-050	AMD-P	94-09-007	246-830-035	NEW-P	94-05-080	246-839-365	PREP	94-11-079
246-455-050	AMD	94-12-090	246-830-035	NEW	94-13-181	246-839-365	NEW-P	94-20-078
246-455-060	AMD-P	94-09-007	246-830-230	PREP	94-13-178	246-839-700	PREP	94-20-077
246-455-060	AMD	94-12-090	246-830-255	NEW-P	94-06-045	246-839-710	PREP	94-20-077
246-455-070	AMD-P	94-09-007	246-830-255	NEW	94-13-181	246-839-720	PREP	94-20-077
246-455-070	AMD	94-12-090	246-830-280	NEW-P	94-05-080	246-839-730	PREP	94-20-077
246-455-080	AMD-P	94-09-007	246-830-280	NEW	94-13-181	246-839-740	PREP	94-20-077
246-455-080	AMD	94-12-090	246-830-290	NEW-P	94-05-080	246-843-010	PREP	94-14-031
246-455-090	AMD-P	94-09-007	246-830-290	NEW	94-13-181	246-843-090	PREP	94-14-031
246-455-090	AMD	94-12-090	246-830-410	AMD-P	94-06-045	246-843-205	PREP	94-14-031
246-455-100	AMD-P	94-09-007	246-830-410	AMD	94-13-181	246-843-240	PREP	94-14-031
246-455-100	AMD	94-12-090	246-830-430	AMD-P	94-06-045	246-843-320	PREP	94-14-031
246-490-100	NEW	94-04-083	246-830-430	AMD	94-13-181	246-843-990	AMD-P	94-05-065
246-490-110	NEW	94-04-083	246-830-460	NEW-P	94-05-080	246-843-990	AMD	94-09-006
246-520-001	REP	94-05-052	246-830-465	NEW	94-13-181	246-847-040	AMD-P	94-10-059
246-520-010	REP	94-05-052	246-830-465	NEW-P	94-05-080	246-847-040	AMD	94-20-036
246-520-020	REP	94-05-052	246-830-465	NEW	94-13-181	246-847-050	AMD-P	94-10-059
246-520-030	REP	94-05-052	246-830-470	NEW-P	94-05-080	246-847-050	AMD	94-20-036
246-520-040	REP	94-05-052	246-830-470	NEW	94-13-181	246-847-060	AMD-P	94-10-059
246-520-050	REP	94-05-052	246-830-475	NEW-P	94-05-080	246-847-060	AMD	94-20-036
246-520-060	REP	94-05-052	246-830-475	NEW	94-13-181	246-847-068	AMD-P	94-10-059
246-520-070	REP	94-05-052	246-830-480	NEW-P	94-05-080	246-847-068	AMD	94-20-036
246-802-990	PREP	94-15-063	246-830-480	NEW	94-13-181	246-847-190	AMD-P	94-10-059
246-802-990	AMD-P	94-18-100	246-830-485	NEW-P	94-05-080	246-847-190	AMD	94-20-036
246-807-115	NEW-P	94-03-053	246-830-485	NEW-W	94-18-103	246-847-990	PREP	94-15-063
246-807-115	NEW	94-08-053	246-830-990	PREP	94-13-178	246-847-990	AMD-P	94-18-100
246-807-125	NEW-P	94-11-080	246-838-040	AMD-P	94-05-033	246-851	PREP	94-10-026
246-807-125	NEW	94-16-012	246-838-040	AMD	94-08-050	246-851-110	AMD	94-04-041
246-807-135	NEW-P	94-11-080	246-838-070	AMD-P	94-05-033	246-851-540	NEW-W	94-13-086
246-807-135	NEW	94-16-012	246-838-070	AMD	94-08-050	246-851-550	NEW	94-04-041
246-807-173	AMD-P	94-11-080	246-838-080	AMD-P	94-05-033	246-852-010	NEW-P	94-14-080
246-807-173	AMD	94-16-012	246-838-080	AMD	94-08-050	246-852-010	NEW	94-17-101
246-807-300	AMD-P	94-11-080	246-838-090	AMD-P	94-05-033	246-852-020	NEW-P	94-14-080
246-807-300	AMD	94-16-012	246-838-090	AMD	94-08-050	246-852-020	NEW	94-17-101
246-815-030	AMD	94-05-053	246-838-110	AMD-P	94-05-033	246-852-030	NEW-P	94-14-080
246-815-300	NEW	94-04-005	246-838-110	AMD	94-08-050	246-852-030	NEW	94-17-101
246-815-990	AMD	94-02-059	246-838-180	AMD-P	94-05-033	246-852-040	NEW-P	94-14-080
246-816-015	NEW-P	94-03-045	246-838-180	AMD	94-08-050	246-852-040	NEW	94-17-101
246-816-015	NEW	94-12-038	246-838-260	PREP	94-20-077	246-852-040	NEW	94-17-101
246-818	PREP	94-13-005	246-838-990	AMD-P	94-05-035	246-852-025	AMD-P	94-11-093
246-818-015	NEW-P	94-03-044	246-838-990	AMD	94-08-102	246-853-025	AMD	94-15-068
246-818-015	NEW	94-08-011	246-839-020	AMD	94-07-012	246-853-260	AMD-P	94-11-093
246-818-020	AMD-P	94-06-046	246-839-020	PREP	94-10-057	246-853-260	AMD	94-15-068
246-818-020	AMD	94-11-088	246-839-020	AMD-P	94-16-104	246-853-500	NEW-P	94-11-093
246-818-142	NEW-P	94-19-093	246-839-020	AMD	94-20-081	246-853-500	NEW	94-15-068
246-818-143	NEW-P	94-19-093	246-839-030	AMD	94-07-012	246-853-990	PREP	94-15-063
246-818-990	REP	94-02-058	246-839-040	AMD	94-07-012	246-853-990	AMD-P	94-18-100
246-818-991	NEW	94-02-058	246-839-050	AMD	94-07-012	246-854-030	AMD-P	94-11-093
246-824	PREP	94-10-026	246-839-060	AMD	94-07-012	246-854-080	AMD-P	94-11-093
246-824-200	NEW-P	94-02-057	246-839-070	AMD	94-07-012	246-854-080	AMD	94-15-068
246-824-200	NEW-W	94-15-069	246-839-080	AMD	94-07-012	246-856-001	NEW-P	94-11-089
246-824-210	NEW-P	94-02-057	246-839-090	AMD	94-07-012	246-856-001	NEW-C	94-13-053
						246-856-001	NEW	94-17-144

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-856-020	NEW-P	94-11-089	246-901-035	NEW	94-08-097	246-924-220	REP	94-12-039
246-856-020	NEW-C	94-13-053	246-901-100	AMD-P	94-04-112	246-924-230	AMD-P	94-08-039
246-856-020	NEW	94-17-144	246-901-100	AMD	94-08-097	246-924-230	AMD	94-12-039
246-861	PREP	94-11-092	246-901-130	AMD-P	94-04-112	246-924-240	AMD-P	94-08-039
246-861-010	AMD-P	94-18-072	246-901-130	AMD	94-08-097	246-924-240	AMD	94-12-039
246-861-010	AMD-S	94-19-094	246-907-020	AMD-P	94-08-096	246-924-250	AMD-P	94-08-039
246-861-020	AMD-P	94-18-072	246-907-020	AMD	94-14-038	246-924-250	AMD	94-12-039
246-861-020	AMD-S	94-19-094	246-907-030	AMD	94-05-036	246-924-260	REP-P	94-08-039
246-861-030	REP-P	94-18-072	246-915-040	AMD	94-05-014	246-924-260	REP	94-12-039
246-861-030	REP-S	94-19-094	246-915-050	AMD	94-05-014	246-924-270	REP-P	94-08-039
246-861-040	AMD-P	94-18-072	246-915-078	NEW	94-05-014	246-924-270	REP	94-12-039
246-861-040	AMD-S	94-19-094	246-915-085	NEW	94-05-014	246-924-280	REP-P	94-08-039
246-861-050	AMD-P	94-18-072	246-915-090	AMD	94-05-014	246-924-280	REP	94-12-039
246-861-050	AMD-S	94-19-094	246-915-120	AMD	94-05-014	246-924-290	AMD-P	94-08-039
246-861-055	NEW-P	94-18-072	246-915-140	AMD	94-05-014	246-924-290	AMD	94-12-039
246-861-055	NEW-S	94-19-094	246-915-160	AMD	94-05-014	246-924-300	AMD-P	94-08-039
246-861-060	AMD-P	94-18-072	246-915-340	NEW	94-05-014	246-924-300	AMD	94-12-039
246-861-060	AMD-S	94-19-094	246-917-100	AMD-P	94-08-095	246-924-310	REP-P	94-08-039
246-861-090	AMD-S	94-19-094	246-917-100	AMD	94-15-064	246-924-310	REP	94-12-039
246-863-020	AMD-P	94-04-113	246-917-120	AMD-P	94-08-095	246-924-320	AMD-P	94-08-039
246-863-020	AMD	94-08-099	246-917-120	AMD	94-15-064	246-924-320	AMD	94-12-039
246-863-030	AMD-P	94-04-113	246-918-095	NEW-P	94-08-094	246-924-460	REP-P	94-08-039
246-863-030	AMD	94-08-099	246-918-095	NEW	94-15-065	246-924-460	REP	94-12-039
246-865-060	AMD	94-02-077	246-918-105	NEW-P	94-08-094	246-924-490	NEW-P	94-08-039
246-869	PREP	94-11-090	246-918-105	NEW	94-15-065	246-924-490	NEW	94-12-039
246-875	PREP	94-11-091	246-920-115	NEW-P	94-07-011	246-930-010	AMD-P	94-09-027
246-878-010	NEW-P	94-02-079	246-920-115	NEW-W	94-20-092	246-930-010	AMD	94-13-179
246-878-010	NEW	94-08-101	246-922-032	NEW	94-05-051	246-930-020	AMD-P	94-09-027
246-878-020	NEW-P	94-02-079	246-922-033	NEW	94-05-051	246-930-020	AMD	94-13-179
246-878-020	NEW	94-08-101	246-922-100	AMD	94-05-051	246-930-030	AMD-P	94-09-027
246-878-030	NEW-P	94-02-079	246-922-110	REP	94-05-051	246-930-030	AMD	94-13-179
246-878-030	NEW	94-08-101	246-922-120	AMD	94-05-051	246-930-040	AMD-P	94-09-027
246-878-040	NEW-P	94-02-079	246-922-220	REP	94-05-051	246-930-040	AMD	94-13-179
246-878-040	NEW	94-08-101	246-922-250	REP	94-05-051	246-930-050	AMD-P	94-09-027
246-878-050	NEW-P	94-02-079	246-922-260	AMD	94-05-051	246-930-050	AMD	94-13-179
246-878-050	NEW	94-08-101	246-922-300	AMD	94-05-051	246-930-060	AMD-P	94-09-027
246-878-060	NEW-P	94-02-079	246-922-310	AMD	94-05-051	246-930-060	AMD	94-13-179
246-878-060	NEW	94-08-101	246-922-400	NEW-P	94-08-079	246-930-070	AMD-P	94-09-027
246-878-070	NEW-P	94-02-079	246-922-400	NEW	94-14-082	246-930-070	AMD	94-13-179
246-878-070	NEW	94-08-101	246-922-405	NEW-P	94-08-079	246-930-075	AMD-P	94-09-027
246-878-080	NEW-P	94-02-079	246-922-405	NEW	94-14-082	246-930-075	AMD	94-13-179
246-878-080	NEW	94-08-101	246-922-410	NEW-P	94-08-079	246-930-200	AMD-P	94-09-027
246-878-090	NEW-P	94-02-079	246-922-410	NEW	94-14-082	246-930-200	AMD	94-13-179
246-878-090	NEW	94-08-101	246-922-415	NEW-P	94-08-079	246-930-210	AMD-P	94-09-027
246-878-100	NEW-P	94-02-079	246-922-415	NEW	94-14-082	246-930-210	AMD	94-13-179
246-878-100	NEW	94-08-101	246-922-500	NEW-P	94-05-081	246-930-220	AMD-P	94-09-027
246-878-110	NEW-P	94-02-079	246-922-500	NEW	94-09-008	246-930-220	AMD	94-13-179
246-878-110	NEW	94-08-101	246-922-990	PREP	94-15-063	246-930-300	AMD-P	94-09-027
246-878-120	NEW-P	94-02-079	246-922-990	AMD-P	94-18-100	246-930-300	AMD	94-13-179
246-878-120	NEW	94-08-101	246-924-020	AMD-P	94-08-039	246-930-301	AMD-P	94-09-027
246-883-030	AMD-P	94-02-078	246-924-020	AMD	94-12-039	246-930-301	AMD	94-13-179
246-883-030	AMD	94-08-100	246-924-040	AMD-P	94-08-039	246-930-310	AMD-P	94-09-027
246-886-030	AMD	94-02-060	246-924-040	AMD	94-12-039	246-930-310	AMD	94-13-179
246-887	AMD-C	94-02-089	246-924-050	AMD-P	94-08-039	246-930-320	AMD-P	94-09-027
246-887-100	AMD-P	94-04-111	246-924-050	AMD	94-12-039	246-930-320	AMD	94-13-179
246-887-100	AMD	94-07-105	246-924-080	AMD-P	94-08-039	246-930-330	AMD-P	94-09-027
246-887-100	AMD	94-08-098	246-924-080	AMD	94-12-039	246-930-330	AMD	94-13-179
246-887-133	NEW	94-08-098	246-924-095	NEW-P	94-08-039	246-930-340	AMD-P	94-09-027
246-887-140	AMD-P	94-04-111	246-924-095	NEW-E	94-09-024	246-930-340	AMD	94-13-179
246-887-140	AMD	94-07-105	246-924-095	NEW	94-12-039	246-930-410	AMD-P	94-09-027
246-887-150	AMD-P	94-04-111	246-924-110	AMD-P	94-08-039	246-930-410	AMD	94-13-179
246-887-150	AMD	94-07-105	246-924-110	AMD	94-12-039	246-930-420	NEW-P	94-09-027
246-887-160	AMD	94-08-098	246-924-120	AMD-P	94-08-039	246-930-420	NEW	94-13-179
246-887-170	AMD	94-08-098	246-924-120	AMD	94-12-039	246-930-430	NEW-P	94-09-027
246-889-020	AMD-P	94-04-111	246-924-130	AMD-P	94-08-039	246-930-430	NEW	94-13-179
246-889-020	AMD	94-07-105	246-924-130	AMD	94-12-039	246-930-490	NEW-P	94-09-027
246-901-010	NEW-P	94-04-112	246-924-190	REP-P	94-08-039	246-930-490	NEW	94-13-179
246-901-010	NEW	94-08-097	246-924-190	REP	94-12-039	246-930-990	AMD-P	94-09-027
246-901-020	AMD-P	94-04-112	246-924-200	REP-P	94-08-039	246-930-990	AMD	94-13-179
246-901-020	AMD	94-08-097	246-924-200	REP	94-12-039	246-937-010	NEW-S	94-19-095
246-901-030	AMD-P	94-04-112	246-924-210	REP-P	94-08-039	246-937-010	NEW-E	94-19-096
246-901-030	AMD	94-08-097	246-924-210	REP	94-12-039	246-937-020	NEW-E	94-08-051
246-901-035	NEW-P	94-04-112	246-924-220	REP-P	94-08-039	246-937-020	NEW-P	94-08-052

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-937-020	NEW-S	94-19-095	248-14-230	REP-P	94-18-012	250-62-060	NEW-W	94-06-018
246-937-020	NEW-E	94-19-096	248-14-235	REP-P	94-18-012	250-62-070	NEW-W	94-06-018
246-937-030	NEW-E	94-08-051	248-14-240	REP-P	94-18-012	250-62-080	NEW-W	94-06-018
246-937-030	NEW-P	94-08-052	248-14-245	REP-P	94-18-012	250-62-090	NEW-W	94-06-018
246-937-030	NEW-S	94-19-095	248-14-247	REP-P	94-18-012	250-62-100	NEW-W	94-06-018
246-937-030	NEW-E	94-19-096	248-14-249	REP-P	94-18-012	250-62-110	NEW-W	94-06-018
246-937-040	NEW-E	94-08-051	248-14-250	REP-P	94-18-012	250-62-120	NEW-W	94-06-018
246-937-040	NEW-P	94-08-052	248-14-260	REP-P	94-18-012	250-62-130	NEW-W	94-06-018
246-937-040	NEW-S	94-19-095	248-14-264	REP-P	94-18-012	250-62-140	NEW-W	94-06-018
246-937-040	NEW-E	94-19-096	248-14-266	REP-P	94-18-012	250-62-150	NEW-W	94-06-018
246-937-050	NEW-S	94-19-095	248-14-268	REP-P	94-18-012	250-62-160	NEW-W	94-06-018
246-937-050	NEW-E	94-19-096	248-14-270	REP-P	94-18-012	250-62-170	NEW-W	94-06-018
246-937-060	NEW-S	94-19-095	248-14-285	REP-P	94-18-012	250-62-180	NEW-W	94-06-018
246-937-060	NEW-E	94-19-096	248-14-290	REP-P	94-18-012	250-62-190	NEW-W	94-06-018
246-937-070	NEW-E	94-08-051	248-14-295	REP-P	94-18-012	250-62-200	NEW-W	94-06-018
246-937-070	NEW-P	94-08-052	248-14-296	REP-P	94-18-012	250-62-210	NEW-W	94-06-018
246-937-070	NEW-S	94-19-095	248-14-298	REP-P	94-18-012	250-66-030	AMD-P	94-09-060
246-937-070	NEW-E	94-19-096	248-14-300	REP-P	94-18-012	250-66-030	AMD	94-14-007
246-937-080	NEW-E	94-08-051	248-14-510	REP-P	94-18-012	250-78-010	AMD-P	94-09-061
246-937-080	NEW-P	94-08-052	248-14-520	REP-P	94-18-012	250-78-010	AMD	94-14-008
246-937-080	NEW-S	94-19-095	248-14-530	REP-P	94-18-012	250-78-020	AMD-P	94-09-061
246-937-080	NEW-E	94-19-096	248-14-540	REP-P	94-18-012	250-78-020	AMD	94-14-008
246-937-090	NEW-E	94-08-051	248-14-550	REP-P	94-18-012	250-78-030	AMD-P	94-09-061
246-937-090	NEW-P	94-08-052	248-14-560	REP-P	94-18-012	250-78-030	AMD	94-14-008
246-937-090	NEW-S	94-19-095	248-14-570	REP-P	94-18-012	250-78-040	AMD-P	94-09-061
246-937-090	NEW-E	94-19-096	250-14-020	NEW-P	94-16-125	250-78-040	AMD	94-14-008
246-937-100	NEW-S	94-19-095	250-14-030	NEW-P	94-16-125	250-78-050	AMD-P	94-09-061
246-937-100	NEW-E	94-19-096	250-14-040	NEW-P	94-16-125	250-78-050	AMD	94-14-008
246-937-990	NEW-P	94-08-076	250-14-050	NEW-P	94-16-125	250-78-060	AMD-P	94-09-061
246-937-990	NEW-E	94-08-077	250-14-060	NEW-P	94-16-125	250-78-060	AMD	94-14-008
246-937-990	NEW-C	94-19-097	250-14-070	NEW-P	94-16-125	250-79-010	NEW-C	94-04-093
246-937-990	NEW	94-19-098	250-14-080	NEW-P	94-16-125	250-79-010	NEW	94-14-064
247-04-010	NEW-P	94-12-021	250-40	AMD-P	94-09-058	251-04-040	AMD	94-16-049
247-04-010	NEW	94-15-053	250-40	AMD	94-14-006	251-04-105	AMD-P	94-12-057
247-04-020	NEW-P	94-12-021	250-40-020	AMD-P	94-09-058	251-04-105	AMD-C	94-16-052
247-04-020	NEW	94-15-053	250-40-020	AMD	94-14-006	251-04-105	AMD	94-20-025
247-04-030	NEW-P	94-12-021	250-40-040	AMD-P	94-09-058	251-06-020	AMD-P	94-12-058
247-04-030	NEW	94-15-053	250-40-040	AMD	94-14-006	251-06-020	AMD-C	94-16-053
247-04-040	NEW-P	94-12-021	250-40-050	AMD-P	94-09-058	251-06-020	AMD-C	94-20-023
247-04-040	NEW	94-15-053	250-40-050	AMD	94-14-006	251-08-112	AMD-P	94-12-058
247-06-010	NEW-P	94-12-022	250-40-070	AMD-P	94-09-058	251-08-112	AMD-C	94-16-053
247-06-010	NEW	94-15-054	250-40-070	AMD	94-14-006	251-08-112	AMD-C	94-20-023
247-06-020	NEW-P	94-12-022	250-44	AMD-C	94-15-033	251-23-010	REP-W	94-04-010
247-06-020	NEW	94-15-054	250-44-050	AMD-P	94-10-001	251-23-015	REP-W	94-04-010
247-06-030	NEW-P	94-12-022	250-44-110	AMD-P	94-10-001	251-23-020	REP-W	94-04-010
247-06-030	NEW	94-15-054	250-44-130	AMD-P	94-10-001	251-23-030	REP-W	94-04-010
248-14-001	REP-P	94-18-012	250-61-010	AMD-P	94-17-166	251-23-040	REP-W	94-04-010
248-14-010	REP-P	94-18-012	250-61-020	AMD-P	94-17-166	251-23-050	REP-W	94-04-010
248-14-020	REP-P	94-18-012	250-61-030	AMD-P	94-17-166	251-23-060	REP-W	94-04-010
248-14-030	REP-P	94-18-012	250-61-040	AMD-P	94-17-166	253-02-040	AMD-P	94-12-092
248-14-040	REP-P	94-18-012	250-61-050	AMD-P	94-17-166	253-02-040	AMD-C	94-17-013
248-14-060	REP-P	94-18-012	250-61-060	AMD-P	94-17-166	253-16-090	AMD-P	94-12-092
248-14-065	REP-P	94-18-012	250-61-070	AMD-P	94-17-166	253-16-090	AMD-C	94-17-013
248-14-070	REP-P	94-18-012	250-61-080	AMD-P	94-17-166	259-04-060	AMD-E	94-07-059
248-14-071	REP-P	94-18-012	250-61-090	AMD-P	94-17-166	259-04-060	AMD-P	94-07-096
248-14-080	REP-P	94-18-012	250-61-100	AMD-P	94-17-166	259-04-060	AMD	94-12-029
248-14-090	REP-P	94-18-012	250-61-110	AMD-P	94-17-166	260-12-010	AMD-W	94-09-003
248-14-100	REP-P	94-18-012	250-61-120	AMD-P	94-17-166	260-12-090	REP-W	94-09-003
248-14-110	REP-P	94-18-012	250-61-130	AMD-P	94-17-166	260-12-250	PREP	94-20-069
248-14-114	REP-P	94-18-012	250-61-140	AMD-P	94-17-166	260-24-010	AMD-W	94-09-003
248-14-120	REP-P	94-18-012	250-61-150	AMD-P	94-17-166	260-24-080	AMD-W	94-09-003
248-14-125	REP-P	94-18-012	250-61-160	AMD-P	94-17-166	260-24-110	AMD-W	94-09-003
248-14-128	REP-P	94-18-012	250-61-170	AMD-P	94-17-166	260-24-120	AMD-W	94-09-003
248-14-130	REP-P	94-18-012	250-61-180	AMD-P	94-17-166	260-24-140	AMD-W	94-09-003
248-14-140	REP-P	94-18-012	250-61-190	AMD-P	94-17-166	260-24-150	AMD-W	94-09-003
248-14-150	REP-P	94-18-012	250-61-200	NEW-P	94-17-166	260-24-170	AMD-W	94-09-003
248-14-152	REP-P	94-18-012	250-61-210	NEW-P	94-17-166	260-24-180	AMD-W	94-09-003
248-14-155	REP-P	94-18-012	250-61-220	NEW-P	94-17-166	260-24-200	AMD-W	94-09-003
248-14-160	REP-P	94-18-012	250-62-010	NEW-W	94-06-018	260-24-210	AMD-W	94-09-003
248-14-170	REP-P	94-18-012	250-62-020	NEW-W	94-06-018	260-24-285	AMD-W	94-09-003
248-14-180	REP-P	94-18-012	250-62-030	NEW-W	94-06-018	260-24-290	AMD-W	94-09-003
248-14-200	REP-P	94-18-012	250-62-040	NEW-W	94-06-018	260-24-315	AMD-W	94-09-003
248-14-211	REP-P	94-18-012	250-62-050	NEW-W	94-06-018	260-24-440	AMD-W	94-09-003

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-24-460	AMD-W	94-09-003	275-56-040	REP-S	94-17-118	275-56-180	REP	94-20-033
260-24-470	AMD-W	94-09-003	275-56-040	REP	94-20-033	275-56-185	REP-P	94-12-005
260-24-500	AMD-W	94-09-003	275-56-042	REP-P	94-12-005	275-56-185	REP-S	94-17-118
260-24-510	AMD-W	94-09-003	275-56-042	REP-S	94-17-118	275-56-185	REP	94-20-033
260-24-520	AMD-W	94-09-003	275-56-042	REP	94-20-033	275-56-195	REP-P	94-12-005
260-34-030	AMD-W	94-09-003	275-56-043	REP-P	94-12-005	275-56-195	REP-S	94-17-118
260-36-080	AMD	94-04-002	275-56-043	REP-S	94-17-118	275-56-195	REP	94-20-033
260-48-322	AMD-P	94-05-077	275-56-043	REP	94-20-033	275-56-200	REP-P	94-12-005
260-48-322	AMD-W	94-17-072	275-56-050	REP-P	94-12-005	275-56-200	REP-S	94-17-118
260-48-324	AMD-P	94-05-076	275-56-050	REP-S	94-17-118	275-56-200	REP	94-20-033
260-48-324	AMD-W	94-17-072	275-56-050	REP	94-20-033	275-56-205	REP-P	94-12-005
260-48-328	AMD-P	94-05-075	275-56-055	REP-P	94-12-005	275-56-205	REP-S	94-17-118
260-48-328	AMD-W	94-17-072	275-56-055	REP-S	94-17-118	275-56-205	REP	94-20-033
260-70-010	AMD-W	94-09-003	275-56-055	REP	94-20-033	275-56-210	REP-P	94-12-005
260-70-026	PREP	94-15-097	275-56-060	REP-P	94-12-005	275-56-210	REP-S	94-17-118
260-70-026	AMD-P	94-17-143	275-56-060	REP-S	94-17-118	275-56-210	REP	94-20-033
260-70-026	AMD	94-20-070	275-56-060	REP	94-20-033	275-56-215	REP-P	94-12-005
260-70-040	AMD	94-04-002	275-56-065	REP-P	94-12-005	275-56-215	REP-S	94-17-118
260-72-020	AMD	94-04-003	275-56-065	REP-S	94-17-118	275-56-215	REP	94-20-033
275-16-030	AMD-P	94-13-051	275-56-065	REP	94-20-033	275-56-220	REP-P	94-12-005
275-16-030	AMD-E	94-14-005	275-56-070	REP-P	94-12-005	275-56-220	REP-S	94-17-118
275-16-030	AMD	94-16-048	275-56-070	REP-S	94-17-118	275-56-220	REP	94-20-033
275-27-220	AMD	94-04-092	275-56-070	REP	94-20-033	275-56-225	REP-P	94-12-005
275-27-221	NEW	94-04-092	275-56-075	REP-P	94-12-005	275-56-225	REP-S	94-17-118
275-27-223	AMD	94-04-092	275-56-075	REP-S	94-17-118	275-56-225	REP	94-20-033
275-30-020	AMD-P	94-12-026	275-56-075	REP	94-20-033	275-56-230	REP-P	94-12-005
275-30-020	AMD	94-15-002	275-56-080	REP-P	94-12-005	275-56-230	REP-S	94-17-118
275-35-030	AMD-P	94-08-007	275-56-080	REP-S	94-17-118	275-56-230	REP	94-20-033
275-35-030	AMD	94-11-065	275-56-080	REP	94-20-033	275-56-235	REP-P	94-12-005
275-35-060	AMD-P	94-08-007	275-56-085	REP-P	94-12-005	275-56-235	REP-S	94-17-118
275-35-060	AMD	94-11-065	275-56-085	REP-S	94-17-118	275-56-235	REP	94-20-033
275-35-070	AMD-P	94-08-007	275-56-085	REP	94-20-033	275-56-240	REP-P	94-12-005
275-35-070	AMD	94-11-065	275-56-087	REP-P	94-12-005	275-56-240	REP-S	94-17-118
275-35-080	AMD-P	94-08-007	275-56-087	REP-S	94-17-118	275-56-240	REP	94-20-033
275-35-080	AMD	94-11-065	275-56-087	REP	94-20-033	275-56-245	REP-P	94-12-005
275-47-010	NEW-P	94-12-066	275-56-088	REP-P	94-12-005	275-56-245	REP-S	94-17-118
275-47-010	NEW	94-15-009	275-56-088	REP-S	94-17-118	275-56-245	REP	94-20-033
275-47-020	NEW-P	94-12-066	275-56-088	REP	94-20-033	275-56-260	REP-P	94-12-005
275-47-020	NEW	94-15-009	275-56-089	REP-P	94-12-005	275-56-260	REP-S	94-17-118
275-47-030	NEW-P	94-12-066	275-56-089	REP-S	94-17-118	275-56-260	REP	94-20-033
275-47-030	NEW	94-15-009	275-56-089	REP	94-20-033	275-56-275	REP-P	94-12-005
275-47-040	NEW-P	94-12-066	275-56-090	REP-P	94-12-005	275-56-275	REP-S	94-17-118
275-47-040	NEW	94-15-009	275-56-090	REP-S	94-17-118	275-56-275	REP	94-20-033
275-55-221	NEW-E	94-03-004	275-56-090	REP	94-20-033	275-56-285	REP-P	94-12-005
275-55-221	NEW-P	94-03-005	275-56-095	REP-P	94-12-005	275-56-285	REP-S	94-17-118
275-55-221	NEW	94-06-025	275-56-095	REP-S	94-17-118	275-56-285	REP	94-20-033
275-56	REP-C	94-16-072	275-56-095	REP	94-20-033	275-56-290	REP-P	94-12-005
275-56-005	REP-P	94-12-005	275-56-100	REP-P	94-12-005	275-56-290	REP-S	94-17-118
275-56-005	REP-S	94-17-118	275-56-100	REP-S	94-17-118	275-56-290	REP	94-20-033
275-56-005	REP	94-20-033	275-56-100	REP	94-20-033	275-56-295	REP-P	94-12-005
275-56-010	REP-P	94-12-005	275-56-105	REP-P	94-12-005	275-56-295	REP-S	94-17-118
275-56-010	REP-S	94-17-118	275-56-105	REP-S	94-17-118	275-56-295	REP	94-20-033
275-56-010	REP	94-20-033	275-56-105	REP	94-20-033	275-56-300	REP-P	94-12-005
275-56-015	AMD	94-07-020	275-56-110	REP-P	94-12-005	275-56-300	REP-S	94-17-118
275-56-015	REP-P	94-12-005	275-56-110	REP-S	94-17-118	275-56-300	REP	94-20-033
275-56-015	REP-S	94-17-118	275-56-110	REP	94-20-033	275-56-305	REP-P	94-12-005
275-56-015	REP	94-20-033	275-56-115	REP-P	94-12-005	275-56-305	REP-S	94-17-118
275-56-016	REP-P	94-12-005	275-56-115	REP-S	94-17-118	275-56-305	REP	94-20-033
275-56-016	REP-S	94-17-118	275-56-115	REP	94-20-033	275-56-335	REP-P	94-12-005
275-56-016	REP	94-20-033	275-56-135	REP-P	94-12-005	275-56-335	REP-S	94-17-118
275-56-017	REP-P	94-12-005	275-56-135	REP-S	94-17-118	275-56-335	REP	94-20-033
275-56-017	REP-S	94-17-118	275-56-135	REP	94-20-033	275-56-340	REP-P	94-12-005
275-56-017	REP	94-20-033	275-56-150	REP-P	94-12-005	275-56-340	REP-S	94-17-118
275-56-020	REP-P	94-12-005	275-56-150	REP-S	94-17-118	275-56-340	REP	94-20-033
275-56-020	REP-S	94-17-118	275-56-150	REP	94-20-033	275-56-355	REP-P	94-12-005
275-56-020	REP	94-20-033	275-56-170	REP-P	94-12-005	275-56-355	REP-S	94-17-118
275-56-025	REP-P	94-12-005	275-56-170	REP-S	94-17-118	275-56-355	REP	94-20-033
275-56-025	REP-S	94-17-118	275-56-170	REP	94-20-033	275-56-365	REP-P	94-12-005
275-56-025	REP	94-20-033	275-56-175	REP-P	94-12-005	275-56-365	REP-S	94-17-118
275-56-035	REP-P	94-12-005	275-56-175	REP-S	94-17-118	275-56-365	REP	94-20-033
275-56-035	REP-S	94-17-118	275-56-175	REP	94-20-033	275-56-385	REP-P	94-12-005
275-56-035	REP	94-20-033	275-56-180	REP-P	94-12-005	275-56-385	REP-S	94-17-118
275-56-040	REP-P	94-12-005	275-56-180	REP-S	94-17-118	275-56-385	REP	94-20-033

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-400	REP-P	94-12-005	275-56-710	REP	94-20-033	275-57-230	NEW-S	94-17-118
275-56-400	REP-S	94-17-118	275-56-720	NEW	94-07-020	275-57-230	NEW	94-20-033
275-56-400	REP	94-20-033	275-56-720	REP-P	94-12-005	275-57-240	NEW-P	94-12-005
275-56-425	REP-P	94-12-005	275-56-720	REP-S	94-17-118	275-57-240	NEW-S	94-17-118
275-56-425	REP-S	94-17-118	275-56-720	REP	94-20-033	275-57-240	NEW	94-20-033
275-56-425	REP	94-20-033	275-57	NEW-C	94-16-072	275-57-250	NEW-P	94-12-005
275-56-445	REP-P	94-12-005	275-57-010	NEW-P	94-12-005	275-57-250	NEW-S	94-17-118
275-56-445	REP-S	94-17-118	275-57-010	NEW-S	94-17-118	275-57-250	NEW	94-20-033
275-56-445	REP	94-20-033	275-57-010	NEW	94-20-033	275-57-260	NEW-P	94-12-005
275-56-447	REP-P	94-12-005	275-57-020	NEW-P	94-12-005	275-57-260	NEW-S	94-17-118
275-56-447	REP-S	94-17-118	275-57-020	NEW-S	94-17-118	275-57-260	NEW	94-20-033
275-56-447	REP	94-20-033	275-57-020	NEW	94-20-033	275-57-270	NEW-P	94-12-005
275-56-465	REP-P	94-12-005	275-57-030	NEW-P	94-12-005	275-57-270	NEW-S	94-17-118
275-56-465	REP-S	94-17-118	275-57-030	NEW-S	94-17-118	275-57-270	NEW	94-20-033
275-56-465	REP	94-20-033	275-57-030	NEW	94-20-033	275-57-280	NEW-P	94-12-005
275-56-475	REP-P	94-12-005	275-57-040	NEW-P	94-12-005	275-57-280	NEW-S	94-17-118
275-56-475	REP-S	94-17-118	275-57-040	NEW-S	94-17-118	275-57-280	NEW	94-20-033
275-56-475	REP	94-20-033	275-57-040	NEW	94-20-033	275-57-290	NEW-P	94-12-005
275-56-485	REP-P	94-12-005	275-57-050	NEW-P	94-12-005	275-57-290	NEW-S	94-17-118
275-56-485	REP-S	94-17-118	275-57-050	NEW-S	94-17-118	275-57-290	NEW	94-20-033
275-56-485	REP	94-20-033	275-57-050	NEW	94-20-033	275-57-300	NEW-P	94-12-005
275-56-495	REP-P	94-12-005	275-57-060	NEW-P	94-12-005	275-57-300	NEW-S	94-17-118
275-56-495	REP-S	94-17-118	275-57-060	NEW-S	94-17-118	275-57-300	NEW	94-20-033
275-56-495	REP	94-20-033	275-57-060	NEW	94-20-033	275-57-310	NEW-P	94-12-005
275-56-505	REP-P	94-12-005	275-57-070	NEW-P	94-12-005	275-57-310	NEW-S	94-17-118
275-56-505	REP-S	94-17-118	275-57-070	NEW-S	94-17-118	275-57-310	NEW	94-20-033
275-56-505	REP	94-20-033	275-57-070	NEW	94-20-033	275-57-320	NEW-P	94-12-005
275-56-515	REP-P	94-12-005	275-57-080	NEW-P	94-12-005	275-57-320	NEW-S	94-17-118
275-56-515	REP-S	94-17-118	275-57-080	NEW-S	94-17-118	275-57-320	NEW	94-20-033
275-56-515	REP	94-20-033	275-57-080	NEW	94-20-033	275-57-330	NEW-P	94-12-005
275-56-600	NEW	94-07-020	275-57-090	NEW-P	94-12-005	275-57-330	NEW-S	94-17-118
275-56-600	REP-P	94-12-005	275-57-090	NEW-S	94-17-118	275-57-330	NEW	94-20-033
275-56-600	REP-S	94-17-118	275-57-090	NEW	94-20-033	275-57-340	NEW-P	94-12-005
275-56-600	REP	94-20-033	275-57-100	NEW-P	94-12-005	275-57-340	NEW-S	94-17-118
275-56-610	NEW	94-07-020	275-57-100	NEW-S	94-17-118	275-57-340	NEW	94-20-033
275-56-610	REP-P	94-12-005	275-57-100	NEW	94-20-033	275-57-350	NEW-P	94-12-005
275-56-610	REP-S	94-17-118	275-57-110	NEW-P	94-12-005	275-57-350	NEW-S	94-17-118
275-56-610	REP	94-20-033	275-57-110	NEW-S	94-17-118	275-57-350	NEW	94-20-033
275-56-630	NEW	94-07-020	275-57-110	NEW	94-20-033	275-57-360	NEW-P	94-12-005
275-56-630	REP-P	94-12-005	275-57-120	NEW-P	94-12-005	275-57-360	NEW-S	94-17-118
275-56-630	REP-S	94-17-118	275-57-120	NEW-S	94-17-118	275-57-360	NEW	94-20-033
275-56-630	REP	94-20-033	275-57-120	NEW	94-20-033	275-57-370	NEW-P	94-12-005
275-56-640	NEW	94-07-020	275-57-130	NEW-P	94-12-005	275-57-370	NEW-S	94-17-118
275-56-640	REP-P	94-12-005	275-57-130	NEW-S	94-17-118	275-57-370	NEW	94-20-033
275-56-640	REP-S	94-17-118	275-57-130	NEW	94-20-033	275-57-380	NEW-P	94-12-005
275-56-640	REP	94-20-033	275-57-140	NEW-P	94-12-005	275-57-380	NEW-S	94-17-118
275-56-650	NEW	94-07-020	275-57-140	NEW-S	94-17-118	275-57-380	NEW	94-20-033
275-56-650	REP-P	94-12-005	275-57-140	NEW	94-20-033	275-57-390	NEW-P	94-12-005
275-56-650	REP-S	94-17-118	275-57-150	NEW-P	94-12-005	275-57-390	NEW-S	94-17-118
275-56-650	REP	94-20-033	275-57-150	NEW-S	94-17-118	275-57-390	NEW	94-20-033
275-56-660	NEW	94-07-020	275-57-150	NEW	94-20-033	275-57-400	NEW-P	94-12-005
275-56-660	REP-P	94-12-005	275-57-160	NEW-P	94-12-005	275-57-400	NEW-S	94-17-118
275-56-660	REP-S	94-17-118	275-57-160	NEW-S	94-17-118	275-57-400	NEW	94-20-033
275-56-660	REP	94-20-033	275-57-160	NEW	94-20-033	275-57-410	NEW-P	94-12-005
275-56-670	NEW	94-07-020	275-57-170	NEW-P	94-12-005	275-57-410	NEW-S	94-17-118
275-56-670	REP-P	94-12-005	275-57-170	NEW-S	94-17-118	275-57-410	NEW	94-20-033
275-56-670	REP-S	94-17-118	275-57-170	NEW	94-20-033	275-57-420	NEW-P	94-12-005
275-56-670	REP	94-20-033	275-57-180	NEW-P	94-12-005	275-57-420	NEW-S	94-17-118
275-56-680	NEW	94-07-020	275-57-180	NEW-S	94-17-118	275-57-420	NEW	94-20-033
275-56-680	REP-P	94-12-005	275-57-180	NEW	94-20-033	275-57-430	NEW-P	94-12-005
275-56-680	REP-S	94-17-118	275-57-190	NEW-P	94-12-005	275-57-430	NEW-S	94-17-118
275-56-680	REP	94-20-033	275-57-190	NEW-S	94-17-118	275-57-430	NEW	94-20-033
275-56-690	NEW	94-07-020	275-57-190	NEW	94-20-033	275-57-440	NEW-P	94-12-005
275-56-690	REP-P	94-12-005	275-57-200	NEW-P	94-12-005	275-57-440	NEW-S	94-17-118
275-56-690	REP-S	94-17-118	275-57-200	NEW-S	94-17-118	275-57-440	NEW	94-20-033
275-56-690	REP	94-20-033	275-57-200	NEW	94-20-033	275-57-450	NEW-P	94-12-005
275-56-700	NEW	94-07-020	275-57-210	NEW-P	94-12-005	275-57-450	NEW-S	94-17-118
275-56-700	REP-P	94-12-005	275-57-210	NEW-S	94-17-118	275-57-450	NEW	94-20-033
275-56-700	REP-S	94-17-118	275-57-210	NEW	94-20-033	275-57-460	NEW-P	94-12-005
275-56-700	REP	94-20-033	275-57-220	NEW-P	94-12-005	275-57-460	NEW-S	94-17-118
275-56-710	NEW	94-07-020	275-57-220	NEW-S	94-17-118	275-57-460	NEW	94-20-033
275-56-710	REP-P	94-12-005	275-57-220	NEW	94-20-033	275-57-470	NEW-P	94-12-005
275-56-710	REP-S	94-17-118	275-57-230	NEW-P	94-12-005	275-57-470	NEW-S	94-17-118

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-57-470	NEW	94-20-033	284-10-180	NEW-W	94-03-085	284-23-630	NEW-P	94-15-105
275-59-072	NEW-E	94-03-004	284-10-190	NEW-W	94-03-085	284-23-630	NEW	94-18-029
275-59-072	NEW-P	94-03-005	284-10-200	NEW-W	94-03-085	284-23-630	PREP	94-18-082
275-59-072	NEW	94-06-025	284-12-090	AMD-P	94-11-100	284-23-640	NEW-P	94-15-105
275-156-010	AMD-P	94-07-087	284-12-090	AMD	94-14-110	284-23-640	NEW	94-18-029
275-156-010	AMD	94-12-006	284-12-270	AMD-P	94-11-100	284-23-640	PREP	94-18-082
275-156-015	AMD-P	94-07-087	284-12-270	AMD	94-14-110	284-23-650	NEW-P	94-15-105
275-156-015	AMD	94-12-006	284-13-110	REP-P	94-05-089	284-23-650	NEW	94-18-029
275-156-020	AMD-P	94-07-087	284-13-110	REP-C	94-08-013	284-23-650	PREP	94-18-082
275-156-020	AMD	94-12-006	284-13-110	REP-C	94-10-024	284-23-660	NEW-P	94-15-105
275-156-025	AMD-P	94-07-087	284-13-110	REP	94-12-077	284-23-660	NEW	94-18-029
275-156-025	AMD	94-12-006	284-13-120	REP-P	94-05-089	284-23-660	PREP	94-18-082
275-156-030	AMD-P	94-07-087	284-13-120	REP-C	94-08-013	284-23-670	NEW-P	94-15-105
275-156-030	AMD	94-12-006	284-13-120	REP-C	94-10-024	284-23-670	NEW	94-18-029
284-07-010	AMD-P	94-17-116	284-13-120	REP	94-12-077	284-23-670	PREP	94-18-082
284-07-010	AMD	94-20-049	284-13-130	REP-P	94-05-089	284-23-680	NEW-P	94-15-105
284-07-014	REP-P	94-17-116	284-13-130	REP-C	94-08-013	284-23-680	NEW	94-18-029
284-07-014	REP	94-20-049	284-13-130	REP-C	94-10-024	284-23-680	PREP	94-18-082
284-07-024	REP-P	94-17-116	284-13-130	REP	94-12-077	284-23-690	NEW-P	94-15-105
284-07-024	REP	94-20-049	284-13-140	REP-P	94-05-089	284-23-690	NEW	94-18-029
284-07-024	REP-P	94-17-116	284-13-140	REP-C	94-08-013	284-23-690	PREP	94-18-082
284-07-026	REP	94-20-049	284-13-140	REP-C	94-10-024	284-23-700	NEW-P	94-15-105
284-07-060	AMD	94-04-045	284-13-140	REP	94-12-077	284-23-700	NEW	94-18-029
284-07-100	AMD	94-04-045	284-13-150	REP-P	94-05-089	284-23-700	PREP	94-18-082
284-07-110	AMD	94-04-045	284-13-150	REP-C	94-08-013	284-23-710	NEW-P	94-15-105
284-07-130	AMD	94-04-045	284-13-150	REP-C	94-10-024	284-23-710	NEW	94-18-029
284-07-140	AMD	94-04-045	284-13-150	REP	94-12-077	284-23-710	PREP	94-18-082
284-07-180	AMD	94-04-045	284-13-800	NEW-P	94-05-089	284-23-720	NEW-P	94-15-105
284-07-220	AMD	94-04-045	284-13-800	NEW-C	94-08-013	284-23-720	NEW	94-18-029
284-10	NEW-C	94-02-065	284-13-800	NEW-C	94-10-024	284-23-720	PREP	94-18-082
284-10	NEW-C	94-03-048	284-13-800	NEW-W	94-12-077	284-23-730	NEW-P	94-15-105
284-10	NEW-C	94-08-006	284-13-810	NEW-P	94-05-089	284-23-730	NEW	94-18-029
284-10-010	NEW-E	94-03-084	284-13-810	NEW-C	94-08-013	284-23-730	PREP	94-18-082
284-10-010	NEW-W	94-03-085	284-13-810	NEW-C	94-10-024	284-24-055	REP-P	94-17-176
284-10-010	NEW-P	94-04-126	284-13-810	NEW-W	94-12-077	284-24-055	REP	94-20-059
284-10-010	NEW	94-08-060	284-13-820	NEW-P	94-05-089	284-24-060	AMD-P	94-17-176
284-10-015	NEW-E	94-03-084	284-13-820	NEW-C	94-08-013	284-24-060	AMD	94-20-059
284-10-015	NEW-W	94-03-085	284-13-820	NEW-C	94-10-024	284-30	PREP	94-05-056
284-10-015	NEW-P	94-04-126	284-13-820	NEW-W	94-12-077	284-30-450	PREP	94-05-070
284-10-015	NEW	94-08-060	284-13-830	NEW-P	94-05-089	284-30-450	NEW-P	94-15-104
284-10-020	NEW-E	94-03-084	284-13-830	NEW-C	94-08-013	284-30-450	NEW-C	94-18-020
284-10-020	NEW-W	94-03-085	284-13-830	NEW-C	94-10-024	284-30-450	NEW	94-18-038
284-10-020	NEW-P	94-04-126	284-13-830	NEW-W	94-12-077	284-43-040	NEW-P	94-10-077
284-10-020	NEW	94-08-060	284-17-120	AMD-P	94-11-100	284-44	PREP	94-05-056
284-10-030	NEW-E	94-03-084	284-17-120	AMD	94-14-033	284-44-500	NEW-P	94-15-103
284-10-030	NEW-W	94-03-085	284-17-121	AMD-P	94-11-100	284-44-500	NEW-C	94-18-018
284-10-030	NEW-P	94-04-126	284-17-121	AMD	94-14-033	284-44-500	NEW-C	94-18-028
284-10-030	NEW	94-08-060	284-17-220	AMD-P	94-11-100	284-44-500	NEW	94-19-015
284-10-050	NEW-P	94-04-125	284-17-220	AMD	94-14-033	284-46	PREP	94-05-056
284-10-050	NEW	94-08-081	284-17-250	AMD-P	94-11-100	284-46-500	NEW-P	94-15-103
284-10-050	AMD-P	94-11-082	284-17-250	AMD	94-14-033	284-46-500	NEW-C	94-18-018
284-10-050	AMD	94-13-216	284-17-260	AMD-P	94-11-100	284-46-500	NEW-C	94-18-028
284-10-060	NEW-E	94-03-084	284-17-260	AMD	94-14-033	284-46-500	NEW	94-19-015
284-10-060	NEW-W	94-03-085	284-17-290	AMD-P	94-11-100	284-50-330	AMD-P	94-15-103
284-10-060	NEW-P	94-04-126	284-17-290	AMD	94-14-033	284-50-330	AMD-C	94-18-018
284-10-060	NEW	94-08-060	284-17-320	AMD-P	94-11-100	284-50-330	AMD-C	94-18-028
284-10-070	NEW-E	94-03-084	284-17-320	AMD	94-14-033	284-50-330	AMD	94-19-015
284-10-070	NEW-W	94-03-085	284-17-400	AMD-P	94-11-100	284-51-010	AMD-P	94-11-122
284-10-070	NEW-P	94-04-126	284-17-400	AMD	94-14-033	284-51-010	AMD	94-20-068
284-10-070	NEW	94-08-060	284-17-410	AMD-P	94-11-100	284-51-015	NEW-P	94-11-122
284-10-080	NEW-W	94-03-085	284-17-410	AMD	94-14-033	284-51-015	NEW	94-20-068
284-10-080	NEW-E	94-03-084	284-17-420	AMD-P	94-11-100	284-51-020	AMD-P	94-11-122
284-10-090	NEW-W	94-03-085	284-17-420	AMD	94-14-033	284-51-020	AMD	94-20-068
284-10-090	NEW-P	94-04-126	284-23	NEW-C	94-18-019	284-51-030	AMD-P	94-11-122
284-10-090	NEW	94-08-060	284-23-600	NEW-P	94-15-105	284-51-030	AMD	94-20-068
284-10-100	NEW-W	94-03-085	284-23-600	NEW	94-18-029	284-51-040	AMD-P	94-11-122
284-10-110	NEW-W	94-03-085	284-23-600	PREP	94-18-082	284-51-040	AMD	94-20-068
284-10-120	NEW-W	94-03-085	284-23-610	NEW-P	94-15-105	284-51-045	NEW-P	94-11-122
284-10-130	NEW-W	94-03-085	284-23-610	NEW	94-18-029	284-51-045	NEW	94-20-068
284-10-140	NEW-W	94-03-085	284-23-610	PREP	94-18-082	284-51-050	AMD-P	94-11-122
284-10-150	NEW-W	94-03-085	284-23-620	NEW-P	94-15-105	284-51-050	AMD	94-20-068
284-10-160	NEW-W	94-03-085	284-23-620	NEW	94-18-029	284-51-060	AMD-P	94-11-122
284-10-170	NEW-W	94-03-085	284-23-620	PREP	94-18-082	284-51-060	AMD	94-20-068

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-51-070	REP-P	94-11-122	286-04-065	NEW-P	94-13-196	286-16-030	REP	94-17-095
284-51-070	REP	94-20-068	286-04-065	NEW	94-17-095	286-16-035	REP-P	94-13-196
284-51-075	AMD-P	94-11-122	286-04-070	AMD-P	94-13-196	286-16-035	REP	94-17-095
284-51-075	AMD	94-20-068	286-04-070	AMD	94-17-095	286-16-040	REP-P	94-13-196
284-51-120	AMD-P	94-11-122	286-04-085	NEW-P	94-13-196	286-16-040	REP	94-17-095
284-51-120	AMD	94-20-068	286-04-085	NEW	94-17-095	286-16-050	REP-P	94-13-196
284-51-130	AMD-P	94-11-122	286-04-090	NEW-P	94-13-196	286-16-050	REP	94-17-095
284-51-130	AMD	94-20-068	286-04-090	NEW	94-17-095	286-16-060	REP-P	94-13-196
284-51-140	AMD-P	94-11-122	286-06-010	REP-P	94-13-196	286-16-060	REP	94-17-095
284-51-140	AMD	94-20-068	286-06-010	REP	94-17-095	286-16-070	REP-P	94-13-196
284-51-150	AMD-P	94-11-122	286-06-030	REP-P	94-13-196	286-16-070	REP	94-17-095
284-51-150	AMD	94-20-068	286-06-030	REP	94-17-095	286-16-080	REP-P	94-13-196
284-51-160	REP-P	94-11-122	286-06-040	REP-P	94-13-196	286-16-080	REP	94-17-095
284-51-160	REP	94-20-068	286-06-040	REP	94-17-095	286-20-010	REP-P	94-13-196
284-51-170	AMD-P	94-11-122	286-06-050	AMD-P	94-13-196	286-20-010	REP	94-17-095
284-51-170	AMD	94-20-068	286-06-050	AMD	94-17-095	286-20-020	REP-P	94-13-196
284-54	AMD-C	94-13-217	286-06-060	AMD-P	94-13-196	286-20-020	REP	94-17-095
284-54-020	AMD-P	94-09-050	286-06-060	AMD	94-17-095	286-20-040	REP-P	94-13-196
284-54-020	AMD-S	94-11-096	286-06-065	NEW-P	94-13-196	286-20-040	REP	94-17-095
284-54-020	AMD	94-14-100	286-06-065	NEW	94-17-095	286-20-060	REP-P	94-13-196
284-54-150	AMD-P	94-09-050	286-06-070	AMD-P	94-13-196	286-20-060	REP	94-17-095
284-54-150	AMD-S	94-11-096	286-06-070	AMD	94-17-095	286-24-010	REP-P	94-13-196
284-54-150	AMD	94-14-100	286-06-080	AMD-P	94-13-196	286-24-010	REP	94-17-095
284-54-200	NEW-P	94-09-050	286-06-080	AMD	94-17-095	286-24-015	REP-P	94-13-196
284-54-200	NEW-S	94-11-096	286-06-090	AMD-P	94-13-196	286-24-015	REP	94-17-095
284-54-200	NEW	94-14-100	286-06-090	AMD	94-17-095	286-24-020	REP-P	94-13-196
284-54-210	NEW-P	94-09-050	286-06-100	AMD-P	94-13-196	286-24-020	REP	94-17-095
284-54-210	NEW-S	94-11-096	286-06-100	AMD	94-17-095	286-24-040	REP-P	94-13-196
284-54-210	NEW	94-14-100	286-06-110	AMD-P	94-13-196	286-24-040	REP	94-17-095
284-54-260	NEW-P	94-09-050	286-06-110	AMD	94-17-095	286-24-050	REP-P	94-13-196
284-54-260	NEW-S	94-11-096	286-06-120	AMD-P	94-13-196	286-24-050	REP	94-17-095
284-54-260	NEW	94-14-100	286-06-120	AMD	94-17-095	286-24-060	REP-P	94-13-196
284-54-270	NEW-P	94-09-050	286-06-130	REP-P	94-13-196	286-24-060	REP	94-17-095
284-54-270	NEW-S	94-11-096	286-06-130	REP	94-17-095	286-24-070	REP-P	94-13-196
284-54-270	NEW	94-14-100	286-06-140	REP-P	94-13-196	286-24-070	REP	94-17-095
284-87-030	PREP	94-18-080	286-06-140	REP	94-17-095	286-26-010	AMD-P	94-13-196
284-87-040	AMD-P	94-09-049	286-06-150	REP-P	94-13-196	286-26-010	AMD	94-17-095
284-87-040	AMD	94-13-006	286-06-150	REP	94-17-095	286-26-020	AMD-P	94-13-196
284-87-040	AMD-P	94-09-049	286-06-990	REP-P	94-13-196	286-26-020	AMD	94-17-095
284-87-090	AMD	94-13-006	286-06-990	REP	94-17-095	286-26-030	AMD-P	94-13-196
284-87-100	AMD-P	94-09-049	286-13-010	NEW-P	94-13-196	286-26-030	AMD	94-17-095
284-87-100	AMD	94-13-006	286-13-010	NEW	94-17-095	286-26-040	REP-P	94-13-196
284-96-500	NEW-P	94-15-103	286-13-020	NEW-P	94-13-196	286-26-040	REP	94-17-095
284-96-500	NEW-C	94-18-018	286-13-020	NEW	94-17-095	286-26-055	REP-P	94-13-196
284-96-500	NEW-C	94-18-028	286-13-030	NEW-P	94-13-196	286-26-055	REP	94-17-095
284-96-500	NEW	94-19-015	286-13-030	NEW	94-17-095	286-26-060	REP-P	94-13-196
284-97-010	PREP	94-05-071	286-13-040	NEW-P	94-13-196	286-26-060	REP	94-17-095
284-97-020	PREP	94-05-071	286-13-040	NEW	94-17-095	286-26-070	REP-P	94-13-196
284-97-030	PREP	94-05-071	286-13-050	NEW-P	94-13-196	286-26-070	REP	94-17-095
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284-97-070	PREP	94-05-071	286-13-070	NEW-P	94-13-196	286-26-080	PREP	94-20-020
284-97-080	PREP	94-05-071	286-13-070	NEW	94-17-095	286-26-090	NEW-P	94-13-196
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284-97-140	PREP	94-05-071	286-13-090	NEW-P	94-13-196	286-30-010	NEW	94-17-095
284-97-150	PREP	94-05-071	286-13-090	NEW	94-17-095	286-30-020	NEW-P	94-13-196
284-97-160	PREP	94-05-071	286-13-100	NEW-P	94-13-196	286-30-020	NEW	94-17-095
286-04-010	AMD-P	94-13-196	286-13-100	NEW	94-17-095	286-30-030	NEW-P	94-13-196
286-04-010	AMD	94-17-095	286-13-110	NEW-P	94-13-196	286-30-030	NEW	94-17-095
286-04-015	NEW-P	94-13-196	286-13-110	NEW	94-17-095	286-30-040	NEW-P	94-13-196
286-04-015	NEW	94-17-095	286-13-115	NEW-P	94-13-196	286-30-040	NEW	94-17-095
286-04-020	AMD-P	94-13-196	286-13-115	NEW	94-17-095	286-35-010	NEW-P	94-13-196
286-04-020	AMD	94-17-095	286-13-120	NEW-P	94-13-196	286-35-010	NEW	94-17-095
286-04-030	AMD-P	94-13-196	286-13-120	NEW	94-17-095	286-35-020	NEW-P	94-13-196
286-04-030	AMD	94-17-095	286-16-010	REP-P	94-13-196	286-35-020	NEW	94-17-095
286-04-050	AMD-P	94-13-196	286-16-010	REP	94-17-095	286-35-030	NEW-P	94-13-196
286-04-050	AMD	94-17-095	286-16-020	REP-P	94-13-196	286-35-030	NEW	94-17-095
286-04-060	AMD-P	94-13-196	286-16-020	REP	94-17-095	286-35-040	NEW-P	94-13-196
286-04-060	AMD	94-17-095	286-16-030	REP-P	94-13-196	286-35-040	NEW	94-17-095



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
286-35-050	NEW-P	94-13-196	296-15-02601	AMD	94-17-069	296-20-01002	PREP	94-20-125
286-35-050	NEW	94-17-095	296-15-02606	NEW-C	94-03-006	296-20-01505	NEW-P	94-07-126
286-35-060	NEW-P	94-13-196	296-15-02606	NEW	94-05-042	296-20-01505	NEW	94-14-044
286-35-060	NEW	94-17-095	296-15-030	AMD-C	94-03-006	296-20-110	AMD-P	94-07-126
286-35-070	NEW-P	94-13-196	296-15-030	AMD	94-05-042	296-20-110	AMD	94-14-044
286-35-070	NEW	94-17-095	296-15-060	AMD-P	94-12-096	296-20-135	AMD	94-03-008
286-35-080	NEW-P	94-13-196	296-15-060	AMD	94-17-069	296-20-17003	PREP	94-20-125
286-35-080	NEW	94-17-095	296-15-070	AMD-P	94-12-096	296-20-370	AMD	94-03-073
286-35-090	NEW-P	94-13-196	296-15-070	AMD	94-17-069	296-20-380	AMD	94-03-073
286-35-090	NEW	94-17-095	296-15-072	AMD-P	94-12-096	296-20-385	NEW	94-03-073
286-40-010	NEW-P	94-13-196	296-15-072	AMD	94-17-069	296-20-680	AMD	94-03-073
286-40-010	NEW	94-17-095	296-15-160	AMD-P	94-12-096	296-21-015	REP-P	94-07-126
286-40-020	NEW-P	94-13-196	296-15-160	AMD	94-17-069	296-21-015	REP	94-14-044
286-40-020	NEW	94-17-095	296-15-170	AMD-C	94-03-006	296-21-025	REP-P	94-07-126
286-40-030	NEW-P	94-13-196	296-15-170	AMD	94-05-042	296-21-025	REP	94-14-044
286-40-030	NEW	94-17-095	296-17-320	AMD-P	94-20-123	296-21-026	REP-P	94-07-126
286-40-040	NEW-P	94-13-196	296-17-350	AMD-P	94-07-127	296-21-026	REP	94-14-044
286-40-040	NEW	94-17-095	296-17-350	AMD	94-12-050	296-21-027	REP-P	94-07-126
286-40-050	NEW-P	94-13-196	296-17-350	AMD-P	94-20-123	296-21-027	REP	94-14-044
286-40-050	NEW	94-17-095	296-17-35201	NEW-P	94-20-123	296-21-030	REP-P	94-07-126
286-40-060	NEW-P	94-13-196	296-17-45004	AMD-P	94-18-127	296-21-030	REP	94-14-044
286-40-060	NEW	94-17-095	296-17-45005	NEW-P	94-06-055	296-21-085	REP-P	94-07-126
292-06-001	PREP	94-15-039	296-17-45005	NEW	94-12-051	296-21-085	REP	94-14-044
292-06-005	PREP	94-15-039	296-17-501	AMD-P	94-07-129	296-21-240	REP-P	94-07-126
292-06-010	PREP	94-15-039	296-17-501	AMD	94-12-051	296-21-240	REP	94-14-044
292-06-020	PREP	94-15-039	296-17-506	REP-P	94-07-129	296-21-250	REP-P	94-07-126
292-06-030	PREP	94-15-039	296-17-506	REP	94-12-051	296-21-250	REP	94-14-044
292-06-040	PREP	94-15-039	296-17-50602	AMD-P	94-07-128	296-21-260	REP-P	94-07-126
292-06-050	PREP	94-15-039	296-17-50602	AMD	94-12-063	296-21-260	REP	94-14-044
292-06-060	PREP	94-15-039	296-17-519	AMD-P	94-07-128	296-21-270	REP-P	94-07-126
292-06-070	PREP	94-15-039	296-17-519	AMD	94-12-063	296-21-270	REP-W	94-20-095
292-06-080	PREP	94-15-039	296-17-52104	AMD-P	94-07-128	296-21-280	REP-P	94-07-126
292-06-090	PREP	94-15-039	296-17-52104	AMD	94-12-063	296-21-280	REP-W	94-20-095
292-06-100	PREP	94-15-039	296-17-524	AMD-P	94-07-128	296-21-290	REP-P	94-07-126
292-06-110	PREP	94-15-039	296-17-524	AMD	94-12-063	296-21-290	REP-W	94-20-095
292-06-130	PREP	94-15-039	296-17-528	AMD-P	94-07-128	296-21-300	REP-P	94-07-126
292-06-140	PREP	94-15-039	296-17-528	AMD	94-12-063	296-21-300	REP	94-14-044
292-06-160	PREP	94-15-039	296-17-53504	AMD-P	94-07-128	296-21-310	REP-P	94-07-126
292-06-170	PREP	94-15-039	296-17-53504	AMD	94-12-063	296-21-310	REP	94-14-044
292-06-190	PREP	94-15-039	296-17-536	AMD-P	94-07-128	296-21-320	REP-P	94-07-126
292-06-200	PREP	94-15-039	296-17-536	AMD	94-12-063	296-21-320	REP	94-14-044
292-06-210	PREP	94-15-039	296-17-558	REP-P	94-07-128	296-23-135	AMD-P	94-07-126
292-06-220	PREP	94-15-039	296-17-558	REP	94-12-063	296-23-135	AMD	94-14-044
292-06-230	PREP	94-15-039	296-17-56101	AMD-P	94-07-128	296-23-150	REP-P	94-07-126
292-06-240	PREP	94-15-039	296-17-56101	AMD	94-12-063	296-23-150	REP	94-14-044
292-06-250	PREP	94-15-039	296-17-640	AMD-P	94-18-126	296-23-155	AMD-P	94-07-126
292-06-270	PREP	94-15-039	296-17-650	AMD-P	94-07-128	296-23-155	AMD	94-14-044
292-06-280	PREP	94-15-039	296-17-650	AMD	94-12-063	296-23-220	REP-P	94-07-126
292-08-010	PREP	94-15-039	296-17-66003	NEW-P	94-06-055	296-23-220	REP-W	94-20-095
292-08-020	PREP	94-15-039	296-17-66003	NEW	94-12-051	296-23-225	REP-P	94-07-126
292-08-030	PREP	94-15-039	296-17-686	AMD-P	94-07-128	296-23-225	REP-W	94-20-095
292-08-040	PREP	94-15-039	296-17-686	AMD	94-12-063	296-23-230	REP-P	94-07-126
292-08-050	PREP	94-15-039	296-17-704	AMD-P	94-07-128	296-23-230	REP-W	94-20-095
292-12-010	PREP	94-15-039	296-17-704	AMD	94-12-063	296-23-235	REP-P	94-07-126
292-12-020	PREP	94-15-039	296-17-706	AMD-P	94-07-128	296-23-235	REP-W	94-20-095
292-12-030	PREP	94-15-039	296-17-706	AMD	94-12-063	296-23-265	PREP	94-20-122
292-12-040	PREP	94-15-039	296-17-727	AMD-P	94-18-126	296-23A-400	AMD-P	94-07-126
292-12-050	PREP	94-15-039	296-17-73111	NEW-P	94-18-126	296-23A-400	AMD-W	94-20-095
292-12-060	PREP	94-15-039	296-17-779	AMD-P	94-07-128	296-24	PREP	94-15-093
292-12-070	PREP	94-15-039	296-17-779	AMD	94-12-063	296-24	PREP	94-17-195
292-12-080	PREP	94-15-039	296-17-855	AMD-P	94-18-126	296-24-001	AMD-P	94-10-010
292-12-090	PREP	94-15-039	296-17-875	AMD-P	94-18-126	296-24-001	AMD	94-15-096
292-12-110	PREP	94-15-039	296-17-880	AMD-P	94-18-126	296-24-006	AMD-P	94-10-010
292-12-120	PREP	94-15-039	296-17-885	AMD-P	94-18-126	296-24-006	AMD	94-15-096
292-12-130	PREP	94-15-039	296-17-890	AMD-P	94-18-126	296-24-007	AMD-P	94-15-095
292-12-140	PREP	94-15-039	296-17-895	AMD-P	94-06-055	296-24-007	AMD	94-20-057
292-12-150	PREP	94-15-039	296-17-895	AMD	94-12-051	296-24-010	AMD-P	94-10-010
292-12-160	PREP	94-15-039	296-17-895	AMD-P	94-18-126	296-24-010	AMD	94-15-096
292-12-170	PREP	94-15-039	296-17-919	AMD-P	94-18-126	296-24-012	AMD-P	94-10-010
292-12-180	PREP	94-15-039	296-17-920	AMD-P	94-18-126	296-24-012	AMD	94-15-096
296-15-020	AMD-C	94-03-006	296-17-925	NEW-P	94-18-126	296-24-015	AMD-P	94-10-010
296-15-020	AMD	94-05-042	296-20-010	AMD-P	94-07-126	296-24-015	AMD	94-15-096
296-15-02601	AMD-P	94-12-096	296-20-010	AMD	94-14-044	296-24-020	AMD-P	94-10-010

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-24-020	AMD-P	94-15-095	296-24-21515	AMD	94-15-096	296-24-63399	AMD-P	94-10-010
296-24-020	AMD-W	94-16-015	296-24-21705	AMD-P	94-10-010	296-24-63399	AMD	94-15-096
296-24-020	AMD	94-20-057	296-24-21705	AMD	94-15-096	296-24-63499	AMD-P	94-10-010
296-24-040	AMD-P	94-10-010	296-24-21711	AMD-P	94-10-010	296-24-63499	AMD	94-15-096
296-24-040	AMD	94-15-096	296-24-21711	AMD	94-15-096	296-24-65501	AMD-P	94-10-010
296-24-045	AMD-P	94-10-010	296-24-233	AMD-P	94-10-010	296-24-65501	AMD	94-15-096
296-24-045	AMD	94-15-096	296-24-233	AMD	94-15-096	296-24-66305	AMD-P	94-10-010
296-24-060	AMD-P	94-10-010	296-24-23503	AMD-P	94-10-010	296-24-66305	AMD	94-15-096
296-24-060	AMD	94-15-096	296-24-23503	AMD	94-15-096	296-24-66319	AMD-P	94-10-010
296-24-065	AMD-P	94-10-010	296-24-23505	AMD-P	94-10-010	296-24-66319	AMD	94-15-096
296-24-065	AMD	94-15-096	296-24-23505	AMD	94-15-096	296-24-66321	AMD-P	94-10-010
296-24-073	AMD-P	94-10-010	296-24-23507	AMD-P	94-10-010	296-24-66321	AMD	94-15-096
296-24-073	AMD	94-15-096	296-24-23507	AMD	94-15-096	296-24-67005	AMD-P	94-10-010
296-24-07501	AMD-P	94-15-095	296-24-23523	AMD-P	94-10-010	296-24-67005	AMD	94-15-096
296-24-07501	AMD	94-20-057	296-24-23523	AMD	94-15-096	296-24-67507	AMD-P	94-10-010
296-24-07801	AMD-P	94-15-095	296-24-23527	AMD-P	94-10-010	296-24-67507	AMD	94-15-096
296-24-07801	AMD	94-20-057	296-24-23527	AMD	94-15-096	296-24-67515	AMD-P	94-10-010
296-24-084	AMD-P	94-15-095	296-24-23529	AMD-P	94-10-010	296-24-67515	AMD	94-15-096
296-24-084	AMD	94-20-057	296-24-23529	AMD	94-15-096	296-24-68201	AMD-P	94-10-010
296-24-088	AMD-P	94-10-010	296-24-24005	AMD-P	94-10-010	296-24-68201	AMD	94-15-096
296-24-088	AMD-P	94-15-095	296-24-24005	AMD	94-15-096	296-24-68501	AMD-P	94-10-010
296-24-088	AMD	94-15-096	296-24-24009	AMD-P	94-10-010	296-24-68501	AMD	94-15-096
296-24-088	AMD	94-20-057	296-24-24009	AMD	94-15-096	296-24-68507	AMD-P	94-10-010
296-24-090	NEW-P	94-15-095	296-24-24015	AMD-P	94-10-010	296-24-68507	AMD	94-15-096
296-24-090	NEW	94-20-057	296-24-24015	AMD	94-15-096	296-24-69001	AMD-P	94-10-010
296-24-092	AMD-P	94-15-095	296-24-24503	AMD-P	94-10-010	296-24-69001	AMD	94-15-096
296-24-092	AMD	94-20-057	296-24-24503	AMD	94-15-096	296-24-69011	AMD-P	94-10-010
296-24-096	NEW-P	94-15-095	296-24-24517	AMD-P	94-10-010	296-24-69011	AMD	94-15-096
296-24-096	NEW	94-20-057	296-24-24517	AMD	94-15-096	296-24-69503	AMD-P	94-10-010
296-24-098	NEW-P	94-15-095	296-24-260	AMD-P	94-10-010	296-24-69503	AMD	94-15-096
296-24-098	NEW	94-20-057	296-24-260	AMD	94-15-096	296-24-70005	AMD-P	94-15-095
296-24-11001	AMD	94-06-068	296-24-29401	AMD-P	94-10-010	296-24-70005	AMD	94-20-057
296-24-12001	AMD	94-06-068	296-24-29401	AMD	94-15-096	296-24-70007	AMD-P	94-10-010
296-24-12511	AMD-P	94-10-010	296-24-29501	AMD-P	94-10-010	296-24-70007	AMD	94-15-096
296-24-12511	AMD	94-15-096	296-24-29501	AMD	94-15-096	296-24-71503	AMD-P	94-10-010
296-24-14009	AMD-P	94-10-010	296-24-31501	AMD-P	94-10-010	296-24-71503	AMD	94-15-096
296-24-14009	AMD	94-15-096	296-24-31501	AMD	94-15-096	296-24-71507	AMD-P	94-10-010
296-24-14011	AMD	94-06-068	296-24-32001	AMD-P	94-10-010	296-24-71507	AMD	94-15-096
296-24-14011	AMD-P	94-10-010	296-24-32001	AMD	94-15-096	296-24-71513	AMD-P	94-10-010
296-24-14011	AMD	94-15-096	296-24-33003	AMD	94-06-068	296-24-71513	AMD	94-15-096
296-24-14507	AMD-P	94-10-010	296-24-33005	AMD-P	94-10-010	296-24-71517	AMD-P	94-10-010
296-24-14507	AMD	94-15-096	296-24-33005	AMD	94-15-096	296-24-71517	AMD	94-15-096
296-24-14509	AMD-P	94-10-010	296-24-33009	AMD-P	94-10-010	296-24-71519	AMD-P	94-10-010
296-24-14509	AMD	94-15-096	296-24-33009	AMD	94-15-096	296-24-71519	AMD	94-15-096
296-24-14513	AMD-P	94-10-010	296-24-33011	AMD-P	94-10-010	296-24-73501	AMD	94-06-068
296-24-14513	AMD	94-15-096	296-24-33011	AMD	94-15-096	296-24-73505	AMD-P	94-10-010
296-24-14515	AMD-P	94-10-010	296-24-33013	AMD-P	94-10-010	296-24-73505	AMD	94-15-096
296-24-14515	AMD	94-15-096	296-24-33013	AMD	94-15-096	296-24-73509	AMD-P	94-10-010
296-24-14519	AMD-P	94-10-010	296-24-47507	AMD-P	94-10-010	296-24-73509	AMD	94-15-096
296-24-14519	AMD	94-15-096	296-24-47507	AMD	94-15-096	296-24-75001	AMD-P	94-10-010
296-24-15001	AMD-P	94-10-010	296-24-47515	AMD-P	94-10-010	296-24-75001	AMD	94-15-096
296-24-15001	AMD	94-15-096	296-24-47515	AMD	94-15-096	296-24-78009	AMD-P	94-10-010
296-24-15005	AMD-P	94-10-010	296-24-51005	AMD-P	94-10-010	296-24-78009	AMD	94-15-096
296-24-15005	AMD	94-15-096	296-24-51005	AMD	94-15-096	296-24-79505	AMD-P	94-10-010
296-24-16505	AMD-P	94-10-010	296-24-51099	AMD-P	94-10-010	296-24-79505	AMD	94-15-096
296-24-16505	AMD	94-15-096	296-24-51099	AMD	94-15-096	296-24-79507	AMD-P	94-10-010
296-24-16539	AMD-P	94-10-010	296-24-55001	AMD-P	94-10-010	296-24-79507	AMD	94-15-096
296-24-16539	AMD	94-15-096	296-24-55001	AMD	94-15-096	296-24-81001	AMD-P	94-10-010
296-24-19501	AMD-P	94-10-010	296-24-56515	AMD-P	94-10-010	296-24-81001	AMD	94-15-096
296-24-19501	AMD	94-15-096	296-24-56515	AMD	94-15-096	296-24-81009	AMD-P	94-10-010
296-24-19507	AMD-P	94-10-010	296-24-58501	AMD-P	94-10-010	296-24-81009	AMD	94-15-096
296-24-19507	AMD	94-15-096	296-24-58501	AMD	94-15-096	296-24-81013	AMD-P	94-10-010
296-24-19513	AMD-P	94-10-010	296-24-58503	AMD	94-06-068	296-24-81013	AMD	94-15-096
296-24-19513	AMD	94-15-096	296-24-58513	AMD-P	94-10-010	296-24-81013	AMD	94-15-096
296-24-19517	AMD-P	94-10-010	296-24-58513	AMD	94-15-096	296-24-82501	AMD-P	94-10-010
296-24-19517	AMD	94-15-096	296-24-58515	AMD-P	94-10-010	296-24-82501	AMD	94-15-096
296-24-20003	AMD-P	94-10-010	296-24-58515	AMD	94-15-096	296-24-82503	AMD-P	94-10-010
296-24-20003	AMD	94-15-096	296-24-58517	AMD-P	94-10-010	296-24-82503	AMD	94-15-096
296-24-20511	AMD-P	94-10-010	296-24-58517	AMD	94-15-096	296-24-82513	AMD-P	94-10-010
296-24-20511	AMD	94-15-096	296-24-59215	AMD-P	94-10-010	296-24-82513	AMD	94-15-096
296-24-20525	AMD-P	94-10-010	296-24-59215	AMD	94-15-096	296-24-82515	AMD-P	94-10-010
296-24-20525	AMD	94-15-096	296-24-63299	AMD-P	94-10-010	296-24-82515	AMD	94-15-096
296-24-21515	AMD-P	94-10-010	296-24-63299	AMD	94-15-096	296-24-82519	AMD-P	94-10-010
						296-24-82519	AMD	94-15-096

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-82521	AMD-P	94-10-010	296-27-140	AMD	94-15-096	296-45-65037	AMD	94-20-057
296-24-82521	AMD	94-15-096	296-27-15501	AMD-P	94-10-010	296-45-65038	AMD-P	94-15-095
296-24-82529	AMD-P	94-10-010	296-27-15501	AMD	94-15-096	296-45-65038	AMD	94-20-057
296-24-82529	AMD	94-15-096	296-27-15503	AMD-P	94-10-010	296-45-65039	AMD-P	94-15-095
296-24-82537	AMD-P	94-10-010	296-27-15503	AMD	94-15-096	296-45-65039	AMD	94-20-057
296-24-82537	AMD	94-15-096	296-27-15505	AMD-P	94-10-010	296-45-65041	AMD-P	94-15-095
296-24-82543	AMD-P	94-10-010	296-27-15505	AMD	94-15-096	296-45-65041	AMD	94-20-057
296-24-82543	AMD	94-15-096	296-27-16020	AMD-P	94-10-010	296-45-65045	AMD-P	94-15-095
296-24-84001	AMD-P	94-10-010	296-27-16020	AMD	94-15-096	296-45-65045	AMD	94-20-057
296-24-84001	AMD	94-15-096	296-32-210	AMD-P	94-10-010	296-45-65047	AMD-P	94-15-095
296-24-84005	AMD-P	94-10-010	296-32-210	AMD	94-15-096	296-45-65047	AMD	94-20-057
296-24-84005	AMD	94-15-096	296-32-220	AMD-P	94-10-010	296-45-66001	AMD-P	94-15-095
296-24-84007	AMD-P	94-10-010	296-32-220	AMD	94-15-096	296-45-66001	AMD	94-20-057
296-24-84007	AMD	94-15-096	296-32-230	AMD-P	94-10-010	296-45-66005	AMD-P	94-15-095
296-24-84009	AMD-P	94-10-010	296-32-230	AMD	94-15-096	296-45-66005	AMD	94-20-057
296-24-84009	AMD	94-15-096	296-32-250	AMD-P	94-15-095	296-45-66007	AMD-P	94-15-095
296-24-85505	AMD-P	94-10-010	296-32-250	AMD	94-20-057	296-45-66007	AMD	94-20-057
296-24-85505	AMD	94-15-096	296-32-260	AMD-P	94-15-095	296-45-66009	AMD-P	94-15-095
296-24-87001	AMD-P	94-10-010	296-32-260	AMD-W	94-20-056	296-45-66009	AMD	94-20-057
296-24-87001	AMD	94-15-096	296-32-270	AMD-P	94-10-010	296-45-66011	AMD-P	94-15-095
296-24-87013	AMD-P	94-10-010	296-32-270	AMD	94-15-096	296-45-66011	AMD	94-20-057
296-24-87013	AMD	94-15-096	296-32-280	AMD-P	94-10-010	296-45-67503	AMD-P	94-15-095
296-24-87015	AMD-P	94-10-010	296-32-280	AMD	94-15-096	296-45-67503	AMD	94-20-057
296-24-87015	AMD	94-15-096	296-32-290	AMD-P	94-10-010	296-45-67505	AMD-P	94-15-095
296-24-87031	AMD-P	94-10-010	296-32-290	AMD	94-15-096	296-45-67505	AMD	94-20-057
296-24-87031	AMD	94-15-096	296-32-300	AMD-P	94-10-010	296-45-67507	AMD-P	94-15-095
296-24-88501	AMD-P	94-10-010	296-32-300	AMD	94-15-096	296-45-67507	AMD	94-20-057
296-24-88501	AMD	94-15-096	296-32-320	AMD-P	94-10-010	296-45-67521	AMD-P	94-15-095
296-24-88505	AMD-P	94-10-010	296-32-320	AMD	94-15-096	296-45-67521	AMD	94-20-057
296-24-88505	AMD	94-15-096	296-32-360	AMD-P	94-10-010	296-45-67527	AMD-P	94-15-095
296-24-90001	AMD-P	94-10-010	296-32-360	AMD	94-15-096	296-45-67527	AMD	94-20-057
296-24-90001	AMD	94-15-096	296-37-510	AMD-P	94-10-010	296-45-67531	AMD-P	94-15-095
296-24-90005	AMD-P	94-10-010	296-37-510	AMD	94-15-096	296-45-67531	AMD	94-20-057
296-24-90005	AMD	94-15-096	296-37-512	AMD-P	94-10-010	296-45-67535	AMD-P	94-15-095
296-24-90009	AMD-P	94-10-010	296-37-512	AMD	94-15-096	296-45-67535	AMD	94-20-057
296-24-90009	AMD	94-15-096	296-37-575	AMD-P	94-10-010	296-45-67543	AMD-P	94-15-095
296-24-92003	AMD-P	94-10-010	296-37-575	AMD	94-15-096	296-45-67543	AMD	94-20-057
296-24-92003	AMD	94-15-096	296-45	PREP	94-15-091	296-45-680	NEW-P	94-15-095
296-24-93503	AMD-P	94-10-010	296-45-650	AMD-P	94-15-095	296-45-680	NEW	94-20-057
296-24-93503	AMD	94-15-096	296-45-650	AMD	94-20-057	296-45-690	NEW-P	94-15-095
296-24-94001	AMD-P	94-10-010	296-45-65003	AMD-P	94-15-095	296-45-690	NEW	94-20-057
296-24-94001	AMD	94-15-096	296-45-65003	AMD	94-20-057	296-45-695	NEW-P	94-15-095
296-24-95601	AMD-P	94-10-010	296-45-65005	AMD-P	94-15-095	296-45-695	NEW	94-20-057
296-24-95601	AMD	94-15-096	296-45-65005	AMD	94-20-057	296-45-700	NEW-P	94-15-095
296-24-95605	AMD-P	94-10-010	296-45-65009	AMD-P	94-11-124	296-45-700	NEW	94-20-057
296-24-95605	AMD	94-15-096	296-45-65009	AMD-P	94-15-095	296-52	PREP	94-15-089
296-24-95609	AMD-P	94-10-010	296-45-65009	AMD-W	94-16-144	296-52-401	AMD-P	94-17-164
296-24-95609	AMD	94-15-096	296-45-65009	AMD	94-20-057	296-52-409	AMD-P	94-17-164
296-24-95613	AMD-P	94-10-010	296-45-65011	AMD-P	94-15-095	296-52-413	AMD-P	94-17-164
296-24-95613	AMD	94-15-096	296-45-65011	AMD	94-20-057	296-52-417	AMD-P	94-17-164
296-24-960	AMD-P	94-10-010	296-45-65013	AMD-P	94-15-095	296-52-419	AMD-P	94-17-164
296-24-960	AMD	94-15-096	296-45-65013	AMD	94-20-057	296-52-421	AMD-P	94-17-164
296-24-975	AMD-P	94-10-010	296-45-65015	AMD-P	94-15-095	296-52-423	AMD-P	94-17-164
296-24-975	AMD	94-15-096	296-45-65015	AMD	94-20-057	296-52-425	AMD-P	94-17-164
296-27-050	AMD-P	94-10-010	296-45-65017	AMD-P	94-15-095	296-52-429	AMD-P	94-17-164
296-27-050	AMD	94-15-096	296-45-65017	AMD	94-20-057	296-52-433	AMD-P	94-17-164
296-27-060	AMD-P	94-10-010	296-45-65019	AMD-P	94-15-095	296-52-437	AMD-P	94-17-164
296-27-060	AMD	94-15-096	296-45-65019	AMD	94-20-057	296-52-441	AMD-P	94-17-164
296-27-070	AMD-P	94-10-010	296-45-65021	AMD-P	94-15-095	296-52-449	AMD-P	94-17-164
296-27-070	AMD	94-15-096	296-45-65021	AMD	94-20-057	296-52-461	AMD-P	94-17-164
296-27-078	AMD-P	94-10-010	296-45-65023	AMD-P	94-15-095	296-52-465	AMD-P	94-17-164
296-27-078	AMD	94-15-096	296-45-65023	AMD	94-20-057	296-52-469	AMD-P	94-17-164
296-27-080	AMD-P	94-10-010	296-45-65026	AMD-P	94-15-095	296-52-477	AMD-P	94-17-164
296-27-080	AMD	94-15-096	296-45-65026	AMD	94-20-057	296-52-481	AMD-P	94-17-164
296-27-090	AMD-P	94-10-010	296-45-65027	AMD-P	94-15-095	296-52-487	AMD-P	94-17-164
296-27-090	AMD-P	94-15-095	296-45-65027	AMD	94-20-057	296-52-489	AMD-P	94-17-164
296-27-090	AMD-W	94-16-015	296-45-65029	AMD-P	94-15-095	296-52-493	AMD-P	94-17-164
296-27-090	AMD	94-20-057	296-45-65029	AMD	94-20-057	296-52-497	AMD-P	94-17-164
296-27-110	AMD-P	94-10-010	296-45-65033	AMD-P	94-15-095	296-52-501	AMD-P	94-17-164
296-27-110	AMD	94-15-096	296-45-65033	AMD	94-20-057	296-52-509	AMD-P	94-17-164
296-27-120	AMD-P	94-10-010	296-45-65035	AMD-P	94-15-095	296-52-550	NEW-P	94-17-164
296-27-120	AMD	94-15-096	296-45-65035	AMD	94-20-057	296-52-552	NEW-P	94-17-164
296-27-140	AMD-P	94-10-010	296-45-65037	AMD-P	94-15-095	296-52-555	NEW-P	94-17-164

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-54-507	AMD-P	94-11-124	296-62-07540	AMD	94-15-096	296-78-71015	AMD-P	94-15-095
296-54-507	AMD	94-16-145	296-62-07542	AMD-P	94-10-010	296-78-71015	AMD	94-20-057
296-54-511	AMD-P	94-15-095	296-62-07542	AMD	94-15-096	296-78-84005	AMD-P	94-15-095
296-54-511	AMD	94-20-057	296-62-07617	AMD-P	94-15-095	296-78-84005	AMD	94-20-057
296-56-60001	AMD-P	94-17-164	296-62-07617	AMD	94-20-057	296-79-050	AMD-P	94-15-095
296-56-60003	AMD-P	94-17-164	296-62-07706	AMD-P	94-11-124	296-79-050	AMD	94-20-057
296-56-60005	AMD-P	94-17-164	296-62-07706	AMD	94-16-145	296-81	PREP	94-20-120
296-56-60009	AMD-P	94-17-164	296-62-07711	AMD-P	94-17-164	296-86	PREP	94-20-120
296-56-60062	AMD-P	94-17-164	296-62-07717	AMD-P	94-10-010	296-95	PREP	94-20-120
296-56-60073	AMD-P	94-17-164	296-62-07717	AMD	94-15-096	296-104-010	PREP	94-16-037
296-56-60083	AMD-P	94-17-164	296-62-07749	AMD-P	94-10-010	296-104-010	AMD-P	94-17-170
296-56-60093	AMD-P	94-17-164	296-62-07749	AMD	94-15-096	296-104-050	PREP	94-16-037
296-56-60095	AMD-P	94-17-164	296-62-07751	AMD-P	94-10-010	296-104-050	AMD-P	94-17-170
296-56-60097	AMD-P	94-17-164	296-62-07751	AMD	94-15-096	296-104-060	PREP	94-16-037
296-56-60098	AMD-P	94-17-164	296-62-11001	AMD-P	94-17-164	296-104-060	AMD-P	94-17-170
296-56-60235	AMD-P	94-17-164	296-62-12000	NEW	94-07-086	296-104-065	PREP	94-16-037
296-59-005	AMD-P	94-11-124	296-62-12000	REVIEW	94-14-103	296-104-065	AMD-P	94-17-170
296-59-005	AMD	94-16-145	296-62-12001	NEW-W	94-07-085	296-104-100	PREP	94-16-037
296-59-060	AMD-P	94-17-164	296-62-12003	NEW	94-07-086	296-104-100	AMD-P	94-17-170
296-62	PREP	94-20-124	296-62-12003	REVIEW	94-14-103	296-104-102	PREP	94-16-037
296-62-020	AMD-P	94-10-010	296-62-12005	NEW	94-07-086	296-104-102	NEW-P	94-17-170
296-62-020	AMD	94-15-096	296-62-12005	REVIEW	94-14-103	296-104-281	NEW-E	94-04-006
296-62-05403	AMD-P	94-11-124	296-62-12007	NEW	94-07-086	296-104-281	NEW-P	94-05-072
296-62-05403	AMD	94-16-145	296-62-12007	REVIEW	94-14-103	296-104-281	NEW-W	94-18-102
296-62-05405	AMD-P	94-11-124	296-62-12009	NEW	94-07-086	296-104-411	PREP	94-16-037
296-62-05405	AMD	94-16-145	296-62-12009	REVIEW	94-14-103	296-104-411	NEW-P	94-17-170
296-62-05407	AMD-P	94-11-124	296-62-12011	NEW-W	94-07-085	296-104-500	PREP	94-16-037
296-62-05407	AMD	94-16-145	296-62-12013	NEW-W	94-07-085	296-104-500	REP-P	94-17-170
296-62-05409	AMD-P	94-11-124	296-62-12015	NEW-W	94-07-085	296-104-501	PREP	94-16-037
296-62-05409	AMD	94-16-145	296-62-12017	NEW-W	94-07-085	296-104-501	REP-P	94-17-170
296-62-05411	AMD-P	94-11-124	296-62-12019	NEW-W	94-07-085	296-104-505	PREP	94-16-037
296-62-05411	AMD	94-16-145	296-62-12021	NEW-W	94-07-085	296-104-505	REP-P	94-17-170
296-62-05413	AMD-P	94-11-124	296-62-12023	NEW-W	94-07-085	296-115-015	AMD-P	94-17-164
296-62-05413	AMD	94-16-145	296-62-145	AMD-P	94-17-164	296-116-185	RESCIND	94-05-005
296-62-05415	AMD-P	94-11-124	296-62-14500	NEW-P	94-17-164	296-116-185	AMD	94-05-006
296-62-05415	AMD	94-16-145	296-62-14501	AMD-P	94-17-164	296-116-300	AMD-P	94-08-056
296-62-05417	AMD-P	94-11-124	296-62-14503	AMD-P	94-17-164	296-116-300	AMD	94-12-044
296-62-05417	AMD	94-16-145	296-62-14505	AMD-P	94-17-164	296-116-500	NEW-P	94-04-119
296-62-05419	AMD-P	94-11-124	296-62-14507	AMD-P	94-17-164	296-116-500	NEW	94-07-079
296-62-05419	AMD	94-16-145	296-62-14509	AMD-P	94-17-164	296-155	PREP	94-20-119
296-62-05421	AMD-P	94-11-124	296-62-14511	AMD-P	94-17-164	296-155-001	AMD-P	94-10-010
296-62-05421	AMD	94-16-145	296-62-14513	AMD-P	94-17-164	296-155-001	AMD	94-15-096
296-62-05423	AMD-P	94-11-124	296-62-14515	AMD-P	94-17-164	296-155-006	AMD-P	94-10-010
296-62-05423	AMD	94-16-145	296-62-14517	AMD-P	94-17-164	296-155-006	AMD	94-15-096
296-62-05425	AMD-P	94-11-124	296-62-14519	AMD-P	94-17-164	296-155-010	AMD-P	94-10-010
296-62-05425	AMD	94-16-145	296-62-14520	NEW-P	94-17-164	296-155-010	AMD	94-15-096
296-62-05427	AMD-P	94-11-124	296-62-14521	AMD-P	94-17-164	296-155-012	AMD-P	94-10-010
296-62-05427	AMD	94-16-145	296-62-14523	AMD-P	94-17-164	296-155-012	AMD-W	94-16-015
296-62-05429	NEW-P	94-11-124	296-62-14525	AMD-P	94-17-164	296-155-012	AMD-P	94-17-164
296-62-05429	NEW	94-16-145	296-62-14527	AMD-P	94-17-164	296-155-015	AMD-P	94-10-010
296-62-07105	AMD-P	94-10-010	296-62-14529	AMD-P	94-17-164	296-155-015	AMD	94-15-096
296-62-07105	AMD	94-15-096	296-62-300	AMD-P	94-10-010	296-155-040	AMD-P	94-10-010
296-62-07105	AMD-P	94-17-164	296-62-300	AMD	94-15-096	296-155-040	AMD	94-15-096
296-62-07302	AMD-P	94-10-010	296-62-3010	AMD-P	94-17-164	296-155-100	AMD-P	94-10-010
296-62-07302	AMD	94-15-096	296-62-3020	AMD-P	94-11-124	296-155-100	AMD	94-15-096
296-62-07329	AMD-P	94-10-010	296-62-3020	AMD	94-16-145	296-155-100	AMD-P	94-17-164
296-62-07329	AMD	94-15-096	296-62-3040	AMD-P	94-17-164	296-155-110	AMD-P	94-10-010
296-62-07337	AMD-P	94-10-010	296-62-3060	AMD-P	94-10-010	296-155-110	AMD	94-15-096
296-62-07337	AMD	94-15-096	296-62-3060	AMD	94-15-096	296-155-120	AMD-P	94-10-010
296-62-07343	AMD-P	94-10-010	296-62-3120	AMD-P	94-10-010	296-155-120	AMD	94-15-096
296-62-07343	AMD	94-15-096	296-62-3120	AMD	94-15-096	296-155-125	AMD-P	94-10-010
296-62-07347	AMD-P	94-10-010	296-62-3140	AMD-P	94-11-124	296-155-125	AMD	94-15-096
296-62-07347	AMD	94-15-096	296-62-3140	AMD	94-16-145	296-155-140	AMD-P	94-10-010
296-62-07367	AMD-P	94-15-095	296-62-40015	AMD-P	94-10-010	296-155-140	AMD	94-15-096
296-62-07367	AMD	94-20-057	296-62-40015	AMD	94-15-096	296-155-150	AMD-P	94-10-010
296-62-07417	AMD-P	94-15-095	296-62-40025	AMD-P	94-10-010	296-155-150	AMD	94-15-096
296-62-07417	AMD	94-20-057	296-62-40025	AMD	94-15-096	296-155-160	AMD-P	94-10-010
296-62-07441	AMD-P	94-10-010	296-78-515	AMD-P	94-15-095	296-155-160	AMD	94-15-096
296-62-07441	AMD	94-15-096	296-78-515	AMD	94-20-057	296-155-174	AMD-P	94-10-010
296-62-07521	AMD-P	94-15-094	296-78-525	AMD-P	94-15-095	296-155-174	AMD	94-15-096
296-62-07533	AMD-P	94-10-010	296-78-525	AMD	94-20-057	296-155-17621	AMD-P	94-15-094
296-62-07533	AMD	94-15-096	296-78-670	AMD-P	94-15-095	296-155-17623	AMD-P	94-15-094
296-62-07540	AMD-P	94-10-010	296-78-670	AMD	94-20-057	296-155-17652	AMD-P	94-15-094

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-155-17654	AMD-P	94-15-094	296-155-530	AMD	94-15-096	296-306-061	REP-W	94-10-007
296-155-180	AMD-P	94-11-124	296-155-545	AMD-P	94-10-010	296-306-061	AMD-P	94-12-095
296-155-180	AMD	94-16-145	296-155-545	AMD	94-15-096	296-306-061	AMD-E	94-14-027
296-155-200	AMD-P	94-10-010	296-155-565	AMD-P	94-10-010	296-306-061	AMD	94-18-067
296-155-200	AMD	94-15-096	296-155-565	AMD	94-15-096	296-306-06101	NEW-P	94-12-095
296-155-203	AMD-P	94-10-010	296-155-575	AMD-P	94-10-010	296-306-06101	NEW	94-18-067
296-155-203	AMD	94-15-096	296-155-575	AMD	94-15-096	296-306-06103	NEW-P	94-12-095
296-155-20301	AMD-P	94-10-010	296-155-615	AMD-P	94-10-010	296-306-06103	NEW	94-18-067
296-155-20301	AMD-W	94-16-015	296-155-615	AMD	94-15-096	296-306-06105	NEW-P	94-12-095
296-155-20301	AMD-P	94-17-164	296-155-61705	AMD-P	94-10-010	296-306-06105	NEW	94-18-067
296-155-20307	AMD-P	94-10-010	296-155-61705	AMD	94-15-096	296-306-06107	NEW-P	94-12-095
296-155-20307	AMD	94-15-096	296-155-61711	AMD-P	94-10-010	296-306-06107	NEW	94-18-067
296-155-212	AMD-P	94-10-010	296-155-61711	AMD	94-15-096	296-306-06109	NEW-P	94-12-095
296-155-212	AMD	94-15-096	296-155-61713	AMD-P	94-10-010	296-306-06109	NEW	94-18-067
296-155-215	AMD-P	94-10-010	296-155-61713	AMD	94-15-096	296-306-065	REP-W	94-10-007
296-155-215	AMD	94-15-096	296-155-620	AMD-P	94-10-010	296-306-070	REP-W	94-10-007
296-155-235	AMD-P	94-10-010	296-155-620	AMD	94-15-096	296-306-075	REP-W	94-10-007
296-155-235	AMD	94-15-096	296-155-625	AMD-P	94-10-010	296-306-075	AMD-P	94-12-095
296-155-24510	AMD-P	94-10-010	296-155-625	AMD	94-15-096	296-306-075	AMD	94-18-067
296-155-24510	AMD-W	94-16-015	296-155-630	AMD-P	94-10-010	296-306-07501	NEW-P	94-12-095
296-155-24510	AMD-P	94-17-164	296-155-630	AMD	94-15-096	296-306-07501	NEW	94-18-067
296-155-260	AMD-P	94-10-010	296-155-650	AMD-P	94-10-010	296-306-07503	NEW-P	94-12-095
296-155-260	AMD	94-15-096	296-155-650	AMD	94-15-096	296-306-07503	NEW	94-18-067
296-155-280	AMD-P	94-10-010	296-155-675	AMD-P	94-10-010	296-306-080	REP-W	94-10-007
296-155-280	AMD	94-15-096	296-155-675	AMD	94-15-096	296-306-080	AMD-P	94-12-095
296-155-315	AMD-P	94-10-010	296-155-680	AMD-P	94-10-010	296-306-080	AMD-W	94-17-068
296-155-315	AMD	94-15-096	296-155-680	AMD	94-15-096	296-306-080	AMD-W	94-18-066
296-155-325	AMD-P	94-10-010	296-155-682	AMD-P	94-10-010	296-306-084	REP-W	94-10-007
296-155-325	AMD	94-15-096	296-155-682	AMD	94-15-096	296-306-085	REP-W	94-10-007
296-155-330	AMD-P	94-10-010	296-155-684	AMD-P	94-10-010	296-306-090	REP-W	94-10-007
296-155-330	AMD	94-15-096	296-155-684	AMD	94-15-096	296-306-095	REP-W	94-10-007
296-155-34920	AMD-P	94-10-010	296-155-691	AMD-P	94-10-010	296-306-100	REP-W	94-10-007
296-155-34920	AMD	94-15-096	296-155-691	AMD	94-15-096	296-306-110	AMD	94-06-068
296-155-360	AMD-P	94-10-010	296-155-699	AMD-P	94-10-010	296-306-115	AMD	94-06-068
296-155-360	AMD	94-15-096	296-155-699	AMD	94-15-096	296-306-120	AMD	94-06-068
296-155-36305	AMD-P	94-10-010	296-155-700	AMD-P	94-10-010	296-306-125	REP-W	94-10-007
296-155-36305	AMD	94-15-096	296-155-700	AMD	94-15-096	296-306-130	REP-W	94-10-007
296-155-36319	AMD-P	94-10-010	296-155-715	AMD-P	94-10-010	296-306-135	REP-W	94-10-007
296-155-36319	AMD	94-15-096	296-155-715	AMD	94-15-096	296-306-140	REP-W	94-10-007
296-155-36321	AMD-P	94-10-010	296-155-730	AMD-P	94-10-010	296-306-145	AMD-E	94-06-044
296-155-36321	AMD	94-15-096	296-155-730	AMD	94-15-096	296-306-145	REP-W	94-10-007
296-155-365	AMD-P	94-10-010	296-155-730	AMD-P	94-17-164	296-306-145	AMD-P	94-12-095
296-155-365	AMD	94-15-096	296-155-745	AMD-P	94-10-010	296-306-145	AMD-E	94-14-027
296-155-375	AMD-P	94-10-010	296-155-745	AMD	94-15-096	296-306-145	AMD	94-18-067
296-155-375	AMD	94-15-096	296-155-74501	AMD-P	94-10-010	296-306-14501	NEW-E	94-06-044
296-155-380	NEW-P	94-10-010	296-155-74501	AMD	94-15-096	296-306-14501	NEW-P	94-12-095
296-155-380	NEW	94-15-096	296-155-775	AMD-P	94-10-010	296-306-14501	NEW-E	94-14-027
296-155-400	AMD-P	94-10-010	296-155-775	AMD	94-15-096	296-306-14501	NEW	94-18-067
296-155-400	AMD	94-15-096	296-155-785	AMD-P	94-10-010	296-306-14503	NEW-E	94-06-044
296-155-405	AMD-P	94-10-010	296-155-785	AMD	94-15-096	296-306-14503	NEW-P	94-12-095
296-155-405	AMD	94-15-096	296-155-800	AMD-P	94-10-010	296-306-14503	NEW-E	94-14-027
296-155-407	AMD-P	94-17-164	296-155-800	AMD	94-15-096	296-306-14503	NEW	94-18-067
296-155-428	AMD-P	94-10-010	296-155-955	AMD-P	94-10-010	296-306-14505	NEW-E	94-06-044
296-155-428	AMD	94-15-096	296-155-955	AMD	94-15-096	296-306-14505	NEW-P	94-12-095
296-155-429	AMD-P	94-10-010	296-305	PREP	94-20-121	296-306-14505	NEW-E	94-14-027
296-155-429	AMD	94-15-096	296-305-025	AMD-P	94-11-124	296-306-14505	NEW	94-18-067
296-155-462	AMD-P	94-10-010	296-305-025	AMD	94-16-145	296-306-14507	NEW-E	94-06-044
296-155-462	AMD	94-15-096	296-306	PREP	94-17-195	296-306-14507	NEW-P	94-12-095
296-155-480	AMD-P	94-10-010	296-306-003	AMD-W	94-10-007	296-306-14507	NEW-E	94-14-027
296-155-480	AMD	94-15-096	296-306-010	AMD	94-06-068	296-306-14507	NEW	94-18-067
296-155-485	AMD-P	94-10-010	296-306-012	AMD	94-06-068	296-306-14509	NEW-E	94-06-044
296-155-485	AMD	94-15-096	296-306-015	AMD	94-06-068	296-306-14509	NEW-P	94-12-095
296-155-48523	AMD-P	94-10-010	296-306-020	AMD	94-06-068	296-306-14509	NEW-E	94-14-027
296-155-48523	AMD	94-15-096	296-306-020	AMD-P	94-15-095	296-306-14509	NEW	94-18-067
296-155-48531	AMD-P	94-10-010	296-306-020	AMD	94-20-057	296-306-14511	NEW-E	94-06-044
296-155-48531	AMD	94-15-096	296-306-025	REP-W	94-10-007	296-306-14511	NEW-P	94-12-095
296-155-48533	AMD-P	94-10-010	296-306-030	AMD-W	94-10-007	296-306-14511	NEW-E	94-14-027
296-155-48533	AMD	94-15-096	296-306-045	REP-W	94-10-007	296-306-14511	NEW	94-18-067
296-155-505	AMD-P	94-10-010	296-306-050	REP-W	94-10-007	296-306-14513	NEW-P	94-12-095
296-155-505	AMD	94-15-096	296-306-055	REP-W	94-10-007	296-306-14513	NEW	94-18-067
296-155-50505	AMD-P	94-10-010	296-306-057	AMD	94-06-068	296-306-14515	NEW-P	94-12-095
296-155-50505	AMD	94-15-096	296-306-060	AMD-W	94-10-007	296-306-14515	NEW	94-18-067
296-155-530	AMD-P	94-10-010	296-306-061	AMD-E	94-06-044	296-306-160	AMD	94-06-068

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-306-165	AMD-E	94-06-044	296-360-050	AMD	94-15-096	308-96A-175	AMD	94-17-044
296-306-165	AMD-W	94-10-007	296-360-080	AMD-P	94-10-010	308-97-010	REP-P	94-13-028
296-306-165	AMD-P	94-12-095	296-360-080	AMD	94-15-096	308-97-060	REP-P	94-13-028
296-306-165	AMD-E	94-14-027	296-360-090	AMD-P	94-10-010	308-97-090	REP-P	94-13-028
296-306-165	AMD-W	94-17-068	296-360-090	AMD	94-15-096	308-97-125	REP-P	94-13-028
296-306-165	AMD-W	94-18-066	296-360-140	AMD-P	94-10-010	308-97-175	REP-P	94-13-028
296-306-170	AMD-E	94-06-044	296-360-140	AMD	94-15-096	308-97-205	REP-P	94-13-028
296-306-170	AMD-P	94-12-095	308-12-030	AMD	94-11-023	308-97-230	REP-P	94-13-028
296-306-170	AMD-E	94-14-027	308-12-025	PREP	94-19-009	308-124-005	PREP	94-17-157
296-306-170	AMD-W	94-17-068	308-12-083	PREP	94-19-010	308-124A-025	PREP	94-17-157
296-306-170	AMD-W	94-18-066	308-13-150	AMD	94-04-044	308-124A-110	PREP	94-17-157
296-306-175	AMD-E	94-06-044	308-13-150	PREP	94-17-017	308-124A-422	PREP	94-17-157
296-306-175	AMD-W	94-10-007	308-13-150	AMD-P	94-19-056	308-124A-422	PREP	94-17-157
296-306-175	AMD-P	94-12-095	308-13-160	AMD	94-04-044	308-124A-425	PREP	94-17-157
296-306-175	AMD-E	94-14-027	308-18-150	AMD-P	94-09-018	308-124A-590	PREP	94-17-157
296-306-175	AMD	94-18-067	308-18-150	AMD-W	94-11-026	308-124A-600	PREP	94-17-157
296-306-180	AMD-E	94-06-044	308-56A-160	AMD-P	94-13-123	308-124H-011	PREP	94-17-157
296-306-180	AMD-P	94-12-095	308-56A-160	AMD	94-17-044	308-124H-025	PREP	94-17-157
296-306-180	AMD-E	94-14-027	308-56A-322	NEW-W	94-08-057	308-124H-041	PREP	94-17-157
296-306-180	AMD	94-18-067	308-56A-323	NEW-W	94-08-057	308-124H-310	PREP	94-17-157
296-306-200	AMD	94-06-068	308-56A-420	AMD-P	94-17-148	308-124H-540	PREP	94-17-157
296-306-25007	AMD	94-06-068	308-62-010	REP-P	94-04-017	308-124H-570	PREP	94-17-157
296-306-260	AMD	94-06-068	308-62-010	REP	94-08-025	308-124H-800	PREP	94-17-157
296-306-265	AMD	94-06-068	308-62-020	REP-P	94-04-017	308-125-075	NEW-P	94-12-041
296-306-300	AMD-W	94-10-007	308-62-020	REP	94-08-025	308-125-075	NEW	94-15-058
296-306-400	AMD	94-06-068	308-62-030	REP-P	94-04-017	308-128A-020	AMD	94-04-050
296-350-010	AMD-P	94-10-010	308-62-030	REP	94-08-025	308-128A-030	AMD	94-04-050
296-350-010	AMD	94-15-096	308-65-040	AMD-P	94-07-037	308-128A-040	AMD	94-04-050
296-350-030	AMD-P	94-10-010	308-65-040	AMD	94-12-052	308-128C-040	AMD	94-04-050
296-350-030	AMD	94-15-096	308-65-070	AMD-P	94-07-037	308-128C-050	AMD	94-04-050
296-350-040	AMD-P	94-10-010	308-65-070	AMD	94-12-052	308-128D-010	AMD	94-04-050
296-350-040	AMD	94-15-096	308-65-160	AMD-P	94-07-037	308-128D-030	AMD	94-04-050
296-350-050	AMD-P	94-10-010	308-65-160	AMD	94-12-052	308-128D-040	AMD	94-04-050
296-350-050	AMD	94-15-096	308-66-190	AMD-P	94-16-126	308-128D-070	AMD	94-04-050
296-350-070	AMD-P	94-10-010	308-66-190	AMD-W	94-17-045	308-128E-011	AMD	94-04-050
296-350-070	AMD	94-15-096	308-66-190	AMD-P	94-17-148	308-128F-020	AMD	94-04-050
296-350-200	AMD-P	94-10-010	308-66-195	AMD-P	94-16-126	308-330	PREP	94-17-007
296-350-200	AMD	94-15-096	308-66-195	AMD-W	94-17-045	308-330-157	AMD-P	94-14-041
296-350-210	AMD-P	94-10-010	308-66-195	AMD-P	94-17-148	308-330-157	AMD-C	94-19-057
296-350-210	AMD	94-15-096	308-72-543	NEW-P	94-02-076	308-330-197	AMD-P	94-14-041
296-350-230	AMD-P	94-10-010	308-72-543	NEW	94-11-055	308-330-197	AMD-C	94-19-057
296-350-230	AMD	94-15-096	308-72-660	AMD-P	94-02-076	308-330-300	AMD-E	94-14-040
296-350-240	AMD-P	94-10-010	308-72-660	AMD	94-11-055	308-330-300	AMD-P	94-14-041
296-350-240	AMD	94-15-096	308-72-665	NEW-P	94-02-076	308-330-300	AMD-C	94-19-057
296-350-250	AMD-P	94-10-010	308-72-665	NEW	94-11-055	308-330-307	AMD-E	94-14-040
296-350-250	AMD	94-15-096	308-72-690	AMD-P	94-02-076	308-330-307	AMD-P	94-14-041
296-350-255	AMD-P	94-10-010	308-72-690	AMD	94-11-055	308-330-307	AMD-C	94-19-057
296-350-255	AMD	94-15-096	308-77-010	AMD-P	94-02-075	308-330-320	AMD-E	94-14-040
296-350-260	AMD-P	94-10-010	308-77-010	AMD	94-11-029	308-330-320	AMD-P	94-14-041
296-350-260	AMD	94-15-096	308-77-060	AMD-P	94-02-075	308-330-320	AMD-C	94-19-057
296-350-280	AMD-P	94-10-010	308-77-060	AMD	94-11-029	308-330-400	AMD-E	94-14-040
296-350-280	AMD	94-15-096	308-77-095	AMD-P	94-02-075	308-330-400	AMD-P	94-14-041
296-350-350	AMD-P	94-10-010	308-77-095	AMD	94-11-029	308-330-400	AMD-C	94-19-057
296-350-350	AMD	94-15-096	308-77-155	NEW-P	94-02-075	308-330-418	NEW-W	94-09-002
296-350-35010	AMD-P	94-10-010	308-77-155	NEW	94-11-029	308-330-425	AMD-E	94-14-040
296-350-35010	AMD	94-15-096	308-77-250	AMD-P	94-02-075	308-330-425	AMD-P	94-14-041
296-350-35055	AMD-P	94-10-010	308-77-250	AMD	94-11-029	308-330-425	AMD-C	94-19-057
296-350-35055	AMD	94-15-096	308-91-030	AMD	94-13-012	314-10-070	NEW-W	94-08-010
296-350-400	AMD-P	94-10-010	308-91-040	AMD	94-13-012	314-10-070	NEW-W	94-08-023
296-350-400	AMD	94-15-096	308-91-050	AMD	94-13-012	314-12-142	NEW-W	94-06-021
296-350-450	AMD-P	94-10-010	308-91-060	AMD	94-13-012	314-12-170	PREP	94-15-076
296-350-450	AMD	94-15-096	308-91-070	REP	94-13-012	314-12-185	NEW-P	94-05-094
296-350-460	AMD-P	94-10-010	308-91-090	AMD	94-13-012	314-12-185	NEW-W	94-08-029
296-350-460	AMD	94-15-096	308-91-150	AMD	94-13-012	314-12-190	NEW-P	94-10-066
296-350-470	AMD-P	94-10-010	308-93-073	AMD-W	94-03-018	314-12-190	NEW-W	94-13-125
296-350-470	AMD	94-15-096	308-93-280	AMD-W	94-03-018	314-12-195	NEW-P	94-15-098
296-350-500	AMD-P	94-10-010	308-93-330	AMD-W	94-03-018	314-12-195	NEW	94-18-078
296-350-500	AMD	94-15-096	308-93-630	REP-W	94-03-018	314-16-010	REP-P	94-07-125
296-360-005	AMD-P	94-10-010	308-96A-005	AMD-P	94-13-123	314-16-010	REP	94-10-035
296-360-005	AMD	94-15-096	308-96A-005	AMD	94-17-044	314-16-050	AMD-P	94-05-096
296-360-040	AMD-P	94-10-010	308-96A-027	NEW-P	94-13-028	314-16-050	AMD	94-08-031
296-360-040	AMD	94-15-096	308-96A-035	PREP	94-18-043	314-16-111	NEW-P	94-10-067
296-360-050	AMD-P	94-10-010	308-96A-175	AMD-P	94-13-123	314-16-111	NEW	94-13-128

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
314-16-150	AMD-P	94-05-093	315-11A-121	NEW-P	94-03-099	317-21-070	NEW-P	94-17-169
314-16-150	AMD	94-08-030	315-11A-121	NEW	94-07-029	317-21-100	NEW-P	94-17-169
314-16-199	NEW-P	94-10-004	315-11A-122	NEW-P	94-07-116	317-21-110	NEW-P	94-17-169
314-16-199	NEW	94-13-127	315-11A-122	NEW	94-11-027	317-21-120	NEW-P	94-17-169
314-24-230	AMD-P	94-07-124	315-11A-122	PREP	94-14-058	317-21-130	NEW-P	94-17-169
314-24-230	AMD	94-10-034	315-11A-122	AMD-P	94-16-121	317-21-140	NEW-P	94-17-169
314-25-010	NEW-P	94-05-095	315-11A-122	AMD	94-19-063	317-21-200	NEW-P	94-17-169
314-25-010	NEW	94-08-032	315-11A-123	NEW-P	94-07-116	317-21-210	NEW-P	94-17-169
314-25-020	NEW-P	94-05-095	315-11A-123	NEW	94-11-027	317-21-220	NEW-P	94-17-169
314-25-020	NEW	94-08-032	315-11A-124	NEW-P	94-07-116	317-21-230	NEW-P	94-17-169
314-25-030	NEW-P	94-05-095	315-11A-124	NEW	94-11-027	317-21-240	NEW-P	94-17-169
314-25-030	NEW	94-08-032	315-11A-125	NEW-P	94-07-116	317-21-250	NEW-P	94-17-169
314-25-040	NEW-P	94-05-095	315-11A-125	NEW	94-11-027	317-21-260	NEW-P	94-17-169
314-25-040	NEW	94-08-032	315-11A-126	NEW-P	94-07-116	317-21-270	NEW-P	94-17-169
314-25-050	NEW-P	94-10-003	315-11A-126	NEW	94-11-027	317-21-300	NEW-P	94-17-169
314-25-050	NEW	94-13-126	315-11A-127	NEW-P	94-12-082	317-21-310	NEW-P	94-17-169
314-44-015	NEW-P	94-11-087	315-11A-127	NEW	94-15-049	317-21-400	NEW-P	94-17-169
314-44-015	NEW	94-14-023	315-11A-128	NEW-P	94-12-082	317-21-410	NEW-P	94-17-169
314-52-115	AMD	94-06-022	315-11A-128	NEW	94-15-049	317-21-420	NEW-P	94-17-169
314-60-010	AMD	94-03-060	315-11A-129	NEW-P	94-12-082	317-21-430	NEW-P	94-17-169
314-60-020	AMD	94-03-060	315-11A-129	NEW	94-15-049	317-21-440	NEW-P	94-17-169
314-60-030	AMD	94-03-060	315-11A-130	NEW-P	94-12-082	317-21-450	NEW-P	94-17-169
314-60-080	AMD	94-03-060	315-11A-130	NEW	94-15-049	317-21-460	NEW-P	94-17-169
314-60-105	AMD	94-03-060	315-11A-130	AMD-P	93-19-059	317-21-900	NEW-P	94-17-169
314-60-110	AMD	94-03-060	315-11A-131	NEW-P	94-16-121	317-21-910	NEW-P	94-17-169
314-64-060	REP-P	94-11-085	315-11A-131	NEW	94-19-063	317-40	NEW-C	94-16-059
314-64-060	REP	94-14-021	315-11A-132	NEW-P	94-16-121	317-40-010	NEW-P	94-12-093
314-64-080	AMD-P	94-11-086	315-11A-132	NEW	94-19-063	317-40-010	NEW	94-16-076
314-64-080	AMD	94-14-022	315-11A-133	NEW-P	93-19-059	317-40-020	NEW-P	94-12-093
315-02-120	REP	94-03-020	315-11A-134	NEW-P	93-19-059	317-40-020	NEW	94-16-076
315-04-180	AMD	94-03-020	315-11A-135	NEW-P	93-19-059	317-40-030	NEW-P	94-12-093
315-04-180	AMD-P	94-07-116	315-30-030	AMD	94-03-020	317-40-030	NEW	94-16-076
315-04-180	AMD	94-11-027	315-34-040	AMD-P	94-03-099	317-40-040	NEW-P	94-12-093
315-04-200	PREP	94-14-058	315-34-040	AMD	94-07-029	317-40-040	NEW	94-16-076
315-04-200	PREP	94-17-147	317-20	PREP	94-12-025	317-40-050	NEW-P	94-12-093
315-04-200	AMD-P	94-19-059	317-20-010	REP-P	94-17-169	317-40-050	NEW	94-16-076
315-04-210	AMD	94-03-020	317-20-020	REP-P	94-17-169	317-40-060	NEW-P	94-12-093
315-04-210	AMD-P	94-07-116	317-20-025	REP-P	94-17-169	317-40-060	NEW	94-16-076
315-04-210	AMD	94-11-027	317-20-030	REP-P	94-17-169	317-40-065	NEW-P	94-12-093
315-06-035	AMD	94-03-020	317-20-040	REP-P	94-17-169	317-40-065	NEW	94-16-076
315-06-120	AMD-P	94-12-082	317-20-050	REP-P	94-17-169	317-40-070	NEW-P	94-12-093
315-06-120	AMD-C	94-16-122	317-20-055	REP-P	94-17-169	317-40-070	NEW	94-16-076
315-06-120	AMD	94-19-062	317-20-060	REP-P	94-17-169	317-40-080	NEW-P	94-12-093
315-06-130	AMD-P	94-12-082	317-20-065	REP-P	94-17-169	317-40-080	NEW	94-16-076
315-06-130	AMD-C	94-16-122	317-20-066	REP-P	94-17-169	317-40-085	NEW-P	94-12-093
315-06-130	AMD	94-19-062	317-20-070	REP-P	94-17-169	317-40-085	NEW	94-16-076
315-06-140	REP	94-03-020	317-20-080	REP-P	94-17-169	317-40-090	NEW-P	94-12-093
315-06-150	REP	94-03-020	317-20-090	REP-P	94-17-169	317-40-090	NEW	94-16-076
315-06-160	REP	94-03-020	317-20-100	REP-P	94-17-169	317-40-100	NEW-P	94-12-093
315-06-170	AMD	94-03-020	317-20-110	REP-P	94-17-169	317-40-100	NEW	94-16-076
315-06-180	REP	94-03-020	317-20-120	REP-P	94-17-169	317-40-110	NEW-P	94-12-093
315-06-190	AMD	94-03-020	317-20-130	REP-P	94-17-169	317-40-110	NEW	94-16-076
315-10-030	AMD	94-03-020	317-20-140	REP-P	94-17-169	317-40-120	NEW-P	94-12-093
315-10-060	AMD	94-03-020	317-20-150	REP-P	94-17-169	317-40-120	NEW	94-16-076
315-10-080	AMD	94-03-020	317-20-155	REP-P	94-17-169	317-40-130	NEW-P	94-12-093
315-11A-114	NEW	94-03-019	317-20-160	REP-P	94-17-169	317-40-130	NEW	94-16-076
315-11A-115	NEW	94-03-019	317-20-165	REP-P	94-17-169	317-40-140	NEW-P	94-12-093
315-11A-116	NEW	94-03-019	317-20-170	REP-P	94-17-169	317-40-140	NEW	94-16-076
315-11A-117	NEW	94-03-019	317-20-180	REP-P	94-17-169	317-40-150	NEW-P	94-12-093
315-11A-117	AMD-P	94-07-116	317-20-190	REP-P	94-17-169	317-40-150	NEW	94-16-076
315-11A-117	AMD	94-11-027	317-20-200	REP-P	94-17-169	317-40-900	NEW-P	94-12-093
315-11A-118	NEW-P	94-03-099	317-20-210	REP-P	94-17-169	317-40-900	NEW	94-16-076
315-11A-118	NEW	94-07-029	317-20-220	REP-P	94-17-169	317-40-910	NEW-P	94-12-093
315-11A-118	AMD-P	94-12-082	317-20-230	REP-P	94-17-169	317-40-910	NEW	94-16-076
315-11A-118	AMD	94-15-049	317-20-240	REP-P	94-17-169	326-02-030	AMD-P	94-08-107
315-11A-119	NEW-P	94-03-099	317-20-900	REP-P	94-17-169	326-02-030	AMD	94-11-116
315-11A-119	NEW	94-07-029	317-20-999	REP-P	94-17-169	326-02-030	AMD-P	94-17-177
315-11A-119	AMD-P	94-12-082	317-21-010	NEW-P	94-17-169	326-02-030	PREP	94-17-178
315-11A-119	AMD	94-15-049	317-21-020	NEW-P	94-17-169	326-02-030	AMD-E	94-18-109
315-11A-120	NEW-P	94-03-099	317-21-030	NEW-P	94-17-169	326-02-034	NEW	94-11-113
315-11A-120	NEW	94-07-029	317-21-040	NEW-P	94-17-169	326-02-050	AMD-P	94-08-107
315-11A-120	AMD-P	94-12-082	317-21-050	NEW-P	94-17-169	326-02-050	AMD	94-11-117
315-11A-120	AMD	94-15-049	317-21-060	NEW-P	94-17-169	326-20-120	AMD-P	94-08-108

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
326-20-120	AMD	94-11-114	332-18-150	NEW	94-14-051	352-60-050	AMD-P	94-12-065
326-20-125	AMD-P	94-08-108	332-24-221	AMD-P	94-08-093	352-60-050	AMD	94-16-027
326-20-125	AMD	94-11-115	332-24-221	AMD	94-14-063	352-60-060	AMD-P	94-12-065
326-30-041	AMD	94-03-068	332-26-040	NEW-E	94-13-095	352-60-060	AMD	94-16-027
326-30-041	AMD-E	94-16-064	332-26-050	NEW-E	94-13-095	352-60-065	NEW-P	94-12-065
326-30-051	AMD	94-07-064	332-26-060	NEW-E	94-13-095	352-60-065	NEW	94-16-027
326-40-030	AMD-P	94-08-109	332-26-080	NEW-E	94-09-020	352-60-066	NEW-P	94-12-065
326-40-030	AMD	94-11-118	332-26-900	NEW-E	94-16-127	352-60-066	NEW	94-16-027
326-40-040	AMD-S	94-08-110	332-26-900	REP-E	94-18-022	352-60-070	AMD-P	94-12-065
326-40-040	AMD	94-11-119	332-26-901	NEW-E	94-18-022	352-60-070	AMD	94-16-027
326-40-060	AMD	94-07-064	332-26-901	REP-E	94-19-014	352-60-080	AMD-P	94-12-065
326-40-060	AMD-E	94-17-056	332-26-902	NEW-E	94-19-014	352-60-080	AMD	94-16-027
332-18	AMD-P	94-09-062	332-26-902	REP-E	94-19-021	352-60-090	AMD-P	94-12-065
332-18	AMD	94-14-051	332-30-166	AMD-E	94-13-056	352-60-090	AMD	94-16-027
332-18-010	AMD-P	94-09-062	332-30-166	PREP	94-14-009	352-60-120	NEW-P	94-12-065
332-18-010	AMD	94-14-051	332-30-166	PREP	94-16-093	352-60-120	NEW	94-16-027
332-18-01001	NEW-P	94-09-062	332-30-166	AMD-E	94-18-123	352-60-130	NEW-P	94-12-065
332-18-01001	NEW	94-14-051	332-30-166	AMD-P	94-18-122	352-60-130	NEW	94-16-027
332-18-01002	NEW-P	94-09-062	332-120-010	AMD	94-06-034	352-65-010	AMD	94-04-076
332-18-01002	NEW	94-14-051	332-120-020	AMD	94-06-034	352-65-020	AMD	94-04-076
332-18-01003	NEW-P	94-09-062	332-120-030	AMD	94-06-034	352-65-030	AMD	94-04-076
332-18-01003	NEW	94-14-051	332-120-040	AMD	94-06-034	352-65-040	AMD	94-04-076
332-18-01004	NEW-P	94-09-062	332-120-050	AMD	94-06-034	352-65-060	AMD	94-04-076
332-18-01004	NEW	94-14-051	332-120-060	NEW	94-06-034	352-68-010	NEW-P	94-18-075
332-18-01005	NEW-P	94-09-062	332-120-070	NEW	94-06-034	352-68-020	NEW-P	94-18-075
332-18-01005	NEW	94-14-051	352-28	AMD-P	94-06-049	352-68-030	NEW-P	94-18-075
332-18-015	REP-P	94-09-062	352-28	AMD	94-10-012	352-68-040	NEW-P	94-18-075
332-18-015	REP	94-14-051	352-28-005	AMD-P	94-06-049	352-68-050	NEW-P	94-18-075
332-18-020	REP-P	94-09-062	352-28-005	AMD	94-10-012	352-68-060	NEW-P	94-18-075
332-18-020	REP	94-14-051	352-28-010	AMD-P	94-06-049	352-68-070	NEW-P	94-18-075
332-18-030	REP-P	94-09-062	352-28-010	AMD	94-10-012	352-68-080	NEW-P	94-18-075
332-18-030	REP	94-14-051	352-28-010	AMD	94-10-012	352-68-080	NEW-P	94-18-075
332-18-040	REP-P	94-09-062	352-32-010	AMD-P	94-03-097	352-68-090	NEW-P	94-18-075
332-18-040	REP	94-14-051	352-32-010	AMD-C	94-06-010	352-68-100	NEW-P	94-18-075
332-18-050	AMD-P	94-09-062	352-32-010	AMD	94-08-036	352-68-110	NEW-P	94-18-075
332-18-050	AMD	94-14-051	352-32-010	AMD-P	94-18-077	352-68-120	NEW-P	94-18-075
332-18-05001	NEW-P	94-09-062	352-32-030	AMD-P	94-18-077	352-68-130	NEW-P	94-18-075
332-18-05001	NEW	94-14-051	352-32-036	AMD-P	94-18-077	352-74-020	AMD-P	94-18-076
332-18-05002	NEW-P	94-09-062	352-32-045	AMD-P	94-03-097	352-74-040	AMD-P	94-03-089
332-18-05002	NEW	94-14-051	352-32-045	AMD-C	94-06-010	352-74-040	AMD-C	94-06-020
332-18-05003	NEW-P	94-09-062	352-32-045	AMD	94-08-036	352-74-040	AMD	94-08-005
332-18-05003	NEW	94-14-051	352-32-045	AMD-P	94-18-077	352-74-040	AMD-P	94-18-076
332-18-05004	NEW-P	94-09-062	352-32-195	AMD-P	94-12-064	352-74-045	NEW-P	94-18-076
332-18-05004	NEW	94-14-051	352-32-195	AMD	94-16-026	352-74-060	AMD-P	94-18-076
332-18-05005	NEW-P	94-09-062	352-32-210	AMD-P	94-10-069	352-74-070	AMD-P	94-18-076
332-18-05005	NEW	94-14-051	352-32-210	AMD	94-13-081	352-76-010	NEW-P	94-10-070
332-18-05006	NEW-P	94-09-062	352-32-250	AMD-P	94-03-097	352-76-010	NEW	94-13-082
332-18-05006	NEW	94-14-051	352-32-250	AMD-C	94-06-010	352-76-020	NEW-P	94-10-070
332-18-05007	NEW-P	94-09-062	352-32-250	AMD	94-08-036	352-76-020	NEW	94-13-082
332-18-05007	NEW	94-14-051	352-32-250	AMD-E	94-09-009	352-76-030	NEW-P	94-10-070
332-18-05008	NEW-P	94-09-062	352-32-250	AMD-P	94-10-048	352-76-030	NEW	94-13-082
332-18-05008	NEW	94-14-051	352-32-250	AMD	94-13-080	352-76-040	NEW-P	94-10-070
332-18-05009	NEW-P	94-09-062	352-32-250	AMD-P	94-18-077	352-76-040	NEW	94-13-082
332-18-05009	NEW	94-14-051	352-32-25001	AMD	94-04-075	352-76-050	NEW-P	94-10-070
332-18-060	REP-P	94-09-062	352-32-252	AMD-P	94-03-097	352-76-050	NEW	94-13-082
332-18-060	REP	94-14-051	352-32-252	AMD-C	94-06-010	352-76-060	NEW-P	94-10-070
332-18-070	REP-P	94-09-062	352-32-252	AMD	94-08-036	352-76-060	NEW	94-13-082
332-18-070	REP	94-14-051	352-32-255	AMD-P	94-03-097	352-76-070	NEW-P	94-10-070
332-18-080	REP-P	94-09-062	352-32-255	AMD-C	94-06-010	352-76-070	NEW	94-13-082
332-18-080	REP	94-14-051	352-32-255	AMD	94-08-036	352-76-080	NEW-P	94-10-070
332-18-090	REP-P	94-09-062	352-32-305	NEW-P	94-18-077	352-76-080	NEW	94-13-082
332-18-090	REP	94-14-051	352-32-320	NEW-P	94-03-097	356-05-477	NEW	94-04-011
332-18-100	REP-P	94-09-062	352-32-320	NEW-C	94-06-010	356-05-479	NEW	94-04-011
332-18-100	REP	94-14-051	352-32-320	NEW	94-08-036	356-06-045	NEW	94-04-011
332-18-110	REP-P	94-09-062	352-60	AMD-P	94-12-065	356-09	NEW-C	94-04-086
332-18-110	REP	94-14-051	352-60	AMD	94-16-027	356-09-010	REP-W	94-04-010
332-18-120	AMD-P	94-09-062	352-60-010	AMD-P	94-12-065	356-09-020	REP-W	94-04-010
332-18-120	AMD	94-14-051	352-60-010	AMD	94-16-027	356-09-030	REP-W	94-04-010
332-18-130	AMD-P	94-09-062	352-60-020	AMD-P	94-12-065	356-09-040	REP-W	94-04-010
332-18-130	AMD	94-14-051	352-60-020	AMD	94-16-027	356-09-050	REP-W	94-04-010
332-18-140	NEW-P	94-09-062	352-60-030	AMD-P	94-12-065	356-10-020	AMD-P	94-12-060
332-18-140	NEW	94-14-051	352-60-030	AMD	94-16-027	356-10-020	AMD-C	94-16-051
332-18-150	NEW-P	94-09-062	352-60-040	AMD-P	94-12-065	356-10-020	AMD-C	94-20-024
			352-60-040	AMD	94-16-027	356-10-040	AMD-P	94-12-060

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
356-10-040	AMD-C	94-16-051	359-09	AMD-P	94-20-115
356-10-040	AMD-C	94-20-024	359-09-010	AMD	94-06-063
356-10-045	AMD-P	94-12-060	359-09-012	AMD	94-06-063
356-10-045	AMD-C	94-16-051	359-09-015	AMD	94-06-063
356-10-045	AMD-C	94-20-024	359-09-020	AMD	94-06-063
356-10-050	AMD-P	94-12-060	359-09-030	AMD	94-06-063
356-10-050	AMD-C	94-16-051	359-09-040	AMD	94-06-063
356-10-050	AMD-C	94-20-024	359-09-050	AMD	94-06-063
356-26-030	AMD-E	94-04-085	359-09-070	NEW-W	94-13-090
356-26-030	AMD-P	94-06-066	359-39	NEW-C	94-10-009
356-26-030	AMD	94-10-008	359-39	PREP	94-19-089
356-26-070	AMD-E	94-04-085	359-39	AMD-P	94-20-115
356-26-070	AMD-P	94-06-066	359-39-010	NEW-P	94-06-065
356-26-070	AMD	94-10-008	359-39-010	NEW	94-13-091
356-30-285	NEW	94-04-011	359-39-020	NEW-P	94-06-065
356-30-315	NEW	94-04-011	359-39-020	NEW	94-13-091
356-30-328	NEW-W	94-04-009	359-39-030	NEW-P	94-06-065
356-30-331	REP-P	94-12-056	359-39-030	NEW	94-13-091
356-30-331	REP-C	94-16-050	359-39-040	NEW-P	94-06-065
356-30-331	REP-W	94-18-055	359-39-040	NEW	94-13-091
356-37-080	AMD-P	94-04-084	359-39-050	NEW-P	94-06-065
356-37-080	AMD	94-08-024	359-39-050	NEW	94-13-091
356-37-090	AMD-P	94-04-084	359-39-090	NEW-P	94-06-065
356-37-090	AMD	94-08-024	359-39-090	NEW	94-13-091
356-46-125	AMD-P	94-20-114	359-39-140	NEW-P	94-06-065
356-56	PREP	94-15-101	359-39-140	NEW	94-13-091
356-56-015	AMD-E	94-03-069	359-48	PREP	94-19-089
356-56-015	AMD-P	94-06-064	359-48	AMD-P	94-20-115
356-56-015	AMD	94-09-012	365-140-030	AMD-P	94-13-022
356-56-015	AMD-P	94-09-065	365-140-030	AMD-E	94-13-072
356-56-015	AMD	94-12-055	365-140-030	AMD	94-18-073
356-56-015	AMD-P	94-16-139	365-140-045	NEW-P	94-13-022
356-56-015	AMD	94-20-022	365-140-045	NEW-E	94-13-072
356-56-021	AMD-P	94-09-065	365-140-045	NEW	94-18-073
356-56-021	AMD	94-12-055	365-140-050	AMD-P	94-13-022
356-56-021	REP-P	94-16-139	365-140-050	AMD-E	94-13-072
356-56-021	REP	94-20-022	365-140-050	AMD	94-18-073
356-56-030	AMD-P	94-06-064	371-08-010	AMD-E	94-07-061
356-56-030	AMD	94-09-012	371-08-010	AMD-P	94-07-098
356-56-035	AMD-P	94-09-065	371-08-010	AMD	94-12-027
356-56-035	AMD	94-12-055	371-08-061	NEW-E	94-07-061
356-56-050	AMD-P	94-09-065	371-08-061	NEW-P	94-07-098
356-56-050	AMD	94-12-055	371-08-061	NEW	94-12-027
356-56-050	AMD-E	94-14-072	371-08-147	AMD-E	94-07-061
356-56-050	AMD-P	94-16-139	371-08-147	AMD-P	94-07-098
356-56-050	AMD	94-20-022	371-08-147	AMD	94-12-027
356-56-105	AMD-P	94-09-065	371-08-162	AMD-E	94-07-061
356-56-105	AMD	94-12-055	371-08-162	AMD-P	94-07-098
356-56-110	NEW-W	94-11-071	371-08-162	AMD	94-12-027
356-56-115	AMD-P	94-06-064	371-08-165	AMD-E	94-07-061
356-56-115	AMD	94-09-012	371-08-165	AMD-P	94-07-098
356-56-115	AMD-P	94-09-065	371-08-165	AMD	94-12-027
356-56-115	AMD	94-12-055	371-08-167	NEW-E	94-07-061
356-56-120	AMD-P	94-09-065	371-08-167	NEW-P	94-07-098
356-56-120	AMD	94-12-055	371-08-167	NEW	94-12-027
356-56-205	AMD-P	94-09-065	371-08-197	NEW-E	94-07-061
356-56-205	AMD	94-12-055	371-08-197	NEW-P	94-07-098
356-56-210	AMD-P	94-09-065	371-08-197	NEW	94-12-027
356-56-210	AMD	94-12-055	374-50-010	AMD-P	94-18-001
356-56-220	AMD-P	94-09-065	374-50-010	AMD-W	94-19-037
356-56-220	AMD	94-12-055	374-50-020	AMD-P	94-18-001
356-56-230	AMD-E	94-03-069	374-50-020	AMD-W	94-19-037
356-56-230	AMD-P	94-06-064	374-50-030	AMD-P	94-18-001
356-56-230	AMD	94-09-012	374-50-030	AMD-W	94-19-037
356-56-240	NEW-P	94-11-071	374-50-035	NEW-P	94-18-001
356-56-250	NEW-P	94-11-071	374-50-035	AMD-W	94-19-037
356-56-275	NEW-P	94-11-071	374-50-040	AMD-P	94-18-001
356-56-300	NEW-P	94-11-071	374-50-040	AMD-W	94-19-037
356-56-550	AMD-P	94-09-065	374-50-050	AMD-P	94-18-001
356-56-550	AMD	94-12-055	374-50-050	AMD-W	94-19-037
359-07	PREP	94-19-089	374-50-070	AMD-P	94-18-001
359-07	AMD-P	94-20-115	374-50-070	AMD-W	94-19-037
359-09	PREP	94-19-089	374-50-080	AMD-P	94-18-001

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-24-200	REP	94-10-065	338-26-145	REP	94-10-065	388-28-482	REP-P	94-07-114
388-24-207	REP-P	94-07-114	388-26-149	REP-P	94-07-114	388-28-482	REP	94-10-065
388-24-207	REP	94-10-065	388-26-149	REP	94-10-065	388-28-483	REP-P	94-07-114
388-24-2070	NEW-P	94-13-008	388-28-005	REP-P	94-07-114	388-28-483	REP	94-10-065
388-24-2070	NEW-E	94-12-009	388-28-005	REP	94-10-065	388-28-484	AMD-P	94-05-029
388-24-2070	NEW	94-16-044	388-28-300	REP-P	94-07-114	388-28-484	REP-P	94-07-114
388-24-210	REP-P	94-07-114	388-28-300	REP	94-10-065	388-28-484	AMD	94-08-020
388-24-210	REP	94-10-065	388-28-350	REP-P	94-07-114	388-28-484	REP	94-10-065
388-24-2100	NEW-P	94-13-008	388-28-350	REP	94-10-065	388-28-485	REP-P	94-07-114
388-24-2100	NEW-E	94-12-009	388-28-355	REP-P	94-07-114	388-28-485	REP	94-10-065
388-24-2100	NEW	94-16-044	388-28-355	REP	94-10-065	388-28-500	REP-P	94-07-114
388-24-215	REP-P	94-07-114	388-28-360	REP-P	94-07-114	388-28-500	REP	94-10-065
388-24-215	REP	94-10-065	388-28-360	REP	94-10-065	388-28-515	REP-P	94-07-114
388-24-2150	NEW-P	94-13-008	388-28-365	REP-P	94-07-114	388-28-515	REP	94-10-065
388-24-2150	NEW-E	94-12-009	388-28-365	REP	94-10-065	388-28-520	REP-P	94-07-114
388-24-2150	NEW	94-16-044	388-28-370	REP	94-04-043	388-28-520	REP	94-10-065
388-24-220	REP-P	94-07-114	388-28-370	REP-P	94-07-114	388-28-530	AMD-P	94-05-016
388-24-220	REP	94-10-065	388-28-370	REP	94-10-065	388-28-530	REP-P	94-07-114
388-24-2200	NEW-P	94-13-008	388-28-380	REP-P	94-07-114	388-28-530	AMD	94-08-016
388-24-2200	NEW-E	94-12-009	388-28-380	REP	94-10-065	388-28-530	REP	94-10-065
388-24-2200	NEW	94-16-044	388-28-385	REP-P	94-07-114	388-28-532	REP-P	94-07-114
388-24-225	REP-P	94-07-114	388-28-385	REP	94-10-065	388-28-532	REP	94-10-065
388-24-225	REP	94-10-065	388-28-390	AMD-P	94-05-069	388-28-535	REP-P	94-07-114
388-24-2250	NEW-P	94-13-008	388-28-390	REP-P	94-07-114	388-28-535	REP	94-10-065
388-24-2250	NEW-E	94-12-009	388-28-390	AMD	94-08-015	388-28-555	REP-P	94-07-114
388-24-2250	NEW	94-16-044	388-28-390	REP	94-10-065	388-28-555	REP	94-10-065
388-24-235	REP-P	94-07-114	388-28-392	REP-P	94-07-114	388-28-560	AMD-P	94-05-019
388-24-235	REP	94-10-065	388-28-392	REP	94-10-065	388-28-560	REP-P	94-07-114
388-24-2350	NEW-P	94-13-008	388-28-400	REP-P	94-07-114	388-28-560	AMD	94-08-019
388-24-2350	NEW-E	94-12-009	388-28-400	REP	94-10-065	388-28-560	REP	94-10-065
388-24-2350	NEW	94-16-044	388-28-410	REP-P	94-07-114	388-28-570	REP-P	94-07-114
388-24-243	REP-P	94-07-114	388-28-410	REP	94-10-065	388-28-570	REP	94-10-065
388-24-243	REP	94-10-065	388-28-415	REP-P	94-07-114	388-28-575	AMD-P	94-05-054
388-24-2430	NEW-P	94-13-008	388-28-415	REP	94-10-065	388-28-575	REP-P	94-07-114
388-24-2430	NEW-E	94-12-009	388-28-420	REP-P	94-07-114	388-28-575	AMD	94-08-021
388-24-2430	NEW	94-16-044	388-28-420	REP	94-10-065	388-28-575	REP	94-10-065
388-24-250	REP-P	94-03-051	388-28-425	REP-P	94-07-114	388-28-578	REP-P	94-07-114
388-24-250	REP	94-06-026	388-28-425	REP	94-10-065	388-28-578	REP	94-10-065
388-24-252	REP-P	94-03-051	388-28-435	REP-P	94-07-114	388-28-580	REP-P	94-07-114
388-24-252	REP	94-06-026	388-28-435	REP	94-10-065	388-28-580	REP	94-10-065
388-24-253	REP-P	94-03-051	388-28-438	REP-P	94-07-114	388-28-590	REP-P	94-07-114
388-24-253	REP	94-06-026	388-28-438	REP	94-10-065	388-28-590	REP	94-10-065
388-24-254	REP-P	94-03-051	388-28-439	AMD-P	94-03-055	388-28-600	AMD-P	94-04-042
388-24-254	REP	94-06-026	388-28-439	AMD	94-06-024	388-28-600	REP-P	94-07-114
388-24-255	REP-P	94-03-051	388-28-439	REP-P	94-07-114	388-28-600	AMD	94-08-022
388-24-255	REP	94-06-026	388-28-439	REP	94-10-065	388-28-600	REP	94-10-065
388-24-260	REP-P	94-03-051	388-28-440	REP-P	94-07-114	388-28-650	REP-P	94-07-114
388-24-260	REP	94-06-026	388-28-440	REP	94-10-065	388-28-650	REP	94-10-065
388-24-265	REP-P	94-03-051	388-28-450	REP-P	94-07-114	388-29-001	REP-P	94-06-035
388-24-265	REP	94-06-026	388-28-450	REP	94-10-065	388-29-001	REP	94-09-001
388-24-550	REP-P	94-07-114	388-28-457	REP	94-04-043	388-29-005	REP-P	94-06-035
388-24-550	REP	94-10-065	388-28-458	REP	94-04-043	388-29-005	REP	94-09-001
388-26-025	REP-P	94-07-114	388-28-459	REP	94-04-043	388-29-010	REP-P	94-06-035
338-26-025	REP	94-10-065	388-28-460	REP	94-04-043	388-29-010	REP	94-09-001
388-26-040	REP-P	94-07-114	388-28-461	REP	94-04-043	388-29-010	REP-P	94-06-035
388-26-040	REP	94-10-065	388-28-462	REP	94-04-043	388-29-020	REP	94-09-001
388-26-050	REP-P	94-07-114	388-28-463	REP	94-04-043	388-29-080	REP-P	94-06-035
338-26-050	REP	94-10-065	388-28-464	REP	94-04-043	388-29-080	REP	94-09-001
388-26-055	REP-P	94-07-114	388-28-465	REP	94-04-043	388-29-100	REP-P	94-06-035
338-26-055	REP	94-10-065	388-28-470	REP	94-04-043	388-29-100	REP	94-09-001
388-26-060	REP-P	94-07-114	388-28-471	REP	94-04-043	388-29-110	REP-P	94-06-035
338-26-060	REP	94-10-065	388-28-472	REP	94-04-043	388-29-110	REP	94-09-001
388-26-065	REP-P	94-07-114	388-28-473	REP	94-04-043	388-29-112	REP-P	94-06-035
338-26-065	REP	94-10-065	388-28-474	AMD-P	94-05-018	388-29-112	REP	94-09-001
388-26-070	REP-P	94-07-114	388-28-474	REP-P	94-07-114	388-29-125	REP-P	94-06-035
338-26-070	REP	94-10-065	388-28-474	AMD	94-08-018	388-29-125	REP	94-09-001
388-26-080	REP-P	94-07-114	388-28-474	REP	94-10-065	388-29-130	REP-P	94-06-035
338-26-080	REP	94-10-065	388-28-475	REP-P	94-07-114	388-29-130	REP	94-09-001
388-26-105	REP-P	94-07-114	388-28-475	REP	94-10-065	388-29-150	REP-P	94-06-035
338-26-105	REP	94-10-065	388-28-480	REP-P	94-07-114	388-29-150	REP	94-09-001
388-26-120	REP-P	94-07-114	388-28-480	REP	94-10-065	388-29-160	REP-P	94-06-035
338-26-120	REP	94-10-065	388-28-481	REP-P	94-07-114	388-29-160	REP	94-09-001
388-26-145	REP-P	94-07-114	388-28-481	REP	94-10-065	388-29-180	REP-P	94-06-035

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-29-180	REP	94-09-001	388-33-377	REP	94-10-065	388-38-08501	REP-P	94-07-114
388-29-200	REP-P	94-06-035	388-33-382	REP-P	94-07-114	388-38-08501	REP	94-10-065
388-29-200	REP	94-09-001	388-33-382	REP	94-10-065	388-38-110	REP-P	94-07-114
388-29-210	REP-P	94-06-035	388-33-385	REP-P	94-07-114	388-38-110	REP	94-10-065
388-29-210	REP	94-09-001	388-33-385	REP	94-10-065	388-38-120	REP-P	94-07-114
388-29-220	REP-P	94-06-035	388-33-387	REP-P	94-07-114	388-38-120	REP	94-10-065
388-29-220	REP	94-09-001	388-33-387	REP	94-10-065	388-38-150	REP-P	94-07-114
388-29-230	REP-P	94-06-035	388-33-389	REP-P	94-07-114	388-38-150	REP	94-10-065
388-29-230	REP	94-09-001	388-33-389	REP	94-10-065	388-38-172	REP-P	94-07-114
388-29-270	REP-P	94-06-035	388-33-400	REP-P	94-07-114	388-38-172	REP	94-10-065
388-29-270	REP	94-09-001	388-33-400	REP	94-10-065	388-38-200	REP-P	94-07-114
388-29-280	REP-P	94-06-035	388-33-420	REP-P	94-07-114	388-38-200	REP	94-10-065
388-29-280	REP	94-09-001	388-33-420	REP	94-10-065	388-38-220	REP-P	94-07-114
388-29-295	AMD	94-04-035	388-33-425	REP-P	94-07-114	388-38-220	REP	94-10-065
388-29-295	REP-P	94-06-035	388-33-425	REP	94-10-065	388-38-225	REP-P	94-07-114
388-29-295	REP	94-09-001	388-33-430	REP-P	94-07-114	388-38-225	REP	94-10-065
388-33-015	REP-P	94-07-114	388-33-430	REP	94-10-065	388-38-230	REP-P	94-07-114
388-33-015	REP	94-10-065	388-33-440	REP-P	94-07-114	388-38-230	REP	94-10-065
388-33-020	REP-P	94-07-114	388-33-440	REP	94-10-065	388-38-250	REP-P	94-07-114
388-33-020	REP	94-10-065	388-33-442	REP-P	94-07-114	388-38-250	REP	94-10-065
388-33-025	REP-P	94-07-114	388-33-442	REP	94-10-065	388-38-255	REP-P	94-07-114
388-33-025	REP	94-10-065	388-33-444	REP-P	94-07-114	388-38-255	REP	94-10-065
388-33-045	REP-P	94-07-114	388-33-444	REP	94-10-065	388-38-260	REP-P	94-07-114
388-33-045	REP	94-10-065	388-33-446	REP-P	94-07-114	388-38-260	REP	94-10-065
388-33-050	REP-P	94-07-114	388-33-446	REP	94-10-065	388-38-265	REP-P	94-07-114
388-33-050	REP	94-10-065	388-33-447	REP-P	94-07-114	388-38-265	REP	94-10-065
388-33-051	REP-P	94-07-114	388-33-447	REP	94-10-065	388-38-270	REP-P	94-07-114
388-33-051	REP	94-10-065	388-33-448	REP-P	94-07-114	388-38-270	REP	94-10-065
388-33-055	REP-P	94-07-114	388-33-448	REP	94-10-065	388-38-280	REP-P	94-07-114
388-33-055	REP	94-10-065	388-33-449	REP-P	94-07-114	388-38-280	REP	94-10-065
388-33-080	REP-P	94-07-114	388-33-449	REP	94-10-065	388-38-285	REP-P	94-07-114
388-33-080	REP	94-10-065	388-33-450	REP-P	94-07-114	388-38-285	REP	94-10-065
388-33-085	REP-P	94-07-114	388-33-450	REP	94-10-065	388-38-290	REP-P	94-07-114
388-33-085	REP	94-10-065	388-33-453	REP-P	94-07-114	388-38-290	REP	94-10-065
388-33-090	REP-P	94-07-114	388-33-453	REP	94-10-065	388-38-295	REP-P	94-07-114
388-33-090	REP	94-10-065	388-33-455	REP-P	94-07-114	388-38-295	REP	94-10-065
388-33-095	REP-P	94-07-114	388-33-455	REP	94-10-065	388-43	PREP	94-16-024
388-33-095	REP	94-10-065	388-33-457	REP-P	94-07-114	388-43-120	NEW-E	94-04-032
388-33-115	REP-P	94-07-114	388-33-457	REP	94-10-065	388-43-120	NEW	94-04-037
388-33-115	REP	94-10-065	388-33-458	REP-P	94-07-114	388-44-010	REP	94-05-045
388-33-120	REP-P	94-07-114	388-33-458	REP	94-10-065	388-44-020	REP	94-05-045
388-33-120	REP	94-10-065	388-33-459	REP-P	94-07-114	388-44-035	REP	94-05-045
388-33-125	REP-P	94-07-114	388-33-459	REP	94-10-065	388-44-046	REP	94-05-045
388-33-125	REP	94-10-065	388-33-460	REP-P	94-07-114	388-44-050	REP	94-05-045
388-33-135	REP-P	94-07-114	388-33-460	REP	94-10-065	388-44-110	REP	94-05-045
388-33-135	REP	94-10-065	388-33-525	REP-P	94-07-114	388-44-115	REP	94-05-045
388-33-140	REP-P	94-07-114	388-33-525	REP	94-10-065	388-44-120	REP	94-05-045
388-33-140	REP	94-10-065	388-33-535	REP-P	94-07-114	388-44-125	REP	94-05-045
388-33-165	REP-P	94-07-114	388-33-535	REP	94-10-065	388-44-127	REP	94-05-045
388-33-165	REP	94-10-065	388-33-545	REP-P	94-07-114	388-44-140	REP	94-05-045
388-33-170	REP-P	94-07-114	388-33-545	REP	94-10-065	388-44-145	REP	94-05-045
388-33-170	REP	94-10-065	388-33-550	REP-P	94-07-114	388-44-150	REP	94-05-045
388-33-190	REP-P	94-07-114	388-33-550	REP	94-10-065	388-44-160	REP	94-05-045
388-33-190	REP	94-10-065	388-33-576	REP-P	94-07-114	388-44-250	REP	94-05-045
388-33-195	REP-P	94-07-114	388-33-576	REP	94-10-065	388-44-280	REP	94-05-045
388-33-195	REP	94-10-065	388-33-579	REP-P	94-07-114	388-44-330	REP	94-05-045
388-33-230	REP-P	94-07-114	388-33-579	REP	94-10-065	388-49-015	AMD-P	94-11-064
388-33-230	REP	94-10-065	388-33-585	REP-P	94-07-114	388-49-015	AMD	94-13-203
388-33-235	REP-P	94-07-114	388-33-585	REP	94-10-065	388-49-020	PREP	94-13-118
388-33-235	REP	94-10-065	388-33-595	REP-P	94-07-114	388-49-020	AMD-P	94-13-133
388-33-240	REP-P	94-07-114	388-33-595	REP	94-10-065	388-49-020	PREP	94-14-047
388-33-240	REP	94-10-065	388-33-605	REP-P	94-07-114	388-49-020	AMD	94-16-038
388-33-335	REP-P	94-07-114	388-33-605	REP	94-10-065	388-49-020	AMD-P	94-17-134
388-33-335	REP	94-10-065	388-38-010	REP-P	94-07-114	388-49-020	AMD	94-20-042
388-33-355	REP-P	94-07-114	388-38-010	REP	94-10-065	388-49-020	AMD-E	94-20-043
388-33-355	REP	94-10-065	388-38-030	REP-P	94-07-114	388-49-100	PREP	94-14-046
388-33-365	REP-P	94-07-114	388-38-030	REP	94-10-065	388-49-100	AMD-P	94-16-014
388-33-365	REP	94-10-065	388-38-040	REP-P	94-07-114	388-49-100	AMD	94-18-129
388-33-375	REP-P	94-07-114	388-38-040	REP	94-10-065	388-49-100	AMD-E	94-20-038
388-33-375	REP	94-10-065	388-38-045	REP-P	94-07-114	388-49-110	PREP	94-14-018
388-33-376	REP-P	94-07-114	388-38-045	REP	94-10-065	388-49-110	AMD-P	94-15-032
388-33-376	REP	94-10-065	388-38-050	REP-P	94-07-114	388-49-110	AMD-E	94-17-172
388-33-377	REP-P	94-07-114	388-38-050	REP	94-10-065	388-49-110	AMD	94-17-173

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-49-190	PREP	94-13-116	388-59-010	REP	94-04-033	388-82-010	REP	94-10-065
388-49-190	AMD-P	94-13-132	388-59-020	REP	94-04-033	388-82-115	REP-P	94-07-114
388-49-190	AMD	94-16-039	388-59-030	REP	94-04-033	388-82-115	REP	94-10-065
388-49-190	PREP	94-19-017	388-59-040	REP	94-04-033	388-82-126	REP-P	94-07-114
388-49-210	PREP	94-13-117	388-59-045	REP	94-04-033	388-82-126	REP	94-10-065
388-49-210	AMD-P	94-13-131	388-59-048	REP	94-04-033	388-82-130	REP-P	94-07-114
388-49-210	AMD	94-16-040	388-59-050	REP	94-04-033	388-82-130	REP	94-10-065
388-49-250	PREP	94-19-016	388-59-060	REP	94-04-033	388-82-135	REP-P	94-07-114
388-49-260	PREP	94-18-105	388-59-070	REP	94-04-033	388-82-135	REP	94-10-065
388-49-330	PREP	94-13-129	388-59-080	REP	94-04-033	388-82-140	REP-P	94-07-114
388-49-330	AMD-P	94-15-047	388-59-090	REP	94-04-033	388-82-140	AMD-E	94-08-043
388-49-330	AMD	94-17-175	388-59-100	REP	94-04-033	388-82-140	AMD-P	94-08-044
388-49-340	AMD-P	94-13-007	388-73	PREP	94-16-021	388-82-140	REP	94-10-065
388-49-340	AMD	94-18-034	388-73	PREP	94-16-028	388-82-140	REP-W	94-11-059
388-49-360	PREP	94-14-045	388-80-002	REP-P	94-07-114	388-82-140	RESCIND	94-11-063
388-49-360	AMD-P	94-19-074	388-80-002	REP	94-10-065	388-82-150	REP-P	94-07-114
388-49-380	PREP	94-14-045	388-80-005	REP-P	94-07-114	388-82-150	AMD-E	94-08-043
388-49-380	AMD-P	94-19-074	388-80-005	REP	94-10-065	388-82-150	AMD-P	94-08-044
388-49-410	AMD-P	94-13-026	388-81-005	REP-P	94-07-114	388-82-150	REP	94-10-065
388-49-410	AMD	94-16-041	388-81-005	REP	94-10-065	388-82-150	AMD-W	94-11-059
388-49-410	PREP	94-18-026	388-81-010	REP-P	94-07-114	388-82-150	RESCIND	94-11-063
388-49-410	AMD-P	94-20-061	388-81-010	REP	94-10-065	388-82-160	REP-P	94-07-114
388-49-420	PREP	94-17-098	388-81-015	REP-P	94-07-114	388-82-160	AMD-E	94-08-043
388-49-420	AMD-P	94-18-048	388-81-015	REP	94-10-065	388-82-160	AMD-P	94-08-044
388-49-430	AMD-P	94-13-026	388-81-017	REP-P	94-07-114	388-82-160	REP	94-10-065
388-49-430	AMD	94-16-041	388-81-017	REP	94-10-065	388-82-160	AMD-W	94-11-059
388-49-430	PREP	94-18-026	388-81-017	REP	94-10-065	388-82-160	RESCIND	94-11-063
388-49-430	AMD-P	94-20-061	388-81-020	REP-P	94-07-114	388-82-160	REP-P	94-07-114
388-49-430	AMD-P	94-20-061	388-81-020	REP	94-10-065	388-83-005	REP	94-10-065
388-49-450	PREP	94-17-129	388-81-025	REP-P	94-07-114	388-83-006	REP-P	94-07-114
388-49-450	AMD-P	94-19-040	388-81-025	REP	94-10-065	388-83-006	REP	94-10-065
388-49-460	PREP	94-13-114	388-81-030	REP-P	94-07-114	388-83-010	REP-P	94-07-114
388-49-460	AMD-P	94-13-130	388-81-030	REP	94-10-065	388-83-010	REP	94-10-065
388-49-460	AMD	94-16-042	388-81-035	REP-P	94-07-114	388-83-012	REP-P	94-07-114
388-49-460	PREP	94-17-160	388-81-035	REP	94-10-065	388-83-012	REP	94-10-065
388-49-460	AMD-P	94-19-039	388-81-038	REP-P	94-07-114	388-83-013	REP-P	94-07-114
388-49-470	AMD-P	94-12-003	388-81-038	REP	94-10-065	388-83-013	REP	94-10-065
388-49-470	AMD	94-16-074	388-81-040	REP-P	94-07-114	388-83-013	REP-P	94-07-114
388-49-470	PREP	94-18-025	388-81-040	REP	94-10-065	388-83-014	REP-P	94-07-114
388-49-470	AMD-P	94-19-038	388-81-042	REP-P	94-07-114	388-83-014	REP	94-10-065
388-49-500	AMD-P	94-07-031	388-81-042	REP	94-10-065	388-83-015	REP-P	94-07-114
388-49-500	AMD	94-12-042	388-81-043	REP-P	94-07-114	388-83-015	REP	94-10-065
388-49-500	PREP	94-17-064	388-81-043	REP	94-10-065	388-83-017	REP-P	94-07-114
388-49-500	AMD-P	94-17-079	388-81-044	REP-P	94-07-114	388-83-017	REP	94-10-065
388-49-500	AMD-E	94-17-080	388-81-044	REP	94-10-065	388-83-020	REP-P	94-07-114
388-49-500	AMD	94-20-041	388-81-047	REP-P	94-07-114	388-83-020	REP	94-10-065
388-49-505	PREP	94-13-194	388-81-047	REP	94-10-065	388-83-025	REP-P	94-07-114
388-49-505	AMD-P	94-15-048	388-81-050	REP-P	94-07-114	388-83-025	REP	94-10-065
388-49-505	AMD	94-17-174	388-81-050	REP	94-10-065	388-83-026	REP-P	94-07-114
388-49-510	PREP	94-17-016	388-81-052	REP-P	94-07-114	388-83-026	REP	94-10-065
388-49-510	AMD-P	94-17-133	388-81-052	REP	94-10-065	388-83-029	REP-P	94-07-114
388-49-510	AMD	94-20-045	388-81-055	REP-P	94-07-114	388-83-029	REP	94-10-065
388-49-510	AMD-E	94-20-046	388-81-055	REP	94-10-065	388-83-031	REP-P	94-07-114
388-49-535	AMD-P	94-03-041	388-81-060	REP-P	94-07-114	388-83-031	REP	94-10-065
388-49-535	AMD-W	94-06-023	388-81-060	REP	94-10-065	388-83-03101	REP-P	94-07-114
388-49-550	AMD-P	94-12-083	388-81-065	REP-P	94-07-114	388-83-03101	REP	94-10-065
388-49-550	AMD	94-16-045	388-81-065	REP-E	94-08-045	388-83-032	REP-P	94-07-114
388-49-550	PREP	94-17-161	388-81-065	REP-P	94-08-046	388-83-032	AMD-E	94-08-043
388-49-550	AMD-P	94-18-037	388-81-065	REP	94-10-065	388-83-032	AMD-P	94-08-044
388-49-550	AMD-E	94-20-044	388-81-065	REP-W	94-11-058	388-83-032	REP	94-10-065
388-49-590	AMD-P	94-03-050	388-81-065	RESCIND	94-11-061	388-83-032	AMD-W	94-11-059
388-49-590	AMD-C	94-06-027	388-81-070	REP-P	94-07-114	388-83-032	RESCIND	94-11-063
388-49-590	AMD	94-07-080	388-81-070	REP	94-10-065	388-83-033	REP-P	94-07-114
388-49-630	PREP	94-15-043	388-81-100	REP-P	94-07-114	388-83-033	AMD-E	94-08-043
388-49-630	AMD-P	94-15-057	388-81-100	REP	94-10-065	388-83-033	AMD-P	94-08-044
388-49-630	AMD	94-17-171	388-81-175	REP-P	94-07-114	388-83-033	REP	94-10-065
388-49-640	PREP	94-20-090	388-81-175	REP-W	94-20-094	388-83-033	AMD-W	94-11-059
388-49-670	AMD-P	94-13-024	388-81-200	REP-P	94-07-114	388-83-033	RESCIND	94-11-063
388-49-670	AMD	94-16-043	388-81-200	REP-W	94-20-094	388-83-036	REP-P	94-07-114
388-51-210	PREP	94-20-089	388-82-006	REP-P	94-07-114	388-83-036	REP	94-10-065
388-51-220	PREP	94-20-089	388-82-006	REP	94-10-065	388-83-041	REP-P	94-07-114
388-51-250	PREP	94-20-089	388-82-008	REP-P	94-07-114	388-83-041	REP	94-10-065
388-53-010	REP	94-04-036	388-82-008	REP	94-10-065	388-83-046	REP-P	94-07-114
388-53-050	REP	94-04-036	388-82-010	REP-P	94-07-114	388-83-046	REP	94-10-065

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-83-130	REP-P	94-07-114	388-88-190	REP-P	94-18-012	388-95-340	AMD-E	94-08-041
388-83-130	REP	94-10-065	388-92-005	REP-P	94-07-114	388-95-340	AMD-P	94-08-042
388-83-200	REP-P	94-07-114	388-92-005	REP	94-10-065	388-95-340	REP	94-10-065
388-83-200	REP	94-10-065	388-92-015	REP-P	94-07-114	388-95-340	AMD-W	94-11-060
388-83-210	REP-P	94-07-114	388-92-015	REP	94-10-065	388-95-340	RESCIND	94-11-062
388-83-210	REP	94-10-065	388-92-025	REP-P	94-07-114	388-95-360	REP-P	94-07-114
388-83-220	REP-P	94-07-114	388-92-025	REP	94-10-065	388-95-360	AMD-E	94-08-043
388-83-220	REP	94-10-065	388-92-027	REP-P	94-07-114	388-95-360	AMD-P	94-08-044
388-84-105	REP-P	94-07-114	388-92-027	REP	94-10-065	388-95-360	REP	94-10-065
388-84-105	REP	94-10-065	388-92-030	REP-P	94-07-114	388-95-360	AMD-W	94-11-059
388-84-110	REP-P	94-07-114	388-92-030	REP	94-10-065	388-95-360	RESCIND	94-11-063
388-84-110	REP	94-10-065	388-92-034	REP-P	94-07-114	388-95-380	REP-P	94-07-114
388-84-115	AMD-P	94-05-026	388-92-034	REP	94-10-065	388-95-380	REP	94-10-065
388-84-115	REP-P	94-07-114	388-92-036	REP-P	94-07-114	388-95-390	REP-P	94-07-114
388-84-115	AMD	94-07-132	388-92-036	AMD-E	94-08-041	388-95-390	REP	94-10-065
388-84-115	REP	94-10-065	388-92-036	AMD-P	94-08-042	388-95-395	REP-P	94-07-114
388-84-120	REP-P	94-07-114	388-92-036	REP	94-10-065	388-95-395	REP	94-10-065
388-84-120	REP	94-10-065	388-92-036	AMD-W	94-11-060	388-95-400	REP-P	94-07-114
388-85-105	REP-P	94-07-114	388-92-036	RESCIND	94-11-062	388-95-400	REP	94-10-065
388-85-105	REP	94-10-065	388-92-040	REP-P	94-07-114	388-96-010	AMD-P	94-07-109
388-85-110	REP-P	94-07-114	388-92-040	REP	94-10-065	388-96-010	AMD	94-12-043
388-85-110	REP	94-10-065	388-92-041	AMD-E	94-05-027	388-96-113	AMD-P	94-07-109
388-85-115	REP-P	94-07-114	388-92-041	AMD-P	94-05-028	388-96-113	AMD	94-12-043
388-85-115	REP	94-10-065	388-92-041	REP-P	94-07-114	388-96-134	AMD-P	94-07-109
388-86	PREP	94-18-024	388-92-041	AMD	94-07-131	388-96-134	AMD	94-12-043
388-86-030	AMD-C	94-04-031	388-92-041	REP	94-10-065	388-96-217	AMD-P	94-07-109
388-86-030	AMD-C	94-05-044	388-92-041	REP-P	94-07-114	388-96-217	AMD	94-12-043
388-86-030	AMD-C	94-07-021	388-92-045	REP	94-10-065	388-96-221	AMD-P	94-07-109
388-86-030	AMD	94-07-122	388-92-045	REP-P	94-07-114	388-96-221	AMD	94-12-043
388-86-030	PREP	94-16-098	388-92-050	REP	94-10-065	388-96-226	AMD-P	94-07-109
388-86-040	REP-C	94-05-043	388-92-050	REP-P	94-07-114	388-96-226	AMD	94-12-043
388-86-040	REP	94-07-022	388-93-005	REP	94-10-065	388-96-228	AMD-P	94-07-109
388-86-04001	NEW-C	94-05-043	388-93-010	REP-P	94-07-114	388-96-228	AMD	94-12-043
388-86-04001	NEW	94-07-022	388-93-010	REP	94-10-065	388-96-525	AMD-P	94-07-109
388-86-04001	PREP	94-17-065	388-93-015	REP-P	94-07-114	388-96-525	AMD	94-12-043
388-86-050	AMD	94-03-052	388-93-015	REP	94-10-065	388-96-533	AMD-P	94-07-109
388-86-050	PREP	94-16-030	388-93-020	REP-P	94-07-114	388-96-533	AMD	94-12-043
388-86-073	AMD-P	94-04-022	388-93-020	REP	94-10-065	388-96-534	AMD-P	94-07-109
388-86-073	AMD-E	94-04-023	388-93-025	REP-P	94-07-114	388-96-534	AMD	94-12-043
388-86-073	AMD	94-07-030	388-93-025	REP	94-10-065	388-96-559	AMD-P	94-07-109
388-86-082	PREP	94-13-105	388-93-030	REP-P	94-07-114	388-96-559	AMD	94-12-043
388-86-090	AMD-P	94-04-022	388-93-030	REP	94-10-065	388-96-565	AMD-P	94-07-109
388-86-090	AMD-E	94-04-023	388-93-035	REP-P	94-07-114	388-96-565	AMD	94-12-043
388-86-090	AMD	94-07-030	388-93-035	REP	94-10-065	388-96-585	AMD-P	94-07-109
388-86-095	PREP	94-16-099	388-93-040	REP-P	94-07-114	388-96-585	AMD	94-12-043
388-86-098	AMD-P	94-04-022	388-93-040	REP	94-10-065	388-96-704	AMD-P	94-07-109
388-86-098	AMD-E	94-04-023	388-93-045	REP-P	94-07-114	388-96-704	AMD	94-12-043
388-86-098	AMD	94-07-030	388-93-045	REP	94-10-065	388-96-707	REP-P	94-07-109
388-86-100	PREP	94-16-097	388-93-050	REP-P	94-07-114	388-96-707	REP	94-12-043
388-87	PREP	94-18-024	388-93-050	REP	94-10-065	388-96-709	AMD-P	94-07-109
388-87-300	REP-E	94-08-045	388-93-055	REP-P	94-07-114	388-96-709	AMD	94-12-043
388-87-300	REP-P	94-08-046	388-93-055	REP	94-10-065	388-96-710	AMD-P	94-07-109
388-87-300	REP	94-11-057	388-93-060	REP-P	94-07-114	388-96-710	AMD	94-12-043
388-88-001	REP-P	94-18-012	388-93-060	REP	94-10-065	388-96-719	AMD-P	94-07-109
388-88-010	REP-P	94-18-012	388-93-065	REP-P	94-07-114	388-96-719	AMD	94-12-043
388-88-050	REP-P	94-18-012	388-93-065	REP	94-10-065	388-96-721	REP-P	94-07-109
388-88-075	REP-P	94-18-012	388-93-075	REP-P	94-07-114	388-96-721	REP	94-12-043
388-88-081	REP-P	94-18-012	388-93-075	REP	94-10-065	388-96-722	AMD-P	94-07-109
388-88-082	REP-P	94-18-012	388-93-080	REP-P	94-07-114	388-96-722	AMD	94-12-043
388-88-095	REP-P	94-18-012	388-93-080	REP	94-10-065	388-96-727	AMD-P	94-07-109
388-88-096	REP-P	94-18-012	388-95-300	REP-P	94-07-114	388-96-727	AMD	94-12-043
388-88-097	REP-P	94-18-012	388-95-300	REP	94-10-065	388-96-735	AMD-P	94-07-109
388-88-098	REP-P	94-18-012	388-95-310	REP-P	94-07-114	388-96-735	AMD	94-12-043
388-88-105	REP-P	94-18-012	388-95-310	REP	94-10-065	388-96-735	AMD-P	94-07-109
388-88-110	REP-P	94-18-012	388-95-320	REP-P	94-07-114	388-96-737	AMD	94-12-043
388-88-115	REP-P	94-18-012	388-95-320	REP	94-10-065	388-96-745	AMD-P	94-07-109
388-88-119	REP-P	94-18-012	388-95-335	REP-P	94-07-114	388-96-745	AMD	94-12-043
388-88-125	REP-P	94-18-012	388-95-335	REP	94-10-065	388-96-753	NEW-P	94-07-109
388-88-135	REP-P	94-18-012	388-95-337	AMD-P	94-05-025	388-96-753	NEW	94-12-043
388-88-150	REP-P	94-18-012	388-95-337	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-88-155	REP-P	94-18-012	388-95-337	AMD	94-07-130	388-96-754	AMD	94-12-043
388-88-170	REP-P	94-18-012	388-95-337	REP	94-10-065	388-96-763	AMD-P	94-07-109
388-88-180	REP-P	94-18-012	388-95-340	REP-P	94-07-114	388-96-763	AMD	94-12-043

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-96-774	AMD-P	94-07-109	388-97-160	NEW	94-19-041	388-97-355	NEW-P	94-13-052
388-96-774	AMD	94-12-043	388-97-165	NEW-P	94-13-052	388-97-355	NEW	94-19-041
388-96-774	AMD	94-14-016	388-97-165	NEW	94-19-041	388-97-360	NEW-P	94-13-052
388-96-776	NEW-P	94-07-109	388-97-170	NEW-P	94-13-052	388-97-360	NEW	94-19-041
388-96-776	NEW	94-12-043	388-97-170	NEW	94-19-041	388-97-365	NEW-P	94-13-052
388-96-777	NEW-P	94-07-109	388-97-175	NEW-P	94-13-052	388-97-365	NEW	94-19-041
388-96-777	NEW	94-12-043	388-97-175	NEW	94-19-041	388-97-370	NEW-P	94-13-052
388-96-904	AMD-P	94-07-109	388-97-180	NEW-P	94-13-052	388-97-370	NEW	94-19-041
388-96-904	AMD	94-12-043	388-97-180	NEW	94-19-041	388-97-375	NEW-P	94-13-052
388-97	NEW-C	94-18-010	388-97-185	NEW-P	94-13-052	388-97-375	NEW	94-19-041
388-97-005	NEW-P	94-13-052	388-97-185	NEW	94-19-041	388-97-380	NEW-P	94-13-052
388-97-005	NEW	94-19-041	388-97-190	NEW-P	94-13-052	388-97-380	NEW	94-19-041
388-97-010	NEW-P	94-13-052	388-97-190	NEW	94-19-041	388-97-385	NEW-P	94-13-052
388-97-010	NEW	94-19-041	388-97-195	NEW-P	94-13-052	388-97-385	NEW	94-19-041
388-97-015	NEW-P	94-13-052	388-97-195	NEW	94-19-041	388-97-390	NEW-P	94-13-052
388-97-015	NEW	94-19-041	388-97-200	NEW	94-19-041	388-97-390	NEW	94-19-041
388-97-020	NEW-P	94-13-052	388-97-205	NEW-P	94-13-052	388-97-395	NEW-P	94-13-052
388-97-020	NEW	94-19-041	388-97-205	NEW	94-19-041	388-97-395	NEW	94-19-041
388-97-025	NEW-P	94-13-052	388-97-210	NEW-P	94-13-052	388-97-400	NEW-P	94-13-052
388-97-025	NEW	94-19-041	388-97-210	NEW	94-19-041	388-97-400	NEW	94-19-041
388-97-030	NEW-P	94-13-052	388-97-215	NEW	94-19-041	388-97-405	NEW-P	94-13-052
388-97-030	NEW	94-19-041	388-97-220	NEW-P	94-13-052	388-97-405	NEW	94-19-041
388-97-035	NEW-P	94-13-052	388-97-220	NEW	94-19-041	388-97-410	NEW-P	94-13-052
388-97-035	NEW	94-19-041	388-97-225	NEW-P	94-13-052	388-97-410	NEW	94-19-041
388-97-040	NEW-P	94-13-052	388-97-225	NEW	94-19-041	388-97-415	NEW-P	94-13-052
388-97-040	NEW	94-19-041	388-97-230	NEW-P	94-13-052	388-97-415	NEW	94-19-041
388-97-045	NEW-P	94-13-052	388-97-230	NEW	94-19-041	388-97-420	NEW-P	94-13-052
388-97-045	NEW	94-19-041	388-97-235	NEW-P	94-13-052	388-97-420	NEW	94-19-041
388-97-050	NEW-P	94-13-052	388-97-235	NEW	94-19-041	388-97-425	NEW-P	94-13-052
388-97-050	NEW	94-19-041	388-97-240	NEW-P	94-13-052	388-97-425	NEW	94-19-041
388-97-055	NEW-P	94-13-052	388-97-240	NEW	94-19-041	388-97-430	NEW-P	94-13-052
388-97-055	NEW	94-19-041	388-97-245	NEW-P	94-13-052	388-97-430	NEW	94-19-041
388-97-060	NEW-P	94-13-052	388-97-245	NEW	94-19-041	388-97-435	NEW-P	94-13-052
388-97-060	NEW	94-19-041	388-97-250	NEW-P	94-13-052	388-97-435	NEW	94-19-041
388-97-065	NEW-P	94-13-052	388-97-250	NEW	94-19-041	388-97-440	NEW-P	94-13-052
388-97-065	NEW	94-19-041	388-97-255	NEW-P	94-13-052	388-97-440	NEW	94-19-041
388-97-070	NEW-P	94-13-052	388-97-255	NEW	94-19-041	388-97-445	NEW-P	94-13-052
388-97-070	NEW	94-19-041	388-97-260	NEW-P	94-13-052	388-97-445	NEW	94-19-041
388-97-075	NEW-P	94-13-052	388-97-260	NEW	94-19-041	388-97-450	NEW-P	94-13-052
388-97-075	NEW	94-19-041	388-97-265	NEW-P	94-13-052	388-97-450	NEW	94-19-041
388-97-080	NEW-P	94-13-052	388-97-265	NEW	94-19-041	388-97-455	NEW-P	94-13-052
388-97-080	NEW	94-19-041	388-97-270	NEW-P	94-13-052	388-97-455	NEW	94-19-041
388-97-085	NEW-P	94-13-052	388-97-270	NEW	94-19-041	388-97-460	NEW-P	94-13-052
388-97-085	NEW	94-19-041	388-97-275	NEW-P	94-13-052	388-97-460	NEW	94-19-041
388-97-090	NEW-P	94-13-052	388-97-275	NEW	94-19-041	388-97-465	NEW-P	94-13-052
388-97-090	NEW	94-19-041	388-97-280	NEW-P	94-13-052	388-97-465	NEW	94-19-041
388-97-095	NEW-P	94-13-052	388-97-280	NEW	94-19-041	388-97-470	NEW-P	94-13-052
388-97-095	NEW	94-19-041	388-97-285	NEW-P	94-13-052	388-97-470	NEW	94-19-041
388-97-100	NEW-P	94-13-052	388-97-290	NEW-P	94-13-052	388-97-475	NEW-P	94-13-052
388-97-100	NEW	94-19-041	388-97-295	NEW-P	94-13-052	388-97-475	NEW	94-19-041
388-97-105	NEW-P	94-13-052	388-97-295	NEW	94-19-041	388-97-480	NEW-P	94-13-052
388-97-105	NEW	94-19-041	388-97-300	NEW-P	94-13-052	388-97-480	NEW	94-19-041
388-97-110	NEW-P	94-13-052	388-97-300	NEW	94-19-041	388-99-005	REP-P	94-07-114
388-97-110	NEW	94-19-041	388-97-305	NEW-P	94-13-052	388-99-005	REP	94-10-065
388-97-115	NEW-P	94-13-052	388-97-305	NEW	94-19-041	388-99-010	REP-P	94-07-114
388-97-115	NEW	94-19-041	388-97-310	NEW-P	94-13-052	388-99-010	REP	94-10-065
388-97-120	NEW-P	94-13-052	388-97-310	NEW	94-19-041	388-99-011	REP-P	94-07-114
388-97-120	NEW	94-19-041	388-97-315	NEW-P	94-13-052	388-99-011	REP	94-10-065
388-97-125	NEW-P	94-13-052	388-97-315	NEW	94-19-041	388-99-015	REP-P	94-07-114
388-97-125	NEW	94-19-041	388-97-320	NEW-P	94-13-052	388-99-015	REP	94-10-065
388-97-130	NEW-P	94-13-052	388-97-320	NEW	94-19-041	388-99-020	REP-P	94-07-114
388-97-130	NEW	94-19-041	388-97-325	NEW-P	94-13-052	388-99-020	REP	94-10-065
388-97-135	NEW-P	94-13-052	388-97-325	NEW	94-19-041	388-99-030	REP-P	94-07-114
388-97-135	NEW	94-19-041	388-97-330	NEW-P	94-13-052	388-99-030	REP	94-10-065
388-97-140	NEW-P	94-13-052	388-97-330	NEW	94-19-041	388-99-035	REP-P	94-07-114
388-97-140	NEW	94-19-041	388-97-335	NEW-P	94-13-052	388-99-035	REP	94-10-065
388-97-145	NEW-P	94-13-052	388-97-335	NEW	94-19-041	388-99-036	REP-P	94-07-114
388-97-145	NEW	94-19-041	388-97-340	NEW-P	94-13-052	388-99-036	REP	94-10-065
388-97-150	NEW-P	94-13-052	388-97-340	NEW	94-19-041	388-99-040	REP-P	94-07-114
388-97-150	NEW	94-19-041	388-97-345	NEW-P	94-13-052	388-99-040	REP	94-10-065
388-97-155	NEW-P	94-13-052	388-97-345	NEW	94-19-041	388-99-050	REP-P	94-07-114
388-97-155	NEW	94-19-041	388-97-350	NEW-P	94-13-052	388-99-050	REP	94-10-065
388-97-160	NEW-P	94-13-052	388-97-350	NEW	94-19-041	388-99-055	REP-P	94-07-114

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-99-055	REP	94-10-065	388-210-1330	NEW	94-10-065	388-215-1365	NEW	94-10-065
388-99-060	REP-P	94-07-114	388-210-1340	NEW-P	94-07-114	388-215-1370	NEW-P	94-07-114
388-99-060	REP	94-10-065	388-210-1340	NEW	94-10-065	388-215-1370	NEW	94-10-065
388-100-001	REP-P	94-07-114	388-210-1350	NEW-P	94-07-114	388-215-1375	NEW-P	94-07-114
388-100-001	REP	94-10-065	388-210-1350	NEW	94-10-065	388-215-1375	NEW	94-10-065
388-100-005	REP-P	94-07-114	388-210-1400	NEW-P	94-07-114	388-215-1380	NEW-P	94-07-114
388-100-005	REP	94-10-065	388-210-1400	NEW	94-10-065	388-215-1380	NEW	94-10-065
388-100-010	REP-P	94-07-114	388-210-1410	NEW-P	94-07-114	388-215-1385	NEW-P	94-07-114
388-100-010	REP	94-10-065	388-210-1410	NEW	94-10-065	388-215-1385	NEW	94-10-065
388-100-015	REP-P	94-07-114	388-210-1420	NEW-P	94-07-114	388-215-1390	NEW-P	94-07-114
388-100-015	REP	94-10-065	388-210-1420	NEW	94-10-065	388-215-1390	NEW	94-10-065
388-100-020	REP-P	94-07-114	388-212-1000	NEW-P	94-07-114	388-215-1400	NEW-P	94-07-114
388-100-020	REP	94-10-065	388-212-1000	NEW	94-10-065	388-215-1400	NEW	94-10-065
388-100-025	REP-P	94-07-114	388-212-1050	NEW-P	94-07-114	388-215-1410	NEW-P	94-07-114
388-100-025	REP	94-10-065	388-212-1050	NEW	94-10-065	388-215-1410	NEW	94-10-065
388-100-030	REP-P	94-07-114	388-212-1100	NEW-P	94-07-114	388-215-1420	NEW-P	94-07-114
388-100-030	REP	94-10-065	388-212-1100	NEW	94-10-065	388-215-1420	NEW	94-10-065
388-100-035	REP-P	94-07-114	388-212-1140	NEW-P	94-07-114	388-215-1430	NEW-P	94-07-114
388-100-035	REP	94-10-065	388-212-1140	NEW	94-10-065	388-215-1430	NEW	94-10-065
388-150-005	AMD-P	94-11-111	388-212-1150	NEW-P	94-07-114	388-215-1440	NEW-P	94-07-114
388-150-005	AMD	94-13-201	388-212-1150	NEW	94-10-065	388-215-1440	NEW	94-10-065
388-150-020	AMD-P	94-11-111	388-212-1200	NEW-P	94-07-114	388-215-1450	NEW-P	94-07-114
388-150-020	AMD	94-13-201	388-212-1200	NEW	94-10-065	388-215-1450	NEW	94-10-065
388-150-090	AMD-P	94-11-111	388-212-1250	NEW-P	94-07-114	388-215-1460	NEW-P	94-07-114
388-150-090	AMD	94-13-201	388-212-1250	NEW	94-10-065	388-215-1460	NEW	94-10-065
388-150-460	AMD-P	94-11-111	388-215-1000	NEW-P	94-07-114	388-215-1470	NEW-P	94-07-114
388-150-460	AMD	94-13-201	388-215-1000	NEW	94-10-065	388-215-1470	NEW	94-10-065
388-155-005	AMD-P	94-11-111	388-215-1025	NEW-P	94-07-114	388-215-1480	NEW-P	94-07-114
388-155-005	AMD	94-13-201	388-215-1025	NEW	94-10-065	388-215-1480	NEW	94-10-065
388-155-020	AMD-P	94-11-111	388-215-1050	NEW-P	94-07-114	388-215-1490	NEW-P	94-07-114
388-155-020	AMD	94-13-201	388-215-1050	NEW	94-10-065	388-215-1490	NEW	94-10-065
388-155-090	AMD-P	94-11-111	388-215-1060	NEW-P	94-07-114	388-215-1500	NEW-P	94-07-114
388-155-090	AMD	94-13-201	388-215-1060	NEW	94-10-065	388-215-1500	NEW	94-10-065
388-155-460	AMD-P	94-11-111	388-215-1070	NEW-P	94-07-114	388-215-1520	NEW-P	94-07-114
388-155-460	AMD	94-13-201	388-215-1070	NEW	94-10-065	388-215-1520	NEW	94-10-065
388-200-1050	NEW-P	94-07-114	388-215-1080	NEW-P	94-07-114	388-215-1540	NEW-P	94-07-114
388-200-1050	NEW	94-10-065	388-215-1080	NEW	94-10-065	388-215-1540	NEW	94-10-065
388-200-1100	NEW-P	94-07-114	388-215-1100	NEW-P	94-07-114	388-215-1560	NEW-P	94-07-114
388-200-1100	NEW	94-10-065	388-215-1100	NEW	94-10-065	388-215-1560	NEW	94-10-065
388-200-1125	PREP	94-18-035	388-215-1100	PREP	94-15-031	388-215-1600	NEW-P	94-07-114
388-200-1150	NEW-P	94-07-114	388-215-1110	NEW-P	94-07-114	388-215-1600	NEW	94-10-065
388-200-1150	NEW	94-10-065	388-215-1110	NEW	94-10-065	388-215-1610	NEW-P	94-07-114
388-200-1160	NEW-P	94-07-114	388-215-1120	NEW-P	94-07-114	388-215-1610	NEW	94-10-065
388-200-1160	NEW	94-10-065	388-215-1120	NEW	94-10-065	388-215-1610	PREP	94-17-159
388-200-1200	NEW-P	94-07-114	388-215-1200	NEW-P	94-07-114	388-215-1610	AMD-E	94-20-888
388-200-1200	NEW	94-10-065	388-215-1200	NEW	94-10-065	388-215-1610	AMD-P	94-20-091
388-200-1250	NEW-P	94-07-114	388-215-1225	NEW-P	94-07-114	388-215-1620	NEW-P	94-07-114
388-200-1250	NEW	94-10-065	388-215-1225	NEW	94-10-065	388-215-1620	NEW	94-10-065
388-210-1000	NEW-P	94-07-114	388-215-1230	NEW-P	94-07-114	388-215-1620	PREP	94-17-158
388-210-1000	NEW	94-10-065	388-215-1230	NEW	94-10-065	388-215-1620	AMD-P	94-19-099
388-210-1010	NEW-P	94-07-114	388-215-1245	NEW-P	94-07-114	388-215-1650	NEW-P	94-07-114
388-210-1010	NEW	94-10-065	388-215-1245	NEW	94-10-065	388-215-1650	NEW	94-10-065
388-210-1020	NEW-P	94-07-114	388-215-1300	NEW-P	94-07-114	388-216-2000	NEW-P	94-07-114
388-210-1020	NEW	94-10-065	388-215-1300	NEW	94-10-065	388-216-2000	NEW	94-10-065
388-210-1050	NEW-P	94-07-114	388-215-1320	NEW-P	94-07-114	388-216-2050	NEW-P	94-07-114
388-210-1050	NEW	94-10-065	388-215-1320	NEW	94-10-065	388-216-2050	NEW	94-10-065
388-210-1100	NEW-P	94-07-114	388-215-1325	NEW-P	94-07-114	388-216-2075	NEW-P	94-07-114
388-210-1100	NEW	94-10-065	388-215-1325	NEW	94-10-065	388-216-2075	NEW	94-10-065
388-210-1200	NEW-P	94-07-114	388-215-1330	NEW-P	94-07-114	388-216-2100	NEW-P	94-07-114
388-210-1200	NEW	94-10-065	388-215-1330	NEW	94-10-065	388-216-2100	NEW	94-10-065
388-210-1220	NEW-P	94-07-114	388-215-1335	NEW-P	94-07-114	388-216-2150	NEW-P	94-07-114
388-210-1220	NEW	94-10-065	388-215-1335	NEW	94-10-065	388-216-2150	NEW	94-10-065
388-210-1230	NEW-P	94-07-114	388-215-1340	NEW-P	94-07-114	388-216-2200	NEW-P	94-07-114
388-210-1230	NEW	94-10-065	388-215-1340	NEW	94-10-065	388-216-2200	NEW	94-10-065
388-210-1250	NEW-P	94-07-114	388-215-1345	NEW-P	94-07-114	388-216-2250	NEW-P	94-07-114
388-210-1250	NEW	94-10-065	388-215-1345	NEW	94-10-065	388-216-2250	NEW	94-10-065
388-210-1300	NEW-P	94-07-114	388-215-1350	NEW-P	94-07-114	388-216-2300	NEW-P	94-07-114
388-210-1300	NEW	94-10-065	388-215-1350	NEW	94-10-065	388-216-2300	NEW	94-10-065
388-210-1310	NEW-P	94-07-114	388-215-1355	NEW-P	94-07-114	388-216-2350	NEW-P	94-07-114
388-210-1310	NEW	94-10-065	388-215-1355	NEW	94-10-065	388-216-2350	NEW	94-10-065
388-210-1320	NEW-P	94-07-114	388-215-1360	NEW-P	94-07-114	388-216-2450	NEW-P	94-07-114
388-210-1320	NEW	94-10-065	388-215-1360	NEW	94-10-065	388-216-2450	NEW	94-10-065
388-210-1330	NEW-P	94-07-114	388-215-1365	NEW-P	94-07-114	388-216-2500	NEW-P	94-07-114



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-216-2500	NEW	94-10-065	388-218-1230	AMD-E	94-13-009	388-218-1710	NEW	94-10-065
388-216-2550	NEW-P	94-07-114	388-218-1230	AMD	94-16-044	388-218-1720	NEW-P	94-07-114
388-216-2550	NEW	94-10-065	388-218-1300	NEW-P	94-07-114	388-218-1720	NEW	94-10-065
388-216-2560	NEW-P	94-07-114	388-218-1300	NEW	94-10-065	388-218-1730	NEW-P	94-07-114
388-216-2560	NEW	94-10-065	388-218-1310	NEW-P	94-07-114	388-218-1730	NEW	94-10-065
388-216-2570	NEW-P	94-07-114	388-218-1310	NEW	94-10-065	388-218-1740	NEW-P	94-07-114
388-216-2570	NEW	94-10-065	388-218-1320	NEW-P	94-07-114	388-218-1740	NEW	94-10-065
388-216-2580	NEW-P	94-07-114	388-218-1320	NEW	94-10-065	388-218-1800	NEW-P	94-07-114
388-216-2580	NEW	94-10-065	388-218-1330	NEW-P	94-07-114	388-218-1800	NEW	94-10-065
388-216-2590	NEW-P	94-07-114	388-218-1330	NEW	94-10-065	388-218-1810	NEW-P	94-07-114
388-216-2590	NEW	94-10-065	388-218-1340	NEW-P	94-07-114	388-218-1810	NEW	94-10-065
388-216-2600	NEW-P	94-07-114	388-218-1340	NEW	94-10-065	388-218-1820	NEW-P	94-07-114
388-216-2600	NEW	94-10-065	388-218-1350	NEW-P	94-07-114	388-218-1820	NEW	94-10-065
388-216-2650	NEW-P	94-07-114	388-218-1350	NEW	94-10-065	388-218-1830	NEW-P	94-07-114
388-216-2650	NEW	94-10-065	388-218-1360	NEW-P	94-07-114	388-218-1830	NEW	94-10-065
388-216-2800	NEW-P	94-07-114	388-218-1360	NEW	94-10-065	388-218-1900	NEW-P	94-07-114
388-216-2800	NEW	94-10-065	388-218-1400	NEW-P	94-07-114	388-218-1900	NEW	94-10-065
388-216-2850	NEW-P	94-07-114	388-218-1400	NEW	94-10-065	388-218-1910	NEW-P	94-07-114
388-216-2850	NEW	94-10-065	388-218-1410	NEW-P	94-07-114	388-218-1910	NEW	94-10-065
388-216-2900	NEW-P	94-07-114	388-218-1410	NEW	94-10-065	388-218-1920	NEW-P	94-07-114
388-216-2900	NEW	94-10-065	388-218-1420	NEW-P	94-07-114	388-218-1920	NEW	94-10-065
388-217-3000	NEW	94-04-043	388-218-1420	NEW	94-10-065	388-218-1930	NEW-P	94-07-114
388-217-3050	NEW	94-04-043	388-218-1430	NEW-P	94-07-114	388-218-1930	NEW	94-10-065
388-217-3100	NEW	94-04-043	388-218-1430	NEW	94-10-065	388-218-1940	NEW-P	94-07-114
388-217-3150	NEW	94-04-043	388-218-1440	NEW-P	94-07-114	388-218-1940	NEW	94-10-065
388-217-3150	AMD-P	94-13-054	388-218-1440	NEW	94-10-065	388-219-0100	NEW-P	94-07-114
388-217-3150	AMD-E	94-13-055	388-218-1450	NEW-P	94-07-114	388-219-0100	NEW	94-10-065
388-217-3150	AMD	94-16-046	388-218-1450	NEW	94-10-065	388-219-0200	NEW-P	94-07-114
388-217-3200	NEW	94-04-043	388-218-1460	NEW-P	94-07-114	388-219-0200	NEW	94-10-065
388-217-3250	NEW	94-04-043	388-218-1460	NEW	94-10-065	388-219-1000	NEW-P	94-07-114
388-217-3300	NEW	94-04-043	388-218-1470	NEW-P	94-07-114	388-219-1000	NEW	94-10-065
388-217-3350	NEW	94-04-043	388-218-1470	NEW	94-10-065	388-219-1100	NEW-P	94-07-114
388-218-1010	NEW-P	94-07-114	388-218-1480	NEW-P	94-07-114	388-219-1100	NEW	94-10-065
388-218-1010	NEW	94-10-065	388-218-1480	NEW	94-10-065	388-219-1500	NEW-P	94-07-114
388-218-1010	AMD-P	94-13-008	388-218-1500	NEW-P	94-07-114	388-219-1500	NEW	94-10-065
388-218-1010	AMD-E	94-13-009	388-218-1500	NEW	94-10-065	388-219-1600	NEW-P	94-07-114
388-218-1010	AMD	94-16-044	388-218-1510	NEW-P	94-07-114	388-219-1600	NEW	94-10-065
388-218-1050	NEW-P	94-07-114	388-218-1510	NEW	94-10-065	388-219-1700	NEW-P	94-07-114
388-218-1050	NEW	94-10-065	388-218-1515	NEW-P	94-07-114	388-219-1700	NEW	94-10-065
388-218-1050	AMD-P	94-13-008	388-218-1515	NEW	94-10-065	388-219-2000	NEW-P	94-07-114
388-218-1050	AMD-E	94-13-009	388-218-1520	NEW-P	94-07-114	388-219-2000	NEW	94-10-065
388-218-1050	AMD	94-16-044	388-218-1520	NEW	94-10-065	388-219-2000	AMD-P	94-10-086
388-218-1100	NEW-P	94-07-114	388-218-1530	NEW-P	94-07-114	388-219-2000	AMD	94-13-050
388-218-1100	NEW	94-10-065	388-218-1530	NEW	94-10-065	388-219-2500	NEW-P	94-07-114
388-218-1110	NEW-P	94-07-114	388-218-1540	NEW-P	94-07-114	388-219-2500	NEW	94-10-065
388-218-1110	NEW	94-10-065	388-218-1540	NEW	94-10-065	388-219-2600	NEW-P	94-07-114
388-218-1120	NEW-P	94-07-114	388-218-1600	NEW-P	94-07-114	388-219-2600	NEW	94-10-065
388-218-1120	NEW	94-10-065	388-218-1600	NEW	94-10-065	388-219-3000	NEW-P	94-07-114
388-218-1130	NEW-P	94-07-114	388-218-1605	NEW-P	94-07-114	388-219-3000	NEW	94-10-065
388-218-1130	NEW	94-10-065	388-218-1605	NEW	94-10-065	388-219-3500	NEW-P	94-07-114
388-218-1130	AMD-P	94-13-008	388-218-1610	NEW-P	94-07-114	388-219-3500	NEW	94-10-065
388-218-1130	AMD-E	94-13-009	388-218-1610	NEW	94-10-065	388-225-0010	NEW-P	94-03-051
388-218-1130	AMD	94-16-044	388-218-1620	NEW-P	94-07-114	388-225-0010	NEW	94-06-026
388-218-1140	NEW-P	94-07-114	388-218-1620	NEW	94-10-065	388-225-0020	NEW-P	94-03-051
388-218-1140	NEW	94-10-065	388-218-1630	NEW-P	94-07-114	388-225-0020	NEW	94-06-026
388-218-1200	NEW-P	94-07-114	388-218-1630	NEW	94-10-065	388-225-0050	NEW-P	94-03-051
388-218-1200	NEW	94-10-065	388-218-1640	NEW-P	94-07-114	388-225-0050	NEW	94-06-026
388-218-1200	AMD-P	94-13-008	388-218-1640	NEW	94-10-065	388-225-0060	NEW-P	94-03-051
388-218-1200	AMD-E	94-13-009	388-218-1650	NEW-P	94-07-114	388-225-0060	NEW	94-06-026
388-218-1200	AMD	94-16-044	388-218-1650	NEW	94-10-065	388-225-0070	NEW-P	94-03-051
388-218-1210	NEW-P	94-07-114	388-218-1660	NEW-P	94-07-114	388-225-0070	NEW	94-06-026
388-218-1210	NEW	94-10-065	388-218-1660	NEW	94-10-065	388-225-0080	NEW-P	94-03-051
388-218-1210	AMD-P	94-13-008	388-218-1670	NEW-P	94-07-114	388-225-0080	NEW	94-06-026
388-218-1210	AMD-E	94-13-009	388-218-1670	NEW	94-10-065	388-225-0090	NEW-P	94-03-051
388-218-1210	AMD	94-16-044	388-218-1680	NEW-P	94-07-114	388-225-0090	NEW	94-06-026
388-218-1220	NEW-P	94-07-114	388-218-1680	NEW	94-10-065	388-225-0100	NEW-P	94-03-051
388-218-1220	NEW	94-10-065	388-218-1690	NEW-P	94-07-114	388-225-0100	NEW	94-06-026
388-218-1220	AMD-P	94-13-008	388-218-1690	NEW	94-10-065	388-225-0120	NEW-P	94-03-051
388-218-1220	AMD-E	94-13-009	388-218-1695	NEW-P	94-07-114	388-225-0120	NEW	94-06-026
388-218-1220	AMD	94-16-044	388-218-1695	NEW	94-10-065	388-225-0150	NEW-P	94-03-051
388-218-1230	NEW-P	94-07-114	388-218-1700	NEW-P	94-07-114	388-225-0150	NEW	94-06-026
388-218-1230	NEW	94-10-065	388-218-1700	NEW	94-10-065	388-225-0160	NEW-P	94-03-051
388-218-1230	AMD-P	94-13-008	388-218-1710	NEW-P	94-07-114	388-225-0160	NEW	94-06-026





Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-275-0090	NEW	94-04-033	388-504-0430	NEW	94-10-065	388-509-0910	PREP	94-13-102
388-320-115	AMD-P	94-13-025	388-504-0440	NEW-P	94-07-114	388-509-0910	AMD-E	94-14-053
388-320-115	AMD	94-16-047	388-504-0440	NEW	94-10-065	388-509-0910	AMD-P	94-14-055
388-320-130	AMD-P	94-13-025	388-504-0450	NEW-P	94-07-114	388-509-0910	AMD	94-17-036
388-320-130	AMD	94-16-047	388-504-0450	NEW	94-10-065	388-509-0920	NEW-P	94-07-114
388-320-135	AMD-P	94-13-025	388-504-0460	NEW-P	94-07-114	388-509-0920	NEW	94-10-065
388-320-135	AMD	94-16-047	388-504-0460	NEW	94-10-065	388-509-0920	PREP	94-13-102
388-320-220	AMD-P	94-13-025	388-504-0470	NEW-P	94-07-114	388-509-0920	AMD-E	94-14-053
388-320-220	AMD	94-16-047	388-504-0470	NEW	94-10-065	388-509-0920	AMD-P	94-14-055
388-320-240	AMD-P	94-13-025	388-504-0480	NEW-P	94-07-114	388-509-0920	AMD	94-17-036
388-320-240	AMD	94-16-047	388-504-0480	NEW	94-10-065	388-509-0940	NEW-P	94-07-114
388-500-0005	NEW-P	94-07-114	388-504-0485	NEW-P	94-07-114	388-509-0940	NEW	94-10-065
388-500-0005	NEW	94-10-065	388-504-0485	NEW	94-10-065	388-509-0960	NEW-P	94-07-114
388-500-0005	PREP	94-16-081	388-505-0501	NEW-P	94-07-114	388-509-0960	NEW	94-10-065
388-501-0105	NEW-P	94-07-114	388-505-0501	NEW	94-10-065	388-509-0960	PREP	94-13-102
388-501-0105	NEW	94-10-065	388-505-0505	NEW-P	94-07-114	388-509-0960	AMD-E	94-14-053
388-501-0110	NEW-P	94-07-114	388-505-0505	NEW	94-10-065	388-509-0960	AMD-P	94-14-055
388-501-0110	NEW	94-10-065	388-505-0510	NEW-P	94-07-114	388-509-0960	AMD	94-17-036
388-501-0125	NEW-P	94-07-114	388-505-0510	NEW	94-10-065	388-509-0970	NEW-P	94-07-114
388-501-0125	NEW	94-10-065	388-505-0520	NEW-P	94-07-114	388-509-0970	NEW	94-10-065
388-501-0130	NEW-P	94-07-114	388-505-0520	NEW	94-10-065	388-510-1020	NEW-P	94-07-114
388-501-0130	NEW	94-10-065	388-505-0530	NEW-P	94-07-114	388-510-1020	NEW	94-10-065
388-501-0135	NEW-P	94-07-114	388-505-0530	NEW	94-10-065	388-510-1030	NEW-P	94-07-114
388-501-0135	NEW	94-10-065	388-505-0540	NEW-P	94-07-114	388-510-1030	NEW	94-10-065
388-501-0140	NEW-P	94-07-114	388-505-0540	NEW	94-10-065	388-511-1105	NEW-P	94-07-114
388-501-0140	NEW	94-10-065	388-505-0560	NEW-P	94-07-114	388-511-1105	NEW	94-10-065
388-501-0150	NEW-P	94-07-114	388-505-0560	NEW	94-10-065	388-511-1105	PREP	94-18-009
388-501-0150	NEW	94-10-065	388-505-0570	NEW-P	94-07-114	388-511-1110	NEW-P	94-07-114
388-501-0160	NEW-P	94-07-114	388-505-0570	NEW	94-10-065	388-511-1110	NEW	94-10-065
388-501-0160	NEW	94-10-065	388-505-0580	NEW-P	94-07-114	388-511-1115	NEW-P	94-07-114
388-501-0165	NEW-P	94-07-114	388-505-0580	NEW	94-10-065	388-511-1115	NEW	94-10-065
388-501-0165	NEW	94-10-065	388-505-0580	PREP	94-16-079	388-511-1130	NEW-P	94-07-114
388-501-0170	NEW-P	94-07-114	388-505-0590	NEW-P	94-07-114	388-511-1130	NEW	94-10-065
388-501-0170	NEW	94-10-065	388-505-0590	NEW	94-10-065	388-511-1140	NEW-P	94-07-114
388-501-0175	NEW-P	94-07-114	388-505-0590	PREP	94-20-005	388-511-1140	NEW	94-10-065
388-501-0175	NEW	94-10-065	388-505-0595	NEW-P	94-07-114	388-511-1140	PREP	94-18-009
388-501-0180	NEW-P	94-07-114	388-505-0595	NEW	94-10-065	388-511-1150	NEW-P	94-07-114
388-501-0180	NEW	94-10-065	388-506-0610	NEW-P	94-07-114	388-511-1150	NEW	94-10-065
388-501-0190	NEW-P	94-07-114	388-506-0610	NEW	94-10-065	388-511-1160	NEW-P	94-07-114
388-501-0190	NEW	94-10-065	388-506-0610	PREP	94-13-103	388-511-1160	NEW	94-10-065
388-501-0195	NEW-P	94-07-114	388-506-0610	AMD-E	94-14-054	388-511-1160	PREP	94-18-009
388-501-0195	NEW-W	94-20-094	388-506-0610	AMD-P	94-14-057	388-511-1170	NEW-P	94-07-114
388-502-0205	NEW-P	94-07-114	388-506-0610	AMD	94-17-034	388-511-1170	NEW	94-10-065
388-502-0205	NEW	94-10-065	388-506-0610	PREP	94-20-006	388-512-1210	NEW-P	94-07-114
388-502-0210	NEW-P	94-07-114	388-506-0620	NEW-P	94-07-114	388-512-1210	NEW	94-10-065
388-502-0210	NEW	94-10-065	388-506-0620	NEW	94-10-065	388-512-1215	NEW-P	94-07-114
388-502-0220	NEW-P	94-07-114	388-506-0630	NEW-P	94-07-114	388-512-1215	NEW	94-10-065
388-502-0220	NEW	94-10-065	388-506-0630	NEW	94-10-065	388-512-1220	NEW-P	94-07-114
388-502-0230	NEW-P	94-07-114	388-507-0710	NEW-P	94-07-114	388-512-1220	NEW	94-10-065
388-502-0230	NEW	94-10-065	388-507-0710	NEW	94-10-065	388-512-1225	NEW-P	94-07-114
388-502-0250	NEW-P	94-07-114	388-507-0720	NEW-P	94-07-114	388-512-1225	NEW	94-10-065
388-502-0250	NEW	94-10-065	388-507-0720	NEW	94-10-065	388-512-1225	PREP	94-16-080
388-503-0305	NEW-P	94-07-114	388-507-0730	NEW-P	94-07-114	388-512-1230	NEW-P	94-07-114
388-503-0305	NEW	94-10-065	388-507-0730	NEW	94-10-065	388-512-1230	NEW	94-10-065
388-503-0310	NEW-P	94-07-114	388-507-0740	NEW-P	94-07-114	388-512-1235	NEW-P	94-07-114
388-503-0310	NEW	94-10-065	388-507-0740	NEW	94-10-065	388-512-1235	NEW	94-10-065
388-503-0310	PREP	94-13-102	388-508-0805	NEW-P	94-07-114	388-512-1240	NEW-P	94-07-114
388-503-0310	AMD-E	94-14-053	388-508-0805	NEW	94-10-065	388-512-1240	NEW	94-10-065
388-503-0310	AMD-P	94-14-055	388-508-0810	NEW-P	94-07-114	388-512-1245	NEW-P	94-07-114
388-503-0310	AMD	94-17-036	388-508-0810	NEW	94-10-065	388-512-1245	NEW	94-10-065
388-503-0320	NEW-P	94-07-114	388-508-0820	NEW-P	94-07-114	388-512-1250	NEW-P	94-07-114
388-503-0320	NEW	94-10-065	388-508-0820	NEW	94-10-065	388-512-1250	NEW	94-10-065
388-503-0350	NEW-P	94-07-114	388-508-0820	PREP	94-20-004	388-512-1255	NEW-P	94-07-114
388-503-0350	NEW	94-10-065	388-508-0830	NEW-P	94-07-114	388-512-1255	NEW	94-10-065
388-503-0370	NEW-P	94-07-114	388-508-0830	NEW	94-10-065	388-512-1260	NEW-P	94-07-114
388-503-0370	NEW	94-10-065	388-508-0835	NEW-P	94-07-114	388-512-1260	NEW	94-10-065
388-504-0405	NEW-P	94-07-114	388-508-0835	NEW	94-10-065	388-512-1265	NEW-P	94-07-114
388-504-0405	NEW	94-10-065	388-508-0840	NEW-P	94-07-114	388-512-1265	NEW	94-10-065
388-504-0410	NEW-P	94-07-114	388-508-0840	NEW	94-10-065	388-512-1275	NEW-P	94-07-114
388-504-0410	NEW	94-10-065	388-509-0905	NEW-P	94-07-114	388-512-1275	NEW	94-10-065
388-504-0420	NEW-P	94-07-114	388-509-0905	NEW	94-10-065	388-512-1280	NEW-P	94-07-114
388-504-0420	NEW	94-10-065	388-509-0910	NEW-P	94-07-114	388-512-1280	NEW	94-10-065
388-504-0430	NEW-P	94-07-114	388-509-0910	NEW	94-10-065	388-513-1300	PREP	94-20-003

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-513-1305	NEW-P	94-07-114	388-519-1950	NEW	94-10-065	390-16-012	AMD	94-05-011
388-513-1305	NEW	94-10-065	388-521-2105	NEW-P	94-07-114	390-16-031	AMD	94-05-011
388-513-1310	NEW-P	94-07-114	388-521-2105	NEW	94-10-065	390-16-032	AMD	94-05-011
388-513-1310	NEW	94-10-065	388-521-2110	NEW-P	94-07-114	390-16-033	AMD	94-05-011
388-513-1315	NEW-P	94-07-114	388-521-2110	NEW	94-10-065	390-16-038	AMD-E	94-18-060
388-513-1315	NEW	94-10-065	388-521-2120	NEW-P	94-07-114	390-16-041	AMD	94-05-011
388-513-1320	NEW-P	94-07-114	388-521-2120	NEW	94-10-065	390-16-050	AMD	94-05-011
388-513-1320	NEW	94-10-065	388-521-2130	NEW-P	94-07-114	390-16-071	NEW-E	94-07-001
388-513-1320	PREP	94-20-003	388-521-2130	NEW	94-10-065	390-16-071	NEW-P	94-07-035
388-513-1330	NEW-P	94-07-114	388-521-2140	NEW-P	94-07-114	390-16-071	NEW	94-11-016
388-513-1330	NEW	94-10-065	388-521-2140	NEW	94-10-065	390-16-207	AMD-P	94-07-035
388-513-1340	NEW-P	94-07-114	388-521-2150	NEW-P	94-07-114	390-16-207	AMD	94-11-016
388-513-1340	NEW	94-10-065	388-521-2150	NEW	94-10-065	390-16-238	NEW-P	94-05-097
388-513-1345	NEW-P	94-07-114	388-521-2155	NEW-P	94-07-114	390-16-238	NEW	94-07-141
388-513-1345	NEW	94-10-065	388-521-2155	NEW	94-10-065	390-16-245	NEW-P	94-05-097
388-513-1350	NEW-P	94-07-114	388-521-2160	NEW-P	94-07-114	390-16-245	NEW	94-07-141
388-513-1350	NEW	94-10-065	388-521-2160	NEW	94-10-065	390-16-300	AMD-P	94-05-097
388-513-1350	PREP	94-15-029	388-521-2170	NEW-P	94-07-114	390-16-308	AMD-P	94-07-035
388-513-1360	NEW-P	94-07-114	388-521-2170	NEW	94-10-065	390-16-308	AMD-P	94-07-088
388-513-1360	NEW	94-10-065	388-522-2205	NEW-P	94-07-114	390-16-308	AMD-W	94-07-089
388-513-1365	NEW-P	94-07-114	388-522-2205	NEW	94-10-065	390-16-308	AMD	94-11-016
388-513-1365	NEW	94-10-065	388-522-2210	NEW-P	94-07-114	390-16-309	NEW-E	94-07-001
388-513-1365	PREP	94-15-030	388-522-2210	NEW	94-10-065	390-16-309	NEW-P	94-07-035
388-513-1380	NEW-P	94-07-114	388-522-2230	NEW-P	94-07-114	390-16-309	NEW-W	94-08-080
388-513-1380	NEW	94-10-065	388-522-2230	NEW	94-10-065	390-16-309	NEW	94-11-016
388-513-1380	PREP	94-17-128	388-523-2305	NEW-P	94-07-114	390-16-310	AMD-P	94-07-035
388-513-1395	NEW-P	94-07-114	388-523-2305	NEW	94-10-065	390-16-310	AMD-P	94-07-088
388-513-1395	NEW	94-10-065	388-523-2320	NEW-P	94-07-114	390-16-310	AMD-W	94-07-089
388-513-1396	NEW-P	94-07-114	388-523-2320	NEW	94-10-065	390-16-310	AMD	94-11-016
388-513-1396	NEW	94-10-065	388-524-2405	NEW-P	94-07-114	390-16-311	NEW-P	94-07-142
388-515-1505	NEW-P	94-07-114	388-524-2405	NEW	94-10-065	390-16-311	NEW	94-11-017
388-515-1505	NEW	94-10-065	388-524-2420	NEW-P	94-07-114	390-16-313	NEW-E	94-18-060
388-515-1510	NEW-P	94-07-114	388-524-2420	NEW	94-10-065	390-16-314	NEW-E	94-18-060
388-515-1510	NEW	94-10-065	388-525-2505	NEW-P	94-07-114	390-16-315	AMD-P	94-05-097
388-515-1530	NEW-P	94-07-114	388-525-2505	NEW	94-10-065	390-16-324	NEW-P	94-03-087
388-515-1530	NEW	94-10-065	388-525-2520	NEW-P	94-07-114	390-16-324	NEW-W	94-04-121
388-517-1710	NEW-P	94-07-114	388-525-2520	NEW	94-10-065	390-17-050	REP-E	94-18-060
388-517-1710	NEW	94-10-065	388-525-2570	NEW-P	94-07-114	390-17-052	REP-E	94-18-060
388-517-1710	PREP	94-16-082	388-525-2570	NEW	94-10-065	390-17-071	NEW	94-05-010
388-517-1715	NEW-P	94-07-114	388-526-2610	NEW-P	94-07-114	390-17-300	AMD-P	94-03-087
388-517-1715	NEW	94-10-065	388-526-2610	NEW	94-10-065	390-17-300	AMD-W	94-04-121
388-517-1715	PREP	94-16-082	388-527-2710	NEW-P	94-07-114	390-17-300	AMD	94-07-141
388-517-1720	NEW-P	94-07-114	388-527-2710	NEW	94-10-065	390-17-315	AMD-P	94-03-087
388-517-1720	NEW	94-10-065	388-527-2710	PREP	94-13-104	390-17-315	AMD-W	94-04-121
388-517-1730	NEW-P	94-07-114	388-527-2710	AMD-E	94-14-052	390-17-315	AMD	94-07-141
388-517-1730	NEW	94-10-065	388-527-2710	AMD-P	94-14-056	390-17-320	NEW-P	94-07-035
388-517-1730	PREP	94-16-082	388-527-2710	AMD	94-17-035	390-17-320	NEW	94-11-016
388-517-1740	NEW-P	94-07-114	388-527-2720	NEW-P	94-07-114	390-17-405	NEW-P	94-07-142
388-517-1740	NEW	94-10-065	388-527-2720	NEW	94-10-065	390-17-405	NEW	94-11-017
388-517-1750	NEW-P	94-07-114	388-528-2810	NEW-P	94-07-114	390-20-148	NEW-P	94-07-035
388-517-1750	NEW	94-10-065	388-528-2810	NEW	94-10-065	390-20-148	NEW	94-11-016
388-517-1760	NEW-P	94-07-114	388-529-2910	NEW-P	94-07-114	390-20-052	AMD-P	94-07-035
388-517-1760	NEW	94-10-065	388-529-2910	NEW	94-10-065	390-20-052	AMD	94-11-016
388-518-1805	NEW-P	94-07-114	388-529-2920	NEW-P	94-07-114	390-24-030	REP	94-05-010
388-518-1805	NEW	94-10-065	388-529-2920	NEW	94-10-065	390-24-031	REP	94-05-010
388-518-1805	PREP	94-20-007	388-529-2930	NEW-P	94-07-114	390-24-160	AMD	94-05-010
388-518-1810	NEW-P	94-07-114	388-529-2930	NEW	94-10-065	390-37-070	AMD	94-05-010
388-518-1810	NEW	94-10-065	388-529-2940	NEW-P	94-07-114	390-37-105	AMD	94-05-010
388-518-1820	NEW-P	94-07-114	388-529-2940	NEW	94-10-065	390-37-142	AMD	94-05-010
388-518-1820	NEW	94-10-065	388-529-2950	NEW-P	94-07-114	392-109	PREP	94-15-012
388-518-1830	NEW-P	94-07-114	388-529-2950	NEW	94-10-065	392-121	PREP	94-17-097
388-518-1830	NEW	94-10-065	388-529-2960	NEW-P	94-07-114	392-121-106	AMD-P	94-18-015
388-518-1840	NEW-P	94-07-114	388-529-2960	NEW	94-10-065	392-121-10601	NEW-P	94-18-015
388-518-1840	NEW	94-10-065	388-538-110	AMD	94-04-038	392-121-10602	NEW-P	94-18-015
388-518-1850	NEW-P	94-07-114	390-05-190	AMD-E	94-18-060	392-121-10603	NEW-P	94-18-015
388-518-1850	NEW	94-10-065	390-05-210	AMD-E	94-18-060	392-121-10604	NEW-P	94-18-015
388-519-1905	NEW-P	94-07-114	390-05-210	PREP	94-19-052	392-121-107	AMD-P	94-18-015
388-519-1905	NEW	94-10-065	390-05-235	AMD-P	94-07-088	392-121-108	AMD-P	94-18-015
388-519-1910	NEW-P	94-07-114	390-05-235	AMD	94-11-018	392-121-111	AMD-P	94-18-015
388-519-1910	NEW	94-10-065	390-05-245	NEW-E	94-18-060	392-121-122	AMD-P	94-18-015
388-519-1930	NEW-P	94-07-114	390-12-010	AMD	94-05-010	392-121-123	AMD-P	94-18-015
388-519-1930	NEW	94-10-065	390-14-040	AMD	94-05-010	392-121-136	AMD-P	94-18-015
388-519-1950	NEW-P	94-07-114	390-16-011	AMD	94-05-011	392-121-137	NEW-P	94-18-015

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-121-138	NEW-P	94-18-015	392-140-505	NEW	94-12-002	392-141-175	AMD	94-17-058
392-121-161	REP-P	94-18-015	392-140-506	NEW-P	94-04-122	392-157-005	NEW	94-04-097
392-121-181	REP-P	94-18-015	392-140-506	NEW	94-12-002	392-157-010	NEW	94-04-097
392-121-182	AMD-P	94-18-015	392-140-507	NEW-P	94-04-122	392-157-015	NEW	94-04-097
392-121-183	AMD-P	94-18-015	392-140-507	NEW	94-12-002	392-157-020	NEW	94-04-097
392-121-184	AMD-P	94-18-015	392-140-508	NEW-P	94-04-122	392-157-025	NEW	94-04-097
392-121-187	NEW-P	94-13-107	392-140-508	NEW	94-12-002	392-157-030	NEW	94-04-097
392-121-187	NEW	94-17-096	392-140-509	NEW-P	94-04-122	392-157-035	NEW	94-04-097
392-121-188	NEW-P	94-18-015	392-140-509	NEW	94-12-002	392-157-040	NEW	94-04-097
392-122	PREP	94-17-117	392-140-510	NEW-P	94-04-122	392-157-045	NEW	94-04-097
392-127-700	REP	94-04-096	392-140-510	NEW	94-12-002	392-157-050	NEW	94-04-097
392-127-703	REP	94-04-096	392-140-511	NEW-P	94-04-122	392-157-055	NEW	94-04-097
392-127-705	REP	94-04-096	392-140-511	NEW	94-12-002	392-157-060	NEW	94-04-097
392-127-710	REP	94-04-096	392-140-512	NEW-P	94-04-122	392-157-065	NEW	94-04-097
392-127-715	REP	94-04-096	392-140-512	NEW	94-12-002	392-157-070	NEW	94-04-097
392-127-720	REP	94-04-096	392-140-516	NEW-P	94-04-122	392-157-075	NEW	94-04-097
392-127-725	REP	94-04-096	392-140-516	NEW	94-12-002	392-157-080	NEW	94-04-097
392-127-730	REP	94-04-096	392-140-517	NEW-P	94-04-122	392-157-085	NEW	94-04-097
392-127-735	REP	94-04-096	392-140-517	NEW	94-12-002	392-157-090	NEW	94-04-097
392-127-740	REP	94-04-096	392-140-518	NEW-P	94-04-122	392-157-095	NEW	94-04-097
392-127-745	REP	94-04-096	392-140-518	NEW	94-12-002	392-157-100	NEW	94-04-097
392-127-750	REP	94-04-096	392-140-519	NEW-P	94-04-122	392-157-105	NEW	94-04-097
392-127-755	REP	94-04-096	392-140-519	NEW	94-12-002	392-157-110	NEW	94-04-097
392-127-760	REP	94-04-096	392-140-525	NEW-P	94-11-066	392-157-115	NEW	94-04-097
392-127-765	REP	94-04-096	392-140-525	NEW	94-14-050	392-157-120	NEW	94-04-097
392-127-770	REP	94-04-096	392-140-527	NEW-P	94-11-066	392-157-125	NEW	94-04-097
392-127-775	REP	94-04-096	392-140-527	NEW	94-14-050	392-157-130	NEW	94-04-097
392-127-780	REP	94-04-096	392-140-529	NEW-P	94-11-066	392-157-135	NEW	94-04-097
392-127-785	REP	94-04-096	392-140-529	NEW	94-14-050	392-157-140	NEW	94-04-097
392-127-790	REP	94-04-096	392-140-530	NEW-P	94-11-066	392-157-145	NEW	94-04-097
392-127-795	REP	94-04-096	392-140-530	NEW	94-14-050	392-157-150	NEW	94-04-097
392-127-800	REP	94-04-096	392-140-531	NEW-P	94-11-066	392-157-155	NEW	94-04-097
392-127-805	REP	94-04-096	392-140-531	NEW	94-14-050	392-157-160	NEW	94-04-097
392-127-815	REP	94-04-096	392-140-533	NEW-P	94-11-066	392-157-165	NEW	94-04-097
392-127-820	REP	94-04-096	392-140-533	NEW	94-14-050	392-157-170	NEW	94-04-097
392-127-825	REP	94-04-096	392-140-535	NEW-P	94-11-066	392-157-175	NEW	94-04-097
392-127-830	REP	94-04-096	392-140-535	NEW	94-14-050	392-157-180	NEW	94-04-097
392-139-685	AMD-P	94-18-041	392-140-536	NEW-P	94-11-066	392-160	PREP	94-19-007
392-140-190	REP-P	94-11-066	392-140-536	NEW	94-14-050	392-163-400	AMD-P	94-04-094
392-140-190	REP	94-14-050	392-140-537	NEW-P	94-11-066	392-163-400	AMD	94-07-103
392-140-191	REP-P	94-11-066	392-140-537	NEW	94-14-050	392-163-405	AMD-P	94-04-094
392-140-191	REP	94-14-050	392-140-538	NEW-P	94-11-066	392-163-405	AMD	94-07-103
392-140-192	REP-P	94-11-066	392-140-538	NEW	94-14-050	392-163-440	AMD-P	94-04-094
392-140-192	REP	94-14-050	392-140-540	NEW-P	94-13-210	392-163-440	AMD	94-07-103
392-140-193	REP-P	94-11-066	392-140-540	NEW	94-17-131	392-163-445	AMD-P	94-04-094
392-140-193	REP	94-14-050	392-140-542	NEW-P	94-13-210	392-163-445	AMD	94-07-103
392-140-194	REP-P	94-11-066	392-140-542	NEW	94-17-131	392-163-530	AMD-P	94-04-094
392-140-194	REP	94-14-050	392-140-543	NEW-P	94-13-210	392-163-530	AMD	94-07-103
392-140-195	REP-P	94-11-066	392-140-543	NEW	94-17-131	392-163-580	AMD-P	94-04-094
392-140-195	REP	94-14-050	392-140-544	NEW-P	94-13-210	392-163-580	AMD	94-07-103
392-140-196	REP-P	94-11-066	392-140-544	NEW	94-17-131	392-169-005	NEW	94-04-095
392-140-196	REP	94-14-050	392-140-545	NEW-P	94-13-210	392-169-010	NEW	94-04-095
392-140-197	REP-P	94-11-066	392-140-545	NEW	94-17-131	392-169-015	NEW	94-04-095
392-140-197	REP	94-14-050	392-140-548	NEW-P	94-13-210	392-169-020	NEW	94-04-095
392-140-198	REP-P	94-11-066	392-140-548	NEW	94-17-131	392-169-022	NEW	94-04-095
392-140-198	REP	94-14-050	392-140-549	NEW-P	94-13-210	392-169-023	NEW	94-04-095
392-140-199	REP-P	94-11-066	392-140-549	NEW	94-17-131	392-169-025	NEW	94-04-095
392-140-199	REP	94-14-050	392-140-551	NEW-P	94-13-210	392-169-030	NEW	94-04-095
392-140-200	REP-P	94-11-066	392-140-551	NEW	94-17-131	392-169-035	NEW	94-04-095
392-140-200	REP	94-14-050	392-140-552	NEW-P	94-13-210	392-169-040	NEW	94-04-095
392-140-201	REP-P	94-11-066	392-140-552	NEW	94-17-131	392-169-045	NEW	94-04-095
392-140-201	REP	94-14-050	392-140-553	NEW-P	94-13-210	392-169-050	NEW	94-04-095
392-140-202	REP-P	94-11-066	392-140-553	NEW	94-17-131	392-169-055	NEW	94-04-095
392-140-202	REP	94-14-050	392-140-555	NEW-P	94-13-210	392-169-057	NEW	94-04-095
392-140-500	NEW-P	94-04-122	392-140-555	NEW	94-17-131	392-169-060	NEW	94-04-095
392-140-500	NEW	94-12-002	392-140-557	NEW-P	94-13-210	392-169-065	NEW	94-04-095
392-140-501	NEW-P	94-04-122	392-140-557	NEW	94-17-131	392-169-070	NEW	94-04-095
392-140-501	NEW	94-12-002	392-140-559	NEW-P	94-13-210	392-169-075	NEW	94-04-095
392-140-503	NEW-P	94-04-122	392-140-559	NEW	94-17-131	392-169-080	NEW	94-04-095
392-140-503	NEW	94-12-002	392-141	PREP	94-14-076	392-169-085	NEW	94-04-095
392-140-504	NEW-P	94-04-122	392-141-160	AMD-P	94-14-093	392-169-090	NEW	94-04-095
392-140-504	NEW	94-12-002	392-141-160	AMD	94-17-058	392-169-095	NEW	94-04-095
392-140-505	NEW-P	94-04-122	392-141-175	AMD-P	94-14-093	392-169-100	NEW	94-04-095

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-169-105	NEW	94-04-095	392-320-055	NEW-P	94-04-025	415-113-090	NEW-P	94-19-101
392-169-110	NEW	94-04-095	392-320-055	NEW	94-07-102	415-113-100	NEW-P	94-19-101
392-169-115	NEW	94-04-095	392-320-060	NEW-P	94-04-025	419-70	AMD-C	94-18-107
392-169-120	NEW	94-04-095	392-320-060	NEW	94-07-102	419-70-010	AMD-P	94-13-043
392-169-125	NEW	94-04-095	392-330-010	NEW-P	94-08-074	419-70-020	AMD-P	94-13-043
392-190-056	NEW-P	94-18-040	392-330-010	NEW	94-12-019	419-70-040	AMD-P	94-13-043
392-190-057	NEW-P	94-18-040	392-330-020	NEW-P	94-08-074	419-72	AMD-C	94-18-106
392-190-058	NEW-P	94-18-040	392-330-020	NEW	94-12-019	419-72-010	AMD-P	94-13-044
392-196-011	AMD-P	94-11-120	392-330-030	NEW-P	94-08-074	419-72-015	AMD-P	94-13-044
392-196-015	REP-P	94-11-120	392-330-030	NEW	94-12-019	419-72-020	AMD-P	94-13-044
392-196-015	REP	94-16-019	392-330-040	NEW-P	94-08-074	419-72-025	AMD-P	94-13-044
392-196-020	AMD-P	94-11-120	392-330-040	NEW	94-12-019	419-72-030	AMD-P	94-13-044
392-196-020	AMD	94-16-019	392-330-050	NEW-P	94-08-074	419-72-035	AMD-P	94-13-044
392-196-025	REP-P	94-11-120	392-330-050	NEW	94-12-019	419-72-040	AMD-P	94-13-044
392-196-025	REP	94-16-019	392-330-060	NEW-P	94-08-074	419-72-045	AMD-P	94-13-044
392-196-030	REP-P	94-11-120	392-330-060	NEW	94-12-019	419-72-050	AMD-P	94-13-044
392-196-030	REP	94-16-019	392-330-070	NEW-P	94-08-074	419-72-055	AMD-P	94-13-044
392-196-035	REP-P	94-11-120	392-330-070	NEW	94-12-019	419-72-060	AMD-P	94-13-044
392-196-035	REP	94-16-019	392-330-080	NEW-P	94-08-074	419-72-065	AMD-P	94-13-044
392-196-037	REP-P	94-11-120	392-330-080	NEW	94-12-019	419-72-068	NEW-P	94-13-044
392-196-037	REP	94-16-019	415-02-030	AMD-P	94-05-012	419-72-070	AMD-P	94-13-044
392-196-040	REP-P	94-11-120	415-02-030	AMD	94-09-039	419-72-075	AMD-P	94-13-044
392-196-040	REP	94-16-019	415-02-110	NEW-P	94-05-012	419-72-080	AMD-P	94-13-044
392-196-045	REP-P	94-11-120	415-02-110	NEW	94-09-039	419-72-090	REP-P	94-13-044
392-196-045	REP	94-16-019	415-100-190	NEW-P	94-07-143	419-72-095	REP-P	94-13-044
392-196-050	REP-P	94-11-120	415-100-190	NEW	94-11-008	434-55	PREP	94-12-085
392-196-050	REP	94-16-019	415-104-111	NEW-P	94-05-013	434-55-015	AMD-P	94-16-148
392-196-055	AMD-P	94-11-120	415-104-111	NEW	94-09-040	434-55-015	AMD	94-19-003
392-196-055	AMD	94-16-019	415-108-010	AMD-P	94-07-144	434-55-016	AMD-P	94-16-148
392-196-060	AMD-P	94-11-120	415-108-010	AMD	94-11-009	434-55-016	AMD	94-19-003
392-196-060	AMD	94-16-019	415-108-461	NEW-P	94-13-048	434-55-030	REP-P	94-16-148
392-196-066	REP-P	94-11-120	415-108-461	NEW-S	94-13-197	434-55-030	REP	94-19-003
392-196-066	REP	94-16-019	415-108-461	NEW	94-16-086	434-55-040	AMD-P	94-16-148
392-196-077	NEW-P	94-11-120	415-108-462	NEW-P	94-13-048	434-55-040	AMD	94-19-003
392-196-077	NEW	94-16-019	415-108-462	NEW-S	94-13-197	434-55-055	AMD-P	94-16-148
392-196-080	REP-P	94-11-120	415-108-462	NEW	94-16-086	434-55-055	AMD	94-19-003
392-196-080	REP	94-16-019	415-108-510	AMD-P	94-07-144	434-55-060	AMD-P	94-16-148
392-196-085	REP-P	94-11-120	415-108-510	AMD	94-11-009	434-55-060	AMD	94-19-003
392-196-085	REP	94-16-019	415-108-530	NEW-P	94-07-144	434-55-065	AMD-P	94-16-148
392-196-086	NEW-P	94-11-120	415-108-530	NEW	94-11-009	434-55-065	AMD	94-19-003
392-196-086	NEW	94-16-019	415-108-540	NEW-P	94-07-144	434-55-066	AMD-P	94-16-148
392-196-089	NEW-P	94-11-120	415-108-540	NEW	94-11-009	434-55-066	AMD	94-19-003
392-196-089	NEW	94-16-019	415-108-550	NEW-P	94-08-087	434-55-070	NEW-P	94-16-148
392-196-095	REP-P	94-11-120	415-108-550	NEW	94-12-014	434-55-070	NEW	94-19-003
392-196-095	REP	94-16-019	415-108-560	NEW-P	94-08-087	434-55-080	NEW-P	94-16-148
392-196-100	AMD-P	94-11-120	415-108-560	NEW	94-12-014	434-55-080	NEW	94-19-003
392-196-100	AMD	94-16-019	415-108-570	NEW-P	94-08-087	434-60-210	NEW	94-07-018
392-196-105	REP-P	94-11-120	415-108-570	NEW	94-12-014	434-60-215	NEW	94-07-018
392-196-105	REP	94-16-019	415-108-580	NEW-P	94-05-013	434-60-220	NEW	94-07-018
392-202-110	AMD-P	94-16-022	415-108-580	NEW	94-09-040	434-60-230	NEW	94-07-018
392-202-110	AMD	94-20-008	415-112-015	AMD-P	94-07-144	434-60-240	NEW	94-07-018
392-202-120	AMD-P	94-16-022	415-112-015	AMD	94-11-009	434-60-250	NEW	94-07-018
392-202-120	AMD	94-20-008	415-112-409	NEW-P	94-13-048	434-60-260	NEW	94-07-018
392-320-005	NEW-P	94-04-025	415-112-415	AMD-P	94-07-144	434-60-270	NEW	94-07-018
392-320-005	NEW	94-07-102	415-112-415	AMD	94-11-009	434-60-280	NEW	94-07-018
392-320-010	NEW-P	94-04-025	415-112-415	PREP	94-16-018	434-60-290	NEW	94-07-018
392-320-010	NEW	94-07-102	415-112-415	AMD-P	94-18-101	434-60-300	NEW	94-07-018
392-320-015	NEW-P	94-04-025	415-112-840	NEW-P	94-05-013	434-60-310	NEW	94-07-018
392-320-015	NEW	94-07-102	415-112-840	NEW-P	94-07-144	434-60-320	NEW	94-07-018
392-320-020	NEW-P	94-04-025	415-112-840	NEW	94-09-040	434-60-330	NEW	94-07-018
392-320-020	NEW	94-07-102	415-112-850	NEW	94-11-009	434-60-340	NEW	94-07-018
392-320-025	NEW-P	94-04-025	415-113-010	REP-P	94-19-101	434-60-350	NEW	94-07-018
392-320-025	NEW	94-07-102	415-113-020	REP-P	94-19-101	434-110-010	AMD-P	94-16-149
392-320-030	NEW-P	94-04-025	415-113-030	AMD-P	94-19-101	434-110-010	AMD	94-19-004
392-320-030	NEW	94-07-102	415-113-035	NEW-P	94-19-101	434-110-060	AMD-P	94-16-149
392-320-035	NEW-P	94-04-025	415-113-040	REP-P	94-19-101	434-110-060	AMD	94-19-004
392-320-035	NEW	94-07-102	415-113-045	NEW-P	94-19-101	434-110-070	AMD-E	94-12-086
392-320-040	NEW-P	94-04-025	415-113-050	REP-P	94-19-101	434-110-070	AMD-P	94-16-149
392-320-040	NEW	94-07-102	415-113-055	NEW-P	94-19-101	434-110-070	AMD	94-19-004
392-320-045	NEW-P	94-04-025	415-113-060	REP-P	94-19-101	434-110-075	AMD-E	94-12-086
392-320-045	NEW	94-07-102	415-113-065	NEW-P	94-19-101	434-110-075	AMD-P	94-16-149
392-320-050	NEW-P	94-04-025	415-113-070	NEW-P	94-19-101	434-110-075	AMD	94-19-004
392-320-050	NEW	94-07-102	415-113-080	NEW-P	94-19-101	434-110-120	AMD-P	94-16-149

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-110-120	AMD	94-19-004	456-09-130	PREP	94-20-067	458-19-015	NEW	94-07-066
434-120-120	NEW-W	94-10-054	456-09-230	PREP	94-20-067	458-19-020	NEW	94-07-066
434-130-010	NEW-P	94-16-147	456-09-320	PREP	94-20-067	458-19-025	NEW	94-07-066
434-130-010	NEW	94-19-005	456-09-325	AMD-P	94-03-056	458-19-030	NEW	94-07-066
434-130-020	NEW-P	94-16-147	456-09-325	AMD	94-07-044	458-19-035	NEW	94-07-066
434-130-020	NEW	94-19-005	456-09-325	PREP	94-20-067	458-19-040	NEW	94-07-066
434-130-030	NEW-P	94-16-147	456-09-330	PREP	94-20-067	458-19-045	NEW	94-07-066
434-130-030	NEW	94-19-005	456-09-340	PREP	94-20-067	458-19-050	NEW	94-07-066
434-130-040	NEW-P	94-16-147	456-09-350	PREP	94-20-067	458-19-055	NEW	94-07-066
434-130-040	NEW	94-19-005	456-09-365	AMD-P	94-03-056	458-19-060	NEW	94-07-066
434-130-050	NEW-P	94-16-147	456-09-365	AMD	94-07-044	458-19-065	NEW	94-07-066
434-130-050	NEW	94-19-005	456-09-365	PREP	94-20-067	458-19-070	NEW	94-07-066
434-130-060	NEW-P	94-16-147	456-09-540	PREP	94-20-067	458-19-075	NEW	94-07-066
434-130-060	NEW	94-19-005	456-09-705	PREP	94-20-067	458-19-080	NEW	94-07-066
434-130-070	NEW-P	94-16-147	456-09-710	PREP	94-20-067	458-20-101	PREP	94-18-131
434-130-070	NEW	94-19-005	456-09-725	PREP	94-20-067	458-20-102	AMD-E	94-05-083
434-130-080	NEW-P	94-16-147	456-09-730	PREP	94-20-067	458-20-102	AMD-P	94-06-004
434-130-080	NEW	94-19-005	456-09-930	PREP	94-20-067	458-20-102	AMD-E	94-13-030
434-130-090	NEW-P	94-16-147	456-09-935	PREP	94-20-067	458-20-102	AMD	94-13-031
434-130-090	NEW	94-19-005	456-09-945	PREP	94-20-067	458-20-104	PREP	94-18-130
434-130-100	NEW-P	94-16-147	456-09-955	PREP	94-20-067	458-20-121	AMD	94-13-033
434-130-100	NEW	94-19-005	456-10-010	AMD-P	94-03-057	458-20-122	AMD-P	94-03-035
434-615-030	AMD-P	94-15-072	456-10-010	AMD	94-07-043	458-20-122	AMD	94-07-049
434-615-030	AMD-C	94-19-033	456-10-110	PREP	94-20-066	458-20-125	REP-P	94-03-037
434-663-001	NEW-W	94-03-081	456-10-140	PREP	94-20-066	458-20-125	REP	94-07-051
434-663-005	NEW-W	94-03-081	456-10-320	PREP	94-20-066	458-20-165	AMD	94-09-016
434-663-020	NEW-W	94-03-081	456-10-325	AMD-P	94-03-057	458-20-166	AMD	94-05-001
434-663-030	NEW-W	94-03-081	456-10-325	AMD	94-07-043	458-20-167	AMD-P	94-03-047
434-663-050	NEW-W	94-03-081	456-10-325	PREP	94-20-066	458-20-167	AMD	94-07-047
434-663-060	NEW-W	94-03-081	456-10-330	PREP	94-20-066	458-20-168	AMD-E	94-05-084
434-663-070	NEW-W	94-03-081	456-10-340	PREP	94-20-066	458-20-168	AMD	94-11-097
434-663-100	NEW	94-04-102	456-10-360	AMD-P	94-03-057	458-20-174	AMD-P	94-07-023
434-663-200	NEW	94-04-102	456-10-360	AMD	94-07-043	458-20-174	AMD	94-18-003
434-663-210	NEW	94-04-102	456-10-360	PREP	94-20-066	458-20-17401	NEW-P	94-07-024
434-663-220	NEW	94-04-102	456-10-505	PREP	94-20-066	458-20-17401	NEW	94-18-004
434-663-230	NEW	94-04-102	456-10-510	PREP	94-20-066	458-20-179	AMD	94-13-034
434-663-240	NEW	94-04-102	456-10-525	PREP	94-20-066	458-20-185	AMD-P	94-07-025
434-663-250	NEW	94-04-102	456-10-530	PREP	94-20-066	458-20-185	AMD	94-10-061
434-663-260	NEW	94-04-102	456-10-730	PREP	94-20-066	458-20-186	AMD-P	94-07-026
434-663-300	NEW	94-04-102	456-10-755	PREP	94-20-066	458-20-186	AMD	94-10-062
434-663-310	NEW	94-04-102	458-16-100	AMD	94-07-008	458-20-186	AMD	94-10-062
434-663-320	NEW	94-04-102	458-16-110	AMD	94-07-008	458-20-209	AMD-P	94-03-036
434-663-400	NEW	94-04-102	458-16-111	AMD	94-07-008	458-20-209	AMD	94-07-050
434-663-410	NEW	94-04-102	458-16-130	AMD	94-07-008	458-20-210	AMD-P	94-03-034
434-663-420	NEW	94-04-102	458-16-150	AMD	94-07-008	458-20-210	AMD	94-07-048
434-663-430	NEW	94-04-102	458-16-165	NEW	94-07-008	458-20-226	AMD-P	94-10-013
434-663-440	NEW	94-04-102	458-16-180	AMD	94-07-008	458-20-238	PREP	94-03-046
434-663-450	NEW	94-04-102	458-16-190	AMD	94-07-008	458-20-24003	PREP	94-20-129
434-663-460	NEW	94-04-102	458-16-200	AMD	94-07-008	458-20-258	AMD-E	94-05-086
434-663-470	NEW	94-04-102	458-16-210	AMD	94-07-008	458-20-258	AMD-E	94-13-029
434-663-480	NEW	94-04-102	458-16-215	PREP	94-07-123	458-20-258	AMD-E	94-20-130
434-663-490	NEW	94-04-102	458-16-215	NEW-P	94-11-099	458-20-261	NEW-P	94-07-027
434-663-500	NEW	94-04-102	458-16-215	NEW	94-15-041	458-20-261	NEW-W	94-20-093
434-663-510	NEW	94-04-102	458-16-220	AMD	94-07-008	458-20-901	NEW-E	94-05-085
434-663-520	NEW	94-04-102	458-16-230	AMD	94-07-008	458-20-901	NEW-E	94-13-032
434-663-530	NEW	94-04-102	458-16-240	AMD	94-07-008	458-30-200	PREP	94-13-096
434-663-600	NEW	94-04-102	458-16-245	NEW	94-07-008	458-30-205	PREP	94-13-096
434-663-610	NEW	94-04-102	458-16-260	AMD	94-07-008	458-30-210	PREP	94-13-096
434-663-620	NEW	94-04-102	458-16-270	AMD	94-07-008	458-30-215	PREP	94-13-096
434-663-630	NEW	94-04-102	458-16-280	AMD	94-07-008	458-30-220	PREP	94-13-096
440-22-010	PREP	94-19-031	458-16-282	AMD	94-07-008	458-30-225	PREP	94-13-096
440-22-110	PREP	94-19-031	458-16-284	NEW	94-07-008	458-30-230	PREP	94-13-096
440-22-120	PREP	94-19-031	458-16-286	NEW	94-07-008	458-30-232	PREP	94-13-096
440-22-205	NEW-W	94-07-072	458-16-290	AMD	94-07-008	458-30-235	PREP	94-13-096
446-65	AMD-P	94-05-023	458-16-300	AMD	94-07-008	458-30-240	PREP	94-13-096
446-65	AMD	94-08-004	458-16-310	AMD	94-07-008	458-30-242	PREP	94-13-096
446-65-005	AMD-P	94-05-023	458-16-320	NEW	94-07-008	458-30-245	PREP	94-13-096
446-65-005	AMD	94-08-004	458-16-330	NEW	94-07-008	458-30-250	PREP	94-13-096
448-13-080	AMD-W	94-07-073	458-16A-010	PREP	94-10-060	458-30-255	PREP	94-13-096
448-13-210	AMD-W	94-07-073	458-16A-020	PREP	94-10-060	458-30-260	PREP	94-13-096
456-09-010	AMD-P	94-03-056	458-18-220	AMD	94-05-063	458-30-262	AMD	94-05-062
456-09-010	AMD	94-07-044	458-19-005	NEW	94-07-066	458-30-265	PREP	94-13-096
456-09-110	PREP	94-20-067	458-19-010	NEW	94-07-066	458-30-267	PREP	94-13-096
						458-30-270	PREP	94-13-096

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
458-30-275	PREP	94-13-096	458-61-360	REP	94-04-088	463-39-005	AMD-P	94-12-036
458-30-280	PREP	94-13-096	458-61-370	AMD	94-04-088	463-39-005	AMD	94-16-031
458-30-285	PREP	94-13-096	458-61-374	NEW	94-04-088	463-39-070	NEW-P	94-12-036
458-30-290	PREP	94-13-096	458-61-375	NEW	94-04-088	463-39-070	NEW	94-16-031
458-30-295	PREP	94-13-096	458-61-376	NEW	94-04-088	463-39-090	NEW-P	94-12-036
458-30-300	PREP	94-13-096	458-61-380	REP	94-04-088	463-39-090	NEW	94-16-031
458-30-305	PREP	94-13-096	458-61-390	REP	94-04-088	463-39-115	AMD-P	94-12-036
458-30-310	PREP	94-13-096	458-61-400	AMD	94-04-088	463-39-115	AMD	94-16-031
458-30-315	PREP	94-13-096	458-61-410	AMD	94-04-088	463-39-230	NEW-P	94-12-036
458-30-317	PREP	94-13-096	458-61-411	NEW	94-04-088	463-39-230	NEW	94-16-031
458-30-320	PREP	94-13-096	458-61-412	NEW	94-04-088	463-54-020	AMD-P	94-12-036
458-30-325	PREP	94-13-096	458-61-420	AMD	94-04-088	463-54-020	AMD	94-16-031
458-30-330	PREP	94-13-096	458-61-425	AMD	94-04-088	463-54-040	AMD-P	94-12-036
458-30-335	PREP	94-13-096	458-61-430	AMD	94-04-088	463-54-040	AMD	94-16-031
458-30-340	PREP	94-13-096	458-61-440	REP	94-04-088	463-54-050	AMD-P	94-12-036
458-30-345	PREP	94-13-096	458-61-450	REP-W	94-13-089	463-54-050	AMD	94-16-031
458-30-350	PREP	94-13-096	458-61-460	REP	94-04-088	463-54-060	AMD-P	94-12-036
458-30-355	PREP	94-13-096	458-61-470	AMD	94-04-088	463-54-060	AMD	94-16-031
458-30-500	PREP	94-13-096	458-61-480	AMD	94-04-088	463-54-070	AMD-P	94-12-036
458-30-510	PREP	94-13-096	458-61-490	REP	94-04-088	463-54-070	AMD	94-16-031
458-30-520	PREP	94-13-096	458-61-500	REP	94-04-088	468-10-010	REP-P	94-12-070
458-30-530	PREP	94-13-096	458-61-510	AMD	94-04-088	468-10-010	REP	94-14-101
458-30-540	PREP	94-13-096	458-61-520	AMD	94-04-088	468-10-020	REP-P	94-12-070
458-30-550	PREP	94-13-096	458-61-530	REP	94-04-088	468-10-020	REP	94-14-101
458-30-560	PREP	94-13-096	458-61-540	AMD	94-04-088	468-10-030	REP-P	94-12-070
458-30-570	PREP	94-13-096	458-61-545	AMD	94-04-088	468-10-030	REP	94-14-101
458-30-580	PREP	94-13-096	458-61-548	NEW-W	94-13-089	468-10-040	REP-P	94-12-070
458-30-590	AMD-P	94-08-082	458-61-550	AMD	94-04-088	468-10-040	REP	94-14-101
458-30-590	AMD	94-11-098	458-61-553	NEW	94-04-088	468-10-050	REP-P	94-12-070
458-40-540	PREP	94-18-133	458-61-555	AMD	94-04-088	468-10-050	REP	94-14-101
458-40-650	AMD-P	94-10-063	458-61-560	REP	94-04-088	468-10-060	REP-P	94-12-070
458-40-650	AMD	94-14-048	458-61-570	REP	94-04-088	468-10-060	REP	94-14-101
458-40-660	AMD-P	94-10-063	458-61-590	AMD	94-04-088	468-10-070	REP-P	94-12-070
458-40-660	AMD	94-14-048	458-61-600	AMD	94-04-088	468-10-070	REP	94-14-101
458-40-660	PREP	94-18-132	458-61-610	AMD	94-04-088	468-10-080	REP-P	94-12-070
458-40-670	AMD-P	94-10-063	458-61-620	REP	94-04-088	468-10-080	REP	94-14-101
458-40-670	AMD	94-14-048	458-61-630	REP	94-04-088	468-10-090	REP-P	94-12-070
458-53-160	AMD	94-05-064	458-61-640	AMD	94-04-088	468-10-090	REP	94-14-101
458-61-010	REP	94-04-088	458-61-650	AMD	94-04-088	468-10-100	REP-P	94-12-070
458-61-015	NEW	94-04-088	458-61-660	AMD	94-04-088	468-10-100	REP	94-14-101
458-61-020	REP	94-04-088	458-61-670	AMD	94-04-088	468-10-110	REP-P	94-12-070
458-61-025	NEW	94-04-088	458-61-680	REP	94-04-088	468-10-110	REP	94-14-101
458-61-030	AMD	94-04-088	458-61-690	REP	94-04-088	468-10-120	REP-P	94-12-070
458-61-040	REP	94-04-088	460-44A-500	AMD	94-03-061	468-10-120	REP	94-14-101
458-61-050	AMD	94-04-088	460-44A-501	AMD	94-03-061	468-10-130	REP-P	94-12-070
458-61-060	AMD	94-04-088	460-44A-502	AMD	94-03-061	468-10-130	REP	94-14-101
458-61-070	AMD	94-04-088	460-44A-504	AMD	94-03-061	468-10-140	REP-P	94-12-070
458-61-080	AMD	94-04-088	460-44A-505	AMD	94-03-061	468-10-140	REP	94-14-101
458-61-090	AMD	94-04-088	460-44A-506	AMD	94-03-061	468-10-150	REP-P	94-12-070
458-61-100	AMD	94-04-088	461-08-001	NEW-E	94-07-060	468-10-150	REP	94-14-101
458-61-110	REP	94-04-088	461-08-001	NEW-P	94-07-095	468-10-160	REP-P	94-12-070
458-61-120	AMD	94-04-088	461-08-001	NEW	94-12-028	468-10-160	REP	94-14-101
458-61-130	AMD	94-04-088	461-08-047	NEW-E	94-07-060	468-10-170	REP-P	94-12-070
458-61-140	REP	94-04-088	461-08-047	NEW-P	94-07-095	468-10-170	REP	94-14-101
458-61-150	AMD	94-04-088	461-08-047	NEW	94-12-028	468-10-180	REP-P	94-12-070
458-61-200	AMD	94-04-088	461-08-144	NEW-E	94-07-060	468-10-180	REP	94-14-101
458-61-210	AMD	94-04-088	461-08-144	NEW-P	94-07-095	468-10-190	REP-P	94-12-070
458-61-220	AMD	94-04-088	461-08-144	NEW	94-12-028	468-10-190	REP	94-14-101
458-61-225	NEW	94-04-088	461-08-156	NEW-E	94-07-060	468-10-200	REP-P	94-12-070
458-61-230	AMD	94-04-088	461-08-156	NEW-P	94-07-095	468-10-200	REP	94-14-101
458-61-235	NEW	94-04-088	461-08-156	NEW	94-12-028	468-10-210	REP-P	94-12-070
458-61-240	REP	94-04-088	461-08-160	AMD-E	94-07-060	468-10-210	REP	94-14-101
458-61-250	AMD	94-04-088	461-08-160	AMD-P	94-07-095	468-10-220	REP-P	94-12-070
458-61-255	NEW	94-04-088	461-08-160	AMD	94-12-028	468-10-220	REP	94-14-101
458-61-270	REP	94-04-088	461-08-165	REP-E	94-07-060	468-10-230	REP-P	94-12-070
458-61-280	REP	94-04-088	461-08-165	REP-P	94-07-095	468-10-230	REP	94-14-101
458-61-290	AMD	94-04-088	461-08-165	REP	94-12-028	468-10-232	REP-P	94-12-070
458-61-300	AMD	94-04-088	461-08-167	NEW-E	94-07-060	468-10-232	REP	94-14-101
458-61-310	REP	94-04-088	461-08-167	NEW-P	94-07-095	468-10-234	REP-P	94-12-070
458-61-320	REP	94-04-088	461-08-167	NEW	94-12-028	468-10-234	REP	94-14-101
458-61-330	AMD	94-04-088	461-08-237	NEW-E	94-07-060	468-10-240	REP-P	94-12-070
458-61-335	AMD	94-04-088	461-08-237	NEW-P	94-07-095	468-10-240	REP	94-14-101
458-61-340	AMD	94-04-088	461-08-237	NEW	94-12-028	468-10-250	REP-P	94-12-070

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-10-250	REP	94-14-101	468-66-130	AMD	94-12-049	480-35-100	AMD	94-14-010
468-10-260	REP-P	94-12-070	468-66-175	REP-P	94-09-031	480-35-110	AMD-P	94-10-071
468-10-260	REP	94-14-101	468-66-175	REP	94-12-049	480-35-110	AMD	94-14-010
468-10-270	REP-P	94-12-070	468-100-010	AMD-P	94-12-071	480-35-120	AMD-P	94-10-071
468-10-270	REP	94-14-101	468-100-010	AMD	94-14-102	480-35-120	AMD	94-14-010
468-10-280	REP-P	94-12-070	468-300-010	AMD-P	94-04-077	480-40-015	AMD-P	94-11-103
468-10-280	REP	94-14-101	468-300-010	AMD	94-07-104	480-40-015	AMD	94-14-014
468-10-290	REP-P	94-12-070	468-300-010	AMD-P	94-14-026	480-40-070	AMD-P	94-10-072
468-10-290	REP	94-14-101	468-300-010	AMD	94-18-014	480-40-070	AMD	94-14-015
468-10-300	REP-P	94-12-070	468-300-020	AMD-P	94-04-077	480-40-075	AMD-P	94-10-072
468-10-300	REP	94-14-101	468-300-020	AMD	94-07-104	480-40-075	AMD	94-14-015
468-10-310	REP-P	94-12-070	468-300-020	AMD-P	94-14-026	480-40-110	AMD-P	94-10-072
468-10-310	REP	94-14-101	468-300-020	AMD	94-18-014	480-40-110	AMD	94-14-015
468-10-320	REP-P	94-12-070	468-300-040	AMD-P	94-04-077	480-40-120	AMD-P	94-10-072
468-10-320	REP	94-14-101	468-300-040	AMD	94-07-104	480-40-120	AMD	94-14-015
468-10-400	NEW-P	94-12-070	468-300-040	AMD-P	94-14-026	480-40-130	AMD-P	94-10-072
468-10-400	NEW	94-14-101	468-300-040	AMD	94-18-014	480-40-130	AMD	94-14-015
468-10-410	NEW-P	94-12-070	479-01	PREP	94-17-022	480-40-140	REP-P	94-10-072
468-10-410	NEW	94-14-101	479-02	PREP	94-17-023	480-40-140	REP	94-14-015
468-10-420	NEW-P	94-12-070	479-12	PREP	94-17-024	480-50-010	AMD	94-03-003
468-10-420	NEW	94-14-101	479-13	PREP	94-17-025	480-50-040	AMD	94-03-003
468-10-430	NEW-P	94-12-070	479-16	PREP	94-17-026	480-60-990	AMD-P	94-07-138
468-10-430	NEW	94-14-101	479-20	PREP	94-17-027	480-60-990	AMD	94-11-003
468-10-440	NEW-P	94-12-070	479-24	PREP	94-17-028	480-62-085	AMD-P	94-07-138
468-10-440	NEW	94-14-101	479-112	PREP	94-17-029	480-62-085	AMD	94-11-003
468-10-450	NEW-P	94-12-070	479-113	PREP	94-17-030	480-62-090	AMD-P	94-07-138
468-10-450	NEW	94-14-101	479-310	PREP	94-17-031	480-62-090	AMD	94-11-003
468-10-460	NEW-P	94-12-070	479-312	PREP	94-17-031	480-70-055	AMD-P	94-11-102
468-10-460	NEW	94-14-101	479-410	PREP	94-17-032	480-70-055	AMD	94-14-011
468-10-470	NEW-P	94-12-070	479-412	PREP	94-17-032	480-70-250	AMD-P	94-07-136
468-10-470	NEW	94-14-101	479-416	PREP	94-17-032	480-70-250	AMD	94-11-004
468-10-480	NEW-P	94-12-070	479-420	PREP	94-17-032	480-70-400	AMD-P	94-11-102
468-10-480	NEW	94-14-101	480-04-030	AMD-P	94-07-139	480-70-400	AMD	94-14-011
468-10-490	NEW-P	94-12-070	480-04-030	AMD	94-11-002	480-80-120	PREP	94-16-123
468-10-490	NEW	94-14-101	480-12-045	AMD-P	94-07-135	480-80-125	PREP	94-16-123
468-10-500	NEW-P	94-12-070	480-12-045	AMD	94-11-022	480-90	PREP	94-15-100
468-10-500	NEW	94-14-101	480-12-050	AMD-P	94-07-135	480-90-021	PREP	94-15-100
468-10-510	NEW-P	94-12-070	480-12-050	AMD	94-11-022	480-90-021	AMD-P	94-20-101
468-10-510	NEW	94-14-101	480-12-083	AMD-P	94-11-103	480-90-051	PREP	94-15-100
468-10-520	NEW-P	94-12-070	480-12-083	AMD	94-14-014	480-90-051	AMD-P	94-20-101
468-10-520	NEW	94-14-101	480-12-137	NEW-P	94-07-134	480-90-071	PREP	94-15-100
468-10-530	NEW-P	94-12-070	480-12-137	NEW	94-11-001	480-90-071	AMD-P	94-20-101
468-10-530	NEW	94-14-101	480-12-180	AMD-P	94-07-135	480-90-072	PREP	94-15-100
468-16-090	AMD	94-05-004	480-12-180	AMD-W	94-11-019	480-90-072	AMD-P	94-20-101
468-16-110	AMD	94-05-004	480-12-180	AMD-P	94-11-104	480-90-096	PREP	94-15-100
468-16-120	AMD	94-05-004	480-12-180	AMD	94-14-013	480-90-096	AMD-P	94-20-101
468-16-130	AMD	94-05-004	480-12-190	AMD-P	94-07-135	480-90-166	PREP	94-15-100
468-16-150	AMD	94-05-004	480-12-190	AMD	94-11-022	480-90-166	AMD-P	94-20-101
468-16-160	AMD	94-05-004	480-12-260	AMD	94-03-002	480-90-171	PREP	94-15-100
468-16-180	AMD	94-05-004	480-12-321	AMD	94-03-001	480-90-171	AMD-P	94-20-101
468-16-210	AMD	94-05-004	480-12-455	AMD-P	94-07-134	480-90-181	PREP	94-15-100
468-38-020	AMD-P	94-03-042	480-12-455	AMD	94-11-001	480-90-181	AMD-P	94-20-101
468-38-020	AMD	94-07-054	480-12-990	AMD-P	94-07-135	480-90-211	NEW-P	94-20-101
468-38-030	AMD-P	94-03-042	480-12-990	AMD	94-11-022	480-100	PREP	94-15-099
468-38-030	AMD	94-07-054	480-30-015	AMD-P	94-11-103	480-100-021	PREP	94-15-099
468-38-075	AMD-E	94-02-064	480-30-015	AMD	94-14-014	480-100-021	AMD-P	94-20-102
468-38-075	AMD-P	94-03-043	480-30-032	AMD-P	94-07-137	480-100-051	PREP	94-15-099
468-38-075	AMD	94-07-055	480-30-032	AMD	94-11-021	480-100-051	AMD-P	94-20-102
468-48-010	NEW-P	94-08-054	480-30-050	AMD-P	94-07-137	480-100-071	PREP	94-15-099
468-48-010	NEW	94-14-065	480-30-050	AMD	94-11-021	480-100-071	AMD-P	94-20-102
468-48-020	NEW-P	94-08-054	480-30-095	AMD-P	94-07-137	480-100-072	PREP	94-15-099
468-48-020	NEW	94-14-065	480-30-095	AMD	94-11-021	480-100-072	AMD-P	94-20-102
468-66-010	AMD-P	94-09-031	480-30-100	AMD-P	94-07-137	480-100-096	PREP	94-15-099
468-66-010	AMD	94-12-049	480-30-100	AMD-W	94-11-020	480-100-096	AMD-P	94-20-102
468-66-050	AMD-P	94-09-031	480-30-100	AMD-P	94-11-104	480-100-141	PREP	94-15-099
468-66-050	AMD	94-12-049	480-30-100	AMD	94-14-013	480-100-141	AMD-P	94-20-102
468-66-055	NEW-P	94-09-031	480-35-040	AMD-P	94-10-071	480-100-176	PREP	94-15-099
468-66-055	NEW	94-12-049	480-35-040	AMD	94-14-010	480-100-176	AMD-P	94-20-102
468-66-060	AMD-P	94-09-031	480-35-080	AMD-P	94-10-071	480-100-211	PREP	94-15-099
468-66-060	AMD	94-12-049	480-35-080	AMD	94-14-010	480-100-211	AMD-P	94-20-102
468-66-080	AMD-P	94-09-031	480-35-090	AMD-P	94-10-071	480-100-311	NEW-P	94-20-102
468-66-080	AMD	94-12-049	480-35-090	AMD	94-14-010	480-107-020	AMD	94-07-045
468-66-130	AMD-P	94-09-031	480-35-100	AMD-P	94-10-071	480-107-050	AMD	94-07-045

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-107-060	AMD	94-07-045	484-20-100	AMD-P	94-09-043	516-26-040	AMD	94-17-059
480-107-070	AMD	94-07-045	484-20-100	AMD-S	94-14-037	516-26-045	AMD-P	94-07-117
480-107-080	AMD	94-07-045	484-20-103	NEW-P	94-09-043	516-26-045	AMD	94-17-059
480-107-100	AMD	94-07-045	484-20-103	NEW-S	94-14-037	516-26-050	AMD-P	94-07-117
480-107-120	AMD	94-07-045	484-20-105	AMD-P	94-09-043	516-26-050	AMD	94-17-059
480-120-056	AMD-P	94-13-027	484-20-105	AMD-S	94-14-037	516-26-055	AMD-P	94-07-117
480-120-056	AMD	94-20-010	484-20-110	REP-P	94-09-043	516-26-055	AMD	94-17-059
480-120-061	AMD-P	94-13-027	484-20-110	REP-S	94-14-037	516-26-060	AMD-P	94-07-117
480-120-061	AMD	94-20-010	484-20-111	NEW-P	94-09-043	516-26-060	AMD	94-17-059
480-120-081	AMD-P	94-13-027	484-20-111	NEW-S	94-14-037	516-26-070	AMD-P	94-07-117
480-120-081	AMD	94-20-010	484-20-115	AMD-P	94-09-043	516-26-070	AMD	94-17-059
480-120-101	AMD-P	94-13-027	484-20-115	AMD-S	94-14-037	516-26-080	AMD-P	94-07-117
480-120-101	AMD	94-20-010	484-20-116	NEW-P	94-09-043	516-26-080	AMD	94-17-059
480-120-138	AMD-P	94-13-027	484-20-116	NEW-S	94-14-037	516-26-085	AMD-P	94-07-117
480-120-138	AMD	94-20-010	484-20-117	NEW-P	94-09-043	516-26-085	AMD	94-17-059
480-120-141	AMD-P	94-13-027	484-20-117	NEW-S	94-14-037	516-26-090	AMD-P	94-07-117
480-120-141	AMD	94-20-010	484-20-120	AMD-P	94-09-043	516-26-090	AMD	94-17-059
480-149-120	AMD-P	94-11-101	484-20-120	AMD-S	94-14-037	516-26-095	AMD-P	94-07-117
480-149-120	AMD	94-14-012	484-20-135	AMD-P	94-09-043	516-26-095	AMD	94-17-059
480-149-120	PREP	94-16-123	484-20-135	AMD-S	94-14-037	516-26-100	AMD-P	94-07-117
484-20	AMD-P	94-09-043	484-20-140	AMD-P	94-09-043	516-26-100	AMD	94-17-059
484-20	AMD-S	94-14-037	484-20-140	AMD-S	94-14-037	516-52-001	AMD-P	94-20-031
484-20-010	AMD-P	94-09-043	484-20-145	AMD-P	94-09-043			
484-20-010	AMD-S	94-14-037	484-20-145	AMD-S	94-14-037			
484-20-015	AMD-P	94-09-043	484-20-150	AMD-P	94-09-043			
484-20-015	AMD-S	94-14-037	484-20-150	AMD-S	94-14-037			
484-20-020	AMD-P	94-09-043	490-500	PREP	94-14-096			
484-20-020	AMD-S	94-14-037	504-25	PREP	94-13-141			
484-20-023	AMD-P	94-09-043	504-25	PREP	94-13-142			
484-20-023	AMD-S	94-14-037	504-25-005	AMD-P	94-17-043			
484-20-024	NEW-P	94-09-043	504-25-005	AMD-E	94-17-071			
484-20-024	NEW-S	94-14-037	504-25-015	AMD-P	94-17-043			
484-20-025	AMD-P	94-09-043	504-25-015	AMD-E	94-17-071			
484-20-025	AMD-S	94-14-037	504-25-300	NEW-P	94-17-043			
484-20-030	AMD-P	94-09-043	504-25-300	NEW-E	94-17-071			
484-20-030	AMD-S	94-14-037	504-25-305	NEW-P	94-17-043			
484-20-035	AMD-P	94-09-043	504-25-305	NEW-E	94-17-071			
484-20-035	AMD-S	94-14-037	504-25-310	NEW-P	94-17-043			
484-20-040	AMD-P	94-09-043	504-25-310	NEW-E	94-17-071			
484-20-040	AMD-S	94-14-037	504-25-315	NEW-P	94-17-043			
484-20-045	AMD-P	94-09-043	504-25-315	NEW-E	94-17-071			
484-20-045	AMD-S	94-14-037	504-25-320	NEW-P	94-17-043			
484-20-050	AMD-P	94-09-043	504-25-320	NEW-E	94-17-071			
484-20-050	REP-S	94-14-037	504-25-325	NEW-P	94-17-043			
484-20-055	AMD-P	94-09-043	504-25-325	NEW-E	94-17-071			
484-20-055	AMD-S	94-14-037	504-25-330	NEW-P	94-17-043			
484-20-060	AMD-P	94-09-043	504-25-330	NEW-E	94-17-071			
484-20-060	AMD-S	94-14-037	504-25-335	NEW-P	94-17-043			
484-20-061	NEW-P	94-09-043	504-25-335	NEW-E	94-17-071			
484-20-061	NEW-S	94-14-037	504-25-340	NEW-P	94-17-043			
484-20-062	NEW-P	94-09-043	504-25-340	NEW-E	94-17-071			
484-20-062	NEW-S	94-14-037	504-25-345	NEW-E	94-17-071			
484-20-063	NEW-P	94-09-043	504-25-350	NEW-P	94-17-043			
484-20-063	NEW-S	94-14-037	504-25-350	NEW-E	94-17-071			
484-20-065	AMD	94-04-001	504-25-355	NEW-P	94-17-043			
484-20-068	AMD-P	94-09-043	504-25-355	NEW-E	94-17-071			
484-20-068	AMD-S	94-14-037	504-25-360	NEW-P	94-17-043			
484-20-070	AMD-P	94-09-043	504-25-360	NEW-E	94-17-071			
484-20-070	AMD-S	94-14-037	504-25-365	NEW-P	94-17-043			
484-20-075	REP-P	94-09-043	504-25-365	NEW-E	94-17-071			
484-20-075	REP-S	94-14-037	504-25-370	NEW-P	94-17-043			
484-20-080	AMD-P	94-09-043	504-25-370	NEW-E	94-17-071			
484-20-080	AMD-S	94-14-037	504-25-375	NEW-P	94-17-043			
484-20-085	AMD-P	94-09-043	504-25-375	NEW-E	94-17-071			
484-20-085	AMD-S	94-14-037	516-26-010	AMD-P	94-07-117			
484-20-087	AMD-P	94-09-043	516-26-010	AMD	94-17-059			
484-20-087	AMD-S	94-14-037	516-26-020	AMD-P	94-07-117			
484-20-089	AMD-P	94-09-043	516-26-020	AMD	94-17-059			
484-20-089	AMD-S	94-14-037	516-26-030	AMD-P	94-07-117			
484-20-090	AMD-P	94-09-043	516-26-030	AMD	94-17-059			
484-20-090	AMD-S	94-14-037	516-26-035	AMD-P	94-07-117			
484-20-095	AMD-P	94-09-043	516-26-035	AMD	94-17-059			
484-20-095	AMD-S	94-14-037	516-26-040	AMD-P	94-07-117			

TABLE

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### ACCOUNTANCY, BOARD OF

CPA certificates		
continuing professional education	PERM	94-02-070
	PERM	94-02-072
education requirements	PERM	94-02-070
	PERM	94-02-072
	PREP	94-18-052
reciprocity	PERM	94-10-039
CPA title, use	PREP	94-15-102
Definitions	PROP	94-13-059
	PROP	94-13-060
Enforcement procedures	PERM	94-02-070
	PROP	94-13-060
Fees	PROP	94-13-060
	PROP	94-13-062
Hearings	PERM	94-02-069
Operations and procedures	PERM	94-02-068
Program standards	PERM	94-02-070
Prohibited acts	PROP	94-13-060
	PROP	94-13-061
Quality assurance review program	PERM	94-02-070
	PERM	94-02-071
Rules agenda	MISC	94-18-053

### AGRICULTURE, DEPARTMENT OF

Animal health		
horse importation	PREP	94-19-079
	PROP	<b>94-20-107</b>
laboratory fees	PROP	94-09-072
	PERM	94-12-053
ratite importation	PREP	94-19-079
	PREP	94-19-080
	PROP	<b>94-20-105</b>
	PROP	<b>94-20-107</b>
Apiaries		
pollination service fee	PROP	94-09-052
registration fees, schedule	PROP	94-01-162
	PERM	94-05-049
	PERM	94-12-045
Apple commission meetings	MISC	94-02-063
Apples		
assessments		
apple pest certification	EMER	94-04-091
gift grade, standards	PERM	94-03-021
inspection fees	PROP	94-13-041
	PERM	94-16-060
watercore in Fuji variety	EMER	94-01-165
	PROP	94-05-050
	PERM	94-07-133
Asparagus commission meetings	MISC	94-01-130
	MISC	94-07-070
	MISC	<b>94-20-051</b>
Barley commission meetings	MISC	94-03-080
	MISC	94-07-032
	MISC	94-19-013
Beef commission meetings	MISC	94-03-074
	MISC	94-07-093
	MISC	94-18-032
Brand inspection criteria	PROP	94-10-075
	PERM	94-13-070
fees	PROP	94-10-074
	PROP	94-10-075
	PERM	94-13-069
	PERM	94-13-070
livestock markets	PROP	94-10-074
	PERM	94-13-069
Brucellosis, tuberculosis, and scrapie control	PROP	94-01-177
	PERM	94-05-008

Certified feed lots fees	PROP	94-10-076
	PERM	94-13-068
Cherries		
sweet cherry containers, marking requirements	PERM	94-03-022
Egg commission assessments	PROP	94-05-074
	PROP	94-07-038
commodity board membership	PROP	94-05-073
	PERM	94-08-091
Farmed salmon commission assessments and collections	PROP	94-05-066
	PERM	94-08-090
meetings	MISC	94-03-075
Feed		
commercial feed inspection fees	PROP	94-05-060
	PERM	94-08-034
Feed lots fees	PROP	94-10-076
	PERM	94-13-068
Fees	PROP	94-06-058
	PROP	94-09-052
	PROP	94-09-054
	PROP	94-09-055
	PROP	94-09-072
	PERM	94-10-002
	PROP	94-10-074
	PROP	94-10-076
	PERM	94-12-034
	PERM	94-12-035
	PERM	94-12-045
	PERM	94-12-046
	PERM	94-12-053
	PERM	94-13-068
	PERM	94-13-069
Food processing		
sanitary certificates, standards and guidelines	PREP	94-16-101
Food safety		
interstate shipment standards	PREP	94-16-102
Hatching eggs		
importation	PREP	94-19-081
Holly, cut spray standards	PERM	94-03-026
Hop commission meetings	MISC	94-01-008
Horsemeat decharacterization	PROP	94-01-176
	PERM	94-05-009
Horses		
importation and quarantine stations	PREP	94-19-079
	PROP	<b>94-20-107</b>
Inspection fees	PROP	94-06-058
	PERM	94-10-002
	PROP	94-13-041
	PERM	94-16-060
Licenses		
commission merchants, dealers, brokers, and agents, fees	PROP	94-09-055
	PERM	94-12-034
Livestock markets		
brand inspections	PROP	94-10-074
facilities	PROP	94-10-074
fees	PROP	94-10-074
	PERM	94-13-069
Meat slaughtering establishments		
ratites, custom slaughter and handling	PREP	94-19-077
	PREP	94-19-078
	PROP	<b>94-20-104</b>
	PROP	<b>94-20-106</b>
Milk		
pasteurized milk, standards	PREP	94-16-103

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

processing plants licenses	EMER 94-13-074	Seeds	
	PROP 94-14-034	certification procedures and fees	PROP 94-09-046
	PROP 94-14-060		PERM 94-12-046
	PREP 94-14-094	sampling and testing	PROP 94-09-046
	PROP 94-15-056		PERM 94-12-046
	PERM 94-19-011	Strawberry commission meetings	MISC 94-03-067
processor assessments	PROP 94-01-151	Tuberculosis	
	PERM 94-05-040	brushtail possums (phalangeridae), import and possession restrictions	EMER 94-09-004
safety and wholesomeness	PREP 94-16-100	Tuberculosis, brucellosis, and scrapie control	PROP 94-01-177
Noxious weed control board meetings	MISC 94-13-209		PERM 94-05-008
	MISC <b>94-20-099</b>	Vegetables	
Noxious weeds		seeds, pesticide application	PREP 94-18-125
noxious weed list	MISC 94-01-076	Weeds	
	PREP <b>94-20-100</b>	noxious weed list	MISC 94-01-076
schedule of penalties	PREP <b>94-20-100</b>		PREP <b>94-20-100</b>
Nursery stock standards	PERM 94-03-025	schedule of penalties	
Pea cyst nematode quarantine	PROP 94-01-163	Weights and measures	
	PROP 94-06-003	calibration services, fees	PROP 94-09-054
	PROP 94-06-051		PERM 94-12-035
Pesticides		Wheat commission meetings	MISC 94-01-020
Agricultural emergencies, definition and declaration	PREP <b>94-20-110</b>		MISC 94-13-037
DDT and DDD, registration, distribution, and use	PERM 94-03-023		MISC 94-17-139
endrin	PROP 94-09-017	Wine commission meetings	MISC 94-02-088
	PERM 94-13-195		
ethyl parathion, use restrictions	PROP 94-05-061	<b>ARTS COMMISSION</b>	
	PERM 94-08-035	Rules coordinator	MISC 94-01-099
lindane products, registration and distribution	PERM 94-03-024		
phosdrin, use restrictions	PROP 94-05-092	<b>ATTORNEY GENERAL'S OFFICE</b>	
	PROP 94-08-033	Lemon law administration	PROP 94-06-050
	PERM 94-09-028		PERM 94-13-039
	EMER 94-15-050	Opinion, notice of request for	PROP 94-19-087
	PREP <b>94-20-111</b>		MISC 94-01-189
vegetable seeds, pesticide application	PREP 94-18-125		MISC 94-05-090
Plant services			MISC 94-06-067
holly, cut spray standards	PERM 94-03-026		MISC 94-09-064
Possums			MISC 94-11-121
phalangeridae, import and possession restrictions	EMER 94-09-004		MISC 94-12-094
Potato commission meetings	MISC 94-02-086		MISC 94-16-152
			MISC 94-17-200
Poultry			MISC 94-18-116
importation	PREP 94-19-081		MISC 94-19-091
	PROP <b>94-20-105</b>		
	PROP <b>94-20-107</b>		
Ratites			
custom meat slaughtering establishments	PREP 94-19-077		
	PREP 94-19-078		
	PROP <b>94-20-104</b>		
	PROP <b>94-20-106</b>		
importation	PREP 94-19-079		
	PREP 94-19-080		
	PROP <b>94-20-105</b>		
	PROP <b>94-20-107</b>		
Red raspberry commission meetings	MISC 94-02-049		
	MISC 94-07-014		
Rules agenda	MISC <b>94-20-053</b>		
Scrapie, brucellosis, and tuberculosis control	PROP 94-01-177		
	PERM 94-05-008		
Seed potatoes			
permit issuance	PROP 94-07-111		
	PERM 94-11-069		
winter test tolerance	PROP 94-07-110		
	PERM 94-11-070		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

marine safety, office's authority to establish emergency response system and tugboat (1994, No. 2)	MISC	94-07-004	participation in business enterprise program, conditions	PREP	94-17-001
port districts, pilotage service (1994, No. 3)	MISC	94-08-058	Vocational rehabilitation and services	PREP	94-16-146
public works contracts, listing of subcontractors on bids (1994, No. 14)	MISC	<b>94-20-017</b>	<b>BOILER RULES, BOARD OF</b> (See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )		
salaries of elected officials (1994, No. 8)	MISC	94-11-015	<b>BUILDING CODE COUNCIL</b>		
school buses, bonds issuance for acquisition (1994, No. 6)	MISC	94-10-018	Amendments to state building code		
school district payments to health care authority for retired employees (1994, No. 11)	MISC	94-17-060	adoption and amendment of 1994 uniform building code and standards	PROP	94-16-143
superior court filing fees, apportionment (1994, No. 15)	MISC	<b>94-20-018</b>	policies and procedures	PROP	94-18-094
telephone records of legislature (1994, No. 5)	MISC	94-08-083	review to determine equivalence with national model codes	PERM	94-05-058
tuberculosis, authority of local health officer to control spread (1993, No. 20)	MISC	94-02-061	window thermal efficiency standards	PROP	94-05-102
Organization and operation	PROP	94-06-050	Energy code	PROP	94-16-114
Public records, availability	PERM	94-13-039	log and solid timber homes	PROP	94-12-017
	PROP	94-06-050	review to determine equivalence with national model codes	PROP	94-16-116
	PERM	94-13-039	Fire code	MISC	94-15-004
	PERM	94-13-039	adoption and amendment of 1994 uniform fire code	PROP	94-16-113
<b>BATES TECHNICAL COLLEGE</b>			MEETINGS	PROP	94-18-093
Meetings	MISC	94-01-045	Mechanical code		
<b>BELLEVUE COMMUNITY COLLEGE</b>			adoption and amendment of 1994 uniform mechanical code	PROP	94-16-118
Admission	PROP	94-01-091	MEETINGS	MISC	94-06-011
	PERM	94-04-098		MISC	94-13-038
Meetings	MISC	94-03-011	Plumbing code		
Refund policy	PERM	94-01-181	amendments to 1991 uniform plumbing code	PROP	94-16-115
Registration	PROP	94-01-091	Residences, consideration of local government amendments		
	PERM	94-04-098	Ventilation and indoor air quality code	PROP	94-12-015
Residency classification	PROP	94-01-091		PROP	94-12-016
	PERM	94-04-098		PROP	94-16-117
<b>BELLINGHAM TECHNICAL COLLEGE</b>			<b>CENTRAL WASHINGTON UNIVERSITY</b>		
Meetings	MISC	94-03-013	Adjudicative proceedings	PROP	94-17-074
	MISC	94-03-033		EMER	94-17-075
	MISC	94-05-030	Admission and registration	PERM	<b>94-20-062</b>
	MISC	94-07-006		PREP	94-15-083
	MISC	94-08-086	Affirmative action policy	PROP	94-17-153
	MISC	94-10-087		EMER	94-17-154
	MISC	94-13-010	Commercial activity policies	PREP	94-15-080
	MISC	94-14-019		PROP	94-17-074
	MISC	94-17-006	Facilities use	EMER	94-17-075
	MISC	94-18-007		PERM	<b>94-20-062</b>
	MISC	<b>94-20-084</b>	Grievance procedure	PROP	94-17-076
Rules agenda	MISC	94-18-065		EMER	94-17-077
<b>BENTON FRANKLIN WALLA WALLA COUNTIES</b>			Library policies	PROP	94-17-077
<b>CLEAN AIR AUTHORITY</b>			MEETINGS	PERM	<b>94-20-075</b>
Air operating permits	PROP	94-13-135		PREP	94-15-082
	PERM	94-17-142		PROP	94-15-083
<b>BIG BEND COMMUNITY COLLEGE</b>				PROP	94-17-076
Public records, availability	PROP	94-01-049		EMER	94-17-077
	PERM	94-07-019		PROP	94-17-153
Rules coordinator	MISC	94-07-005		EMER	94-17-154
<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>				PERM	<b>94-20-075</b>
Definitions	PROP	94-07-067		PREP	94-15-080
	PERM	94-11-054		PROP	94-17-074
Vendors				EMER	94-17-075
agreement with department	PROP	<b>94-20-032</b>		PERM	<b>94-20-062</b>
department responsibility to maintain facilities	PROP	94-07-067		PREP	94-15-083
	PROP	94-11-053		PROP	94-17-153
	PROP	94-12-072		EMER	94-17-154
	PERM	94-15-052		MISC	94-13-199
facilities, bidding and assignment	PROP	<b>94-20-032</b>			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Organization	PREP 94-15-080	<b>COMMUNITY AND TECHNICAL COLLEGES,</b>	
	PROP 94-17-074	<b>STATE BOARD FOR</b>	
	EMER 94-17-075	Adult education advisory council	
	PROP 94-17-076	meetings	MISC 94-12-023
	EMER 94-17-077	Even start program	PREP 94-14-043
	<b>PERM 94-20-062</b>	Hazing	PREP 94-14-043
	<b>PERM 94-20-075</b>	High school completion program	PREP 94-14-043
Parking and traffic	PROP 94-07-090	Meetings	<b>MISC 94-20-082</b>
	EMER 94-07-091	Rules coordinator	MISC 94-01-023
	PERM 94-10-049	Tuition waivers	PREP 94-14-043
	PREP 94-16-002	Running start program	PROP 94-01-096
	PROP 94-17-149		PROP 94-01-113
	EMER 94-17-150		PERM 94-04-120
	<b>PERM 94-20-074</b>		
Practice and procedure	PREP 94-15-080	<b>COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>	
	PROP 94-17-074	(See also <b>COMMUNITY, TRADE AND ECONOMIC</b>	
	EMER 94-17-075	<b>DEVELOPMENT, DEPARTMENT OF)</b>	
	<b>PERM 94-20-062</b>	Affordable housing advisory board	
Public records	PREP 94-15-082	meetings	MISC 94-03-062
	PROP 94-17-076	Fire protection services division	
	EMER 94-17-077	meetings	MISC 94-01-017
	<b>PERM 94-20-075</b>		MISC 94-02-038
Rules coordinator	MISC 94-01-105		MISC 94-03-064
	PREP 94-15-080	Public works board	
	PROP 94-17-074	meetings	MISC 94-01-135
	EMER 94-17-075		MISC 94-06-007
	<b>PERM 94-20-062</b>		
Smoking prohibition	PROP 94-17-076	<b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT,</b>	
	EMER 94-17-077	<b>DEPARTMENT OF</b>	
	<b>PERM 94-20-075</b>	(See also <b>COMMUNITY DEVELOPMENT,</b>	
Students		<b>DEPARTMENT OF and TRADE AND ECONOMIC</b>	
conduct code	PREP 94-15-081	<b>DEVELOPMENT, DEPARTMENT OF)</b>	
	PROP 94-17-151	Affordable housing advisory board	
	EMER 94-17-152	meetings	MISC 94-08-026
hazing	PREP 94-15-081		MISC 94-17-051
	PROP 94-17-151		MISC 94-17-052
	EMER 94-17-152	Emergency food assistance program	
records	PREP 94-15-081	pilot project	PROP 94-13-022
	PROP 94-17-151		EMER 94-13-072
	EMER 94-17-152		PERM 94-18-073
Telephone services	PROP 94-17-076	Fire protection policy board	
	EMER 94-17-077	fire sprinkler system contractors	PREP 94-19-100
	<b>PERM 94-20-075</b>	meetings	MISC 94-09-015
		Hardwoods commission	
<b>CENTRALIA COLLEGE</b>		meetings	MISC 94-11-025
Meetings	MISC 94-03-014		MISC 94-13-045
Rules coordinator	MISC 94-15-042	Low-income home energy assistance program	
<b>CLARK COLLEGE</b>		public hearing	MISC 94-13-084
Meetings	MISC 94-02-022	Public works board	
		meetings	MISC 94-13-011
			MISC 94-16-137
			MISC 94-19-086
<b>CLOVER PARK TECHNICAL COLLEGE</b>			
Rules agenda	PREP 94-18-061	<b>CONVENTION AND TRADE CENTER</b>	
Rules coordinator	MISC 94-01-043	Meetings	MISC 94-01-068
<b>CODE REVISER'S OFFICE</b>			MISC 94-03-040
Preproposal statement of intent	PROP 94-09-045		MISC 94-06-005
	PERM 94-12-075		MISC 94-08-062
			MISC 94-09-032
			MISC 94-11-067
<b>COLUMBIA BASIN COLLEGE</b>			MISC 94-13-067
Meetings	MISC 94-12-037		MISC 94-15-016
			MISC 94-15-040
<b>COLUMBIA RIVER GORGE COMMISSION</b>			MISC 94-16-088
Appeals from county ordinances	MISC 94-07-034		MISC 94-19-006
	MISC 94-11-013		
Appeals from decisions under gorge		<b>CORRECTIONS, DEPARTMENT OF</b>	
commission ordinances	<b>MISC 94-20-126</b>	Community residential programs	MISC 94-07-065
Economic development		Work/training release	MISC 94-07-065
certification process	MISC 94-11-014		
	MISC 94-16-107		
	<b>MISC 94-20-052</b>		
	<b>MISC 94-20-127</b>	<b>COUNTY ROAD ADMINISTRATION BOARD</b>	
Land use ordinances		Land area ratio, computation	PERM 94-01-115
<b>COMBINED FUND DRIVE, STATE EMPLOYEE</b>			
(See <b>GOVERNOR, OFFICE OF THE</b> )			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Meetings	MISC	94-01-007	operating permits	PERM	94-02-041
	MISC	94-06-056	oxygenated gasoline program	PERM	94-07-040
	MISC	94-10-088	particulate matter standard		
	MISC	94-13-002	Seattle, Duwamish Valley and		
Payment of vouchers	PROP	94-06-031	Tacoma tideflats	MISC	94-03-065
	PERM	94-10-021	Spokane	MISC	94-19-082
Projects			Puget Sound carbon monoxide state		
contracts, execution	PROP	94-13-185	implementation plan	MISC	94-12-084
	PERM	94-16-112	registration program		
funds allocation	PROP	94-06-028	fees	PREP	94-16-084
	PROP	94-06-030	interim fee	PROP	94-04-105
	PERM	94-10-022		PERM	94-10-042
	PERM	94-10-023	state implementation plan	MISC	94-18-113
	PROP	94-13-182	toxic air pollutants, control		
	PROP	94-13-183	of sources	PERM	94-03-072
	PROP	94-13-184	woodstoves	MISC	94-01-026
	PERM	94-16-109	Annual rule plan	MISC	94-01-170
	PERM	94-16-110	Aquaculture		
	PERM	94-16-111	floating net pens sediment		
prioritization	PROP	94-06-028	criteria	PREP	94-13-161
	PROP	94-06-029	Beverage containers	PROP	94-03-071
	PERM	94-10-020		PERM	94-07-078
	PERM	94-10-022	Biosolids management program	PREP	94-14-084
submittal and selection	PROP	94-13-182	Centennial clean water	PERM	94-04-030
	PERM	94-16-111	Clean Air Act		
withdrawals, early termination, and lapsing	PROP	94-13-183	civil sanctions	PROP	94-10-078
	PERM	94-16-110		PERM	94-14-067
Rural arterials	PERM	94-01-116	excluded categories of waste	MISC	94-18-113
	PROP	94-11-123		PROP	94-01-173
				PROP	94-08-092
				PERM	94-12-018
			facilities, requirements	PROP	94-01-089
<b>DEAF, WASHINGTON SCHOOL FOR THE</b>			sensitive areas	MISC	94-18-113
Rules coordinator	MISC	94-08-063	toxic air pollutants,		
Student conduct code	PROP	94-08-066	control of sources	PERM	94-03-072
	PERM	94-13-058		PERM	94-01-060
			tracking system	PROP	94-01-089
<b>DEFERRED COMPENSATION, COMMITTEE FOR</b>			Dairy waste general discharge permit	MISC	94-10-028
Rules coordinator	MISC	94-03-058	Dangerous waste		
			designation	PROP	94-01-089
<b>EASTERN WASHINGTON UNIVERSITY</b>			Environmental Policy Act		
Meetings	MISC	94-04-014	exemptions from detailed		
	MISC	94-06-019	statement requirements	PROP	94-03-071
	MISC	94-07-015		PERM	94-07-078
	MISC	94-09-038	Forest practices		
	MISC	94-13-036	forested bogs and fens protection	EMER	94-04-108
	MISC	94-15-059		PROP	94-08-071
	MISC	94-17-050		EMER	94-12-054
	MISC	94-20-013		PERM	94-17-011
Rules coordinator	MISC	94-01-031	Fresh fruit packing industry		
			water discharge permit	MISC	94-03-091
<b>ECOLOGY, DEPARTMENT OF</b>			Gravel mining and quarrying industry		
Air quality			water discharge permit program	MISC	94-07-106
acid rain reduction	PREP	94-14-095	Growth Management Act integration		
	PROP	94-17-127	with State Environmental Policy		
agricultural burning permit	PREP	94-14-083	Act (SEPA)	EMER	94-12-032
agricultural burning program				PROP	94-19-083
establishment	PROP	94-16-096		<b>EMER</b>	<b>94-20-001</b>
carbon monoxide, air quality standard			Marine finfish rearing facilities		
Puget Sound	PREP	94-16-094	sediment criteria	PREP	94-13-161
	MISC	94-16-095	Model Toxics Control Act		
Spokane	PREP	94-16-094	agreed orders	PREP	94-19-054
fees	PROP	94-04-105	industrial cleanup standards	PREP	94-19-054
	PROP	94-04-106	responsiveness summary	MISC	94-03-096
	PROP	94-08-072	Motor vehicles		
	PERM	94-10-042	emission inspection	PERM	94-05-039
	PROP	94-10-079	Noise control		
	PREP	94-14-083	watercraft noise levels	PROP	94-05-037
	PERM	94-17-070		PERM	94-12-001
gasoline vapor control, compliance			Oil handling facilities		
schedules	PERM	94-07-040	operations and design standards	PROP	94-01-171
insignificant emission units	PROP	94-04-104		PROP	94-01-172
	PROP	94-08-073		PERM	94-10-083
	PERM	94-11-105		PERM	94-10-084
motor vehicle emission inspection	PERM	94-05-039			
	PREP	94-16-094			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Puget Sound regional council joint public hearing	MISC 94-05-091	Water resources	
	MISC 94-06-054	Columbia River	
Resource damage assessment committee meetings	MISC 94-01-061	instream resources protection	PROP 94-14-085
	MISC 94-13-163		PROP 94-15-073
Rules agenda	MISC 94-18-095	Columbia River Basin water rights	
Sand and gravel operations			PREP 94-13-162
water and discharge permit	MISC 94-13-164		MISC 94-13-212
Shoreline master programs		Methow Valley river basin	
Asotin County	PROP 94-03-093	domestic water systems	EMER 94-15-013
	PERM 94-16-085	water conservation and management	<b>PREP 94-20-086</b>
Chelan County	PROP 94-03-092	Snake River	
	PERM 94-10-081	resources management program	PROP 94-14-085
Gig Harbor, city of	PROP 94-07-074		PROP 94-15-073
	PROP 94-10-040	Woodstoves	
	PERM 94-14-029	buy back program	MISC 94-01-026
Olympia, city of	PROP 94-07-119	sales ban on uncertified woodstoves	MISC 94-01-026
	PERM 94-13-047		
Orting, city of	PREP 94-13-158	<b>EDMONDS COMMUNITY COLLEGE</b>	
	PROP 94-17-126	Meetings	MISC 94-01-086
Port Angeles, city of	PREP 94-13-160		MISC 94-02-023
Port Orchard, city of	PROP 94-04-107		MISC 94-03-076
	PERM 94-10-082		MISC 94-05-068
Port Townsend, city of	PROP 94-01-174		MISC 94-07-056
	PROP 94-05-038		MISC 94-09-036
	PERM 94-07-013		MISC 94-11-084
Raymond, city of	PROP 94-07-120		MISC 94-14-024
	PERM 94-13-046		MISC 94-14-049
Renton, city of	PREP 94-13-159	Students' rights and responsibilities	MISC 94-15-087
	PROP 94-14-086	disciplinary actions	MISC 94-19-055
San Juan County	PROP 94-10-041		PERM 94-03-010
	PERM 94-14-030	<b>EDUCATION, STATE BOARD OF</b>	
Seattle, city of	PREP 94-16-057	Administrator internship program	PROP 94-05-034
	PREP 94-13-156		PERM 94-08-055
	PROP 94-17-168	American Indian language and culture,	
Shelton, city of	PREP 94-13-155	instruction	PERM 94-03-104
Snohomish County	PERM 94-03-095	Certification requirements	PERM 94-01-101
Stevens County	PREP 94-18-096		PREP 94-15-022
Tacoma, city of	PREP 94-13-157	Continuing education	
Thurston County	<b>PREP 94-20-087</b>	definition	PERM 94-01-104
Tumwater, city of	PROP 94-03-094	Corporal punishment	
	PERM 94-10-080	conditions and prohibitions	PERM 94-03-102
	<b>PREP 94-20-087</b>	Credit for high school graduation,	
Westport, city of	EMER 94-18-097	definition	PERM 94-03-100
Solid waste management		Educational center, "educational clinic"	
sludge	PREP 94-14-084	changed to "educational center"	PERM 94-03-103
State Environmental Policy Act (SEPA)		Educational staff associates	
growth management	PREP 94-15-038	assignment	PERM 94-01-103
	PROP 94-19-083	certification	PREP 94-15-021
	<b>EMER 94-20-001</b>	Exit examination	PROP 94-16-130
State implementation plan (SIP)	MISC 94-18-113	General educational development (GED)	PERM 94-01-102
	PREP 94-18-120	test eligibility, authority to	
Tire recycling and removal	PROP 94-03-071	regulate	PERM 94-03-101
	PERM 94-07-078	High school credit, definition	PERM 94-03-100
Toxics control account report	MISC 94-18-119		PROP 94-08-067
Underground storage tanks		Housekeeping changes	PERM 94-13-017
contractor certification program	PREP 94-15-014	Meetings	PREP 94-15-019
	PROP 94-19-084		MISC 94-01-029
Wastewater		Performance-based education system	MISC 94-19-058
dairy waste general discharge permit	MISC 94-10-028	principals	
	MISC 94-15-074		PREP 94-15-023
discharge permit program		teacher certification	PROP 94-16-131
fees	PROP 94-02-080		PREP 94-15-022
	PROP 94-05-082	Principals	PROP 94-16-132
	PERM 94-10-027	preparation	PROP 94-18-068
	PROP 94-15-070		<b>PROP 94-20-118</b>
	PREP 94-17-010	Professional education advisory	
Water quality		committee functions	PREP 94-17-124
centennial clean water	PERM 94-04-030		<b>PROP 94-20-117</b>
sand and gravel operations permit			
program	MISC 94-13-164		
surface water quality standards	PREP 94-16-056		

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Racial imbalance	PREP 94-15-035 PROP 94-16-062 PERM <b>94-20-055</b>	Tobacco free workplace Tuition waivers	PREP 94-15-079 PREP 94-15-079
Regional committees election of members	PROP 94-08-103 PERM 94-13-018	<b>EVERGREEN STATE COLLEGE, THE</b> Meetings Rules coordinator	MISC 94-01-092 MISC 94-01-072
School construction contracts, awarding of documents, approval growth impact fees and mitigation payments payments, sequence retainage process	PERM 94-01-013 PERM 94-01-014  PERM 94-01-030 PROP 94-08-104 PERM 94-13-019 PROP 94-05-088 PROP 94-08-068 PERM 94-14-028 PERM 94-01-014	<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b> Credit unions common bond, definition  field of membership expansion  Mortgage brokers and loan originators licensing	PROP 94-13-043 PROP 94-18-107 PROP 94-13-044 PROP 94-18-106  PERM 94-03-009 EMER 94-17-054 PROP 94-17-125 <b>PROP 94-20-128</b> MISC 94-18-039 PERM 94-03-061
site acceptance criteria state support level, additional assistance	PROP <b>94-20-116</b>	Rules agenda Transactions, registration exemptions	PERM 94-03-061
School facilities modernization, eligibility for financial assistance	PROP 94-08-105 PERM 94-13-020	<b>FINANCIAL MANAGEMENT, OFFICE OF</b> 1995 state paydates	PROP 94-10-055 PERM 94-13-097
Teachers assignment	PREP 94-15-034 PROP 94-16-061 PERM <b>94-20-054</b>	Financial institutions, department of loans to department director and employees by financial institutions Rules coordinator	PERM 94-09-010 MISC 94-06-057
assignment, district flexibility regarding middle school and junior high teachers	PREP 94-15-020 PROP 94-16-128 PERM 94-01-101	<b>FISH AND WILDLIFE, DEPARTMENT OF</b> (See also <b>FISHERIES, DEPARTMENT OF, and</b> <b>WILDLIFE, COMMISSION AND DEPARTMENT</b> ) <u>Fishing, commercial</u> baitfish areas and seasons coastal bottomfish catch limits	EMER 94-09-021  PROP 94-10-073 PERM 94-13-077 EMER 94-14-071 EMER 94-11-073 EMER 94-13-015 PERM 94-13-077 EMER 94-11-074 PROP <b>94-20-002</b> PROP 94-11-005 EMER 94-11-006
certification requirements	PREP 94-15-020 PROP 94-16-128 PERM 94-01-101 PREP 94-15-022 PROP 94-16-129 PROP 94-16-132 PROP 94-18-068 PROP <b>94-20-118</b>	sablefish  whiting gear reduction program licenses	
Teaching internship certificates	PROP 94-08-106 PERM 94-13-021	<b>Puget Sound bottomfish</b> trawl fishing	PROP 94-13-064 PERM 94-14-078 PERM 94-19-001
Vocational education program requisites	PREP 94-19-012	marine fish rule and definitions	PROP 94-12-007 PERM 94-12-009 MISC 94-12-061
<b>EMPLOYMENT SECURITY DEPARTMENT</b>		salmon Columbia River above Bonneville	EMER 94-11-106 EMER 94-18-023 EMER 94-19-002 EMER 94-19-076 <b>EMER 94-20-029</b> <b>EMER 94-20-064</b> <b>EMER 94-20-076</b> EMER 94-07-009
Housekeeping changes	PREP 94-14-061 PREP 94-18-111 PROP 94-18-124	Columbia River below Bonneville Columbia River tributaries areas and seasons	EMER 94-09-022 EMER 94-13-016 EMER 94-14-036
Overpayments interest charges	EMER 94-02-028 PROP 94-04-124 PERM 94-10-044	Grays Harbor areas and seasons	EMER 94-09-070 PERM 94-13-014 EMER 94-19-025 EMER 94-19-032
Rules agenda	MISC 94-18-031		
Temporary total disability definitions	EMER 94-02-029 PERM 94-07-115		
exclusions	EMER 94-02-029 PERM 94-07-115		
failure to apply in timely manner	EMER 94-02-029 PERM 94-07-115		
injuries, additional	EMER 94-02-029 PERM 94-07-115		
Work incentive program	PREP 94-18-110		
<b>ENERGY FACILITY SITE EVALUATION COUNCIL</b>			
Radioactive emissions from facilities	PROP 94-12-036 PERM 94-16-031		
<b>ENERGY OFFICE</b>			
Electric energy curtailment plan	PROP 94-08-070 PROP 94-11-128 PERM <b>94-20-103</b>		
<b>EVERETT COMMUNITY COLLEGE</b>			
Animals on campus	PREP 94-15-079		
Children on campus	PREP 94-15-079		
Rules coordinator	MISC 94-01-071		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Puget Sound areas and seasons	PROP 94-09-071	Cascade River	PROP 94-09-069
	PERM 94-15-001		PROP 94-14-106
	EMER 94-16-078	Cedar River	PERM 94-17-083
	EMER 94-17-005		PROP 94-09-069
	EMER 94-17-021	Chehalis River	PERM 94-12-067
	EMER 94-17-067	Columbia River	<b>EMER 94-20-034</b>
	EMER 94-17-093	Coweeman River	PERM 94-09-068
	EMER 94-17-120		PROP 94-09-069
	EMER 94-17-130		PROP 94-14-106
	EMER 94-17-146	Cowlitz River	PERM 94-17-083
	EMER 94-17-162		PROP 94-09-069
	EMER 94-18-016		PROP 94-14-106
	EMER 94-18-030	Dabblers Lake	PERM 94-17-083
	EMER 94-18-062		PROP 94-11-125
	EMER 94-18-071	Dungeness River	PERM 94-14-035
	EMER 94-18-098		PROP 94-09-069
	EMER 94-19-019		PROP 94-14-106
	EMER 94-19-048	Duwamish River	EMER 94-17-083
	<b>EMER 94-20-016</b>	Ellen Lake	EMER 94-13-003
	<b>EMER 94-20-063</b>		PROP 94-11-125
Willapa Bay area and seasons	PROP 94-09-070	Elochoman River	PERM 94-14-035
	PERM 94-13-013		PROP 94-09-069
	PERM 94-16-017		PROP 94-14-106
sea cucumbers areas and seasons	EMER 94-10-037	Grande Ronde River	PERM 94-17-083
	EMER 94-13-040	Gray Wolf River	EMER 94-18-074
	EMER 94-13-136		PERM 94-09-067
	EMER 94-14-042	Grays River	PROP 94-14-106
	EMER 94-15-055		PERM 94-17-083
	EMER 94-16-023	Green River	PROP 94-09-069
shad Columbia River	EMER 94-11-107		EMER 94-13-003
	EMER 94-13-121		PROP 94-14-106
	EMER 94-14-020	Hampton Lakes	PERM 94-17-083
shellfish razor clams	EMER 94-16-003	Hen Lake	PROP 94-11-125
rules and definitions	PROP 94-12-007		PERM 94-14-035
	PERM 94-12-009	Homestead Lake	PROP 94-11-125
	MISC 94-12-061		PERM 94-14-035
shrimp fishery Puget Sound	PERM 94-07-092	Horsethief Lake	PREP 94-13-213
	EMER 94-11-072		PROP 94-17-037
	EMER 94-19-008	Kalama River	PROP 94-09-069
spawn on kelp licenses	EMER 94-07-063		PROP 94-14-106
	EMER 94-07-077	Katey Lake	PERM 94-17-083
vessels licenses	PROP 94-11-005	Lake Washington	PROP 94-09-069
	EMER 94-11-006		PERM 94-12-067
Northern squawfish sport-reward fishery	PERM 94-09-019	Lake Wenatchee	EMER 94-18-074
<u>Fishing, personal use</u>		Lewis River	EMER 94-09-005
angling, unlawful acts	EMER 94-18-074		PROP 94-09-069
bottomfish			PROP 94-14-106
areas and seasons	EMER 94-10-043		PERM 94-17-083
definitions	EMER 94-10-043	Magpie Lake	<b>EMER 94-20-015</b>
food fish			PROP 94-11-125
areas and seasons	EMER 94-10-043	Marie Lake	PERM 94-14-035
rules and definitions	PROP 94-14-068		PROP 94-11-125
	PERM 94-14-069	Noosack River	PERM 94-14-035
free fishing days	EMER 94-13-049		PROP 94-09-069
game fish seasons and catch limits, 1994-95		Quilcene River	PROP 94-12-067
Alkali Lake	PROP 94-14-108		PROP 94-09-069
	<b>EMER 94-20-026</b>		PROP 94-14-106
Baker Lake	PERM 94-09-066	Quillayute River	PERM 94-17-083
	EMER 94-11-068	Salmon Creek	EMER 94-13-071
Big Twin Lake	PREP 94-13-215		PROP 94-09-069
	PROP 94-14-107	Sammamish Lake	PROP 94-14-106
	PERM 94-17-084	Sammamish River	PERM 94-17-083
Caliche Lakes	PROP 94-11-125	Sauk River	EMER 94-18-074
	PERM 94-14-035		EMER 94-18-074
			PERM 94-09-067
			PROP 94-09-069
			PROP 94-14-106
			PERM 94-17-083

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Shannon Lake	PERM	94-09-066	razor clams	EMER	94-07-003
Shannon Reservoir	EMER	94-11-068		EMER	94-08-009
Skagit River	PROP	94-09-069		EMER	94-09-023
	PERM	94-12-067		EMER	94-10-038
Skamokawa Creek	PROP	94-09-069	unlawful acts	<b>EMER</b>	<b>94-20-050</b>
	PROP	94-14-106	areas and definitions	EMER	94-10-043
	PERM	94-17-083		PROP	94-14-068
Skokomish River	PROP	94-09-069	shrimp	PERM	94-14-069
	PROP	94-14-106		EMER	94-11-072
	PERM	94-17-083		EMER	94-12-008
Sol Duc River	EMER	94-13-071	sport fishing	EMER	94-13-076
Spada Lake	EMER	94-09-005	steelhead	PREP	94-14-079
Suiattle River	PROP	94-09-069	areas and seasons		
	PROP	94-14-106	sturgeon	EMER	94-16-083
	PERM	94-17-083	areas and seasons		
Toutle River	PROP	94-09-069	vessels	EMER	94-10-043
	PROP	94-14-106	licenses	EMER	94-18-118
	PERM	94-17-083			
Tucannon River	PERM	94-09-067	Game management units	PROP	94-11-005
Wannacut Lake	PROP	94-11-125	boundary descriptions	EMER	94-11-006
	PERM	94-14-035			
Washougal River	PROP	94-09-069		PERM	94-11-031
	PROP	94-14-106		PERM	94-11-032
	PERM	94-17-083		PERM	94-11-033
general provisions				PERM	94-11-034
lakes	EMER	94-11-068		PERM	94-11-035
halibut				PERM	94-11-036
areas and seasons	EMER	94-10-043		PERM	94-11-037
	EMER	94-12-062		PERM	94-11-038
	EMER	94-13-063		PERM	94-11-039
licenses	PROP	94-11-005		PERM	94-11-040
	EMER	94-11-006		PERM	94-11-041
recreational fishing pamphlet, 1995-96	PREP	94-18-121		PERM	94-11-042
salmon				PERM	94-11-043
areas and seasons	EMER	94-08-014		PERM	94-11-044
	EMER	94-08-049		PERM	94-11-045
	EMER	94-10-036		PREP	94-13-188
	EMER	94-10-043		PROP	94-14-089
	EMER	94-10-068		PERM	94-18-058
	EMER	94-11-075	Hunting seasons		
	EMER	94-11-127	archery deer hunts	PREP	94-17-020
	PREP	94-13-214	deer and bear, 1994-97	PERM	94-11-046
	EMER	94-14-062		PROP	94-17-145
	PREP	94-14-079	deer and elk, 1994-95	PERM	94-11-051
	EMER	94-15-036		PREP	94-13-187
	EMER	94-16-077		PROP	94-14-088
	EMER	94-17-055		PERM	94-18-057
	EMER	94-18-099		<b>EMER</b>	<b>94-20-028</b>
	EMER	94-18-117	elk, 1994-97	PERM	94-11-048
	EMER	94-19-018		EMER	94-11-078
	EMER	94-19-028		PREP	94-13-186
	EMER	94-19-042		PROP	94-14-087
	EMER	94-19-047		PERM	94-18-056
	EMER	94-19-075	lynx	PREP	94-13-189
	<b>EMER</b>	<b>94-20-014</b>	hunting hours and small		
	EMER	94-12-012	game seasons, 1994-97	PERM	94-11-047
nonanadromous salmon			migratory waterfowl, 1994-95	PREP	94-13-191
shad				PROP	94-14-092
areas and seasons	EMER	94-10-043		PERM	94-17-119
shellfish			special closures and firearm		
areas and seasons			restriction areas	PERM	94-11-049
abalone	EMER	94-10-043		EMER	94-12-068
native clams	EMER	94-07-052		EMER	94-12-069
	EMER	94-07-076			
	EMER	94-10-043	special hunting and trapping		
	EMER	94-12-033	seasons permits	PERM	94-11-030
	PREP	94-14-079	special species, 1994-95	PERM	94-11-050
	EMER	94-16-032	upland bird seasons	<b>EMER</b>	<b>94-20-027</b>
	EMER	94-17-092	Hydraulics projects		
	EMER	94-18-074	regulations	PROP	94-11-126
oysters	EMER	94-07-052	Lynx pelt sealing and collection of		
	EMER	94-07-076	biological information	PROP	94-14-090
	EMER	94-10-043		PERM	94-18-059
	EMER	94-12-033			
	EMER	94-16-032			
	EMER	94-17-092			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Trapping					<b>EMER</b>	<b>94-20-060</b>
seasons and regulations, 1994-96	PREP	94-13-190	habitat protection		<b>EMER</b>	94-05-046
	PROP	94-14-091	Wetlands			
	PERM	94-18-036	forested bogs and fens		<b>EMER</b>	94-01-124
special hunting and trapping					<b>PROP</b>	94-09-029
seasons permits	PERM	94-11-030			<b>EMER</b>	94-09-030
					<b>PROP</b>	94-15-024
					<b>PERM</b>	94-17-033
<b>FISHERIES, DEPARTMENT OF</b>						
(See also <b>FISH AND WILDLIFE, DEPARTMENT OF</b> )						
<u>Commercial</u>						
baitfish						
areas and seasons	<b>EMER</b>	94-04-047				
bottomfish						
coastal bottomfish catch limits	<b>EMER</b>	94-02-039				
	<b>EMER</b>	94-05-003				
licenses	<b>PERM</b>	94-01-001				
	<b>EMER</b>	94-02-040				
marine fish						
rules and definitions	<b>PROP</b>	94-03-106				
salmon						
Columbia River above Bonneville, seasons	<b>EMER</b>	94-04-048				
Columbia River below Bonneville, seasons	<b>EMER</b>	94-04-101				
	<b>EMER</b>	94-06-042				
sea urchins						
area and seasons	<b>EMER</b>	94-01-109				
	<b>EMER</b>	94-01-152				
	<b>EMER</b>	94-03-063				
	<b>EMER</b>	94-05-055				
shellfish						
rules and definitions	<b>PROP</b>	94-03-106				
shrimp						
Puget Sound	<b>PROP</b>	94-03-098				
sturgeon						
Columbia River						
above Bonneville, seasons	<b>EMER</b>	94-02-010				
vessel designation	<b>EMER</b>	94-02-040				
vessel registration	<b>PERM</b>	94-01-001				
<u>Personal use</u>						
food fish						
rules and definitions	<b>PROP</b>	94-03-105				
	<b>PROP</b>	94-16-108				
licenses	<b>PERM</b>	94-01-001				
	<b>EMER</b>	94-02-040				
salmon						
area closures	<b>EMER</b>	94-01-012				
shellfish						
rules and definitions	<b>PROP</b>	94-03-105				
Shellfish						
pots, setting requirements	<b>EMER</b>	94-05-002				
<b>FOREST PRACTICES APPEALS BOARD</b>						
Appeals	<b>EMER</b>	94-07-062				
	<b>PROP</b>	94-07-097				
	<b>PERM</b>	94-12-030				
<b>FOREST PRACTICES BOARD</b>						
Enforcement	<b>PERM</b>	94-01-134				
Marbled murrelet						
critical wildlife habitats	<b>EMER</b>	94-07-053				
	<b>PROP</b>	94-12-076				
	<b>EMER</b>	94-13-065				
	<b>PREP</b>	94-13-066				
	<b>PROP</b>	94-17-156				
	<b>EMER</b>	<b>94-20-060</b>				
Meetings	<b>MISC</b>	94-01-133				
	<b>MISC</b>	94-13-211				
	<b>MISC</b>	94-16-150				
	<b>MISC</b>	94-19-070				
Penalties						
assessment and enforcement	<b>PERM</b>	94-01-134				
Spotted owl						
critical wildlife habitats	<b>PROP</b>	94-17-156				
<b>GAMBLING COMMISSION</b>						
Amusement games						
approval and authorization	<b>PERM</b>	94-01-036				
coin or token activated games	<b>PREP</b>	94-16-005				
	<b>PROP</b>	94-17-089				
prizes	<b>PREP</b>	94-13-109				
	<b>PROP</b>	94-16-009				
	<b>PROP</b>	94-17-087				
Bingo						
activities conducted at games, authorization and restrictions	<b>PROP</b>	<b>94-20-037</b>				
disposable bingo cards	<b>PERM</b>	94-01-034				
electronic bingo card daubers	<b>PROP</b>	94-10-005				
	<b>PROP</b>	94-11-094				
	<b>PROP</b>	94-16-011				
	<b>PERM</b>	94-17-090				
equipment requirements	<b>PERM</b>	94-01-033				
game conduct	<b>PREP</b>	94-13-111				
	<b>PROP</b>	94-13-113				
	<b>PERM</b>	94-18-013				
sale of bingo cards	<b>PROP</b>	94-10-005				
	<b>PROP</b>	94-13-101				
	<b>PERM</b>	94-16-008				
Card games						
authorized types	<b>PROP</b>	94-10-006				
	<b>PERM</b>	94-13-098				
	<b>PROP</b>	94-17-089				
cardrooms						
fees	<b>EMER</b>	94-13-100				
	<b>PREP</b>	94-13-108				
	<b>PROP</b>	94-13-112				
	<b>PERM</b>	94-17-091				
house dealers	<b>PROP</b>	94-10-006				
	<b>PERM</b>	94-13-098				
	<b>PROP</b>	94-10-006				
wager limits	<b>PROP</b>	94-10-006				
Charitable or nonprofit organizations						
card games	<b>PROP</b>	94-17-089				
qualifications, procedures, and responsibilities	<b>PERM</b>	94-01-035				
Compulsive or problem gambling, informational signs	<b>PREP</b>	94-16-007				
	<b>PROP</b>	94-17-089				
	<b>PREP</b>	94-17-088				
	<b>PROP</b>	94-17-089				
	<b>PROP</b>	94-19-073				
	<b>PROP</b>	94-10-005				
	<b>PERM</b>	94-13-099				
Gambling equipment	<b>PROP</b>	94-17-089				
Licenses	<b>PROP</b>	94-17-089				
Meetings	<b>MISC</b>	94-01-037				
	<b>MISC</b>	94-04-099				
	<b>MISC</b>	94-05-047				
	<b>MISC</b>	94-07-099				
Nonprofit or charitable organizations						
qualification, procedures, and responsibilities	<b>PERM</b>	94-01-035				
Problem or compulsive gambling, informational signs	<b>PREP</b>	94-16-007				
	<b>PROP</b>	94-17-089				
Prohibited activities	<b>PROP</b>	94-10-005				
	<b>PERM</b>	94-13-099				
Punchboards and pull tabs						
prizes, deletion of reference	<b>PREP</b>	94-13-110				
	<b>PROP</b>	94-16-010				
	<b>PROP</b>	94-19-072				

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

prizes, minimum percentage	PREP	94-16-004	project selection process	EMER	94-01-069
	PROP	94-17-089		EMER	94-04-015
	PROP	94-19-071	supplemental applications	PROP	94-10-029
retention requirements	PERM	94-01-032		EMER	94-10-031
	PREP	94-16-006		PERM	94-17-039
	PROP	94-17-089	National and community service,		
	PROP	94-19-071	commission on membership and duties	MISC	94-06-009
Recordkeeping requirements	<b>PROP</b>	<b>94-20-037</b>	Rule making by agencies, procedures	MISC	94-13-057
Rules coordinator	MISC	94-07-100	School-to-work transition, council on		
Rules, housekeeping changes	PROP	94-04-024	establishment	MISC	94-04-070
	PROP	94-07-083	Substance abuse, council on		
	PERM	94-07-084	reestablishment	MISC	94-16-075
	PERM	94-11-095	Telecommunications policy coordination		
			task force		
			establishment	MISC	94-19-043
<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>			Wahkiakum County eligibility to offer		
Capital campus design advisory committee			distressed area investment tax		
meetings	MISC	94-15-027	incentives	MISC	94-19-044
Commodity redistribution	PROP	94-11-007	Watershed planning, implementation,		
Correctional industries			and restoration for fish and wildlife	MISC	94-08-088
purchase preference	PROP	94-16-035			
Energy conservation for state-owned			<b>GRAYS HARBOR COLLEGE</b>		
facilities private investment	PREP	94-19-069	Discrimination	PREP	94-14-097
Handicapped persons				PREP	94-14-098
sidewalk and curb ramp design				PROP	94-16-090
standards	PREP	94-19-068		PROP	94-16-091
Inmate work programs				<b>PERM</b>	<b>94-20-072</b>
state purchasing practices	PROP	94-10-053		<b>PERM</b>	<b>94-20-073</b>
Parking program for facilities off			Grievances	PREP	94-14-097
state capitol grounds	PROP	94-09-047		PREP	94-14-098
	PROP	94-16-036		PROP	94-16-090
	PROP	94-17-008		PROP	94-16-091
Public works				<b>PERM</b>	<b>94-20-072</b>
small works roster	PREP	94-19-067		<b>PERM</b>	<b>94-20-073</b>
water projects, public bidding	PREP	94-19-066	Meetings	MISC	94-02-024
Purchasing			Sexual harassment	PREP	94-14-098
practices	PREP	94-19-090		PROP	94-16-091
Rules agenda	MISC	94-18-085		<b>PERM</b>	<b>94-20-073</b>
Rules coordinator	MISC	94-18-084		<b>PERM</b>	<b>94-20-073</b>
Surplus property disposal	PROP	94-11-007			
	PROP	94-16-034	<b>GREEN RIVER COMMUNITY COLLEGE</b>		
			Adjudicative proceedings	PERM	94-04-051
<b>GOVERNOR, OFFICE OF THE</b>			Meetings	MISC	94-02-087
Chelan County state of emergency	MISC	94-16-066	Parking and traffic	PERM	94-04-051
Clemency and pardons board				PERM	94-04-052
meetings	MISC	94-03-090	Smoking regulations	PERM	94-04-054
	MISC	94-06-015	Tenure	PERM	94-04-053
	MISC	94-10-017			
	MISC	94-12-020	<b>GROWTH MANAGEMENT HEARINGS BOARDS</b>		
Combined fund drive, state employee			(See also <b>GROWTH PLANNING HEARINGS BOARDS</b> )		
charity membership criteria	PERM	94-01-038	Practice and procedure	PREP	94-17-012
Efficiency and accountability commission				PROP	94-20-035
meetings	MISC	94-04-100	<b>GROWTH PLANNING HEARINGS BOARDS</b>		
Energy strategy, implementation	MISC	94-03-088	(See also <b>GROWTH MANAGEMENT HEARINGS BOARDS</b> )		
Families, youth, and justice,			Meetings	MISC	94-01-053
council on	MISC	94-14-003		MISC	94-01-067
Family policy council advisory				MISC	94-01-077
committee	MISC	94-12-013		PROP	94-01-097
Ferry County state of emergency	MISC	94-17-094	Practice and procedure	PROP	94-07-007
Low-income housing tax credit allocations	MISC	94-08-089		PERM	94-07-033
Multimodal transportation programs and projects			Rules coordinator	MISC	94-01-053
selection committee					
funding shortfalls	PREP	94-16-133	<b>HARDWOODS COMMISSION</b>		
	PROP	94-18-042	(See <b>TRADE AND ECONOMIC DEVELOPMENT,</b>		
funds, distribution	PROP	94-05-100	<b>DEPARTMENT OF</b> )		
	EMER	94-05-101	<b>HEALTH CARE AUTHORITY</b>		
	PERM	94-10-030	Basic health plan		
	PERM	94-11-081	benefits	EMER	94-06-032
meetings	PROP	94-18-104		PROP	94-07-075
	MISC	94-01-182		EMER	94-14-017
	MISC	94-04-039	disenrollment	EMER	94-14-017
operating procedures	PROP	94-05-100	eligibility	EMER	94-06-032
	EMER	94-05-101		PROP	94-07-075
	PERM	94-10-030		EMER	94-14-017
	PERM	94-11-081			
	PROP	94-18-104			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

enrollment	EMER 94-06-032	Registration of plans	PREP 94-13-205
	PROP 94-07-075	Rules coordinator	MISC 94-01-070
	EMER 94-14-017		MISC 94-09-013
hearings and grievances	EMER 94-06-032	Seasonal employment	PREP 94-13-166
	PROP 94-07-075		MISC 94-17-181
	EMER 94-14-017	Supplemental benefits	PREP 94-13-173
premiums and copayment	EMER 94-14-017	Supplier certification standards	PROP 94-12-080
Definitions	EMER 94-14-017	Taft-Hartley and public trusts	MISC 94-17-181
Group purchasing association caregivers		Uniform benefits package	PROP 94-11-109
health plan			PREP 94-13-175
eligibility	EMER 94-08-028		PREP 94-13-176
Public employees benefits board			PREP 94-13-204
insurance plans			PREP 94-13-206
eligibility	EMER 94-08-027		MISC 94-17-181
	EMER 94-16-054		PROP 94-17-190
	EMER 94-16-058	Waivers from participation	
meetings	MISC 94-03-007	conscience or religion	PREP 94-13-165
	MISC 94-08-008		
	MISC 94-13-092		
	MISC 94-17-062		
<b>HEALTH CARE FACILITIES AUTHORITY</b>			
Health care facilities, definition and categorization	PROP 94-12-021	Abortion facilities	PERM 94-04-083
	PERM 94-15-053	authority of department to regulate	
Nursing homes		Adjudicative proceedings	PERM 94-04-078
financial assistance criteria	PROP 94-12-022	disciplinary boards	PROP 94-13-087
	PERM 94-15-054	secretary programs and professions	PERM 94-04-079
			PROP 94-13-088
<b>HEALTH SERVICES COMMISSION</b>			
Availability and accessibility of services	PROP 94-17-185	AIDS	
Benefits and premium payments, coordination	PREP 94-13-169	case reporting	PREP 94-16-105
	PROP 94-17-188	Board of health	
Border individuals or employers	PREP 94-13-167	rules agenda	MISC 94-17-115
Capital expenditures, monitoring	MISC 94-17-181	Boarding homes	
Certification of plans	PREP 94-13-205	nursing care for residents	PERM 94-01-058
	PROP 94-17-186	standards, revised provisions	PROP 94-08-040
Community-rated maximum premium	PREP 94-13-172		PERM 94-13-180
	PROP 94-17-187	Boards and commissions	
Competitive oversight and antitrust immunity	PROP 94-06-060	reorganization	PREP 94-15-066
	PROP 94-12-078	Chiropractic disciplinary board	
	PROP 94-12-081	adjudicative proceedings	PROP 94-03-053
	PROP 94-13-208		PERM 94-08-053
	PROP 94-17-179	cooperation with investigation	PROP 94-11-080
Conflicts of interest	MISC 94-17-181	future care contracts	PERM 94-16-012
Consumer choice of plans	MISC 94-17-181	licenses	PROP 94-02-016
Enrollee costs	PROP 94-17-189	renewal form	PROP 94-11-080
Essential community providers	PREP 94-17-182	meetings	MISC 94-04-110
Experimental and investigative services	PREP 94-13-170	recordkeeping requirements	PROP 94-11-080
Health care data system	PREP 94-13-174	scope of practice	PROP 94-11-080
	MISC 94-17-181	Chiropractic quality assurance commission	
Health services information system		rules agenda	MISC 94-17-114
advisory council duties	PROP 94-17-183	Coordinated quality improvement program	
Managed competition and antitrust immunity	PROP 94-06-059	criteria for approval	<b>PROP 94-20-079</b>
Medical risk adjustment	PREP 94-13-171	Dental disciplinary board	
	MISC 94-17-181	adjudicative proceedings	PROP 94-03-045
Meetings	MISC 94-04-129	meetings	MISC 94-04-074
	MISC 94-07-094	Dental examiners, board of	
	MISC 94-14-099	adjudicative proceedings	PROP 94-03-044
	PROP 94-17-179		PERM 94-08-011
	MISC 94-17-180	dentist fees	PERM 94-12-038
	MISC 94-17-181	examinations, eligibility and application	PERM 94-02-058
Organization and operation	PROP 94-01-141		PROP 94-06-046
	PERM 94-04-046	meetings	PERM 94-11-088
Payroll deductions	PREP 94-13-207	temporary practice permits	MISC 94-04-072
Powers and duties	PREP 94-13-205		PREP 94-13-005
Provider selection, termination, and dispute resolution	PROP 94-10-085	Dental hygiene examining committee	PROP 94-19-093
	PROP 94-12-079	rules agenda	MISC 94-17-112
Purchasing cooperatives	PREP 94-13-168	Dental hygienists	
Qualified employee	MISC 94-17-181	education requirements	PROP 94-01-056
Quality assurance and improvement	PROP 94-17-184	examination	PERM 94-05-053
		reevaluation criteria	PREP 94-17-102
		licenses	
		fees	PERM 94-02-059
		reinstatement of expired license	PERM 94-04-005

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

meetings	MISC	94-04-073	licensure		
Dental quality assurance commission			examination	PROP	94-05-080
rules agenda	MISC	94-17-113		PERM	94-13-181
Fees			initial application	PROP	94-06-045
professional licenses	PROP	94-18-100	training	PROP	94-06-045
Health professions quality assurance division			without examination	PREP	94-13-178
administrative procedures	PREP	94-18-006		PROP	94-05-080
adjudicative proceedings	PREP	94-18-006	rules agenda	PERM	94-13-181
fees	PREP	94-15-063	Medical disciplinary board	MISC	94-17-109
regulatory boards, model rules	PREP	94-18-006	adjudicative proceedings	PROP	94-07-011
Health statistics, center for				<b>PROP</b>	<b>94-20-092</b>
pregnancy terminations, reporting	PERM	94-04-083	Medical examiners, board of examinations		
Hearings aids, fitters and dispensers licenses			reciprocity or waiver	PROP	94-08-095
inactive status	PERM	94-08-038		PERM	94-15-064
trainees, standards of training and supervision	PROP	94-08-037	scores	PROP	94-08-095
	PERM	94-11-108	physician assistants	PERM	94-15-065
Hearing aids, board on fitting and dispensing of			alternate sponsoring or supervising physicians, relationship with	PROP	94-08-094
rules agenda	MISC	94-17-111		PERM	94-15-065
HIV			Medical quality assurance commission		
health insurance eligibility	PROP	94-01-057	rules agenda	MISC	94-17-107
	PERM	94-06-048	Medical test sites		
Home care	PROP	94-10-046	fees	PROP	94-11-012
Home health agencies				PROP	94-14-039
deemed status	PROP	94-10-047	licensure	PERM	94-17-099
	PERM	94-17-136		PROP	94-14-039
	PERM	94-17-137	Nuclear regulatory program, compatibility with federal standards	PERM	94-17-099
	PERM	94-17-138		PREP	94-17-015
licenses	PROP	94-10-047	Nursing, board of		
	PERM	94-17-136	advanced registered nurse practitioners		
	PERM	94-17-137	education requirements	PROP	94-10-056
	PERM	94-17-138		PROP	94-11-079
policies and procedures	PROP	94-10-047	scope of practice	<b>PROP</b>	<b>94-20-078</b>
	PERM	94-17-136		PROP	94-10-056
	PERM	94-17-137		PROP	94-11-079
	PERM	94-17-138	registered nurses	<b>PROP</b>	<b>94-20-078</b>
volunteers	PROP	94-10-047	continuing education	PROP	94-10-057
	PERM	94-17-136	licensure	PROP	94-10-057
	PERM	94-17-137	computer adaptive testing	PROP	94-01-132
	PERM	94-17-138		PERM	94-07-012
Hospice			Nursing care quality assurance commission		
deemed status	PROP	94-10-045	licensed practical nurses		
licenses	PROP	94-10-045	standards of practice	<b>PREP</b>	<b>94-20-077</b>
policies and procedures	PROP	94-10-045	registered nurses		
volunteers	PROP	94-10-045	licensure	PROP	94-16-104
Hospitals				<b>PERM</b>	<b>94-20-081</b>
budgets and accounting	PROP	94-09-026	standards of practice	<b>PREP</b>	<b>94-20-077</b>
	PERM	94-12-089	rules agenda	MISC	94-17-122
data collection and reporting	PROP	94-09-026	Nursing home administrators, board of		
	PERM	94-12-089	administrator-in-training program		
fee schedules	PROP	94-09-026	fees	PREP	94-14-031
	PERM	94-12-089		PROP	94-05-065
patient discharge reporting	PROP	94-09-007	meetings	PERM	94-09-006
	PERM	94-12-090		MISC	94-03-054
private psychiatric and alcoholism hospitals, requirements	PREP	94-13-177		MISC	94-10-011
public records	PROP	94-09-026	rules agenda	MISC	94-16-013
	PERM	94-12-089	Occupational therapy practice board	MISC	94-17-108
Kidney centers	PERM	94-05-052	AIDS education and training	PROP	94-10-059
Laboratories				<b>PERM</b>	<b>94-20-036</b>
medical test sites, fees	PROP	94-11-012	education programs	PROP	94-10-059
Massage, board of				<b>PERM</b>	<b>94-20-036</b>
apprenticeship programs	PROP	94-06-045	licenses	PROP	94-10-059
continuing education	PROP	94-01-055		<b>PERM</b>	<b>94-20-036</b>
	PROP	94-05-080	meetings	MISC	94-16-067
	PERM	94-13-181	On-site sewage systems		
	PROP	94-18-103	requirements	PERM	94-09-025
meetings	PROP	94-06-045		MISC	94-16-029

**Subject/Agency Index**  
(Citation in bold type refer to material in this issue)

Opticians			interim permits	PERM	94-05-014
contact lenses			meetings	MISC	94-02-056
fitting and dispensing	PROP	94-02-057		MISC	94-16-068
	PERM	94-06-047		MISC	<b>94-20-048</b>
	PROP	94-15-069	Physician assistants		
records retention	PROP	94-02-057	alternate sponsoring or supervising		
	PERM	94-06-047	physicians, relationship with	PROP	94-08-094
	PROP	94-15-069	Podiatric medical board		
fees	PROP	94-05-032	adjudicative proceedings	PROP	94-05-081
	PERM	94-08-078		PERM	94-09-008
Optometry board			continuing education	PERM	94-05-051
continuing education	PERM	94-04-041	licensure eligibility	PERM	94-05-051
prescriptions for contact			patient records	PERM	94-05-051
lens fitting	PROP	94-13-086	substance abuse monitoring program	PROP	94-08-079
rules agenda	MISC	94-17-105		PERM	94-14-082
scope of practice	MISC	94-14-066	unlicensed persons, authorized acts	PERM	94-05-051
sexual misconduct	PERM	94-04-041	Pools		
Osteopathic medicine and surgery, board of			construction and operating permits,		
adjudicative proceedings	PROP	94-11-093	fees	PROP	94-07-121
	PERM	94-15-068		PERM	94-11-056
examinations	PROP	94-11-093	Practical nursing, board of		
	PERM	94-15-068	fees	PROP	94-05-035
physicians assistants				PERM	94-08-102
licensure	PROP	94-11-093	licensure		
	PERM	94-15-068	examination	PROP	94-05-033
prescriptions	PROP	94-11-093		PERM	94-08-050
	PERM	94-15-068	qualifications	PROP	94-05-033
Pharmacy, board of				PERM	94-08-050
adjudicative proceedings	PROP	94-11-089	student records	PROP	94-05-033
	PROP	94-13-053		PERM	94-08-050
	PERM	94-17-144	Professional licensing division		
compounding practices	PROP	94-02-079	fees	PROP	94-18-100
	PERM	94-08-101	Psychology, examining board of		
continuing education	PROP	94-11-092	continuing education	PROP	94-08-039
	PROP	94-18-072		PERM	94-12-039
	PROP	94-19-094	licensure		
controlled substances			applications	PROP	94-08-039
destruction of schedule II				PERM	94-12-039
substances in nursing homes	PERM	94-02-077	examination	PROP	94-08-039
list corrections and additions	PROP	94-02-089		EMER	94-09-024
	PROP	94-04-111		PERM	94-12-039
	PERM	94-07-105	prerequisites	PROP	94-08-039
ephedrine prescription restrictions	PERM	94-08-098		PERM	94-12-039
	PROP	94-02-078	rules agenda	MISC	94-17-110
	PERM	94-08-100	Quality improvement program for health		
examinations	PROP	94-04-113	care facilities and providers	PROP	94-09-042
	PERM	94-08-099	Radiation protection, division of		
fees	PERM	94-05-036	emergency preparedness	PREP	94-15-028
good compounding practices	PROP	94-02-079	environmental radioactivity		
	PERM	94-08-101	cleanup standards	PROP	94-09-041
hospital pharmacy standards	PROP	94-11-090	radiation levels	PROP	94-09-041
licenses			fees	PROP	94-01-142
renewal notices	PROP	94-08-096		PROP	94-07-107
	PERM	94-14-038		PROP	94-07-108
requirements	PREP	94-14-109		PERM	94-11-010
patient medication record systems	PROP	94-11-091		PERM	94-11-011
pharmacy assistants			incident notification and reporting	EMER	94-19-029
specialized functions	PROP	94-01-088	radiation protection standards	PROP	94-01-059
	PROP	94-04-112		PERM	94-01-073
	PERM	94-08-097		PROP	94-01-142
procedural rules	PROP	94-11-089		PROP	94-06-016
	PROP	94-13-053		PERM	94-06-017
	PERM	94-17-144		PREP	94-16-065
reciprocity	PROP	94-04-113	radioactive air emissions,		
	PERM	94-08-099	regulations	PERM	94-07-010
recordkeeping requirements	PROP	94-11-091	Radiologic technology advisory committee		
rules agenda	MISC	94-17-106	meetings	MISC	94-04-103
wildlife, department of			Rules to be considered for possible change	MISC	94-17-103
approved legend drug use	PERM	94-02-060	Sewage systems, on-site		
Physical therapy, board of			requirements	PERM	94-09-025
adjudicative proceedings	PERM	94-05-014	Sex offender treatment providers		
licenses			certification	PROP	94-09-027
applicants	PERM	94-05-014		PERM	94-13-179
continuing competency	PERM	94-05-014	definitions	PROP	94-09-027
endorsement, licensure by	PERM	94-05-014		PERM	94-13-179

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

education requirements	PROP 94-09-027 PERM 94-13-179	Running start program	PROP 94-01-112 PROP 94-04-093 PERM 94-14-064
fees	PROP 94-09-027 PERM 94-13-179	State Environmental Policy Act (SEPA) compliance	PREP 94-16-001 PROP 94-16-125 PROP 94-09-058 PERM 94-14-006 PROP 94-09-060 PERM 94-14-007
professional conduct and standards	PROP 94-09-027 PERM 94-13-179	State work-study program	
treatment standards	PROP 94-09-027 PERM 94-13-179	Washington scholars program	
Shellfish sanitation control	PROP 94-12-087 PROP 94-12-088 PROP 94-17-121	<b>HIGHER EDUCATION FACILITIES AUTHORITY</b>	
Transient accommodations	PROP 94-10-058 PROP 94-17-100 PROP 94-19-092	Organization and operation	PROP 94-12-092 PROP 94-17-013 PROP 94-12-092 PROP 94-17-013
Tuberculosis control	PROP 94-12-048 PROP 94-14-081 PREP 94-16-106 PERM 94-20-080	Underwriters, selection	
Uniform Disciplinary Act model procedural rules for boards secretary programs and professions, adjudicative proceedings	PERM 94-04-078	<b>HIGHLINE COMMUNITY COLLEGE</b>	
Veterinary board of governors rules agenda	PERM 94-04-079	Meetings	MISC 94-04-071 MISC 94-13-115
Veterinary medication clerks fees	MISC 94-17-104	<b>HISPANIC AFFAIRS, COMMISSION ON</b>	
scope of functions	PROP 94-08-076 EMER 94-08-077 PROP 94-19-097 PERM 94-19-098 EMER 94-08-051 PROP 94-08-052 PROP 94-19-095 EMER 94-19-096 EMER 94-08-051 PROP 94-08-052 PROP 94-19-095 EMER 94-19-096	Meetings	MISC 94-04-127 MISC 94-08-003 MISC 94-09-063 MISC 94-10-016 MISC 94-16-138
supervision		<b>HORSE RACING COMMISSION</b>	
Vision care practitioners		Association officials and employees	
Vision Care Consumer Assistance Act, implementation	PROP 94-10-026 PROP 94-14-080 PERM 94-17-101 EMER 94-08-051 PROP 94-08-052	duties	PROP 94-09-003 PROP 94-09-003
training and education		testing	
Water		Bleeder treatment, medication administration	PROP 94-17-143 <b>PERM 94-20-070</b> PROP 94-09-003 PROP 94-05-076 PROP 94-17-072
drinking water certification	PREP 94-13-004 PROP 94-08-075 PERM 94-14-001 PROP 94-06-008 PERM 94-14-002	Definitions	
group A public water systems		Exacta rules	
group B public water systems		Licenses	
satellite system management agencies	PROP 94-13-085 PERM 94-18-108 PERM 94-04-004	duration	PERM 94-04-002 PERM 94-04-002
water works operator certification		Medication testing program	
<b>HIGHER EDUCATION COORDINATING BOARD</b>		Medications, administration by veterinarians	PREP 94-15-097 <b>PREP 94-20-069</b> PROP 94-09-003 PROP 94-05-077 PROP 94-17-072 PERM 94-04-003 PROP 94-09-003 PROP 94-05-075 PROP 94-17-072
Award for excellence in education program	PROP 94-09-061 PERM 94-14-008	Problem gambling informational sign	
Degree Authorization Act administration and governance	PROP 94-06-018 PROP 94-17-166	Practice and procedure	
degree-granting private vocational schools	PREP 94-16-070 PROP 94-10-001 PROP 94-15-033	Quinella rules	
Displaced homemaker program		Race results, transmission	
Federal financial aid programs		Racing rules	
fraud and abuse reduction	<b>PREP 94-20-065</b> MISC 94-03-049 MISC 94-09-044 MISC 94-10-052 MISC 94-16-151	Trifecta rules	
Meetings		<b>HUMAN RIGHTS COMMISSION</b>	
		Disability discrimination	PROP 94-04-087 MISC 94-01-119 MISC 94-01-120 MISC 94-03-083 MISC 94-05-087 MISC 94-06-002 MISC 94-07-118 MISC 94-09-037 MISC 94-11-052 MISC 94-13-154 MISC 94-15-085 MISC 94-16-087 MISC 94-17-165 MISC 94-19-053 MISC 94-20-112 PROP 94-04-087 PROP 94-04-087 PROP 94-04-087
		Meetings	
		Preemployment inquiries	
		Pregnancy discrimination	
		Sex discrimination	



**Subject/Agency Index**  
(Citation in **bold type** refer to material in this issue)

**HYDRAULIC APPEALS BOARD**

Rules of procedure  
EMER 94-07-059  
PROP 94-07-096  
PERM 94-12-029

**INDETERMINATE SENTENCE REVIEW BOARD**

Rules coordinator MISC 94-02-067

**INFORMATION SERVICES, DEPARTMENT OF**

Information services board meetings MISC 94-12-040

**INSURANCE COMMISSIONER, OFFICE OF**

Actuarial opinion and memorandum Agents, solicitors, and adjusters continuing education PREP 94-18-081

licenses  
PROP 94-11-100  
PERM 94-14-033  
PROP 94-11-100  
PERM 94-14-033  
PERM 94-14-110  
PROP 94-05-057

Annuities  
Audited financial statements PROP 94-01-192  
PERM 94-04-045

Data reporting requirements  
Financial statements PREP 94-14-032  
PROP 94-01-192  
PERM 94-04-045

Health care service contractors  
custodial care benefits PROP 94-05-056  
grievance procedures PREP 94-16-142  
participating provider contracts PROP 94-01-075  
preexisting condition limitations, restrictions PROP 94-04-125  
PERM 94-08-081

Health insurance  
alternative care benefits  
minimum standards PROP 94-15-103  
PROP 94-18-018  
PROP 94-18-028  
PERM 94-19-015

certified health plans  
application requirements PREP 94-17-199  
coordination of benefits PROP 94-11-122  
**PERM 94-20-068**

custodial care benefits  
health plan providers  
dispute resolution PROP 94-10-077  
selection PROP 94-10-077  
termination PROP 94-10-077  
off-label drugs PROP 94-05-070

preexisting condition limitations, restrictions  
PROP 94-04-125  
PERM 94-08-081  
PROP 94-11-082  
PERM 94-13-216

prescription drugs  
off-label drugs PROP 94-15-104  
PROP 94-18-020  
PERM 94-18-038

reinsurance agreements  
PROP 94-05-089  
PROP 94-08-013  
PROP 94-10-024  
PROP 94-12-077

Health insurance reform short term  
coordination of benefits PROP 94-11-122  
**PERM 94-20-068**

form modification  
PROP 94-02-065  
PROP 94-03-048  
PROP 94-03-085

portability  
PROP 94-02-065  
PROP 94-03-048  
EMER 94-03-084  
PROP 94-03-085  
PROP 94-04-126  
PROP 94-08-006  
PERM 94-08-060

rate limitations PROP 94-02-065  
PROP 94-03-048  
PROP 94-03-085  
renewability PROP 94-02-065  
PROP 94-03-048  
EMER 94-03-084  
PROP 94-03-085  
PROP 94-02-065

unfair practices  
Health maintenance organizations  
custodial care benefits PROP 94-05-056  
participating provider contracts PROP 94-01-075  
preexisting condition limitations, restrictions PROP 94-04-125  
PERM 94-08-081

Liability insurance  
rate filings PREP 94-17-038  
special liability insurance report PROP 94-17-116  
**PERM 94-20-049**

Life insurance  
accelerated benefits PROP 94-05-071  
PROP 94-15-105  
PROP 94-18-019  
PERM 94-18-029  
PREP 94-18-082

reinsurance agreements  
PROP 94-05-089  
PROP 94-08-013  
PROP 94-10-024  
PROP 94-12-077  
PROP 94-18-079

universal life insurance, standards  
Long-term care insurance  
home health care PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100  
PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100  
PROP 94-09-048  
PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100

inflation protection  
PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100  
PROP 94-09-048  
PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100

preproposal comments  
standards PROP 94-09-048  
PROP 94-09-050  
PROP 94-11-096  
PROP 94-13-217  
PERM 94-14-100

Malpractice insurance  
midwifery and birthing centers PERM 94-02-053  
Midwifery and birthing centers  
malpractice joint underwriting  
authority PERM 94-02-053  
PROP 94-09-049  
PERM 94-13-006  
PREP 94-18-080

Motor vehicle insurance  
rate filings PREP 94-17-038  
**PERM 94-20-059**

Rate filings  
PREP 94-17-038  
PROP 94-17-176  
PREP 94-14-032  
MISC 94-17-040

Reporting requirements  
Rules coordinator

**INTEREST RATES**  
(See inside front cover)

**INVESTMENT BOARD**  
Meetings MISC 94-04-019

**JUDICIAL CONDUCT, COMMISSION ON**  
Ethics in public service  
procedures and criteria PREP 94-17-061  
Meetings MISC 94-01-050  
MISC 94-01-051  
MISC 94-11-076  
MISC 94-17-085  
MISC 94-18-002  
PREP 94-15-039

Procedural rules

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### LABOR AND INDUSTRIES, DEPARTMENT OF

Apprenticeship and training council meeting	MISC	94-16-089	commercial diving operations	PROP	94-10-010
Boiler rules, board of inspections	PROP	94-17-170	confined spaces hazards	PERM	94-15-096
inspectors	PROP	94-17-170	construction	PREP	94-17-197
meetings	MISC	94-01-015		PREP	94-17-198
national codes and standards, consistency with	PREP	94-16-037		PROP	94-10-010
repairs and alterations	PROP	94-17-170		PROP	94-11-124
small electric boilers, exemption from rules	EMER	94-04-006		PROP	94-15-094
	PROP	94-05-072		PERM	94-15-096
	PROP	94-18-102		PROP	94-16-015
				PERM	94-16-145
Crime victims compensation				PROP	94-17-164
mental health treatment fees and rules	PERM	94-02-015	electrical workers	PREP	94-17-193
Electrical board				PREP	94-17-194
meetings	MISC	94-02-055		<b>PREP</b>	<b>94-20-119</b>
Electrical installations				PROP	94-11-124
wiring and apparatus	PERM	94-01-005		PREP	94-15-091
Electricians			elevators, dumbwaiters, escalators, and moving walks	PROP	94-15-095
journeyman electricians			explosives, handling and possession	PROP	94-16-144
certificate of competency	PERM	94-01-005	firefighters	<b>PERM</b>	<b>94-20-057</b>
Employer reporting of fatalities and multiple hospitalization incidents	PREP	94-15-093		<b>PREP</b>	<b>94-20-120</b>
	PROP	94-15-095		PROP	94-17-164
	<b>PERM</b>	<b>94-20-057</b>	hazardous materials transportation	PROP	94-11-124
Explosives	PREP	94-15-089	logging operations	PROP	94-11-124
	PROP	94-17-164		PROP	94-15-095
Fees	PERM	94-01-100		PERM	94-16-145
Medical and mental health treatment fees and rules	PERM	94-02-015		<b>PERM</b>	<b>94-20-057</b>
	<b>PREP</b>	<b>94-20-125</b>	longshore, stevedore, and related waterfront operations	PROP	94-17-164
Occupational health standards			paper mills	PROP	94-15-095
general	PROP	94-07-085	personal protective equipment	<b>PERM</b>	<b>94-20-057</b>
	PERM	94-07-086	pulp, paper, and paperboard mills and converters	PREP	94-15-092
	PROP	94-10-010	sawmills	PREP	94-17-191
	PROP	94-11-124	shipyards	PROP	94-15-095
	PROP	94-15-094	ski lift area facilities and operations	<b>PERM</b>	<b>94-20-057</b>
	PROP	94-15-095		PREP	94-17-197
	PERM	94-15-096		PROP	94-11-124
	PROP	94-16-015		PERM	94-16-145
	PERM	94-16-145		PROP	94-17-164
	PROP	94-17-164		PROP	94-10-010
	<b>PERM</b>	<b>94-20-057</b>	telecommunications	PROP	94-15-095
hazardous waste operations and emergency response	<b>PREP</b>	<b>94-20-124</b>		PERM	94-15-096
lead exposure	PROP	94-15-094		PROP	94-16-015
tobacco smoke in offices	PERM	94-07-086	Workers' compensation	<b>PROP</b>	<b>94-20-056</b>
	MISC	94-14-103	chiropractors, special medical examinations	<b>PERM</b>	<b>94-20-057</b>
Prevailing wages			classifications	PREP	94-20-122
fees for filing statements	PERM	94-01-100		PROP	94-07-128
Rules agenda	MISC	94-19-020		PROP	94-07-129
Safety and health standards				PERM	94-12-051
agriculture	PROP	94-01-186		PERM	94-12-063
	EMER	94-06-044		PROP	94-17-163
	PERM	94-06-068		PROP	94-18-126
	PROP	94-10-007		<b>PROP</b>	<b>94-20-123</b>
asbestos work	PREP	94-17-192	employer reporting	PREP	94-15-090
general	PROP	94-10-010	general	PROP	94-01-186
	PROP	94-15-095	health care providers' reimbursement	PERM	94-02-045
	PERM	94-15-096		PERM	94-03-008
	PROP	94-16-015			
	<b>PERM</b>	<b>94-20-057</b>	logging or tree thinning, mechanized operations	PROP	94-06-055
Safety standards				PERM	94-12-051
agriculture	PROP	94-12-095	medical aid rules and fee schedule	PROP	94-07-126
	EMER	94-14-027		PERM	94-14-044
	PROP	94-15-095		<b>PROP</b>	<b>94-20-095</b>
	PROP	94-17-068	rates and rating system	PROP	94-07-127
	PREP	94-17-195		PERM	94-12-050
	PROP	94-18-066		PREP	94-14-105
	PERM	94-18-067		PROP	94-18-126
	<b>PERM</b>	<b>94-20-057</b>		<b>PROP</b>	<b>94-20-123</b>
charter boats	PROP	94-17-164			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

reforestation industry, reporting	PREP	94-14-104	fleet vehicles		
	PROP	94-18-127	reciprocity and proration	PROP	94-02-025
respiratory impairment, evaluation	PERM	94-03-073		PERM	94-13-012
self-insurance			model traffic ordinance	PERM	94-01-082
accident reports and claims	PROP	94-12-096		PROP	94-09-002
	PERM	94-17-069	model year, determination	PROP	94-13-123
admission and termination of members	PROP	94-12-096		PERM	94-17-044
	PERM	94-17-069	proportional registration	PREP	94-17-046
assessments	PROP	94-12-096	reckless driving, vehicular homicide, and assault	EMER	94-14-040
	PERM	94-17-069		PROP	94-14-041
certification	PROP	94-03-006	registration		
	PERM	94-05-042	renewal by an agent of owner	PREP	94-18-043
claims	PROP	94-12-096	ride-sharing vehicles	PROP	94-13-123
	PERM	94-17-069		PERM	94-17-044
employee rights	PROP	94-03-006	size, weight, and load	EMER	94-14-040
	PERM	94-05-042		PROP	94-14-041
surety	PROP	94-03-006	special fuel, tax exemption and refunds	PROP	94-02-075
	PERM	94-05-042		PROP	94-02-076
students volunteers	PREP	94-14-105		PERM	94-11-029
				PERM	94-11-055
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>			title and registration	EMER	94-14-040
Meetings	MISC	94-01-052		PROP	94-14-041
	MISC	94-03-016		PREP	94-15-037
				PROP	94-16-126
<b>LEGAL FOUNDATION OF WASHINGTON</b>				PROP	94-17-045
Meetings	MISC	94-04-008		PREP	94-17-123
	MISC	94-07-057		PROP	94-17-148
				PREP	94-18-043
				PROP	94-13-028
<b>LICENSING, DEPARTMENT OF</b>			trip permits		
Appraisers			unauthorized vehicles, procedures for taking custody of	PROP	94-04-017
allowed credits for experience	PROP	94-12-041		PERM	94-08-025
	PERM	94-15-058	unlicensed vehicle trip permits	PROP	94-07-036
Architects			Private security guards		
examinations	PREP	94-19-009	licensing fees	PROP	94-09-018
identification of registrant	PREP	94-19-010		PROP	94-11-026
Cemetery board			Real estate appraisers		
fees	PERM	94-01-117	experience, allowed credits	PROP	94-12-041
Escrow commission				PERM	94-15-058
escrow officer, responsibilities	PERM	94-04-050	residential classification	PERM	94-01-002
organization and operation	PERM	94-04-050	Real estate commission		
meetings	MISC	94-02-018	meetings	MISC	94-02-018
Hulk haulers			real estate education	PREP	94-17-157
licenses			Rules agenda	MISC	94-18-021
applications	PROP	94-07-037	Title and registration advisory committee		
	PERM	94-12-052	meetings	MISC	94-01-111
requirements	PROP	94-07-037		MISC	94-06-069
	PERM	94-12-052		MISC	94-09-053
Landscape architects				MISC	94-12-047
fees	PROP	94-01-047		MISC	94-16-120
	PERM	94-04-044		MISC	<b>94-20-009</b>
	PROP	94-19-056	Vessels		
licenses			fees	PROP	94-03-018
examination	PROP	94-01-047	registration and certificate of title	PROP	94-03-018
	PERM	94-04-044			
	PREP	94-17-017			
fees	PREP	94-17-017			
renewal	PROP	94-01-047			
	PERM	94-04-044			
Model traffic ordinance	PERM	94-01-082			
	PROP	94-09-002			
	PREP	94-17-007			
	PROP	94-19-057			
Motor vehicles			<b>LIQUOR CONTROL BOARD</b>		
collegiate license plate series	PREP	94-16-119	Agents		
dealers			limited authority	PROP	94-11-087
title and ownership certificates	PROP	94-16-126		PERM	94-14-023
	PROP	94-17-045	Booths	PROP	94-07-125
driver licenses and identicards	EMER	94-14-040		PERM	94-10-035
	PROP	94-14-041	Breweries		
driving under the influence			retail sale of beer on premises	PROP	94-02-013
withholding ownership documents	PROP	94-08-057		PROP	94-06-021
	EMER	94-14-040	retailers' brewery license	PROP	94-02-013
	PROP	94-14-041		PROP	94-06-021
			Cigarette vending machines, placement	PREP	94-18-005
			Cocktail lounge declassification, Sunday dining events	PREP	94-15-075
				PROP	94-10-004
				PERM	94-13-127

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Licenseses			<u>Instant game number 118 - Aces Wild</u>		
banquet permits	PREP	94-15-078	criteria	PROP	94-03-099
consumption of alcohol during pregnancy				PERM	94-07-029
warning signs	PROP	94-10-066		PROP	94-12-082
	PREP	94-13-124	definitions	PERM	94-15-049
	PROP	94-13-125		PROP	94-03-099
	PROP	94-15-098		PERM	94-07-029
	PERM	94-18-078		PROP	94-12-082
fetal alcohol syndrome or fetal alcohol effect			ticket validation	PERM	94-15-049
warning signs	PROP	94-05-094		PROP	94-03-099
	PROP	94-08-029		PERM	94-07-029
	PREP	94-13-124		PROP	94-12-082
	PROP	94-15-098		PERM	94-15-049
	PERM	94-18-078	<u>Instant game number 119 - Big Bucks</u>		
hours of operation	PROP	94-05-096	criteria	PROP	94-03-099
	PERM	94-08-031		PERM	94-07-029
liquor possession by person under the			definitions	PROP	94-03-099
influence prohibited	PROP	94-05-093		PERM	94-07-029
	PERM	94-08-030	ticket validation	PROP	94-03-099
private wine shippers' licenses fees	PROP	94-07-124		PERM	94-07-029
	PERM	94-10-034	<u>Instant game number 119 - Lots of Bucks</u>		
samples of unpasteurized beer	PROP	94-11-086	criteria	PROP	94-12-082
	PERM	94-14-022		PERM	94-15-049
split case handling fee	PROP	94-10-067	definitions	PROP	94-12-082
	PERM	94-13-128		PERM	94-15-049
Private clubs			ticket validation	PROP	94-12-082
advertising	PROP	94-02-014		PERM	94-15-049
	PERM	94-06-022	<u>Instant game number 120 - Lucky Deal</u>		
Public records, availability	PERM	94-03-060	criteria	PROP	94-03-099
Purpose	PROP	94-11-085		PERM	94-07-029
	PERM	94-14-021		PROP	94-12-082
Seizure and confiscation of liquor	PREP	94-15-077		PERM	94-15-049
Ships chandlers			definitions	PROP	94-03-099
definition	PROP	94-05-095		PERM	94-07-029
	PERM	94-08-032		PROP	94-12-082
purchase and receipt of beer and wine	PROP	94-05-095		PERM	94-15-049
	PERM	94-08-032	ticket validation	PROP	94-03-099
sales limits	PROP	94-10-003		PERM	94-07-029
	PERM	94-13-126		PROP	94-12-082
Tobacco products				PERM	94-15-049
sales	PROP	94-08-010	<u>Instant game number 121 - Hog Mania</u>		
	PROP	94-08-023	criteria	PROP	94-03-099
	PREP	94-15-075		PERM	94-07-029
Violations and penalties	PREP	94-15-076	definitions	PROP	94-03-099
Wineries				PERM	94-07-029
retail sale of wine on premises	PROP	94-02-013	ticket validation	PROP	94-03-099
	PROP	94-06-021		PERM	94-07-029
retailers' winery license	PROP	94-02-013	<u>Instant game number 122 - High Card</u>		
	PROP	94-06-021	criteria	PROP	94-07-116
	PERM	94-18-005		PERM	94-11-027
				PREP	94-14-058
				PROP	94-16-121
				PERM	94-19-063
<b>LOTTERY COMMISSION</b>			definitions	PROP	94-07-116
<u>Instant game number 114 - Wildcard</u>	PERM	94-03-019		PERM	94-11-027
criteria	PERM	94-03-019		PROP	94-16-121
definitions	PERM	94-03-019		PERM	94-19-063
ticket validation	PERM	94-03-019		PROP	94-07-116
<u>Instant game number 115 - Cash Roulette</u>			ticket validation	PERM	94-11-027
criteria	PERM	94-03-019		PROP	94-16-121
definitions	PERM	94-03-019		PERM	94-19-063
ticket validation	PERM	94-03-019		PROP	94-07-116
<u>Instant game number 116 - Fortune</u>				PERM	94-11-027
criteria	PERM	94-03-019	<u>Instant game number 123 - Holiday Cash</u>		
definitions	PERM	94-03-019	criteria	PROP	94-07-116
ticket validation	PERM	94-03-019		PERM	94-11-027
<u>Instant game number 117 - Cash Crop</u>			definitions	PROP	94-07-116
criteria	PERM	94-03-019		PERM	94-11-027
	PROP	94-07-116	ticket validation	PROP	94-07-116
	PERM	94-11-027		PROP	94-07-116
definitions	PERM	94-03-019	<u>Instant game number 124 - Queen of Hearts</u>		
	PROP	94-07-116	criteria	PROP	94-07-116
	PERM	94-11-027		PERM	94-11-027
ticket validation	PERM	94-03-019	definitions	PROP	94-07-116
	PROP	94-07-116		PERM	94-11-027
	PERM	94-11-027	ticket validation	PROP	94-07-116
				PERM	94-11-027

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<u>Instant game number 125 - Windfall</u>					
criteria	PROP	94-07-116	Instant games		
	PERM	94-11-027	criteria	PERM	94-03-020
definitions	PROP	94-07-116	effective date	MISC	94-07-028
	PERM	94-11-027	new games	PREP	94-17-147
ticket validation	PROP	94-07-116	official end	PERM	94-03-020
	PERM	94-11-027	validation	PREP	94-14-058
			Lottery licenses, ineligibility	PREP	94-14-058
				PREP	94-17-147
<u>Instant game number 126 - Megamoney II</u>				PROP	94-19-059
criteria	PROP	94-07-116	Lotto		
	PERM	94-11-027	prizes	PROP	94-03-099
definitions	PROP	94-07-116		PERM	94-07-029
	PERM	94-11-027	retailer settlement	PERM	94-03-020
ticket validation	PROP	94-07-116		MISC	94-07-028
	PERM	94-11-027	Meetings	MISC	94-19-060
			On-line games		
<u>Instant game number 127 - 7-11-21</u>			criteria	PERM	94-03-020
criteria	PROP	94-12-082	effective date	MISC	94-07-028
	PERM	94-15-049	Prizes		
definitions	PROP	94-12-082	payment	PROP	94-12-082
	PERM	94-15-049		PROP	94-16-122
ticket validation	PROP	94-12-082		PERM	94-19-062
	PERM	94-15-049	Retailers		
			effective date	MISC	94-07-028
<u>Instant game number 128 - \$2 Big Kahuna</u>			license termination	PROP	94-07-116
criteria	PROP	94-12-082		PERM	94-11-027
	PERM	94-15-049	obligations	PERM	94-03-020
definitions	PROP	94-12-082		PROP	94-07-116
	PERM	94-15-049	procedures	PERM	94-11-027
ticket validation	PROP	94-12-082	retailer settlement	PERM	94-03-020
	PERM	94-15-049	Rules agenda	PERM	94-03-020
				MISC	94-19-061
<u>Instant game number 129 - Beat the Dealer</u>			<b>MARINE EMPLOYEES' COMMISSION</b>		
criteria	PROP	94-12-082	Meetings	MISC	94-07-002
	PERM	94-15-049		MISC	<b>94-20-108</b>
definitions	PROP	94-12-082	<b>MARINE OVERSIGHT BOARD</b>		
	PERM	94-15-049	Meetings	MISC	94-02-084
ticket validation	PROP	94-12-082		MISC	94-09-033
	PERM	94-15-049		MISC	94-13-106
	PROP	94-12-082	<b>MARINE SAFETY, OFFICE OF</b>		
	PERM	94-15-049	Bunkering standards	MISC	94-09-056
	PROP	94-15-049		PROP	94-12-024
<u>Instant game number 130 - Moolah Moolah</u>				PROP	94-12-093
criteria	PROP	94-12-082	Oil spill prevention plan	PROP	94-16-059
	PERM	94-15-049		PERM	94-16-076
definitions	PROP	94-19-059	Regional marine safety committees	PROP	94-12-025
	PERM	94-15-049	meetings	PROP	94-17-169
ticket validation	PROP	94-19-059		MISC	94-01-110
	PERM	94-12-082	Rules coordinator	MISC	94-07-039
	PROP	94-12-082		MISC	94-02-021
	PERM	94-15-049	<b>MARITIME COMMISSION</b>		
	PROP	94-19-059	Meetings	MISC	94-01-027
<u>Instant game number 131 - Spin 'n Win</u>			<b>MINORITY AND WOMEN'S BUSINESS</b>		
criteria	PROP	94-16-121	<b>ENTERPRISES, OFFICE OF</b>		
	PERM	94-19-063	Agencies and educational institutions		
definitions	PROP	94-16-121	plans, contents	PROP	94-01-164
	PERM	94-19-063		PROP	94-08-110
ticket validation	PROP	94-16-121	responsibilities	PERM	94-11-119
	PERM	94-19-063		PROP	94-08-109
			Annual goals for participation	PERM	94-11-118
<u>Instant game number 132 - Treasure Chest</u>				PROP	94-01-127
criteria	PROP	94-16-121	Bid opening, compliance determination	PERM	94-03-068
	PERM	94-19-063		PERM	94-07-064
definitions	PROP	94-16-121		PREP	94-16-063
	PERM	94-19-063		EMER	94-16-064
ticket validation	PROP	94-16-121		EMER	94-17-056
	PERM	94-19-063			
<u>Instant game number 133 - Pocket Cash</u>					
criteria	PROP	94-19-059			
definitions	PROP	94-19-059			
ticket validation	PROP	94-19-059			
<u>Instant game number 134 - 7 Cards Up</u>					
criteria	PROP	94-19-059			
definitions	PROP	94-19-059			
ticket validation	PROP	94-19-059			
<u>Instant game number 135 - Bingo</u>					
criteria	PROP	94-19-059			
definitions	PROP	94-19-059			
ticket validation	PROP	94-19-059			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Certification applications	PROP	94-08-108	<b>NOXIOUS WEED CONTROL BOARD</b> (See <b>AGRICULTURE, DEPARTMENT OF</b> )	
fees	PROP	94-11-114		
	PROP	94-08-108	<b>OLYMPIC COLLEGE</b>	
	PERM	94-11-115	Meetings	MISC 94-01-122
Contractors violations and penalties	PROP	94-08-107		MISC 94-01-123
	PERM	94-11-117		MISC 94-02-085
Definitions	PROP	94-17-177		MISC 94-07-046
	PREP	94-17-178	<b>OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR</b>	
	EMER	94-18-109	Housekeeping rules revisions	PROP 94-12-010
Fees	PROP	94-01-090		PROP 94-13-196
	PROP	94-01-187		PERM 94-17-095
	EMER	94-01-188	Meetings	MISC 94-05-099
	PERM	94-11-113		MISC 94-06-052
Subcontractor, definition	PROP	94-08-107		MISC 94-07-069
	PERM	94-11-116		MISC 94-13-134
				MISC 94-15-051
				MISC 94-17-086
				MISC 94-19-046
<b>MULTIMODAL TRANSPORTATION PROGRAMS AND PROJECTS SELECTION COMMITTEE</b> (See <b>GOVERNOR, OFFICE OF THE</b> )			Nonhighway and off-road vehicle activities program	<b>PREP 94-20-020</b>
<b>NATURAL RESOURCES, DEPARTMENT OF</b>			Rules coordinator	<b>PROP 94-20-021</b>
Burning permits				MISC 94-02-062
fees	PROP	94-08-093		MISC 94-06-006
	PERM	94-14-063		
suspension of outdoor burning	EMER	94-16-127	<b>PARKS AND RECREATION COMMISSION</b>	
Forest closures			Alcohol possession or consumption in parks	PROP 94-10-069
closed season	EMER	94-09-020		PERM 94-13-081
extra fire hazard areas	EMER	94-13-095	Aircraft	
outdoor burning	EMER	94-18-022	paragliders, prohibition exemption	PERM 94-01-087
	EMER	94-19-014	Boating safety program	
	EMER	94-19-021	local government programs	PROP 94-01-149
Forest fire advisory board				PERM 94-04-076
meetings	MISC	94-08-012	standards for recreational vessel operation and equipment	PROP 94-12-065
Forest practices board (see <b>FOREST PRACTICES BOARD</b> )				PERM 94-16-027
Natural heritage advisory council			Camping facilities	
meetings	MISC	94-03-070	fees	PROP 94-03-097
	MISC	94-09-059		PROP 94-06-010
Natural resources, board of				PERM 94-08-036
meetings	MISC	94-12-031		PROP 94-10-048
	MISC	94-12-091	Clean vessel funding program	PERM 94-13-080
	MISC	94-13-073		PROP 94-10-070
	MISC	94-16-092	Commercial solicitation in parks	PERM 94-13-082
	MISC	94-17-201		PROP 94-12-064
Puget Sound dredged material disposal site use fees	EMER	94-13-056	Day use	PERM 94-16-026
	PREP	94-14-009	fees	PROP 94-03-097
	PREP	94-16-093		PROP 94-06-010
	PROP	94-18-122	Fees	PERM 94-08-036
	EMER	94-18-123		EMER 94-09-009
Surface Mining Act mine reclamation	PROP	94-09-062	Film permit application, fee	PREP 94-16-140
	PERM	94-14-051		PROP 94-18-077
Survey monuments				PROP 94-03-089
removal or destruction	PROP	94-01-022	Fort Worden	PROP 94-06-020
	PERM	94-06-034	fees	PERM 94-08-005
				PROP 94-18-076
<b>NORTHWEST AIR POLLUTION AUTHORITY</b>			Meetings	
Air contaminant sources				PROP 94-01-150
emission standards	PROP	94-17-014		PERM 94-04-075
reporting	PERM	94-01-108		<b>PREP 94-20-096</b>
	PROP	94-17-014		MISC 94-01-148
Asbestos control standards	PROP	94-17-014		MISC 94-17-141
Construction	PROP	94-17-014		<b>PREP 94-20-097</b>
Fees	PERM	94-01-108	Paragliders	
	PROP	94-17-014	aircraft prohibition, exemption	PERM 94-01-087
Open burning	PROP	94-17-014	Recreational vessels	
Operating permits	PERM	94-01-108	operation and equipment	PROP 94-12-065
	PROP	94-17-014		PERM 94-16-027
Penalties	PROP	94-17-014	Senior citizens, off-season pass	PROP 94-03-097
Volatile organic compound control	PROP	94-17-014		PROP 94-06-010
				PERM 94-08-036

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Tree removal in state parks	PROP 94-06-049	Service of process	PROP 94-02-036
	PERM 94-10-012		PROP 94-04-084
Water trails			PERM 94-08-024
programs, administrative procedures	PREP 94-16-141		PROP 94-12-057
	PROP 94-18-075		PROP 94-16-052
<b>PENINSULA COLLEGE</b>			<b>PERM 94-20-025</b>
Meetings	MISC 94-01-185	State internship program	PERM 94-02-033
	MISC 94-05-098	Trial service	PROP 94-02-035
Rules coordinator	MISC 94-04-026	Washington management service	PROP 94-02-034
		Washington general service, movement between	
<b>PERSONNEL APPEALS BOARD</b>			PROP 94-04-009
Practice and procedures	PREP 94-13-198		PERM 94-04-011
<b>PERSONNEL RESOURCES BOARD</b>		<b>PERSONNEL, DEPARTMENT OF</b>	
Affirmative action	PROP 94-04-010	Career executive program	
	PROP 94-04-086	transition into Washington management service	PROP 94-01-125
	PERM 94-06-063		PROP 94-09-065
	PROP 94-13-090		<b>PERM 94-20-022</b>
Appeals	PROP 94-02-034	Personnel resources board	
Appointments	PREP 94-17-048	(see <b>PERSONNEL RESOURCES BOARD</b> )	
Certifications	PREP 94-17-048	Rules agenda	MISC 94-18-054
Civil service rules	PREP 94-17-049	Rules coordinator	MISC 94-01-160
	PREP 94-19-089		MISC 94-06-001
	<b>PROP 94-20-115</b>	Washington management service	
Classification plan	PROP 94-12-058	affirmative action	PROP 94-06-064
	PROP 94-12-060		PERM 94-09-012
	PROP 94-16-051	career executive program, transition from	PROP 94-01-125
	PROP 94-16-053		PROP 94-09-065
	PREP 94-17-047		PERM 94-12-055
	<b>PROP 94-20-023</b>		PROP 94-16-139
	<b>PROP 94-20-024</b>		<b>PERM 94-20-022</b>
Compensation	PREP 94-17-047	establishment	PROP 94-01-048
Demotion	PROP 94-02-034		PERM 94-01-126
Dismissal	PROP 94-02-034		EMER 94-03-069
Drug testing	PREP 94-19-088		PROP 94-11-071
	<b>PROP 94-20-114</b>	phase in agencies	PROP 94-06-064
Employee training and development	PROP 94-06-065		PERM 94-09-012
	PROP 94-10-009		PROP 94-09-065
	PERM 94-13-091	reduction in force	PROP 94-09-065
Exemptions, civil service law	PROP 94-02-030		PERM 94-12-055
	PERM 94-02-031	reversion	PROP 94-06-064
	PROP 94-12-059		PERM 94-09-012
	PERM 94-16-049	review period	PROP 94-09-065
Filing of papers	PROP 94-02-036		PERM 94-12-055
	PROP 94-04-084	rule proposals	PREP 94-15-101
	PERM 94-08-024	salary adjustments	PROP 94-06-064
Higher education institutions and related boards, civil service law exemptions	PERM 94-02-031		PERM 94-09-012
Layoff or separation	PROP 94-02-034	transition into	PROP 94-09-065
			PERM 94-12-055
Operations	PERM 94-02-032		EMER 94-14-072
	PROP 94-02-035		PROP 94-16-139
Position allocations and reallocations	PROP 94-02-034		<b>PERM 94-20-022</b>
Public records, availability	PERM 94-02-032	<b>PIERCE COLLEGE</b>	
	PROP 94-02-035	Meetings	MISC 94-02-017
Reduction in force		<b>PILOTAGE COMMISSIONERS, BOARD OF</b>	
register designation	EMER 94-04-085	Oil tankers	
rules	PREP 94-17-048	tug escort requirements	PROP 94-04-119
transition pool	PROP 94-12-056		PERM 94-07-079
	PROP 94-16-050	Pilotage tariff rates	
	PROP 94-18-055	Grays Harbor district	PROP 94-01-153
Register designation certification	PROP 94-06-066		EMER 94-01-154
	PERM 94-10-008		EMER 94-05-005
composition and ranking	PROP 94-06-066	Puget Sound district	PERM 94-05-006
	PERM 94-10-008		PROP 94-08-056
reduction in force	EMER 94-04-085		PERM 94-12-044
Salaries		<b>POLLUTION CONTROL HEARINGS BOARD</b>	
reallocation	PROP 94-12-058	Appeals	EMER 94-07-061
	PROP 94-12-060		PROP 94-07-098
	PROP 94-16-053		PERM 94-12-027
	<b>PROP 94-20-023</b>		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

<b>POLLUTION LIABILITY INSURANCE AGENCY</b>			PERM	94-11-017
Insurance eligibility assessment				
reimbursement for costs	PROP	94-18-001		
	PROP	94-19-037		
Underwriting requirements	PREP	94-16-020		
<b>PUBLIC DISCLOSURE COMMISSION</b>				
Affiliated entities	PROP	94-08-080		
Aggregate, definition	MISC	94-01-054		
Campaign finance reporting forms	EMER	94-01-039		
	PROP	94-01-040		
	PERM	94-05-011		
Collective bargaining organizations and associations, definitions	PERM	94-05-010		
Contributions				
annual report	EMER	94-07-001		
	PROP	94-07-035		
	PERM	94-11-016		
automatically affiliated entities	PROP	94-07-142		
	PERM	94-11-017		
designation for primary and general elections	PROP	94-03-087		
	PROP	94-04-121		
	PROP	94-05-097		
	PERM	94-07-141		
encouraging expenditures to avoid contributions, result	MISC	94-01-054		
fair market value, definition	PROP	94-07-088		
	PERM	94-11-018		
identification of affiliated entities	EMER	94-07-001		
	PROP	94-07-035		
	PERM	94-11-016		
independent expenditures limitations	PREP	94-19-052		
	PROP	94-07-035		
	PROP	94-07-088		
	PROP	94-07-089		
	PROP	94-07-142		
	PERM	94-11-016		
	PERM	94-11-018		
personal use, standard	PROP	94-03-087		
	PROP	94-04-121		
	PERM	94-07-141		
pledges	PROP	94-05-097		
	PERM	94-07-141		
political committees	PROP	94-03-087		
	PROP	94-04-121		
	PROP	94-05-097		
	PROP	94-07-035		
	PERM	94-07-141		
	PERM	94-11-016		
prohibited contributions	PROP	94-07-035		
	PERM	94-11-016		
source of contribution, identification	PROP	94-07-035		
	PROP	94-07-088		
	PROP	94-07-089		
	PERM	94-11-016		
	PERM	94-05-010		
Enforcement				
Exempt activities				
definition and reporting limitations	MISC	94-01-054		
	MISC	94-01-054		
Expenditures				
definitions	EMER	94-18-060		
independent expenditures	EMER	94-18-060		
Lobbyists and lobbying				
agency lobbying report	PROP	94-07-035		
	PERM	94-11-016		
employer contributions	PROP	94-07-035		
	PERM	94-11-016		
Meetings				
	PERM	94-05-010		
	MISC	94-13-001		
	MISC	94-14-073		
	MISC	<b>94-20-011</b>		
Public records, availability	PERM	94-05-010		
Rules agenda	MISC	94-18-046		
Volunteer services	PROP	94-07-142		
<b>PUBLIC EMPLOYEES BENEFITS BOARD</b> (See <b>HEALTH CARE AUTHORITY</b> )				
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>				
Administrator internship program	PROP	94-04-025		
	PERM	94-07-102		
Bilingual education	PREP	94-19-007		
Child nutrition				
practice and procedures	PROP	94-01-137		
	PERM	94-04-097		
Education, state board of elections	PREP	94-15-012		
Funding				
appropriation allocation	PREP	94-13-119		
block grants, distribution	PROP	94-11-066		
	PERM	94-14-050		
	PROP	94-18-015		
enrollment counting				
Elementary and Secondary Education Act compliance	PROP	94-04-094		
	PERM	94-07-103		
enrollment counting	PREP	94-13-120		
instructional counting	PREP	94-13-210		
instructional materials and technology related investments	PERM	94-17-131		
juvenile parole learning centers	PREP	94-17-117		
local effort assistance safety net allocation	PREP	94-17-009		
	PROP	94-18-041		
local enhancement funding, distribution	PROP	94-11-066		
	PERM	94-14-050		
technical colleges, basic education funding	PREP	94-13-094		
	PROP	94-13-107		
	PERM	94-17-096		
Magnet school programs	PROP	94-08-074		
	PERM	94-12-019		
Recognition award	PREP	94-15-006		
	PROP	94-16-022		
	PERM	<b>94-20-008</b>		
Running start program	PROP	94-01-114		
	PROP	94-01-136		
	PERM	94-04-095		
	PERM	94-04-096		
Salary allocations				
certificated instructional staff	PERM	94-01-190		
nondegreed vocational instructional staff	PREP	94-17-097		
Sexual harassment policy for school districts	PREP	94-17-057		
	PROP	94-18-040		
Student learning improvement grants	PROP	94-04-122		
	PERM	94-12-002		
Teacher assistance program	PROP	94-11-120		
	PERM	94-16-019		
Transportation				
state allocation	PREP	94-14-076		
	PROP	94-14-093		
	PERM	94-17-058		
Vocational technical education application and reporting	PREP	94-18-128		
<b>PUBLIC WORKS BOARD</b> (See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )				
<b>PUGET SOUND AIR POLLUTION CONTROL AGENCY</b>				
Chromic acid plating and anodizing	PERM	94-01-083		
Civil penalties	PROP	94-16-134		
Coatings	PERM	94-01-083		
	PROP	94-02-083		
	PERM	94-05-067		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Compliance with regulations	PERM 94-01-083	recomputation following reemployment	PROP 94-05-013
	PROP 94-02-083		PERM 94-09-040
	PERM 94-05-067		PROP 94-13-048
Construction permits		Standby pay	PERM 94-16-086
notice and review requirements	PROP 94-06-062		
	PERM 94-09-035		
Control officer		<b>REVENUE, DEPARTMENT OF</b>	
duties and powers	PROP 94-02-083	Business and occupation tax	
	PERM 94-05-067	agricultural products, sales by producers	PROP 94-03-034
Definitions	PROP 94-02-083		PERM 94-07-048
	PERM 94-05-067	exemptions	
	PROP 94-06-061	volume of business	PREP 94-18-130
	PERM 94-09-034	farmers, miscellaneous sales to	PROP 94-03-037
Emission standards			PERM 94-07-051
compliance	PROP 94-02-083	feed, seed, fertilizer, and spray materials for farm use	PROP 94-03-035
	PERM 94-05-067		PERM 94-07-049
	PROP 94-16-134	heat or steam sales	PROP 94-01-155
	PERM 94-19-027		PERM 94-13-033
Fee schedule	PROP 94-16-134	high technology industries	<b>PREP 94-20-129</b>
	PERM 94-19-027	horticultural services to farmers	PROP 94-03-036
Gasoline loading terminals	PERM 94-01-083		PERM 94-07-050
Gasoline stations		hospitals, medical care facilities, and adult family homes	PROP 94-01-158
vapor recovery	PROP 94-02-083		EMER 94-05-083
	PERM 94-05-067	hotels, motels, and boarding houses	PERM 94-11-097
Meetings	MISC 94-07-068		PROP 94-01-157
Outdoor fires		landscape and horticultural services	PERM 94-05-001
exemptions from emission standards	PROP 94-06-061	laundries and dry cleaners	PROP 94-10-013
	PERM 94-09-034		PROP 94-01-156
prohibited areas	PROP 94-06-061	motor carriers, sales to interstate or foreign commerce carriers	PERM 94-09-016
	PERM 94-09-034		PROP 94-07-023
Oxygenated gasoline		schools and educational institutions	PERM 94-18-003
oxygen content	PROP 94-08-085		PROP 94-03-047
	PERM 94-11-077	tax reporting	PERM 94-07-047
Refuse burning	PERM 94-01-083		EMER 94-05-085
Sources		ticket sellers	EMER 94-13-032
impact levels	PROP 94-15-071	tour operators	PROP 94-07-027
	PERM 94-19-026		<b>PROP 94-20-093</b>
new source performance standards	PROP 94-16-134		EMER 94-05-086
	PERM 94-19-027		EMER 94-13-029
registration	PROP 94-02-083		<b>EMER 94-20-130</b>
	PERM 94-05-067		PROP 94-07-026
<b>PUGET SOUND WATER QUALITY AUTHORITY</b>			PERM 94-10-062
Meetings	MISC 94-03-017	Cigarette tax reporting	
	MISC 94-18-008		
Puget Sound water quality management plan	MISC 94-04-128	Excise tax	
Rules coordinator	MISC 94-02-019	real estate excise tax administration and compliance	PERM 94-04-088
			PROP 94-13-089
<b>RENTON TECHNICAL COLLEGE</b>		tobacco products tax reporting	PROP 94-07-025
Meetings	MISC 94-03-015	Inflation rates	PROP 94-08-082
			PERM 94-11-098
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>		Property tax	
Annual leave		agricultural land valuation	PROP 94-01-166
cash payments in lieu of unused leave	PROP 94-07-144		PERM 94-05-062
	PREP 94-16-018	exemptions	PROP 94-01-169
	PROP 94-18-101		PERM 94-07-008
	PREP 94-15-015	forest land values	PERM 94-02-046
Dual membership			PREP 94-18-133
Elected and appointed officials, eligibility and application for retirement service membership	PROP 94-08-087	levies	PERM 94-07-066
	PERM 94-12-014	nonprofit homes for aging	PROP 94-10-060
	PROP 94-05-012	nonprofit organizations, associations, and corporations, exemption conditions	PROP 94-01-169
Employee status, determination	PERM 94-09-039		PERM 94-07-008
	PROP 94-13-048	open space taxation	PROP 94-07-123
	PREP 94-13-122	personal property ratio, computation	PROP 94-11-099
	PROP 94-13-197		PERM 94-15-041
	PERM 94-16-086	refunds, rate of interest	PREP 94-13-096
	PROP 94-19-101		PROP 94-01-168
Portability of benefits			PERM 94-05-064
Retirement allowance calculation	PROP 94-07-144		PROP 94-01-167
	PERM 94-11-009		
judicial plan members			
recomputation following reemployment	PROP 94-07-143		
	PERM 94-11-008		
plan II members			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Public utility tax	PERM 94-05-063	Community and technical colleges, state board for	MISC 94-01-023
	PROP 94-01-159	Deaf, Washington School for the	MISC 94-08-063
Rules agenda	PERM 94-13-034	Deferred compensation, committee for	MISC 94-03-058
Sales tax	MISC 94-18-051	Eastern Washington University	MISC 94-01-031
agricultural products, sales by producers	PROP 94-03-034	Everett Community College	MISC 94-01-071
	PERM 94-07-048	Evergreen State College, The	MISC 94-01-072
farmers, miscellaneous sales to	PROP 94-03-037	Financial management, office of	MISC 94-06-057
	PERM 94-07-051	Gambling commission	MISC 94-07-100
feed, seed, fertilizer, and spray materials for farm use	PROP 94-03-035	General administration, department of	MISC 94-18-084
	PERM 94-07-049	Growth planning hearings boards	MISC 94-01-053
heat or steam sales	PROP 94-01-155	Health services commission	MISC 94-01-070
	PERM 94-13-033		MISC 94-09-013
high technology industries	<b>PREP 94-20-129</b>	Indeterminate sentence review board	MISC 94-02-067
horticultural services to farmers	PROP 94-03-036	Insurance commissioner, office of	MISC 94-17-040
	PERM 94-07-050	Marine safety, office of	MISC 94-02-021
hospitals, medical care facilities, and adult family homes	PROP 94-01-158	Outdoor recreation, interagency committee for	MISC 94-02-062
	EMER 94-05-084	Peninsula College	MISC 94-04-026
	PERM 94-11-097	Personnel, department of	MISC 94-01-160
hotels, motels, and boarding houses	PROP 94-01-157		MISC 94-06-001
	PERM 94-05-001	Puget Sound water quality authority	MISC 94-02-019
landscape and horticultural services	PROP 94-10-013	Seattle Community Colleges	MISC 94-01-107
laundries and dry cleaners	PROP 94-01-156	Spokane, Community Colleges of	MISC 94-01-009
	PERM 94-09-016	State treasurer, office of the	<b>MISC 94-20-113</b>
motor carriers, sales to interstate or foreign commerce carriers	PROP 94-07-023	Trade and economic development, department of	MISC 94-01-183
	PERM 94-17-003	Utilities and transportation commission	MISC 94-02-026
resale certificates, use and penalties for misuse	EMER 94-05-083	Washington state patrol	MISC 94-08-047
	PROP 94-06-004	Whatcom Community College	MISC 94-01-044
	EMER 94-13-030		
schools and educational institutions	PERM 94-13-031	<b>SEATTLE COMMUNITY COLLEGES</b>	
	PROP 94-03-047	Contested case hearings and administrative disputes	PROP 94-05-097A
	PERM 94-07-047		PERM 94-18-070
tax reporting	EMER 94-05-085	Debts, services withheld for outstanding debts	PREP 94-15-026
	EMER 94-13-032	Facilities use	PREP 94-15-026
ticket sellers	PROP 94-07-027	Library regulations	PREP 94-15-026
tour operators	EMER 94-05-086	Meetings	MISC 94-01-006
	EMER 94-13-029		MISC 94-01-085
	<b>EMER 94-20-130</b>		MISC 94-01-131
watercraft, sales to nonresidents	PROP 94-03-046		MISC 94-03-059
Tax registration	PREP 94-18-131		PROP 94-05-097A
Timber excise tax			MISC 94-06-033
stumpage values	PERM 94-02-047		MISC 94-07-101
	PROP 94-02-073		MISC 94-08-064
	PROP 94-02-074		MISC 94-08-065
	PROP 94-03-086		MISC 94-09-014
	PROP 94-04-089		MISC 94-13-075
	PROP 94-04-090		MISC 94-14-070
	PROP 94-09-057		MISC 94-18-063
	PROP 94-10-063		PERM 94-18-070
	PERM 94-14-048	Organization and operation	PREP 94-15-026
	PREP 94-17-003	Rules coordinator	MISC 94-01-107
	PREP 94-18-132		PREP 94-15-026
taper factor for scaling lodgepole pine	PREP 94-17-002	SEPA	PREP 94-15-026
Tobacco products tax reporting	PROP 94-07-025	Sexual harassment	PREP 94-15-026
	PERM 94-10-061	Student policies	PREP 94-15-026
Use tax		Tenure	PREP 94-15-026
high technology industries	<b>PREP 94-20-129</b>	Traffic rules and regulation	PREP 94-15-026
motor carriers, operation in interstate or foreign commerce	PROP 94-07-024		
	PERM 94-18-004	<b>SECRETARY OF STATE</b>	
		Archives and records management, division of	
		electronic imaging systems, standards for accuracy and durability	PROP 94-01-161
			PROP 94-03-081
			PERM 94-04-102
		public records, transfer and preservation	PROP 94-15-072
			PROP 94-19-033
		Corporations division	
		charitable solicitation organizations	
		financial reporting	PERM 94-01-004
			PROP 94-10-054

### RULES COORDINATORS

(See Issue 94-01 for a complete list of rules coordinators designated as of 12/22/93)

Arts commission	MISC 94-01-099
Big Bend Community College	MISC 94-07-005
Central Washington University	MISC 94-01-105
Centralia College	MISC 94-15-042
Clover Park Technical College	MISC 94-01-043

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

registration	PERM	94-01-004	net cash income	PROP	94-05-016
charitable trusts				PERM	94-08-016
financial reporting	PERM	94-01-004	protective payment	EMER	94-17-078
	PROP	94-10-054		PROP	94-17-078A
registration	PERM	94-01-004	replacement of exempt property	<b>PERM</b>	<b>94-20-040</b>
commercial fund raisers				PROP	94-05-018
auditing standards	PERM	94-02-011		PERM	94-08-018
registration	PERM	94-02-011	Alcohol and substance abuse, division of		
fees	PERM	94-01-074	chemical dependency treatment service		
	PROP	94-12-085	providers certification	PERM	94-02-002
	PROP	94-12-086		PROP	94-02-020
	PROP	94-16-147		PROP	94-07-072
	PROP	94-16-148	driving under the influence (DUI)	PREP	94-19-031
	PROP	94-16-149	subacute detox	PREP	94-19-031
	PERM	94-19-003	Children and family services, division of		
	PERM	94-19-004	day care centers		
	PERM	94-19-005	licenses	PROP	94-11-111
limited liability companies	PROP	94-12-085		PERM	94-13-201
	PROP	94-16-147	residential child care programs		
	PERM	94-19-005	licenses	PREP	94-16-021
limited partnerships	PROP	94-12-085	Deaf and hard of hearing services		
	PROP	94-16-148	equipment, availability	PREP	94-16-024
	PERM	94-19-003	telecommunications access service (TAS)	PROP	94-01-080
naming conventions	PROP	94-12-085		PERM	94-02-042
trademarks	PROP	94-12-085		EMER	94-04-032
	PROP	94-16-149		PERM	94-04-037
	PERM	94-19-004	Developmental disabilities, division of		
Election training and certification program	PROP	94-01-010	family support services	PROP	94-01-062
	PERM	94-07-018		EMER	94-01-063
				EMER	94-01-064
				PERM	94-04-092
				PROP	94-01-011
				PREP	94-15-044
<b>SHORELINE COMMUNITY COLLEGE</b>					
Meetings	MISC	94-03-012	Disaster relief		
			Family planning assistance		
<b>SHORELINES HEARINGS BOARD</b>			Food stamp program		
Appeals	EMER	94-07-060	adult children and siblings,		
	PROP	94-07-095	eligibility	PREP	94-13-116
	PERM	94-12-028		PROP	94-13-132
				PERM	94-16-039
<b>SKAGIT VALLEY COLLEGE</b>			alcohol and drug treatment center		
Grievance procedure	PERM	94-01-028	residents, eligibility	PREP	94-13-117
Harassment	PERM	94-01-028		PROP	94-13-131
Meetings	MISC	94-01-128		PERM	94-16-040
	MISC	94-07-016	aliens		
	MISC	94-13-023	verification for entitlements	PROP	94-11-064
	MISC	94-13-138		PERM	94-13-203
	MISC	94-16-136	boarders	PREP	94-19-016
	MISC	94-17-053	halfway house residents, eligibility	PREP	94-13-118
	<b>MISC</b>	<b>94-20-085</b>		PROP	94-13-133
Records, availability	PERM	94-01-028		PERM	94-16-038
Rules agenda	MISC	94-17-073	household employment representative	PROP	94-16-014
Smoking policy	PERM	94-01-028		PROP	94-17-134
				PERM	94-18-129
				<b>EMER</b>	<b>94-20-038</b>
<b>SOCIAL AND HEALTH SERVICES,</b>				<b>PERM</b>	<b>94-20-042</b>
<b>DEPARTMENT OF</b>				<b>EMER</b>	<b>94-20-043</b>
Adjudicative proceedings			household members, eligibility	PREP	94-19-017
equitable estoppel, use conditions	PREP	94-18-035	income budgeting	PROP	94-03-041
Adoption				PROP	94-06-023
agencies, licensing standards	PREP	94-16-028	income deductions	PROP	94-07-031
Aid to families with dependent children				PERM	94-12-042
assistance unit				PROP	94-13-130
exclusions	PROP	94-19-099		PREP	94-13-194
optional members	<b>EMER</b>	<b>94-20-088</b>		PERM	94-16-042
	<b>PROP</b>	<b>94-20-091</b>		PREP	94-17-064
eligibility	PREP	94-15-031		PROP	94-17-079
	PREP	94-17-158		EMER	94-17-080
	PREP	94-17-159		PREP	94-17-129
entitlements	PROP	94-05-069		<b>PERM</b>	<b>94-20-041</b>
	PERM	94-08-015		PREP	94-17-016
income allocation	PROP	94-05-019	income eligibility standards	PROP	94-17-133
	PERM	94-08-019		PREP	94-17-160
income disregard	PROP	94-05-054		PROP	94-19-040
	PERM	94-08-021		<b>PERM</b>	<b>94-20-045</b>
mandatory monthly reporting	PROP	94-05-017		<b>EMER</b>	<b>94-20-046</b>
	PERM	94-08-017		PREP	94-18-025
medical programs, eligibility	<b>PREP</b>	<b>94-20-006</b>	income exclusions		

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PROP 94-19-038	monthly allotments	PROP 94-12-083
	PROP 94-19-039		PERM 94-16-045
information release to child		net cash income	PROP 94-05-016
support programs	PROP 94-11-064		PERM 94-08-016
interview process	PERM 94-01-066	newly acquired nonexempt resources and	
medical expenses, deduction of recurring	PREP 94-14-018	income	PROP 94-05-029
	PREP 94-14-077		PERM 94-08-020
	PROP 94-15-032	protective payments	PROP 94-11-024
	PREP 94-15-043		PERM 94-13-202
	PROP 94-15-057	quality control review cooperation	PROP 94-13-007
	PERM 94-17-171		PERM 94-18-034
	EMER 94-17-172	replacement of exempt property	PROP 94-05-018
	PERM 94-17-173		PERM 94-08-018
medical expenses, verification	EMER 94-17-172	rules reorganization	PROP 94-07-114
	PERM 94-17-173		PERM 94-10-065
monthly allotments	PREP 94-17-161		PROP 94-13-008
	PROP 94-18-037		EMER 94-13-009
	<b>EMER 94-20-044</b>		PERM 94-16-044
monthly reporting	PROP 94-03-050	self-employment resource exemptions	<b>PROP 94-20-094</b>
	PERM 94-06-027		PROP 94-03-055
	PERM 94-07-080	special payments	PERM 94-06-024
overissuances, collection	<b>PREP 94-20-090</b>		PROP 94-06-035
resources, exemptions	PROP 94-13-026	standards of assistance	PERM 94-09-001
	PERM 94-16-041		PROP 94-01-118
	PREP 94-18-026		PERM 94-04-035
resources, nonexempt	<b>PROP 94-20-061</b>		PROP 94-06-035
	PREP 94-17-098		PERM 94-09-001
	PROP 94-18-048		PROP 94-12-004
self-employed, exempt resources	<b>PROP 94-20-061</b>		PERM 94-15-003
standards of assistance	EMER 94-02-043		EMER 94-17-081
students, eligibility	PREP 94-13-129		PROP 94-17-082
	PROP 94-15-047		PROP 94-18-047
	PERM 94-17-175		EMER 94-18-050
	PROP 94-18-048	supplemental security income	<b>PERM 94-20-039</b>
	PREP 94-18-105	(SSI) program	PROP 94-01-118
	PROP 94-19-039		PROP 94-01-138
work			PERM 94-04-033
employment and training	PREP 94-14-045		PERM 94-04-035
	PREP 94-14-046		EMER 94-14-004
	PREP 94-14-047		PROP 94-01-139
	PROP 94-19-074	transfer of property	PERM 94-04-043
	PREP 94-14-045		PROP 94-13-054
	PREP 94-14-046		EMER 94-13-055
	PREP 94-14-047		PERM 94-16-046
General assistance		unearned income	PREP 94-13-114
protective payment	EMER 94-17-078	transitional support services and	
	PROP 94-17-078A	expenses	<b>PREP 94-20-089</b>
	<b>PERM 94-20-040</b>	utility allowances	PROP 94-15-048
Home and community services division			PERM 94-17-174
chore personal services budget control	PROP 94-07-082	violations, disqualification	PROP 94-13-024
	PERM 94-10-025	Individual and family grant program	
Medicaid personal care services		disaster relief	PROP 94-01-011
handicapping conditions	PROP 94-18-049		PERM 94-04-036
Income assistance		Juvenile rehabilitation, division of	
alien's sponsor's income	PROP 94-10-086	collection of costs of support, treatment,	
	PERM 94-13-050	and confinement	PROP 94-12-066
consolidated emergency assistance program	PROP 94-03-051		PERM 94-15-009
(CEAP)	PERM 94-06-026	consolidated juvenile services program	PROP 94-08-007
disqualification	PROP 94-13-024		PERM 94-11-065
	PERM 94-16-043	parole conditions	PROP 94-12-026
eligibility	PREP 94-16-025		PERM 94-15-002
	PREP 94-16-073	Medical assistance	
	PREP 94-17-132	assets, transfer	PREP 94-15-005
entitlements	PROP 94-05-069		PREP 94-15-030
	PERM 94-08-015	children, eligibility	EMER 94-08-043
income allocation	PROP 94-05-019		PROP 94-08-044
	PERM 94-08-019		PROP 94-11-059
income disregard	PROP 94-05-054		EMER 94-11-063
	PERM 94-08-021		EMER 94-14-053
income exclusions	PROP 94-12-003		PROP 94-14-055
	PERM 94-16-074		PERM 94-17-036
incorrect payments	PROP 94-02-052	client grievances	PROP 94-01-003
in-kind income	PROP 94-04-042		PERM 94-04-038
	PERM 94-08-022		

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

copayments	EMER 94-08-045	PROP 94-02-003
	PROP 94-08-046	EMER 94-02-004
	PERM 94-11-057	EMER 94-02-008
	PROP 94-11-058	PROP 94-02-009
	EMER 94-11-061	PERM 94-07-020
cost recovery	PREP 94-13-104	PERM 94-01-065
	EMER 94-14-052	PROP 94-04-022
	PROP 94-14-056	EMER 94-04-023
	PERM 94-17-035	PERM 94-07-030
drugs		PREP 94-16-080
discount agreement	PROP 94-01-046	PREP 94-16-071
	PERM 94-01-094	PERM 94-01-065
durable medical equipment	PREP 94-16-097	PROP 94-04-022
eligibility		EMER 94-04-023
effective date	PROP 94-05-026	PERM 94-07-030
	PERM 94-07-132	PREP 94-16-099
income standards	PREP 94-13-102	EMER 94-08-043
	PREP 94-13-103	PROP 94-08-044
	EMER 94-14-054	PROP 94-11-059
	PROP 94-14-057	EMER 94-11-063
	PERM 94-17-034	<b>PREP 94-20-004</b>
exempt resources	PERM 94-02-007	
	PREP 94-15-029	providers' financial interest in
	PREP 94-16-079	support services
	PREP 94-18-009	rules reorganization
	PROP 94-01-081	
eyeglasses and examinations	EMER 94-02-044	speech therapy services
	PROP 94-04-031	
	PROP 94-05-044	
	PROP 94-07-021	
	PERM 94-07-122	SSI-related income exemptions
	PREP 94-16-098	
guardianship of institutionalized client,		
fee limits	PREP 94-17-128	
hearing aids	PROP 94-02-050	
	EMER 94-02-051	working disabled
	PROP 94-05-043	hospital premium insurance
	PERM 94-07-022	Mental health division
	PREP 94-17-065	community mental health programs
home health services	PROP 94-01-147	
	PERM 94-03-052	
hospital care	PREP 94-16-030	
income and resources, computation	EMER 94-08-041	hospital charges, schedule
	PROP 94-08-042	
	PROP 94-11-060	
	EMER 94-11-062	managed care prepaid healthcare plans
	<b>PREP 94-20-005</b>	
	<b>PREP 94-20-006</b>	
incorrect payments	PROP 94-02-052	
	PERM 94-05-045	
infusion, enteral and parenteral		
therapy	PREP 94-13-105	Nursing homes
institutionalized client		accounting and reimbursement
allocation of income and resources	PERM 94-02-006	system
	PROP 94-05-025	
	PERM 94-07-130	
	EMER 94-08-043	rules and regulations
	PROP 94-08-044	
	PROP 94-11-059	
	EMER 94-11-063	Pregnancy in young teens
application of chapter	<b>PREP 94-20-003</b>	Public records
trusts	EMER 94-05-027	disclosure and exemptions
	PROP 94-05-028	
	PERM 94-07-131	Restoration of right to possess
limited casualty program--medically		firearms by former involuntarily
indigent (LCP-M1), eligibility	<b>PREP 94-20-007</b>	committed person
medical definitions	PREP 94-16-081	
Medicare cost sharing	EMER 94-08-043	
	PROP 94-08-044	Rules agenda
	PROP 94-11-059	Special commitment center
	EMER 94-11-063	travel policy and expenses
	PREP 94-16-082	
mental health services, managed care		
prepaid healthcare plans	PROP 94-01-079	
	PROP 94-01-140	

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Table with multiple columns listing various subjects and agencies such as Support enforcement, SOUTH PUGET SOUND COMMUNITY COLLEGE, SOUTHWEST AIR POLLUTION CONTROL AUTHORITY, SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY, SPOKANE, COMMUNITY COLLEGES OF, Threatening behavior, SUPREME COURT, TACOMA COMMUNITY COLLEGE, TAX APPEALS, BOARD OF, TOXICOLOGIST, STATE, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF, and TRANSPORTATION IMPROVEMENT BOARD.

INDEX

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	94-14-074	Rules agenda	MISC	94-18-033
	MISC	94-18-027			
Organization	PREP	94-17-022	<b>USURY RATES</b>		
Project submission	PREP	94-17-029	(See inside front cover)		
Records, public access	PREP	94-17-023			
SEPA guidelines	PREP	94-17-028	<b>UTILITIES AND TRANSPORTATION</b>		
Six-year plans	PREP	94-17-025	<b>COMMISSION</b>		
	PREP	94-17-030	Administrative procedures		
Small city account program	PREP	94-17-032	alternate dispute resolution	PROP	94-07-140
Urban arterial project development	PREP	94-17-026	case management	PROP	94-07-140
Urban arterial trust account projects	PREP	94-17-024	Auto transportation companies		
	PREP	94-17-027	applications	PROP	94-07-137
				PERM	94-11-021
			equipment	PROP	94-07-137
				PERM	94-11-021
<b>TRANSPORTATION, DEPARTMENT OF</b>			operation of vehicles	PROP	94-07-137
Adjudicative proceedings	PROP	94-12-070		PROP	94-11-020
	PERM	94-14-101		PROP	94-07-137
Contractors			tariffs	PERM	94-11-021
prequalification	PROP	94-01-021			
	PERM	94-05-004	Commercial ferries		
Ferry system			definitions	PERM	94-03-003
tolls	PROP	94-04-077	tariffs	PERM	94-03-003
	PERM	94-07-104	Electric utilities		
	PREP	94-14-025	complaints and disputes	PREP	94-15-099
	PROP	94-14-026		<b>PROP</b>	<b>94-20-102</b>
	PERM	94-18-014	discontinuance of service	PREP	94-15-099
Highway Advertising Control Act				<b>PROP</b>	<b>94-20-102</b>
highway fatality markers	PROP	94-09-031	meters, accuracy	PREP	94-15-099
	PERM	94-12-049		<b>PROP</b>	<b>94-20-102</b>
national scenic byway demonstration			payments	PREP	94-15-099
project	PROP	94-09-031		<b>PROP</b>	<b>94-20-102</b>
	PERM	94-12-049	purchases of electricity	PROP	94-01-175
political campaign signs	PROP	94-09-031		PERM	94-07-045
	PERM	94-12-049	records	PREP	94-15-099
Motor vehicles				<b>PROP</b>	<b>94-20-102</b>
overlength exemptions	EMER	94-02-064	Gas utilities		
	PROP	94-03-043	complaints and disputes	PREP	94-15-100
	PERM	94-07-055		<b>PROP</b>	<b>94-20-101</b>
oversized vehicle fare cost recovery	PREP	94-14-025	discontinuance of service	PREP	94-15-100
	PROP	94-14-026		<b>PROP</b>	<b>94-20-101</b>
temporary additional tonnage permits	PROP	94-03-042	meters, accuracy	PREP	94-15-100
	PERM	94-07-054		<b>PROP</b>	<b>94-20-101</b>
Practice and procedure	PROP	94-12-070	payments	PREP	94-15-100
	PERM	94-14-101		<b>PROP</b>	<b>94-20-101</b>
Real property acquisition and			records	PREP	94-15-100
relocation assistance	PROP	94-12-071		<b>PROP</b>	<b>94-20-101</b>
	PERM	94-14-102	Log road classification	PERM	94-03-001
			Meetings	MISC	94-02-027
<b>TREASURER, OFFICE OF THE STATE</b>			Motor freight carriers		
Municipal sales and use tax equalization			alcohol and controlled substance testing	PROP	94-11-104
account loans to newly incorporated				PERM	94-14-013
cities and towns	<b>PREP</b>	<b>94-20-058</b>	bills of lading	PERM	94-03-002
Rules coordinator	<b>MISC</b>	<b>94-20-113</b>	classification of carriers	PROP	94-07-135
				PERM	94-11-022
<b>UNIVERSITY OF WASHINGTON</b>			driver responsibilities	PROP	94-11-104
Meetings	MISC	94-01-098		PERM	94-14-013
	MISC	94-02-054	permit rights, transfer	PROP	94-07-135
	MISC	94-03-028		PERM	94-11-022
	MISC	94-03-029	safety, drivers and equipment	PROP	94-07-135
	MISC	94-03-077		PROP	94-11-019
	MISC	94-03-078		PERM	94-11-022
	MISC	94-04-013		PROP	94-11-104
	MISC	94-04-016		PERM	94-14-013
	MISC	94-04-020	Motor vehicles		
	MISC	94-04-021	interstate carriers		
	MISC	94-04-028	registration	EMER	94-01-041
	MISC	94-05-021	limousine charter party carriers		
	MISC	94-05-022	operation	PROP	94-10-071
	MISC	94-10-014		PERM	94-14-010
	MISC	94-15-088	registration	PROP	94-10-071
	MISC	94-18-044		PERM	94-14-010
	MISC	94-19-022	log road classification	PERM	94-03-001
	MISC	94-19-023			
	MISC	94-19-034			
	MISC	94-19-035			
	<b>MISC</b>	<b>94-20-019</b>			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

North American uniform out-of-service criteria, adoption	PROP 94-11-102	<b>WALLA WALLA COMMUNITY COLLEGE</b> Meetings	MISC 94-04-027	
	PROP 94-11-103		MISC 94-12-074	
	PERM 94-14-011			
	PERM 94-14-014			
passenger charter carriers operation	PROP 94-10-072	<b>WASHINGTON STATE HISTORICAL SOCIETY</b> Meetings	MISC 94-01-018	
	PERM 94-14-015			
registration	PROP 94-10-072	<b>WASHINGTON STATE LIBRARY</b> Continuing education, council on membership	PERM 94-11-023	
	PERM 94-14-015			
Organization and operation	PROP 94-07-139		Electronic information task force meetings	MISC 94-19-030
	PERM 94-11-002		Library commission meetings	MISC 94-06-053 MISC 94-13-042 MISC 94-15-018 MISC 94-17-019
Private carriers household goods moves, excessive charges	PROP 94-07-134	Public information access policy taskforce meetings	MISC 94-15-017 MISC 94-17-004 MISC 94-17-018	
	PERM 94-11-001			
registration and regulation	PROP 94-07-134			
	PERM 94-11-001			
Railroads annual reports	PROP 94-07-138	<b>WASHINGTON STATE PATROL</b> Commercial vehicles		
	PERM 94-11-003		rules promulgation	PROP 94-05-023 EMER 94-02-081 PROP 94-02-082 PERM 94-08-069 EMER 94-19-064 PREP 94-19-065 <b>PROP 94-20-098</b> PREP 94-13-079
hazardous materials transport	PROP 94-07-138		tire chains or traction devices	
	PERM 94-11-003			
rates, notice	PROP 94-11-101	Emergency vehicles parked on roadways Hazardous materials procedure upon entering state	PERM 94-01-180	
	PERM 94-14-012		Motorcycle helmets standards	EMER 94-15-010 PREP 94-15-011 PROP 94-16-069 <b>PERM 94-20-047</b>
track clearances	PROP 94-07-138			
	PERM 94-11-003			
Rule-making agenda, 1994-95	MISC 94-16-124	Rules coordinator		
Rules coordinator	MISC 94-02-026			
Solid waste collection companies driver qualifications	PROP 94-11-102			
equipment safety	PROP 94-11-102			
hazardous materials transport insurance requirements	PROP 94-11-102	School buses lamps, operation		
	PROP 94-07-136		stop signal arms	PERM 94-01-179 PERM 94-01-179
	PERM 94-11-004		Search and rescue vehicles, flashing lights	PROP 94-15-007 PERM 94-17-167 PERM 94-05-024
	PROP 94-11-101			
rate increases, notice	PREP 94-16-123	Sunscreen tint film decals		
Telecommunication companies alternative operator services	PROP 94-13-027	Tow trucks business standards	PREP 94-13-078 PROP 94-15-008 PERM 94-18-083	
	<b>PERM 94-20-010</b>	equipment		
complaints	PROP 94-13-027	<b>WASHINGTON STATE UNIVERSITY</b> Academic integrity standards	PREP 94-13-139 PROP 94-17-043 EMER 94-17-071 PREP 94-13-139 PROP 94-17-043 EMER 94-17-071 PREP 94-13-143	
	<b>PERM 94-20-010</b>		violations	
deposits	PROP 94-13-027			
	<b>PERM 94-20-010</b>		Adjudicative hearings	
disconnection of service	PROP 94-13-027	Bids for goods and services bid protest	PREP 94-13-144	
	<b>PERM 94-20-010</b>	Library Plaza use	PREP 94-13-148 PREP 94-13-149 PREP 94-13-151 MISC 94-01-121 MISC 94-10-015 PREP 94-13-145 PREP 94-13-153	
mandatory cost changes	PERM 94-01-146			
open network architecture environment	PROP 94-01-191	Library use Meetings		
pay telephone call restriction	PROP 94-05-048			
refusal of service	PROP 94-13-027	Nursing education center parking		
	<b>PERM 94-20-010</b>	Parking		
Water companies customer deposits, interest	PERM 94-01-095			
<b>VETERANS' AFFAIRS, DEPARTMENT OF</b>				
State veterans' homes				
Medicaid funded programs	PROP 94-09-043			
	PROP 94-14-037			
non-Medicaid funded programs	PROP 94-09-043			
	PROP 94-14-037			
resident income and resources	PERM 94-04-001			
<b>VOCATIONAL-TECHNICAL EDUCATION, COUNCIL ON</b>				
Meetings	MISC 94-01-093			
	MISC 94-04-082			
	MISC 94-07-071			
	MISC 94-11-083			
	MISC 94-18-086			
<b>VOLUNTEER FIREFIGHTERS, BOARD FOR</b>				
Meetings	MISC 94-03-031			
	MISC 94-05-020			



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Residency determination	PREP	94-13-152	Hunting seasons		
Smoking regulations	PREP	94-13-150	bighorn sheep auction permit, 1994	PERM	94-04-123
Student disciplinary process	PREP	94-13-142	deer and bear, 1994-97	PROP	94-04-114
Student living groups			deer and elk permits, 1994-95	PROP	94-05-078
alcohol policies	PREP	94-13-140	elk, 1994-97	PROP	94-04-116
conduct regulations	PREP	94-13-141	hunting hours and small game		
Student organizations	PREP	94-13-147	seasons, 1994-97	PROP	94-04-115
Student records	PREP	94-13-146	migratory waterfowl, 1993-94	EMER	94-04-007
			special species, 1994-95	PROP	94-05-079
<b>WESTERN WASHINGTON UNIVERSITY</b>			Meetings	MISC	94-02-001
Rules agenda	MISC	94-18-045	Migratory waterfowl		
Smoke-free area	PREP	94-19-036	1993-94 seasons and regulations	EMER	94-02-012
	<b>PROP</b>	<b>94-20-031</b>	Trapping		
Student records	PROP	94-07-117	special hunting and trapping		
	PERM	94-17-059	seasons, permits	PROP	94-04-118
				PROP	94-06-036
				PROP	94-06-037
<b>WHATCOM COMMUNITY COLLEGE</b>			<b>WINE COMMISSION</b>		
Meetings	MISC	94-01-184	(See <b>AGRICULTURE, DEPARTMENT OF</b> )		
Rules agenda	MISC	94-18-064			
Rules coordinator	MISC	94-01-044	<b>WORKFORCE TRAINING AND EDUCATION</b>		
			<b>COORDINATING BOARD</b>		
<b>WILDLIFE, COMMISSION AND DEPARTMENT</b>			Meetings	MISC	94-01-078
(See also <b>FISH AND WILDLIFE,</b>				MISC	94-02-048
<b>DEPARTMENT OF</b> )				MISC	94-04-049
Fishing				MISC	94-05-015
fishing contests	PERM	94-06-014		MISC	94-09-011
game fish seasons and catch limits,				MISC	94-13-083
1992-94				MISC	94-14-059
Lake Sammamish	PERM	94-06-013		<b>MISC</b>	<b>94-20-030</b>
Lake Washington	PERM	94-06-013			
steelhead	EMER	94-02-037			
	EMER	94-03-038			
game fish seasons and catch limits,			<b>YAKIMA COUNTY CLEAN AIR AUTHORITY</b>		
1994-95			Fees	PERM	94-01-084
Baker Lake	PROP	94-06-040	Operating permits	PROP	94-15-086
Columbia River	EMER	94-04-012		PERM	94-19-049
	PERM	94-04-018	Outdoor burning	PROP	94-07-112
	PROP	94-06-038		PERM	94-12-011
	EMER	94-08-048			
Grand Ronde River	PROP	94-06-039	<b>YAKIMA VALLEY COMMUNITY COLLEGE</b>		
Lake Roosevelt	PERM	94-06-012	Meetings	MISC	94-01-106
Lake Sammamish	PERM	94-06-013	Parking fees	PREP	94-17-135A
Lake Washington	PERM	94-06-013	Student rights and responsibilities	PREP	94-17-135B
Sauk River	PROP	94-06-039	Vandalism, action against	PREP	94-17-135
Shannon Lake	PROP	94-06-040			
steelhead	EMER	94-02-037			
	EMER	94-03-038			
Tucannon River	PROP	94-06-039			
northern squawfish sport-reward fishery	PROP	94-06-043			
Game					
bighorn sheep units	PROP	94-04-067			
cougar areas	PROP	94-04-068			
deer area descriptions	PROP	94-04-061			
elk area descriptions	PROP	94-04-062			
goat units	PROP	94-04-065			
moose units	PROP	94-04-066			
private lands wildlife management area	PROP	94-04-069			
Game management units (GMUs)					
boundary descriptions	PROP	94-04-055			
	PROP	94-04-056			
	PROP	94-04-057			
	PROP	94-04-058			
	PROP	94-04-059			
	PROP	94-04-060			
Hunting					
bow and arrow area descriptions	PROP	94-04-063			
firearm restriction areas and					
special closures, 1994-95	PROP	94-04-117			
muzzleloader area descriptions	PROP	94-04-064			
special closures and firearm					
restriction area, 1994-95	PROP	94-04-117			
special hunting and trapping seasons					
permits	PROP	94-04-118			
	PROP	94-06-036			
	PROP	94-06-037			



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