

Washington State Register

APRIL 19, 1995

OLYMPIA, WASHINGTON

ISSUE 95-08



IN THIS ISSUE

Agriculture, Department of
Attorney General's Office
Community, Trade and Economic
Development, Department of
Criminal Justice Training Commission
Eastern Washington State Historical Society
Eastern Washington University
Ecology, Department of
Economic Development Finance Authority
Education, State Board of
Employment Security Department
Financial Institutions, Department of
Fish and Wildlife, Department of
Hardwoods Commission
Health Care Authority
Health, Department of
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board

Marine Safety, Office of
Natural Resources, Department of
Peninsula College
Pilotage Commissioners, Board of
Pollution Liability Insurance Agency
Public Employees Benefits Board
Public Instruction, Superintendent of
Revenue, Department of
Seattle Community Colleges
Secretary of State
Social and Health Services, Department of
South Puget Sound Community College
Spokane, Community Colleges of
University of Washington
Utilities and Transportation Commission
Washington State Patrol
Workforce Training and Education
Coordinating Board

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than April 5, 1995

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

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 April 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, 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.

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

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 ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<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

¹ 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.

² 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.

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

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

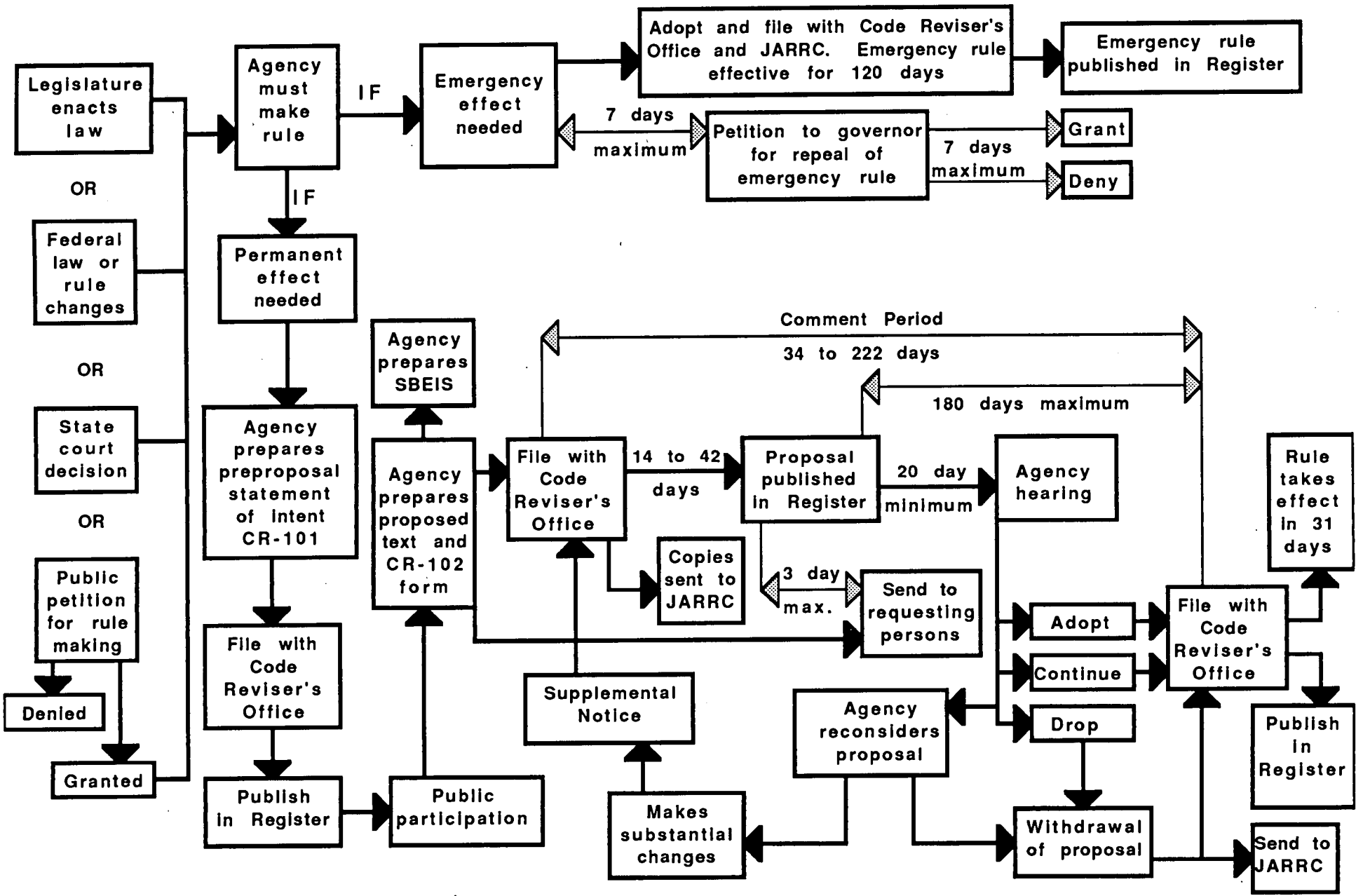
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 95-08-003
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
 [Filed March 22, 1995, 2:24 p.m.]

Subject of Possible Rule Making: WAC 16-557-010(5) Washington Asparagus Commission nominations and election of board members.

Specific Statutory Authority for New Rule: RCW 15.65.250.

Reasons Why the New Rule is Needed: Current rule requires a separate meeting to be held for each producer district when a board member's term is about to expire. The new rule will allow nominations to be made by mail petitions as an alternative to meetings, when recommended by the board. There are certain costs associated with nominations. This rule change will reduce the costs to the commission and the Washington State Department of Agriculture.

Goals of New Rule: The new rule will provide an alternate procedure for nominating candidates for election to the board for the Asparagus Commission, and bring efficiency to the annual nomination process.

Process for Developing New Rule: The Asparagus Board made a recommendation to the director of agriculture, that the nomination procedure be amended. A notice of the proposed change will be sent to all affected producers. Written comment will be accepted up to the date of the public hearing.

How Interested Parties can Participate in Formulation of the New Rule: A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed rule change. Walter Swenson, Agricultural Programs Administrator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089.

March 20, 1995
 William E. Brookreson
 Assistant Director

WSR 95-08-004
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
 [Filed March 22, 1995, 2:25 p.m.]

Subject of Possible Rule Making: Chapter 16-580 WAC, Washington Farmed Salmon Commission marketing order.

Specific Statutory Authority for New Rule: WAC 16-580-060.

Reasons Why the New Rule is Needed: The Farmed Salmon Commission's marketing order contains a conditional sunset date on December 31, 1995. The director of agriculture must conduct a referendum to determine if the affected producers want the order to be terminated on the sunset date, or to be continued in full force and effect beyond the sunset date.

Goals of New Rule: To determine by referendum the interest of farmed salmon producers to continue a commission.

Process for Developing New Rule: Notice will be given to all affected producers regarding the director's intent to

conduct a referendum. All affected producers will have the opportunity to indicate agreement or disagreement with the proposal.

How Interested Parties can Participate in Formulation of the New Rule: In addition to notices being sent to the affected producers, a public hearing will be set to give interested parties an opportunity to participate and comment on the proposed rule change. Walter Swenson, Agricultural Programs Administrator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089.

March 23 [20], 1995
 William E. Brookreson
 Assistant Director

WSR 95-08-005
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
 [Filed March 22, 1995, 2:27 p.m.]

Subject of Possible Rule Making: WAC 16-536-020 Washington Dry Pea and Lentil Commission nominations and election of board members.

Specific Statutory Authority for New Rule: RCW 15.65.250.

Reasons Why the New Rule is Needed: Current rule requires a separate meeting to be held for each producer district when a board member's term is about to expire. The new rule will allow nominations to be made by mail petitions as an alternative to meetings, when recommended by the board. There are certain costs associated with nominations. This rule change will reduce the costs to the commission and the Washington State Department of Agriculture.

Goals of New Rule: The new rule will provide an alternate procedure for nominating candidates for election to the board for the Dry Pea and Lentil Commission, and bring efficiency to the annual nomination process.

Process for Developing New Rule: The Dry Pea and Lentil Board made a recommendation to the director of agriculture, that the nomination procedure be amended. A notice of the proposed change will be sent to all affected producers. Written comment will be accepted up to the date of the public hearing.

How Interested Parties can Participate in Formulation of the New Rule: A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed rule change. Walter Swenson, Agricultural Programs Administrator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089.

March 23 [20], 1995
 William E. Brookreson
 Assistant Director

WSR 95-08-006
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed March 22, 1995, 4:20 p.m.]

Subject of Possible Rule Making: WAC 388-49-080 Expedited services.

Specific Statutory Authority for New Rule: RCW 74.04.050.

Reasons Why the New Rule is Needed: The new limited utility allowance must be included in the expedited services determination.

Goals of New Rule: Includes the new limited utility allowance in the expedited services determination.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Mike Arnaud, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8322 or 438-8323 (SCAN 585-8323), FAX (360) 438-8258 or (SCAN 585-8258).

March 22, 1995
 Dewey Brock, Chief
 Office of Vendor Services

WSR 95-08-007
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed March 22, 1995, 4:25 p.m.]

Subject of Possible Rule Making: WAC 388-49-110 Verification.

Specific Statutory Authority for New Rule: RCW 74.04.050.

Reasons Why the New Rule is Needed: Simplify the verification policy.

Goals of New Rule: Simplifies the verification policy. Deletes the types of verification requirements and replaces it with the general policy.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Mike Arnaud, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8322 or 438-8323 (SCAN 585-8322), FAX (360) 438-8258 or (SCAN 585-8258).

March 22, 1995
 Dewey Brock, Chief
 Office of Vendor Services

WSR 95-08-009
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 (Public Assistance)

[Filed March 23, 1995, 11:56 a.m.]

Subject of Possible Rule Making: WAC 388-507-0710 AFDC-related medical income standards.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Comply with state plan.

Goals of New Rule: Increase the one-person medically needy income level to \$486.

Process for Developing New Rule: The department will conduct an internal and external review and approval process. The department will consider all comments.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

March 23, 1995
 Dewey Brock, Chief
 Office of Vendor Services

WSR 95-08-011
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
 (Filed March 23, 1995, 4:00 p.m.)

Subject of Possible Rule Making: Adoption of current PMO.

Specific Statutory Authority for New Rule: RCW 15.36.021.

Reasons Why the New Rule is Needed: To adopt newest version of pasteurized milk ordinance (PMO). State must adopt and enforce requirements under most current version of PMO to ensure dairy industry products which comply may be shipped freely in interstate commerce.

Goals of New Rule: Keep Washington regulations current with most recent versions of PMO. Compliance with most recent PMO requirements are a necessity for industry to ship milk or milk products in interstate commerce.

Process for Developing New Rule: Industry participation through public meeting - distribution of draft regulation to industry for comment.

How Interested Parties can Participate in Formulation of the New Rule: Verne Hedlund, Food Safety Program Development Manager, Food Safety and Animal Health, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860, FAX (360) 902-2087.

March 23, 1995
 John Daly
 Assistant Director

WSR 95-08-012
PREPROPOSAL STATEMENT OF INTENT
OFFICE OF MARINE SAFETY
 [Filed March 23, 1995, 4:01 p.m.]

Specific Statutory Authority for New Rule: RCW 43.211.030 and 88.46.050.

Reasons Why the New Rule is Needed: To ensure the safety of marine transportation in state waters, the legislature directed the Office of marine Safety to determine whether cargo and passenger vessels pose substantial risk of harm to the environment and public health and safety. The office is developing substantial risk standards for vessel operations, personnel policies, management practices and technology.

Goals of New Rule: The goal of the rule is to provide owners and operators of cargo and passenger vessels clear standards for determining their vessels' relative risk of harm to marine safety.

Categories of

Minimum Standards for Cargo and Passenger Vessels

1. Operating Procedures
 - 1.1. Watch Procedures
 - bridge watch composition [composition]
 - bridge resource management
 - master/Watch/Pilot interface
 - security rounds
 - anchor watches
 - engineering watch composition
 - 1.2. Navigation
 - fix interval
 - voyage planning
 - equipment checks
 - 1.3. Engineering Procedures
 - electrical systems
 - steering systems
 - main propulsion systems
 - 1.4. Emergency Procedures
 - fire
 - abandon ship
 - man overboard
 - oil spill response
 - collision/allision
 - grounding/stranding
 - structural failure/hull breach
 - towing
 - loss of propulsion
 - loss of steering
 - compass malfunction
 - radar malfunction
 - heavy weather
2. Personnel Policies
 - 2.1. Training
 - comprehensive training programs
 - orientation programs
 - position specific requirements
 - refresher training
 - technology specific training
 - drills and exercises
 - 2.2. Work Hours
 - 2.3. Communications
 - English proficiency
 - common language - multi-national crew

- 2.4. Personnel Performance
 - personnel evaluations
 - fitness for duty
 - alcohol/drug policies
3. Management Practices
 - 3.1. Management Oversight
 - 3.2. Safety and Environmental Protection
 - management policy
 - program elements
 - 3.3. Ship Visit Program
 - 3.4. Preventive Maintenance Programs
4. Technology
 - 4.1. Navigation Equipment
 - global positioning systems (GPS)
 - radars/ARPA
 - 4.2. Emergency Towing Systems

Process for Developing New Rule: The office will appoint an ad hoc advisory committee of representatives from vessel owners, operators and managers, the fishing industry, pilots, classification societies, tribes, environmental organizations and Washington's Department of Ecology. The advisory group will assist the office in developing substantial risk standards for cargo and passenger vessels to be incorporated into rules. An outline of categories for standards development is included in this preproposal statement of intent. Public workshops will be held on the standards in both Seattle and Vancouver. Public hearings will be held on the proposed rules after the advisory group completes its review in September 1995. The office intends to adopt the final rules in January 1996.

How Interested Parties can Participate in Formulation of the New Rule: Meeting dates have yet to be determined. Written comments are requested and welcome from any interested person. Please submit written comments to Stan Norman, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407.

March 21, 1995
 Barbara Herman
 Director

WSR 95-08-017
PREPROPOSAL STATEMENT OF INTENT
LIQUOR CONTROL BOARD
 [Filed March 24, 1995, 3:30 p.m.]

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: The current industry practice of supplying schematics for stocking without charge needs to be included in WAC 314-12-140. The board intends to amend the existing rule so as to identify schematics and include them as having no fair market value. This will clarify how these items are to be treated.

Goals of New Rule: To eliminate possible confusion within the industry as to how schematics are to be valued.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Contact Dave Goyette, Assistant Director, Regulatory Services, Washington State Liquor Control

Board, P.O. Box 43075, Olympia, WA 98504-3075, FAX (360) 753-2710, (360) 753-2724. Submit ideas or comments by April 15, 1995.

March 24, 1995
Joe McGavick
Chairman

WSR 95-08-021
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 27, 1995, 10:09 a.m.]

Subject of Possible Rule Making: Chapter 388-300 WAC, Job opportunities and basic skills training program (JOBS).

Specific Statutory Authority for New Rule: Title 74 RCW, 45 CFR, Part 250, Part 251, Part 255, and Part 256.

Reasons Why the New Rule is Needed: Update the WAC to include the changes under the governor's employment and family support initiatives (welfare reform) and assist us in meeting the federal participation requirements.

Goals of New Rule: Authorize a mandatory JOBS program and assign clients to the four pathways of service delivery.

Process for Developing New Rule: Agency study; and internal (management) and external stakeholders participate in development and a process whereby draft material is developed and distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Sue Langley, Program Manager, JOBS Program, Division of Employment and Social Services, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 438-8281, FAX (360) 438-8379.

March 27, 1995
Dewey Brock, Chief
Office of Vendor Services

WSR 95-08-023
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 28, 1995, 12:03 p.m.]

Subject of Possible Rule Making: WAC 388-218-1200, 388-218-1350, 388-218-1450, 388-218-1605, 388-218-1610, 388-218-1630, 388-218-1680, and 388-218-1730. AFDC income policies, titled Exempt income types, Deductible self-employment expenses, Thirty dollars and one-third disregard, Allocation of income—Multiple assistance units, Allocation of parental income and support, Allocation of assistance unit income for support of legal dependents, Allocation of income to pregnant women, and one hundred percent of need test.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Update language in current WAC for clarification; add specific new provisions per federal statute.

Goals of New Rule: Clarify language intent of current WAC; add new provisions as mandated by federal law.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Rena Milare, Program Manager, AFDC/Refugee Section, Mailstop 45400, Lacey, WA 98503, phone (360) 438-8311, FAX (360) 438-8258.

March 28, 1995
Dewey Brock, Chief
Office of Vendor Services

WSR 95-08-024
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed March 28, 1995, 3:15 p.m.]

Subject of Possible Rule Making: Manufactured housing installer training and certification.

Specific Statutory Authority for New Rule: Chapter 43.63B RCW.

Reasons Why the New Rule is Needed: A new state program, certifying manufactured housing installers, was created in statute. The statute directs the department to set reasonable fees and to establish rules for the training course and examinations. Also, the appeals process, certain definitions and other aspects need to be clarified.

Goals of New Rule: To set fees and procedures, and to clarify the statute where necessary.

Process for Developing New Rule: The department is engaging in a dialogue with a technical advisory group, consisting of representatives from manufacturers, dealers, installers, and affected state agencies. Drafts are circulated and comments are received and debated among the group.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can join the dialogue by contacting Nancy Hanna at Department of Community, Trade and Economic Development, Office of Mobile/Manufactured Housing, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-2169, FAX (360) 586-5880. Such persons will receive copies of the current draft, may submit written comments, and will be included in future correspondence.

March 28, 1995
Nancy L. Hanna
Section Manager, Office of
Mobile/Manufactured Housing

WSR 95-08-035**PREPROPOSAL STATEMENT OF INTENT
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed March 30, 1995, 10:50 a.m.]

Subject of Possible Rule Making: Contracting out by school districts of services previously performed by classified employees.

Specific Statutory Authority for New Rule: RCW 28A.300.040(1) and 28A.400.285.

Reasons Why the New Rule is Needed: In order to implement RCW 28A.400.285 the new rule will set forth a form which must be completed and submitted to the Superintendent of Public Instruction for approval as a condition to contracting out under the statute.

Goals of New Rule: Provide for an agency approval process under RCW 28A.400.285 which meets the intent of the statute; is practical; and avoids unnecessary bureaucracy.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: The agency has conducted several meetings with interested union representatives, school representatives, etc., and intends to conduct one or more meeting(s). Send written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-4201, FAX (360) 753-4201, TDD (360) 664-3631.

March 29, 1995
Judith A. Billings
Superintendent of
Public Instruction

March 31, 1995
Dewey Brock, Chief
Office of Vendor Services

WSR 95-08-047**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Vocational Rehabilitation)

[Filed March 31, 1995, 4:55 p.m.]

Subject of Possible Rule Making: Repeal of WAC 490-500-610 Independent living program—Order of selection.

Specific Statutory Authority for New Rule: Chapter 74.29 RCW (revised December 1993).

Reasons Why the New Rule is Needed: It was our intention when chapter 490-500 WAC was updated in January 1995 for compliance with federal law to repeal WAC 490-500-610 Independent living program—Order of selection.

Goals of New Rule: Repeal WAC 490-500-610 which was based on the Rehabilitation Act prior to the 1992 amendments.

Process for Developing New Rule: Correction of oversight.

How Interested Parties can Participate in Formulation of the New Rule: Vi Moody, Division of Vocational Rehabilitation, Mailstop 45340, Olympia, Washington 98504-5340, (360) 438-8025 voice and TTY.

March 31, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-08-043**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

(Public Assistance)

[Filed March 31, 1995, 2:49 p.m.]

Subject of Possible Rule Making: Amending WAC 388-86-030 Eyeglasses and examinations and 388-86-095 Physicians' services.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: To amend present WAC to reduce the requirement for prior approvals on some cataract surgeries for medical assistance clients.

Goals of New Rule: To reduce the need for providers to request prior approval for all cataract surgeries for medical assistance clients.

Process for Developing New Rule: The department will conduct an internal and external review and approval process. The department will consider all comments.

How Interested Parties can Participate in Formulation of the New Rule: Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

WSR 95-08-050**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH**

[Filed April 3, 1995, 10:10 a.m.]

Subject of Possible Rule Making: WAC 246-924-990 Psychology fees.

Specific Statutory Authority for New Rule: RCW 43.70.250.

Reasons Why the New Rule is Needed: The Examining Board of Psychology is adopting new rule WAC 246-924-500 Retired active psychologist license. This fee amendment will establish the renewal retired active license fee. This amendment will also establish a written examination administration fee, reduce the certification fee and eliminate two fee categories which are duplicates.

Goals of New Rule: Establish new fee category to correspond with rule being developed by Examining Board of Psychology; establish new fee category for examination administration fee; establish lower cost for certification; eliminate two fee categories which are duplicative of two existing fee categories.

Process for Developing New Rule: Open public meetings, mailing to all persons on mailing list, article in newsletter mailed to all 1,300 licensees.

How Interested Parties can Participate in Formulation of the New Rule: Terry J. West, Program Manager, Department of Health, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-3095, FAX (360) 586-7774.

March 30, 1995
Bruce Miyahara
Secretary

WSR 95-08-076
PREPROPOSAL STATEMENT OF INTENT
LIQUOR CONTROL BOARD

[Filed April 5, 1995, 10:43 a.m.]

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: To establish and standardize board procedure.

Goals of New Rule: To clarify the circumstances under which a manufacturer's license may be issued to a former retail liquor licensee.

Process for Developing New Rule: Negotiated rule making; and agency study.

How Interested Parties can Participate in Formulation of the New Rule: Contact David Goyette, Washington State Liquor Control Board, Regulatory Services, P.O. Box 43075, Olympia, WA 98504-3075, FAX (360) 753-2710, (360) 753-2724. Submit comments or ideas by May 1, 1995.

April 4, 1995
Joe McGavick
Chairman

WSR 95-08-078
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF REVENUE

[Filed April 5, 1995, 11:48 a.m.]

Subject of Possible Rule Making: WAC 458-40-615 Timber excise tax—Stumpage values—Reporting of private stumpage and log purchase sales and applicable logging costs to the department; WAC 458-40-640 Timber excise tax—Stumpage value area (map); WAC 458-40-660 Timber excise tax—Stumpage value tables; WAC 458-40-670 Timber excise tax—Stumpage value adjustments; WAC 458-40-684 Timber excise tax—Volume harvested—Conversions to Scribner Decimal C Scale for Western Washington; and WAC 458-40-690 Timber excise tax—Credit for property tax.

Specific Statutory Authority for New Rule: RCW 82.32.300 and 84.33.096.

Reasons Why the New Rule is Needed: WAC 458-40-615 is needed to implement legislation enacted in 1994; WAC 458-40-640 is needed to make stumpage value areas 5 and 6 more closely align with market conditions in those areas; WAC 458-04-660 is needed to comply with a statutory requirement to publish revised stumpage values every six months. WAC 458-40-670 is needed to coincide with the stumpage value tables as adopted every six months. WAC 458-40-684 is needed to coincide with revised definitions and to provide proper conversion tables for

various species, from weight measurement to Scribner. WAC 458-40-690 is needed to clarify the application of the personal property tax credit.

Goals of New Rule: The proposed amendments to these rules are intended to provide guidance to taxpayers relative to payment of the timber excise tax.

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 should be submitted by the public meeting date to ensure full consideration, but will be accepted until the date of adoption. Written comments on and/or requests for copies of the rule may be directed to: James A. Winterstein, Counsel, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, FAX (360) 664-0693. Location and date of public meeting: April 27, 1995, at 9:30 a.m., Revenue Conference Room, Target Place Building, 2735 Harrison Avenue N.W., Olympia, WA.

Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format contact Sandra Chan by April 20, 1995, TTY 1-800-451-7985 or (360) 753-3217.

April 5, 1995
Russell W. Brubaker
Assistant Director

WSR 95-07-116
PROPOSED RULES
NORTHWEST AIR
POLLUTION AUTHORITY

[Filed March 21, 1995, 9:55 a.m.]

Original Notice.

Title of Rule: Northwest Air Pollution Authority regulation.

Purpose: To amend, add, and delete subsections of the Northwest Air Pollution Authority regulations to reflect changes in the state and federal rules, to clarify requirements that will promote effective air pollution control.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Subsection:

- 102.7 This section allows the Control Officer to approve alternate compliance strategies if the safety of the individuals involved in carrying compliance requirements is compromised.
- 104.2 Recently promulgated federal rules will be adopted by reference.
- 322.9 New wording exempts portable sources operating in the Northwest Air Pollution Authority jurisdiction for less than 90 days from registration/new source review as long as we are notified in advance.
- 322.21 Portable sandblasting operations are exempt from registration/new source review provided that the Northwest Air Pollution Authority is notified in advance.
- 322.22 Portable asphalt plants, portable soil treatment units, and portable rock crushers operating for less than 90 days in a calendar year in the Northwest Air Pollution Authority jurisdiction and possessing a valid Order of Approval to Operate from another Washington state air permitting agency are exempt from registration/new source review.
- 322.23 Wording is modified to give the Control Officer some discretion in determining the registration classification of intermittent sources operating in the Northwest Air Pollution Authority jurisdiction.
- 324.115 Class "C" registered sources will be exempt from all registration fees.
- 324.225 New source review fees of \$100 are now established for autobody spray coaters and commercial dry cleaners.
- 324.26 New source review fees may be reduced for existing sources undertaking pollution prevention or voluntary emission reduction projects.
- 341.2 Sources will now be required to notify the Northwest Air Pollution Authority within the 72 hour period prior to a scheduled shutdown or start-up.

- 451.12 Section for exemption from opacity standard for soot blowing or grate cleaning is reworded for clarity.
- 455.15 New subsection allows the Control Officer to approve an alternate oxygen correction factor if it can be demonstrated that another correction factor is more representative of normal operations and the emissions will not cause a violation of any ambient air quality standard.
- 520 Delete the thirty days in a calendar year when sulfur content in fuel can exceed the standard.

Reasons Supporting Proposal: Incorporation of new and amended requirements will simplify enforcement and aid in air pollution control.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Randles, 302 Pine Street, Suite 207, Mount Vernon, WA 98273, (360) 428-1617.

Name of Proponent: Northwest Air Pollution Authority, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required of this organization.

Hearing Location: Skagit County Administration Building, Hearing Room "B", Second and Kincaid Street, Mount Vernon, Washington 98273, on May 11, 1995, at 1:30.

Assistance for Persons with Disabilities: Contact Susan Duffy by April 30, 1995, (360) 428-1617 ext. 200.

Submit Written Comments to: FAX (360) 428-1620, by May 11, 1995.

Date of Intended Adoption: May 11, 1995.

March 20, 1995
 Terryl L. Nyman
 Air Pollution
 Control Officer

AMENDATORY SECTION

SECTION 102 - POLICY

- 102.1 It shall be the policy of the NWAPA to secure and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and to property, and foster the comfort and convenience of the inhabitants of this area in order to facilitate their enjoyment of the area's natural beauty and thus promote economic and social well being.
- 102.2 In order to carry out the requirements of the Washington Clean Air Act and to provide uniform administration and enforcement, the NWAPA adopts the following policies, procedures, standards, prohibitions, and ambient air quality objectives.

The establishment of control procedures, compliance schedules, emission and ambient air standards, and prohibitions are the administrative means of achieving this goal.

102.3 Guidelines

In carrying out its responsibilities for air pollution control the Authority is concerned with the interrelationship of land use, activities of people, and industries since each of these contribute to the overall air pollution problem. The ongoing program carried out by the Authority attempts to seek solutions to existing problems and to develop strategies for prevention of problems as the area of jurisdiction experiences growth and change. To accomplish this best, it is necessary for the Authority to enter into the planning stages of domestic and industrial development and to participate with other agencies in decisions on location of population and industrial centers considering the kinds of air contaminants these may emit in relation to those from surrounding areas. Coordination with air pollution authorization and other agencies in contiguous areas is necessary.

In the development of strategies, it is necessary to consider three very interrelated areas and develop appropriate guidelines for:

- (a) Minimal degradation of air quality.
- (b) Implementation of land use and zoning.
- (c) Population density control.

102.4 Minimal Degradation Guidelines

It shall be the policy of the Authority not to allow the atmosphere to degrade below the levels set out by appropriate air quality objectives. These are the points where the health, comfort, and convenience of the individual is assured and the effects of air pollution are known not to occur. To achieve this objective, it shall be necessary, when growth or change occurs, to:

- 102.41 Require the best practical technology for those who locate here or are required to upgrade their facilities.
- 102.42 Allow expansion of an area only if the probable emissions of the newcomers, when added to those from presently existing facilities, are not likely to cause violations of existing ambient air standards.

102.5 Land Use Planning and Zoning

Zoning is the most effective way to regulate land use. The practice in land use planning to allocate certain districts for particular uses can create a problem.

By locating too many units which emit similar types of pollutants in one area, a problem may be created which would ordinarily not exist or be of minimal consequence if the units were more scattered.

Air pollution control authorities have a responsibility to minimize the impact of air contaminants and to keep the air basins within the authority's jurisdiction below the air quality objectives even under the most adverse

meteorological conditions. The Authority thus has a planning responsibility in terms of warning and insuring that incompatible land uses do not occur. It is the policy of the Authority to work with other agencies to assure that:

- 102.51 Incompatible land uses are discouraged.
- 102.52 Zones are intermixed in such a way that air pollution problems may be minimized.
- 102.53 Zones are not made so large that air pollution problems are created by locating too many units with similar emissions. In industrial zones, the industries should be dissimilar in nature to minimize the concentration of a single contaminant.

102.6 Population Density Control

In land use planning the density of use is an important factor to consider along with the type of zone degradation. In problem areas, often times the type of zone is not at fault but too many units of a given type are allowed.

It shall be the policy of the Authority, in order to minimize the population density problem to recommend that:

- 102.61 Zones should be intermixed in such a way that high density zones are intermixed with low density zones so as to reduce air contaminant output.
- 102.62 As the density of zones becomes greater, consideration must be given to restricting the number of units a given zone can accommodate.
- 102.63 Concentrations of population or industries be allowed only up to the point where there is reason to believe that the air quality objectives in a given air basin are not likely to be exceeded.

102.7 Where the safety of individuals may be compromised by carrying out the requirements of the Authority, alternative methods of meeting emission standards or other requirements of this Regulation may be approved by the Control Officer.

Passed: January 8, 1969

Amended: February 14, 1973, August 9, 1978, February 10, 1993, May 11, 1995

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

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

- 104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the

Authority as of October 13, 1994. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400, WAC 173-401, WAC-405, WAC 173-410, WAC 173-415, WAC-420, WAC-421, WAC-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC-435, WAC-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC-492, WAC-495, and WAC 173-802.

- 104.2 All provisions of the following federal rules are hereby adopted by reference and made part of the Regulation of the Authority as of October 13, 1994: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, ((and))Q, R, T, and EE.

Amended: September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995

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

AMENDATORY SECTION

SECTION 322 - EXEMPTIONS FROM REGISTRATION

Exclusion from registration does not absolve the owner, lessee, or his registered agent from all other requirements of the Regulation of this Authority. Exemption from registration does not apply to any control facility or device required to be installed in order to meet the emission and/or ambient standards of this Regulation.

- 322.1 Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.
- 322.2 Asphalt laying equipment.
- 322.3 Atmosphere generators used in connection with metal heat treating processes.
- 322.4 Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- 322.5 Fuel burning equipment, other than smoke house generators, which:
- 322.51 Is used solely for a private dwelling serving less than five families;
- 322.52 Has a BTU input of not more than 400,000 BTU/hour, provided that equipment burning natural gas or liquified petroleum gas (LPG) exclusively may excluded up to 2,500,000 BTU/hour.
- 322.53 If used oil is burned the maximum heat input shall be less than 0.4 million BTU per hour (0.5 GJ/hr) provided that:
- The used oil burned is either generated on site or received from do-it-yourself oil changers; and
 - The used oil burned is not contaminated with added dangerous wastes.
- 322.6 Insecticide spray equipment, noncommercial.
- 322.7 Laboratory equipment used exclusively for chemical or physical analyses.
- 322.8 Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- 322.9 Portable equipment which is used within the jurisdiction of the Authority for less than ~~((thirty (30) days, except asphalt plants, rock crushers, and sand blasting operations-))~~ ninety (90) days, provided that the operator notifies the NWAPA within (10) days of start-up.
- 322.10 Sewing equipment.
- 322.11 Surface coating by use of aqueous solution or suspension.
- 322.12 Steam cleaning equipment used exclusively for that purpose.
- 322.13 Storage tanks, reservoirs, or containers:
- 322.131 Of a capacity of 6,000 gallons or less used for organic substances unless, in the opinion of the Control Officer, Section 535 may be violated.
 - 322.132 Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline and lubricating oils.
 - 322.133 Containing organic liquid mixtures whose True Vapor Pressure is equal to or less than 1.5 psia under actual storage conditions.
 - 322.134 Containing liquids which are not vented to the atmosphere.
- 322.14 Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from one to another source.
- 322.15 Vents used exclusively for:
- 322.151 Sanitary or storm drainage systems.
 - 322.152 Safety valves.
 - 322.153 Storage tanks.

- 322.16 Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- 322.17 Welding, brazing and soldering equipment unless the person operating such equipment otherwise qualifies for registration.
- 322.18 Restaurants and other retail food preparing establishments.
- 322.19 Piping modifications on existing process units that result in increases in fugitive hydrocarbon emissions of less than 2.0 tons per year.
- 322.20 New emission units or activities with potential emissions below the following threshold levels:
- 5 tons per year of carbon monoxide;
 - 2 tons per year of nitrogen oxides;
 - 2 tons per year of sulfur oxides;
 - 2 tons per year of volatile organic compounds (VOC);
 - 0.75 tons per year of PM₁₀ (as defined in WAC Chapter 173-400-030(53))
 - 0.03 tons per year of lead;
 - Threshold levels for Hazardous Air Pollutants as defined in WAC Chapter 173-401-531.
- 322.21 Portable sandblasting operations provided that the operator notifies the NWAPA within ten (10) days of start-up.
- 322.22 Portable asphalt plants, portable soil treaters, and portable rock crushing plants that operate in the NWAPA jurisdiction for less than ninety (90) days in a calendar year and have a valid "Notice of Construction" approval order from another air quality permitting authority within the State of Washington and are not subject to review under 40 CFR 60 Standards of Performance for New Stationary Sources. The operator is required to notify the NWAPA within ten (10) days of start-up.
- Amended - October 13, 1982, November 14, 1984, April 14, 1993, October 13, 1994, May 11, 1995

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

AMENDATORY SECTION

SECTION 323 - CLASSES OF REGISTRATION

- 323.1 All air contaminant sources registered by this Authority shall be classified in one of the following classes based upon uncontrolled emissions of air contaminants to the atmosphere.
- 323.11 CLASS A - All air contaminant sources with potential uncontrolled annual emissions usually in excess of 50 tons/year shall be classified as CLASS A sources. The registration of all CLASS A sources is subject to review annually.
- 323.12 CLASS B - All air contaminant sources with potential uncontrolled annual emissions usually between 10 and 50 tons/year shall be classified as CLASS B sources. The registration of all CLASS B sources will be subject to review at the discretion of the Control Officer.
- 323.13 CLASS C - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year shall be classified as CLASS C sources. The registration of all CLASS C sources will be subject to review at the discretion of the Control Officer.
- 323.14 SPECIAL CLASS D - All sources which in and of themselves are not air contaminant sources per se, but distribute, sell or make available for sale to the general public or other dealers within the jurisdiction of the Authority, solid, liquid, or gaseous fuel (which create emission to the atmosphere) shall be classified as CLASS D sources. ALL CLASS D sources may be required to submit an annual report of the type and quantity of fuel sold on forms provided by the Control Officer at a time selected by the Control Officer.
- 323.15 CLASS G - All gasoline stations installed or reconstructed after January 1, 1990 and all gasoline stations with a total annual gasoline throughput greater than one million three hundred twenty-five thousand liters (350,000 gallons).
- 323.16 SPECIAL CLASS I - All incinerators approved by the Authority under Section 510 and not classified in CLASS A or B herein shall be classified as a CLASS I source. This class also includes wood waste burners under Section 458 and other incinerators which may come under the Regulation of this Authority. ALL CLASS I sources will be subject to review at the discretion of the Control Officer.
- 323.17 SPECIAL CLASS O - All air contaminant sources whether or not they would be otherwise classified under this Regulation which have an actual or potential odor problem associated with their operation may be classified as a CLASS O source. ALL CLASS O sources will be subject to review at the discretion of the Control Officer.
- 323.18 SPECIAL CLASS S - All air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere shall be classified as CLASS S sources. ALL CLASS S sources are subject to review at the discretion of the Control Officer.
- 323.19 CLASS T - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year of any compound listed in WAC 173-460 Sections 150 and 160, or CAA Section 112(b), shall be classified as T sources. The registration of all Class T sources

es will be subject to review at the discretion of the Control Officer.

323.2 Any registered source which is classified in CLASS A, B, or C under this Regulation may petition the Control Officer for a change in registration classification to a lower class under the following conditions:

323.21 The registrants shall show that the lower classification is more applicable to their particular situation and that they consistently meet the emission and ambient air standards and any other prohibitions and requirements for their new class.

323.22 The registrants shall control their emissions in accordance with this regulation.

323.3 Intermittent sources which vary in total emissions proportionately according to the amount of time they operate annually (~~shall~~) may be extrapolated and their classification determined on their estimated rate of annual emissions as if they were operating on a full time basis throughout the year.

Passed: September 13, 1972

Amended: February 14, 1973, August 9, 1978, April 14, 1993, May 11, 1995

AMENDATORY SECTION

SECTION 324 - FEES

324.1 Annual Registration Fees. Before the Control Officer may register any article, machine, equipment, facility, control facility, or other contrivance, the use of which is likely to cause the emission of air contaminants or a variance be granted and under the jurisdiction of this Authority, an annual registration fee shall be paid to the Authority at a time and in such a manner as herein set forth and as may be determined by the Board.

324.11 Sources classified as class "A", Class "B", Class "G", Class "I", Class "O" and Class "T" as defined in Section 323, and holders of each Variance issued by NWAPA, shall, upon notification by the Control Officer, pay the Authority an annual registration fee on or before January 1 of each year in accordance with the following schedule except that any new source which has paid a Notice of Construction filing fee and plan, examination and inspection fee shall not be required to pay an additional registration fee during that same calendar year.

324.111 All Class "A" Registered Sources

Standard Industrial Classification Number	Type	Annual Registration Fee
(SIC) 2911	Petroleum Refinery	\$6,000
2999	Petroleum Coke Calciner	3,000
3241	Cement Manufacturing	3,000

3334	Primary Production of Aluminum	3,000
2611	Pulp & Paper Mills	3,000
2819	Sulfuric Acid Manufacturing	2,750
2812	Alkalies & Chlorine Manufacturing	2,200
2430	Veneer Plywood Manufacturing	1,500
3323	Iron & Steel Foundries	4,000
3295	Olivine Rock Processing	1,500
4953	Refuse Incineration Facilities	3,000
2818	Chemical Processing Plants	2,500
9711	National Security Establishments	2,500
4911	Coal Fired Power Plants	6,000
	Cogeneration Plants	
4911	Peak Load	2,000
4911	Base Load	4,000
4923	Pipeline Compressors	1,500
---	Any Other Type Not Listed	1,500

324.112 All Class "B" Registered Sources 400

324.113 All Class "O" Registered Sources 400

324.114 All Class "I" Registered Sources with combustion rate in lbs/hour:

324.1141 50 or less lbs/hour of any waste materials 150

324.1142 51 to 100 lbs/hour of any waste materials 250

324.1143 101 - 999 lbs/hour of any waste materials 500

324.115 All (~~other classes of~~) registered sources (~~shall pay a one-time registration fee at the time of registration~~) designated as "Class C" are exempt from a registration fee. ((+00))

324.116 Holders of each Variance issued by the Authority under Section 350 of this Regulation (Annual Fee) 500

324.117 The annual registration fee of a facility that includes more than one air contaminant source classified as Class "A", Class "B", Class "C", Class "G", Class "I", or Class "T" at the same general location and under the same manager, shall pay the full fee for the primary source, as determined by the Control Officer, and fifty percent (50%) of the fee for each of the other sources subject to an annual registration fee.

324.118 All Class "G" Registered Sources \$100.00.

324.119 All Class "T" registered sources \$100.00.

324.120 The Authority shall collect interim fees to cover operating permit program development costs. The fees will be assessed to all sources in the jurisdiction that emit one hundred tons or more of a regulated pollutant. A regulated pollutant is defined in Section 502(b) of the Federal Clean Air Act Amendments of 1990. Fees shall be

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based on emissions determined in the most recent emissions inventory. The costs shall be determined by a workload analysis done by the Authority and approved by the Board. The fees shall be collected beginning fiscal year 1994.

324.121 Commencing with the effective date of the operating permit program the Authority shall assess and collect annual air operating permit fees in it's jurisdiction for any source specified in section 7661(a) of Title V of the Federal Clean Air Act (FCAA) or WAC 173-401-300 (excluding sources regulated by the Washington State Department of Ecology Industrial Section). The total fees required by the NWAPA to administer the program shall be determined by a workload analysis conducted by the staff and approved annually by resolution by the Board of Directors in a public hearing. Allocation of the fees to individual affected sources shall be based on the following:

- a. Twenty percent of the total fees shall be allocated equally among all affected sources.
- b. Eighty percent of the total fees shall be allocated based on actual emissions of regulated pollutants identified in the most recent annual emission inventory, or potential emissions if actual data are unavailable. A Regulated pollutant for fee calculation shall include:

Nitrogen oxides
 Volatile organic compounds
 Particulate matter with an aerodynamic particle diameter less than or equal to 10 μ (PM₁₀)
 Sulfur dioxide
 Lead
 Any pollutant subject to the requirements under section 112(b) of the FCAA not included in any of the above categories.

324.122 Upon assessment by the Authority, fees are due and payable and shall be deemed delinquent if not fully paid within 90 days. Any source that fails to pay a fee imposed under Section 324 within 90 days of the due date shall be assessed a late penalty in the amount of 50 percent of the fee. This late penalty shall be in addition to the fee assessed under Section 324.

324.2 Notice of Construction, Variance Filing, plan examination, evaluation and/or inspection fee. The following fees shall be paid by an applicant for processing a Notice of Construction and Applica-

tion for Approval, pursuant to Section 300.1 or a Variance pursuant to Section 350, before the Board will take any action approving or denying said application.

324.21 A \$100.00 filing fee and in addition, the plan examination and inspection fee set forth in Section 324.22. One filing fee and plan examination, evaluation and inspection fee shall be paid for identical units, except when a separate examination, evaluation or inspection is required for each identical unit.

324.22 ITEM—PLAN, EXAMINATION, EVALUATION, AND INSPECTION FEE

324.221 Fuel burning equipment in million <u>BTU/HR Input Heat Capacity</u>	
Less than 5	\$150 (Installation) 50 (Fuel Change)
5 or more but less than 10	400 (Installation) 100 (Fuel Change)
10 or more but less than 20	750 (Installation) 200 (Fuel Change)
20 or more but less than 50	1500 (Installation) 400 (Fuel Change)
50 or more but less than 100	4000 (Installation) 750 (Fuel Change)
100 or more but less than 250	10,000 (Installation) 1000 (Fuel Change)
250 or more but less than 500	15,000 (Installation) 3000 (Fuel Change)
More than 500	20,000 (Installation) 5000 (Fuel Change)
324.222 Other in Cubic Feet Per Minute (CFM-Design) from equipment, such as, but not limited to, cyclones, bag filters, electrostatic precipitators and wet scrubber.	
Less than 5,000	\$ 200
5,000 or more but less than 20,000	400
20,001 or more but less than 50,000	1000
50,001 or more but less than 100,000	2000
100,001 or more	5000
324.223 Incinerators - Combustion rate in lbs/hour (Design)	
Refuse Incinerator - lbs/hour	
500 lb/hr or less	\$1000
500 or more but less than 1,000	3000
Solid Waste Combustion - tons/day	
250 or less	\$20,000
greater than 250	40,000
324.224 Storage Tanks - Gallons	
6,000 or more but less than 40,000	\$200
40,000 or more but less than 100,000	400
100,000 or more but less than 500,000	750
500,000 or more	1,200
324.225 Other -	
<u>Autobody Spray Coating</u>	<u>\$100</u>

<u>Commercial Dry Cleaning</u>	100
Gasoline Stations	(((\$))100
Odor Source	500
Not Classified above	200

324.226 Air Toxics Screening	\$200
324.227 Order of Approval Modification	25% of original permit fee
324.228 Public Hearing for Order of Approval	\$500
324.229 Voluntary Emission Reduction (WAC 173-400-091)	\$100

324.23 Environmental Policy Guidelines

324.231 Threshold Determination. For every environmental checklist the NWAPA reviews when it is Lead Agency, the applicant shall first pay NWAPA a fee of \$100.00 prior to undertaking the Threshold Determination by the responsible official of NWAPA.

324.232 If the Authority decides it must prepare an Environmental Impact Statement (EIS) in order to comply with the State Environmental Policy Act of 1971 before taking any action on a Notice of Construction, the cost of preparing, publishing, and distributing an EIS at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.

324.24 Should a public hearing or public notice be required or deemed necessary by the Board on any proposed action by an applicant, said applicant shall reimburse the Authority for the actual publication cost of any required legal notice of such public hearing.

324.25 "Bubble" and "Emission Reduction Credit"

A \$250.00 application and processing fee shall be paid for each application for a "Bubble" made pursuant to RCW 70.94.155 and WAC 173-403-060, and an "Emission Reduction Credit" (ERC) made pursuant to WAC 173-403-070.

324.26 Plan and examination, filing, SEPA review, and emission reduction credit fees may be reduced at the discretion of the Control Officer by up to 75 percent for existing sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

Amended: October 14, 1987, November 15, 1988, February 14, 1990, April 14, 1993, September 8, 1993, October 13, 1994, May 11, 1995

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

AMENDATORY SECTION

SECTION 341 - SCHEDULE REPORT OF SHUTDOWN OR STARTUP

341.1 If the operator of any air contaminant source registered or operating under a Certificate of Approval to Operate, issued by the Authority, schedules a total or partial shutdown or startup of control or process equipment which may result in emissions or any additional emissions to the atmosphere which may temporarily exceed the emission standards of this Regulation; the operator or owner of the source shall notify the Authority prior to the shutdown or startup.

341.2 ~~((Prompt))~~ Notification shall be made ~~((and in no event less than twenty four (24) hours before the))~~ within the seventy-two (72) hour period prior to a scheduled shutdown or startup. The operator or owner of the source shall submit a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

341.3 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.

Amended: November 14, 1984, April 14, 1993, September 8, 1993, May 11, 1995

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

AMENDATORY SECTION

SECTION 451 - EMISSION OF AIR CONTAMINANT - VISUAL STANDARD

451.1 No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except as follows:

451.11 When the owner or operator of a source supplies valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m₃) grain/dscf.

451.12 Excess emissions as a result of soot blowing or grate cleaning shall not occur for more than

PROPOSED

fifteen minutes in any eight hour period or another schedule approved by the Control Officer provided that the owner or operator can demonstrate to the satisfaction of the Control Officer that the time limitations of this subsection are not being exceeded.

~~((451.12 When an emission occurs due to soot blowing and/or grate cleaning for not more than 15 minutes in any 8 hour period provided a continuous opacity measuring system and recorder is installed, and operated as required and approved by the Control Officer to record said emissions, or the owner or operator of the source can demonstrate to the satisfaction of the Control Officer, by some other means of record, that the limitations of this Section will not be exceeded.))~~

- 451.13 Emissions from a wood waste burner during:
- 451.131 One startup period not to exceed 30 consecutive minutes in any consecutive 24 hour period.
- 451.132 Thirty consecutive minutes in any 8 hour period during break and lunch periods, provided that the emissions do not exceed 60% opacity for a period of more than 6 consecutive minutes. Provided further, that the operator takes immediate action to correct the condition.
- 451.14 Emissions from existing petroleum catalytic cracking units shall not exceed 40% opacity for more than an aggregate of ~~((6))~~ 3 minutes in any 1 hour.

Amended: April 14, 1993, October 13, 1994, May 11, 1995

AMENDATORY SECTION

SECTION 455 - EMISSION OF PARTICULATE MATTER

- 455.1 No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m³) (combustion emissions shall be corrected to 7% O₂) except:
- 455.11 From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m³) corrected to 7% oxygen.
- 455.12 From existing sources utilizing combustion of wood for the production of steam, no person shall allow or permit emission of particulate matter in excess of 0.20 grain/dscf (0.46 g/m³) corrected to 7% oxygen, as measured by procedures specified by the Control Officer.
- 455.13 From all existing petroleum catalytic cracking units emissions shall not exceed 0.20 grain/dscf (0.46 g/m³) of exhaust gas as corrected to 7% oxygen.

455.14 Wood waste burners shall meet the provisions of Section 458.2.

455.15 The Control Officer may approve an alternate correction factor that is determined to be more representative of normal operations if it can be demonstrated that there will be no violations of any ambient air quality standard.

455.2 Information regarding particulate size distribution may be required at the discretion of the Control Officer.

Passed: January 8, 1969

Amended: February 4, 1970, February 14, 1973, January 9, 1974, August 9, 1978, April 14, 1993, May 11, 1995

AMENDATORY SECTION

SECTION 520 - SULFUR COMPOUNDS IN FUEL

520.1 It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, or refuse burning equipment, within the jurisdiction of this Authority, any fuel containing a weight of sulfur in excess of that allowed by Subsection 520.11, 520.12, 520.13, 520.14 and 520.15 ~~((, hereof, for a time period not to exceed an aggregate of thirty (30) days in any twelve (12) month period)).~~

520.11 Distillate fuel oil classified as Grade No. 1 (ASTM designation: D396-69) shall contain three tenths percent (0.3%) or less sulfur by weight.

520.12 Distillate fuel oil classified as Grade No. 2 (ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.

520.13 All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5, and 6 shall contain two percent (2.0%) or less sulfur by weight.

520.14 Gaseous fuel shall contain 50 grains (412 ppm @ standard conditions) or less sulfur per 100 standard cubic feet except that this subsection shall not apply to those sources subject to Section 460.

520.15 Solid fuel (such as, but not limited to, coal, coke, and refuse) shall contain two percent (2.0%) or less sulfur by weight.

Amended: April 14, 1993, May 11, 1995

WSR 95-07-134
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed March 22, 1995, 10:38 a.m.]

Original Notice.

Title of Rule: Adopt Regulation III - Section 2.07; and amend Regulation III - Appendix A.

Purpose: To incorporate guidelines for evaluating toxic air contaminant emissions into the regulations; and to clearly indicate with check marks, the Puget Sound Air Pollution Control Agency toxic air contaminants that are listed in 112(b) of the federal Clean Air Act.

Other Identifying Information: Section 2.07 pertains to Evaluating the Impacts of Toxic Air Contaminants; Appendix A pertains to the Acceptable Source Impact Levels.

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

Summary: Describes procedures for evaluating toxic air contaminants; indicates with check marks, the Puget Sound Air Pollution Control Agency toxic air contaminants that are listed in 112(b) of the federal Clean Air Act.

Reasons Supporting Proposal: To clarify requirements by incorporating guidelines into the regulations. To provide assistance to regulated community and others in determining which toxic air contaminants are also hazardous air pollutants, which is necessary for determination of operating permit status.

Name of Agency Personnel Responsible for Drafting: Maggie Corbin, 110 Union Street, #500, Seattle, 98101, 689-4057; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would describe procedures for evaluating toxic air contaminants as required in Section 6.07(e) of Regulation I and Section 2.05 of Regulation III; and add check marks to toxic air contaminants listed in 112(b) of the federal Clean Air Act, which will assist the regulated community with operating permits.

Proposal Changes the Following Existing Rules: This proposal will add toxic evaluation procedures into the regulations.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on May 11, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by May 4, 1995, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by May 1, 1995.

Date of Intended Adoption: May 11, 1995.

March 21, 1995
Margaret L. Corbin
Air Pollution Engineer

NEW SECTION

REGULATION III SECTION 2.07 EVALUATING THE IMPACTS OF TOXIC AIR CONTAMINANTS

(a) Applicability. This section describes the procedures that shall be used for quantifying emissions and analyzing impacts of toxic air contaminants in order to meet the requirements that are necessary for new or modified toxic air contaminant sources [see Regulation I, Section 6.07(e)] and for existing toxic air contaminant sources [see Regulation III, Section 2.05].

(b) Quantifying Emissions of Toxic Air Contaminants.

(1) The owner or operator of a new or modified toxic air contaminant source shall quantify toxic air contaminant emissions that may be discharged to the atmosphere after applying the required control technology and submit this information as part of the notice of construction application.

(2) The owner or operator of an existing toxic air contaminant source shall, upon request by the Agency, quantify toxic air contaminant emissions emitted by the facility and submit that information within 30 days.

(3) The owner or operator shall make the following assumptions when quantifying toxic air contaminant emissions:

(A) A toxic air contaminant is introduced into the atmosphere in an unaltered form continuously, at the maximum concentration known to exist at the source unless there is reliable data to the contrary or there is a physical or legal restriction.

(B) Dioxin and furan emissions shall be combined as one toxic air contaminant, equivalent in potency to 2,3,7,8-Tetrachlorodibenzo-p-dioxin.

(C) Benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and benzo(a)pyrene shall be combined as one toxic air contaminant, equivalent in potency to benzo(a)pyrene.

(c) Analyzing Impacts of Toxic Air Contaminants. Compliance with the air quality impact analysis requirements for toxic air contaminant sources shall be demonstrated using one of the following procedures:

(1) The EPA guideline dispersion model, TSCREEN, shall be used to evaluate the impact of toxic emissions from a source and demonstrate that the predicted concentration of each contaminant is below the corresponding Acceptable Source Impact Level listed in Appendix A of Regulation III. Stack parameters shall be submitted with the notice of construction application, or, for existing sources, within 30 days after the Agency requests the information. The maximum 1-hour concentration calculated by the model shall be converted with a persistence factor of 0.4 to a 24-hour average concentration or 0.08 to an annual average concentration;

(2) The owner or operator shall submit a more comprehensive evaluation including the use of other EPA guideline models and more accurate emission estimation techniques to evaluate the impact of toxic emissions from a source and demonstrate that the predicted concentration of each contam-

inant is below the corresponding Acceptable Source Impact Level listed in Appendix A of Regulation III. The analysis must consider all areas where the general public has access; or

(3) If predicted ambient concentrations are not below the Acceptable Source Impact Levels listed in Appendix A of Regulation III, the owner or operator shall submit a risk analysis following the procedures in WAC 173-460-090(4) which demonstrates that emissions from the source will not cause air pollution. New or modified sources shall also comply with supplemental requirements of the Department of Ecology as specified in WAC 173-460-090 and 173-460-100.

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

PROPOSED

AMENDATORY SECTION

REGULATION III APPENDIX A ACCEPTABLE SOURCE IMPACT LEVELS

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
ANTU	86-88-4	1.0	B
✓Acetaldehyde	75-07-0	0.45	A
✓Acetamide	60-35-5	TBD	B
Acetic acid	64-19-7	83	B
Acetic anhydride	108-24-7	67	B
Acetone	67-64-1	5900	B
✓Acetonitrile	75-05-8	220	B
✓Acetophenone	98-86-2	TBD	B
✓2-Acetylaminofluorene	53-96-3	TBD	A
Acetylene tetrabromide	79-27-6	47	B
✓Acrolein	107-02-8	0.02	B
✓Acrylamide	79-06-1	0.00077	A
✓Acrylic acid	79-10-7	0.30	B
✓Acrylonitrile	107-13-1	0.015	A
Aldrin	309-00-2	0.0002	A
Allyl alcohol	107-18-6	17	B
✓Allyl chloride	107-05-1	1.0	B
Allyl glycidyl ether (AGE)	106-92-3	77	B
Allyl propyl disulfide	2179-59-1	40.0	B
Aluminum, Al alkyls	7429-90-5	6.7	B
Aluminum, as Al metal dusts	7429-90-5	33	B
Aluminum, as Al pyro powders	7429-90-5	17	B
Aluminum, as Al soluble salts	7429-90-5	6.7	B
Aluminum, as Al welding fumes	7429-90-5	17	B
2-Aminoanthraquinone	117-79-3	TBD	A
o-Aminoazotoluene	97-56-3	TBD	A
✓4-Aminobiphenyl	92-67-1	TBD	A
2-Aminopyridine	504-29-0	6.3	B
Amitrole	61-82-5	0.06	C
Ammonia	7664-41-7	100	B
Ammonium chloride fumes	12125-02-9	33	B
Ammonium perfluorooctanoate	3825-26-1	0.33	B
Ammonium sulfamate	7773-06-0	33	B
n-Amyl acetate	628-63-7	1800	B
sec-Amyl acetate	626-38-0	2200	B
✓Aniline	62-53-3	6.3	A
✓Aniline and homologues	62-53-3	1.0	B
Anisidine (o-,p- isomers)	29191-52-4	1.7	B
✓o-Anisidine	90-04-0	1.7	C
✓Antimony & compounds, as Sb	7440-36-0	1.7	B
Antimony trioxide, as Sb	1309-64-4	1.7	B
✓Arsenic and inorganic arsenic compounds	7440-38-2	0.00023	A
✓Arsine	7784-42-1	0.53	B
✓Asbestos (Note: fibers/ml)	1332-21-4	0.000044	A
Asphalt (petroleum) fumes	8052-42-4	17	B
Atrazine	1912-24-9	17	B
Auramine (technical grade)	2465-27-2	TBD	A
Azinphos-methyl	86-50-0	0.67	B
✓Aziridine (Ethylene imine)	151-56-4	2.9	B
Barium, soluble compounds Ba	7440-39-3	1.7	B
Benomyl	17804-35-2	33	B
✓Benzene	71-43-2	0.12	A
✓Benzidine and its salts	92-87-5	0.000015	A

PROPOSED

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Benzo(a)anthracene	56-55-3	TBD	A
Benzo(a)pyrene	50-32-8	0.00048	A
Benzo(b)fluoranthene	205-99-2	TBD	A
Benzo(j)fluoranthene	205-82-3	TBD	A
Benzo(k)fluoranthene	207-08-9	TBD	A
✓Benzotrichloride	98-07-7	TBD	B
Benzoyl peroxide	94-36-0	17	B
✓Benzyl chloride	100-44-7	17	B
Benzyl violet 4b	1694-09-3	TBD	A
✓Beryllium and its compounds	7440-41-7	0.00042	A
✓Biphenyl	92-52-4	4.3	B
✓Bis(2-chloroethyl)ether (Dichloroethyl ether)	111-44-4	0.003	A
✓Bis(chloromethyl)ether	542-88-1	0.000016	A
✓Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate)	117-81-7	2.5	A
Bismuth telluride	1304-82-1	33	B
Bismuth telluride Se doped	1304-82-1	17	B
Borates, anhydrous	1303-96-4	3.3	B
Borates, decahydrate	1303-96-4	17	B
Borates, pentahydrate	1303-96-4	3.3	B
Boron oxide	1303-86-2	33	B
Boron tribromide	10294-33-4	33	B
Boron trifluoride	76737-07-2	9.3	B
Bromacil	314-40-9	33	B
Bromine	7726-95-6	2.2	B
Bromine pentafluoride	7789-30-2	2.4	B
✓Bromoform	75-25-2	0.91	A
✓Bromomethane (Methyl bromide)	74-83-9	5.0	B
✓1,3-Butadiene	106-99-0	0.0036	A
Butane	106-97-8	6300.0	B
✓2-Butanone (Methyl ethyl ketone)	78-93-3	1000	B
2-Butoxyethanol (Butyl cellosolve)	111-76-2	400	B
n-Butyl acetate	123-86-4	2400	B
sec-Butyl acetate	105-46-4	3200	B
tert-Butyl acetate	540-88-5	3200	B
Butyl acrylate	141-32-2	170	B
n-Butyl alcohol	71-36-3	500	B
sec-Butyl alcohol	78-92-2	1000	B
tert-Butyl alcohol	75-65-0	1000	B
tert-Butyl chromate, as CrO ₃	1189-85-1	0.33	B
n-Butyl glycidyl ether (BGE)	2426-08-6	440	B
n-Butyl lactate	138-22-7	83	B
n-Butyl mercaptan	109-79-5	6.0	B
n-Butylamine	109-73-9	50.0	B
✓1,2-Butylene oxide (1,2-Epoxybutane)	106-88-7	20	B
o-sec-Butylphenol	89-72-5	100	B
p-tert-Butyltoluene	98-51-1	200	B
β-Butyrolactone	3068-88-0	TBD	A
✓Cadmium and compounds	7440-43-9	0.00056	A
✓Calcium cyanamide	156-62-7	1.7	B
Calcium hydroxide	1305-62-0	17	B
Calcium oxide	1305-78-8	6.7	B
Camphor, synthetic	76-22-2	40	B
✓Caprolactam, dusts	105-60-2	3.3	B
✓Caprolactam, vapors	105-60-2	67	B
Captan	2425-06-1	0.33	B
✓Captan	133-06-2	17	B
✓Carbaryl	63-25-2	17	B
Carboluran	1563-66-2	0.33	B
Carbon black	1333-86-4	12	B

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
✓Carbon disulfide	75-15-0	100	B
Carbon tetrabromide	558-13-4	4.7	B
✓Carbon tetrachloride	56-23-5	0.067	A
Carbonyl fluoride	353-50-4	18	B
✓Carbonyl sulfide	463-58-1	TBD	B
✓Catechol	120-80-9	77	B
Cellosolve (2-Ethoxyethanol)	110-80-5	200	B
Cesium hydroxide	21351-79-1	6.7	B
✓Chloramben	133-90-4	TBD	B
✓Chlordane	57-74-9	0.0027	A
✓Chlorinated camphene (Toxaphene)	8001-35-2	0.0031	A
Chlorinated diphenyl oxide (hexachlorophenyl ether)	55720-99-5	1.7	B
✓Chlorine	7782-50-5	5.0	B
Chlorine dioxide	10049-04-4	0.2	B
Chlorine trifluoride	7790-91-2	1.3	B
1-Chloro-1-nitropropane	600-25-9	33	B
Chloroacetaldehyde	107-20-0	11	B
✓Chloroacetic acid	79-11-8	TBD	B
✓ α -Chloroacetophenone	532-27-4	1.1	B
Chloroacetyl chloride	79-04-9	0.67	B
o-Chlorobenzylidene malononitrile	2698-41-1	1.3	B
✓Chlorobenzene	108-90-7	150	B
✓Chlorobenzilate	510-15-6	0.2	A
Chlorobromomethane	74-97-5	3500	B
Chlorodifluoromethane	75-45-6	12000	B
✓Chloroethane (Ethyl chloride)	75-00-3	10000	B
✓Chloroform	67-66-3	0.043	A
✓Chloromethane (Methyl chloride)	74-87-3	340	B
✓Chloromethyl methyl ether (technical grade)	107-30-2	TBD	A
Chloropentafluoroethane	76-15-3	21000	B
Chlorophenols	108-43-0	0.18	A
Chloropicrin	76-06-2	2.2	B
✓ β -Chloroprene	126-99-8	120.0	C
o-Chlorostyrene	2039-87-4	940	B
o-Chlorotoluene	95-49-8	860	B
Chlorpyrifos	2921-88-2	0.67	B
✓Chromium (II) compounds, as Cr	7440-47-3	1.7	B
✓Chromium (III) compounds, as Cr	7440-47-3	1.7	B
✓Chromium (VI) compounds	7440-47-3	0.000083	A
✓Chromium (metal)	7440-47-3	1.7	B
Chromyl chloride	14977-61-8	0.53	B
Clopidol	2971-90-6	33	B
✓Cobalt as Co, metals, dusts and fumes	7440-48-4	0.17	B
Cobalt carbonyl as Co	10210-68-1	0.33	B
Cobalt hydrocarbonyl	16842-03-8	0.33	B
✓Coke oven emissions	81103*	0.0016	A
Copper as Cu, dusts and mists	7440-50-8	3.3	B
Copper, fumes	7440-50-8	0.67	B
Cotton dust, raw	81106*	0.67	B
Creosote	8001-58-9	TBD	A
✓Cresol, all isomers	1319-77-3	73	B
Crotonaldehyde	4170-30-3	20.0	B
Crufomate	299-86-5	17	B
✓Cumene (Isopropylbenzene)	98-82-8	820	B
Cupferron	135-20-6	TBD	A
Cyanamide	420-04-2	6.7	B
✓Cyanides, as CN	51-12-5	17	B
Cyanogen	460-19-5	67	B
Cyanogen chloride	506-77-4	2.5	B

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
✓1,4-Cyclohexadienedione (Quinone)	106-51-4	1.5	B
Cyclohexane	110-82-7	3400	B
Cyclohexanol	108-93-0	690	B
Cyclohexanone	108-94-1	330	B
Cyclohexene	110-83-8	3400	B
Cyclohexylamine	108-91-8	140	B
Cyclonite	121-82-4	5.0	B
Cyclopentadiene	542-92-7	680	B
Cyclopentane	287-92-3	5700	B
Cyhexatin	13121-70-5	17	B
✓2,4-D salts and esters (2,4-Dichlorophenoxy acetic acid)	94-75-7	33.0	C
✓DDE (p,p'-Dichlorodiphenyldichloroethylene)	3547-04-4	0.1	A
DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane)	50-29-3	0.01	A
Decaborane	17702-41-9	0.83	B
Demeton	8065-48-3	0.37	B
✓Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP)	117-81-7	2.5	A
Diacetone alcohol	123-42-2	790	B
N,N-Diacetylbenzidine	613-35-4	TBD	A
4,4'-Diaminodiphenyl ether	101-80-4	TBD	A
Diazinon	333-41-5	0.33	B
✓Diazomethane	334-88-3	1.1	B
Dibenz(a,h)acridine	226-36-8	TBD	A
Dibenz(a,h)anthracene	53-70-3	TBD	A
Dibenz(a,j)acridine	224-42-0	TBD	A
Dibenzo(a,c)pyrene	192-65-4	TBD	A
Dibenzo(a,h)pyrene	189-64-0	TBD	A
Dibenzo(a,l)pyrene	191-30-0	TBD	A
✓Dibenzofurans	132-64-9	TBD	A
1,2,7,8-Dibenzopyrene(Dibenzo(a,i)pyrene)	189-55-9	TBD	A
Diborane	19287-45-7	0.37	B
✓1,2-Dibromo-3-chloropropane	96-12-8	0.20	B
Dibutyl phosphate	107-66-4	29	B
✓Dibutyl phthalate	84-74-2	17	B
2-N-Dibutylaminoethanol	102-81-8	47	B
Dichloroacetylene	7572-29-4	1.3	B
✓1,4-Dichlorobenzene (p-Dichlorobenzene)	106-46-7	1.5	A
o-Dichlorobenzene (1,2-Dichlorobenzene)	95-50-1	1000	B
✓1,3,3'-Dichlorobenzidine	91-94-1	0.077	A
1,4-Dichloro-2-butene	764-41-0	0.00038	A
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	TBD	A
Dichlorodifluoromethane	75-71-8	16000	B
1,3-Dichloro-5,5-dimethylhydantoin	118-52-5	0.67	B
✓p,p'-Dichlorodiphenyldichloroethylene (DDE)	3547-04-4	0.1	A
✓1,1-Dichloroethane (Ethylidene dichloride)	75-34-3	2700	B
✓1,2-Dichloroethane (Ethylene dichloride)	107-06-2	0.038	A
✓Dichloroethyl ether (Bis (2-chloroethyl)ether)	111-44-4	0.003	A
✓1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	67	B
1,2-Dichloroethylene	540-59-0	2600	B
Dichlorofluoromethane	75-43-4	130	B
✓Dichloromethane (Methylene chloride)	75-09-2	0.56	A
1,1-Dichloro-1-nitroethane	594-72-9	40	B
Dichlorophenylarsine (arsenic group)	696-28-6	TBD	A
✓1,2-Dichloropropane (Propylene dichloride)	78-87-5	4.0	C
✓Dichloropropene	542-75-6	20	B
2,2-Dichloropropionic acid	75-99-0	19	B
Dichlorotetrafluoroethane	76-14-2	23000	B
✓Dichlorvos	62-73-7	3.3	B
Dicrotophos	141-66-2	0.83	B
Dicyclopentadiene	77-73-6	100	B

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Dicyclopentadienyl iron	102-54-5	33	B
Dieldrin	60-57-1	0.00022	A
/Diethanolamine	111-42-2	43	B
Diethyl ketone	96-22-0	2300	B
Diethyl nitrosamine (DEN; N-Nitrosodichethylamine)	55-18-5	TBD	A
Diethyl phthalate	84-66-2	17	B
/Diethyl sulfate	64-67-5	TBD	B
Dichethylamine	109-89-7	100	B
Dichethylaminoethanol	100-37-8	170	B
Diethylene triamine	111-40-0	14	B
1,2-Dichethylhydrazine	1615-80-1	TBD	A
Difluorodibromomethane	75-61-6	2900	B
Diglycidyl ether	2238-07-5	1.7	B
Diglycidyl resorcinol ether	101-90-6	TBD	A
Diisobutyl ketone	108-83-8	480	B
Diisopropylamine	108-18-9	67	B
/3,3'-Dimethoxybenzidine (ortol-dianisidine)	119-90-4	TBD	A
/Dimethyl aminoazobenzene	60-11-7	TBD	B
/3,3'-Dimethyl benzidine	119-93-7	0.0038	A
/Dimethyl carbamoyl chloride	79-44-7	TBD	B
/Dimethyl phthalate	131-11-3	17	B
/Dimethyl sulfate	77-78-1	1.7	C
Dimethylacetamide	127-19-5	120	B
Dimethylamine	124-40-3	60	B
/Dimethylaniline (Diethyl aniline)	121-69-7	83	B
/Dimethylformamide	68-12-2	30	B
/1,1-Dimethylhydrazine	57-14-7	4.0	B
1,2-Dimethylhydrazine	540-73-8	4.0	C
/Dimethylnitrosoamine (N-Nitrosodimethylamine)	62-75-9	0.000071 ((TBD))	A
Dinitolmide	148-01-6	17	B
/Dinitro-o-cresol	534-52-1	0.67	B
Dinitrobenzene, all isomers	528-29-0	3.3	B
/2,4-Dinitrophenol	51-28-5	TBD	B
/2,4-Dinitrotoluene	121-14-2	5.0	B
/1,4-Dioxane (1,4-Diethyleneoxide)	123-91-1	0.032	A
Dioxathion	78-34-2	0.67	B
Dioxins and furans	43110*	TBD	A
Diphenylamine	122-39-4	33	B
/1,2-Diphenyl hydrazine	122-66-7	0.0045	A
Dipropyl ketone	123-19-3	780	B
Dipropylene glycol methyl ether	34590-94-8	2000	B
Diquat	85-00-7	1.7	B
Disulfiram	97-77-8	6.7	B
Disulfuton	298-04-4	0.33	B
2,6-Ditert. butyl-p-cresol	128-37-0	33	B
Diuron	330-54-1	33	B
Divinyl benzene	1321-74-0	180	B
EPN	2104-64-5	1.7	B
Endosulfan	115-29-7	0.33	B
Endrin	72-20-8	0.33	B
Enflurane	13838-16-9	1900	B
/Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	0.83	A
/1,2-Epoxybutane (1,2-Butylene oxide)	106-88-7	20	B
Ethanolamine	141-43-5	25	B
Ethion	563-12-2	1.3	B
2-Ethoxyethanol (Cellosolve)	110-80-5	200	B
2-Ethoxyethyl acetate	111-15-9	90	B
Ethyl acetate	141-78-6	4800	B
/Ethyl acrylate	140-88-5	66	B

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Ethyl alcohol.....	64-17-5.....	6300.....	B
Ethyl amyl ketone.....	541-85-5.....	440.....	B
✓Ethyl benzene.....	100-41-4.....	1000.....	B
Ethyl bromide.....	74-96-4.....	3000.....	B
Ethyl butyl ketone.....	106-35-4.....	780.....	B
✓Ethyl carbamate (Urethan).....	51-79-6.....	TBD.....	B
✓Ethyl chloride (Chloroethane).....	75-00-3.....	10000.....	B
Ethyl ether.....	60-29-7.....	4000.....	B
Ethyl formate.....	109-94-4.....	1000.....	B
Ethyl mercaptan.....	75-08-1.....	4.3.....	B
Ethyl silicate.....	78-10-4.....	280.....	B
Ethylamine.....	75-04-7.....	60.....	B
✓Ethylene dichloride (1,2-Dichloroethane).....	107-06-2.....	0.038.....	A
Ethylene chlorohydrin.....	107-07-3.....	11.....	B
Ethylene diamine.....	107-15-3.....	83.....	B
✓Ethylene dibromide (1,2-Dibromoethane).....	106-93-4.....	0.0045.....	A
✓Ethylene glycol.....	107-21-1.....	420.....	B
Ethylene glycol dinitrate.....	628-96-6.....	1.0.....	B
✓Ethylene imine (Aziridine).....	151-56-4.....	2.9.....	B
✓Ethylene oxide.....	75-21-8.....	0.010.....	A
✓Ethylene thiourea.....	96-45-7.....	1.0.....	A
✓Ethylidene dichloride (1,1-Dichloroethane).....	75-34-3.....	2700.....	B
Ethylidene norbornene.....	16219-75-3.....	83.....	B
N-Ethylmorpholine.....	100-74-3.....	77.....	B
Fenamiphos.....	22224-92-6.....	0.33.....	B
Fensulfothion.....	115-90-2.....	0.33.....	B
Fenthion.....	55-38-9.....	0.67.....	B
Ferbam.....	14484-64-1.....	33.....	B
Ferrovandium dust.....	12604-58-9.....	3.3.....	B
Fibrous glass dust.....	81111*.....	33.....	B
✓Fine mineral fibers.....	81104*.....	33.....	B
Fluorides, as F.....	16984-48-8.....	8.3.....	B
Fluorine.....	7782-41-4.....	5.3.....	B
Fonofos.....	944-22-9.....	0.33.....	B
✓Formaldehyde.....	50-00-0.....	0.077.....	A
Formamide.....	75-12-7.....	60.....	B
Formic acid.....	64-18-6.....	31.....	B
Furazolidone.....	67-45-8.....	TBD.....	A
Furfural.....	98-01-1.....	26.....	B
Furfuryl alcohol.....	98-00-1.....	130.....	B
Furium (nitrofurane group).....	43111*.....	TBD.....	A
Germanium tetrahydride.....	7782-65-2.....	2.1.....	B
Glutaraldehyde.....	111-30-8.....	2.5.....	B
Glyciadialdehyde.....	765-34-4.....	TBD.....	A
Glycidol.....	556-52-5.....	250.....	B
✓Glycol ethers.....	43107*.....	TBD.....	B
Hafnium.....	7440-58-6.....	1.7.....	B
Halothane.....	151-67-7.....	1300.....	B
✓Heptachlor.....	76-44-8.....	0.00077.....	A
Heptane (n-Heptane).....	142-82-5.....	5500.....	B
✓Hexachlorobenzene.....	118-74-1.....	0.0022.....	A
✓Hexachlorobutadiene.....	87-68-3.....	0.70.....	B
Hexachlorocyclohexane (Lindane) Alpha (BHC).....	319-84-6.....	1.7.....	C
Hexachlorocyclohexane (Lindane) Beta (BHC).....	319-85-7.....	1.7.....	C
✓Hexachlorocyclohexane (Lindane) Gamma (BHC).....	58-89-9.....	0.0026.....	A
✓Hexachlorocyclopentadiene.....	77-47-4.....	0.33.....	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture).....	34465-46-8.....	TBD.....	A

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	19408-74-3	TBD	A
✓Hexachlorocyclohexane	67-72-1	32.0	B
Hexachloronaphthalene	1335-87-1	0.67	B
Hexachlorophenyl ether (Chlorinated diphenyl oxide)	55720-99-5	1.7	B
Hexafluoroacetone	684-16-2	2.3	B
✓Hexamethylene diisocyanate	822-06-0	0.11	B
✓Hexamethylphosphoramide	680-31-9	TBD	A
✓Hexane (n-Hexane)	110 ((100))-54-3	200	B
Hexane, other isomers	43103*	5900	B
2-Hexanone (Methyl butyl ketone)	591-78-6	67	B
✓Hexone (Methyl isobutyl ketone (MIBK))	108-10-1	680	B
sec-Hexyl acetate	108-84-9	980	B
Hexylene glycol	107-41-5	400	B
✓Hydrazine	302-01-2	0.0002	A
Hydrogen bromide	10035-10-6	33	B
✓Hydrogen chloride (Hydrochloric acid)	7647-01-0	7.0	B
Hydrogen cyanide	74-90-8	37	B
✓Hydrogen fluoride, as F (Hydrofluoric acid)	7664-39-3	8.7	B
Hydrogen peroxide	7722-84-1	4.7	B
Hydrogen selenide, as Se	7783-07-5	0.53	B
Hydrogen sulfide	7783-06-4	0.9	B
✓Hydroquinone	123-31-9	6.7	B
2-Hydroxypropyl acrylate	999-61-1	9.3	B
Indene	95-13-6	160	B
Indeno(1,2,3-cd)pyrene	193-39-5	TBD	A
Indium, & compounds as In	7440-74-6	0.33	B
Iodine	7553-56-2	3.3	B
Iodoform	75-47-8	33	B
✓Iodomethane (Methyl iodide)	74-88-4	40	B
Iron oxide fumes, Fe ₂ O ₃ as Fe	1309-37-1	17	B
Iron pentacarbonyl, as Fe	13463-40-6	0.83	B
Iron salts, soluble as Fe	81101*	3.3	B
Isoamyl acetate	123-92-2	1700	B
Isoamyl alcohol	123-51-3	1200	B
Isobutyl acetate	110-19-0	2400	B
Isobutyl alcohol	78-83-1	510	B
Isocetyl alcohol	26952-21-6	890	B
✓Isophorone	78-59-1	93	B
Isophorone diisocyanate	4098-71-9	0.15	B
Isopropoxyethanol	109-59-1	350	B
Isopropyl acetate	108-21-4	3500	B
Isopropyl alcohol	67-63-0	3300	B
Isopropyl ether	108-20-3	3500	B
Isopropyl glycidyl ether (IGE)	4016-14-2	790	B
Isopropyl oils	43112*	TBD	A
Isopropylamine	75-31-0	40	B
N-Isopropylaniline	768-52-5	37	B
✓Isopropylbenzene (Cumene)	98-82-8	820	B
Ketene	463-51-4	2.9	B
Lead acetate	301-04-2	TBD	A
Lead arsenate, as Pb ₃ (AsO ₄) ₂	3687-31-8	0.50	B
Lead chromate, as Cr	7758-97-6	0.040	B
✓Lead compounds	((7439-92-1)) 81109*	0.5	C
Lead phosphate	7446-27-7	TBD	A
Liquified petroleum gas	68476-85-7	6000	B
✓Lindane	58-89-9	0.0026	A
Lithium hydride	7580-67-8	0.080	B

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Magnesium oxide fumes	1309-48-4	33	B
Malathion	121-75-5	33	B
✓Malcic anhydride	108-31-6	3.3	B
✓Manganesc, dusts and compounds	7439-96-5	0.40	B
✓Manganesc, fumes	7439-96-5	3.3	B
Manganesc cyclopentadienyl tricarbonyl	12079-65-1	0.33	B
✓Mercury, Aryl & inorganic compounds	7439-97-6	0.33	B
✓Mercury, as Hg Alkyl compounds	7439-97-6	0.33	B
✓Mercury, vapors except alkyl	7439-97-6	0.17	B
Mesityl oxide	141-79-7	200	B
Methacrylic acid	79-41-4	230	B
Methomyl	16752-77-5	8.3	B
✓Methoxychlor	72-43-5	33	B
2-Methoxyethanol (methyl cellosolv)	109-86-4	20	B
2-Methoxyethyl acetate	110-49-6	80	B
4-Methoxyphenol	150-76-5	17	B
2-Methyl-1-nitroanthraquinonc	129-15-7	TBD	A
Methyl 2-cyanoacrylate	137-05-3	30	B
Methyl acetate	79-20-9	2000	B
Methyl acetylenc	74-99-7	5500	B
Methyl acetylenc-propadienc mixture (MAPP)	59355-75-8	5500	B
Methyl acrylate	96-33-3	120	B
✓Methyl alcohol (Methanol)	67-56-1	870	B
N-Methyl aniline	100-61-8	7.3	B
✓2-Methyl aziridine (1,2-Propylenc imine)	75-55-8	16	B
Methyl azoxymethyl acetate	592-62-1	TBD	A
✓Methyl bromide (Bromomethanc)	74-83-9	5.0	B
Methyl cellosolv (2-Methoxyethanol)	109-86-4	20	B
✓Methyl chloride (Chloromethanc)	74-87-3	340	B
✓Methyl chloroform (1,1,1-Trichloroethanc)	71-55-6	6400	B
Methyl demeton	8022-00-2	1.7	B
✓Methyl ethyl ketone (MEK; 2-Butanone)	78-93-3	1000	B
Methyl ethyl ketone peroxide	1338-23-4	5.0	B
Methyl formate	107-31-3	820	B
✓Methyl hydrazine	60-34-4	1.2	B
✓Methyl iodide (Iodomethanc)	74-88-4	40	B
Methyl isoamyl ketone	110-12-3	780	B
Methyl isobutyl carbinol	108-11-2	350	B
✓Methyl isobutyl ketone (MIBK; Hexonc)	108-10-1	680	B
✓Methyl isocyanate	624-83-9	0.16	B
Methyl isopropyl ketone	563-80-4	2300	B
Methyl mercaptan	74-93-1	3.3	B
✓Methyl methacrylate	80-62-6	1400	B
Methyl n-amyl ketone	110-43-0	780	B
Methyl n-butyl ketone	591-78-6	67	B
Methyl parathion	298-00-0	0.67	B
Methyl propyl ketone	107-87-9	2300	B
Methyl silicate	681-84-5	20	B
a-Methyl styrene	98-83-9	810	B
✓Methyl tert-butyl ether	1634-04-4	500	B
Methylacrylonitrile	126-98-7	9.0	B
Methylal	109-87-5	10000	B
Methylamine	74-89-5	43	B
5-Methylchryscnc	3697-24-3	TBD	A
Methylcyclohexanc	108-87-2	5400	B
Methylcyclohexanol	25639-42-3	780	B
o-Methylcyclohexanone	583-60-8	760	B
Methylcyclopentadienyl manganesc tricarbonyl	12108-13-3	0.67	B
Methylenc bis(4-cyclo-hexylisocyanate)	5124-30-1	0.18	B
4,4'-Methylenc bis(2-methylaniline)	838-88-0	TBD	A

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✓4,4'-Methylene bis(2-chloroaniline).....	101-14-4.....	0.7.....	C
✓Methylene bis(phenyl isocyanate) (Methylene diphenyl diisocyanate, MDI).....	101-68-8.....	0.2.....	B
✓Methylene chloride (Dichloromethane).....	75-09-2.....	0.56.....	A
✓4,4-Methylene dianiline.....	101-77-9.....	2.7.....	C
4,4-Methylenedianiline dihydrochloride.....	13552-44-8.....	TBD.....	A
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone.....	64091-91-4.....	TBD.....	A
Metribuzin.....	21087-64-9.....	17.....	B
Mevinphos.....	7786-34-7.....	0.33.....	B
Mircx.....	2385-85-5.....	TBD.....	A
Molybdenum, as Mo soluble compounds.....	7439-98-7.....	17.....	B
Molybdenum, insoluble compounds.....	7439-98-7.....	33.....	B
Monocrotophos.....	6923-22-4.....	0.83.....	B
Morpholine.....	110-91-8.....	240.....	B
5-(Morpholinomethyl)-3-(amino)-2-oxazolidinone (furaludone).....	139-91-3.....	TBD.....	A
Naled.....	300-76-5.....	10.....	B
Naphtha (Rubber solvent).....	43102*.....	5300.....	B
✓Naphthalene.....	91-20-3.....	170.....	B
1-Naphthylamine.....	134-32-7.....	TBD.....	A
✓Nickel and compounds (as nickel subsulfide or nickel refinery dust).....	7440-02-2.....	0.0021.....	A
Nicotine.....	54-11-5.....	1.7.....	B
Nitrapyrin.....	1929-82-4.....	33.....	B
Nitric acid.....	7697-37-2.....	17.....	B
Nitric oxide.....	10102-43-9.....	100.....	B
5-Nitroacenaphthene.....	602-87-9.....	TBD.....	A
p-Nitroaniline.....	100-01-6.....	10.....	B
✓Nitrobenzene.....	98-95-3.....	1.7.....	B
✓4-Nitrobiphenyl.....	92-93-3.....	TBD.....	B
p-Nitrochlorobenzene.....	100-00-5.....	2.0.....	B
Nitroethane.....	79-24-3.....	1000.....	B
Nitrofen.....	1836-75-5.....	TBD.....	A
Nitrofurans Furazolidone.....	43114*.....	TBD.....	A
Nitrofurazone.....	59-87-0.....	TBD.....	A
1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone.....	555-84-9.....	TBD.....	A
Nitrogen mustard N-oxide.....	126-85-2.....	TBD.....	A
Nitrogen mustard n-oxide hydro-chloride.....	302-70-5.....	TBD.....	A
Nitrogen trifluoride.....	7783-54-2.....	97.....	B
Nitroglycerin.....	55-63-0.....	1.5.....	B
Nitromethane.....	75-52-5.....	830.....	B
✓4-Nitrophenol.....	100-02-7.....	TBD.....	B
1-Nitropropane.....	108-03-2.....	20.....	B
✓2-Nitropropane.....	79-46-9.....	0.00037.....	A
N-Nitrosodichethylamine (diethylnitrosoamine) (DEN).....	55-18-5.....	0.000023.....	A
✓N-Nitrosodimethylamine (Dimethylnitrosoamine).....	62-75-9.....	0.000071.....	A
N-Nitrosodi-n-butylamine.....	924-16-3.....	0.00063.....	A
N-Nitrosodi-n-propylamine.....	621-64-1.....	TBD.....	A
N-Nitrosodiphenylamine.....	86-30-6.....	TBD.....	A
N-Nitrosomethylchethylamine.....	10595-95-6.....	TBD.....	A
✓N-Nitrosomorpholine.....	59-89-2.....	TBD.....	A
N-Nitroso-n-ethylurea (NEU).....	759-73-9.....	TBD.....	A
✓N-Nitroso-N-methylurea (NMU).....	684-93-5.....	TBD.....	B
N-Nitroso-n-methylurethane.....	615-53-2.....	TBD.....	A
Nitrotoluene.....	88-72-2.....	37.....	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide.....	531-82-8.....	TBD.....	A
Nonane.....	111-84-2.....	3500.....	B
Octachloronaphthalene.....	2234-13-1.....	0.33.....	B
Octane.....	111-65-9.....	4700.....	B
Oil mist, mineral.....	8012-95-1.....	17.....	B
Oil orange SS.....	2646-17-5.....	TBD.....	A
Osmium tetroxide as Os.....	20816-12-0.....	0.0053.....	B

PROPOSED

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Oxalic acid	144-62-7	3.3	B
Oxygen difluoride.....	7783-41-7	0.37	B
Panfuran S (dihydroxymethyl-furatrizine).....	794-93-4	TBD	A
Parafin wax fumes.....	8002-74-2	6.7	B
Paraquat	4685-14-7	4.5	B
✓Parathion.....	56-38-2	0.33	B
Pentaborane.....	19624-22-7	0.043	B
Pentachloronaphthalene	1321-64-8	1.7	B
✓Pentachloronitrobenzene (quintobenzene)	82-68-8	1.7	B
✓Pentachlorophenol	87-86-5	0.33	A
Pentane.....	109-66-0	6000	B
✓Perchloroethylene (Tetrachloroethylene).....	127-18-4	1.1	A
Perchloromethyl mercaptan	594-42-3	2.5	B
Perchloryl fluoride	7616-94-6	43	B
✓Phenol.....	108-95-2	63	B
Phenothiazine.....	92-84-2	1.7	B
Phenoxybenzamine hydrochloride.....	63-92-3	TBD	A
Phenyl ether.....	101-84-8	23	B
Phenyl glycidyl ether.....	122-60-1	2000	B
Phenyl mercaptan	108-98-5	7.7	B
✓p-Phenylenediamine	106-50-3	0.33	B
Phenyldiazine.....	100-63-0	1.5	B
Phenylphosphine	638-21-1	0.77	B
N-Phenyl-2-naphthylamine	135-88-6	TBD	A
Phorate.....	298-02-2	0.17	B
✓Phosgene	75-44-5	1.3	B
✓Phosphine.....	7803-51-2	1.3	B
Phosphoric acid.....	7664-38-2	3.3	B
✓Phosphorus.....	7723-14-0	0.33	B
Phosphorus oxychloride	10025-87-3	2.1	B
Phosphorus pentachloride	10026-13-8	2.8	B
Phosphorus pentasulfide.....	1314-80-3	3.3	B
Phosphorus trichloride.....	7719-12-2	3.7	B
✓Phthalic anhydride	85-44-9	20	B
m-Phthalodinitrile.....	626-17-5	17	B
Picloram	1918-02-1	33	B
Picric acid.....	88-89-1	0.33	B
Pindone	83-26-1	0.033	B
Piperazine dihydrochloride.....	142-64-3	17	B
Platinum, metals	7440-06-4	3.3	B
Platinum, soluble salts as Pt.....	7440-06-4	0.0067	B
Polyaromatic hydrocarbons (PAH).....	43116*	0.00048	A
✓Polychlorinated biphenyls (PCB).....	1336-36-3	0.0045	A
✓Polycyclic Organic Matter.....	43108*	TBD	A
Ponceau MX.....	3761-53-3	TBD	A
Potassium hydroxide.....	1310-58-3	6.7	B
Primary Aluminum Smelter uncontrolled roof vent PAH emissions	81113*	0.0013	A
✓1,3-Propane sultone	1120-71-4	TBD	A
Propargyl alcohol.....	107-19-7	7.7	B
✓β-Propiolactone.....	57-57-8	5.0	B
✓Propionaldehyde.....	123-38-6	TBD	B
✓Propoxur.....	114-26-1	1.7	B
Propionic acid.....	79-09-4	100	B
n-Propyl acetate	109-60-4	2800	B
n-Propyl alcohol.....	71-23-8	1600	B
n-Propyl nitrate	627-13-4	360	B
✓Propylene dichloride (1,2-Dichloropropane).....	78-87-5	4.0	C
Propylene glycol dinitrate.....	6423-43-4	1.1	B
Propylene glycol mono-methyl ether.....	107-98-2	2000	B

COMPOUND NAME	CAS CODE	ASIL μg/m ³	TYPE
✓Propylene oxide.....	75-56-9	0.27	A
✓1,2-Propylene imine (2-Methyl aziridine).....	75-55-8	16	B
Pyrethrum.....	8003-34-7	1.7	B
Pyridine.....	110-86-1	53	B
✓Quinoline.....	91-22-5	TBD	B
✓Quinone (1,4-Cyclohexadienedione).....	106-51-4	1.5	B
✓Quintobenzene (Pentachloronitrobenzene).....	82-68-8	1.7	B
✓Radionuclides (including radon).....	81105*		
Resorcinol.....	108-46-3	150	B
Rhodium, insoluble compounds.....	7440-16-6	3.3	B
Rhodium, metals.....	7440-16-6	3.3	B
Rhodium, soluble compounds.....	7440-16-6	0.033	B
Ronnel.....	299-84-3	33	B
Rotenone.....	83-79-4	17	B
Rubber solvent (Naphtha).....	43102*	5300	B
✓Selenium compounds, as Se.....	7782-49-2	0.67	B
Selenium hexafluoride, as Se.....	7783-79-1	0.53	B
Sesone.....	136-78-7	33	B
Silicon tetrahydride.....	7803-62-5	22	B
Silver, metals.....	7440-22-4	0.33	B
Silver, soluble compounds, as Ag.....	7440-22-4	0.033	B
Sodium azide.....	26628-22-8	1.0	B
Sodium bisulfite.....	7631-90-5	17	B
Sodium fluoroacetate.....	62-74-8	0.17	B
Sodium hydroxide.....	1310-73-2	6.7	B
Sodium metabisulfite.....	7681-57-4	17	B
Stibine.....	7803-52-3	1.7	B
Strychnine.....	57-24-9	0.5	B
✓Styrene.....	100-42-5	1000	B
✓Styrene oxide.....	96-09-3	TBD	B
Subtilisins.....	1395-21-7	0.0002	B
Sulfotep.....	3689-24-5	0.67	B
Sulfur hexafluoride.....	2551-62-4	2000	B
Sulfur monochloride.....	10025-67-9	18	B
Sulfur pentafluoride.....	5714-22-7	0.33	B
Sulfur tetrafluoride.....	7783-60-0	1.5	B
Sulfuric acid.....	7664-93-9	3.3	B
Sulfuryl fluoride.....	2699-79-8	67	B
Sulprofos.....	35400-43-2	3.3	B
2,4,5-T.....	93-76-5	33	B
TEPP.....	107-49-3	0.16	B
Tantalum, metals & oxide dusts.....	7440-25-7	17	B
Tellurium & compounds as Te.....	13494-80-9	0.33	B
Tellurium hexafluoride, as Te.....	7783-80-4	0.33	B
Temephos.....	3383-96-8	33	B
Terphenyls.....	26140-60-3	16	B
P(p)(ααα) Tetra-chlorotoluene.....	5216-25-1	TBD	A
✓2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD).....	1746-01-6	0.00000003	A
1,1,2,2-Tetrachloro-1,2-difluoroethane.....	76-12-0	1400	B
1,1,1,2-Tetrachloro-2,2-difluoroethane.....	76-11-9	1400	B
✓1,1,2,2-Tetrachloroethane.....	79-34-5	23	B
✓Tetrachloroethylene (Perchloroethylene).....	127-18-4	1.1	A
Tetrachloronaphthalene.....	1335-88-2	6.7	B
Tetraethyl lead, as Pb.....	78-00-2	0.33	B
Tetrahydrofuran.....	109-99-9	2000	B
Tetramethyl lead, as Pb.....	75-74-1	0.5	B
Tetramethyl succinonitrile.....	3333-52-6	9.3	B

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Tetranitromethane.....	509-14-8.....	27.....	B
Tetrasodium pyrophosphate.....	7722-88-5.....	17.....	B
Tetryl.....	479-45-8.....	5.0.....	B
Thallium, soluble compounds, Tl.....	7440-28-0.....	0.33.....	B
4,4-Thiobis(6-tert, butyl-m-cresol).....	96-69-5.....	33.....	B
4,4'-Thiodianiline.....	139-65-1.....	TBD.....	A
Thioglycolic acid.....	68-11-1.....	13.....	B
Thionyl chloride.....	7719-09-7.....	16.....	B
Thirum.....	137-26-8.....	3.3.....	B
Thorium dioxide.....	1314-20-1.....	TBD.....	A
Tin, metals.....	7440-31-5.....	6.7.....	B
Tin, organic compounds, as Sn.....	7440-31-5.....	0.33.....	B
Tin, oxide & inorganic except SnH ₄	7440-31-5.....	6.7.....	B
✓Titanium tetrachloride.....	7550-45-0.....	TBD.....	B
✓Toluene.....	108-88-3.....	400.....	B
✓2,4-Toluene diamine (2,4-Diamino toluene).....	95-80-7.....	0.011.....	A
✓2,4-Toluene diisocyanate (TDI).....	584-84-9.....	0.12.....	C
m-Toluidine.....	108-44-1.....	29.....	B
✓o-Toluidine.....	95-53-4.....	0.14.....	A
o-Toluidine hydrochloride.....	636-21-5.....	0.14.....	A
p-Toluidine.....	106-49-0.....	29.....	B
✓Toxaphene (Chlorinated camphene).....	8001-35-2.....	0.0031.....	A
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole.....	55738-54-0.....	TBD.....	A
Tributyl phosphate.....	126-73-8.....	7.3.....	B
1,1,2-Trichloro-1,2,2-trifluoroethane.....	76-13-1.....	27000.....	B
Trichloroacetic acid.....	76-03-9.....	22.....	B
✓1,2,4-Trichlorobenzene.....	120-82-1.....	120.....	B
✓1,1,1-Trichloroethane (Methyl chloroform).....	71-55-6.....	6400.....	B
✓1,1,2-Trichloroethane.....	79-00-5.....	180.....	B
✓Trichloroethylene.....	79-01-6.....	0.59.....	A
Trichlorofluoromethane.....	75-69-4.....	19000.....	B
Trichloronaphthalene.....	1321-65-9.....	17.....	B
✓2,4,5-Trichlorophenol.....	95-95-4.....	TBD.....	B
✓2,4,6-Trichlorophenol.....	88-06-2.....	0.32.....	A
1,2,3-Trichloropropane.....	96-18-4.....	200.....	B
✓Triethylamine.....	121-44-8.....	7.0.....	B
Trifluorobromomethane.....	75-63-8.....	20000.....	B
✓Trifluralin.....	1582-09-8.....	TBD.....	B
Trimellitic anhydride.....	552-30-7.....	0.13.....	B
Trimethyl benzene.....	2551-13-7.....	420.....	B
Trimethyl phosphite.....	121-45-9.....	33.....	B
Trimethylamine.....	75-50-3.....	80.....	B
✓2,2,4-Trimethylpentane.....	540-84-1.....	TBD.....	B
2,4,6-Trinitrotoluene.....	118-96-7.....	1.7.....	B
Triorthoecresyl phosphate.....	78-30-8.....	0.33.....	B
Triphenyl amine.....	603-34-9.....	17.....	B
Triphenyl phosphate.....	115-86-6.....	10.....	B
Tungsten, insoluble compounds.....	7440-33-7.....	17.....	B
Tungsten, soluble compounds.....	7440-33-7.....	3.3.....	B
Turpentine.....	8006-64-2.....	1900.....	B
Uranium, insoluble & soluble.....	7440-61-1.....	0.67.....	B
Urethan (Ethyl carbamate).....	51-79-6.....	TBD.....	B
VM & P Naphtha.....	8032-32-4.....	4600.....	B
n-Valeraldehyde.....	110-62-3.....	590.....	B
Vanadium, as V ₂ O ₅	1314-62-1.....	0.17.....	B
✓Vinyl acetate.....	108-05-4.....	200.....	B
✓Vinyl bromide.....	593-60-2.....	73.....	B
✓Vinyl chloride.....	75-01-4.....	0.012.....	A

PROPOSED

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Vinyl cyclohexene dioxide.....	106-87-6.....	200.....	B
Vinyl toluene	25013-15-4.....	800.....	B
✓Vinylidene chloride (1,1-Dichloroethylene).....	75-35-4.....	67.....	B
Warfarin.....	81-81-2.....	0.33.....	B
Welding fumes.....	81108*.....	17.....	B
m-Xylene a,a'-diamine	1477-55-0.....	0.33.....	B
✓Xylenes (m-,o-,p-isomers).....	1330-20-7.....	1500.....	B
Xylidine.....	1300-73-8.....	8.3.....	B
Yttrium, metals and compounds as Y.....	7440-65-5.....	3.3.....	B
Zinc chloride fumes.....	7646-85-7.....	3.3.....	B
Zinc chromates.....	13530-65-9.....	0.033.....	B
Zinc oxide, fumes.....	1314-13-2.....	17.....	B
Zirconium compounds, as Zr.....	7440-67-7.....	17.....	B

Type A toxics are carcinogens. The averaging time for Type A ASILs is an annual arithmetic mean.
 Type B toxics are noncarcinogens. The averaging time for Type B ASILs is a 24-hour arithmetic mean.
 Type C toxics are carcinogens. The averaging time for Type C ASILs is a 24-hour arithmetic mean.

TBD = To Be Determined
 *PSAPCA assigned numbers

✓ = EPA 112(b) hazardous air pollutant

WSR 95-08-010
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 23, 1995, 11:58 a.m.]

Original Notice.
 Title of Rule: Amending WAC 388-225-0020 General provisions; and repealing WAC 388-225-0300 Crisis intervention social services for families and children.
 Purpose: Eliminates language that defines the use of CEAP funds by the Division of Children and Family Services (DCFS). Reference made to new rule submitted by DCFS. DCFS now has their own rule authority to issue CEAP funds designated as chapter 388-165 WAC.
 Statutory Authority for Adoption: RCW 74.08.090.
 Statute Being Implemented: RCW 74.08.090.
 Summary: Refers readers to DCFS rules for CEAP authorization through their division.
 Reasons Supporting Proposal: Rule amended to remove wording related to DCFS issuance of CEAP for a dependent child who is or may be placed in foster care. Inserts reference of rule for DCFS issuance of CEAP for these children.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brenda Crayton, Division of Income Assistance, (360) 438-8304.
 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. Administrative changes only. No changes to programs or services to clients.
 Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 9, 1995, at 1:00 p.m.
 Assistance for Persons with Disabilities: Contact Office of Vendor Services by April 27, 1995, TDD (206) 753-4542, or SCAN 234-4542.
 Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 2, 1995.
 Date of Intended Adoption: May 10, 1995.
 March 23, 1995
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3707, filed 2/23/94, effective 3/26/94)

WAC 388-225-0020 General provisions. The department shall authorize CEAP for the following persons who meet the eligibility conditions established in this chapter:

(1) A family with dependent children; or
 (2) A pregnant woman with no other children; or
 (3) A dependent child who is or may be bound for foster care placement. Assistance provided for the child is specified under ((WAC 388-225-0300)) chapter 388-165 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-225-0300 Crisis intervention social services for families and children.

WSR 95-08-016
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed March 24, 1995, 3:27 p.m.]

Original Notice.

Title of Rule: WAC 460-52A-010 Definitions.

Purpose: To update WAC 460-52A-010 to include securities of certain fraternal organizations within the scope of the registration exemption available to nonprofit organizations.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.310(11).

Summary: To expand regulation defining the term nonprofit organization to include fraternal organizations in compliance with legislative expansion of securities exemption.

Reasons Supporting Proposal: To amend WAC 460-52A-010 to conform to legislative expansion of registration exemption for securities of nonprofit organizations.

Name of Agency Personnel Responsible for Drafting: Brad Ferber, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8700; and Enforcement: Deborah Bortner, 210 11th Avenue S.W., 3rd Floor West, (360) 902-8760.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: During the 1994 regular session, the Washington legislature amended RCW 21.20.310(11) to allow certain fraternal, in addition to certain religious, educational or charitable organizations, to utilize a securities exemption from registration.

Proposal Changes the Following Existing Rules: Expands regulation to reflect legislative recognition of certain fraternal organizations as exempt under RCW 21.20-310(11).

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Amendment of WAC 460-52A-010 is necessary to conform to statutory expansion of securities exemption.

Hearing Location: Third Floor West Conference Room, 210 11th Avenue S.W., Olympia, WA 98504, on May 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Darlene Bamer by May 9, 1995, TDD (360) 664-8126.

Submit Written Comments to: P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, by May 9, 1995.

Date of Intended Adoption: May 12, 1995.

March 24, 1995

John L. Bley

Director

AMENDATORY SECTION (Amending Order SD-131-77, filed 11/23/77)

WAC 460-52A-010 Definitions. Nonprofit organization means any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, fraternal, or charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States.

WSR 95-08-026
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed March 29, 1995, 1:27 p.m.]

Supplemental Notice to WSR 94-22-006.

Title of Rule: Duties of laboratories—Reporting of results indicative of certain reportable diseases.

Purpose: Permits laboratories which perform T-lymphocyte testing to report to the Department of Health on a monthly or quarterly basis; also requires labs which send specimens out-of-state for T-lymphocyte testing to report results with CD4 cell count <200/mm³ or %<14 to the Department of Health.

Other Identifying Information: WAC 246-100-236.

Statutory Authority for Adoption: RCW 70.24.130.

Statute Being Implemented: Chapter 70.24 RCW.

Summary: Labs that perform T-lymphocyte testing are currently required to report, on a quarterly basis, all CD4 results below 200/mm³ or below 14% to the Department of Health. Patient identifiers on each report are coded. The proposed rule seeks two changes: (1) To make pass-through labs responsible for reporting results from specimens sent to out-of-state laboratories for CD4 testing; and (2) to allow labs to report on a monthly or quarterly basis (current language requires quarterly reporting only).

Reasons Supporting Proposal: The proposal provides more flexible reporting options for laboratories which perform or are required to report results of T-lymphocyte tests. The proposed rule change, if adopted, will assist HIV/AIDS surveillance activities, likely resulting in increased case reporting and eligibility for more federal AIDS service dollars.

Name of Agency Personnel Responsible for Drafting and Implementation: Mariella Cummings, Mailstop 7844, Olympia, Washington 98504; 586-8344; and Enforcement: Bruce Miyahara, Mailstop 7890, Olympia, Washington 98504, 753-5871.

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 proposed rule will permit laboratories which perform T-lymphocyte testing to report to the Department of Health on a monthly or quarterly basis, thus providing more flexibility for reporting laboratories; also requires labs which send specimens to out-of-state labs for T-lymphocyte testing to report results $<200/\text{mm}^3$ or $\%<14$ to the Department of Health. The Department of Health anticipates that the number of reported AIDS cases will increase with implementation of the rule, and Washington state will be eligible for increased federal AIDS service dollars.

Proposal Changes the Following Existing Rules: The Department of Health is requesting two changes to the current reporting rule: (1) Allow labs to provide reports on a monthly, rather than quarterly, basis; and (2) require in-state pass-through labs that send specimens for CD4 testing out-of-state to report results as outlined above and in the current rule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Department of Health has worked, and continues to work, with affected laboratory representatives to minimize impact of reporting regulations and remain flexible to their needs. The department had originally envisioned a more extensive rule change, but, in response to feedback from laboratory representatives and community activists, have amended the proposal to include only two recommended rule changes. The final proposal offers laboratories which report T-lymphocyte results more flexibility to comply with current reporting regulations. The rule change would require labs which send specimens to out-of-state facilities for T-lymphocyte testing to comply with existing reporting requirements for in-state laboratories which perform the test. The rule change affects only a very small number of laboratories statewide, certainly less than 10% of the industry. To further limit the burden of reporting for these pass-through laboratories, Department of Health staff have been working with out-of-state facilities which provide T-lymphocyte testing services to Washington state clients. At this time, several of these out-of-state laboratories have agreed to report directly to the department, thus providing a service to their Washington state clients and lifting the burden of reporting from them. Although a relatively small proportion of CD4 specimens are sent out-of-state for testing, these numbers add up over the course of years. Every reported AIDS case contributes to increased federal AIDS service dollars. Department staff are using every available means to educate providers regarding their reporting responsibility, yet, without active surveillance methods such as laboratory reporting, a highly significant number of cases would not get reported. It is for these very important reasons the department brings its proposed rule change to the Board of Health.

Hearing Location: Richland City Council Chambers, 505 Swift Boulevard, Richland, WA 99352, on May 10, 1995, at 9:20 a.m.

Assistance for Persons with Disabilities: Contact Shirley Standish, (206) 464-5458, by May 9, 1995, TDD (206) 664-0064, or 1-800-525-0127 ext. (206) 464-5458.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by April 26, 1995.

Date of Intended Adoption: May 10, 1995.

March 27, 1995

Sylvia I. Beck

Executive Director
State Board of Health

AMENDATORY SECTION (Amending Order 354B, filed 4/1/93, effective 5/2/93)

WAC 246-100-236 Duties of laboratories—Reporting of laboratory results indicative of certain reportable diseases. (1) By December 31, 1987, medical laboratories shall:

(a) Report each positive culture or other suggestive test results to the local health officer by phone, written report, or submission of specimen within two working days, unless specified otherwise, for:

- (i) Anthrax (*Bacillus anthracis*),
- (ii) Botulism (*Clostridium botulinum*),
- (iii) Cholera (*Vibrio cholerae*),
- (iv) Diphtheria (*Corynebacterium diphtheriae*) - toxigenic strains,
- (v) Gonorrhea (*Neisseria gonorrhoeae*) (report within seven days),
- (vi) Measles (rubeola) (measles virus),
- (vii) Plague (*Yersinia pestis*),
- (viii) Rabies (rabies virus),
- (ix) Brucellosis (*Brucella* species),
- (x) Leptospirosis (*Leptospira interrogans*),
- (xi) Listeria infection of blood or spinal fluid (*Listeria monocytogenes*),
- (xii) Meningococcal infection of blood or spinal fluid (N. meningitidis),
- (xiii) Pertussis (*Bordetella pertussis*),
- (xiv) Salmonellosis (*Salmonella* species),
- (xv) Shigellosis (*Shigella* species), and
- (xvi) Hepatitis A (positive anti-HAV IgM),
- (xvii) Mycobacteriosis.

(b) Send a copy of the state form accompanying specimen submitted as required in WAC 246-100-231 or identifying information including:

- (i) Type of specimen tested (e.g., serum or sputum),
- (ii) Test result,
- (iii) Name of reporting laboratory,
- (iv) Date of report,
- (v) Name of requesting health care provider or health care facility, and
- (vi) Name of patient.

(2) By December 31, 1987, medical laboratories shall report positive cultures or other suggestive test results for chlamydial infection (*Chlamydia trachomatis*) to local health departments monthly including either:

- (a) Identifying information specified in subsection (1)(b)(i-vi) of this section, or
- (b) Aggregate numbers of positive tests including age, sex, and site of infection when known.

(3) Medical laboratories shall label or stamp reports appropriately with information indicating "reportable disease" and the telephone number of the local health department, if

such labels or stamps are provided by the local health department.

(4) State and local health officers and health departments receiving reports from medical laboratories shall:

(a) Allow time for the laboratory to notify the principal health care provider prior to contact if:

- (i) Delay is unlikely to jeopardize public health, and
- (ii) The laboratory requests a delay.

(b) Try to contact the principal health care provider and discuss circumstances prior to contact of a patient when possible.

(5) By ~~((April 15, 1993))~~ January 1995, medical laboratories performing CD4+ (T4) tests or sending specimens for CD4 testing out-of-state shall submit to the state HIV/AIDS office monthly or quarterly reports on the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) for specimens submitted after January 1, ~~((1993))~~ 1995, of patients aged thirteen or older with CD4+ counts less than two hundred or CD4+ percents less than fourteen. Laboratories may, but are not required to, exclude information concerning specimens which are unrelated to HIV infection or performed in conjunction with medical research, but otherwise shall report the following information:

(a) Patient-specific identifier or anonymous code or, if authorized by the patient, the patient's name submitted to the laboratory; and

- (b) Name of the patient's health care provider; and
- (c) Address of patient's health care provider; and
- (d) CD4+ count (and CD4+ percent if available); and
- (e) Date of CD4+ count or CD4+ percent.

WSR 95-08-040
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY

[Order 95-02—Filed March 31, 1995, 9:55 a.m.]

Original Notice.

Title of Rule: Chapter 374-50 WAC, Insurance eligibility assessment reimbursement.

Purpose: Provides for the program to cover the costs incurred in determining applicants' eligibility for pollution liability insurance.

Statutory Authority for Adoption: RCW 70.148.040.

Statute Being Implemented: Chapter 70.148 RCW as amended by chapter 64, Laws of 1990.

Summary: Provides for a program that covers the costs incurred in determining an applicant's eligibility for obtaining pollution liability insurance for their petroleum underground storage tanks.

Reasons Supporting Proposal: To ensure the state of Washington is reinsuring a viable risk.

Name of Agency Personnel Responsible for Drafting: Deanna M. Bourgault, 1015 10th Avenue S.E., Olympia, WA, 586-5997; Implementation and Enforcement: James M. Sims, 1015 10th Avenue S.E., Olympia, WA, 586-5997.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes a program in which the Pollution Liability Insurance Agency will pay a portion of the costs incurred in testing a site for its insurability. In covering such costs, the director shall consider the financial resources of the applicant, shall take into consideration the economic impact of the discontinued use of the applicants' storage tank upon the affected community and shall provide coverage within the revenue limits established.

Proposal Changes the Following Existing Rules: It allows the agency to provide reimbursement for soil testing up to a maximum of \$2,500 per site, regardless of financial situation of the applicant.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no impact.

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., P.O. Box 40930, Olympia, WA 98504-0930, on May 9, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Deanna Bourgault by April 24, 1995, (360) 586-5997.

Submit Written Comments to: James Sims, Director, Pollution Liability Insurance Agency, FAX (360) 586-7187, by May 5, 1995.

Date of Intended Adoption: May 10, 1995.

March 31, 1995
James M. Sims
Director

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-010 Authority and purpose. This chapter is promulgated under the authority of RCW 70.148.040. Its purpose is to implement those provisions of RCW 70.148.035 relating to covering ~~((insurers²))~~ costs ~~((of))~~ associated with determining ~~((the eligibility of))~~ whether an applicant((s)) for pollution liability insurance under the pollution liability insurance program meets the underwriting standards of the insurer and the agency.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-020 Definitions. Unless the context requires otherwise, the following definitions shall apply:

(1) "Agency" means the pollution liability insurance agency created by chapter 70.148 RCW.

(2) "Director" means the director of the pollution liability insurance agency.

(3) "Insurer" means a commercial property and casualty insurance company ~~((or risk retention group))~~ with whom the agency has a contract to provide reinsurance.

(4) "Insurance eligibility assessment" means those actions required to determine the eligibility of an owner or operator for pollution liability insurance coverage by an insurer including, but not limited to, evaluation of inventory control records, tightness testing of tanks and connected piping, soil and/or ground water sampling, and other physical or chemical tests.

(5) "Operator" means a person in control of, or having responsibility for, the daily operation of a regulated petroleum ~~((underground))~~ storage tank.

(6) "Owner" means a person who owns a regulated petroleum ((underground)) storage tank.

(7) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporations), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government or any department or agency of the federal government, or an Indian tribe or agency or entity of an Indian tribe.

(8) "Pollution liability insurance program" means the reinsurance program administered by the pollution liability insurance agency.

(9) "Substantial economic impact" means elimination or substantial reduction of the availability of petroleum products or other goods or services in which petroleum products are a necessary part of the production or distribution process within a community or an area resulting from closure of one or more regulated petroleum ((underground)) storage tanks.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-030 Eligibility for reimbursement program—Who may apply. Any ~~((person who))~~ owner or operator that is required to demonstrate financial responsibility for one or more regulated petroleum ((underground)) storage tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92 (the federal underground storage tank regulations), chapter 90.76 RCW, or other applicable laws, ordinances, or rules ~~((and who))~~ that satisfies the criteria set forth in WAC 374-50-040 may apply for assistance in ~~((covering an insurer's))~~ assisting with the costs of an insurance eligibility assessment under the program established by this chapter, except for:

(1) Persons whose compliance dates under 40 C.F.R. Part 280.91 as now or hereafter amended, chapter 90.76 RCW or other laws, ordinances, or rules precede the effective date of this chapter;

(2) The federal government or entities of the state of Washington;

(3) The state of Washington or entities of the state of Washington;

(4) Indian tribes or entities of Indian tribes; and

(5) Counties, cities, towns, or special purpose districts including, but not limited to, fire districts, hospital districts, library districts, metropolitan park districts, park and recreation districts, school districts, or entities of such governmental units~~((; and~~

~~((6) Owners or operators of farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for nonecommercial purposes)).~~

NEW SECTION

WAC 374-50-035 Insurance eligibility assessment.

(1) Insurers may establish eligibility assessment underwriting requirements to determine the eligibility of certain regulated petroleum storage tanks for coverage under their pollution liability insurance policies. To limit the threat to human health and the environment, and to determine the risk associated with insurance coverage of certain regulated petroleum storage tanks, such eligibility assessment requirements are established. Eligibility assessment requirements

may include: Inventory records evaluation, statistical inventory reconciliation, tank tightness testing, line tightness testing, soil and/or ground water sampling.

(2) Insurance eligibility assessment requirements may be established by each insurer with which the agency has a reinsurance contract, independent of other insurers. Requirements may not necessarily be the same for each insurer under the pollution liability insurance program.

(3) Insurance eligibility assessment requirements may be in addition to leak detection requirements established by the United States Environmental Protection Agency, department of ecology or local government authorities.

(4) The agency may establish insurance eligibility assessment requirements to determine the eligibility of regulated petroleum storage tanks under the pollution liability insurance program. Such requirements are established to limit the threat to human health and the environment and to determine the risk associated with insurance coverage of those tanks.

(5) If soil samples are required as an insurance eligibility assessment measure and if reimbursement is requested in accordance with WAC 374-50-050, soil sampling and analysis must be conducted in accordance with the current protocol published by the agency. The protocol is not a part of this rule, but is available from the agency.

(a) Soil samples are required only at the time of binding coverage and inception of the policy. If coverage of such a site has been bound prior to the effective date of this rule, soil samples must be taken prior to renewal of the policy.

(b) A specific protocol for soil sampling and analysis published by the agency is not a part of this rule.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-040 Eligibility criteria. (1) ~~((Persons))~~ Owners or operators eligible to apply for participation in the program established by this chapter must satisfy the following criteria:

(a) The applicant is eligible under WAC 374-50-030;

(b) The applicant is the owner or operator of one or more regulated petroleum ((underground)) storage tanks located in the state of Washington;

(c) The applicant's tank or tanks are registered with the department of ecology and all required fees due under chapter 90.76 RCW, local ordinances if applicable, and any other applicable laws, ordinances, or fees have been paid;

(d) The applicant is in compliance with all applicable technical and operating requirements of 40 C.F.R. Part 280, Subparts B, C, and D, applicable requirements of chapter 90.76 RCW, and rules adopted thereunder, and other applicable laws, ordinances, or rules effective on the date of application;

(e) The applicant is responsible for demonstrating financial responsibility for the tank or tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92, chapter 90.76 RCW or other laws, ordinances, or rules;

(f) The applicant has applied for pollution liability insurance from an insurer with whom the agency has a contract to provide reinsurance;

(g) The applicant ~~((affirms that he or she intends to))~~ purchases such insurance coverage if the tank, tanks, site, or

sites to be insured satisfy the underwriting requirements of the insurer; and

(h) The applicant's net worth is five hundred thousand dollars or less, except as provided for in subsection ~~((2))~~ (3) of this section.

(2) Owners or operators of regulated petroleum storage tanks required to provide soil samples are not required to satisfy the net worth requirement of subsection (1)(h) of this section.

(3) Additional consideration may be given to applications for reimbursement of insurance eligibility assessment costs when:

(a) The applicant fails to satisfy the net worth criterion in subsection (1)(h) of this section, but can demonstrate through income tax returns or other acceptable means that such costs would result in unfair economic hardship; or

(b) The applicant demonstrates that closure of the regulated petroleum ((underground)) storage tank or tanks would impose a substantial economic impact upon the community or area in which it is located.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-050 Reimbursement limits. (1) ~~((Insurers))~~ Approved owners or operators will be reimbursed for insurance eligibility assessment costs ~~((incurred on behalf of persons whose applications for participation in the program))~~ established by this chapter ~~((are approved))~~ according to the following schedule:

(a) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth of two hundred fifty thousand dollars or less — seventy-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of two thousand six hundred twenty-five dollars;

(b) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth greater than two hundred fifty thousand dollars, but less than or equal to five hundred thousand dollars — fifty percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of one thousand seven hundred fifty dollars;

(c) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth greater than five hundred thousand dollars whose applications for participation in this program have been accepted on the basis of WAC 374-50-040~~((2))~~ (3) — twenty-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of eight hundred seventy-five dollars.

(2) Within the limits of subsection (1) of this section, reimbursement for the following specific insurance eligibility assessment costs will be made at the indicated percentages of the following maximum amounts:

(a) Inventory control records evaluation — one hundred fifty dollars per site;

(b) Tank tightness testing — five hundred dollars per tank;

(c) Line tightness testing — one hundred fifty dollars per product line; and

(d) ~~((Soil or))~~ Ground water sampling — ~~((two))~~ three hundred fifty dollars per sample.

(3) Soil sampling — one hundred percent of the cost to a maximum amount of two thousand five hundred dollars per site.

(4) It is the intent of the reimbursement program established by this chapter to assist as many owners or operators of regulated petroleum ((underground)) storage tanks with limited economic resources as possible. Therefore, not more than one application for participation in the program established by this chapter will be approved for each ~~((such natural person or entity))~~ owner or operator, regardless of the number of ~~((underground))~~ sites and regulated petroleum storage tanks owned or operated, whether directly or indirectly. This restriction, however, does not apply to soil sampling.

(5) Reimbursement will be made to the person or firm performing the insurance eligibility assessment services.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-060 Program schedule. (1) The program established by this chapter will ~~((proceed according to the following schedule: Applications will be accepted for those owners and operators with twelve or fewer tanks beginning on the effective date of chapter 374-50 WAC until the official financial responsibility compliance date established by the United States Environmental Protection Agency or the Washington department of ecology, whichever date is first))~~ expire December 31, 1996.

(2) Approval of applications and payments are contingent upon the availability of revenue. The director reserves the right to order termination ~~((of the program))~~ at any time that reimbursement commitments or payments exhaust the revenue available for the ~~((reimbursement))~~ insurance eligibility assessment program.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-070 Application procedure. (1) Information concerning the insurance eligibility assessment cost reimbursement program and forms or materials necessary for application may be obtained from:

Pollution Liability Insurance Agency
PO BOX 40930
1015-10th Avenue S.E.
Olympia, WA 98504-0930

(2) Application for participation in the program established by this chapter requires preparation and submission of the following: A completed asset and liability statement on a form provided by the agency and a reimbursement agreement.

(3) Applicants for soil sampling are only required to submit a general information application form and a reimbursement agreement provided by the agency.

(4) The agency will act upon applications as expeditiously as feasible unless additional information is required. If this is the case, the applicant will be notified and the application will be acted upon as expeditiously as feasible after receipt of the ~~((required))~~ additional information required by the agency.

~~((4))~~ (5) Applicants will be notified of agency approval or disapproval by return mail. ~~((Persons))~~ Owners or operators whose applications are disapproved will be informed of the reason for such action.

~~((5))~~ (6) An applicant ~~((who disagrees with the disapproval of his or her application))~~ whose application has been disapproved may request review of the agency decision by the director. The applicant will be notified by mail of the director's decision as expeditiously as feasible after receipt by the agency of the request for review unless additional time is required. If additional time is required in order for the review to be completed, the applicant will be notified by mail.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-080 Payment of reimbursement. (1) Reimbursement ~~((of insurers))~~ for approved insurance eligibility assessment costs incurred on behalf of applicants accepted under the program established by this chapter will be made as expeditiously as feasible after receipt by the agency of the following information:

(a) ~~((A copy of the notification of agency approval of the applicant's application for the program established by this chapter;~~

~~((b))~~) A copy of the invoice(s) from the person or firm performing the insurance eligibility assessment services with a breakdown showing the cost of each test or service performed separately ~~((and an indication thereon, or by separate receipt, that payment in full has been made by the insurer));~~

(b) For soil sampling, a copy of the field notes which include the name and address of the site; a sketch indicating boring locations; depth of each boring; ground water level encountered; type of instrument used for sample analysis and instrument calibration; ambient weather conditions; soil classification along the depth of each boring; depth of soil/water interface; results of screening of cuttings that exceed background levels; or any visual observations that indicate the presence of petroleum; readings from headspace analysis and confirmatory lab analysis results.

(c) A copy of the face sheet of an issued pollution liability insurance policy if the applicant's tank, tanks, site, or sites have satisfied the insurer's underwriting requirements.

(2) ~~((Persons))~~ Owners or operators on whose behalf reimbursement under the program created by this chapter has been made are required to maintain ~~((their))~~ pollution liability insurance coverage in force for at least one year. If insurance coverage is not maintained for this period, the ~~((person))~~ owner or operator is required to return a pro rata share of the reimbursement to the agency, with the share being that fraction of one year for which insurance coverage was not maintained in force.

(3) ~~((Persons))~~ Owners or operators who have applied for insurance in good faith, but whose tanks, ~~((tanks, site))~~ or sites fail to satisfy the insurer's underwriting requirements and are therefore denied coverage will not be required to return reimbursement payments.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-090 Other restrictions. (1) ~~((Persons))~~ Owners or operators whose applications for the program established by this chapter are accepted will be responsible for the cost of all fuels or products required for tank or connected piping tightness testing.

(2) All testing and sampling must be performed by ~~((persons who are registered with the Washington department of ecology))~~ UST supervisors and UST site assessors certified by the International Fire Code Institute.

WSR 95-08-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 31, 1995, 2:50 p.m.]

Original Notice.

Title of Rule: Chapter 388-165 WAC, Consolidated emergency assistance program—Social services (CEAP-SS).

Purpose: CEAP-SS is a federally-matched program providing time-limited assistance and services to meet the emergent needs of specifically eligible families and children. The new rule serves to conform the code to the recently amended Title IV-A state plan, maximize claims on federal match and facilitate administration of the programs known as emergency assistance and currently governed by chapter 388-225 WAC, specifically WAC 388-225-0300 Crisis intervention social services for families and children. The new rule provides the general provisions, application procedures, eligibility conditions and payment limitations for the family emergency assistance program as it applies to families and children served through the state's Division of Children and Family Services, Juvenile Rehabilitation Administration, or a child(ren) or parent with child(ren) admitted to or at risk of admittance to a domestic violence or sexual assault shelter.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.660, 74.04.050.

Statute Being Implemented: RCW 74.08.090, 74.04.660, and 74.04.050.

Summary: The new rule outlines the general provisions, application procedures, eligibility conditions and payment limitations for the family emergency assistance program as it applies to children and families served through the state's Division of Children and Family Services, Juvenile Rehabilitation Administration or a child(ren) or parent with child(ren) admitted to or at risk of admittance to a domestic violence or sexual assault shelter. The new rule identifies the methodology and eligibility criteria to enable the state to claim federal financial reimbursement for these programs currently financed by publicly expended state funds and conforms the code to the amended Title IV-A state plan.

Reasons Supporting Proposal: Federal guidelines under Title IV-A Sec. 406(e) of the federal Social Security Act named 45 CFR 233.120 allow the state flexibility in designing the federally-matched emergency assistance programs. The recently approved Title IV-A state plan simplifies

emergency assistance eligibility for one section of the consolidated emergency assistance program (CEAP) chapter 388-225 WAC. These changes necessitate conforming the code to the state plan and allow the department to maximize claims for federal match of state funds currently appropriated to operate these programs. The new rule separates the section WAC 388-225-0300 from the chapter for administrative clarity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Price, Division of Children and Family Services, (360) 664-2749.

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

Rule is necessary because of federal law, 45 CFR 233.120 Title IV-A Sec. 406(e).

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. As the single state agency to administer public funds, receipt of federal match is limited to the department under RCW 74.04.050. The services and assistance governed by this new rule are authorized by department staff and provided by department staff, their designee or contracted providers. The new rule does not represent new services or changes in services already provided to clients. The new rule serves to conform the code to the Title IV-A state plan, maximize claims for federal match and facilitate administration of the programs under Title IV-A known as emergency assistance.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 9, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by April 27, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 2, 1995.

Date of Intended Adoption: May 10, 1995.

March 31, 1995
Dewey Brock, Chief
Office of Vendor Services

**Chapter 388-165 WAC
CONSOLIDATED EMERGENCY ASSISTANCE
PROGRAM—SOCIAL SERVICES (CEAP-SS)**

NEW SECTION

WAC 388-165-005 Purpose. The Consolidated Emergency Assistance Program—Social Services (CEAP-SS) is a federally-matched program providing time-limited assistance and services to meet the emergent needs of children and their families.

NEW SECTION

WAC 388-165-010 General provisions. The department shall authorize CEAP-SS for the following person who meets the eligibility conditions established in this chapter:

(1) A child who is eligible for the department's child welfare services, child protective services, or family reconciliation services as specified under chapter 388-70 WAC and WAC 388-15-130;

(2) A youth who is committed to the department's juvenile rehabilitation administration as specified in chapter 275-35 WAC; and

(3) A minor child or a parent with a minor child who is:
(a) Admitted to a domestic violence or sexual assault shelter; or

(b) At risk of such an admission as specified in chapter 248-554 WAC.

(4) A minor child or a parent with a minor child not meeting the eligibility conditions established in this chapter may be eligible for emergency assistance (CEAP) as specified in chapter 388-225 WAC.

NEW SECTION

WAC 388-165-020 Application procedure. The department shall accept and promptly act upon a CEAP-SS application made by:

(1) A parent or legal guardian on behalf of a child;

(2) A public agency staff on behalf of a child; or

(3) A department staff on behalf of a child.

NEW SECTION

WAC 388-165-030 Application form. Department staff shall ensure the CEAP-SS application is on a form approved by the department and includes:

(1) Paper application form; or

(2) Electronic application form, such as provided by division of children and family services (DCFS).

NEW SECTION

WAC 388-165-040 Assistance unit. (1) The department shall authorize the following person as the assistance unit:

(a) A single child; or

(b) A child or a parent with a child who is:

(i) Admitted to a domestic violence or sexual assault shelter; or

(ii) At risk of such shelter admission.

(2) A child receiving SSI, AFDC, or other entitlement benefits shall not be excluded from the assistance unit.

(3) For services to children, youth and families, the receipt of CEAP-SS by one child of a sibling group in a twelve-month period shall not exclude any other child of the sibling group from receiving CEAP-SS independently in the same twelve-month period.

NEW SECTION

WAC 388-165-050 Eligibility conditions—Emergent need. To be eligible for CEAP-SS, an applicant shall meet the following conditions:

- (1) A child removed from the child's own home into publicly funded care or supervision, or a child at risk of such removal as determined by the department worker or worker's designee; or
- (2) A child or a parent with a child who is:
 - (a) Admitted to a domestic violence or sexual assault shelter; or
 - (b) At risk of such admission.

NEW SECTION

WAC 388-165-060 Eligibility conditions—Income and resource eligibility. An applicant shall earnestly ensure an annual income of less than eighty-eight thousand six hundred eight dollars.

NEW SECTION

WAC 388-165-070 Eligibility conditions—Living with a relative of a specified degree. Before approving CEAP-SS assistance, the department shall ensure the child is living or has lived in the past six months with a:

- (1) Parent as specified under WAC 388-215-1060; or
- (2) Relative as specified under WAC 388-215-1080.

NEW SECTION

WAC 388-165-080 Eligibility conditions—Job refusal. The applicant shall not have refused a bona fide job offer of employment or training for employment, without good cause, within thirty days before application.

- (1) The department shall determine if the applicant's conditions which constitute good cause for refusal of employment are the same conditions as described in WAC 388-225-0090(2).
- (2) Additional conditions may constitute "good cause" based on the discretion of the department staff.

NEW SECTION

WAC 388-165-090 Eligibility conditions—Residency and alien status. (1) To be eligible for CEAP-SS:

- (a) An applicant shall be a resident of Washington state. "Resident" means a person:
 - (i) Voluntarily living in the state with the intention of making and maintaining a home in the state; and
 - (ii) Not residing in the state for a temporary purpose.
- (b) If not a resident of Washington state, an applicant shall be:
 - (i) Detained in Washington state for reasons beyond the household's control as a result of events which could not have been reasonably anticipated; or
 - (ii) A migrant. "Migrant" means a person who moves from one region to another to perform work or a duty.
- (2) An alien granted lawful temporary resident status under sections 210A and 245A of the Immigration and Nationality Act shall be ineligible. Disqualification due to this provision applies for a period of five years from the date the temporary resident status was granted.

NEW SECTION

WAC 388-165-100 Payment limitations. (1) The department shall authorize CEAP-SS to an eligible applicant for a period of twelve months, not to exceed one authorization per eligible applicant in a twelve-month period. The department shall ensure the eligible applicant's CEAP-SS application constitutes authorization for all services and assistance as determined appropriate and necessary for the entire twelve-month period.

(2) The department shall ensure CEAP-SS services and assistance provided under this provision do not grant direct cash assistance to the child or family. Vendors or the department staff or the designee shall provide services and assistance. Services and assistance include, but are not limited, to the following subject to department determination and approval:

- (a) Substitute care, including placement in juvenile facilities;
- (b) Family preservation or family reconciliation services;
- (c) Home-based services;
- (d) Medical or mental health services; and
- (e) Support services to normalize individual or family functioning.

WSR 95-08-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 31, 1995, 4:52 p.m.]

Original Notice.

Title of Rule: WAC 388-508-0805 Pregnant woman—Income standards, 388-509-0920 Children's health program, 388-509-0960 Children's income standards, 388-513-1380 Institutional—Participation, 388-517-1720 Qualified Medicare beneficiaries—Income and resources, 388-517-1740 Special low-income Medicare beneficiaries (SLMB)—Income and resources, and 388-517-1760 Qualified disabled working individuals (QDWI) and resources.

Purpose: Update eligibility income standards to comply with the April 1, 1995, increase in the federal poverty level. Implements a state plan revision allowing federal, state, or local taxes, up to the medically needy income level, paid or owed by the client to reduce participation in cost of nursing facility.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The federal poverty level changes are effective April 1, 1995. Federal rule requires immediate adoption.

Reasons Supporting Proposal: Implements a state plan revision allowing federal, state, or local taxes, up to the medically needy income level, paid or owed by the client to reduce participation in cost of nursing facility. Updates eligibility income standards to comply with the April 1, 1995, increase in the federal poverty level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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 proposed amendment pertains to eligibility standards and affects only public assistance clients.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 9, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by April 27, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 2, 1995.

Date of Intended Adoption: May 10, 1995.

March 31, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-508-0805 Pregnant woman—Income standards. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy when the pregnant woman meets the income requirements of this section.

(2) The department shall ensure total family income will not exceed one hundred eighty-five percent of the Federal Poverty Level (FPL). One hundred eighty-five percent of the current FPL is:

Family Size	Monthly Income
(a) One	\$((1,135)) <u>1,152</u>
(b) Two	\$((1,517)) <u>1,547</u>
(c) Three	\$((1,900)) <u>1,941</u>
(d) Four	\$((2,282)) <u>2,336</u>
(e) Five	\$((2,664)) <u>2,731</u>
(f) Six	\$((3,047)) <u>3,125</u>
(g) Seven	\$((3,429)) <u>3,520</u>
(h) Eight	\$((3,811)) <u>3,915</u>

(i) For family units with nine members or more, add \$((383)) 395 to the monthly income for each additional member.

AMENDATORY SECTION (Amending Order 3769, filed 8/10/94, effective 9/10/94)

WAC 388-509-0920 Children's health program. (1) The department shall consider a child seventeen years of age or younger, eligible for state-funded medical services with the same coverage as categorically needy, when:

(a) The child is not eligible for a federally-funded Medicaid program; and

(b) The child's nonexempt family income does not exceed one hundred percent of the current federal poverty level (FPL). See income guidelines as described under subsection (4) of this section.

(2) The department shall determine nonexempt family income by:

(a) Following AFDC methodology; and

(b) Applying the medical income rules as described under WAC 388-506-0610.

(3) The department shall not require a child to meet the following eligibility factors:

(a) Citizenship;

(b) Social Security number; or

(c) Resources limits.

(4) The department shall find that one hundred percent of the current FPL equals:

Family Size	Monthly Income
(a) One	\$ ((614)) <u>623</u>
(b) Two	\$ ((820)) <u>836</u>
(c) Three	\$((1,027)) <u>1,050</u>
(d) Four	\$((1,234)) <u>1,263</u>
(e) Five	\$((1,440)) <u>1,476</u>
(f) Six	\$((1,647)) <u>1,690</u>
(g) Seven	\$((1,854)) <u>1,903</u>
(h) Eight	\$((2,060)) <u>2,116</u>

(i) For family units with more than eight members, add \$((207)) 214 to the monthly income for each additional member.

AMENDATORY SECTION (Amending Order 3833, filed 2/8/95, effective 3/11/95)

WAC 388-509-0960 Children's income standards.

(1) The department shall determine a child meeting the eligibility requirements under WAC 388-509-0910 eligible as categorically needy when the total family countable income does not exceed two hundred percent of the federal poverty level (FPL). The department shall find that two hundred percent of the current FPL equals:

Family Size	Monthly Income
(a) One	\$((1,227)) <u>1,245</u>
(b) Two	\$((1,640)) <u>1,672</u>
(c) Three	\$((2,054)) <u>2,099</u>
(d) Four	\$((2,467)) <u>2,525</u>
(e) Five	\$((2,880)) <u>2,952</u>
(f) Six	\$((3,294)) <u>3,379</u>
(g) Seven	\$((3,707)) <u>3,805</u>
(h) Eight	\$((4,120)) <u>4,232</u>

(i) For family units with more than eight members, add \$((414)) 427 to the monthly income for each additional member.

(2) For a child determined eligible under WAC 388-509-0910, the department shall not consider a change in family income during the certification period.

PROPOSED

AMENDATORY SECTION (Amending Order 3732 [3832], filed 5/3/94 [2/8/95], effective 6/3/94 [3/11/95])

WAC 388-513-1380 Institutional—Participation. (1)

In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.

(2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet the cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) ~~((Unearned income which))~~ Federal, state, or local income taxes:

(i) ~~((Is))~~ Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; ~~((and))~~

(ii) Not covered by withholding, but are owed or have been paid by the client; and

(iii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.

(e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred seventeen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified under subsection (5) of this section.

(f) An amount for the maintenance needs of each dependant family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand two hundred ~~((thirty))~~ fifty-four dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents.

(h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, coinsurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month;

(ii) Limited to a six-month period; and

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Do not exceed three hundred ~~((sixty-nine))~~ seventy-seven dollars, effective April 1, ~~((1994))~~ 1995.

(6) The department shall determine the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:

(a) A court enters an order against the institutionalized client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified in subsection (4) of this section toward payment of the client's cost of care at the department rate.

(8) SSI-related clients~~(s)~~.

(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

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

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

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1720 Qualified Medicare beneficiaries—Income and resources. (1) The department shall provide Medicare cost sharing for a qualified medical beneficiary (QMB) client having:

(a) A total countable income, as determined under chapter 388-511 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent of the current federal poverty level (FPL). One hundred percent of the current FPL is:

Family Size	Monthly
(i) One	\$ (614) <u>623</u>
(ii) Two	\$ (820) <u>836</u>

(b) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

(2) The department shall not consider a person's Social Security cost-of-living increase until April 1 of each year.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1740 Special low-income Medicare beneficiaries (SLMB)—Income and resources. ~~((4))~~ The department shall provide Medicare cost sharing for a SLMB client having:

~~((a))~~ (1) A total countable income, as determined under chapter 388-511 WAC, over one hundred percent of the current federal poverty level (FPL), but not exceeding

one hundred ~~((ten))~~ twenty percent of the FPL. One hundred ~~((ten))~~ twenty percent of the current FPL is:

Family Size	Monthly
(i) One	\$ (675) <u>747</u>
(ii) Two	\$ (902) <u>1,003</u>

~~((b))~~ (2) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

~~((2))~~ Effective January 1, 1995, the department shall find a person eligible under subsection (1)(a) of this section whose total countable income does not exceed one hundred twenty percent of the FPL.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1760 Qualified disabled working individuals (QDWI) income and resources. The department shall pay premiums for Medicare Part A for a person having:

(1) A total countable family income, as determined under chapter 388-511 WAC, not exceeding two hundred percent of the current FPL. Two hundred percent of the current FPL is:

Family Size	Monthly
(a) One	\$ (1,227) <u>1,245</u>
(b) Two	\$ (1,640) <u>1,672</u>

(2) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

WSR 95-08-049
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 3, 1995, 10:08 a.m.]

Original Notice.

Title of Rule: Licensed practical nurse fees.

Purpose: Revise LPN fees to meet budgetary requirements and combine WAC 246-838-990 and 246-839-990 into new chapter 246-840 WAC.

Statutory Authority for Adoption: RCW 18.79.200.

Summary: Proposal is to increase LPN fees to support program budget. RN and LPN WACs regarding fees will be combined into a new WAC chapter to make the WACs more effective. WAC 246-838-990 Practical nurse fees and 246-839-990 Registered nurse fees will be repealed.

Reasons Supporting Proposal: A fee study was completed to determine if a fee increase was needed to support the LPN program budget.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, RN, MSN, 1300 Quince, Olympia, (360) 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.

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will revise LPN fees to support the program budget. Additionally, the RN and LPN WACs regarding fees will be combined into the new WAC chapter for the Nursing Commission.

Proposal Changes the Following Existing Rules: Fees charged will increase.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change will not increase costs disproportionately for small business, as all applicants and licensees are impacted equally.

Hearing Location: Department of Health, 1102 S.E. Quince Street, Olympia, WA 98504, on May 11, 1995, at 10:00.

Assistance for Persons with Disabilities: Contact Washington State Nursing Care Quality Assurance Commission by May 8, 1995, TDD (360) 664-0064, or 1-800-525-0127 ext. 753-2686.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by May 8, 1995.

Date of Intended Adoption: May 11, 1995.

March 30, 1995
Bruce Miyahara
Secretary

ARNP with prescriptive authorization renewal 50.00
ARNP with prescriptive late renewal penalty 100.00

The following WACs are repealed:

WAC 246-838-990 Practical nurse fees
WAC 246-839-990 Registered nurse fees

WSR 95-08-051
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH

(Board of Pharmacy)
[Filed April 3, 1995, 10:15 a.m.]

Please withdraw WAC 246-861-090 that was filed on September 21, 1994, WSR 94-19-094.

We will be refiling this portion of chapter 246-861 WAC at a future date.

Don Williams
Executive Director

WSR 95-08-053
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed April 3, 1995, 11:00 a.m.]

Original Notice.

Title of Rule: Chapter 478-168 WAC, Regulations for the University of Washington libraries.

Purpose: To amend the University of Washington libraries regulations to reflect changes in practices and procedures and to clarify those rules which pertain to the law library.

Statutory Authority for Adoption: RCW 28B.15.031 and 28B.20.130.

Statute Being Implemented: RCW 28B.15.031 and 28B.20.130.

Summary: WAC 478-168-010, 478-168-020, 478-168-070, 478-168-080, and 478-168-092 through 478-168-096 have amended captions to better clarify the rules which pertain to the Marian Gould Gallagher Law Library; WAC 478-168-035 is a new rule which provides the Marian Gould Gallagher Law Library with a separate service schedule; WAC 478-168-160 through 478-168-180, 478-168-200 through 478-168-294, 478-168-300 through 478-168-320, 478-168-330, 478-168-340, and 478-168-350 through 478-168-390 are amended to reflect changes in practice and procedure for the UW libraries; WAC 478-168-325 and 478-168-345 are new sections which also reflect changes in practice and procedure for the UW libraries; WAC 478-168-030, 478-168-040 through 478-168-060, 478-168-090, and 478-168-100 through 478-168-150 are repealed; and WAC 478-168-190 and 478-168-298 are unchanged.

Reasons Supporting Proposal: The rules governing library policy need to be updated to reflect changes in practice and procedure, and to improve access to library materials.

Name of Agency Personnel Responsible for Drafting: UW Libraries, 482 Allen Library, 543-7160; Implementation: Provost, 301 Administration Building, 543-7632; and

NEW SECTION

WAC 246-840-990 Fees The following fees shall be charged by the Health Professions Quality Assurance Commission division of the Department of Health:

(1) Practical nurse fees:

Title of Fee	Fee
Application (examination and reexamination)	\$69.00
License renewal	37.00
Impaired practical nurse assessment	4.00
Late renewal penalty	37.00
Inactive renewal	21.00
Inactive late renewal penalty	21.00
Endorsement - reciprocity	69.00
Duplicate license	21.00
Verification of licensure/education (written)	42.00

(2) Registered nurse fees:

Title of Fee	Fee
Application (examination)	\$40.00
License renewal	35.00
Late renewal penalty	100.00
Inactive renewal	10.00
Inactive late renewal penalty	5.00
Endorsement - reciprocity	40.00
Duplicate license	20.00
Examination retake	40.00
Verification of licensure/education (written)	25.00

(3) Advanced registered nurse fees:

Title of Fee	Fee
ARNP application	\$25.00
ARNP renewal	25.00
ARNP late renewal penalty	100.00
ARNP with prescriptive authorization application	45.00

Enforcement: UW Libraries, 482 Allen Library, 543-7160 and Law Library, Condon Hall, JB-20, 543-4089.

Name of Proponent: University of Washington, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The charges referred to in these rules enable the University of Washington to gain full reimbursement from borrowers for costs the university incurs for replacing or repairing library material. The fines for overdue library material have increased because the current fine levels do not provide sufficient motivation for borrowers to return material on time.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 478-168 WAC, Regulations for the University of Washington libraries is being updated to reflect changes in practice and procedure for the University of Washington libraries and to further clarify those rules which pertain specifically to the Marian Gould Gallagher Law Library. In addition, the rules governing library policy need to be updated to improve access to library materials. Anticipated effects include increased access to library materials by motivating users to return material on time, additional flexibility in scheduling library hours, and the clarification and revision of other existing rules relating to the University of Washington libraries.

Proposal Changes the Following Existing Rules: WAC 478-168-010, 478-168-020, 478-168-070, 478-168-080, and 478-168-092 through 478-168-096 are amended in caption only; WAC 478-168-160 through 478-168-180, 478-168-200 through 478-168-294, and 478-168-300 through 478-168-390 are amended; and WAC 478-168-030, 478-168-040 through 478-168-060, 478-168-090, and 478-168-100 through 478-168-150 are repealed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The University of Washington has determined that the amendments to chapter 478-168 WAC are not subject to the Regulatory Fairness Act, chapter 19.85 RCW, as stated in RCW 19.85.030.

Hearing Location: Husky Union Building, Room 209A, University of Washington, Seattle, Washington, on May 25, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the UW Disability Services Office by May 11, 1995, TDD (206) 543-6452, or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Dearnorff, Administrative Procedures Officer, Reference Stations Management Office, HI-29, University of Washington, 4014 University Way N.E., Seattle, WA 98105, FAX (206) 543-0786, by May 24, 1995.

Date of Intended Adoption: June 9, 1995.

March 31, 1995

Rebecca Goodwin Dearnorff

Administrative Procedures Officer

Reviser's note: The material contained in this filing will appear in the 95-09 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 95-08-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Vocational Rehabilitation)
[Filed April 3, 1995, 11:25 a.m.]

Original Notice.

Title of Rule: Repealing WAC 490-500-610 Independent living program—Order of selection.

Purpose: Repeal of WAC 490-500-610.

Statutory Authority for Adoption: RCW 74.29.025.

Statute Being Implemented: RCW 74.29.025.

Summary: This is strictly a housekeeping activity.

Reasons Supporting Proposal: Chapter 490-500 WAC was revised in January 1995. It was our intention at that time to repeal WAC 490-500-610 Independent living program—Order of selection. Under the 1992 amendments to the Rehabilitation Act, order of selection is no longer required or necessary for the independent living program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vi Moody, Division of Vocational Rehabilitation, 438-8025.

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. The proposed rule repealment has no economical impact on small businesses. The development of a repeal does not cause a change in a fee, nor was there any more cost for the services that this department offers a client. The client is offered job skill building opportunities during the vocational rehabilitation process. This repealment does not change services and does not cost a client financially.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on May 9, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by April 27, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by May 2, 1995.

Date of Intended Adoption: May 10, 1995.

April 3, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 490-500-610 Independent living program—
Order of selection.

WSR 95-08-055
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
[Filed April 3, 1995, 12:42 p.m.]

Please withdraw WSR 95-07-129 filed on March 22, 1995. The Department of Natural Resources wishes to refile this proposed rule.

Kaleen Cottingham
Department Supervisor

WSR 95-08-056
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 629—Filed April 3, 1995, 12:45 p.m.]

Original Notice.

Title of Rule: WAC 332-24-221 Specific rules for burning that require a written burning permit.

Purpose: Amend WAC 332-24-221 to adjust the fee schedule to a level necessary to cover the costs of the burning permit program consistent with the provisions of Initiative 601.

Statutory Authority for Adoption: RCW 70.94.660.

Statute Being Implemented: RCW 70.94.660.

Summary: Amend existing fee schedule to increase fees by 5.13 percent as directed by RCW 70.94.660.

Reasons Supporting Proposal: The fee increase is required to cover actual program costs as required by the Clean Air Act, chapter 70.94 RCW.

Name of Agency Personnel Responsible for Drafting: Mark Gray, Natural Resources Building, Olympia, (360) 902-1300; Implementation and Enforcement: Department of Natural Resources, Natural Resources Building, Olympia, (360) 902-1300.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule requires outdoor burners to obtain a burning permit (unless exempted under WAC 332-24-205 and/or 332-24-211) and identifies a fee (based upon fuel tonnage being burned) to be paid for by the permittee in order to cover the department's program costs in administering the Clean Air Act, chapter 70.94 RCW. The purpose of amending the existing rule is to increase the fee schedule by 5.13% as allowed under the provisions of Initiative 601 to cover the costs of the burning permit program as required by the Clean Air Act, chapter 70.94 RCW. This 5.13%

increase will result in a \$1.00 fee increase for the majority of permittees (approximately 91%).

Proposal Changes the Following Existing Rules: Amending WAC 332-24-221 will increase existing burning permit fees by 5.13% as allowed under Initiative 601.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department has determined that the fee increase is a minor or negligible economic impact as established under the Regulatory Fairness Act, chapter 19.85 RCW for the following reasons: (1) The rule does not impact more than 20% of all affected industries or more than 10% of any one industry within the affected SIC codes; and (2) 99.9% of the affected industries will have an economic impact equal to or less than \$50.00, of which 90.8% will see only a \$1.00 increase and the remaining 9.1% will see an increase between \$1.00 and \$48.00.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504-7037, on May 11, 1995, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Mark Gray by April 25, 1995, (360) 902-1754.

Submit Written Comments to: Mark Gray, FAX (360) 902-1781, by May 10, 1995.

Date of Intended Adoption: May 31, 1995.

March 31, 1995
Kaleen Cottingham
Supervisor

AMENDATORY SECTION (Amending Order 619, filed 7/1/94, effective 8/1/94)

WAC 332-24-221 Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:
(1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.
(2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be ~~((twenty-one))~~ twenty-two dollars for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris	Fee schedule
100 - 500 tons	((106)) <u>\$111</u>
501 - 1,000 tons	((349)) <u>335</u>
1,001 - 1,500 tons	((532)) <u>559</u>
1,501 - 2,000 tons	((745)) <u>783</u>
2,001 - 2,500 tons	((958)) <u>1,007</u>
2,501 - 3,000 tons	((1,171)) <u>1,231</u>
3,001 - 3,500 tons	((1,383)) <u>1,453</u>
3,501 - 4,000 tons	((1,596)) <u>1,677</u>
4,001 - 4,500 tons	((1,809)) <u>1,901</u>
4,501 - 5,000 tons	((2,022)) <u>2,125</u>
5,001 - 5,500 tons	((2,235)) <u>2,349</u>
5,501 - 6,000 tons	((2,448)) <u>2,573</u>
6,001 - 6,500 tons	((2,661)) <u>2,797</u>
6,501 - 7,000 tons	((2,874)) <u>3,021</u>
7,001 - 7,500 tons	((3,087)) <u>3,245</u>

7,501	-	8,000 tons	((3,300))	<u>3,469</u>
8,001	-	8,500 tons	((3,513))	<u>3,693</u>
8,501	-	9,000 tons	((3,726))	<u>3,917</u>
9,001	-	9,500 tons	((3,939))	<u>4,141</u>
9,501	-	10,000 tons	((4,151))	<u>4,363</u>
10,001	+	tons	((4,364))	<u>4,587</u>

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

WSR 95-08-057
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 3, 1995, 3:43 p.m.]

Original Notice.

Title of Rule: WAC 180-78-145 Evidence of compliance with professional education advisory board approval standard.

Purpose: To align professional preparation programs with "improvement in student learning" legislation.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010

Summary: The proposed new subsections provide for the temporary removal of the required activities of the professional education advisory boards in order to facilitate a review of each preparation program in light of "improvement in student learning" legislation.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (360) 753-6715; and Enforcement: Theodore E. Andrews, State Board of Education, Olympia, (360) 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: Same as above.

Proposal Changes the Following Existing Rules: Same as 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: St. Martin's College, Worthington Conference Center, 5300 Pacific Avenue S.E., Lacey, WA 98503, on May 17, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by May 5, 1995, 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 May 16, 1995.

Date of Intended Adoption: May 19, 1995.

April 3, 1995

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-01-127, filed 12/19/91, effective 1/19/92)

WAC 180-78-145 Evidence of compliance with professional education advisory board approval standard. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program approval standard of WAC 180-78-140(1).

(1) The professional education advisory board has been established in accordance with WAC 180-78-075 through 180-78-120.

(2) The professional education advisory board has carried out the following responsibilities:

(a) Elect a chair of the professional education advisory board.

(b) Adopt bylaws which are consistent with the provisions of this chapter.

(c) Meet at the call of the chair of the professional education advisory board or as provided in the bylaws of the professional education advisory board which, in either case, shall be at least four meetings per calendar year.

(d) Advise the superintendent of public instruction of needed changes in the administrative code affecting the professional preparation programs for which the professional education advisory board has responsibility.

(e) Advise the quality review team as provided in WAC 180-78-190(3).

(f) Report alternative professional programs, if developed.

(3) In determining compliance with this subsection, written documentation must be available for review indicating that the following have been reviewed annually:

(a) One or more program approval standards of WAC 180-78-140 and, as needed, formally notify the college or university in writing of changes the professional education advisory board believes are necessary or required to bring the college or university into compliance with the program approval standards for the professional preparation program and, based upon such review, provide formal recommendations pursuant to subsection (2)(d) of this section.

PROPOSED

(b) The plan to provide all candidates for certification with field experiences with ethnic, racial, and cultural populations and with special education and highly capable students.

(c) The evaluation data, including course, field experience (WAC 180-78-165(2)), and follow-up data (WAC 180-78-175 (4) and (5)).

(4) In determining compliance with this subsection, written documentation must be available indicating that the following have been reviewed at least once every three years:

(a) The policies used to develop agreements between the college/universities and agencies providing field sites for field experience.

(b) The curriculum materials and media collection.

(c) Proposed revisions in the professional preparation program to reflect local district policies related to changing demographics, curriculum, organization, and federal and state laws, including administrative rules and case law.

(d) Recent professional developments which may impact the design of the professional preparation program.

(5) Written minutes are available for each meeting of each professional education advisory board which shall include the following items for each meeting listed in the college or university's annual report (WAC 180-78-047): Attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change.

(6) Documentation from the college or university is available showing that each recommendation from each professional education advisory board during each academic year has been considered and acted upon by faculty committees or administrators—depending upon college or university governance—and, if delayed, modified, or not adopted, a rationale provided to the professional education advisory board as to why a recommendation was delayed, modified, or not adopted. All recommendations from professional education advisory boards shall be forwarded to appropriate faculty committees or administrators within two months of formal receipt by the chief administrator of the professional preparation program.

(7) The state board of education recognizes that the "improvement in student learning" legislation may require significant revisions in programs for the preparation of teachers, administrators, and educational staff associates and that reviews of existing programs and the development of revisions, where appropriate, need to begin as soon as possible. Therefore:

(a) The state board of education directs the teacher professional education advisory boards, in lieu of the activities and documentation required in subsections (2) through (6) of this section, to complete during the 1995-96 fiscal year a review of their existing preparation programs to identify revisions that will be needed in approved programs based on the commission on student learning's recommendations for essential learning requirements in reading, writing, communications, and mathematics;

(b) In completing this review, the teacher professional education advisory boards may also consider related activities such as proposed revisions in the program approval standards;

(c) College/university academic faculty, where appropriate, and/or other knowledgeable persons from the subject matter fields identified in the legislation should be included in the review process;

(d) Professional education advisory boards shall be required to meet at least four times during the 1995-96 fiscal year and submit written minutes for each professional education advisory board meeting as part of the college/university's annual report (WAC 180-78-047) including the attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change;

(e) College/universities must still complete, if necessary, any "compliance plans," required by the state board of education for their previous year's programs.

(8) Professional education advisory boards for administrators and educational staff associates may request the state board of education for a waiver from subsections (2) through (6) of this section for the 1995-96 fiscal year to review their existing preparation programs in order to determine if revisions will be needed in approved programs based on the improvement in student learning legislation.

WSR 95-08-058
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 3, 1995, 3:46 p.m.]

Original Notice.

Title of Rule: Chapter 180-77 WAC, Standards for vocational certification.

Purpose: To insure that uniform procedures and standards are established for vocational certification.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: The proposed amendments, new sections and repealers simplify procedures and standardize requirements for vocational certification.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (360) 753-6715; and Enforcement: Theodore E. Andrews, State Board of Education, Olympia, (360) 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: Same as above.

Proposal Changes the Following Existing Rules: Same as 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: St. Martin's College, Worthington Conference Center, 5300 Pacific Avenue S.E., Lacey, WA 98503, on May 17, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by May 5, 1995, 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 May 16, 1995.

Date of Intended Adoption: May 19, 1995.

April 3, 1995

Larry Davis

Executive Director

NEW SECTION

WAC 180-77-001 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state.

NEW SECTION

WAC 180-77-002 Purpose. The purposes of this chapter are to establish the various vocational certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other vocational certificates.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-003 Definitions. The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education which complies with chapter 180-78 WAC.

(2) "~~(Approved)~~ Vocational ~~(teacher)~~ educator training" shall mean those vocational programs, courses, seminars and workshops ~~(approved by the state board of education)~~ offered for the purpose of vocational certification ~~(of persons entering vocational education from business and industry, or for renewal of vocational certificates)~~.

(3) "~~(First aid requirements)~~" shall include a valid first aid certificate issued by the Washington state department of labor and industries, United States bureau of mines or the American Red Cross in accordance with their rules and regulations. ~~In addition, training in cardiopulmonary resuscitation is required.~~

(4) "~~Gainful employment)~~" shall mean being paid in accordance with the laws of the state of Washington for work in a particular occupation.

(5)) "General safety ~~(and industrial hygiene requirements)~~" shall mean course work approved by the state board of education and/or its designee that is designed to provide skill and knowledge common to all vocational instructors in safety ~~(and industrial hygiene. This course work shall include, but not be limited to, the following:~~

- (a) Growth of the safety movement;
- (b) Cost of accidents;
- (c) Seeing and recognizing job hazards;
- (d) Elements of an accident;
- (e) Measuring safety performance;

- ~~(f) Promoting safe workmanship;~~
- ~~(g) Employee health and industrial hygiene;~~
- ~~(h) Protective equipment and safe dress;~~
- ~~(i) Housekeeping;~~
- ~~(j) Materials, handling and storage;~~
- ~~(k) Guarding machines and mechanisms;~~
- ~~(l) Hand and portable tools and appliances;~~
- ~~(m) Fire prevention and control.~~

(6) "~~Home economics related occupations (gainful)~~" is a vocational education program which prepares persons for being paid in accordance with the laws of the state of Washington to work in an occupation.

(7) "~~Home and family life education (useful)~~" is a vocational education program which prepares persons for the occupation of homemaking).

~~((8))~~ (4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the vocational instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

~~((9))~~ (6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

~~((10))~~ "~~Specialty supported programs)~~" shall mean home and family life education programs conducted in vocational-technical institutes to include, but not limited to, the following: ~~Family relationships, child development and parent education.~~

~~((11))~~ (7) "Occupational experience" shall mean paid or unpaid work experience in the ~~(job)~~ career field to be taught.

~~((12))~~ (8) "One year of ~~(work)~~ occupational experience" shall equal two thousand hours of employment.

~~((13))~~ (9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

~~((14))~~ (10) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.

~~((15))~~ (11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of ~~(work)~~ occupational experience.

~~((16))~~ "~~Specific safety and industrial hygiene requirements)~~" shall mean completion of course work approved by the state board of education which is designed to provide the vocational instructor with the specific skill and knowledge of safety and industrial hygiene for the occupation he or she is to teach.

~~(17)~~ "~~Supervised work experience)~~" shall mean employment which is supervised by a vocational teacher-educator and the employer.

(18) "Supplementary class" shall mean those classes designed to upgrade and advance the knowledge and skills for persons who are or have been employed in a given occupation.

~~(19) "Teaching/coordination" shall mean professional experience in the discipline and/or specialty for which the applicant has been vocationally certificated.~~

~~(20))~~ (12) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge((s)) in the discipline in which the application is being made.

~~((21) "Useful employment" applies solely to the occupation of homemaking and means unpaid work in the home.))~~

NEW SECTION

WAC 180-77-004 Review of program approval standards. The following requirements for obtaining vocational certificates are being adopted with the recognition that a review of the requirements in chapter 180-78 WAC university program approval standards and program approval standards for other vocational educator preparation programs will also be needed. Consideration will be given to:

(1) A requirement that a vocational advisory committee shall be established for each college or university with an approved vocational program that shall have the responsibility for recommending guidelines for the evaluation of the two thousand hours of occupational experiences (including internships) required of all vocational candidates who complete approved programs.

(2) The knowledge and skills required for the respective vocational certificates will need to be developed and adopted by the state board of education.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-005 Types of vocational certificates. ~~((Seven))~~ The following types of certificates shall be issued:

(1) Teacher. The teacher certificate authorizes ~~((teaching))~~ service as a teacher in the ~~((classroom and laboratory (shop)))~~ school district(s) or skills center(s) and shall be issued in one of the following categories and/or in a specific subcategory of the major category as approved by the state board of education and/or its designee:

- (a) Agriculture education;
- (b) Business education;
- (c) Marketing education;
- (d) Home and family life education;
- (e) Technology education;
- (f) Trade and industrial;
- (g) Health occupations;
- (h) Diversified occupations;
- (i) Coordinator for work-based learning; or
- (j) New and emerging fields;

(2) Director. The director certificate authorizes service as a vocational director, as an assistant director, or as a vocational supervisor in the school district(s) or skills center(s);

~~(3) ((Assistant director. The assistant director certificate authorizes service as an assistant vocational director in the school district;~~

~~(4) Supervisor. The supervisor certificate authorizes service as a program supervisor in a local school district;~~

~~(5))~~ Counselor. The vocational counselor certificate authorizes service in the role of vocational guidance and counseling;

~~((6))~~ (4) Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist((;

~~(7) Teacher trainer. The teacher trainer authorizes service as an instructor teaching course work that is used for vocational teacher training)).~~

NEW SECTION

WAC 180-77-012 Levels of vocational instructional certificates. The following levels of vocational certificates may be issued:

(1) Initial. The initial certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(2) Initial renewal. The initial renewal certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(3) Continuing. The continuing certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(4) Continuing renewal. The continuing renewal certificate allows the holder to assume independent responsibility for working with students in vocational programs.

NEW SECTION

WAC 180-77-014 Requirements for limited certification. (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial vocational certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial vocational certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The vocational instructor shall have developed a professional growth plan in cooperation with the vocational administrator and the candidate to be employed. The plan must be approved by the local school district vocational program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional vocational educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the vocational instructor to develop competencies in the following:

(iv) Vocational methods; and

(v) General and specific safety.

If the vocational instructor does not have access to the required course work within the first ninety working days,

the local school district vocational advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the vocational instructor to meet the requirements for the initial vocational certificate.

(vii) *Provided*, That candidates for probationary certificates as a coordinator of work-based learning shall have completed a course in coordination techniques and either:

(A) Possess a valid initial or continuing vocational teacher certificate; or

(B) Have completed five hundred hours of occupational experience within the past six years.

(2) Conditional vocational certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for vocational certification in the state of Washington, the one-year conditional vocational certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional vocational certificate may be issued only under unique and special circumstances where no regularly certificated vocational instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the vocational program to be certified; or

(ii) Persons who meet the occupational experience requirements for vocational certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local vocational administrator and school district superintendent or designee. The local vocational administrator or superintendent will verify that the following criteria have been met when requesting the conditional vocational certificate:

(i) No person with vocational certification in the field is available as verified by the local vocational administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified vocational program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The vocational administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute vocational certificates. Substitute vocational certificates may be issued to candidates who meet the requirements in WAC 180-79-230(2).

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-015 Certificate validity and renewal.
(1) ~~((The probationary certificate is valid for one year and is renewable one time.~~

~~(2))~~ ~~The ((one-year)) initial certificate is valid for ((one year)) four years and may be renewed two times in accordance with WAC ((180-77-050)) 180-77-031 or 180-77-041.~~

~~((3))~~ ~~(2) The ((three-year)) initial renewal certificate is valid for three years and may be renewed one time in accordance with WAC ((180-77-050)) 180-77-031 (2)(a) or 180-77-041 (2)(a).~~

~~((4))~~ ~~(3) The ((five-year)) continuing certificate is valid for five years and may be renewed every five years in accordance with WAC ((180-77-050)) 180-77-031(4) or 180-77-041(4).~~

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-020 Certificate required. Persons serving as vocational instructors, vocational directors and assistant directors, vocational supervisors, vocational counselors, and occupational information specialists ~~((and vocational teacher trainers))~~ shall hold certificates authorized by the state board of education for service in the respective roles ~~((and be recommended by the local school district vocational education administrator for original certificates and renewal. Instructors must be endorsed by a local vocational advisory committee related to the subject matter to be taught for renewal and preceding certificates)).~~

NEW SECTION

WAC 180-77-031 Requirements for vocational certification of instructors who complete approved college/university programs. Candidates for certification through the completion of approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081, 180-75-085 (1) and (2), and chapter 180-78 WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed a minimum of forty-five quarter hours of study in the specific vocational field for which certification is sought.

(b) Candidates for the initial certificate shall complete a state approved vocational teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant vocational field.

(c) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

(i) General and specific safety;

(ii) Vocational teaching methods;

(iii) Occupational analysis;

(iv) Course organization and curriculum design;

(v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques.

Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of ten quarter hours of competency-based course work in the above areas.

(d) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) within the past six years in the specific vocational field for which certification is sought.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

NEW SECTION

WAC 180-77-041 Requirements for vocational certification of instructors who do not complete approved college/university programs. Candidates for certification who have not completed approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081 and 180-75-085 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific vocational field for which certification is sought. One year (two thousand hours) must be within the past six years.

(b) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

(i) General and specific safety;

(ii) Vocational teaching methods;

(iii) Occupational analysis;

(iv) Course organization and curriculum design;

(v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques;

(vii) School law;

(viii) Issues related to abuse as specified in WAC 180-78-165(3).

Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of vocational educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

NEW SECTION

WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates. To obtain a coordinator of work-based learning certificate, a candidate must:

(1) Possess a valid initial or continuing vocational teaching certificate; and

(2) Have completed five hundred hours of occupational experience within the past six years; and

(3) Have completed an approved course in coordination techniques.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-070 Specific standards for certification of local vocational administrative ((and supervisory)) personnel. (1) The local director and local assistant director

and supervisor of (~~vocational-technical~~) vocational education must be eligible for a (~~five-year~~) continuing vocational certificate in one of the vocational program areas for vocational education for initial certification as a director and must meet the following:

(a) The director must have educational requirements which are satisfactory to the local board of education;

(b) The director must have thirty quarter credits or the equivalent of (~~state board of education approved vocational-technical education~~) vocational educator training including a course in supervision and administration of vocational education, or equivalent experience (~~as evaluated by the state board of education~~);

(c) The director must have had three years of experience as a certificated vocational supervisor, vocational instructor, vocational counselor or occupational information specialist.

(2) In order to renew the local director (~~and local assistant director~~) of (~~vocational-technical~~) vocational education certificate(s), six quarter credits or the equivalent of (~~state board of education approved~~) professional education or course work in vocational supervisory or managerial subjects, or equivalent professional experience (~~as evaluated by the state board of education~~), is required.

(~~3~~) The local supervisor of vocational-technical education must be eligible for a five-year vocational certificate in one of the vocational program areas of vocational education for initial certification as a supervisor and must meet the following requirements; except home and family life (useful) and home economics related occupations (gainful):

(a) Supervisor must have a professional training course in vocational supervision; except distributive education and trade and industrial, technical and health occupations which require a course in vocational supervision or three years of additional management experience in the occupation certified to teach and in addition, supervisors of trade and industrial, technical and health occupations must possess professional in-service education of thirty quarter credits or the equivalent of state board of education approved vocational education courses;

(b) Supervisors of home and family life (useful) are required to have the following:

(i) A bachelor's degree from an institution with an approved program to prepare vocational home and family life teachers or have met the requirements and been recommended by an institution with an approved program approved in accordance with chapter 180-78 WAC; and

(ii) Professional training to acquaint the candidate with current developments in home economics and home economics education with some course work in supervision and curriculum.

(c) Supervisors of home economics related occupations (gainful) require the following:

(i) A bachelor's degree in home economics or home economics education and one year of occupational experience or three years of gainful employment in a profession requiring expertise in a home economics related occupation; and

(ii) One year of experience in organizing preparatory or supplemental classes for home economics related occupations.

(4) For a renewal certificate, supervisors are required to have six quarter credits or the equivalent of professional education since the last certificate as approved by the local certificated vocational director or the state program director from the occupation certified to teach.)

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-075 ((Specific)) Levels, validity and standards for certification of local vocational counselors.

Vocational counselors are required to meet the following:

(1) Counselors are required to possess a valid educational staff associate—counselor certificate as provided in WAC (~~180-79-180, at the initial level~~) 180-79-125(1), in counseling and/or graduated from an institution of higher education in a counselor education program which includes study in such subjects as economics, sociology, psychology, political science and sources of occupational information in order to obtain a one-year certificate. All vocational counselors must have completed courses in the following or equivalent experiences (~~as evaluated by the state board of education~~):

(a) Techniques of counseling or counseling theory to include individual and/or group;

(b) Tests and measurements and/or individual mental measurement and/or psychological evaluation;

(c) Counseling practice;

(d) (~~Principles, objectives and/or~~) Philosophy of vocational education;

(e) Counselors must have had two years of varied work experience in the last ten years other than teaching or counseling experience;

(f) Experience is suggested in dealing with employment and personnel problems and with placement and evaluation of workers in business, industry, agriculture, education and/or government service.

(2) The requirements for a three-year certificate are as follows:

(a) The counselor must have possessed a one-year certificate in the past two years;

(b) Counselors must have had one year of vocational counseling;

(c) Counselors must have three quarter credits or the equivalent of (~~state board of education~~) approved professional education since the previous certificate.

(3) The requirements for a five-year certificate are as follows:

(a) Counselors must have had two years of vocational counseling during the previous three-year certificate;

(b) Counselors are required to have had six quarter credits or the equivalent of (~~state board of education~~) approved training in vocational counseling and/or vocational education since the previous certificate.

(4) To renew a counselor certificate the following is required:

(a) The one-year certificate may be renewed two times (~~on the recommendation of the state board of education~~);

(b) The three-year certificate may be renewed one time provided:

(i) The counselor has had one year of vocational counseling during the life of the previous certificate; and

(ii) The counselor has had three quarter credits or the equivalent ~~((of state board of education approved))~~ training in vocational counseling and/or vocational education since the previous certificate.

(c) The five-year certificate may be renewed every five years provided:

(i) The counselor has had two years of vocational counseling during the previous five-year vocational certificate; and

(ii) The counselor has had six quarter credits or the equivalent of vocational training and/or equivalent experience ~~((prior approved by the state board of education))~~.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

WAC 180-77-080 ~~((Specific))~~ **Levels, validity and standards for certification of occupational information specialist.** Occupational information specialists must meet the following requirements:

(1) Requirements for a one-year certificate for occupational information specialist are three years of full-time ~~((gainful employment))~~ **paid occupational experience** of which two years shall have been in the last six years, dealing with employment or personnel problems and with placement and evaluation of workers; or two years of vocational teaching experience in an approved vocational program under the state plan for vocational education;

(2) Requirements for a three-year certificate are as follows:

(a) The occupational information specialist must possess a one-year certificate within the preceding two years and must have one hundred twenty hours of professional experience during the life of the previous certificate;

(b) The occupational information specialist must have a total of nine quarter credits or the equivalent ~~((of state board of education))~~ approved professional education;

(c) The occupational information specialist is required to have three quarter credits or the equivalent ~~((of state board of education))~~ approved professional education since the last certificate.

(3) Requirements for a five-year certificate are as follows:

(a) Possession of a three-year vocational certificate within the preceding two years;

(b) Vocational occupational information specialist experience of two years during the life of the previous certificate;

(c) A total of eighteen quarter credits or the equivalent of professional education ~~((as approved by the state board of education))~~.

(4) To renew an occupational information specialist certificate the following are required:

(a) The one-year certificate may be renewed two times;

(b) The three-year certificate may be renewed one time when the following are met:

(i) Professional experience of one hundred twenty hours as an occupational information specialist during the life of the previous certificate; and

(ii) Three quarter credits or the equivalent of professional education and/or equivalent experience since the

previous certificate ~~((as approved by the state board of education))~~.

NEW SECTION

WAC 180-77-106 Transition policies. In order to implement the changes made in this chapter, the following policies apply to vocational certificate candidates:

(1) All vocational teachers with valid probationary certificates would have their certificate validity extended to August 31, 1997.

(2) Vocational teachers with one-year, two-year, or three-year vocational certificates shall be issued either four-year initial or continuing vocational certificates, whichever is more appropriate, if the individual upon application has met the renewal requirements that were in effect prior to June 1995.

(3) Until December 31, 1995, candidates applying for vocational certificates may be certificated on the basis of meeting the previous standards.

(4) Candidates for vocational certificates who have been admitted to a college/university vocational program between June 30, 1991, and June 30, 1995, shall have the option of completing programs under previous standards.

AMENDATORY SECTION (Amending WSR 92-05-039, filed 2/12/92, effective 3/14/92)

WAC 180-77-110 Vocational instructor certification reciprocity. The superintendent of public instruction will recognize community and technical college instructors certified under WAC 131-16-091 through 131-16-095 when these individuals provide instruction to high school students. These instructors must maintain their certification in good standing and ~~((, if teaching students sixteen years of age or younger, shall))~~ **may** be required to have completed and have on file a background check ~~((at the applicant's expense through the Washington state patrol criminal identification system))~~ **as defined in WAC 180-75-085(2).**

NEW SECTION

WAC 180-77-120 Out-of-state candidates. Out-of-state applicants shall be eligible for Washington vocational certificates if they meet the standards in chapter 180-77 WAC or as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

(a) Qualifies under provisions of the interstate compact;

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79-049;

(c) Holds an appropriate vocational certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed the ten quarter hours of academic study as specified in WAC 180-77-031 (1)(c).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

NEW SECTION

WAC 180-77-122. Appeal procedures. Vocational certification candidates who apply directly to the superintendent of public instruction for a certificate, certificate renewal, or certificate reinstatement whose application is denied shall be entitled to appeal that decision to the superintendent of public instruction in accordance with the appeal procedures in chapter 180-86 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-77-010	Levels of vocational certificates.
WAC 180-77-030	General requirements for vocational certification of instructors with bachelor's degrees.
WAC 180-77-035	Specific requirements for vocational certification of instructors with bachelor's degrees.
WAC 180-77-040	General requirements for vocational certification of instructors from business and industry.
WAC 180-77-045	Specific requirements for vocational certification of instructors from business and industry.
WAC 180-77-050	Renewal of vocational certification for instructors.
WAC 180-77-055	Specific requirements for certification of instructors teaching programs designed to prepare students to enter advanced training.
WAC 180-77-060	Renewal of certificates of instructors teaching programs designed to prepare students to enter advanced training.
WAC 180-77-065	Vocational certification reinstatement requirements for extended absence from subject area of vocational education for six years or more.
WAC 180-77-085	Specific standards for certification of local vocational teacher trainers.
WAC 180-77-090	General standards for certification of vocational instructors, counselors, occupational information specialists, teacher trainers and administrative and supervisory personnel with a probationary certificate.

WAC 180-77-095	General requirements for certification of vocational instructors of supplementary classes.
WAC 180-77-100	Part-time vocational certificate for instructors from business and industry.
WAC 180-77-105	Grandfather clause for current vocational certified teachers from business and industry.

WSR 95-08-060

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed April 3, 1995, 4:29 p.m.]

Original Notice.

Title of Rule: Standards for community health clinics.

Purpose: Establishes procedures for determining eligibility and distribution of funds for medical, dental, and migrant services to community health clinics under section 214(3), chapter 19, Laws of 1989 1st ex. sess., including other state general fund appropriations for medical, dental, and migrant services in community health clinics since 1985.

Statutory Authority for Adoption: RCW 43.70.040.

Reasons Supporting Proposal: The legislature, in 1993, transferred the authority for the community health clinics from the Department of Health to the Health Care Authority.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Blacksmith, Lacey, Washington, (360) 923-2755.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature, in 1993, transferred the authority and funding for the community health clinics from the Department of Health to the Health Care Authority. However, the rules were not transferred. This WAC reestablishes the procedures for determining eligibility and distribution of funds for medical, dental, and migrant services to community health clinics under section 214(3), chapter 19, Laws of 1989 1st ex. sess., including other state general fund appropriations for medical, dental, and migrant services in community health clinics since 1985.

Proposal Changes the Following Existing Rules: New rules replace the Department of Health with the Health Care Authority as the authority for the rules. Also, the preexisting funding formula has been updated as a result of five public workshops with the community health clinics.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required. The rule will have a minor or negligible economic impact.

Hearing Location: 676 Woodland Square Loop S.E., Building B, 3rd Floor, Northwest Room, Lacey, WA, on May 23, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl or Julie Dickinson by May 16, 1995, TDD (360) 923-2805, or (360) 923-2817.

Submit Written Comments to: Elin Meyer, Rules Coordinator, P.O. Box 42705, Olympia, WA 98504-2705, FAX (360) 923-2607, by May 16, 1995.

Date of Intended Adoption: May 23, 1995.

April 3, 1995
Elin S. Meyer
Rules Coordinator

Chapter 182-20 WAC STANDARDS FOR COMMUNITY HEALTH CLINICS

NEW SECTION

WAC 182-20-001 Purpose. The purpose of this chapter is to establish procedures for determining eligibility and distribution of funds for medical, dental, and migrant services to community health clinics under section 214(3), chapter 19, Laws of 1989 1st ex. sess., including other state general fund appropriations for medical, dental, and migrant services in community health clinics since 1985.

NEW SECTION

WAC 182-20-010 Definitions. For the purposes of these rules, the following words and phrases shall have these meanings unless the context clearly indicates otherwise.

(1) "Community health clinic" means a public or private nonprofit tax exempt corporation with the mission of providing primary health care to low income individuals at a charge based upon ability to pay.

(2) "Authority" means the Washington state health care authority.

(3) "Encounter" means a face-to-face contact between a patient and a health care provider exercising independent judgment, providing primary health care, and documenting the care in the individual's health record.

(4) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care including:

- (a) Physicians under chapters 18.57 and 18.71 RCW;
- (b) Dentists under chapter 18.32 RCW;
- (c) Advanced registered nurse practitioner under chapter 18.88 RCW;

(d) Physician's assistant under chapters 18.71A and 18.57A RCW;

(e) Dental hygienist under chapter 18.29 RCW;

(f) Licensed midwife under chapter 18.50 RCW;

(g) Federal uniformed service personnel lawfully providing health care within Washington state.

(5) "Low-income individual" means a person with income at or below two hundred percent of federal poverty level. The poverty level has been established by Public Law 97-35 § 652 (codified at 42 USC 9847), § 673(2) (codified at 42 USC 9902 (2)) as amended; and the *Poverty Income Guideline* updated annually in the *Federal Register*.

(6) "Primary health care" means a basic level of preventive and therapeutic medical and/or dental care, usually delivered in an outpatient setting, and focused on improving and maintaining the individual's general health.

(7) "Relative value unit" means a standard measure of performance based upon time to complete a clinical proce-

dure. The formula is one unit equals ten minutes. A table is available from the authority stating the actual values.

(8) "Administrator" means the administrator of the health care authority or the administrator's designee.

(9) "User" means an individual having one or more primary health care encounters and counted only once during a calendar year.

NEW SECTION

WAC 182-20-100 Administration. The authority shall contract with community health clinics to provide primary health care in the state of Washington by:

(1) Developing criteria for the selection of community health clinics to receive funding;

(2) Establishing statewide standards governing the granting of awards and assistance to community health clinics;

(3) Disbursing funds appropriated for community health clinics only to those clinics meeting the criteria in WAC 182-20-160;

(4) Distributing available state funds to community health clinics according to the following priority in the order listed:

(a) First, to community health clinics that are private, nonprofit corporations classified exempt under Internal Revenue Service Rule 501 (c)(3) when governed by a board of directors including representatives from the populations served;

(b) Second, to local health jurisdictions with an organized primary health clinic or division;

(c) Third, to private nonprofit or public hospitals with an organized primary health clinic or department.

(5) Reviewing records and conducting on-site visits of contractors as necessary to assure compliance with these rules; and

(6) Withholding funding from a contractor until such time as satisfactory evidence of corrective action is received and approved by the authority, if the authority determines:

(a) Noncompliance with applicable state law or rule; or

(b) Noncompliance with the contract; or

(c) Failure to provide such records and data required by the authority to establish compliance with section 214(3), chapter 19, Laws of 1989 1st ex. sess., this chapter, and the contract; or

(d) The contractor or applicant provided inaccurate information in the application.

NEW SECTION

WAC 182-20-130 Application for funds. (1) The authority shall, upon request, supply a prospective applicant with an application kit for a contract requesting information as follows:

(a) Include in the application a request for information as follows:

(i) The applicant's name, address, and telephone number;

(ii) A description of the primary health care provided;

(iii) A brief statement of intent to apply for funds;

(iv) The signature of the agency's authorized representative;

- (v) Description of the nature and scope of services provided or planned;
- (vi) Evidence of a current financial audit establishing financial accountability; and
- (vii) A description of how the applicant meets eligibility requirements under WAC 182-20-160;
- (b) Notify existing contractors at least ninety days in advance of the date a new contract application is due to the authority;
- (c) Review completed application kits for evidence of compliance with this section;
- (d) Develop procedures for:
 - (i) Awarding of funds for new contractors, special projects, and emergency needs of existing contractors; and
 - (ii) Notifying existing and prospective contractors of procedures and application process.
- (2) The applicant shall:
 - (a) Complete the application on standard forms provided or approved by the authority; and
 - (b) Return the completed application kit to the authority by the specified due date.

NEW SECTION

WAC 182-20-160 Eligibility. Applicants shall:

- (1) Demonstrate private, nonprofit, tax exempt status incorporated in Washington state or public agency status under the jurisdiction of a local or county government;
- (2) Receive other funds from at least one of the following sources:
 - (a) Section 329 of the Public Health Services Act;
 - (b) Section 330 of the Public Health Services Act;
 - (c) Community development block grant funds;
 - (d) Title V Urban Indian Health Service funds; or
 - (e) Other public or private funds providing the clinic demonstrates:
 - (i) Fifty-one percent of total clinic population are low income;
 - (ii) Fifty-one percent or greater of funds come from sources other than programs under WAC 182-20-160;
- (3) Operate as a community health clinic providing primary health care for at least eighteen months prior to applying for funding;
- (4) By July 1, 1991, provide primary health care services with:
 - (a) Twenty-four-hour coverage of the clinic including provision or arrangement for medical and/or dental services after clinic hours;
 - (b) Direct clinical services provided by one or more of the following:
 - (i) Physician licensed under chapters 18.57 and 18.71 RCW;
 - (ii) Physician's assistant licensed under chapters 18.71A and 18.57A RCW;
 - (iii) Advanced registered nurse practitioner under chapter 18.88 RCW;
 - (iv) Dentist under chapter 18.32 RCW;
 - (c) Provision or arrangement for services as follows:
 - (i) Preventive health services on-site or elsewhere including:
 - (A) Eye and ear examinations for children;
 - (B) Perinatal services;

- (C) Well-child services; and
- (D) Family planning services;
- (ii) Diagnostic and treatment services of physicians and where feasible a physician's assistant and/or advanced registered nurse practitioner, on-site;
- (iii) Services of a dental professional licensed under Title 18 RCW on-site or elsewhere;
- (iv) Diagnostic laboratory and radiological services on-site or elsewhere;
- (v) Emergency medical services on-site or elsewhere;
- (vi) Arrangements for transportation services;
- (vii) Preventive dental services on-site or elsewhere; and
- (viii) Pharmaceutical services, as appropriate, on-site or elsewhere;
- (5) Demonstrate eligibility to receive and receipt of reimbursement from:
 - (a) Public insurance programs; and
 - (b) Public assistant programs, where feasible and possible;
- (6) Have established a sliding scale fee schedule for adjustment of charges, based upon the individual's ability to pay for low-income individuals;
- (7) Provide health care regardless of the individual's ability to pay; and
- (8) Establish policies and procedures reflecting sensitivity to cultural and linguistic differences of individuals served and provide sufficient staff with the ability to communicate with the individuals.

NEW SECTION

WAC 182-20-200 Allocation of state funds. The authority shall allocate available funds to medical, dental and migrant contractors providing primary health care based on the following criteria:

- (1) **Medical.**
 - (a) The authority may withhold appropriated funds as follows:
 - (i) As specified under law or up to ten percent to provide funding for new contractors, special projects, and emergency needs:
 - (A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;
 - (B) Prorated according to the percentage of total medical contract funds distributed to each contractor;
 - (ii) Up to ten percent for administration.
 - (b) The remainder of the appropriated funds is referred to as the "medical base." The medical base means the total amount of money appropriated by the legislature for the medical program minus the amounts specified in (a)(i) and (ii) of this subsection. The medical base is distributed to medical contractors based upon the following formulas:
 - (i) The medical base is distributed to medical contractors based upon the following formula until June 30, 1995:
 - (A) Forty percent of the medical base is distributed equally among all medical contractors;
 - (B) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical users divided by the total medical sliding fee users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical users
 _____ X 30% medical base
 total of all contractors' medical users

(C) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical encounters by the total number of medical encounters reported by all contractors as reported in the prior calendar year annual reports.

individual contractor's medical encounters
 _____ X 30% medical base
 total of all contractors' medical encounters

(ii) Starting July 1, 1995, the medical base is distributed to medical contractors based upon the following formula:

(A) Forty percent of the medical base is distributed equally among all medical contractors;

(B) Sixty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee users divided by the total medical sliding fee users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical sliding fee users
 _____ X 60% medical base
 total of all contractors' medical sliding fee users

(iii) Starting July 1, 1996, the medical base is distributed to medical contractors based upon the following formula:

(A) Forty percent of the medical base is distributed equally among all medical contractors;

(B) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical sliding fee users
 _____ X 30% medical base
 total of all contractors' medical sliding fee users

(C) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee encounters by the total number of medical sliding fee encounters reported by all contractors as reported in the prior calendar year annual reports.

individual contractor's medical sliding fee encounters
 _____ X 30% medical base
 total of all contractors' medical sliding fee encounters

(2) Dental.

(a) The authority may withhold appropriated funds as follows:

(i) As specified under law or up to ten percent of appropriated funds to provide funding for new contractors, special projects, and emergency needs:

(A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;

(B) Prorated according to the percentage of total dental contract funds distributed to each contractor.

(ii) Up to ten percent for administration.

(b) The remainder of the funds is referred to as the dental base. The dental base means the total amounts appropriated by the legislature for dental programs minus the amounts specified in (a)(i) and (ii) of this subsection and as follows:

(i) Starting July 1, 1991, the dental base is distributed to dental contractors based upon the following formula until June 30, 1995:

(A) Forty percent of the dental base distributed equally among all dental contractors;

(B) Thirty percent of the dental base distributed by the ratio of contractor primary health care (PHC) medical users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical users
 _____ X 30% dental base
 total of all contractors' users

(C) Thirty percent of the dental base is distributed by the ratio of the contractor's relative value units (RVU) divided by the total relative value units of all contractors as reported in the prior calendar year annual reports.

individual contractor's RVU
 _____ X 30% dental base
 total of all contractors' RVU

(ii) Starting July 1, 1995, the dental base is distributed to dental contractors based upon the following formula:

(A) Forty percent of the dental base is distributed equally among all dental contractors;

(B) Sixty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee users divided by the total dental sliding fee users of all contractors as reported in the prior calendar year annual reports.

individual contractor's dental sliding fee users
 _____ X 60% dental base
 total of all contractors' dental sliding fee users

(iii) Starting July 1, 1996, the dental base is distributed to dental contractors based upon the following formula:

(A) Forty percent of the dental base is distributed equally among all dental contractors;

(B) Thirty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee users divided by the total dental sliding fee users of all contractors as reported in the prior calendar year annual reports.

individual contractor's dental sliding fee users
 _____ X 30% dental base
 total of all contractors' dental sliding fee users

(C) Thirty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee relative value units (RVU) divided by the total number of dental sliding fee relative value units (RVU) reported by all contractors as reported in the prior calendar year annual reports.

individual contractor's dental sliding fee RVUs
 _____ X 30% dental base
 total of all contractors' dental sliding fee RVUs

(3) Migrant.

(a) The authority may withhold appropriated funds as follows:

(i) As specified under law or up to ten percent to provide funding for new contractors, special projects, and emergency needs:

(A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;

PROPOSED

(B) Prorated according to the percentage of total migrant contract funds distributed to each contractor.

(ii) Up to ten percent for administration.

(b) The remainder of the appropriated funds is referred to as the "migrant base." The migrant base means the total amount of money appropriated by the legislature for the migrant program minus the amounts specified in (a)(i) and (ii) of this subsection. The migrant base is distributed to migrant contractors based upon the following formula:

The migrant base is distributed to migrant contractors based upon the following formula starting July 1, 1995: One hundred percent of the migrant base is distributed by the ratio of the contractor's primary health care (PHC) migrant users divided by the total migrant users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's migrant users}}{\text{total of all contractors' migrant users}} \times 100\% \text{ migrant base}$$

NEW SECTION

WAC 182-20-300 Dispute resolution procedures.

The authority shall define dispute resolution procedures in the contract which shall be the exclusive remedy and shall be binding and final to all parties.

NEW SECTION

WAC 182-20-320 Audit review. Contractors shall:

(1) Maintain books, records, documents, and other materials relevant to the provision of goods or services adequate to document the scope and nature of the goods or services provided;

(2) Make the materials in subsection (1) of this section available at all reasonable times with prior notice for inspection by the authority;

(3) Retain these materials for at least three years after the initial contract with the authority;

(4) Provide access to the facilities at all reasonable times with prior notice for on-site inspection by the authority; and

(5) Submit annual reports consistent with the instructions of the authority.

NEW SECTION

WAC 182-20-400 Limitations on awards. Specific to the medical, dental, and migrant base as referenced in WAC 182-20-200 (1)(b), (2)(b), and (3)(b):

(1) Until June 30, 1995:

(a) Any approved contractor shall initially receive no more than one hundred ten percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than ninety percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide ninety percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(2) Between July 1, 1995, and June 30, 1996:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than eighty-five percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide eighty-five percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(3) Between July 1, 1996, and June 30, 1997:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than eighty percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide eighty percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(4) Starting July 1, 1997:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than seventy-five percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide seventy-five percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

WSR 95-08-061
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
(By the Code Reviser's Office)
[Filed April 4, 1995, 8:02 a.m.]

WAC 197-11-200, proposed by the Department of Ecology in WSR 94-19-083, appearing in issue 94-19 of the State Register, which was distributed on October 5, 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 95-08-062
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)
[Filed April 4, 1995, 8:03 a.m.]

WAC 246-861-030, proposed by the Department of Health in WSR 94-19-094, appearing in issue 94-19 of the State Register, which was distributed on October 5, 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 95-08-065
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed April 4, 1995, 12:51 p.m.]

Original Notice.

Title of Rule: Pilotage rates for the Puget Sound pilotage district.

Purpose: To establish a Puget Sound pilotage district annual tariff.

Other Identifying Information: WAC 296-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 5.93% increase in all categories except transportation to be charged for pilotage services in the Puget Sound pilotage district for the 1995 tariff year. Modifications are proposed in such categories as sailing delay, delinquent payment charge and super ships.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, WA, 464-7818.

Name of Proponent: Puget Sound Pilots, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Puget Sound pilotage district expire on June 30, 1995. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Puget Sound pilots would increase the tariff for pilotage services in the Puget Sound pilotage district by 5.93% over the present tariff in all categories except transportation. The sailing delay charge is proposed to double after the first three hours. A reduction from forty-five days to thirty days is proposed under delinquent payment charge. A new classification and title is proposed under super ships.

Proposal Changes the Following Existing Rules: The proposed rule is a 5.93% increase over the existing tariff in all categories except transportation. The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 5.93% increase is clear in the proposed tariff shown below and represents a minor economic impact on shipping costs.

Hearing Location: Eikum Conference Room, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487, on May 18, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by May 15, 1995, (206) 464-7818.

Submit Written Comments to: Larry L. Vognild, Chair, FAX (206) 464-6368, by May 11, 1995.

Date of Intended Adoption: May 18, 1995.

March 31, 1995

Larry L. Vognild
Chair

AMENDATORY SECTION (Amending WSR 94-12-044, filed 5/27/94, effective 7/1/94)

WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ((1994)) 1995, through 2400 hours June 30, ((1995)) 1996.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	((\$ 33.00)) <u>\$ 35.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory.	
Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and bridge charges:	
Ships up to 90' beam:	
A charge of ((\$177.00)) <u>\$187.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma water- ways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ((\$84.00)) <u>\$89.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of ((\$238.00)) <u>\$252.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma water- ways. Any vessel movements required to transit through bridges shall have an additional charge of ((\$167.00)) <u>\$177.00</u> per bridge.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Two or three pilots required:	
In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.	
Compass adjustment	((\$237.00)) <u>\$251.00</u>
Radio direction finder calibration	((\$237.00)) <u>\$251.00</u>

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Launching vessels ((~~\$357.00~~))
378.00

Trial trips, 6 hours or less
(Minimum (~~(\$672.00)~~) \$714.00) ((~~\$112.00~~))
\$119.00
per hr.

Trial trips, over 6 hours (two pilots) ((~~\$224.00~~))
\$238.00
per hr.

Shilshole Bay — Salmon Bay ((~~\$139.00~~))
\$147.00

Salmon Bay — Lake Union ((~~\$109.00~~))
\$115.00

Lake Union — Lake Washington (plus LOA zone from Webster Point) ((~~\$139.00~~))
\$147.00

Cancellation charge LOA Zone I

Cancellation charge — Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.) LOA Zone II

Docking delay after anchoring: ((~~\$112.00~~))
\$119.00
per hr.

Applicable harbor shift rate to apply, plus (~~(\$112.00)~~) \$119.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (~~(\$112.00)~~) \$119.00 for every hour or fraction thereof.

Sailing delay: ((~~\$112.00~~))
\$119.00
per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (~~(\$112.00)~~) \$119.00 for every hour or fraction thereof for the first three hours. Thereafter, the charge is \$238.00 for every additional hour or fraction thereof.

Slowdown: ((~~\$112.00~~))
\$119.00
per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of (~~(\$112.00)~~) \$119.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

~~(Super ships:)~~ Tonnage charges:
0 to 20,000 gross tons:
Additional charge to LOA zone mileage of \$0.0045 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of (~~(\$0.0576)~~) \$0.0610 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be (~~(\$0.0689)~~) \$0.0730 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ((~~\$112.00~~))
\$119.00
per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of (~~(\$112.00)~~) \$119.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile.

Delinquent payment charge: 1 1/2% per month after (~~(45)~~) 30 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
(Up to 449)	167	261	453	678	915	1190
450	172	267	456	688	930	1196
460	176	270	462	699	944	1200
470	181	278	468	714	947	1203
480	186	283	470	728	952	1208
490	189	286	476	740	963	1214
500	198	291	484	750	970	1222
510	201	298	489	760	981	1226
520	204	308	497	764	989	1238
530	211	313	503	772	1005	1250
540	214	317	514	781	1022	1261
550	218	327	517	793	1028	1274

WSR 95-08-066
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed April 4, 1995, 1:30 p.m.]

PROPOSED

560	569	226	340	527	800	1040	1287
570	579	231	344	531	803	1050	1294
580	589	242	351	543	809	1057	1309
590	599	252	357	546	813	1072	1323
600	609	261	368	553	816	1084	1330
610	619	277	371	563	820	1096	1342
620	629	287	376	570	829	1108	1357
630	639	302	384	576	831	1116	1369
640	649	315	392	582	834	1129	1380
650	659	326	400	592	841	1142	1393
660	669	343	404	597	844	1153	1404
670	679	355	414	604	859	1167	1412
680	689	361	423	611	869	1177	1427
690	699	371	429	620	884	1190	1456
700	719	389	443	632	893	1212	1473
720	739	412	456	648	906	1238	1498
740	759	429	476	661	915	1261	1525
760	779	446	494	676	930	1287	1545
780	799	468	515	688	944	1309	1572
800	819	487	531	702	949	1330	1595
820	839	503	549	718	963	1357	1615
840	859	525	572	732	974	1380	1643
860	879	544	592	746	1001	1404	1665
880	899	563	610	760	1023	1427	1690
900	919	580	628	773	1048	1456	1715
920	939	598	648	793	1072	1473	1736
940	959	620	665	804	1096	1498	1759
960	979	635	685	818	1116	1525	1784
980	999	658	702	832	1142	1545	1807
1000 & over	676	726	846	1167	1572	1832	1832
<u>Up to 449</u>	<u>177</u>	<u>276</u>	<u>480</u>	<u>718</u>	<u>969</u>	<u>1261</u>	
<u>450 - 459</u>	<u>182</u>	<u>283</u>	<u>483</u>	<u>729</u>	<u>985</u>	<u>1267</u>	
<u>460 - 469</u>	<u>186</u>	<u>286</u>	<u>489</u>	<u>740</u>	<u>1000</u>	<u>1271</u>	
<u>470 - 479</u>	<u>192</u>	<u>294</u>	<u>496</u>	<u>756</u>	<u>1003</u>	<u>1274</u>	
<u>480 - 489</u>	<u>197</u>	<u>300</u>	<u>498</u>	<u>771</u>	<u>1008</u>	<u>1280</u>	
<u>490 - 499</u>	<u>200</u>	<u>303</u>	<u>504</u>	<u>784</u>	<u>1020</u>	<u>1286</u>	
<u>500 - 509</u>	<u>210</u>	<u>308</u>	<u>513</u>	<u>794</u>	<u>1028</u>	<u>1294</u>	
<u>510 - 519</u>	<u>213</u>	<u>316</u>	<u>518</u>	<u>805</u>	<u>1039</u>	<u>1299</u>	
<u>520 - 529</u>	<u>216</u>	<u>326</u>	<u>526</u>	<u>809</u>	<u>1048</u>	<u>1311</u>	
<u>530 - 539</u>	<u>224</u>	<u>332</u>	<u>533</u>	<u>818</u>	<u>1065</u>	<u>1324</u>	
<u>540 - 549</u>	<u>227</u>	<u>336</u>	<u>544</u>	<u>827</u>	<u>1083</u>	<u>1336</u>	
<u>550 - 559</u>	<u>231</u>	<u>346</u>	<u>548</u>	<u>840</u>	<u>1089</u>	<u>1350</u>	
<u>560 - 569</u>	<u>239</u>	<u>360</u>	<u>558</u>	<u>847</u>	<u>1102</u>	<u>1363</u>	
<u>570 - 579</u>	<u>245</u>	<u>364</u>	<u>562</u>	<u>851</u>	<u>1112</u>	<u>1371</u>	
<u>580 - 589</u>	<u>256</u>	<u>372</u>	<u>575</u>	<u>857</u>	<u>1120</u>	<u>1387</u>	
<u>590 - 599</u>	<u>267</u>	<u>378</u>	<u>578</u>	<u>861</u>	<u>1136</u>	<u>1401</u>	
<u>600 - 609</u>	<u>276</u>	<u>390</u>	<u>586</u>	<u>864</u>	<u>1148</u>	<u>1409</u>	
<u>610 - 619</u>	<u>293</u>	<u>393</u>	<u>596</u>	<u>869</u>	<u>1161</u>	<u>1422</u>	
<u>620 - 629</u>	<u>304</u>	<u>398</u>	<u>604</u>	<u>878</u>	<u>1174</u>	<u>1437</u>	
<u>630 - 639</u>	<u>320</u>	<u>407</u>	<u>610</u>	<u>880</u>	<u>1182</u>	<u>1450</u>	
<u>640 - 649</u>	<u>334</u>	<u>415</u>	<u>617</u>	<u>883</u>	<u>1196</u>	<u>1462</u>	
<u>650 - 659</u>	<u>356</u>	<u>424</u>	<u>627</u>	<u>891</u>	<u>1210</u>	<u>1476</u>	
<u>660 - 669</u>	<u>363</u>	<u>428</u>	<u>632</u>	<u>894</u>	<u>1221</u>	<u>1487</u>	
<u>670 - 679</u>	<u>376</u>	<u>439</u>	<u>640</u>	<u>910</u>	<u>1236</u>	<u>1496</u>	
<u>680 - 689</u>	<u>382</u>	<u>448</u>	<u>647</u>	<u>921</u>	<u>1247</u>	<u>1512</u>	
<u>690 - 699</u>	<u>393</u>	<u>454</u>	<u>657</u>	<u>936</u>	<u>1261</u>	<u>1542</u>	
<u>700 - 719</u>	<u>412</u>	<u>469</u>	<u>669</u>	<u>946</u>	<u>1284</u>	<u>1560</u>	
<u>720 - 739</u>	<u>436</u>	<u>483</u>	<u>686</u>	<u>960</u>	<u>1311</u>	<u>1587</u>	
<u>740 - 759</u>	<u>454</u>	<u>504</u>	<u>700</u>	<u>969</u>	<u>1336</u>	<u>1615</u>	
<u>760 - 779</u>	<u>472</u>	<u>523</u>	<u>716</u>	<u>985</u>	<u>1363</u>	<u>1637</u>	
<u>780 - 799</u>	<u>496</u>	<u>546</u>	<u>729</u>	<u>1000</u>	<u>1387</u>	<u>1665</u>	
<u>800 - 819</u>	<u>516</u>	<u>562</u>	<u>744</u>	<u>1005</u>	<u>1409</u>	<u>1690</u>	
<u>820 - 839</u>	<u>533</u>	<u>582</u>	<u>761</u>	<u>1020</u>	<u>1437</u>	<u>1711</u>	
<u>840 - 859</u>	<u>556</u>	<u>606</u>	<u>775</u>	<u>1032</u>	<u>1462</u>	<u>1740</u>	
<u>860 - 879</u>	<u>576</u>	<u>627</u>	<u>790</u>	<u>1060</u>	<u>1487</u>	<u>1764</u>	
<u>880 - 899</u>	<u>596</u>	<u>646</u>	<u>805</u>	<u>1084</u>	<u>1512</u>	<u>1790</u>	
<u>900 - 919</u>	<u>614</u>	<u>665</u>	<u>819</u>	<u>1110</u>	<u>1542</u>	<u>1817</u>	
<u>920 - 939</u>	<u>633</u>	<u>686</u>	<u>840</u>	<u>1136</u>	<u>1560</u>	<u>1839</u>	
<u>940 - 959</u>	<u>657</u>	<u>704</u>	<u>852</u>	<u>1161</u>	<u>1587</u>	<u>1863</u>	
<u>960 - 979</u>	<u>673</u>	<u>726</u>	<u>867</u>	<u>1182</u>	<u>1615</u>	<u>1890</u>	
<u>980 - 999</u>	<u>697</u>	<u>744</u>	<u>881</u>	<u>1210</u>	<u>1637</u>	<u>1914</u>	
<u>1000 & over</u>	<u>716</u>	<u>769</u>	<u>896</u>	<u>1236</u>	<u>1665</u>	<u>1941</u>	

Original Notice.
 Title of Rule: Radiation protection—Fees, chapter 246-254 WAC, Fees for users of radioactive materials and x-ray registrants.

Purpose: This chapter establishes fees charged for licensing/registering and inspecting services rendered by the Division of Radiation Protection.

Other Identifying Information: WAC 246-254-053, 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-254-120.

Statutory Authority for Adoption: RCW 43.70.110 and [43.70.]250.

Statute Being Implemented: Chapter 70.98 RCW.

Summary: The proposed rule change will revise the current fee schedule for radioactive materials users and x-ray registrants.

Reasons Supporting Proposal: Additional revenue is necessary to make the radioactive materials and x-ray programs self-supporting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: T. R. Strong, Tumwater, 586-8949.

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: In 1982, the legislature authorized and the department instructed its radiation protection program to be funded by self-supporting fees. After a financial review of the program, it is necessary to adjust the fees to reflect actual costs for the period beginning July 1, 1995. Therefore it is proposed to increase the fees to make the radioactive materials and x-ray programs self-supporting.

Proposal Changes the Following Existing Rules: The proposed changes would increase the fees charged to users of radioactive materials.

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: Ellen Haars, Division of Radiation Protection, P.O. Box 47827, Olympia, WA 98504-7827, phone (360) 664-8162, or FAX (360) 753-1496.

Hearing Location: 3rd Floor Conference Room, Melbourne Tower, 1511 Third Avenue, Seattle, WA, on May 12, 1995, at 1:00 to 2:00 p.m.

Assistance for Persons with Disabilities: Contact 1-800-525-0127 ext. 664-2958, TDD (360) 664-0064.

Submit Written Comments to: Ann Foster, Rules Coordinator, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890, FAX (360) 586-7424, by May 12, 1995.

Date of Intended Adoption: May 12, 1995.

April 4, 1995
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending WSR 94-11-010, filed 5/5/94, effective 6/5/94)

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit an eighty-five dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) Ninety dollars for the first tube; and

(ii) ~~((Thirty-seven))~~ Forty dollars for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) Two hundred ~~((forty-four))~~ fifty dollars for the first tube; and

(ii) One hundred ~~((six))~~ twenty dollars for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred ~~((thirty-eight))~~ forty dollars for the first tube; and

(ii) ~~((Thirty-seven))~~ Forty dollars for each additional tube.

(2) ~~((The department shall charge a maximum total fee of five thousand three hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.~~

~~((3) For any facility with a mammographic x-ray machine, add a biennial surcharge of two hundred fifty dollars.~~

~~((4)) A penalty fee of eighty-five dollars shall be charged for late registration or late reregistration.~~

(3) A fee of eighty-five dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.

(4) A penalty fee of eighty-five dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.

(5) X-ray facilities with mixed tube-use (e.g., a hospital with a dental tube or a cabinet x-ray) shall be designated by the department in the use-category with the highest fee and the fee shall be based on the total number of tubes regardless of tube type.

(6) No fee shall be charged in relation to electron microscopes.

AMENDATORY SECTION (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Four thousand ~~((sixty))~~ two hundred forty dollars for operation of a single nuclear pharmacy.

(b) ~~((Six))~~ Seven thousand ~~((nine))~~ two hundred ~~((fifty-five))~~ seventy dollars for operation of a single nuclear laundry.

(c) ~~((Six))~~ Seven thousand ~~((nine))~~ two hundred ~~((fifty-five))~~ seventy dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Two thousand ~~((four))~~ five hundred ~~((forty))~~ fifty dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) ~~Six~~ Six hundred ~~((thirty-five))~~ sixty-five dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Four thousand ~~((six))~~ eight hundred ~~((forty))~~ fifty dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand ~~((two))~~ three hundred ~~((five))~~ dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) ~~((Nine hundred eighty-five))~~ One thousand thirty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) One thousand ~~((eight))~~ nine hundred ~~((fifty-five))~~ forty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand ~~((one))~~ two hundred ~~((fifty-five))~~ ten dollars for a civil defense license.

(k) Three hundred ~~((fifty))~~ sixty-five dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) ~~((Thirteen))~~ Fourteen thousand ~~((nine))~~ five hundred ~~((twenty))~~ forty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Six thousand ~~((three))~~ six hundred ~~((eighty))~~ sixty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Five thousand ~~((two))~~ four hundred ~~((fifteen))~~ fifty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of ~~((eighty-five))~~ ninety dollars for each hour of direct staff time associated with issuing and

maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

AMENDATORY SECTION (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand ~~((seven))~~ eight hundred ~~((ten))~~ eighty dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand ~~((five))~~ six hundred ~~((fifty-five))~~ seventy dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand ~~((two))~~ three hundred five dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand ~~((four))~~ six hundred ~~((seventy-five))~~ thirty dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) One thousand ~~((eight))~~ nine hundred ~~((fifty-five))~~ forty dollars for a license authorizing group ~~((s))~~ VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand ~~((one))~~ two hundred ~~((fifty-five))~~ five dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) One thousand ~~((seven))~~ eight hundred ~~((forty))~~ twenty dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand ~~((three))~~ four hundred ~~((ninety))~~ fifty-five dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand ~~((forty))~~ eighty-five dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) Nine hundred ~~((twenty))~~ sixty dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) ~~((Five))~~ Six hundred ~~((eighty-five))~~ ten dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

AMENDATORY SECTION (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Four thousand ~~((two))~~ four hundred ~~((ninety-five))~~ ninety dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Five thousand ~~((four))~~ seven hundred ~~((sixty))~~ five dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand ~~((six))~~ seven hundred ~~((seventy))~~ ninety dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) ~~((Five))~~ Six hundred ~~((eighty-five))~~ ten dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Six hundred ~~((thirty-five))~~ sixty-five dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Four hundred ~~((five))~~ twenty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand one hundred fifty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) ~~((Five))~~ Six thousand ~~((eight-hundred-thirty))~~ ninety dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Five thousand ~~((one))~~ three hundred ~~((ten))~~ forty dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand six hundred ~~((twenty))~~ ninety dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Two hundred (~~sixty-five~~) eighty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~fifty-eight~~) sixty dollars to the department.

AMENDATORY SECTION (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Two thousand (~~seven~~) nine hundred (~~ninety~~) fifteen dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) One thousand (~~three~~) four hundred (~~ninety~~) fifty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand (~~one~~) two hundred (~~fifty-five~~) five dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Four hundred (~~five~~) twenty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14; or
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Five hundred (~~thirty~~) fifty-five dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie(~~s~~) per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of (~~fifty-eight~~) sixty dollars to the department.

AMENDATORY SECTION (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

WAC 246-254-120 Fees for licensing and compliance actions. (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of (~~eighty-five~~) ninety dollars per hour of direct staff time associated with the follow-up inspection, not to exceed (~~eight~~) nine hundred (~~fifty~~) dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of (~~eighty-five~~) ninety dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand (~~one~~) two hundred (~~twenty-five~~) fifty dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of (~~eighty-five~~) ninety dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand (~~five~~) seven hundred (~~fifty~~) dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of (~~eighty-five~~) ninety dollars per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of (~~eighty-five~~) ninety dollars per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

WSR 95-08-067

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed April 4, 1995, 4:25 p.m.]

Original Notice.

PROPOSED

Title of Rule: Amend WAC 480-93-005 and 480-93-010 relating to definitions and compliance with federal pipeline safety standards. Docket No. UG-950061.

Purpose: Natural gas pipeline safety, bringing state rules into conformity with existing federal rules and adding the definition of master meter.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: For public safety in support of Washington state certification under the Federal Pipeline Safety Law 49 U.S.C. § 60101 et seq. for participation in the federal pipeline safety program.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

Rule is necessary because of federal law, 49 U.S.C. § 60101 et seq.

Explanation of Rule, its Purpose, and Anticipated Effects: Washington state must track federal rules in order to retain its certification under the Federal Pipeline Safety Law 49 U.S.C. § 60101 et seq. to participate in the federal pipeline safety program. Changes in federal rules have been made since the last adoption of state rules, so the changes must be incorporated through a new rule-making procedure. Adding the definition of master meter will clarify what is and what is not a master meter for regulatory purposes under the Washington state statute.

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact statement has not been prepared because the proposed amendment to the rule has minimal impact on the affected businesses.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on May 10, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by April 17, 1995, TTY (360) 586-8203, or (360) 753-6447.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by April 26, 1995.

Date of Intended Adoption: May 10, 1995.

April 4, 1995
Terrence Stapleton
for Steve McLellan
Secretary

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-005 Definitions. (1) **Bar hole** - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **Building** - any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.

(3) **Combustible gas indicator (CGI)** - a device capable of detecting and measuring gas concentrations of the gas being transported.

(4) **Confined space** - any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(5) **Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas** - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures** - those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company** - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line** - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication** - a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.** - the lower explosive limit of the gas being transported.

(12) **Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system** - a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure** - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less

than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192.

((+14)) (15) **Prompt action** - shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

((+15)) (16) **Reading** - a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

((+16)) (17) **Service line** - a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

((+17)) (18) **Transmission line** - a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3.

((+18)) (19) **Tunnel** - a subsurface passageway large enough for a person to enter and within which gas could accumulate.

((+19)) (20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein.

AMENDATORY SECTION (Amending Order R-396, Docket No. UG-930243, filed 9/1/93, effective 10/2/93)

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 191, 192 and 199 in effect on ((+)the date this rule is adopted((+)), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 191, 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.

**WSR 95-08-068
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed April 4, 1995, 4:27 p.m.]

Original Notice.

Title of Rule: Amending chapter 480-146 WAC to conform with legislative changes in chapter 80.08 RCW that reduce the agency's extent of discretion in approving the proposed issuance of securities by regulated utility companies. Docket No. A-950021.

Purpose: To update chapter 480-146 WAC to be consistent with revisions to chapter 80.08 RCW which were passed in the last legislative session.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: Chapter 251, Laws of 1994.

Summary: See Explanation of Rules below.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1994 legislature made changes to chapter 80.08 RCW to allow greater freedom to regulated utility companies to issue securities without having to obtain authorization from the Washington Utilities and Transportation Commission. Changes are proposed to (list sections). The proposal would change the administrative code provisions to conform with the provisions in the amended statute. In addition, they would provide for consistent reporting requirements; minimized paperwork; and edited language for more easy understanding of rule requirements.

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 changes result in a reduction in costs to the regulated industries.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on May 10, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Schlenker by April 17, 1995, TTY (360) 586-8203, or (360) 753-6447.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by April 26, 1995.

Date of Intended Adoption: May 10, 1995.

April 4, 1995
Terrence Stapleton
for Steve McLellan
Secretary

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-010 Filing ((of application)). Applications for orders and statements of securities issuance may be filed at the office of the commission in Olympia, Washington, by mail or in person. ~~((Receipt of same will be acknowledged by the commission.~~

~~The requirements of the rules, regulations and forms set forth herein should be adhered to as closely as the circumstances permit. The commission will cooperate whenever~~

PROPOSED

PROPOSED

~~possible in furnishing such information from the records on file as will assist in the preparation of any application:))~~

Applications and statements will be ~~((recorded))~~ docketed by number and all ~~((additional exhibits and data thereafter))~~ material filed ~~((, and correspondence))~~ in connection therewith should bear ~~((such))~~ that number.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-020 ((Number of copies.)) Requests, applications, and statements. ~~((Applicant shall file with the commission an original application and shall furnish such additional copies as may be requested by the commission:))~~ Any public service company that undertakes to issue stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness shall file a statement with the commission prior to such issuance containing the information required under RCW 80.08.040 (1), (2) and (3). Any company making such a filing may request from the commission a written order affirming that the company has complied with the requirements of RCW 80.08.040. For purposes of this chapter, a request for such an order is termed an application. Unless the context indicates otherwise, references to applications and applicants for an order affirming compliance also include statements of compliance and persons filing such statements.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-030 General contents. Each application shall ~~((set forth and))~~ state fully the facts upon which ~~((the application))~~ it is based and shall be signed by the applicant, a representative of the applicant who is authorized to sign, or applicant's attorney ~~((, dated and duly verified))~~. Each application shall be dated and shall bear a certification that the information is true and correct to the best of the signer's information and belief, under penalties of perjury of the laws of the state of Washington that the foregoing is true and correct.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-050 Material incorporated by reference. ~~((Where))~~ When any documents, data or information required to be filed under these rules ~~((and regulations))~~ are on file with the commission ~~((in connection with other proceedings, in reports or otherwise))~~, it shall be sufficient ~~((if the application shall))~~ to so state and to make specific reference to ~~((said proceedings, reports or other filing. Where any exhibits herein specified do not apply to the authority requested:))~~ the document and to the proceeding, report or other filing containing the referenced information. When any information specified in this chapter is irrelevant to the application so indicate and state the reason. In the event any of the required exhibits or portions thereof cannot be supplied at the time the application is filed, state the circumstances with respect thereto and indicate when ~~((such may))~~ it will be available.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-060 Conditions for public hearing. ~~((Upon the filing of any application the same shall be acted upon as promptly as possible. Such application))~~ The commission will act upon a complete filed application as promptly as possible. It may be considered without a hearing, or, if the commission deems it advisable, a hearing may be held thereon ~~((upon such notice as the commission may provide and at such hearing witnesses may be subpoenaed and shall be sworn and such hearing conducted in the same manner as other hearings before the commission))~~ pursuant to provisions of the Administrative Procedure Act and the commission's procedural rules governing adjudications of brief adjudications.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-070 Procedure for merger or consolidation. If the securities are to be issued by a corporation to be formed by the merger or consolidation of two or more corporations, the ~~((application shall contain the general information and exhibits as required by the form of application hereinafter set forth))~~ filing shall contain the information required under WAC 480-146-080, for each of the corporations to be so merged or consolidated.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-080 Form of securities application. ~~((Applications for authority to issue securities, create liens on property, or assume or guarantee securities as liens, pursuant to the provisions of chapter 151, Laws of 1933, as amended, shall be submitted in the following form with such modifications as the circumstances may render necessary:))~~

~~BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION~~

IN THE MATTER OF THE _____
APPLICATION of (here insert _____) No.
name of applicant) FOR AN _____
ORDER (here insert desired _____) (Number to
authorization or permission, _____) be inserted
thus: "AUTHORIZING THE _____) by secretary
ISSUANCE OF STOCKS OR _____) of the
BONDS: As the case maybe) _____) commission)

Application is hereby made to the Washington utilities and transportation commission for an order authorizing (here insert, "the issuance of securities, the creating of liens, the assumption of obligations or liabilities," as the case may be) pursuant to the provisions of chapter 151, Laws of 1933, as amended. The following general information and specific exhibits are furnished in support thereof:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent if application is submitted by such in behalf of applicant.
4. State or states under which applicant is organized and form of organization (corporation, partnership,

association, firm, individual, etc.). Date of organization and term or duration thereof.

- 5. A general description of the property owned by applicant and the field of its operations.
- 6. If a corporation, the names and addresses of the ten common stockholders of applicant owning the greatest number of shares of common stock and the number of such shares owned by each; also the names and addresses of the ten preferred stockholders of applicant owning the greatest number of shares of preferred stock and the number of such shares owned by each, as follows:

Name and Address

Shares owned

 Common

 Preferred

Percentage of all Shares Issued & Outstanding

 Common

 Preferred

Percentage of Voting Control

- 7. Names and addresses of the officers and directors of applicant.
- 8. Name and address of any affiliated interest (see chapter 152, Laws of 1933 for definition of "affiliated interest"), corporation, association or similar organization which holds control over applicant, and the manner and extent of such control. The amount of each class of securities of applicant owned by such affiliated interest, to best of applicant's knowledge.
- 9. Names and addresses of subsidiary companies, when and where incorporated, classes of stock, shares outstanding, shares owned or controlled by applicant and percentage of voting control represented thereby.

EXHIBIT "A"

A true copy of the articles of incorporation of applicant and all amendments thereto, where applicant is a corporation.

A true copy of the partnership or operating agreement, including the names of all interested parties, where applicant is a partnership, firm, association, etc.

EXHIBIT "B"

Capital Stock Structure

Par Value

Shares Authorized

Shares Issued and Outstanding

Shares Reacquired and held in Treasury Uncancelled

Preferred

Common

Other Evidence

of Interest or

Ownership

- (a) State terms of preferred stock, namely:
 - 1. Cumulative or participating.
 - 2. Voting rights.
 - 3. Redemption provisions.
 - 4. Record of dividend payments during the previous five years.

- 5. If cumulative, state amount of cumulated dividends, if any.
- (b) Common stock:
 - 1. Record of dividend payments during the previous five years.
 - 2. Show all entries made to common stock account from sources other than cash received therefor, and the date of such entries.
- (c) If capitalization consists of evidence of interest or ownership other than stock, describe the same fully.
- (d) State in general terms, in the light of the provisions of chapter 151, Laws of 1933, the purpose or purposes for which each class of stock or other evidence of interest or ownership was issued.

EXHIBIT "C"

A brief description of each mortgage upon any of the property of applicant, as follows:

- 1. Date of execution.
- 2. Name of mortgagor.
- 3. Name of mortgagee or trustee.
- 4. Amount of indebtedness authorized to be secured thereby.
- 5. Amount of indebtedness actually secured.
- 6. Sinking fund provisions.
- 7. Redemption provisions.
- 8. Brief description of the mortgaged property, if other than the entire property described under Item 5 of general information.

EXHIBIT "D"

Long term indebtedness of applicant comprising bonds, debentures, notes or other evidences of indebtedness: (Describe separately if more than one issue).

- 1. Title of issue.
- 2. Date of issue.
- 3. Maturity date.
- 4. Interest rate.
- 5. Interest payment dates.
- 6. Amount of interest paid thereon during last fiscal year.
- 7. Date to which interest was last paid.
- 8. Principal amount authorized.
- 9. Principal amount outstanding.
- 10. Principal amount held in treasury.
- 11. Principal amount in sinking fund or other funds.
- 12. Principal amount outstanding per balance sheet.
- 13. Principal amount held by affiliated interests, if known. (See section 1, chapter 152, Laws of 1933, for definition of "affiliated interests")
- 14. Describe method of operation of sinking fund.
- 15. Amount of unamortized discount and expense.
- 16. If convertible, describe conversion privileges fully.
- 17. If callable, describe call provisions.
- 18. How is issue secured.
- 19. If a note or other evidence of indebtedness other than bonds or debentures, give name of payee or present owner.
- 20. State, in general terms, the purpose for which the securities were issued.

PROPOSED

EXHIBIT "E"

Open account advances or loans from and to affiliated interests: (See section 1, chapter 152, Laws of 1933, for definition of "affiliated interests.")

1. Name of affiliated interest.
2. Purpose for which advances or loans were made.
3. Interest provision.
4. Terms of settlement.
5. Amount of interest paid on such open account during the last fiscal year.
6. Date to which such interest was paid.

EXHIBIT "F"

Detailed unconsolidated balance sheet as of a date not prior to the last day of the third month preceding that in which the application is filed, and a pro forma balance sheet as of the same date giving effect to the issuance of the securities which it is proposed to issue. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "F-1"

(a) Detailed income and profit and loss statement for the twelve months ended as of the date of the balance sheet submitted as EXHIBIT "F," or, if more readily available, for the period since the close of the preceding calendar year.

(b) Reconciliation of surplus account for the period covered by the income and profit and loss statement. Earned surplus should be segregated from other surplus accounts.

EXHIBIT "G"

Description of, and data relating to, proposed securities:

1. The amount and kind of stock or other evidence of interest or ownership which it is desired to issue.
2. If preferred, the nature and extent of the preference, voting rights, redemption provisions, etc.
3. The amount of bonds, notes and other evidence of indebtedness which the applicant desires to issue.
4. The date of issue.
5. The term in years.
6. The rate of interest.
7. Whether and how to be secured.
8. Sinking fund or amortization provisions.
9. If to be secured by a mortgage or pledge, the terms thereof, unless copy of the instrument is submitted with the application.
10. The lowest price at which it is proposed to sell the securities, and the terms of the sale.
11. A true copy of all underwriting or purchase agreements pertaining to the sale of the proposed securities, if available, otherwise an outline of the terms and provisions of such contemplated agreement.
12. A statement showing the names and addresses of all other prospective underwriters or purchasers with whom applicant has negotiated for the underwriting or sale of the proposed securities, and the reasons for favoring the offer or offers which it is proposed to accept.

13. The lowest price at which it is proposed to offer the securities to the public.
14. Underwriting discount, commission, or finder's fee to be paid.
15. Estimated miscellaneous incidental expenses in detail.
16. Estimated net proceeds.
17. A specimen copy of the proposed stock certificate or certificates or other evidence of interest or ownership and/or of the proposed bonds, notes or other evidences of indebtedness, if available.
18. A preliminary draft or a true copy of the proposed mortgage trust deed, escrow agreement, pledge agreement or other document, which is to be used to secure the proposed issue, if available when application is submitted.
19. A certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the issuance of the proposed securities.

EXHIBIT "H"

Statement of the purpose or purposes for which the capital to be obtained by the issue of such stock, bonds, notes or other evidence of interest or ownership, or indebtedness is to be used, and showing the amount to be used severally for the following purposes:

1. Acquisition of property.
2. Construction, completion, extension or improvement of facilities.
3. Improvement or maintenance of service.
4. Discharge or lawful refunding of obligations.
5. The reimbursement of moneys actually expended from income or from any other moneys in the treasury as provided by section 3, chapter 151, Laws of 1933, as amended.

EXHIBIT "I"

If it is proposed to acquire property, submit hereunder:

- (a) If property to be acquired is an operating utility system or unit thereof:
1. A description of the property which is to be acquired.
 2. The historical or original cost thereof and the related accrued depreciation therein. (Estimated in both cases if actual amounts are not known.)
 3. The amount of contributions in aid of construction.
 4. Proposed purchase price and terms of purchase.
- (b) If property to be acquired is of another type:
1. A description of the property which is to be acquired.
 2. Proposed purchase price and terms of purchase.

EXHIBIT "J"

If it is proposed to construct, complete, extend or improve facilities, submit hereunder an outline of general plans and estimates thereof in such detail as is available at the time the application is submitted. Estimates should be arranged, if possible, according to the applicable uniform classification of accounts prescribed by the commission.

EXHIBIT "K"

If it is proposed to improve or maintain service, submit a statement of the reasons why the service should be improved or maintained from capital and show the estimated cost of the undertaking in reasonable detail.

EXHIBIT "L"

If it is proposed to discharge or refund obligations, submit the following information hereunder:

1. The nature and description of such obligations, including the par or stated value thereof, the amount of call premium and the plan for disposing of the same.
2. The amount for which they were originally sold, the net amount of such sale price received by the company, and the general purposes for which the proceeds were used.
3. The amount of unamortized discount and expense and the plan for disposition thereof.

If such obligations consist of or include promissory notes, show the date, amount, term, rate of interest and payee of each note.

If it is proposed to reimburse the treasury for moneys actually expended from income or from any other moneys in the treasury as provided by section 3, chapter 151, Laws of 1933, as amended, state the general purpose or purposes for which such moneys were expended.

EXHIBIT "M"

If it is proposed to assume any obligation or liability as guarantor, indorser, surety or otherwise in respect to securities of others, submit hereunder:

1. The reasons in detail why the applicant desires to assume or guarantee such securities.
2. The amount of other securities of said person, firm or corporation now held, owned or controlled by the applicant.
3. The present market value of the securities to be assumed or guaranteed, and where listed or quoted.
4. A certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed assumption or guarantee of said securities.

EXHIBIT "N"

If such securities are to be issued as a result of a reorganization or merger, submit a copy of the proposed reorganization or merger plan or agreement.

EXHIBIT "O"

Show such other facts, not set forth in preceding exhibits as, in the opinion of applicant, may be pertinent to the application.

WHEREFORE, the undersigned applicant requests that the Washington utilities and transportation commission, make its order granting to such applicant its application, as provided for in chapter 151, Laws of 1933, as amended.

DATED at this day of 19....

.....
(Applicant)

By
Title

STATE OF WASHINGTON)
County of) ss.

....., being first duly sworn, deposes and says that he is (Title) of (name of applicant), the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this day of 19....

.....
Notary Public in and for the state of Washington, residing at

Any public service company requesting a written order affirming that the company has complied with the requirements of RCW 80.08.040 must submit a draft copy of the proposed order which it seeks, and must submit its request to the commission in substantially the following form:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the request) Application
of (insert name of company) for)
an order establishing compliance) Docket
with RCW 80.08.040.)

(Name of Company) hereby requests the Washington utilities and transportation commission to enter a written order establishing compliance with RCW 80.08.040 (1), (2) and (3). The following information is furnished in support of this application:

- (1) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so that the proceeds from any such financing are for one or more of the purposes allowed by chapter 80.08 RCW;
- (2) A description of the proposed issuance including the terms of financing;
- (3) A statement as to why the transaction is in the public interest; and
- (4) Text of a draft order granting applicant's request for an order, including a disk containing the proposed language in a format acceptable to the commission.

Wherefore, the undersigned, an authorized agent of the applicant, requests that the Washington utilities and transportation commission issue its order affirming that the applicant has complied with the requirements of RCW 80.08.040.

The undersigned certifies, under penalties of perjury as provided in RCW 9.xxx.yyy, that he or she has read the foregoing application and knows the contents thereof and that the same are true to the best of his or her own knowledge or belief.

PROPOSED

PROPOSED

Dated at . . . this . . . day of . . . , . . .

(Applicant)

By
Title +

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-200 Minimum time required for commission order. Except as provided in WAC 480-146-210 and 480-146-220, every ~~((formal application made to the commission by public service companies, under the provisions of chapters 80.08 and 81.08))~~ application for a written order under the provisions of chapter 80-08 RCW, shall ~~((henceforth))~~ be filed with the commission at least 15 working days prior to the date when an order of the commission is desired ~~((by the applicant in the proceeding said))~~. The fifteen-day period ~~((of 15 working days))~~ shall begin ~~((as of the date))~~ only when the applicant has completed the filing of all the information and exhibits required by the commission's rules ~~((and regulations))~~ relating to such ~~((formal))~~ applications.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-210 Supplemental filings exempt from time limitations. WAC 480-146-200 shall apply to all supplemental applications requesting an order except those which are filed (1) to comply with the provisions of a previous order of the commission, or (2) to obtain authority to modify the terms and conditions under which a previous order of the commission was entered, or (3) to request that technical flaws of a previous order be corrected.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-146-220 Waiver of time limitations. The commission may, in its discretion, waive the provisions of WAC ~~((480-146-220))~~ 480-146-200 when required by a genuine emergency. Applicants ~~((desiring))~~ requesting such a waiver may be required to submit a written statement clearly indicating the nature of the emergency, the reason why emergency relief is needed and the nature and extent of any hardships that may be suffered in the event an order of the commission is not entered on or before a designated date.

NEW SECTION

WAC 480-146-230 Reporting of securities transactions. (1) Within thirty days after the issuance of stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, each public service company shall file with the commission a letter setting forth the final terms and conditions of the transaction.
(2) By April 1 of each year, every gas company, every electrical company, and every local exchange company serving more than fifty thousand access lines in Washington, as defined in RCW 80.04.010, that has issued securities during the prior calendar year, shall file with the commission

an annual securities transaction report containing final agreements and describing the use of proceeds, level of expenses and impacts on capital structure and pro forma cost of money for each of the securities transactions for the prior year ended December 31.

(3) Any public service company not required to file the annual report specified in subsection (2) of this section, shall maintain its records in a way allowing it to provide the information referenced in subsection (2) of this section on an annual basis, upon request of the commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-146-100 Notes with combined twelve months maturity exempt.

WSR 95-08-071
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 5, 1995, 8:23 a.m.]

The Department of Social and Health Services would like to withdraw WAC 388-511-1130, SSI-related income availability. Medical assistance administration filed WAC 388-511-1130 as a proposal with the Office of the Code Reviser under WSR 95-06-072 on March 1, 1995.

WSR 95-08-072
PROPOSED RULES
SECRETARY OF STATE
[Filed April 5, 1995, 8:48 a.m.]

Original Notice.

Title of Rule: Chapter 434-120 WAC, Charitable solicitation organizations and charitable trusts.

Purpose: To promote clarity and to conform to statutes by amending WAC 434-120-300, 434-120-305, 434-120-310, 434-120-330; 434-120-335; and adding new sections WAC 434-120-315 and 434-120-317.

Statutory Authority for Adoption: Chapter 19.09 RCW, Charitable solicitations, chapter 11.110 RCW, Charitable trusts.

Statute Being Implemented: Chapter 19.09 RCW, Charitable solicitations, chapter 11.110 RCW, Charitable trusts.

Reasons Supporting Proposal: There have been many requests from constituents to clarify the rules and the amendments also bring the WAC into compliance with statute.

Name of Agency Personnel Responsible for Drafting: Karen Dick, Corporations, 505 East Union, Floor 2, Olympia, (360) 753-7115 ext. 257; Implementation and Enforcement: Linda Mackintosh, 505 East Union, Floor 2, Olympia, (360) 753-2896.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-120-300, describes who needs to register as a charitable trust; WAC 434-120-305, sets guidelines for timing of registration; WAC 434-120-310, explanation of how to register and content of form; WAC 434-120-330, description of annual fees, combined and noncombined. Clarification only; WAC 434-120-335, describes when annual reports should be filed for a charitable trust; and new sections WAC 434-120-315, isolates, for clarity, description of who is exempt from annual reporting; and WAC 434-120-317, sets out conditions for abbreviated reporting for qualified trusts. This will eliminate the need for some charities to register as trust.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. No impact to small businesses.

Hearing Location: Office of Secretary of State, Legislative Building, Olympia, WA 98504, on May 10, 1995, at 8:30 - 10:00 or longer if needed.

Assistance for Persons with Disabilities: Contact Barbara Siemion by May 5, 1995, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Karen Dick, 505 East Union, Olympia, WA 98504-0234, FAX (360) 586-8781, by May 1, 1995.

Date of Intended Adoption: May 11, 1995.

April 4, 1995

Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-300 Who shall register. (1) Any trustee as defined in RCW 11.110.020 holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the office of the secretary of state, corporations division.

(2) Exempt from registration under the Trust Act are the following:

(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;

(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices including but not limited to:

(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or

(ii) Any officer of a religious body holding property for religious purposes;

To be exempt under this act, a newly formed religious body, or subsidiary organizations, as described in subsection (2)(~~(e)~~)(d) must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must (~~(file)~~) register the trust immediately.

(~~(3)~~) (d) Nonprofit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-305 When to register. (~~(Any trustee required to file under this act must file a copy of the instrument establishing title, powers, and duties and an inventory of the assets of the trust.)~~)

(1) A trustee of a charitable or mixed purpose trust must (~~(file)~~) register within two months of receiving control of the body of the trust.

(2) A trustee (~~(or the life tenant)~~) of a trust in which the only property held for a charitable purpose is a vested charitable remainder preceded by a ((term or)) life estate or other present interest must ((file)) register within two months ((of the termination of the term or life estate or when trust income or principal is authorized or required to be used for a charitable purpose, whichever comes first)) after commencement of the life estate or other present interest.

(~~(4)~~) (3) A trustee of an instrument containing only contingent gifts or remainders to charitable purposes, shall (~~(file)~~) register within two months of the authorization or requirement to use the trust principal or income for a charitable purpose.

(~~(Trustees exempt from reporting under RCW 11.110.073 shall file, in addition to the requirements listed, a copy of the declaration of the federal income tax exempt status, if one is required under federal tax law, or other basis for the claim for exemption and annually, a copy of each publicly available United States tax or information return or report of the trust that is filed with the Internal Revenue Service. As described in statute, these shall include banks or trust companies that are acting as trustees and are subject to examination by a state or federal government body; the governing bodies of nonprofit community foundations or other nonprofit foundations incorporated for charitable purposes, which may accept tax exempt contributions; or governing bodies of hospitals that are nonprofit and charitable, unless formed pursuant to or in connection with existing charitable trusts.)~~)

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-310 How to register—Form. Charitable trusts using the assets for charitable purposes and registering under the trust act shall use the (~~(combined charitable organization.)~~) charitable trust(~~(, and public benefit)~~) form available in the corporations division (~~(or may~~)

~~provide the required information, under oath, typically sectioned exactly in the following manner:))~~

(1) ~~((Section I.))~~ The name, address, and telephone number of the charitable trust, foundation, corporation, or trustee and the type of instrument creating or governing the organization, corporation, or trust, the date of the governing instrument, and the location where it is filed;

(2) ~~((Section II.))~~ The names and addresses of the trustees or corporate officers and directors;

(3) ~~((Section III.))~~ The purpose of the charitable trust; the names and addresses of beneficiaries or the selected group of persons (class or classes) or activities which the charitable trust designates;

(4) ~~((Section IV.))~~ Whether or not the trust has a federal Internal Revenue Service tax exempt status or Washington state real or personal property exemptions, and the basis for each exemption. Attach a copy of the application for federal tax exempt status, or the declaration of this status if granted by the Internal Revenue Service under 26 U.S.C. 501 (c)(3), and a copy of the application for exemption from the state of Washington;

(5) ~~((Section V.))~~ An inventory with a description and value of the charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the trust. An audited statement made according to GAAP may be submitted to comply with this section only. Include the name and address of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable trust;

(6) ~~((Section VI.))~~ The titles of the trust instruments or articles of incorporation, copies of which must be attached to the registration report; and

(7) ~~((An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.))~~

All charitable solicitation trust registrations shall be signed by the responsible trustee or president, treasurer, or comparable officer of the organization.

A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

NEW SECTION

WAC 434-120-315 Exemption from annual reporting. Trustees exempt from the annual reporting requirement of RCW 11.110.070 and WAC 434-120-320 because of RCW 11.110.073 shall file:

(1) At the time of registration or qualifying for the exemption, a copy of the declaration of the federal income tax-exempt status, if one is required under federal tax law, or other basis for the claim for exemption; and

(2) Annually, a copy of each publicly available United States tax or information return or report of the trust that is filed with the Internal Revenue Service.

NEW SECTION

WAC 434-120-317 Abbreviated reporting for qualifying trusts. (1) Any trustee may file an abbreviated annual report under this section if:

(a) The report is filed on behalf of a charitable organization, properly registered with the secretary of state under chapter 19.09 RCW, that at the time of reporting:

(i) Retains in trust no more than ten percent of the proceeds of charitable solicitations, net of all deductions or exclusions reported under chapter 19.09 RCW;

(ii) Retains in trust no more than twenty-five thousand dollars in income-producing assets; or

(b) The total value of all trust assets never exceeded five thousand dollars during the reporting year.

(2) An abbreviated annual report shall state the facts satisfying either subsection (1)(a) or (b) of this section, upon a form filed with the secretary of state. The report shall be signed under oath and executed by one or more trustees or an officer of the corporation, association, or organization.

(3) Trustees reporting under this section shall be included on the register of trustees, pursuant to RCW 11.110.050. The trustee may, optionally, provide information for inclusion in the register that is not otherwise required by this section, but that is included as to other trustees.

(4) Nothing in this section shall be construed to exempt qualifying trustees from any provision of law other than the annual reporting requirements under chapter 11.110 RCW. This section does not relate to initial registration under WAC 434-120-300.

(5) Organizations shall use the abbreviated trust form location in the corporations division.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-330 Annual fees. (1) Charitable trusts registering for the first time shall pay a fee of twenty-five dollars. If an organization files a noncombined renewal, the fee shall be twenty-five dollars. When renewal is combined with filing an annual nonprofit corporation report the fee shall be twenty-five dollars. If an organization simultaneously files renewals under the Nonprofit Corporations Act, the Charitable Solicitations Act, and the Charitable Trust Act, the annual renewal fee shall be thirty dollars for all three, or if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report, the fee shall be thirty dollars for all four.

(2) For all expedited in-person service, the fee is twenty dollars for one or more transactions within one charitable trust file.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-335 When to file annual reports. (1) Annual reports or other information required to be filed annually by WAC 434-120-315, shall be filed at the same time as renewal or annual reports of corporation status or as charitable solicitation annual reports. If the trust is not registered under any of the corporation acts or the Charitable Solicitations Act, the annual report shall be filed by the last day of the same month of each year (the anniversary date)

as the original charitable trust (filings) registration with the secretary of state.

(2) Annual reporting of trusts for several or mixed purposes, or in which the only property to be used for charitable purposes consists of a vested or contingent charitable remainder, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

WSR 95-08-073
PROPOSED RULES
SECRETARY OF STATE
 [Filed April 5, 1995, 8:51 a.m.]

Original Notice.

Title of Rule: Chapter 434-120 WAC, Charitable solicitation organizations and charitable trusts.

Purpose: To promote clarity and to conform to statutes by amending WAC 434-120-025, 434-120-105, 434-120-125, 434-120-130, 434-120-140, 434-120-145, 434-120-215, 434-120-255, 434-120-260 and 434-120-265; and adding new sections WAC 434-120-103, 434-120-200, and 434-120-218.

Statutory Authority for Adoption: Chapter 19.09 RCW, Charitable solicitations.

Statute Being Implemented: Chapter 19.09 RCW, Charitable solicitations.

Reasons Supporting Proposal: There have been many requests from constituents to clarify the rules; the amendments bring the WACs into compliance with statute.

Name of Agency Personnel Responsible for Drafting: Karen Dick, Corporations, 505 East Union, Floor 2, Olympia, (360) 753-7115 ext. 257; Implementation and Enforcement: Linda Mackintosh, 505 East Union, Floor 2, Olympia, (360) 753-2896.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-120-025, list of definitions for chapter 434-120 WAC; WAC 434-120-105, description of the content of registration form and solicitation report; WAC 434-120-125, explanation of length of time which records an organization is to keep on file, in-house; WAC 434-120-130, description of contents of financial statements and required standards of review. This is a clarification of existing rules with one added level of review; WAC 434-120-140, description of timing of original registrations and renewals; WAC 434-120-145, lists fees for registration and other services; WAC 434-120-215, description of content of commercial fundraiser registration form and registration requirements; WAC 434-120-255, description of content of commercial fundraiser financial statements and levels of financial review by an independent CPA; WAC 434-120-260, describes which commercial fundraisers will need surety bonds; WAC 434-120-265, describes exemptions from surety bonds; and new sections WAC 434-120-103, this lists the required filings for charitable organizations. It will help to ensure all documents have been completed; WAC 434-120-200, this lists the required filings for commercial fundraisers. It will help to ensure all documents have been completed; and WAC 434-120-218, this rule clarifies and isolates instructions regarding

solicitation reports by commercial fundraisers who subcontract. There has been much confusion on the part of the fundraisers because the current rule is not clear.

Proposal Changes the Following Existing Rules: WAC 434-120-025, defined "revenue" and added definitions from statute for clarity; WAC 434-120-105, the forms will collect more information than previously requested. Financial information will [be] taken from the IRS 990 Form. Small organizations will no longer be required to report financial information unless total annual revenue exceeds \$25,000 and the first year the revenue drop below \$25,000. New organizations will report actual earnings of the entity's first six months of operation instead of estimating future earnings at initial registration; WAC 434-120-125, all financial reporting information will be covered under WAC 434-120-105, instead of this section. This will contain an explanation of the length of time an organization is required to keep records on file, in-house; WAC 434-120-130, organizations whose annual revenue is more than \$100,000 but less than \$350,000 will be required to obtain a financial review by an independent CPA; WAC 434-120-145 Fees, the photocopy fee is less and the combined fee for four registration types is listed; WAC 434-120-215, commercial fundraisers will be required to give additional information about the organization. A solicitation report for the first quarter of operation will be required of new organizations instead of the estimates currently required.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. No impact on small business.

Hearing Location: Office of the Secretary of State, Legislative Building, Olympia, WA 98504, on May 10, 1995, at 8:30 - 10:00 or longer if needed.

Assistance for Persons with Disabilities: Contact Barbara Siemion by May 5, 1995, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Karen Dick, P.O. Box 40234, Olympia, WA 98504-0234, FAX (360) 664-8781, by May 1, 1995.

Date of Intended Adoption: May 11, 1995.

April 4, 1994 [1995]

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-025 Definitions. (1) "Charitable organization" (~~as defined in RCW 19.09.020(2) shall be referred to as "charitable organization" or "organization" for the purposes of these regulations~~) means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). ~~((When the purpose(s) is to distribute exclusively to individuals or organizations expressly named in the governing instrument, it is not a charitable trust for the purposes of these regulations.))~~ The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Compensation," ~~((defined in RCW 19.09.020(3), for the purposes of these regulations))~~ means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation shall not include reimbursement for expenses incurred and documented or noncash awards or prizes, valued at one hundred dollars or less, given annually to each volunteer.

(4) Revenue means all proceeds from charitable solicitations or from similar activities which would be charitable solicitations except that they are exempt from chapter 19.09 RCW by virtue of being regulated by the gambling commission.

(5) "Solicitation," means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization; or

(d) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(6) "Solicitation," as defined in RCW 19.09.020(15), for the purposes of these regulations, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. This includes, but is not limited to, admission to a theatrical or other performance presented by a charitable organization that is a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission ~~((RCW 19.09.020))~~.

(7) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. Cost of solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services

resold by the organization as part of its fund-raising activities.

(8) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits, receives or raises contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a "commercial fund-raiser" or "commercial fund-raising entity":

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives or raises any contribution for or on behalf of any such charitable organization; or

(b) A bona fide officer or other employee of a charitable organization.

NEW SECTION

WAC 434-120-103 Required filings. (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Uniform Registration Statement - Charitable/Public Benefit Form. This form is used as an original registration form, as well as a periodic renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075; and

(b) Solicitation report. This form is filed periodically by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. Solicitation reports are filed as part of a periodic renewal, and as provided by WAC 434-120-105(4) for newly registered organizations; and

(c) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-105 Form. (1) Charitable organizations registering under this act shall use the ~~((combined charitable organization, charitable trust, and public benefit form))~~ Uniform Registration Statement - Charitable/Public Benefit Form available ~~((in the office of))~~ from the corporations division ~~((or shall provide, by letter, the required information organized and topically sectioned in exactly the following~~

manner)). The Secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. A registration form is not complete, and will not be accepted for filing, unless it includes:

~~((1) Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.~~

~~(2) Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.~~

~~(3) Section III.)) (a) The organization's name, address, telephone number, employee identification number (EIN), telephone and FAX number(s), and all names and addresses of other offices, chapters, branches, and affiliates and all names and addresses including without limitation all public or private postal box addresses under which contributions are solicited.~~

~~(b) If incorporated, it will be necessary to give the corporate name, unified business identifier number, state and date of incorporation, and end date of current fiscal period. If the organization is not incorporated, the type of organization and date established.~~

~~(c) The explanation of past, future or current legal actions if applicable, in relation to solicitations, registration, or against officers, directors, or executives. Applicable legal actions shall include any administrative or judicial proceeding in which compliance with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, or recordkeeping has been an issue, whether such action was instituted by a public agency or a private person or entity.~~

~~(d) A list of all agencies and states where the organization is registered, including dates of registration, registration numbers, and any other names under which the organization is currently registered or has been registered in the past.~~

~~(e) The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.~~

~~((4) Section IV.)) (f) Whether or not the organization has a federal income tax exempt status, and, if so, the basis. Attach a copy of the letter or other written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable organization.~~

~~((5) Section V. A financial statement in the form of a solicitation report, which includes the following information:~~

~~(a) From a newly formed entity that has not completed its first accounting year, the annual budget expenditures approved by the board of directors or other responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or from an entity that has completed one or more accounting~~

~~years but has not previously registered under this act, its actual expenditures from the preceding fiscal year, and its proposed budget for the coming fiscal year; and~~

~~(i) The number and types of solicitations planned; and~~

~~(ii) From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;~~

~~In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.~~

~~(b) From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:~~

~~(i) The number and types of solicitations conducted;~~

~~(ii) The total dollar value of gross revenue received from solicitations conducted by or on behalf of the organization and from all other sources (including revenue from activities regulated by the gambling commission) received, which must equal the total revenue of the organization;~~

~~(iii) A solicitation report that contains the gross revenue applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-125, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity, who is not a bona fide employee, as defined in RCW 19.09.020(1), for fund raising services; and~~

~~(iv) The name, physical address, and telephone number of any commercial fund raiser used by the organization.~~

~~A parent organization may file a consolidated solicitation report when registering including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. Alternatively, it may file a single combined solicitation report including funds raised by all such units of the parent organization and listing the individual names of all units who raised five thousand dollars or more in the preceding year.~~

~~(6) Section VI.)) (g) Names and addresses of all individuals responsible for the accounting, custody or caretaking of records and funds for the charitable organization.~~

~~(h) A listing of outside nonsolicited income sources. If outside professionals were used, the amount paid during the previous year.~~

~~(2) For purposes of preparing the solicitation report required by RCW 19.09.075 (7)(d) the following information shall be included by organizations with an aggregate annual revenue of twenty-five thousand dollars or more including all funds raised on behalf of the organization. A solicitation report shall also be filed covering the first year the annual revenues fall below the twenty-five thousand dollar threshold. A parent organization's total revenue must include all contributions raised by all other names under which it solicits. The charitable organization's solicitation report is available from the corporations division. The solicitation report requires information including, but is not limited to, the following:~~

~~(a) Financial information from Internal Revenue Form 990 or 990-PF must be used as a worksheet. The Uniform Registration Statement - Charitable/Public Benefit Form will reference specific line items on the Internal Revenue Forms to be used for the required financial information.~~

(b) A parent organization may file a consolidated solicitation report which includes the financial information for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington.

(c) A signed statement from the entity who prepares (compiles), reviews, or audits the financial statement (who is listed under the requirement of WAC 434-120-105(4)) described in WAC 434-120-130 attesting that the figures of the solicitation report have been prepared according to generally accepted accounting principles and are consistent with the organization's annual financial statement; and a written list of the copies of any annual or periodic reports on file that were made by the charitable organization and its subsidiaries, or affiliates, if any, which substantiate the figures; and

((7)) (d) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.

(3) Charitable organizations which did not retain a commercial fund-raiser during the reporting year, and whose charitable solicitations produced less than twenty-five thousand dollars in gross revenues during the reporting year, and which have no officers, directors, employees or independent contractors who receive compensation, shall not be required to file a solicitation report unless the organization is required to file under subsection (2) of this section.

(4) If the charitable organization has not conducted solicitations before it registers, it may not estimate the figures but shall file a new registration form no later than the end of the seventh month after registering which provides a complete solicitation report with actual figures from the first six months after registering.

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, the person responsible for the organization, whose signature shall be notarized.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-125 ((Financial reporting adjustments.)) Record retention. ((For purposes of preparing the solicitation report required by RCW 19.09.075(7) and WAC 434-120-105(5)(b)(iv) the following information shall be included:

(1) A charitable organization financial report shall show the surplus, fund balance, general reserve, or similar account from the previous year. The report should note whether any or all of this money was expended in the current year and how.

(2) Funds irrevocably reserved to a capital acquisition or other legally binding reserve account shall be reported as disbursed for the stated purpose in the year of deposit to the reserve account. These funds shall not be reported as expended when withdrawn or liquidated from the reserve account at a later date.

(3) A charitable organization shall consolidate all expenses into the following three categories: direct expenses and administrative or indirect expenses as determined by GAAP; the total of the "reasonable purchase price(s) to the organization of any tangible goods or services resold by the organization as part of its fund raising activities" as de-

scribed in RCW 19.09.020(5); and amount paid to and to be paid to commercial fund raisers. These shall be subtracted from the gross amount of annual contributions collected. Compute the information in the following manner:

(a) Determine the total annual gross revenue (TGR);

(b) From the TGR subtract the total of all purchases made for resale;

(c) From the balance remaining after completing (b), subtract the amounts paid to commercial fund raisers;

(d) From the balance obtained in part (c) subtract the costs of solicitation described in RCW 19.09.020(5), which are comprised of the direct expenses and indirect or administrative expenses of the organization (excluding amounts paid to commercial fund raisers). The final result is the net revenue.

(e) Subtract from the net revenue the amount expended directly for charitable purposes or distributed to other charitable organizations and the amount reserved for future use showing each as a separate line item.

(f) Compute the percentage of funds raised that were directed to charitable purposes. Use the amount of money directed toward the charitable purposes as a percentage of the TGR in step (a) or, if there were purchases made for resale, as a percentage of the figure obtained in step (b).

(3)) Organizations shall keep, for a three-year period, the annual ((financial)) solicitation reports and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, making them available to the attorney general or county prosecutor on request.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-130 ((Auditing standards and requirements.)) Financial statements. (1) A charitable organization ((s solicitation report shall be signed by the following entities who attest that the figures are consistent with the annual financial statement)) required to file a solicitation report shall have a financial statement prepared. This statement shall include, in addition to any other information necessary to demonstrate that the figures presented on its solicitation reports are true and correct, at least the following:

(a) The gross amount of the contributions pledged and the gross amount collected;

(b) The amount thereof, applied to charitable purposes represented together with details as to the manner of distribution as may be required;

(c) The aggregate amount paid and to be paid for the expenses of such solicitation; and

(d) The amounts paid to and to be paid to or retained by commercial fund-raisers or charitable organizations.

(2) Such statements shall conform to the following standards:

((1)) (a) Those with ((a)) an annual gross revenue of ((less than three hundred fifty thousand dollars a year)) less than one hundred thousand dollars, shall ((submit an annual solicitation report)) maintain a financial statement signed by the president and treasurer, or absent a board of directors and officers, two persons responsible for the organization, and ((the)) any other entity listed in the registration form as

required by WAC 434-120-105(~~((4))~~) (2)(c) who prepared the financial statement (~~(or made the compilation, review, or audit report)~~) that supports the solicitation report; and

~~((2))~~ (b) Those having a gross revenue of ~~(more than three hundred fifty thousand dollars annually, shall submit an annual solicitation report signed by the president, treasurer, and the entity listed in the registration form according to WAC 434-120-105(4) who made the "audit report" of the solicitation report)~~ one hundred thousand to three hundred fifty thousand dollars annually, shall have performed, a financial review by an independent certified public accountant; and

(c) Those having a gross revenue of more than three hundred fifty thousand dollars annually, shall have performed, according to generally accepted accounting principles, an audit by an independent certified public accountant.

(3) Upon the written request of the ~~((secretary;))~~ attorney general~~(;)~~ or county prosecutor, an organization shall submit ~~((an audit report))~~ its financial statement for the year requested within ~~((thirty))~~ ten working days from the date of request.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-140 How and when. (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation;

(2) Annual renewal:

(a) An entity shall renew its charitable ~~((organization))~~ registration at the same time as it submits its annual corporation renewal or nonprofit annual report, or, if not a corporation, the last day of the same month of the year as the entity's original registration for charitable solicitation purposes.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075. The solicitation report will be based on the ~~((most recently completed fiscal year or))~~ most recent filing with the Internal Revenue Service~~((; whichever was prepared or filed later))~~ or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) The renewal cycle shall begin on July 1, 1994, for all organizations whose corporation renewal is due July 1, 1994, or later in the year. All charitable organizations whose corporation renewal comes due in the months of January through June shall renew in the new cycle beginning January 1995. The 1994 renewal shall be effective, without additional fees, until the new 1995 renewal date.

(3) Organizations not required to file a solicitation report with the secretary, may renew registrations every other year unless revenue is more than twenty-five thousand dollars in the previous registration or renewal period.

~~((3))~~ (4) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, or Washington representative or any

other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. The fee shall be waived for those who first register under this act at the same time as filing nonprofit incorporation papers.

(2) Annual reregistration: Organizations reregistering shall pay a fee of ten dollars. If reregistering at the same time as filing nonprofit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the Nonprofit Corporation Act, the Charitable Solicitations Act, and the Charitable Trusts Act, the fee shall be thirty dollars for all three. The fee shall be thirty dollars if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-220(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is ~~((ten))~~ five dollars.

(5) Expedited service fees: For in-person service at the counter, the fee is twenty dollars for one or more transactions in each charitable organization file requested.

NEW SECTION

WAC 434-120-200 Required filings. (1) A commercial fund-raiser complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Commercial fund-raiser registration form. This form is used as an original registration form, as well as an annual renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.079;

(b) Solicitation report. These reports are filed periodically by all commercial fund-raisers, except those exempted by these rules. The purpose of these reports are to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. These reports must be filed in the time and manner specified in WAC 434-120-215;

(c) All surety bonds required by WAC 434-120-260; and

(d) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

AMENDATORY SECTION (Amending WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94)

WAC 434-120-215 Form. Commercial fund-raisers registering under ~~((the))~~ this act shall use the commercial fund-raiser registration form available ~~((in the Office of))~~ from the corporations division ~~((or may provide the required information typically sectioned in the exact following manner)).~~ The secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. A registration form is not complete, and will not be accepted for filing, unless it includes:

~~((1) Section I-))~~ (a) The organization's name, physical and mailing address, and telephone number of the commercial fund-raising entity((s)) and all names and addresses including without limitation all public or private postal box addresses under which contributions are solicited.

(b) The name(s)((s)); address(es)((s)); and telephone number(s); of the individual(s); responsible for the activities of the entity in Washington; and a list of the states and Canadian provinces in which the entity has solicited funds;

(2) ((Section II-)) The ((name, address)) name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity; and the names and last annual compensation of the three officers or employees receiving the greatest amount of compensation from the organization, including deposits into bank accounts which are wholly or partially owned or controlled by the fund-raiser or other entity but which deposits are intended as compensation for the officer or employee;

(3) ((Section III-)) The name and address of the entity that prepares((, compiles)), reviews, or audits the financial statement ((in the form of a solicitation report));

(4) ((Section IV-))

(a) For an entity that has never before registered under the solicitations act, ((a financial statement in the form of)) a solicitation report based on the aggregate financial fund-raising conducted in other states or, if an accounting year has not been completed in any state, ((a realistic, good-faith estimate of anticipated revenue, expenditures, and distributions to charitable organizations based on contracts in existence; and for a reregistrant a solicitation report based on the most recently completed fiscal year. The report shall contain the following information:

(i) The number and types of fund-raising services to be conducted;

(ii) The name of each charitable organization to whom this entity will provide fund-raising services;

(iii) The name, address, and telephone number of any other commercial fund-raiser to be retained in the conduct of providing fund-raising services;

The commercial fund-raiser who has not registered under this act before and filing)) a solicitation report ((based on estimates, shall file-)) filed by the end of the ((seventh)) fourth operating month which reports actual financial information regarding the organization's first three months

of operations in Washington, a ((six)) three-month report containing actual financial information.

(b) For ((reregistrants, a financial statement in the form of)) those who have previously conducted solicitations in Washington state, a solicitation report based on the previous accounting year. The report shall contain the following information:

(i) The number and types of fund-raising services conducted;

(ii) The name of each charitable organization to whom this entity has provided fund-raising services;

(iii) The total value of contributions received on behalf of each charitable organizations by or as response to the commercial fund-raiser, its affiliate or another entity retained by the commercial fund-raiser;

(iv) The actual amounts of money raised for each charitable organization after the fund-raising costs paid by each charitable organization has been deducted in accordance with the written agreement made prior to the solicitation;

(v) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

(5) ((Section V-))

(a) For funds that were raised and paid on a net revenue basis to each contracting organization or for each campaign in which the charitable organization paid any portion of the expenses, ((a financial statement in the form of)) a solicitation report consistent with the audited annual financial statement signed by the entity who is listed as required by subsection (3) of this regulation; or

(b) For funds that were raised and paid on a percentage of gross revenue basis, ((a financial statement in the form of)) a solicitation report, which shows the total revenue from each campaign conducted for each individual organization and the amount received by each charitable organization. This report must be verified and signed by the entity, who is required to be listed in subsection (3) of this section, and the president or treasurer of the charitable organization for ((whom)) which the funds were raised. The fund-raiser shall submit individual solicitation reports for each campaign.

(6) ((Section VI-)) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.

All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

NEW SECTION

WAC 434-120-218 Solicitation reports by commercial fund-raisers who subcontract. (1) A commercial fund-raiser who engages another registered commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of

the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, must independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

AMENDATORY SECTION (Amending WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94)

WAC 434-120-255 (~~(Auditing standards.)~~) **Financial statements.** (1) Each commercial fund-raiser (~~shall make one or more annual~~) required to file solicitation reports (for each campaign conducted or in which it participated, whether engaged by another commercial fund-raiser or by a charitable organization to solicit or conduct a solicitation. Each solicitation report shall be signed by the entity listed under WAC 434-120-215(3), who attests that the figures are consistent with the annual financial statement:

(+) shall have an annual financial statement performed, according to generally accepted accounting principles. This report shall include, in addition to any other information necessary to demonstrate that the figures presented on its solicitation reports are true and correct, at least the following:

(a) The gross amount of the contributions pledged and the gross amount collected;

(b) The amount thereof, applied to charitable purposes represented together with details as to the manner of distribution as may be required;

(c) The aggregate amount paid and to be paid for the expenses of such solicitation; and

(d) The amounts paid to and to be paid to or retained by commercial fund-raisers or charitable organizations.

(2) Such statements shall conform to the following standards:

(a) Those whose solicitations or offers to solicit result in less than three hundred fifty thousand dollars from all contributions made on behalf of charitable organizations in Washington shall have (on file for three years the complete compilation, review, or audit report of the financial statement that was filed in the form of a solicitations report and signed by the entity named as required by WAC 434-120-215(3).

(2)) performed a financial review by an independent certified public accountant; or

(b) Those whose total solicitations and offers to solicit result in more than three hundred fifty thousand dollars from all contributions made on behalf of charitable organizations in the state of Washington shall have (on file an audit report of the financial statement that was filed in the form of a solicitation report and signed by the entity named as required by WAC 434-120-215(3).

(3)(a) A commercial fund-raiser who engages another commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for and shall include the total contributions and the total expenses related to that campaign in its solicitations report of that campaign.

~~(b) If a reporting commercial fund-raiser's contributions and expenses for a campaign are included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.~~

~~The annual financial statement in the form of a solicitation report, as verified in accordance with the auditing standards, shall be filed with the application required in WAC 434-124-215.~~

~~(4) Upon written demand by the secretary, the attorney general, or the county prosecutor, a commercial fund-raiser shall submit an audit report for the year requested within thirty working days.) an audit performed by an independent certified public accountant.~~

~~Upon written request by the secretary, the attorney general, or the county prosecutor, a commercial fund-raiser shall submit its financial report for the year requested within ten working days.~~

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-260 Surety bonds. (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars(+). Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding in the following year if the commercial fund-raiser engages, or plans to engage, in one or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions.

PROPOSED

Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with which the commercial fund-raiser maintains a contractual relationship.

~~((2))~~ (3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-265 Exemption from surety bond. A commercial fund-raiser who can be classified as "product seller," as defined in RCW 7.72.010, may be exempt from the surety bond requirement in WAC 434-120-260 when:

- (i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;
- (ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;
- (iii) The contract is filed by the product seller with the corporations division;
- (iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer; and
- (v) An annual ~~((financial statement in the form of a))~~ solicitation report, signed by the entity making the audit report and the president, is filed with the corporations division (see WAC 434-120-215(4)).

WSR 95-08-077

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed April 5, 1995, 11:24 a.m.]

Original Notice.

Title of Rule: New section WAC 192-23-019 Directive to report for reemployment services.

Purpose: Federal and state law have been amended to require participation in reemployment services by individuals identified pursuant to a worker profiling system as likely to exhaust benefits and to need reemployment services. This regulation establishes parameters governing a directive to an individual to participate in such services.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Statute Being Implemented: RCW 50.20.010.

Summary: For individuals identified as likely to exhaust unemployment benefits, this rule describes the minimum reemployment services that will be provided to those directed to report for such services, exceptions from the participation requirement, and sanctions for failure to participate as directed.

Reasons Supporting Proposal: Congress amended the Social Security Act to require states to implement a systematic approach to identifying individuals likely to exhaust regular unemployment benefits and in need of reemployment services. State law is being amended to require identified

individuals to participate in reemployment services as a condition of continued receipt of unemployment benefits.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 753-5131; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 753-5120.

Name of Proponent: Employment Security Department, governmental.

Rule is necessary because of federal law, Public Law 103-152(4).

Explanation of Rule, its Purpose, and Anticipated Effects: Congress amended the Social Security Act in 1993, requiring all states to implement a systematic approach to identification of those individuals likely to exhaust regular unemployment compensation benefits and in need of reemployment services. Those identified must either be immediately referred to services or placed in a selection pool for later referral. Referred individuals must participate in services as a condition of continued receipt of unemployment insurance benefits. State legislation will make a claimant's participation in reemployment services, which they have been directed to attend, a condition of eligibility for unemployment benefits. This regulation provides claimants with information about the services that will be provided, the sanctions for failure to participate, and the circumstances under which participation will not be required or lack of participation will be excused.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This regulation requires no action by employers and will impose no costs on small business. All actions required by this regulation, and by the federal and state laws implementing the worker profiling system, are required of individuals receiving unemployment compensation benefits. Although an accurate assessment cannot be made at this time, it is anticipated that the result of a successful worker profiling system will be net savings to business, by assisting unemployed individuals to return to work earlier.

Hearing Location: Employment Security Department, Training Annex, Room 2, 106 Maple Park Drive, Olympia, WA, on May 15, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Lafky, Affirmative Action by May 10, 1995, TDD (360) 753-5198, or (360) 586-6456.

Submit Written Comments to: John Nemes, Rules Coordinator, OMR, P.O. Box 9046, Olympia, WA 98507-9046, FAX (360) 483-3226, by May 12, 1995.

Date of Intended Adoption: May 30, 1995.

April 5, 1995

Dale Ziegler

Assistant Commissioner

NEW SECTION

WAC 192-23-019 Directive to report for reemployment services. The commissioner may direct a claimant in writing to report in person for reemployment services as provided in RCW 50.20.010(5).

(1) **Exceptions.** An individual will not be required to participate in reemployment services if the individual:

(a) Is a member in good standing of a full referral union;

(b) Is partially unemployed or on standby as defined by WAC 192-12-150; or

(c) Within the previous year has completed, or is currently scheduled for or participating in, similar services.

(2) **Minimum Services.** The services will consist of one or more sessions which include, but are not limited to:

(a) Information about the local labor market;

(b) Information about available reemployment and retraining services;

(c) Successful job search attitudes;

(d) Self assessment of job skills and interests;

(e) Job interview techniques;

(f) The development of a resume or fact sheet; and

(g) The development of a plan for reemployment.

(3) **Sanctions.** An individual who has received a directive, and fails to participate in reemployment services during a week, will be disqualified from benefits for that week unless justifiable cause is demonstrated.

(4) **Justifiable Cause.** Justifiable cause for failure to participate in reemployment services as directed will include factors specific to the individual which would cause a reasonable person in similar circumstances to fail to participate. Justifiable cause includes, but is not limited to:

(a) Illness or disability of the individual or the individual's immediate family;

(b) The individual's presence at a job interview scheduled with an employer; or

(c) Severe weather conditions precluding safe travel.

Reasons for absence will be subject to verification. In all such cases, the individual's ability or availability for work is an issue.

PROPOSED

WSR 95-08-008

PERMANENT RULES

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

(Economic Development Finance Authority)

[Filed March 22, 1995, 4:45 p.m.]

Date of Adoption: March 7, 1995.

Purpose: Repealing chapter 178-01 WAC, Economic Development Finance Authority, policies to enable the authority to adopt its policies by resolution of the authority.

Citation of Existing Rules Affected by this Order:

Repealing chapter 178-01 WAC.

Statutory Authority for Adoption: RCW 43.163.-100(18).

Pursuant to notice filed as WSR 95-04-017 on [January 19, 1995].

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

March 20, 1995

Debora Brown

Special Assistant

WSR 95-08-015

PERMANENT RULES

**DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed March 24, 1995, 3:23 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To amend WAC 460-80-315 in compliance with the Federal Trade Commission adoption of the disclosure requirements of the uniform franchise offering circular (UFOC) as adopted by the North American Securities Administrators Association, Inc. (NASAA) on April 25, 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 460-80-315.

Statutory Authority for Adoption: RCW 19.100.250.

Pursuant to notice filed as WSR 95-04-097 on February 1, 1995.

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

March 24, 1995

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 92-02-054, filed 12/30/91, effective 1/30/92)

WAC 460-80-315 Washington uniform franchise offering circular. To implement the disclosure requirements of RCW 19.100.030 (4)(a) and 19.100.040, the director adopts the Uniform Franchise Offering Circular (UFOC) as amended by the North American Securities Administrators Association (NASAA) on ((~~October 9, 1988~~)) April 25, 1993.

WSR 95-08-019

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 27, 1995, 9:55 a.m.]

Date of Adoption: February 15, 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 246-861-010, 246-861-020, 246-861-040, 246-861-050, and 246-861-060; and new section WAC 246-861-055.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 95-03-070 on January 17, 1995.

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

February 15, 1995

Kirby White

Vice-Chair

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-010 Definitions. (1) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE).

(2) "Board approved programs/courses" means continuing education which has been reviewed and approved by the board office.

(3) "Approved provider" means any person, corporation, or association approved either by the board or ACPE to conduct continuing professional education programs.

(4) "Continuing education" means accredited or approved post-licensure professional pharmaceutical education designed to maintain and improve competence in the practice of pharmacy, ((~~improve~~)) pharmacy skills, and preserve pharmaceutical standards for the purpose of protecting the public health, safety, and welfare.

(5) "Continuing education unit (CEU)" means one CEU is equivalent to ten contact hours of participation in accredited or board approved continuing education programs/courses.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-020 Renewal requirements. (1) No renewal certificate of licensure shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the twelve months preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their license following graduation shall be exempt from the provisions of this regulation.

(2) Continuing education requirements must be submitted along with the license application and fee. If the continuing education requirements are not complete the license renewal application will be returned with an explanatory note. The license renewal will not be processed until complete.

PERMANENT

(3) A pharmacist shall be required to retain all original certificates and other documented evidence of participation in an approved/accredited continuing education program for a period of at least two years. Upon request, such documentation shall be made available to the board for random audit and verification purposes. Since individual pharmacist audits will usually be retrospective, it is recognized that disallowed credit may work hardship on the pharmacist involved. In cases where a pharmacist is audited and some or all credit is disallowed, the continuing education requirement for the following year will be increased by the amount of hours disallowed. A pharmacist who is audited and has credit disallowed will ~~((automatically be audited for three))~~ be required to submit verification of continuing education for the next two consecutive years by including continuing education certificates with the license renewal application.

(4) Failure to satisfy the continuing education requirement as a result of disallowed credit in two consecutive years or falsification of continuing education evidence and/or documentation will be considered in violation of these rules and will be sufficient cause for imposition of disciplinary action by the board.

(5) A pharmacist who desires to reinstate his or her pharmacist license after having been unlicensed for over one year shall, as a condition for reinstatement, submit proof of fifteen hours of continuing education for each year unlicensed or complete such continuing education credits as may be specified by the board in each individual case.

(6) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-040 Applications for approval of continuing education program—Post-approval of continuing education program. (1) Applications for approval or post-approval of a continuing education program which is not an accredited program or provided by an approved provider shall be made on the form provided for this purpose by the Washington state board of pharmacy in the law book.

(2) The provider shall submit an application form ~~((sixty))~~ forty-five days prior to the date the program will be held.

(3) A pharmacist who attends a program that has not been preapproved according to this rule, must submit application for approval within ~~((fifteen))~~ twenty days following the program.

(4) All programs approved by the American Council on Pharmaceutical Education are accepted for continuing education credit and do not require that an individual provider approval be obtained in each case.

(5) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-050 Continuing education program approved providers. (1) ~~((The board shall establish the standards and specifications necessary for an organization to~~

~~obtain approval. These standards and specifications shall at least be equivalent to those established for continuing education programs in pharmacy by the American Council on Pharmaceutical Education.~~

~~(a) A continuing education provider shall supply each attendee or subscriber with a written program description which lists the topic(s) covered, number of speakers or authors, time devoted to the program topic(s), and the instructional objectives of the program. The program description must also bear a statement of the number of hours of continuing education credit assigned by the provider.~~

~~(b) The provider must make available to each attendee or subscriber proof of attendance or participation suitable for verifying to the board the completion of continuing education requirements.~~

~~(c) The provider shall retain, for a period of two years, a list of persons to whom proof of attendance or participation as specified in (b) of this subsection was supplied. Providers of nonevaluated self-instruction units shall be exempt from this requirement.~~

~~(2))~~ Any ~~((organization))~~ provider may apply to the board on forms provided by the board for qualification as an approved provider. If ~~((an organization))~~ a provider is approved, the board will issue a certificate or other notification of qualification ~~((to it)).~~ The approval shall be effective for a period of two years and shall be renewable as set forth by the board. Providers who apply to the board for approved provider status must document the following:

(a) Identify the individual responsible for the providers' CE program;

(b) Provide copies of CE material and information used by the provider the previous two years with each renewal; and

(c) Develop a procedure for establishing:

(i) Educational goals and objectives for each program;

(ii) Program evaluation component for each program.

(d) A continuing education provider shall supply each attendee or subscriber with a written program description which lists the topic(s) covered, number of speakers or authors, time devoted to the program topic(s), and the instructional objectives of the program. The program description must also bear a statement of the number of hours of continuing education credit assigned by the provider.

(e) The provider must make available to each attendee or subscriber proof of attendance or participation suitable for verifying to the board the completion of continuing education requirements.

(f) The provider shall retain, for a period of two years, a list of persons to whom proof of attendance or participation as specified in (b) of this subsection was supplied. Providers of nonevaluation self-instruction units shall be exempt from this requirement.

(2) The board shall establish the standards and specifications necessary for a provider to obtain approval. These standards and specifications shall at least be equivalent to those established for continuing education programs in pharmacy by the American Council on Pharmaceutical Education.

(3) The board may revoke or suspend an approval of a provider or refuse to renew such approval if the provider

fails to maintain the necessary standards and specifications required.

NEW SECTION

WAC 246-861-055 Continuing education program.

(1) The continuing professional pharmaceutical education courses may consist of post-graduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, correspondence courses and other similar methods of conveying continuing education as may be approved by the board.

(2) Such courses shall consist of subject matter pertinent to the following general areas of professional pharmaceutical education:

- (a) The legal aspects of health care;
- (b) The properties and actions of drugs and dosage forms;
- (c) The etiology, characteristics, therapeutics, and prevention of the disease state;
- (d) Specialized professional pharmacy practice.
- (3) Full credit (hour for hour) shall be allowed for:
 - (a) Speakers.
 - (b) Panels.
 - (c) Structured discussion, workshops, and demonstrations.
 - (d) Structured question and answer sessions.
 - (4) Credit shall not be allowed for:
 - (a) Welcoming remarks.
 - (b) Time spent for meals or social functions.
 - (c) Business sessions.
 - (d) Unstructured demonstrations (e.g., poster sessions).
 - (e) Unstructured question and answer sessions (e.g., after programs ends).
 - (f) Degree programs except advanced degrees in pharmacy.
 - (5) Keynote speaker and topics must be submitted through the standard process.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-060 Instructors' credit toward continuing education unit. Any pharmacist whose primary responsibility is *not* the education of health professionals, who leads, instructs or lectures to groups of nurses, physicians, pharmacists or others on pharmacy-related topics in organized continuing education shall be granted one hour of continuing education credit for each hour spent in actually presenting the initial course or program which has been approved for continuing education credit. ~~((A presenter shall not be granted multiple credit for multiple presentations of the same program of continuing education.))~~

Any pharmacist whose primary responsibility is the education of health professionals shall be granted continuing education credit only for time expended in leading, instruction or lecturing to groups of physicians, pharmacists, nurses or others on pharmacy related topics outside his/her formal course responsibilities in a learning institution.

A presenter shall not be granted multiple credit for multiple presentations of the same program of continuing education.

WSR 95-08-020 PERMANENT RULES DEPARTMENT OF HEALTH

[Filed March 27, 1995, 9:59 a.m.]

Date of Adoption: March 15, 1995.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-891-020 and 246-891-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 95-04-099 on February 1, 1995.

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

March 15, 1995

SuAnn Bond
Board Chair

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-891-020 Conditions for the sale of condoms. Condoms sold in this state must meet the following conditions:

(1) All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration due to exposure to air.

(2) The container in which the condom is sold to the purchaser shall bear the date of manufacture or shall bear an expiration date not more than ~~((three))~~ five years after the date of manufacture. Condoms may not be sold in this state ~~((three))~~ five years after the date of manufacture. Condoms bearing an expiration date may not be sold in this state after their expiration date. Condoms not bearing an expiration date may not be sold in this state more than five years after the date of manufacture.

(3) All consumer packages containing one or more individually wrapped condoms shall contain easily understood directions for use.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-891-030 Condom standards. All condoms shall meet the following standards:

~~(1) ((Rubber condoms (elastic material) shall be capable of withstanding inflation with one cubic foot of air. They shall be free from holes, imperfect rings and blisters.~~

~~(2) Nonrubber condoms (nonelastic material) shall be of suitable length, not patched, and shall be free from grease or any foreign substances that may be used as a filler for hiding imperfections or discolorations.))~~ Latex rubber condoms shall comply with applicable United States Food and Drug Administration requirements current at the time of manufacture.

(2) Condoms made from materials other than rubber shall conform to applicable United States Food and Drug Administration requirements current at the time of manufacture.

WSR 95-08-025
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed March 29, 1995, 11:05 a.m.]

Date of Adoption: March 28, 1995.

Purpose: Delete portions of chapter 392-122 WAC pertaining to funding of state institutional education programs no longer funded by legislature.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-122-214 and 392-122-260; and amending WAC 392-122-205, 392-122-221, 392-122-230, and 392-122-275.

Statutory Authority for Adoption: RCW 28A.150.290.

Pursuant to notice filed as WSR 95-05-020 on February 7, 1995.

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

March 28, 1995
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

~~(2) ((Juvenile parole learning centers—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for adjudicated youth residing in the community.~~

~~(3))~~ Juvenile detention centers—i.e., facilities maintained by counties for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.

~~((4))~~ (3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

~~((5))~~ (4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

- (1) A person whose educational activity has terminated.
- (2) A person who has transferred to another institution or school district.
- (3) A residential institution student who:

(a) Has not engaged in educational activity in the past five school days including days, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

~~((4) A learning center student who:~~

~~(a) Is not court involved; or~~

~~(b) Has not participated in educational activity within the past twenty school days.))~~

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-230 Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students. "Annual average full-time equivalent (AAFTE) institutional education students" means(±

~~(1) For residential institutions;))~~ the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

~~((2) For learning centers, the average institutional education FTE students on the eight institution enrollment count dates of October through May.))~~

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-275 State institutional education program—School district reporting. Each school district operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-time equivalent students on each institution enrollment count date.

(2) Report forms shall be signed by the school district superintendent or a designated official of the school district.

~~(3) ((A district operating a learning center shall also report learning center students for basic education support pursuant to chapter 392-121 WAC.~~

~~(4) A district operating a learning center shall report only "court involved" learning center students as institutional education students on Forms E-672.~~

~~(5))~~ Each school district operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of state institutional education program moneys.

~~((6))~~ (4) School district reporting shall be subject to chapter 392-117 WAC, Timely reporting.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-122-214 Definition—State institutional education program—Court-involved.

WAC 392-122-260 State institutional education program—Basic education funding for state learning centers.

WSR 95-08-028
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed March 29, 1995, 4:04 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To revise due dates for the Washington Interscholastic Activities Association to submit an annual report, rules and policies to the State Board of Education for review and/or approval.

Citation of Existing Rules Affected by this Order: Amending WAC 180-43-010 and 180-43-015.

Statutory Authority for Adoption: RCW 28A.600.200 (1) and (2).

Pursuant to notice filed as WSR 95-05-077 on February 15, 1995.

Effective Date of Rule: Thirty-one days after filing.
 March 29, 1995
 Larry Davis
 Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-010 Annual report. The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements.

(1) The annual report shall be delivered to the (~~secretary~~) executive director of the board not later than (~~November 1~~) December 15 of each calendar year.

(2) The annual report shall include the standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts.

(3) The annual report shall include a section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's (~~first name and surname initial~~) school, the rule and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities

association executive director and/or executive board disposition and date.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-015 Rules and policies. All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200 and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

No such rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules shall be submitted annually by the association and other nonprofit entities to the state board office on or before (~~March 1 for initial review at the board's March meeting and, if subsequently revised, again on or before~~) May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

WSR 95-08-029
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed March 29, 1995, 4:07 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To make technical corrections to update terminology, and to add additional reference information.

Citation of Existing Rules Affected by this Order: Amending WAC 180-95-005 and 180-95-050.

Statutory Authority for Adoption: RCW 28A.205.050.

Other Authority: Chapter 211, Laws of 1993.

Pursuant to notice filed as WSR 95-05-076 on February 15, 1995.

Effective Date of Rule: Thirty-one days after filing.
 March 29, 1995
 Larry Davis
 Executive Director

Chapter 180-95 WAC
~~((EDUCATIONAL CLINICS))~~ **EDUCATION CENTERS**

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-95-005 Purpose. The purpose of this chapter is to implement RCW 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050 and to establish the criteria and procedures to be used in certification of an (~~educational clinic~~) education center.

AMENDATORY SECTION (Amending Order 4-94, filed 1/19/94, effective 2/19/94)

WAC 180-95-050 Withdrawal of certification as an education center. The state board of education may withdraw certification if the board finds that a ~~((elimie))~~ center fails:

(1) To provide adequate instruction in basic academic skills which shall mean:

(a) The ~~((elimie))~~ center does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or

(b) Evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or

(c) The center does not provide opportunities for employment orientation.

(2) To meet any of the criteria for certification of education centers as established in WAC 180-95-020.

NEW SECTION

WAC 180-95-070 Additional rules. See also rules of the superintendent of public instruction at chapter 392-185 WAC which govern the certification of education centers, and rules of the state board for community and technical colleges at chapter 131-48 WAC which govern GED testing and certificates of educational competence.

WSR 95-08-030

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed March 29, 1995, 4:08 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To require school districts to award construction contracts in a timely manner.

Citation of Existing Rules Affected by this Order: Amending WAC 180-29-125.

Statutory Authority for Adoption: RCW 28A.525.020. Other Authority: RCW 28A.525.200.

Pursuant to notice filed as WSR 95-05-080 on February 15, 1995.

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

March 29, 1995

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 94-01-013, filed 12/3/93, effective 1/3/94)

WAC 180-29-125 Award of contract(s). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district ~~((may proceed with))~~ shall award ~~((of))~~ contract(s) for construction of the school facility project no later than the expiration of the time period permitted by the terms and conditions of the bid(s) for the award of contract(s). Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost

breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 180-29-085 (1)(b). All state assistance-related approvals granted by the state board of education and the superintendent of public instruction under this chapter shall lapse and be null and void if a school district fails to award contract(s) within the time period permitted by the terms and conditions of the bid(s), unless noncompliance is waived for extraordinary reasons by the state board of education.

WSR 95-08-031

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed March 29, 1995, 4:12 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To delete a section of WAC which referenced chapter 39.25 RCW which was repealed during the 1994 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 180-29-095.

Statutory Authority for Adoption: Chapter 39.25 RCW.

Other Authority: RCW 39.25.010, 39.25.020, 39.25.030.

Pursuant to notice filed as WSR 95-05-082 on February 15, 1995.

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

March 29, 1995

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 11-84, filed 10/4/84)

WAC 180-29-095 Construction documents—Compliance with public works statutory provisions. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

(1) Chapter 39.08 RCW relating to contractor's bond;

(2) Chapter 39.12 RCW relating to prevailing wages;

(3) ~~((Chapter 39.25 RCW relating to offshore items;~~

~~((4)))~~ Chapter 18.27 RCW relating to contractor registration;

~~((5)))~~ (4) Chapter 49.28 RCW relating to hours of labor;

~~((6)))~~ (5) Chapter 49.60 RCW relating to discrimination; and

~~((7)))~~ (6) Chapter 70.92 RCW relating to the provisions for the aged and physically handicapped.

WSR 95-08-032

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed March 29, 1995, 4:15 p.m.]

Date of Adoption: March 24, 1995.

Purpose: Amendment is necessary to implement provisions of RCW 28A.525.055 as passed by the 1994 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-019.

Statutory Authority for Adoption: RCW 28A.525.020.

Other Authority: RCW 28A.525.055.

Pursuant to notice filed as WSR 95-05-083 on February 15, 1995.

Effective Date of Rule: Thirty-one days after filing. March 29, 1995

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-019 Definition—Instructional space.

As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the *American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings*, ((January 1980)) latest edition, for a school facility utilized by a school district for the purpose of instructing students: *Provided*, That the following areas shall not be included in any calculation of instructional space:

- (1) Exterior covered walkways, cantilevered or supported.
- (2) Exterior porches including loading platforms.
- (3) Space used by central administrative personnel.
- (4) Stadia and grandstands.
- (5) Bus garages.
- (6) Free-standing warehouse space specifically designed for that purpose.
- (7) Portable facilities.
- (8) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

(9) The portion(s) of any space(s) constructed from grants made as a gift to a school district by a private entity or a public entity which:

(a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and

(b) The school district board of directors has accepted the gift in accordance with the joint use terms of the grant: *Provided*, That this exception does not apply to space(s) jointly financed by two or more school districts.

**WSR 95-08-033
PERMANENT RULES
STATE BOARD OF EDUCATION**

[Filed March 29, 1995, 4:17 p.m.]

Date of Adoption: March 24, 1995.

Purpose: To delete a requirement from chapter 180-29 WAC which was previously repealed in chapter 180-25 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 180-29-015.

Statutory Authority for Adoption: RCW 28A.525.020.

Other Authority: RCW 28A.525.200.

Pursuant to notice filed as WSR 95-05-081 on February 15, 1995.

Effective Date of Rule: Thirty-one days after filing. March 29, 1995

Larry Davis
Executive Director

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-015 Application—Study and survey by the superintendent of public instruction. To qualify for consideration and eligibility for state assistance by the state board of education, the school district board of directors shall:

- (1) Submit to the superintendent of public instruction an application for each school facility project; and
- (2) Request a study and survey of the district, to be conducted by the superintendent of public instruction with the cooperation of the school district pursuant to requirements in chapter 180-25 WAC. ~~((The aforementioned study and survey must be completed, reviewed by the district board of directors, and submitted to the state board of education prior to school district submittal of any capital funding measures to the voters of the district.))~~

**WSR 95-08-036
PERMANENT RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**
[Filed March 30, 1995, 1:25 p.m.]

Date of Adoption: March 16, 1995.

Purpose: To allow correctional agencies employing or promoting employees to a middle management or executive position to waive or forego basic academy training for such employees.

Citation of Existing Rules Affected by this Order: Amending WAC 139-10-210 Requirement of basic corrections training.

Statutory Authority for Adoption: RCW 43.101.220.

Pursuant to notice filed as WSR 95-04-068 on January 30, 1995.

Changes Other than Editing from Proposed to Adopted Version: Included a reference to WAC 135-25-110, which provides additional definitions of managers and executives, but does not modify the original scope or intent of the rule.

Effective Date of Rule: Thirty-one days after filing. March 29, 1995

James C. Scott
Executive Director

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

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after January 1, 1982, shall, as a

PERMANENT

PERMANENT

condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored((~~by~~)) or conducted by the Washington state criminal justice training commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifica tions include, but are not limited to, jailers and correctional officers.

(b) Adult services academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, community corrections officers, probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors and juvenile rehabilitation counselors.

(d) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers. Representative job class includes, but is not limited to, juvenile detention workers.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-26-110.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

WSR 95-08-038
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed March 31, 1995, 8:40 a.m.]

Date of Adoption: March 31, 1995.

Purpose: Repeal rules, originally adopted to administer RCW 46.16.710, [46.16].720, [46.16].730, [46.16].740, [46.16].750, and [46.16].760 which have subsequently expired.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-450, 308-96A-460, 308-96A-470, 308-96A-480, and 308-96A-490.

Statutory Authority for Adoption: RCW 46.01.110 and 46.16.760(2).

Pursuant to notice filed as WSR 95-05-066 on February 14, 1995.

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

March 31, 1995
 Kathy Baros Friedt
 Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-96A-450 Driving without valid license—
Temporary vehicle registration.
- WAC 308-96A-460 Vehicle registration cancella-
tion hearings.
- WAC 308-96A-470 Driving without valid license—
Reregistration after cancella-
tion.
- WAC 308-96A-480 Driving without valid license—
Vehicle operating on a permit.
- WAC 308-96A-490 Driving without valid license—
No valid registration.

WSR 95-08-041
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 94-22—Filed March 31, 1995, 11:34 a.m.]

Date of Adoption: March 30, 1995.

Purpose: Specify procedures to effectively integrate the procedural requirements and documents of the State Environmental Policy Act (SEPA) with those of the Model Toxics Control Act (MTCA) as directed by RCW 43.21C-.036.

Citation of Existing Rules Affected by this Order: Amending chapter 197-11 WAC.

Statutory Authority for Adoption: RCW 43.21C.110.

Pursuant to notice filed as WSR 94-19-083 on September 21, 1994.

Changes Other than Editing from Proposed to Adopted Version: The proposed amendment identified ecology as SEPA lead agency for all remedial actions conducted under an order or decree. Based on comments from the ports, the amendment was changed to allow local governments to be SEPA lead agency for their own remedial actions.

Effective Date of Rule: Thirty-one days after filing.
 March 30, 1995
 Mary Riveland
 Director

NEW SECTION

WAC 197-11-250 SEPA/Model Toxics Control Act integration. (1) WAC 197-11-253 through 197-11-268 integrate the procedural requirements and documents of this chapter with those required under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, and chapter 173-340 WAC.

(2) Both MTCA and SEPA provide opportunities for early public review of a proposal. The following sections contain procedures to combine the MTCA and SEPA processes to reduce duplication and improve public participation. These sections supplement the other requirements of this chapter. To the extent there is a conflict, these sections supersede any conflicting provisions of this chapter.

(3) WAC 197-11-253 through 197-11-268 apply to remedial actions as defined in RCW 70.105D.020(12) and conducted by ecology or by a potentially liable person (PLP) under an order, agreed order, or consent decree under MTCA. These sections do not apply to independent remedial actions; rather, the remainder of this chapter applies to independent remedial actions that are subject to SEPA.

(4) When the remedial action is part of a development proposal, the procedures in WAC 197-11-256 through 197-11-268 shall be used to combine the procedural requirements of SEPA and MTCA, to the extent practicable.

(5) To effectively integrate the procedural requirements of SEPA and MTCA, the SEPA elements of the environment that could be impacted need to be identified as early in the MTCA process as possible. Early consideration of SEPA facilitates identification of study areas prior to conducting the remedial investigation/ feasibility study (RI/FS) and effective, timely integration of SEPA and MTCA documents. The threshold determination may be delayed until later in the MTCA process.

(6) WAC 197-11-256 through 197-11-268 do not change the categorical exemption for information collection in WAC 197-11-800(18) or the emergency exemption in WAC 197-11-880.

(7) Interim actions (WAC 173-340-430) conducted as part of a remedial action conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA are governed by WAC 197-11-268.

NEW SECTION

WAC 197-11-253 SEPA lead agency for MTCA actions. (1) The lead agency should be determined as soon as possible after ecology has identified the PLPs for a facility and must be identified prior to issuing an order, agreed order, or consent decree, or prior to issuing the scope of work for an ecology conducted remedial action.

(2) Ecology will be lead agency for any remedial action conducted by ecology, or by a PLP under an order, agreed order, or consent decree, except for the situations described in subsections (3) and (4) of this section.

(3) Except as provided in subsection (4) of this section, an agency that will be conducting a remedial action under a MTCA order, agreed order, or consent decree will be lead agency provided there is no objection by another agency determined by ecology to be a PLP for the facility.

(a) If there are multiple agency PLPs, the agencies shall by agreement determine which agency will be lead agency. If the agencies cannot reach agreement, the agency that owns the largest acreage within the facility shall be lead agency. In any other instance where the agencies cannot agree, ecology will be lead agency.

(b) Prior to making a threshold determination, the lead agency may:

- (i) Transfer lead agency status to ecology;
- (ii) Invite ecology to share lead agency status; or
- (iii) Retain lead agency status.

(4) When a remedial action is part of a development proposal, the lead agency will be determined using the lead agency criteria in WAC 197-11-922 through 197-11-946. The lead agency may contact ecology prior to making a threshold determination to invite ecology to share lead agency status for that portion of the environmental analysis related to the remedial action (WAC 197-11-944).

(5) If an agency other than ecology is lead agency, the lead agency shall provide ecology an opportunity to review the environmental documents prior to providing public notice of the documents. Any environmental documents must address the remedial action which ecology anticipates will be necessary for the facility.

(6) When an agency other than ecology is lead agency, and the SEPA and MTCA documents are issued together with one public comment period, ecology and the lead agency will by agreement decide who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

NEW SECTION

WAC 197-11-256 Preliminary evaluation. (1) Prior to conducting a RI/FS under MTCA (WAC 173-340-350), the lead agency shall evaluate the available information on the hazardous substances at the facility and take one of the following steps:

(a) Make a preliminary decision that the remedial action is unlikely to have a probable significant adverse environmental impact and proceed according to WAC 197-11-259.

(b) Decide that all or part of the remedial action or its impacts are not sufficiently definite to make a preliminary determination and proceed with early scoping prior to making a threshold determination, following the procedures in WAC 197-11-265.

(c) Decide the remedial action will have a probable significant adverse environmental impact and issue a determination of significance following the procedures in WAC 197-11-262.

(2) The threshold determination shall be made at the point at which adequate information is available to evaluate the environmental impacts of the remedial action, but no later than the draft cleanup action plan.

NEW SECTION

WAC 197-11-259 Determination of nonsignificance for MTCA remedial action. (1) If the remedial action will not have a probable significant adverse environmental impact, a DNS shall be issued no earlier than the RI/FS and no later than the draft cleanup action plan. If the lead agency made a preliminary decision under WAC 197-11-256 (1)(a) that a DS was unlikely, prior to issuing a DNS the responsible official shall consider any additional information about adverse environmental impacts generated during the RI/FS process.

(2) The public comment period on the DNS shall be the same as the comment period on the MTCA document, provided that for proposals listed in WAC 197-11-340 (2)(a) the comment period is no less than fifteen days prior to the effective date of the MTCA document. One public notice shall be used to announce the availability of both the DNS and MTCA document, consistent with the requirements of WAC 173-340-600 and 197-11-340.

NEW SECTION

WAC 197-11-262 Determination of significance and EIS for MTCA remedial actions. (1) The following applies to remedial actions that will have a probable significant adverse environmental impact.

(2) If the preliminary evaluation in WAC 197-11-256 results in a determination of significance, the scoping notice may be combined with either the MTCA public review process for the scope of work for an ecology conducted RI/FS (WAC 173-340-600 (12)(a)), or with the public review process for the order, consent decree or agreed order covering an RI/FS.

(3) If a determination of significance is issued later in the MTCA process and early scoping has been done under WAC 197-11-265, no additional SEPA scoping is required. If early scoping has not been done, scoping shall be completed consistent with WAC 197-11-408 or 197-11-410.

(4) The EIS may be integrated with the RI/FS. The format of the document shall be flexible as allowed by WAC 197-11-640, provided:

(a) The fact sheet shall be the first section (WAC 197-11-430(1));

(b) A summary shall be included which meets the requirements in WAC 197-11-440(4); and

(c) Reasonable alternatives as defined in WAC 197-11-786 and 197-11-440(5) (including the no action alternative), significant adverse impacts, mitigation measures and any unavoidable impacts are clearly identified.

(5) If the EIS and RI/FS are not combined, the EIS requirements of WAC 197-11-430 shall apply.

(6) The draft EIS shall be issued no sooner than the issuance of the RI/FS and not later than issuance of the draft cleanup action plan. The final EIS shall be issued no sooner than the issuance of the draft cleanup action plan and no later than the final cleanup action plan, notwithstanding the requirements of WAC 197-11-460(5).

NEW SECTION

WAC 197-11-265 Early scoping for MTCA remedial actions. (1) The purpose of early scoping is to identify possible environmental issues prior to making a threshold determination. If early scoping is used and a determination of significance is issued later in the process, no additional SEPA scoping is required.

(2) If, after the preliminary evaluation provided in WAC 197-11-256, the lead agency decides there is insufficient information to make a preliminary determination, pursuant to WAC 197-11-256 (1)(b), the lead agency shall invite the public to comment on the proposed study areas. This early scoping will typically be combined with either the MTCA public review process for the scope of work for an ecology conducted RI/FS (WAC 173-340-600 (12)(a)), or the public review process for the order, consent decree, or agreed order for a RI/FS.

(3) The lead agency shall evaluate the comments received during the early scoping process and take one of the following actions:

(a) Determine the project will have a probable significant adverse environmental impact, issue a determination of significance and begin preparation of the EIS pursuant to WAC 197-11-262.

(b) Make a preliminary decision that there will be no probable significant adverse environmental impacts, and proceed as described in WAC 197-11-259.

(c) Determine there is still insufficient information to evaluate the environmental impacts of the remedial action, and proceed with the RI/FS. A threshold determination shall be made pursuant to WAC 197-11-259 or 197-11-262 as appropriate.

NEW SECTION

WAC 197-11-268 MTCA interim actions. The following shall apply when an interim action (WAC 173-340-430) is conducted as part of a remedial action conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA.

(1) If the interim action will not have a probable significant adverse environmental impact, the lead agency shall issue a DNS which may be combined with the public notice of the interim action, provided that for proposals listed in WAC 197-11-340 (2)(a) the comment period is no less than fifteen days prior to the effective date of the MTCA document.

(2) If the interim action will have a probable significant adverse environmental impact, the lead agency shall issue a determination of significance. If early scoping has already been performed for the facility under WAC 197-11-265, no additional scoping is required. If early scoping has not been performed, the lead agency shall issue a DS and scoping notice, allowing at least a twenty-one day advance comment period (WAC 197-11-408).

(3) The final EIS shall be issued no later than the issuance of the interim action report or the issuance of an order, agreed order, or decree.

WSR 95-08-042**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 94-26—Filed March 31, 1995, 11:40 a.m.]

Date of Adoption: March 31, 1995.

Purpose: Adoption of revised shoreline master program for the city of Orting into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3507 City of Orting shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 95-03-082 on January 17, 1995.

Effective Date of Rule: Thirty-one days after filing.
March 31, 1995
Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3507 Orting, ((town)) city of. Town of Orting master program approved April 8, 1975. Revision approved March 31, 1995.

WSR 95-08-052**PERMANENT RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed April 3, 1995, 10:20 a.m., effective July 1, 1995]

Date of Adoption: April 3, 1995.

Purpose: Chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for Washington worker's compensation insurance, state-initiated 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 requirements are equivalent to 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.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for Washington worker's

compensation insurance, WAC 296-17-320 General definitions and 296-17-350 Assumed worker hours.

Statutory Authority for Adoption: RCW 51.04.020.

Pursuant to notice filed as WSR 94-20-123 on October 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: No written or oral comments were received on the proposal. As a result, the proposal is being adopted as proposed with no changes.

Effective Date of Rule: July 1, 1995.

April 3, 1995
Mark O. Brown
Director

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.

~~((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.

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.

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 95-08-069
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 95-29—Filed April 4, 1995, 4:49 p.m.]

Date of Adoption: April 4, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 95-06-094 on March 1, 1995.

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

April 4, 1995

Edward P. Manary
 for Robert Turner
 Director

AMENDATORY SECTION (Amending Order 94-51, filed 6/10/94, effective 7/11/94)

WAC 220-44-050 Coastal bottomfish catch limits.

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from ~~(Puget Sound)~~ Marine Fish-Shellfish Management and Catch Reporting Areas 29 ~~(or Coastal Marine Fish-Shellfish Management and Catch Reporting Areas)~~, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) The following definitions apply to this section:

(a) Cumulative limit. A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed ~~((in a specified period of time))~~ per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

(b) Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(c) Vessel trip limit. The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(d) Daily trip limit. The maximum amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(e) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

(f) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(g) Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

(2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

(a) Pacific Ocean perch - ~~((No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip.))~~ Cumulative limit of 6,000 pounds. No minimum size.

(b) Widow rockfish - Cumulative limit of 30,000 pounds. No minimum size.

(c) Shortbelly rockfish - No maximum poundage. No minimum size.

(d) Black rockfish - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) ~~((Yellowtail rockfish))~~ Sebastes complex - All species of rockfish except Pacific Ocean perch, widow, shortbelly and thornyhead (*Sebastolobus spp.*).

(i) ~~North of Cape Lookout ((45°20'15" N.) Cumulative limit of 14,000 pounds.))~~ and south of Cape Lookout if no declaration has been made - Cumulative limit of 35,000 pounds, of which no more than 14,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.

(ii) South of Cape Lookout - Cumulative limit of ~~((30,000))~~ 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the department Montesano office at (360) 249-4628, between the hours of ~~((8:30))~~ 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: Vessel name; federal limited entry permit number; operator's name, phone number

and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano office at ~~((48A))~~ 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano office during business hours.

(iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of ~~((30,000))~~ 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.

(iv) Wholesale fish dealers purchasing ~~((any))~~ more than 30,000 pounds of the *Sebastes complex* or 14,000 pounds of yellowtail rockfish ~~((caught south of Cape Lookout))~~ must enter the declaration number on the fish receiving ticket.

(f) DTS Complex - (sablefish, dover sole and thornyhead rockfish) - Cumulative limit of ~~((50,000))~~ 35,000 pounds, of which no more than ~~((30,000))~~ 20,000 pounds may be thornyhead rockfish of which no more than 4,000 pounds may be shortspine thornyheads.

~~((The following limits apply to))~~ (g) Sablefish ~~((taken under this subsection:))~~

(i) Trawl vessels - Cumulative limit of ~~((42,000))~~ 6,000 pounds. Vessel trip limit of 1,000 pounds or 25 percent of the DTS complex, whichever is greater (the sablefish allowance equals .33 x the combined weight of dover sole and thornyhead rockfish). In the trip limit, no more than ~~((5,000))~~ 500 pounds may be sablefish less than 22 inches ~~((in))~~ total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(ii) Nontrawl vessels - ~~((Vessel))~~ Daily trip limit of ~~((250))~~ 300 pounds (round weight). ~~((To convert round weight from dressed weight, multiply the dressed weight by 1.6.))~~ No minimum size.

~~((g))~~ *Sebastes complex*—All other species of rockfish except Pacific Ocean perch, widow, shortbelly, thornyhead (*Sebastes* spp.)—Cumulative limit of 80,000 pounds. No minimum size. Black rockfish and yellowtail rockfish taken under other provisions of this section count as part of the *Sebastes complex*.)

(h) Pacific whiting - No vessel trip limit. No minimum size.

(i) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(3) Groundfish open access fishery limits. The following limits apply to the ground fish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may

exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) Sablefish - Daily trip limit of 300 pounds (round weight). No minimum size.

(b) Rockfish.

~~((4))~~ Vessel trip limit of 10,000 pounds. ~~((The vessel trip limit for black rockfish for commercial fishing vessels using hook and line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.~~

~~((ii))~~ Cumulative trip limit of ~~((40,000))~~ 35,000 pounds ~~((of which no rockfish may exceed the cumulative limits for the limited entry fisheries)).~~

~~((b))~~ Sablefish—Daily trip limit of 250 pounds.)

(c) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(4) It is unlawful for the operator of any vessel ~~((including shrimp trawl vessels.))~~ during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit, or a daily trip limit.

(5) The fishers copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing.

~~((6))~~ The following rules apply to all vessels fishing with trawl gear, or having bottom fish and trawl gear aboard the vessel, and licensed by the state of Washington, except for vessels in continuous transit from outside the fisheries management boundary to a Washington state port:

(a) It is unlawful for any vessel, except a shrimp trawl vessel, to fish or possess bottomfish without having a limited entry permit valid for that vessel affixed with a gear endorsement for trawl gear.

(b) A shrimp trawl vessel is not required to have a limited entry permit, provided that the total round pounds weight of bottomfish aboard the vessel may not exceed thirty percent of the cumulative weight of the bottomfish and shellfish aboard. It is unlawful to retain more than 1,500 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which ocean pink shrimp comprise more than one half of the volume of shrimp aboard. It is unlawful to retain more than 1,000 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which spot prawns comprise more than one half of the volume of shrimp aboard. It is unlawful for any shrimp trawl vessel to exceed a cumulative or trip limit established for the groundfish limited entry fishery as applied to trawl vessels.)

WSR 95-08-070
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3845—Filed April 5, 1995, 8:22 a.m.]

Date of Adoption: April 5, 1995.

Purpose: Comply with federal regulations. WAC 388-511-1105 corrects definition of "disabled" and adds a cross reference; WAC 388-511-1140 is exempt as income, WUV payments, individual interest in tribal lands, and essential expense to receive unearned income; WAC 388-511-1160 exempts as a resource interest on Japanese relocation payment, WUV payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-511-1105 SSI-related eligibility requirements, 388-511-1140 SSI-related income exemptions, and 388-511-1160 SSI-related resource exemptions. Department of Social and Health Services withdrew the amendment to WAC 388-511-1130.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 95-06-072 on March 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: None, the Department of Social and Health Services withdrew the amendment to section 1130.

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

April 5, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-511-1105 SSI-related eligibility requirements. (1) For the purposes of SSI-related medical assistance, the client shall be:

- (a) Sixty-five years of age or over; or
- (b) Blind with:
 - (i) Central visual acuity of 20.200 degrees or less in the better eye with the use of a correcting lens; or
 - (ii) A limitation in the fields of vision so the widest diameter of the visual field subtends an angle no greater than twenty degrees; or
- (c) Disabled.
 - (i) Decisions on SSI-related disability are the responsibility of the medical assistance administration (MAA) and shall be subject to the authority of:
 - (A) Federal statutes and regulations codified at 42 U.S.C. Sec 1382c and 20 C.F.R. Parts 404 and 416, as amended; or
 - (B) Controlling federal court decisions which define the OASDI and SSI disability standard and determination process.
 - (ii) For MAA's purposes, "disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which:
 - (A) Can be expected to result in death; or
 - (B) Has lasted or can be expected to last for a continuous period of not less than twelve months.

(iii) In the case of a child seventeen years of age or younger, if the child suffers from any medically determinable physical or mental impairment of comparable severity.

(2) When a person has applied for Title II or Title XVI benefits and the SSA has denied the person's application solely because of a failure to meet Title II and Title XVI blindness or disability criteria, the SSA denial shall be binding on the department, unless the applicant's:

(a) SSA denial is under appeals in the reconsideration stage, the SSA's administrative hearing process, or the SSA's appeals council; or

(b) Medical condition has changed since the SSA denial was issued.

(3) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse shall not be eligible for Medicaid as categorically needy. Such ineligible spouse may be eligible for medically needy.

(4) The client shall be resource eligible under WAC 388-511-1110 on the first day of the month to be eligible for any day or days of that month. The department shall make a resource determination of the first moment of the first day of the month. The department shall determine changes in the amount of a client's countable resources during a month do not affect eligibility or ineligibility for that month. Refer to WAC 388-513-1395 for an institutionalized client.

(5) The department shall consider a client under 1619(b) of the Social Security Act as eligible for SSI.

(6) The department shall provide a resident of Washington requiring medical assistance outside the United States care according to WAC 388-501-0180.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-511-1140 SSI-related income exemptions.

- (1) The department shall exempt:
- (a) Any public agency's refund of taxes paid on real property or on food;
 - (b) State public assistance and supplemental security income (SSI) based on financial need;
 - (c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;
 - (d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;
 - (e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit child placement or child care agency;
 - (f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;
 - (g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;

PERMANENT

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted under other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;

(m) Title II Social Security Administration benefits. The department shall:

(i) Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost-of-living adjustment (COLA) benefit increases received by the:

(A) Client since termination from SSI/SSP; or

(B) Client's spouse and/or other financially responsible family member living in the same household during the time period under (m)(i) of this subsection(~~and~~);

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in computing the client's participation in the cost of the institutionalized client's care(~~and~~);

(n) A fee a guardian or representative payee charges as reimbursement for providing services, when such (~~guardianship~~) services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment and any interest earned from such payment to a (civilian) person of Japanese or Aleut ancestry under P.L. 100-383 (and any interest earned from such payment));

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(aa) Payments from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV). The department shall consider interest earned on such payments as countable income; and

(bb) Up to two thousand dollars per year derived from an individual interest in Indian trust or restricted land.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

(4) The department shall exempt as income the unearned income amounts withheld due to garnishment under a court, administrative, or agency order.

(5) The department shall exempt as income the unearned income amounts which represent an essential expense incurred in receiving the unearned income.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-511-1160 SSI-related resource exemptions.

(1) The department shall exempt the following resources in determining eligibility for medical care programs:

(a) Home;

(i) "Home" means any shelter:

(A) In which a client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall only consider one home as the client's principal place of residence.

(ii) The client's absence from the home shall not affect the home exemption. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such a person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

(iii) The department shall exempt the proceeds from the sale of the home providing the client uses the proceeds to

purchase another home within three months of the receipt of the proceeds. Proceeds include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-513-1365;

(b) Household goods and personal effects;

(c) Vehicle; the department shall:

(i) Exempt one vehicle regardless of its value if, for the client or a member of the client's household, the vehicle is:

(A) Necessary for employment; or

(B) Necessary for the treatment of a specific or regular medical problem; or

(C) Modified for operation by, or transportation of, a handicapped person; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities(†);

(ii) Exempt one of the client's vehicles to the extent its current market value does not exceed four thousand five hundred dollars;

(iii) Count any excess against the resource limit;

(iv) Exempt a vehicle under this subsection only if a vehicle is not exempt under (c)(i) of this subsection;

(v) Treat the client's ownership of other vehicles as nonexempt resources and count the equity value toward the resource limit(†);

(d) Property essential to self-support. The department shall exempt:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income-producing activity(†);

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household;

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of six percent or more of the exempt equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in the activities described in subsection (1)(d) of this ((subsection)) section; or

(B) Is expected to resume using the property in the activities described in subsection (1)(d) of this ((subsection)) section within twelve months;

(e) Resources necessary to fulfill an approved plan for a blind or disabled client to achieve self-support as long as such plan remains in effect;

(f) Alaska Native Claims Settlement Act;

(i) Shares of stock held in a regional or village corporation;

(ii) Cash received from a native corporation, including cash dividends on stock received from a native corporation to the extent the cash does not exceed two thousand dollars per person per year;

(iii) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(iv) A partnership interest;

(v) Land or an interest in land, including land or an interest in land received from a native corporation, as a dividend or distribution on stock;

(vi) An interest in a settlement trust(†);

(g) Life insurance:

(i) The department shall exempt the total cash surrender value when the total face value of all policies held by each person is one thousand five hundred dollars or less(†);

(ii) The cash surrender value applies to the resource limit under WAC 388-511-1110 if the face value of all policies held by each person is over one thousand five hundred dollars(†); and

(iii) When determining total face value in subsection (1)(g)(i) of this ((subsection)) section, the department shall not include term or burial insurance with no cash surrender value(†);

(h) Restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without the permission of other persons, the tribe, or an agency of the federal government;

(i) Insurance settlements the client receives from an insurance company for purposes of repairing or replacing a resource providing the client uses the total amount of the cash to repair or replace the exempt resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource;

(j) Burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) The department shall consider burial spaces ((shall)) includes conventional grave sites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) The department shall consider burial spaces ((include)) as including a burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

(iii) For purposes of subsection (1)(j) and (k) of this ((subsection)) section, "immediate family" means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall not consider dependency or living-in-the-same-household as factors in determining whether a person is an immediate family member;

(k) Burial funds:

(i) The department shall ensure funds specifically set aside for the burial arrangements of a client or the client's spouse not exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-511-1110.

(ii) The department shall require funds set aside for burial expenses to be kept separate from all other resources and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources, the department shall not apply this exemption to any portion of the funds unless the client intends to use the

nonexempt funds for burial-related items or services. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside solely for the person's or spouse's burial expenses.

(iv) The department shall reduce the one thousand five hundred dollar exemption by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in subsection (1)(g) of this ((subsection)) section; and

(B) Amounts in an irrevocable burial trust.

(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses if, at the first of the month of use, when added to other nonexempt resources, the total exceeds the resource limit;

(l) Other resources considered exempt by federal statute;

(m) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments received by the client, spouse, or any other person received that the department considers available to meet the client's needs;

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts, or saving accounts. The department shall not apply this exemption once the retroactive payment has been converted to any other form((§));

(n) Payments for medical or social services, for one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Restitution payment((§)) and any interest earned from such payment to persons of Japanese or Aleut ancestry ~~((for restitution to civilians))~~ relocated and interned during war time, under P.L. 100-383;

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41;

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(r) Payments from the Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV). See WAC 388-511-1140 (1)(aa) for the treatment of interest earned on such payment.

(s) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;

~~((§))~~ (t) Unspent assistance payments the client receives because of a presidential declaration of a major disaster, under P.L. 93-288, are exempt for nine months from the date of receipt.

(i) The department shall determine the exemption may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the exempt resource is exempt for the period the exemption applies;

~~((§))~~ (u) Earned income tax credit refunds and payments are exempt during the month of receipt and the following month;

~~((§))~~ (v) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt;

~~((§))~~ (w) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

~~((§))~~ (x) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall:

(i) Not consider such payments as income or resources for determining eligibility or post-eligibility((-)); and

(ii) Count the ~~((earned))~~ interest from such payments as unearned income for the client.

(2) The department shall consider a sales contract:

(a) An exempt resource when the current market value of the contract:

(i) Is zero or the contract is unsalable; or

(ii) When combined with other resources, exceeds the resource limit((§)), and the sales contract was executed:

(A) ~~((The sales contract was executed))~~ On or before November 30, 1993; or

(B) ~~((The sales contract was executed))~~ On or after December 1, 1993((§)), and:

(I) Was received as compensation for the sale of the client's principal place of residence. For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client; and

(II) Provides for an interest rate within prevailing rates at the time of the sale; and

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years((§)).

(iii) The department shall consider payment of principal and interest on a sales contract meeting the criteria of subsection (2)(a)(i) or (ii) of this ((subsection)) section under WAC 388-505-0590 (3)(b);

(b) An available resource when the current market value of a sales contract does not meet the requirements in subsection (2)(a)(i) or (ii) of this ((subsection)) section. For a sales contract the department determines to be an available

resource, the department shall consider the payment that represents:

(i) Principal, an available resource~~(-)~~; and

(ii) Interest, under WAC 388-505-0590 (3)(c)~~(-)~~.

(c) An available resource when transferred by the client to a person other than the client's spouse. See WAC 388-513-1365~~(-)~~; and

(d) An exempt resource to the extent the proceeds from the sale of a home are used to purchase another home. The department shall not consider payments received under such sales contract (~~shall not be considered~~) as income as described under subsection (1)(a)(iii) of this section.

(3) The department shall consider cash received from the sale of an exempt resource as a nonexempt resource to the extent that the cash is not:

(a) Used to replace an exempt resource; or

(b) Invested in an exempt resource within the same month, unless specified differently under this section.

PERMANENT

WSR 95-08-001
EMERGENCY RULES
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Filed March 22, 1995, 1:14 p.m.]

Date of Adoption: March 22, 1995.

Purpose: To amend the Health Care Authority eligibility rules to allow enrollment in the Washington State Group Purchasing Association caregivers health plan.

Citation of Existing Rules Affected by this Order: New sections WAC 182-14-010, 182-14-020, 182-14-030, 182-14-040, 182-14-050, 182-14-060, 182-14-070, 182-14-080, 182-14-090, and 182-14-100.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Proposed legislation would repeal this program.

Effective Date of Rule: Immediately.

March 22, 1995

Elin Meyer

Rules Coordinator

Chapter 182-14 WAC
WASHINGTON STATE GROUP PURCHASING
ASSOCIATION CAREGIVERS HEALTH PLAN

NEW SECTION

WAC 182-14-010 Purpose. The purpose of this chapter is to establish eligibility for the Washington state group purchasing association caregivers health plan, hereafter referred to as the WSGPA caregivers health plan. The WSGPA caregivers health plan merges the health care purchasing power of child care workers, home care workers, foster parents and eligible employees of non-profit human services organizations that contract with state agencies. The WSGPA caregivers health plan will be administered by the health care authority administrator.

NEW SECTION

WAC 182-14-020 Definitions. The following definitions apply to WAC 182-14-010 through 182-14-100.

(1) Administrator. The administrator of the health care authority.

(2) Effective date. The day on which coverage begins.

(3) Continuous coverage. Continuous group or individual health insurance plan coverage in effect for at least three months immediately prior to the effective coverage date of the WSGPA caregivers health plan.

(4) Open enrollment. That period of time, set by the health care authority, when eligible employees may sign up for coverage of their choice, change plans or add eligible dependents.

(5) Full-time employee. Those employees working thirty or more hours per week or one hundred twenty hours per calendar month.

(6) Part-time employee. Those employees working between eight and twenty-nine hours per week or thirty-two to one hundred nineteen hours per calendar month.

(7) Permanent employees. Those employees who are expected to be employed for more than six months.

(8) Nonpermanent employees. Those employees who are in pay status at least twenty hours per week and are expected to be employed for no more than six months. A nonpermanent employee becomes a permanent employee on the first day of the seventh month of employment.

(9) Dependents. Eligible dependents include:

(a) Lawful spouse.

(b) Dependent children through age nineteen. As used in these rules, "children" includes natural children, stepchildren, legally adopted children, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government health care entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a WSGPA caregivers health plan as a full-time student. Evidence of such disability and dependency must be furnished to the HCA upon application, and as periodically requested thereafter.

NEW SECTION

WAC 182-14-030 Eligible entities or individuals.

The following entities or individuals are eligible to participate in the WSGPA caregivers health plan subject to the terms and conditions set forth in WAC 182-14-040:

(1) Owners and operators of licensed child day care centers, licensed family child care homes and preschools or other child care education programs exempted from licensing as provided in chapter 74.15 RCW on behalf of themselves, their eligible employees, employees' spouses and dependents;

(2) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the following department of social and health services (DSHS) programs may apply on behalf of themselves, their eligible employees, employees' spouses and dependent children:

- (a) Personal care as provided in chapter 74.09 RCW;
- (b) Community options program entry system (COPES), as provided in chapter 74.09 RCW;
- (c) Chore services as provided in chapter 74.08 RCW;
- (3) Foster parents contracting with DSHS under chapter 74.13 RCW and licensed by DSHS under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children;
- (4) Private nonprofit human services provider organizations under contract with Washington state agencies on behalf of their eligible employees, employees' spouses and dependent children.

NEW SECTION

WAC 182-14-040 Terms and conditions of participation. Eligible entities, or individuals may participate in the WSGPA caregivers health plan provided:

- (1) The administrator approves the individual's or entity's application;
- (2) The entity enrolls at least seventy-five percent of its full-time employees, who do not have other health insurance coverage, in the WSGPA caregivers health plan;
- (3) The entity submits to the administrator the number of hours each eligible employee works per week/month and the employees' current group health coverage, if any, and its termination date;
- (4) The WSGPA caregivers health plan is the only group health care insurance coverage provided by the entity to its employees.

NEW SECTION

WAC 182-14-050 Ineligible employees. Employees working for eligible entities which do not participate in the WSGPA caregivers health plan will be ineligible for individual coverage under the WSGPA caregivers health plan. Employees who are employed by an eligible entity for fewer than eight hours per week or thirty-two hours per calendar month are ineligible for coverage under the WSGPA caregivers health plan.

NEW SECTION

WAC 182-14-060 Enrollment and effective date of coverage. (1) Permanent employee. Permanent employees and their dependents shall enroll within ninety days of their employment and coverage becomes effective on the first date of the month after receipt of application and the first month's premium.

Employees not enrolled within ninety days of employment may not enroll until the next open enrollment period unless they can provide evidence of continuous coverage under another health plan. If such evidence of coverage is provided, the employee may enroll and pay the premium within thirty-one days of the termination date of the previous

plan and, coverage would begin on the date following the expiration date of previous coverage.

(2) Nonpermanent employee. Nonpermanent employees and their dependents may enroll in their sixth month of employment and coverage will be effective the first day of the seventh month of employment.

(3) Dependents.

(a) New dependents without previous coverage whose enrollment results in premium adjustments. New dependents whose enrollment will result in a premium adjustment shall enroll within sixty days of the date of marriage, birth, or placement of an adopted or foster child. New dependents not enrolled within sixty days may not enroll until the next open enrollment period. Upon receipt of application and premium, coverage begins for new dependents on the date of birth for newborn (natural or adopted), date of placement for adopted child or foster child, or date of marriage for spouse.

(b) New dependents without previous coverage whose enrollment does not result in premium adjustments. Children whose enrollment will not result in a premium adjustment may enroll at any time and coverage will begin at the date of birth or placement of an adopted or foster child.

(c) New dependents or spouses with continuous coverage. A new dependent or spouse with continuous health care coverage shall enroll within thirty-one days of the termination date of their previous coverage. Upon receipt of the application and premium, coverage becomes effective the date following the expiration date of previous coverage.

(4) Eligible employees and dependents who discontinue WSGPA caregivers health plan. Eligible employees and dependents who discontinue WSGPA caregivers health plan may enroll during the first open enrollment following a twelve-month waiting period.

(5) Confined enrollee. If an enrollee or dependent (other than a newborn child) is confined in a hospital, skilled nursing facility, approved chemical dependency facility or other approved inpatient facility when coverage would normally begin, no benefits will be provided for services rendered prior to discharge.

NEW SECTION

WAC 182-14-070 Preexisting condition restriction. Enrollees in the WSGPA caregivers health plan are subject to a twelve-month preexisting condition period. A preexisting condition is any illness, injury, or condition for which the enrollee received medical or surgical treatment, consultations, diagnostic testing or prescription drugs in the three months immediately preceding the enrollee's effective date of coverage. Persons who have continuous coverage shall have the twelve-month preexisting period reduced for each month of prior continuous coverage.

NEW SECTION

WAC 182-14-080 Contribution to the Washington state group purchasing association account. (1) Permanent employees:

(a) Full-time employees. Employers must pay at least fifty percent of the premium rate established by the HCA for full-time permanent employees enrolled in the WSGPA caregivers health plan.

(b) Part-time employees working at least twenty hours per week. Employers must pay a prorated share of their contribution for full-time employees for part-time employees working between twenty and thirty hours a week, or between eighty and one hundred twenty hours a month.

(c) Part-time employees working less than twenty hours per week. Eligible employees working between eight and twenty hours per week, or between thirty-two and eighty hours per calendar month are eligible for an employer premium contribution according to the employer's written benefits policy. The employer contribution shall be a prorated share of the full-time contribution.

(2) Nonpermanent employees. Employer contributions for nonpermanent employees who become eligible for the WSGPA caregivers health plan shall be the same rate as those set forth for permanent employees in subsection (1) of this section.

(3) Individual enrollees. Individual enrollees in the WSGPA caregivers health plan are responsible for payment of their entire premium.

NEW SECTION

WAC 182-14-090 Termination of coverage. WSGPA caregivers health plan ends on the earliest of the following dates:

- (1) The date the plan terminates;
- (2) At midnight, the last day of the last month for which the premium has been paid;
- (3) At midnight on the last day of the month in which a dependent's eligibility ceases; or
- (4) For any subscriber or dependent confined in an inpatient facility on the date when coverage would otherwise terminate, until discharge from that facility or until benefits are exhausted, whichever occurs first.

NEW SECTION

WAC 182-14-100 Continued medical coverage under COBRA and group conversion. (1) COBRA. Eligible employees and eligible dependents who become ineligible for WSGPA caregivers health plan and who qualify for continued coverage under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), including any amendments hereinafter enacted, may continue their WSGPA caregivers health plan coverage by self-payment of plan premiums in accordance with federal COBRA statutes and regulations.

(2) Group conversion policies. Group conversion policies are available to all enrollees upon termination of the WSGPA caregivers health plan or COBRA coverage if application is made within thirty-one days after termination of their group or COBRA plan.

WSR 95-08-002
EMERGENCY RULES
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Filed March 22, 1995, 1:17 p.m.]

Date of Adoption: March 22, 1995.

Purpose: Amend the Public Employees Benefits Board eligibility rules to permit: (1) Enrollment by school district and educational service district bargaining units; (2) enrollment by retirees of school districts; and (3) require Medicare eligible retirees to enroll in both Parts A and B of Medicare as a condition of eligibility. These changes are required by chapter 386, Laws of 1993 (SHB 1784).

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-110, 182-12-111, 182-12-115, and 182-12-122.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The drafted permanent rules are still under legal review.

Effective Date of Rule: Immediately.

March 22, 1995
 Elin Meyer
 Rules Coordinator

[AMENDATORY SECTION (Amending Order 5646, filed 2/9/76)]

WAC 182-12-110 Purpose. The purpose of this chapter is to establish criteria of employee eligibility for all ~~((state))~~ public employees' ~~((insurance))~~ benefits board approved plans.

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

[AMENDATORY SECTION (Amending WSR 92-03-040, filed 1/10/92)]

WAC 182-12-111 Eligible entities. Eligibility. ~~The Individuals, as defined in (4) below, and the employees and retirees of eligible entities and their dependents must meet the individual eligibility requirements set forth in WAC 182-12-115 in order to participate in ((SEBB)) PEBB insurance plans. Only individuals who participated in ((SEBB)) PEBB insurance plans as an active employee and their dependents are eligible to participate in ((SEBB)) PEBB insurance plans upon disability or retirement, except as provided in WAC 182-12-115(8) and 182-12-122 (1)(d) or (e). The following entities and individuals shall be eligible to participate in ((SEBB)) PEBB insurance plans subject to the terms and conditions set forth below:((:))~~

(1) (a) State agencies. Every department, division, or separate agency of state government including the higher education personnel board, higher education coordinating board, vocational-technical institutions, and the state board for community and technical colleges is eligible and required to participate in all board approved plans.

(b) Employees of employee organizations representing state civil service employees, at the option of each such employee organization. ~~((provided-~~

~~Employees of vocational-technical institutions who belong to collective bargaining units may participate in~~

EMERGENCY

~~SEBB insurance plans only if the entire collective bargaining unit enrolls in the plans and such participation is consistent with section 83, chapter 238, Laws of 1991.)~~

(2) ~~Employees, of a county ((Counties)), municipality((ies)), ((and)) or other political subdivision((s)), ((including K-12 school districts))~~ of the state may participate in ~~((SEBB))~~ PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to ~~((SEBB))~~ PEBB plan coverage as a unit.

(b) The legislative authority or the board of directors obligates itself to participate in all ~~((SEBB))~~ PEBB insurance plans.

(c) The legislative authority of the entity ~~((or the board of directors of the school district))~~ submits an application together with employee census data and, if available, prior claims experience of the entity to the health care authority;

(d) The legislative authority or the board of directors agrees to maintain its ~~((SEBB))~~ PEBB plan participation through the end of the plan year;

(e) The legislative authority or the board of directors shall provide the health care authority written notice of its intent to terminate ~~((SEBB))~~ PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, ~~((or))~~ political subdivision, ~~((including a K-12 school district))~~ or employees of employee organizations representing state civil service employees terminates coverage in ~~((SEBB))~~ PEBB insurance plans, retired, and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in ~~((SEBB))~~ PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The health care authority administrator approves the entity's application.

(3)(a) School districts and educational service districts. Bargaining units and nonrepresented employees of school districts and educational services districts of the state may participate in PEBB insurance programs provided:

(i) The PEBB plans must be the only plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(ii) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(iii) A bargaining unit employee or nonrepresented employee who would otherwise be considered an eligible employee under the rules established by the board may voluntarily waive enrollment in the programs and will no longer be considered an eligible employee for purposes of effectuating the transfer of the unit.

(iv) The terms and conditions for the payment of insurance premiums shall be set forth in the provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the PEBB at the time of application for participation.

(v) The application to participate in the PEBB plans is subject to the approval of the HCA.

(vi) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of the

state employees and retirees as defined in WAC 182-12-115(10).

(vii) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation through the end of the plan year.

(4) Eligible non-employees: (a) Dislocated Forest Products Workers. Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

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

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

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

[AMENDATORY SECTION (Amending WSR 92-08-003, filed 3/18/92)]

WAC 182-12-115 Eligible employees, retirees, and dependents. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111 shall apply for all ~~((SEBB))~~ PEBB approved plans except as otherwise stated in this chapter~~((:))~~. For purposes of defining eligible employees of school districts and educational service districts, the collective bargaining agreement will supersede all definitions provided under this rule if approved by the PEBB and the authority in accordance with WAC 182-12-111 (3)(a)(iv).

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Career Seasonal/Instructional Employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month seasonal basis are eligible on their first day of employment and are eligible to receive the employer contribution for insurance during the off-season following each period of seasonal employment.

~~((4))~~ (5) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis

become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to ((SEBB)) HCA; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

((5)) (6) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

((6)) (7) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

((7)) (8) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their ((SEBB)) PEBB active employee coverage ends. Persons retiring who do not have waiver of premium

coverage from any ((SEBB)) PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the ((SEBB)) PEBB program at the time of retirement or disability.

(9) "Retired and disabled school district and educational service district employees." The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B or enroll in the next Medicare open enrollment period:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance under chapter 41.32 or 41.40 RCW. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

((8)) (10) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a ((SEBB)) PEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the Internal Revenue Code or as specified in a court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a ~~((SEBB))~~ PEBB plan as a full-time student. Proof of such disability and dependence must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under ~~((SEBB))~~ PEBB medical/dental plans prior to July 1, 1990, may continue ~~((SEBB))~~ PEBB coverage on a self-pay basis.

~~((9))~~ (11) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

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

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

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

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-122 Surviving dependents eligibility.

(1) The following classes of surviving eligible dependents may continue their medical and dental coverages (up to the age limits for dependent children by premium withholding or direct payment of premium) on a self-pay basis: ((1))

(a) Surviving spouse and/or eligible dependent children of a deceased state retiree who were covered as dependents under ((these coverages)) a PEBB plan at the time of the retiree's death((, and (2)) ;

(b) Surviving spouse and/or eligible dependent children of a deceased state employee who were covered ((as dependents)) under ((these coverages)) a PEBB plan at the time of the employee's death ((and who will immediately begin receiving a monthly retirement income benefit)) provided they are eligible to receive an allowance from a Washington

~~state sponsored retirement system((—Application for surviving dependents coverage must be made within sixty days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. Surviving dependents are not eligible for retiree life insurance.));~~

(c) Surviving spouses and/or eligible dependent children of a deceased retired or disabled school district and educational service employees who were enrolled under a PEBB plan at the time of the retiree's death;

(d) Surviving spouses and/or eligible dependent children of a deceased school district or educational school district employee who was not enrolled in a PEBB plan at the time of death; provided, the employee died on or after October 1, 1993 and the dependents immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW;

(e) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district or educational service district employees who died prior to October 1, 1993, and who would have been eligible to enroll pursuant to WAC 182-12-115 (8)(a).

(2)(a) Applications for surviving dependents coverage under subsections (1)(a), (b) and (c) must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of premium.

(b) Application for surviving dependents coverage under (1)(d) and (e) must be made before the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995. The effective date of coverage will be the first day of the month following the receipt of the completed application.

(3) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system under subsection (1) (b) of this section for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the ((SEIB)) PEBB program at the time of death.

WSR 95-08-018
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed March 27, 1995, 9:45 a.m.]

Date of Adoption: March 8, 1995.

Purpose: Provides the Department of Health with the flexibility to meet the needs identified by the farmworker, grower and health communities and to assist in the housing shortage of the approaching cherry harvest season. To be consistent with the interagency agreement as required by RCW 43.70.330.

Citation of Existing Rules Affected by this Order: Amending WAC 246-358-010, 246-358-020, 246-358-085, and 246-358-140.

Statutory Authority for Adoption: RCW 70.54.110 and 43.70.340.

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 State Board of Health passed a motion that the immediate rule adoption was necessary for the preservation of the public health, safety and general welfare.

Effective Date of Rule: Immediately.

March 21, 1995

Sylvia I. Beck

Executive Director

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-010 Definitions. (1) "Board" means the Washington state board of health.

(2) "Construction" means building, altering, or adding to a structure, or changing the use of an existing structure, to house temporary workers.

(3) "Contracted health officer" means a health officer who has a signed agreement with the department to inspect housing, issue operating licenses, and enforce this chapter.

(4) "Department" means the Washington state department of health.

(5) "Dormitory" means a shelter, building, or portion of a building, without cooking and eating facilities, which is:

(a) Provided and designated by the operator as a sleeping area for five or more occupants; and

(b) Physically separated from other sleeping and common-use areas.

(6) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

(a) Provided and designated by the operator as a sleeping and/or living area for occupants; and

(b) Physically separated from other sleeping and common-use areas.

(7) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

(8) (~~"Emergency" means a natural disaster or other sudden and unexpected occurrence demanding immediate action. "Emergency" does not mean an unexpected demand for housing because additional workers are needed to harvest a crop larger than anticipated.~~)

(9) "Exemption" means a written authorization from the board which excludes an operator from meeting a specific requirement or requirements in this chapter.

~~((11))~~ (9) "Foodhandling facility" means a designated, enclosed area for preparation of food.

(a) "Central foodhandling facility" means a cafeteria-type eating place with food furnished by and prepared under

the direction of the operator for consumption, with or without charge, by occupants.

(b) "Common foodhandling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

~~((11))~~ (10) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

(11) "Interagency agreement committee" means the agencies required by RCW 43.70.340 to enter into an interagency agreement, including the state board of health, department of health, department of labor and industries, employment security department, and department of community, trade, and economic development.

(12) "Laundry" means an area or room with one or more laundry sinks and/or mechanical washing machines used to wash clothing.

(13) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

(14) "Operator" means owner, or the individual designated by the owner, responsible for the owner's temporary-worker housing.

(15) "Operating license" means a document issued annually by the department or contracted health officer authorizing the use of temporary-worker housing.

(16) "Refuse" means solid wastes, rubbish, or garbage.

(17) "Single operation" means the common use of labor, equipment, and supervision.

(18) "Sink" means a properly trapped plumbing fixture which prevents back passage or return of air and may be a:

(a) "Handwashing sink" with water under pressure intended for handwashing; or

(b) "Laundry sink" with hot and cold water under pressure, large enough to accommodate hand laundering of clothing.

(19) "Space" means a site designated by an operator for an individual worker-supplied housing unit.

(20) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.

(21) "Temporary-worker housing" or "housing" (labor camp) means all facilities provided by the operator, managed as a single operation, including site; spaces; bathing, foodhandling, handwashing, laundry, and toilet facilities; dwelling units and dormitories, to house occupants.

(22) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

(23) "Worker-supplied housing" means an enclosed vehicle designed for sleeping and/or living, supplied and used by a temporary worker, and may be:

(a) "Fully self-contained worker-supplied housing" which means a unit with bathing, foodhandling, handwashing, and toilet facilities that meet the requirements of this chapter; or

(b) "Basic worker-supplied housing" which means a unit without bathing, foodhandling, handwashing, and toilet facilities that meet the requirements of this chapter.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-020 Exemptions. The board may exempt an operator from meeting a specific requirement or requirements in this chapter. The board shall not grant an exemption for the operating license requirement.

(1) An operator wishing to request an exemption shall ~~((follow procedures established by the board, which include))~~:

(a) ~~((Submitting))~~ Submit a written request to the board which includes:

(i) The specific WAC section or subsection for which the exemption is being requested;

(ii) Justification for the exemption; and

(iii) A description of how the intent of the regulation will be met; and

(b) ~~((Appearing))~~ Appear before the board at a public hearing to justify the exemption when the exemption is found to be significant by the interagency agreement committee.

(2) The board's decision shall be based on potential risk to public health and safety, justification presented by the operator, and recommendations by the department.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-085 Worker-supplied housing. An operator licensed for worker-supplied housing shall:

(1) Provide a space located and maintained in accordance with WAC 246-358-045 for each worker-supplied housing unit;

(2) Provide water, electricity, and sewage disposal at each space used for fully self-contained worker-supplied housing;

(3) Provide facilities for the maximum occupancy specified on the operating license for basic worker-supplied housing, including:

(a) Centralized bathing, handwashing, laundry, and toilet facilities in accordance with the ratios specified in WAC 246-358-095; and

(b) Common or central foodhandling facilities;

(4) ~~((Prohibit the use of))~~ Allow tents as worker-supplied housing when a tent does not violate WISHA requirements; and

(5) Comply with the requirements in this chapter; except, operators licensed only for worker-supplied housing are exempt from regulations pertaining to dwelling units and dormitories.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-140 ((Emergency)) Use of tents. An operator may use tents ~~((for a limited time in emergency situations provided the operator:~~

(a) ~~Has prior written approval by the department; and~~

(b) ~~Follows board guidelines for the use of tents))~~ that do not violate WISHA requirements.

**WSR 95-08-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-26—Filed March 29, 1995, 4:40 p.m., effective April 1, 1995, 12:01 a.m.]

Date of Adoption: March 29, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000P; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to maintain consistency with regulations adopted by the National Marine Fisheries Service pursuant to the Pacific Fisheries Management Council.

Effective Date of Rule: April 1, 1995, 12:01 a.m.

March 29, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-44-05000Q Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. April 1, 1995 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

(b) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

(c) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

EMERGENCY

(d) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(e) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(f) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(g) Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

(2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

(a) **Pacific ocean perch** - Cumulative limit of 6,000 pounds. No minimum size.

(b) **Widow rockfish** - Cumulative limit of 30,000 pounds. No minimum size.

(c) **Shortbelly rockfish** - No minimum size. No maximum poundage.

(d) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*sebastolobus* spp.)

(i) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Cumulative limit of 35,000 pounds; of which no more than 14,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.

(ii) South of Cape Lookout - Cumulative limit of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano,

WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

(iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.

(iv) Wholesale fish dealers purchasing more than 30,000 pounds of sabestes complex or 14,000 pounds of yellowtail rockfish must enter the declaration number on the fish receiving ticket.

(f) **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Cumulative monthly limit of 35,000 pounds of which no more than 15,000 pounds may be thornyhead rockfish. Of the thornyhead, no more than 3,000 pounds may shortspine thornyheads.

(g) **Sablefish** -

(i) **Trawl vessels** - Cumulative limit of 6,000 pounds. Vessel trip limit of 1,000 pounds or 25% of the DTS complex, whichever is greater (sablefish allowance = .33 times the combined weight of Dover sole and thornyhead rockfish. In the trip limit, no more than 500 pounds may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6

(ii) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

(h) **Pacific Whiting** - Vessel trip limit of 10,000 pounds through April 14, 1995. No minimum size. No vessel trip limit beginning 12:01 a.m. April 15, 1995. No minimum size.

(i) **Lingcod** - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(3) Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) Sablefish - Daily trip limit of 300 pounds (round weight). No minimum size.

(b) Rockfish - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(c) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(4) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility

to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000P Coastal bottomfish catch limits (95-15)

**WSR 95-08-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-27—Filed March 30, 1995, 4:54 p.m., effective April 1, 1995]

Date of Adoption: March 30, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-16000Z; and amending WAC 220-57-160, 220-57-290, 220-57-315, 220-57-497, and 220-57-505.

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: Preseason forecasts indicate poor returns. Closure is necessary to protect hatchery broodstock.

Effective Date of Rule: April 1, 1995.

March 30, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000A Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective April 1, 1995 until further notice it is unlawful to take, fish for or possess salmon in those waters of the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet)

downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet.

NEW SECTION

WAC 220-57-29000R Icicle River. Notwithstanding the provisions of WAC 220-57-290, effective May 16 through June 30, 1995 it is unlawful to take, fish for or possess salmon in those waters of the Icicle River.

NEW SECTION

WAC 220-57-31500A Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective April 1, 1995 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Klickitat River downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to the mouth.

NEW SECTION

WAC 220-57-49700J Wenatchee River. Notwithstanding the provisions of WAC 220-57-497, effective May 16 through June 15, 1995 it is unlawful to take, fish for or possess salmon in those waters downstream from the mouth of the Icicle River to the Highway 2 Bridge at Leavenworth.

NEW SECTION

WAC 220-57-50500X White Salmon River. Notwithstanding the provisions of WAC 220-57-505, effective April 1, 1995 until further notice, it is unlawful to take, fish for or possess salmon in the White Salmon River.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 1995:

WAC 220-57-16000Z Columbia River. (95-13)

**WSR 95-08-039
EMERGENCY RULES
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed March 31, 1995, 9:52 a.m.]**

Date of Adoption: March 31, 1995.

Purpose: Provides a program to cover the costs incurred in determining applicants' eligibility for pollution liability insurance.

Citation of Existing Rules Affected by this Order:
Amending WAC 374-50-040(2), 374-50-050(3), 374-50-060, 374-50-080 (1)(b), and 374-50-090(2).

Statutory Authority for Adoption: RCW 70.148.040.

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: Emergency adoption of this rule is necessary for the timely continuation of the reimbursement program.

Effective Date of Rule: Immediately.

March 31, 1995

James M. Sims

Director

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-010 Authority and purpose. This chapter is promulgated under the authority of RCW 70.148.040. Its purpose is to implement those provisions of RCW 70.148.035 relating to covering ~~((insurers'))~~ costs ~~((of))~~ associated with determining ((the eligibility of)) whether an applicant((s)) for pollution liability insurance under the pollution liability insurance program meets the underwriting standards of the insurer and the agency.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-020 Definitions. Unless the context requires otherwise, the following definitions shall apply:

(1) "Agency" means the pollution liability insurance agency created by chapter 70.148 RCW.

(2) "Director" means the director of the pollution liability insurance agency.

(3) "Insurer" means a commercial property and casualty insurance company ~~((or risk retention group))~~ with whom the agency has a contract to provide reinsurance.

(4) "Insurance eligibility assessment" means those actions required to determine the eligibility of an owner or operator for pollution liability insurance coverage by an insurer including, but not limited to, evaluation of inventory control records, tightness testing of tanks and connected piping, soil and/or ground water sampling, and other physical or chemical tests.

(5) "Operator" means a person in control of, or having responsibility for, the daily operation of a regulated petroleum ~~((underground))~~ storage tank.

(6) "Owner" means a person who owns a regulated petroleum ~~((underground))~~ storage tank.

(7) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporations), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government or any department or agency of the federal government, or an Indian tribe or agency or entity of an Indian tribe.

(8) "Pollution liability insurance program" means the reinsurance program administered by the pollution liability insurance agency.

(9) "Substantial economic impact" means elimination or substantial reduction of the availability of petroleum products or other goods or services in which petroleum products are a necessary part of the production or distribution process within a community or an area resulting from closure of one or more regulated petroleum ~~((underground))~~ storage tanks.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-030 Eligibility for reimbursement program—Who may apply. Any ~~((person who))~~ owner or operator that is required to demonstrate financial responsibility for one or more regulated petroleum ~~((underground))~~ storage tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92 (the federal underground storage tank regulations), chapter 90.76 RCW, or other applicable laws, ordinances, or rules ~~((and who))~~ that satisfies the criteria set forth in WAC 374-50-040 may apply for assistance in ~~((covering an insurer's))~~ assisting with the costs of an insurance eligibility assessment under the program established by this chapter, except for:

(1) Persons whose compliance dates under 40 C.F.R. Part 280.91 as now or hereafter amended, chapter 90.76 RCW or other laws, ordinances, or rules precede the effective date of this chapter;

(2) The federal government or entities of the state of Washington;

(3) The state of Washington or entities of the state of Washington;

(4) Indian tribes or entities of Indian tribes; and

(5) Counties, cities, towns, or special purpose districts including, but not limited to, fire districts, hospital districts, library districts, metropolitan park districts, park and recreation districts, school districts, or entities of such governmental units~~((and~~

~~((Owners or operators of farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes)).~~

NEW SECTION

WAC 374-50-035 Insurance eligibility assessment.

(1) Insurers may establish eligibility assessment underwriting requirements to determine the eligibility of certain regulated petroleum storage tanks for coverage under their pollution liability insurance policies. To limit the threat to human health and the environment, and to determine the risk associated with insurance coverage of certain regulated petroleum storage tanks, such eligibility assessment requirements are established. Eligibility assessment requirements may include: Inventory records evaluation, statistical inventory reconciliation, tank tightness testing, line tightness testing, soil and/or ground water sampling.

(2) Insurance eligibility assessment requirements may be established by each insurer with which the agency has a reinsurance contract, independent of other insurers. Requirements may not necessarily be the same for each insurer under the pollution liability insurance program.

(3) Insurance eligibility assessment requirements may be in addition to leak detection requirements established by the United States Environmental Protection Agency, department of ecology or local government authorities.

(4) The agency may establish insurance eligibility assessment requirements to determine the eligibility of regulated petroleum storage tanks under the pollution liability insurance program. Such requirements are established to limit the threat to human health and the environment and to determine the risk associated with insurance coverage of those tanks.

(5) If soil samples are required as an insurance eligibility assessment measure and if reimbursement is requested in accordance with WAC 374-50-050, soil sampling and analysis must be conducted in accordance with the current protocol published by the agency. The protocol is not a part of this rule, but is available from the agency.

(a) Soil samples are required only at the time of binding coverage and inception of the policy. If coverage of such a site has been bound prior to the effective date of this rule, soil samples must be taken prior to renewal of the policy.

(b) A specific protocol for soil sampling and analysis published by the agency is not a part of this rule.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-040 Eligibility criteria. (1) ~~((Persons))~~ Owners or operators eligible to apply for participation in the program established by this chapter must satisfy the following criteria:

(a) The applicant is eligible under WAC 374-50-030;

(b) The applicant is the owner or operator of one or more regulated petroleum ~~((underground))~~ storage tanks located in the state of Washington;

(c) The applicant's tank or tanks are registered with the department of ecology and all required fees due under chapter 90.76 RCW, local ordinances if applicable, and any other applicable laws, ordinances, or fees have been paid;

(d) The applicant is in compliance with all applicable technical and operating requirements of 40 C.F.R. Part 280, Subparts B, C, and D, applicable requirements of chapter 90.76 RCW, and rules adopted thereunder, and other applicable laws, ordinances, or rules effective on the date of application;

(e) The applicant is responsible for demonstrating financial responsibility for the tank or tanks under 40 C.F.R. Parts 280.90, 280.91, and 280.92, chapter 90.76 RCW or other laws, ordinances, or rules;

(f) The applicant has applied for pollution liability insurance from an insurer with whom the agency has a contract to provide reinsurance;

(g) The applicant ~~((affirms that he or she intends to))~~ purchases such insurance coverage if the tank, tanks, site, or sites to be insured satisfy the underwriting requirements of the insurer; and

(h) The applicant's net worth is five hundred thousand dollars or less, except as provided for in subsection ~~((2))~~ (3) of this section.

(2) Owners or operators of regulated petroleum storage tanks required to provide soil samples are not required to satisfy the net worth requirement of subsection (1)(h) of this section.

(3) Additional consideration may be given to applications for reimbursement of insurance eligibility assessment costs when:

(a) The applicant fails to satisfy the net worth criterion in subsection (1)(h) of this section, but can demonstrate through income tax returns or other acceptable means that such costs would result in unfair economic hardship; or

(b) The applicant demonstrates that closure of the regulated petroleum ~~((underground))~~ storage tank or tanks

would impose a substantial economic impact upon the community or area in which it is located.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-050 Reimbursement limits. (1) ~~((Insurers))~~ Approved owners or operators will be reimbursed for insurance eligibility assessment costs ~~((incurred on behalf of persons whose applications for participation in the program))~~ established by this chapter ~~((are approved))~~ according to the following schedule:

(a) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth of two hundred fifty thousand dollars or less — seventy-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of two thousand six hundred twenty-five dollars;

(b) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth greater than two hundred fifty thousand dollars, but less than or equal to five hundred thousand dollars — fifty percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of one thousand seven hundred fifty dollars;

(c) For costs incurred ~~((on behalf of persons))~~ by owners or operators with net worth greater than five hundred thousand dollars whose applications for participation in this program have been accepted on the basis of WAC 374-50-040~~((2))~~ (3) — twenty-five percent of the first three thousand five hundred dollars of eligible costs up to a reimbursement limit of eight hundred seventy-five dollars.

(2) Within the limits of subsection (1) of this section, reimbursement for the following specific insurance eligibility assessment costs will be made at the indicated percentages of the following maximum amounts:

(a) Inventory control records evaluation — one hundred fifty dollars per site;

(b) Tank tightness testing — five hundred dollars per tank;

(c) Line tightness testing — one hundred fifty dollars per product line; and

(d) ~~((Soil or))~~ Ground water sampling — ~~((two))~~ three hundred fifty dollars per sample.

(3) Soil sampling — one hundred percent of the cost to a maximum amount of two thousand five hundred dollars per site.

(4) It is the intent of the reimbursement program established by this chapter to assist as many owners or operators of regulated petroleum ~~((underground))~~ storage tanks with limited economic resources as possible. Therefore, not more than one application for participation in the program established by this chapter will be approved for each ~~((such natural person or entity))~~ owner or operator, regardless of the number of ~~((underground))~~ sites and regulated petroleum storage tanks owned or operated, whether directly or indirectly. This restriction, however, does not apply to soil sampling.

(5) Reimbursement will be made to the person or firm performing the insurance eligibility assessment services.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-060 Program schedule. (1) The program established by this chapter will ~~((proceed according to the following schedule: Applications will be accepted for those owners and operators with twelve or fewer tanks beginning on the effective date of chapter 374-50 WAC until the official financial responsibility compliance date established by the United States Environmental Protection Agency or the Washington department of ecology, whichever date is first))~~ expire December 31, 1996.

(2) Approval of applications and payments are contingent upon the availability of revenue. The director reserves the right to order termination ~~((of the program))~~ at any time that reimbursement commitments or payments exhaust the revenue available for the ~~((reimbursement))~~ insurance eligibility assessment program.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-070 Application procedure. (1) Information concerning the insurance eligibility assessment cost reimbursement program and forms or materials necessary for application may be obtained from:

Pollution Liability Insurance Agency
PO BOX 40930
1015-10th Avenue S.E.
Olympia, WA 98504-0930

(2) Application for participation in the program established by this chapter requires preparation and submission of the following: A completed asset and liability statement on a form provided by the agency and a reimbursement agreement.

(3) Applicants for soil sampling are only required to submit a general information application form and a reimbursement agreement provided by the agency.

(4) The agency will act upon applications as expeditiously as feasible unless additional information is required. If this is the case, the applicant will be notified and the application will be acted upon as expeditiously as feasible after receipt of the ~~((required))~~ additional information required by the agency.

~~((4))~~ (5) Applicants will be notified of agency approval or disapproval by return mail. ~~((Persons))~~ Owners or operators whose applications are disapproved will be informed of the reason for such action.

~~((5))~~ (6) An applicant ~~((who disagrees with the disapproval of his or her application))~~ whose application has been disapproved may request review of the agency decision by the director. The applicant will be notified by mail of the director's decision as expeditiously as feasible after receipt by the agency of the request for review unless additional time is required. If additional time is required in order for the review to be completed, the applicant will be notified by mail.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-080 Payment of reimbursement. (1) Reimbursement ~~((of insurers))~~ for approved insurance eligibility assessment costs incurred on behalf of applicants accepted under the program established by this chapter will be made as expeditiously as feasible after receipt by the agency of the following information:

(a) ~~((A copy of the notification of agency approval of the applicant's application for the program established by this chapter;~~

~~((b))~~ (b) A copy of the invoice(s) from the person or firm performing the insurance eligibility assessment services with a breakdown showing the cost of each test or service performed separately ~~((and an indication thereon, or by separate receipt, that payment in full has been made by the insurer));~~

(b) For soil sampling, a copy of the field notes which include the name and address of the site; a sketch indicating boring locations; depth of each boring; ground water level encountered; type of instrument used for sample analysis and instrument calibration; ambient weather conditions; soil classification along the depth of each boring; depth of soil/water interface; results of screening of cuttings that exceed background levels; or any visual observations that indicate the presence of petroleum; readings from headspace analysis and confirmatory lab analysis results.

(c) A copy of the face sheet of an issued pollution liability insurance policy if the applicant's tank, tanks, site, or sites have satisfied the insurer's underwriting requirements.

(2) ~~((Persons))~~ Owners or operators on whose behalf reimbursement under the program created by this chapter has been made are required to maintain ~~((their))~~ pollution liability insurance coverage in force for at least one year. If insurance coverage is not maintained for this period, the ~~((person))~~ owner or operator is required to return a pro rata share of the reimbursement to the agency, with the share being that fraction of one year for which insurance coverage was not maintained in force.

(3) ~~((Persons))~~ Owners or operators who have applied for insurance in good faith, but whose tanks, ~~((tanks, site,))~~ or sites fail to satisfy the insurer's underwriting requirements and are therefore denied coverage will not be required to return reimbursement payments.

AMENDATORY SECTION (Amending Order 92-02, filed 4/17/92, effective 5/18/92)

WAC 374-50-090 Other restrictions. (1) ~~((Persons))~~ Owners or operators whose applications for the program established by this chapter are accepted will be responsible for the cost of all fuels or products required for tank or connected piping tightness testing.

(2) All testing and sampling must be performed by ~~((persons who are registered with the Washington department of ecology))~~ UST supervisors and UST site assessors certified by the International Fire Code Institute.

**WSR 95-08-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3844—Filed March 31, 1995, 4:53 p.m., effective April 1, 1995]

Date of Adoption: March 31, 1995.

Purpose: Updates eligibility income standards to comply with the April 1, 1995, increase in the federal poverty level. Implements a state plan revision allowing federal, state, or local taxes, up to the medically needy income level, paid or owed by the client to reduce participation in cost of nursing facility.

Citation of Existing Rules Affected by this Order: Amending WAC 388-508-0805 Pregnant woman—Income standards, 388-509-0920 Children's health program, 388-509-0960 Children's income standards, 388-513-1380 Institutional—Participation, 388-517-1720 Qualified Medicare beneficiaries—Income and resources, 388-517-1740 Special low-income Medicare beneficiaries—Income and resources, and 388-517-1760 Qualified disabled working individuals (QDWI) and resources.

Statutory Authority for Adoption: RCW 74.08.090.

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 federal poverty level changes are effective April 1, 1995. Federal rule requires immediate adoption.

Effective Date of Rule: April 1, 1995.

March 31, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-508-0805 Pregnant woman—Income standards. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy when the pregnant woman meets the income requirements of this section.

(2) The department shall ensure total family income will not exceed one hundred eighty-five percent of the Federal Poverty Level (FPL). One hundred eighty-five percent of the current FPL is:

Family Size	Monthly Income
(a) One	\$((1,135))1,152
(b) Two	\$((1,517))1,547
(c) Three	\$((1,900))1,941
(d) Four	\$((2,282))2,336
(e) Five	\$((2,664))2,731
(f) Six	\$((3,047))3,125
(g) Seven	\$((3,429))3,520
(h) Eight	\$((3,811))3,915

(i) For family units with nine members or more, add \$((383))395 to the monthly income for each additional member.

AMENDATORY SECTION (Amending Order 3769, filed 8/10/94, effective 9/10/94)

WAC 388-509-0920 Children's health program. (1) The department shall consider a child seventeen years of age or younger, eligible for state-funded medical services with the same coverage as categorically needy, when:

(a) The child is not eligible for a federally-funded Medicaid program; and

(b) The child's nonexempt family income does not exceed one hundred percent of the current federal poverty level (FPL). See income guidelines as described under subsection (4) of this section.

(2) The department shall determine nonexempt family income by:

(a) Following AFDC methodology; and

(b) Applying the medical income rules as described under WAC 388-506-0610.

(3) The department shall not require a child to meet the following eligibility factors:

(a) Citizenship;

(b) Social Security number; or

(c) Resources limits.

(4) The department shall find that one hundred percent of the current FPL equals:

Family Size	Monthly Income
(a) One	\$ ((614)) 623
(b) Two	\$ ((820)) 836
(c) Three	\$((1,027)) 1,050
(d) Four	\$((1,234)) 1,263
(e) Five	\$((1,440)) 1,476
(f) Six	\$((1,647)) 1,690
(g) Seven	\$((1,854)) 1,903
(h) Eight	\$((2,060)) 2,116

(i) For family units with more than eight members, add \$((207))214 to the monthly income for each additional member.

AMENDATORY SECTION (Amending Order 3833, filed 2/8/95, effective 3/11/95)

WAC 388-509-0960 Children's income standards.

(1) The department shall determine a child meeting the eligibility requirements under WAC 388-509-0910 eligible as categorically needy when the total family countable income does not exceed two hundred percent of the federal poverty level (FPL). The department shall find that two hundred percent of the current FPL equals:

Family Size	Monthly Income
(a) One	\$((1,227)) 1,245
(b) Two	\$((1,640)) 1,672
(c) Three	\$((2,054)) 2,099
(d) Four	\$((2,467)) 2,525
(e) Five	\$((2,880)) 2,952
(f) Six	\$((3,294)) 3,379
(g) Seven	\$((3,707)) 3,805
(h) Eight	\$((4,120)) 4,232

EMERGENCY

(i) For family units with more than eight members, add \$~~((414))427~~ to the monthly income for each additional member.

(2) For a child determined eligible under WAC 388-509-0910, the department shall not consider a change in family income during the certification period.

AMENDATORY SECTION (Amending Order 3732 [3832], filed 5/3/94 [2/8/95], effective 6/3/94 [3/11/95])

WAC 388-513-1380 Institutional—Participation. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.

(2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet the cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) ~~((Unearned income which))~~ Federal, state, or local income taxes:

(i) ~~((Is))~~ Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client; ~~((and))~~

(ii) Not covered by withholding, but are owed or have been paid by the client; and

(iii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.

(e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred seventeen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified under subsection (5) of this section.

(f) An amount for the maintenance needs of each dependant family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand two hundred ~~((thirty))~~ fifty-four dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents.

(h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, coinsurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month;

(ii) Limited to a six-month period; and

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Do not exceed three hundred ~~((sixty-nine))~~ seventy-seven dollars, effective April 1, ~~((1994))~~ 1995.

(6) The department shall determine the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:

(a) A court enters an order against the institutionalized client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified in subsection (4) of this section toward payment of the client's cost of care at the department rate.

(8) SSI-related clients~~(+)~~.

(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

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

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

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1720 Qualified Medicare beneficiaries—Income and resources. (1) The department shall provide Medicare cost sharing for a qualified medical beneficiary (QMB) client having:

(a) A total countable income, as determined under chapter 388-511 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent of the current federal poverty level (FPL). One hundred percent of the current FPL is:

Family Size	Monthly
(i) One	\$ ((614)) <u>623</u>
(ii) Two	\$ ((820)) <u>836</u>

(b) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

(2) The department shall not consider a person's Social Security cost-of-living increase until April 1 of each year.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1740 Special low-income Medicare beneficiaries (SLMB)—Income and resources. ~~((+))~~ The department shall provide Medicare cost sharing for a SLMB client having:

~~((a))~~ (1) A total countable income, as determined under chapter 388-511 WAC, over one hundred percent of the current federal poverty level (FPL), but not exceeding one hundred ~~((ten))~~ twenty percent of the FPL. One hundred ~~((ten))~~ twenty percent of the current FPL is:

Family Size	Monthly
(i) One	\$ ((675)) <u>747</u>
(ii) Two	\$ ((902)) <u>1,003</u>

~~((b))~~ (2) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

~~((2))~~ Effective January 1, 1995, the department shall find a person eligible under subsection (1)(a) of this section whose total countable income does not exceed one hundred ~~twenty percent of the FPL.~~

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-517-1760 Qualified disabled working individuals (QDWI) income and resources. The department shall pay premiums for Medicare Part A for a person having:

(1) A total countable family income, as determined under chapter 388-511 WAC, not exceeding two hundred percent of the current FPL. Two hundred percent of the current FPL is:

Family Size	Monthly
(a) One	\$ ((1,227)) <u>1,245</u>
(b) Two	\$ ((1,640)) <u>1,672</u>

(2) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

WSR 95-08-048
EMERGENCY RULES
WASHINGTON STATE PATROL
[Filed April 3, 1995, 8:18 a.m.]

Date of Adoption: March 30, 1995.

Purpose: Brings administrative codes in line with current Department of Licensing procedures. Adds a new section on physical qualifications for commercial motor vehicle drivers.

Citation of Existing Rules Affected by this Order: Amending chapter 446-65 WAC, Commercial motor vehicle regulations.

Statutory Authority for Adoption: RCW 46.32.020.

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: Department of Licensing needs the amendment in order to grant waivers to drivers of

EMERGENCY

commercial motor vehicles. This amendment will also allow drivers of vehicles with a GVWR of 10,001 to 26,000 pounds operating intrastate an exclusion from the requirement of obtaining a waiver and keeping a log book.

Effective Date of Rule: Immediately.

March 30, 1995
Roger W. Bruett
Chief

AMENDATORY SECTION (Amending WSR 94-01-178, filed 12/22/93, effective 1/22/94)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

NEW SECTION

WAC 446-65-020 Physical qualifications for drivers. This section provides a process whereby drivers of commercial motor vehicles, which operate solely intrastate and require a commercial driver's license, may receive a clearance to obtain a medical certificate for certain physical conditions.

(1) A person shall not drive a commercial motor vehicle unless they are physically qualified to do so and, except as provided in CFR 49, Part 391.67, and WAC 446-65-010(1), has on their person the original, or a photographic copy, of a medical examiner's certificate that they are physically qualified to drive a motor vehicle.

(2) A person is physically qualified to drive a motor vehicle if that person:

(a) Has no loss of a foot, a leg, a hand, or an arm, or has obtained from the department of licensing the proper driver's license, endorsement, and restrictions (if any) for the operation of the class of motor vehicle the person is driving;

(b) Has no impairment of:

(i) A hand or finger which interferes with prehension of power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has obtained from the department of licensing the proper license, endorsement, and restrictions (if any) for the class of motor vehicle the person is driving;

(c) Has no established medical history of clinical diagnosis of diabetes mellitus currently requiring insulin for control, or if diagnosed as having diabetes mellitus requiring insulin for control, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(d) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, or if diagnosed as having any of these medical complications, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(e) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a motor vehicle safely, or if diagnosed as having a respiratory dysfunction which could interfere with his/her ability to control and drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(f) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely, or if diagnosed as having high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(g) Has no established medical history of clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a motor vehicle safely, or if diagnosed as having any of these medical complications which might interfere with his/her ability to control and operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(h) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle, or if diagnosed as having epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(i) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a motor vehicle safely, or if diagnosed as having any of these complications likely to interfere with his/her ability to drive a motor vehicle safely, has been

cleared by the department of licensing for the operation of the class motor vehicle the person is driving;

(j) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving.

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(l) Does not use any unprescribed amphetamine, narcotic, or habit-forming drug and if using a prescribed amphetamine, narcotic, or habit-forming drug, it must be used according to the directions regarding dosage and the operation of motor vehicles or heavy equipment; and

(m) Has no current clinical diagnosis of untreated alcoholism.

(3) If the medical examiner finds that the person he/she examined is physically qualified to drive a motor vehicle in accordance with subsection (2) of this section and the items listed in Chapter 49, CFR 391.43, he/she shall complete a certificate in the form prescribed in Chapter 49 CFR 391.43 and shall furnish one copy to the person who was examined and one copy to the motor carrier that employs him/her.

(4) If the medical examiner finds any physical condition listed in subsection (2)(a) through (m) of this section that is likely to interfere with the driver's ability to operate or control a motor vehicle safely, it shall be the responsibility of the driver to immediately forward a copy of the driver's medical examination to the Department of Licensing, Responsibility Division, Medical Section, PO Box 9030, Olympia WA 98507-9030. Upon receipt of the medical examination, the department of licensing will review and evaluate the driver's physical qualifications to operate the class of motor vehicle the person intends to drive.

The department of licensing shall send a notice of determination to the driver. A department of licensing clearance notification shall be sufficient cause for the medical examiner to issue a medical examiner's certificate.

A failure by the driver to furnish a copy of the medical examination to the department of licensing as required above shall result in no clearance action being taken by the department of licensing.

WSR 95-08-013
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—March 15, 1995]

The Seattle Community College District board of trustees will hold a board retreat on March 29 and 30, 1995. The retreat will begin at 7:30 a.m. until 4:00 p.m., at the Battelle Conference Center, Northwest Room, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

WSR 95-08-027
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—March 28, 1995]

At their March 9, 1995, meeting, the board of trustees of Community College District 24, changed the May 4, 1995, regular board meeting to May 3, 1995, in the Boardroom of Building 25 on our campus.

WSR 95-08-014
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—March 23, 1995]

MEETING NOTICE

WASHINGTON STATE
 WORKFORCE TRAINING AND
 EDUCATION COORDINATING BOARD
 MEETING NO. 35
 APRIL 12, 1995

IAM/BOEING QUALITY THROUGH TRAINING PROGRAM
 FORT DENT 11, 7-68 BUILDING SUITE 250
 6840 FORT DENT WAY
 TUKWILA, WA 98188
 (206) 477-0001

April 12, 1995, Orientation Room, IAM Boeing, 8:00 a.m. - 5:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold a regular business meeting on Wednesday, April 12, 1995, beginning at 8:00 a.m. The meeting will be held in the Orientation Room at the IAM Boeing Quality Through Training Program in Tukwila, Washington. The board will discuss the following agenda items: School-to-work transition implementation grant proposal, federal and state legislation (including budget), one-stop/reemployment update, NGA project and other accountability items, public awareness project, JTPA operating plan reviews, and planning for Summit '95.

The meeting site is barrier free. People needing special accommodations, please call Anne Townsend at least ten days in advance at (360) 753-5677.

WSR 95-08-022
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
 [Memorandum—March 23, 1995]

The regular July 1995 meeting of the board of trustees of Community Colleges of Spokane has been changed from July 18, 1995, to July 25, 1995, 1:30 p.m., District Board Room, District Administration Office, 2000 North Greene Street, Spokane, WA 99207.

WSR 95-08-059
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—April 3, 1995]

BOARD OF TRUSTEES

April 7, 1995, 9:00 a.m.

Louise Anderson Hall, First Floor Lounge

Breakfast, which is open to the public will be served to board members prior to the meeting at 8:00 a.m. in the PUB Council Chambers, Room 323.

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 95-08-063
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—March 28, 1995]

The board of trustees of Community College District #1, Peninsula College submits its annual meeting schedule for calendar year 1995. The schedule was approved and adopted at the October 10, 1994, regular meeting.

January 10	1:00 p.m.	Port Angeles
February 7	1:00 p.m.	Port Angeles
March 14	1:00 p.m.	Port Angeles
April 11	1:00 p.m.	Port Townsend
*May 9	1:00 p.m.	Port Angeles
June 13	1:00 p.m.	Port Angeles

—NO MEETING IN JULY—

August 8	1:00 p.m.	Forks
September 12	1:00 p.m.	Port Angeles
October 10	1:00 p.m.	Sequim
November 14	1:00 p.m.	Port Angeles
December 12	1:00 p.m.	Port Angeles

*May 9th meeting will be moved to May 2nd pending board approval.

MISCELLANEOUS

WSR 95-08-064
NOTICE OF PUBLIC MEETINGS
HARDWOODS COMMISSION
[Memorandum—March 31, 1995]

There will be a meeting of the Washington State Hardwoods Commission on April 13, 1995, at 8:30 a.m. until completed at the Business Assistance Center, Olympia, Washington.

WSR 95-08-074
RULES COORDINATOR
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY
[Filed April 5, 1995, 10:21 a.m.]

The name, office and mailing address of the rules coordinator for the Eastern Washington State Historical Society (Agency 395):

Glenn Mason
Director
Eastern Washington State Historical Society
2316 West First Avenue
Spokane, WA 99204
(509) 456-3932

WSR 95-08-075
ATTORNEY GENERAL OPINION
Cite as: AGO 1995 No. 3
[March 23, 1995]

SCHOOLS—DISTRICTS—STUDENTS—RELIGION—USE OF SCHOOL DISTRICTS' FACILITIES BY STUDENT GROUPS FOR RELIGIOUS PURPOSES

1. The state constitution does not prohibit schools from adopting a "limited open forum" policy for student organizations making use of school districts' facilities, even where federal law requires that equal access be granted to student groups for religious purposes, so long as it is clear that the school district maintains a neutral position on religious matters.
2. A school district may recognize student groups engaged in religious activity and grant such groups access to school time and space on the same basis offered to other student organizations, so long as the district grants equal access to all points of view and neither endorses nor opposes the activities of any particular group.

Requested by:

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MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-101-700	AMD-W	95-04-036	50-60-190	NEW-P	95-05-084	51-20-1230	REP-P	95-04-106
16-158	PREP	95-07-015	50-60-200	NEW-P	95-05-084	51-20-1231	REP-P	95-04-106
16-164	PREP	95-07-017	50-60-210	NEW-P	95-05-084	51-20-1232	REP-P	95-04-106
16-166	PREP	95-07-016	51-20	PREP	95-03-086	51-20-1233	REP-P	95-04-106
16-536-020	PREP	95-08-005	51-20-001	REP-P	95-04-106	51-20-1234	REP-P	95-04-106
16-557-010	PREP	95-08-003	51-20-002	REP-P	95-04-106	51-20-1800	REP-P	95-04-106
16-580	PREP	95-08-004	51-20-003	REP-P	95-04-106	51-20-1807	REP-P	95-04-106
16-585-010	NEW-P	95-05-071	51-20-004	REP-P	95-04-106	51-20-2300	REP-P	95-04-106
16-585-020	NEW-P	95-05-071	51-20-005	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
16-585-030	NEW-P	95-05-071	51-20-007	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
16-585-040	NEW-P	95-05-071	51-20-008	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
16-585-050	NEW-P	95-05-071	51-20-009	REP-P	95-04-106	51-20-3000	REP-P	95-04-106
16-585-060	NEW-P	95-05-071	51-20-010	REP-P	95-04-106	51-20-3007	REP-P	95-04-106
16-585-070	NEW-P	95-05-071	51-20-0104	REP-P	95-04-106	51-20-3100	REP-P	95-04-106
16-585-080	NEW-P	95-05-071	51-20-0300	REP-P	95-04-106	51-20-3101	REP-P	95-04-106
16-585-090	NEW-P	95-05-071	51-20-0307	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
16-750-011	AMD	95-06-002	51-20-0400	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
16-750-015	AMD	95-06-002	51-20-0404	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-010	AMD-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-3105	REP-P	95-04-106
50-60-020	AMD-P	95-05-084	51-20-0409	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-030	AMD-P	95-05-084	51-20-0414	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-035	NEW-P	95-05-084	51-20-0417	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-040	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-042	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106	51-20-3110	REP-P	95-04-106
50-60-045	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106	51-20-3111	REP-P	95-04-106
50-60-050	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106	51-20-3112	REP-P	95-04-106
50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3113	REP-P	95-04-106
50-60-070	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3114	REP-P	95-04-106
50-60-080	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3151	REP-P	95-04-106
50-60-08001	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106	51-20-3152	REP-P	95-04-106
50-60-08002	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106	51-20-3153	REP-P	95-04-106
50-60-08003	NEW-P	95-05-084	51-20-0702	REP-P	95-04-106	51-20-3154	REP-P	95-04-106
50-60-08004	NEW-P	95-05-084	51-20-0800	REP-P	95-04-106	51-20-3155	REP-P	95-04-106
50-60-08005	NEW-P	95-05-084	51-20-0801	REP-P	95-04-106	51-20-3156	REP-P	95-04-106
50-60-08006	NEW-P	95-05-084	51-20-0802	REP-P	95-04-106	51-20-3300	REP-P	95-04-106
50-60-08007	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106	51-20-3304	REP-P	95-04-106
50-60-08008	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106	51-20-3306	REP-P	95-04-106
50-60-09001	NEW-P	95-05-084	51-20-0902	REP-P	95-04-106	51-20-3315	REP-P	95-04-106
50-60-09002	NEW-P	95-05-084	51-20-1000	REP-P	95-04-106	51-20-3350	REP-P	95-04-106
50-60-09003	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106	51-20-3800	REP-P	95-04-106
50-60-09004	NEW-P	95-05-084	51-20-1200	REP-P	95-04-106	51-20-3801	REP-P	95-04-106
50-60-100	AMD-P	95-05-084	51-20-1201	REP-P	95-04-106	51-20-3802	REP-P	95-04-106
50-60-110	AMD-P	95-05-084	51-20-1210	REP-P	95-04-106	51-20-3900	REP-P	95-04-106
50-60-120	AMD-P	95-05-084	51-20-1215	REP-P	95-04-106	51-20-3901	REP-P	95-04-106
50-60-125	NEW-P	95-05-084	51-20-1223	REP-P	95-04-106	51-20-3903	REP-P	95-04-106
50-60-130	AMD-P	95-05-084	51-20-1224	REP-P	95-04-106	51-20-5100	REP-P	95-04-106
50-60-140	AMD-P	95-05-084	51-20-1225	REP-P	95-04-106	51-20-5103	REP-P	95-04-106
50-60-150	AMD-P	95-05-084	51-20-1226	REP-P	95-04-106	51-20-5105	REP-P	95-04-106
50-60-160	AMD-P	95-05-084	51-20-1227	REP-P	95-04-106	51-20-5400	REP-P	95-04-106
50-60-165	AMD-P	95-05-084	51-20-1228	REP-P	95-04-106	51-20-5401	REP-P	95-04-106
50-60-180	REP-P	95-05-084	51-20-1229	REP-P	95-04-106	51-20-93100	REP-P	95-04-106

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-20-93115	REP-P	95-04-106	51-24-80114	REP-P	95-04-106	67-25-300	AMD	95-06-057
51-20-93116	REP-P	95-04-106	51-24-80120	REP-P	95-04-106	67-25-325	AMD	95-06-057
51-20-93117	REP-P	95-04-106	51-24-80202	REP-P	95-04-106	67-25-326	AMD	95-06-057
51-20-93118	REP-P	95-04-106	51-24-80301	REP-P	95-04-106	67-25-350	AMD	95-06-057
51-20-93119	REP-P	95-04-106	51-24-80303	REP-P	95-04-106	67-25-360	AMD	95-06-057
51-20-93120	REP-P	95-04-106	51-24-80305	REP-P	95-04-106	67-25-380	AMD	95-06-057
51-21	PREP	95-03-086	51-24-80315	REP-P	95-04-106	67-25-384	AMD	95-06-057
51-21-001	REP-P	95-04-106	51-24-80401	REP-P	95-04-106	67-25-385	REP	95-06-057
51-21-002	REP-P	95-04-106	51-24-80402	REP-P	95-04-106	67-25-388	AMD	95-06-057
51-21-003	REP-P	95-04-106	51-24-99500	REP-P	95-04-106	67-25-390	AMD	95-06-057
51-21-007	REP-P	95-04-106	51-24-99510	REP-P	95-04-106	67-25-392	REP	95-06-057
51-21-008	REP-P	95-04-106	51-25	PREP	99-03-086	67-25-394	AMD	95-06-057
51-21-31010	REP-P	95-04-106	51-25-001	REP-P	95-04-106	67-25-396	AMD	95-06-057
51-21-38030	REP-P	95-04-106	51-25-002	REP-P	95-04-106	67-25-398	NEW	95-06-057
51-21-38038	REP-P	95-04-106	51-25-003	REP-P	95-04-106	67-25-399	NEW	95-06-057
51-21-38039	REP-P	95-04-106	51-25-007	REP-P	95-04-106	67-25-400	AMD	95-06-057
51-22	PREP	95-03-086	51-25-008	REP-P	95-04-106	67-25-404	AMD	95-06-057
51-22-001	REP-P	95-04-106	51-30-0311	NEW-W	95-05-055	67-25-408	AMD	95-06-057
51-22-002	REP-P	95-04-106	51-30-0417	NEW-W	95-05-055	67-25-412	AMD	95-06-057
51-22-003	REP-P	95-04-106	51-30-0502	NEW-W	95-05-055	67-25-416	AMD	95-06-057
51-22-004	REP-P	95-04-106	51-34-7901	NEW-W	95-05-054	67-25-418	NEW	95-06-057
51-22-005	REP-P	95-04-106	51-35-09000	NEW-W	95-05-054	67-25-420	REP	95-06-057
51-22-007	REP-P	95-04-106	51-35-52404	NEW-W	95-05-054	67-25-428	REP	95-06-057
51-22-008	REP-P	95-04-106	51-35-52411	NEW-W	95-05-054	67-25-432	AMD	95-06-057
51-22-0400	REP-P	95-04-106	51-35-52417	NEW-W	95-05-054	67-25-436	NEW	95-06-057
51-22-0423	REP-P	95-04-106	51-35-52501	NEW-W	95-05-054	67-25-440	AMD	95-06-057
51-22-0500	REP-P	95-04-106	51-35-52502	NEW-W	95-05-054	67-25-444	AMD	95-06-057
51-22-0504	REP-P	95-04-106	51-35-52503	NEW-W	95-05-054	67-25-446	AMD	95-06-057
51-22-0800	REP-P	95-04-106	51-35-52504	NEW-W	95-05-054	67-25-448	AMD	95-06-057
51-22-0807	REP-P	95-04-106	51-35-52505	NEW-W	95-05-054	67-25-452	AMD	95-06-057
51-22-1000	REP-P	95-04-106	51-35-52506	NEW-W	95-05-054	67-25-500	REP	95-06-057
51-22-1002	REP-P	95-04-106	51-35-52507	NEW-W	95-05-054	67-25-505	REP	95-06-057
51-22-1100	REP-P	95-04-106	51-35-52508	NEW-W	95-05-054	67-25-510	REP	95-06-057
51-22-1104	REP-P	95-04-106	51-35-52509	NEW-W	95-05-054	67-25-525	REP	95-06-057
51-22-1500	REP-P	95-04-106	55-01	PREP	95-04-058	67-25-530	REP	95-06-057
51-22-1508	REP-P	95-04-106	55-01-010	AMD-E	95-04-075	67-25-540	AMD	95-06-057
51-22-1900	REP-P	95-04-106	55-01-020	AMD-E	95-04-075	67-25-545	AMD	95-06-057
51-22-1903	REP-P	95-04-106	55-01-030	AMD-E	95-04-075	67-25-550	AMD	95-06-057
51-24	PREP	95-03-086	55-01-040	AMD-E	95-04-075	67-25-560	AMD	95-06-057
51-24-001	REP-P	95-04-106	55-01-050	AMD-E	95-04-075	67-25-570	AMD	95-06-057
51-24-002	REP-P	95-04-106	55-01-060	AMD-E	95-04-075	67-25-590	AMD	95-06-057
51-24-003	REP-P	95-04-106	55-01-070	AMD-E	95-04-075	67-35-030	PREP	95-04-012
51-24-007	REP-P	95-04-106	60-12-010	PREP	95-04-090	67-35-030	AMD-P	95-05-040
51-24-008	REP-P	95-04-106	60-12-010	AMD-P	95-06-085	67-35-210	PREP	95-04-012
51-24-04000	REP-P	95-04-106	67-25-005	AMD	95-06-057	67-35-210	AMD-P	95-05-040
51-24-04123	REP-P	95-04-106	67-25-010	AMD	95-06-057	67-35-215	PREP	95-04-012
51-24-09000	REP-P	95-04-106	67-25-015	AMD	95-06-057	67-35-215	NEW-P	95-05-040
51-24-09105	REP-P	95-04-106	67-25-020	AMD	95-06-057	67-35-220	PREP	95-04-012
51-24-09107	REP-P	95-04-106	67-25-025	AMD	95-06-057	67-35-220	AMD-P	95-05-040
51-24-09110	REP-P	95-04-106	67-25-030	AMD	95-06-057	67-35-230	PREP	95-04-012
51-24-09117	REP-P	95-04-106	67-25-050	AMD	95-06-057	67-35-230	AMD-P	95-05-040
51-24-10000	REP-P	95-04-106	67-25-055	AMD	95-06-057	67-35-350	PREP	95-04-012
51-24-10201	REP-P	95-04-106	67-25-056	NEW	95-06-057	67-35-350	REP-P	95-05-040
51-24-10507	REP-P	95-04-106	67-25-070	AMD	95-06-057	67-35-360	PREP	95-04-012
51-24-25000	REP-P	95-04-106	67-25-075	AMD	95-06-057	67-35-360	AMD-P	95-05-040
51-24-25107	REP-P	95-04-106	67-25-077	AMD	95-06-057	67-35-430	PREP	95-04-012
51-24-45000	REP-P	95-04-106	67-25-080	AMD	95-06-057	67-35-430	AMD-P	95-05-040
51-24-45211	REP-P	95-04-106	67-25-085	AMD	95-06-057	130-10	PREP	95-06-051A
51-24-78000	REP-P	95-04-106	67-25-090	AMD	95-06-057	131-16-005	PREP	95-05-026
51-24-78201	REP-P	95-04-106	67-25-095	AMD	95-06-057	131-16-005	REP-P	95-06-064
51-24-79000	REP-P	95-04-106	67-25-100	AMD	95-06-057	131-28-010	AMD-E	95-07-004
51-24-79601	REP-P	95-04-106	67-25-105	REP	95-06-057	131-28-015	AMD-E	95-07-004
51-24-79603	REP-P	95-04-106	67-25-110	AMD	95-06-057	131-28-021	AMD-E	95-07-004
51-24-79809	REP-P	95-04-106	67-25-120	REP	95-06-057	131-28-025	AMD-E	95-07-004
51-24-79901	REP-P	95-04-106	67-25-255	AMD	95-06-057	131-28-02501	NEW-E	95-07-004
51-24-80000	REP-P	95-04-106	67-25-257	AMD	95-06-057	131-28-026	AMD-E	95-07-004
51-24-80101	REP-P	95-04-106	67-25-260	AMD	95-06-057	131-28-028	REP-E	95-07-004
51-24-80103	REP-P	95-04-106	67-25-270	AMD	95-06-057	131-28-030	AMD-E	95-07-004
51-24-80108	REP-P	95-04-106	67-25-275	AMD	95-06-057	131-28-040	AMD-E	95-07-004
51-24-80109	REP-P	95-04-106	67-25-280	AMD	95-06-057	131-28-045	AMD-E	95-07-004
51-24-80110	REP-P	95-04-106	67-25-281	REP	95-06-057	131-28-080	AMD-E	95-07-004
51-24-80111	REP-P	95-04-106	67-25-284	NEW	95-06-057	131-28-085	AMD-E	95-07-004
51-24-80113	REP-P	95-04-106	67-25-288	NEW	95-06-057	131-28-090	AMD-E	95-07-004

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
131-46-135	NEW-P	95-06-054	173-06-100	NEW-P	95-03-081	173-422-060	AMD	95-06-068
132G-126-010	REP-P	95-04-008	173-06-100	NEW	95-07-058	173-422-065	AMD	95-06-068
132G-126-010	REP	95-07-103	173-06-110	NEW-P	95-03-081	173-422-070	AMD	95-06-068
132G-126-020	REP-P	95-04-008	173-06-110	NEW	95-07-058	173-422-090	AMD	95-06-068
132G-126-020	REP	95-07-103	173-06-120	NEW-P	95-03-081	173-422-100	AMD	95-06-068
132G-126-030	REP-P	95-04-008	173-06-120	NEW	95-07-058	173-422-120	AMD	95-06-068
132G-126-030	REP	95-07-103	173-06-130	NEW-P	95-03-081	173-422-160	AMD	95-06-068
132G-126-040	REP-P	95-04-008	173-06-130	NEW	95-07-058	173-422-170	AMD	95-06-068
132G-126-040	REP	95-07-103	173-12	PREP	95-03-080	173-422-190	AMD	95-06-068
132G-126-050	REP-P	95-04-008	173-12-010	REP-P	95-05-065	173-422-195	AMD	95-06-068
132G-126-050	REP	95-07-103	173-12-020	REP-P	95-05-065	173-430-010	AMD	95-03-083
132G-126-060	REP-P	95-04-008	173-12-030	REP-P	95-05-065	173-430-020	AMD	95-03-083
132G-126-060	REP	95-07-103	173-12-040	REP-P	95-05-065	173-430-030	AMD	95-03-083
132G-126-070	REP-P	95-04-008	173-12-050	REP-P	95-05-065	173-430-040	AMD	95-03-083
132G-126-070	REP	95-07-103	173-12-060	REP-P	95-05-065	173-430-050	AMD	95-03-083
132G-126-080	REP-P	95-04-008	173-19-250	PREP	95-04-101	173-430-060	AMD	95-03-083
132G-126-080	REP	95-07-103	173-19-250	AMD	95-07-144	173-430-070	AMD	95-03-083
132G-126-200	REP-P	95-04-008	173-19-2513	PREP	95-05-063	173-430-080	AMD	95-03-083
132G-126-200	REP	95-07-103	173-19-2515	PREP	95-07-020	173-430-090	NEW	95-03-083
132G-126-210	REP-P	95-04-008	173-19-2519	PREP	95-07-022	173-430-100	NEW	95-03-083
132G-126-210	REP	95-07-103	173-19-2521	PREP	95-07-021	173-548	AMD-C	95-06-055
132G-126-220	REP-P	95-04-008	173-19-260	PREP	95-04-076	173-548-010	AMD-E	95-07-009
132G-126-220	REP	95-07-103	173-19-260	AMD-P	95-05-064	173-548-015	NEW-E	95-07-009
132G-126-230	REP-P	95-04-008	173-19-3507	AMD-S	95-03-082	173-548-030	AMD-E	95-07-009
132G-126-230	REP	95-07-103	173-19-3507	AMD	95-08-042	173-563-015	AMD	95-02-066
132G-126-240	REP-P	95-04-008	173-19-3514	AMD-P	95-03-078	173-564-040	AMD	95-02-066
132G-126-240	REP	95-07-103	173-19-360	PREP	95-07-019	174-116-010	PREP	95-05-010
132G-126-250	REP-P	95-04-008	173-19-360	AMD	95-07-125	174-116-011	PREP	95-05-010
132G-126-250	REP	95-07-103	173-221A	PREP	95-07-057	174-116-020	PREP	95-05-010
132G-126-260	REP-P	95-04-008	173-303	PREP	95-05-062	174-116-020	AMD-P	95-07-132
132G-126-260	REP	95-07-103	173-360-100	AMD	95-04-102	174-116-030	PREP	95-05-010
132G-126-270	REP-P	95-04-008	173-360-110	AMD	95-04-102	174-116-030	AMD-P	95-07-132
132G-126-270	REP	95-07-103	173-360-120	AMD	95-04-102	174-116-040	PREP	95-05-010
132G-126-280	REP-P	95-04-008	173-360-130	AMD	95-04-102	174-116-040	AMD-P	95-07-132
132G-126-280	REP	95-07-103	173-360-190	AMD	95-04-102	174-116-041	PREP	95-05-010
132G-126-290	REP-P	95-04-008	173-360-200	AMD	95-04-102	174-116-041	AMD-P	95-07-132
132G-126-290	REP	95-07-103	173-360-210	AMD	95-04-102	174-116-042	PREP	95-05-010
132G-126-300	REP-P	95-04-008	173-360-305	AMD	95-04-102	174-116-042	AMD-P	95-07-132
132G-126-300	REP	95-07-103	173-360-310	AMD	95-04-102	174-116-043	PREP	95-05-010
132G-126-310	REP-P	95-04-008	173-360-320	AMD	95-04-102	174-116-043	AMD-P	95-07-132
132G-126-310	REP	95-07-103	173-360-325	AMD	95-04-102	174-116-044	PREP	95-05-010
132G-126-320	REP-P	95-04-008	173-360-330	AMD	95-04-102	174-116-044	AMD-P	95-07-132
132G-126-320	REP	95-07-103	173-360-335	AMD	95-04-102	174-116-046	PREP	95-05-010
132G-126-330	REP-P	95-04-008	173-360-340	AMD	95-04-102	174-116-046	AMD-P	95-07-132
132G-126-330	REP	95-07-103	173-360-345	AMD	95-04-102	174-116-050	PREP	95-05-010
132G-126-340	REP-P	95-04-008	173-360-350	AMD	95-04-102	174-116-050	AMD-P	95-07-132
132G-126-340	REP	95-07-103	173-360-370	AMD	95-04-102	174-116-060	PREP	95-05-010
132G-126-350	REP-P	95-04-008	173-360-380	AMD	95-04-102	174-116-060	AMD-P	95-07-132
132G-126-350	REP	95-07-103	173-360-385	AMD	95-04-102	174-116-071	PREP	95-05-010
132G-126-360	REP-P	95-04-008	173-360-600	AMD	95-04-102	174-116-071	AMD-P	95-07-132
132G-126-360	REP	95-07-103	173-360-610	AMD	95-04-102	174-116-072	PREP	95-05-010
132G-126-370	REP-P	95-04-008	173-360-620	NEW	95-04-102	174-116-072	AMD-P	95-07-132
132G-126-370	REP	95-07-103	173-360-630	AMD	95-04-102	174-116-080	PREP	95-05-010
132G-126-380	REP-P	95-04-008	173-360-640	REP	95-04-102	174-116-080	AMD-P	95-07-132
132G-126-380	REP	95-07-103	173-360-650	REP	95-04-102	174-116-091	PREP	95-05-010
132G-126-390	REP-P	95-04-008	173-360-655	REP	95-04-102	174-116-091	AMD-P	95-07-132
132G-126-390	REP	95-07-103	173-360-660	REP	95-04-102	174-116-092	PREP	95-05-010
132G-126-400	REP-P	95-04-008	173-360-680	REP	95-04-102	174-116-092	AMD-P	95-07-132
132G-126-400	REP	95-07-103	173-360-690	REP	95-04-102	174-116-119	PREP	95-05-010
1321-130	PREP	95-06-004	173-360-695	REP	95-04-102	174-116-119	AMD-P	95-07-132
1321-130-030	NEW-P	95-06-083	173-400	PREP	95-06-067	174-116-121	PREP	95-05-010
132M-108-090	NEW-P	95-06-052	173-400-030	AMD	95-07-126	174-116-121	AMD-P	95-07-132
132Q-04-097	NEW	95-03-060	173-400-099	NEW	95-07-126	174-116-122	PREP	95-05-010
139-10-210	AMD-P	95-04-068	173-400-100	AMD	95-07-126	174-116-122	AMD-P	95-07-132
139-10-210	AMD	95-08-036	173-400-101	AMD	95-07-126	174-116-123	PREP	95-05-010
173-06-010	REP-P	95-03-081	173-400-102	NEW	95-07-126	174-116-123	AMD-P	95-07-132
173-06-010	REP	95-07-058	173-400-103	NEW	95-07-126	174-116-124	PREP	95-05-010
173-06-020	REP-P	95-03-081	173-400-104	NEW	95-07-126	174-116-124	AMD-P	95-07-132
173-06-020	REP	95-07-058	173-400-171	AMD	95-07-126	174-116-125	PREP	95-05-010
173-06-030	REP-P	95-03-081	173-422-020	AMD	95-06-068	174-116-126	PREP	95-05-010
173-06-030	REP	95-07-058	173-422-030	AMD	95-06-068	174-116-127	PREP	95-05-010
173-06-040	REP-P	95-03-081	173-422-035	AMD	95-06-068	174-116-127	AMD-P	95-07-132
173-06-040	REP	95-07-058	173-422-050	AMD	95-06-068	178-01	PREP	95-04-016

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
178-01-010	REP-P	95-04-017	182-13-010	NEW	95-07-011	197-11-230	NEW	95-07-023
178-01-010	REP	95-08-008	182-13-020	NEW-P	95-03-063	197-11-232	NEW-E	95-03-059
180-27	PREP	95-05-038	182-13-020	NEW-W	95-03-074	197-11-232	NEW	95-07-023
180-27-019	AMD-P	95-05-083	182-13-020	NEW-P	95-03-075	197-11-235	NEW-E	95-03-059
180-27-019	AMD	95-08-032	182-13-020	NEW	95-07-011	197-11-235	NEW	95-07-023
180-29-015	PREP	95-05-036	182-13-030	NEW-P	95-03-063	197-11-250	NEW	95-08-041
180-29-015	AMD-P	95-05-081	182-13-030	NEW-W	95-03-074	197-11-253	NEW	95-08-041
180-29-015	AMD	95-08-033	182-13-030	NEW-P	95-03-075	197-11-256	NEW	95-08-041
180-29-095	PREP	95-05-037	182-13-030	NEW	95-07-011	197-11-259	NEW	95-08-041
180-29-095	AMD-P	95-05-082	182-13-040	NEW-P	95-03-063	197-11-262	NEW	95-08-041
180-29-095	AMD	95-08-031	182-13-040	NEW-W	95-03-074	197-11-265	NEW	95-08-041
180-29-125	PREP	95-05-035	182-13-040	NEW-P	95-03-075	197-11-268	NEW	95-08-041
180-29-125	AMD-P	95-05-080	182-13-040	NEW	95-07-011	197-11-305	AMD	95-07-023
180-29-125	AMD	95-08-030	182-14-010	NEW-E	95-08-001	197-11-340	AMD	95-07-023
180-43-010	AMD-P	95-05-077	182-14-020	NEW-E	95-08-001	197-11-680	AMD	95-07-023
180-43-010	AMD	95-08-028	182-14-030	NEW-E	95-08-001	197-11-748	REP	95-07-023
180-43-015	AMD-P	95-05-077	182-14-040	NEW-E	95-08-001	197-11-748	AMD	95-07-023
180-43-015	AMD	95-08-028	182-14-050	NEW-E	95-08-001	197-11-890	AMD	95-07-023
180-75-070	PREP	95-05-043	182-14-060	NEW-E	95-08-001	197-11-904	AMD	95-07-023
180-77-001	NEW-P	95-08-058	182-14-070	NEW-E	95-08-001	197-11-908	AMD	95-07-023
180-77-002	NEW-P	95-08-058	182-14-080	NEW-E	95-08-001	197-11-938	AMD	95-07-023
180-77-003	AMD-P	95-08-058	182-14-090	NEW-E	95-08-001	204-24-050	AMD-S	95-03-089
180-77-004	NEW-P	95-08-058	182-14-100	NEW-E	95-08-001	204-24-050	AMD	95-07-137
180-77-005	AMD-P	95-08-058	182-14-100	NEW-E	95-08-001	204-41-030	AMD-E	95-04-060
180-77-010	REP-P	95-08-058	182-16	PREP	95-04-057	204-41-030	PREP	95-05-001
180-77-012	NEW-P	95-08-058	182-18	PREP	95-04-057	204-41-030	AMD-P	95-06-065
180-77-014	NEW-P	95-08-058	182-20-001	NEW-P	95-08-060	220-12-020	AMD	95-04-066
180-77-015	AMD-P	95-08-058	182-20-010	NEW-P	95-08-060	220-32-05100M	NEW-E	95-04-087
180-77-020	AMD-P	95-08-058	182-20-100	NEW-P	95-08-060	220-32-05100M	REP-E	95-07-010
180-77-030	REP-P	95-08-058	182-20-130	NEW-P	95-08-060	220-32-05100N	NEW-E	95-07-010
180-77-031	NEW-P	95-08-058	182-20-160	NEW-P	95-08-060	220-32-05700Q	NEW-E	95-03-002
180-77-035	REP-P	95-08-058	182-20-200	NEW-P	95-08-060	220-33-04000A	NEW-E	95-03-013
180-77-040	REP-P	95-08-058	182-20-300	NEW-P	95-08-060	220-44-050	AMD-P	95-06-094
180-77-040	REP-P	95-08-058	182-20-320	NEW-P	95-08-060	220-44-050	AMD	95-08-069
180-77-041	NEW-P	95-08-058	182-20-400	NEW-P	95-08-060	220-44-05000M	REP-E	95-05-007
180-77-045	REP-P	95-08-058	192-12-130	PREP	95-04-104	220-44-05000N	NEW-E	95-05-007
180-77-050	REP-P	95-08-058	192-12-141	PREP	95-04-104	220-44-05000N	REP-E	95-05-021
180-77-055	REP-P	95-08-058	192-12-141	PREP	95-07-075	220-44-05000P	NEW-E	95-05-021
180-77-060	REP-P	95-08-058	192-12-184	AMD-P	95-06-081	220-44-05000P	REP-E	95-08-034
180-77-065	REP-P	95-08-058	192-12-190	AMD-P	95-06-081	220-44-05000Q	NEW-E	95-08-034
180-77-068	NEW-P	95-08-058	192-12-320	AMD-P	95-06-081	220-49-02000H	NEW-E	95-04-088
180-77-070	AMD-P	95-08-058	192-12-340	AMD-P	95-06-081	220-52-04600A	NEW-E	95-06-001
180-77-075	AMD-P	95-08-058	192-16-007	REP-P	95-06-081	220-52-04600A	REP-E	95-06-016
180-77-080	AMD-P	95-08-058	192-16-017	AMD-P	95-06-081	220-52-04600B	NEW-E	95-06-016
180-77-085	REP-P	95-08-058	192-16-019	AMD-P	95-06-081	220-52-04600B	REP-E	95-07-027
180-77-090	REP-P	95-08-058	192-16-021	AMD-P	95-06-081	220-52-04600Z	NEW-E	95-05-056
180-77-095	REP-P	95-08-058	192-16-025	AMD-P	95-06-081	220-52-04600Z	REP-E	95-06-001
180-77-100	REP-P	95-08-058	192-16-050	AMD-P	95-06-081	220-52-07300V	REP-E	95-03-064
180-77-105	REP-P	95-08-058	192-16-065	REP-P	95-06-081	220-52-07300W	NEW-E	95-03-067
180-77-106	NEW-P	95-08-058	192-23-018	PREP	95-07-075	220-52-07300W	REP-E	95-07-080
180-77-110	AMD-P	95-08-058	192-23-019	NEW-P	95-08-077	220-52-07300X	NEW-E	95-07-080
180-77-120	NEW-P	95-08-058	192-28-100	REP-P	98-06-081	220-52-07300X	REP-E	95-07-119
180-77-122	NEW-P	95-08-058	192-28-110	AMD-P	98-06-081	220-52-07300Y	NEW-E	95-07-119
180-78-145	PREP	95-06-024	192-28-120	AMD-P	98-06-081	220-56	AMD-C	95-04-064
180-78-145	AMD-P	95-08-057	192-32-001	AMD-P	95-06-081	220-56-100	AMD	95-04-066
180-85	PREP	95-05-042	192-32-010	AMD-P	95-06-081	220-56-105	AMD	95-04-066
180-95	AMD-P	95-05-076	192-32-015	AMD-P	95-06-081	220-56-115	AMD	95-04-066
180-95	AMD	95-08-029	192-32-025	AMD-P	95-06-081	220-56-116	AMD	95-04-066
180-95-005	AMD-P	95-05-076	192-32-045	AMD-P	95-06-081	220-56-125	REP	95-04-066
180-95-005	AMD	95-08-029	192-42-005	REP	95-05-048	220-56-127	REP	95-04-066
180-95-050	AMD-P	95-05-076	192-42-010	REP	95-05-048	220-56-130	AMD	95-04-066
180-95-050	AMD	95-08-029	192-42-021	REP	95-05-048	220-56-180	AMD	95-04-066
180-95-070	NEW-P	95-05-076	192-42-030	REP	95-05-048	220-56-185	AMD	95-04-066
180-95-070	NEW	95-08-029	192-42-056	REP	95-05-048	220-56-19100H	REP-E	95-02-069
182-04	PREP	95-04-057	192-42-057	REP	95-05-048	220-56-19100I	NEW-E	95-02-069
182-08	PREP	95-04-057	192-42-058	REP	95-05-048	220-56-205	AMD	95-04-066
182-12	PREP	95-04-057	192-42-081	REP	95-05-048	220-56-210	AMD	95-04-066
182-12-110	AMD-E	95-08-002	197-11-200	NEW-W	95-08-061	220-56-225	AMD	95-04-066
182-12-111	AMD-E	95-08-002	197-11-210	NEW	95-07-023	220-56-235	AMD	95-04-066
182-12-115	AMD-E	95-08-002	197-11-220	NEW	95-07-023	220-56-240	AMD	95-04-066
182-12-122	AMD-E	95-08-002	197-11-225	NEW-E	95-03-059	220-56-265	AMD	95-04-066
182-13-010	NEW-P	95-03-063	197-11-228	NEW-E	95-03-059	220-56-282	AMD	95-04-066
182-13-010	NEW-W	95-03-074	197-11-228	NEW	95-07-023	220-56-28500D	NEW-E	95-05-049
182-13-010	NEW-P	95-03-075	197-11-230	NEW-E	95-03-059	220-56-310	AMD	95-04-066

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-56-312	AMD	95-04-066	230-02-010	AMD	95-07-095	232-12-001	AMD	95-05-008
220-56-335	AMD	95-04-066	230-02-125	REP-P	95-06-012	232-12-131	AMD	95-03-034
220-56-340	AMD	95-04-066	230-02-183	AMD-P	95-04-039	232-12-151	AMD	95-05-008
220-56-35000C	REP-E	95-04-086	230-02-183	AMD	95-07-093	232-12-227	AMD	95-02-070
220-56-35000D	NEW-E	95-04-086	230-02-240	AMD-P	95-04-037	232-12-287	AMD-P	95-06-095
220-56-36000M	NEW-E	95-07-028	230-02-240	AMD-C	95-07-099	232-12-619	AMD	95-05-008
220-56-365	AMD	95-04-066	230-02-350	AMD-P	95-04-038	232-12-61900A	NEW-E	95-04-065
220-56-370	AMD	95-04-066	230-02-350	AMD	95-07-094	232-28-02202	AMD	95-03-024
220-56-38000W	REP-E	95-04-086	230-02-360	AMD-P	95-04-038	232-28-02203	AMD	95-03-025
220-56-38000X	NEW-E	95-04-086	230-02-360	AMD	95-07-094	232-28-02204	AMD	95-03-026
220-56-390	AMD	95-04-066	230-02-370	AMD-P	95-04-038	232-28-02205	AMD	95-03-027
220-57	AMD-C	95-04-064	230-02-370	AMD	95-07-094	232-28-02206	AMD	95-03-028
220-57-16000A	NEW-E	95-08-037	230-02-380	AMD-P	95-04-038	232-28-02210	AMD	95-03-029
220-57-16000Z	NEW-E	95-05-049	230-02-380	AMD	95-07-094	232-28-02220	AMD	95-03-040
220-57-16000Z	REP-E	95-08-037	230-02-418	AMD-P	95-04-037	232-28-02220	AMD-P	95-06-100
220-57-17500B	NEW-E	95-05-049	230-02-418	AMD-C	95-07-099	232-28-02280	AMD	95-03-030
220-57-29000R	NEW-E	95-08-037	230-04-075	AMD-P	95-07-111	232-28-239	REP-P	95-06-099
220-57-31000N	NEW-E	95-05-049	230-04-080	AMD-P	95-04-038	232-28-240	AMD	95-03-031
220-57-31500A	NEW-E	95-08-037	230-04-080	AMD	95-07-094	232-28-241	AMD	95-03-032
220-57-31900I	NEW-E	95-05-049	230-04-110	AMD-E	95-07-064	232-28-24102	NEW	95-03-035
220-57-49700J	NEW-E	95-08-037	230-04-110	AMD-P	95-07-098	232-28-242	AMD	95-03-033
220-57-50500X	NEW-E	95-08-037	230-04-115	NEW-E	95-07-064	232-28-243	REP-P	95-06-099
220-57A	AMD-C	95-04-064	230-04-115	NEW-P	95-07-098	232-28-244	REP-P	95-06-099
220-95-011	REP-P	95-03-088	230-04-145	AMD-P	95-04-037	232-28-245	REP-P	95-06-099
220-95-011	REP	95-07-012	230-04-145	AMD-C	95-07-099	232-28-246	NEW	95-03-036
220-95-013	NEW-P	95-03-088	230-04-147	AMD-P	95-04-037	232-28-246	AMD-P	95-06-107
220-95-013	NEW	95-07-012	230-04-147	AMD-C	95-07-099	232-28-24601	NEW-E	95-03-068
220-95-016	REP-P	95-03-088	230-04-203	AMD-E	95-07-064	232-28-247	NEW	95-03-037
220-95-016	REP	95-07-012	230-04-203	AMD-P	95-07-098	232-28-248	NEW	95-03-038
220-95-018	NEW-P	95-03-088	230-04-280	AMD-C	95-04-040	232-28-248	AMD-P	95-06-106
220-95-018	NEW	95-07-012	230-04-280	AMD-C	95-06-013	232-28-249	NEW	95-03-039
220-95-021	REP-P	95-03-088	230-04-280	AMD-C	95-07-097	232-28-250	NEW-P	95-06-097
220-95-021	REP	95-07-012	230-04-400	AMD-C	95-04-040	232-28-251	NEW-P	95-06-098
220-95-022	NEW-P	95-03-088	230-04-400	AMD-C	95-06-013	232-28-252	NEW-P	95-06-102
220-95-022	NEW	95-07-012	230-04-400	AMD-C	95-07-097	232-28-253	NEW-P	95-06-101
220-95-026	REP-P	95-03-088	230-04-405	NEW-P	95-07-110	232-28-254	NEW-P	95-06-103
220-95-026	REP	95-07-012	230-08-070	AMD-P	95-04-039	232-28-255	NEW-P	95-06-105
220-95-027	NEW-P	95-03-088	230-08-070	AMD	95-07-093	232-28-256	NEW-P	95-06-104
220-95-027	NEW	95-07-012	230-08-130	AMD-P	95-04-038	232-28-257	NEW-P	95-06-096
220-95-031	REP-P	95-03-088	230-08-130	AMD	95-07-094	232-28-619	AMD	95-05-008
220-95-031	REP	95-07-012	230-08-160	AMD-P	95-04-038	232-28-619	AMD-P	95-06-093
220-95-032	NEW-P	95-03-088	230-08-160	AMD	95-07-094	232-28-61900A	NEW-E	95-04-065
220-95-032	NEW	95-07-012	230-12-040	AMD-P	95-04-039	232-28-61900B	NEW-E	95-07-018
222-10-030	NEW-C	95-04-073	230-12-040	AMD	95-07-093	232-28-61952	NEW-W	95-03-066
222-10-040	NEW-C	95-04-073	230-12-075	REP-P	95-06-012	236-15-010	NEW	95-05-044
222-16-010	AMD-C	95-04-073	230-12-079	NEW-P	95-04-037	236-15-015	NEW	95-05-044
222-16-010	AMD-E	95-04-074	230-12-079	NEW-C	95-07-099	236-15-050	NEW	95-05-044
222-16-075	NEW-C	95-04-073	230-20-070	AMD-P	95-04-037	236-15-100	NEW	95-05-044
222-16-080	AMD-C	95-04-073	230-20-070	AMD-C	95-07-099	236-15-200	NEW	95-05-044
222-16-080	AMD-E	95-04-074	230-20-090	AMD-P	95-07-111	236-15-300	NEW	95-05-044
222-21-010	NEW-C	95-04-073	230-20-130	AMD-P	95-06-010	236-15-700	NEW	95-05-044
222-21-020	NEW-C	95-04-073	230-20-170	AMD-P	95-07-111	236-15-800	NEW	95-05-044
222-21-030	NEW-C	95-04-073	230-20-190	AMD-P	95-07-111	236-15-900	NEW	95-05-044
222-21-040	NEW-C	95-04-073	230-20-220	AMD-P	95-07-111	245-02-010	NEW	95-04-115
222-24-030	AMD-C	95-04-073	230-20-300	AMD-P	95-04-039	245-02-020	NEW	95-04-115
222-24-030	AMD-E	95-04-074	230-20-300	AMD	95-07-093	245-02-025	NEW	95-04-115
222-30-050	AMD-C	95-04-073	230-20-325	AMD-P	95-04-039	245-02-030	NEW	95-04-115
222-30-050	AMD-E	95-04-074	230-20-325	AMD	95-07-093	245-02-035	NEW	95-04-115
222-30-060	AMD-C	95-04-073	230-20-335	NEW-P	95-04-039	245-02-040	NEW	95-04-115
222-30-060	AMD-E	95-04-074	230-20-335	NEW	95-07-093	245-02-045	NEW	95-04-115
222-30-065	NEW-C	95-04-073	230-20-620	AMD-P	95-06-010	245-02-050	NEW	95-04-115
222-30-065	NEW-E	95-04-074	230-20-630	AMD-P	95-07-111	245-02-100	NEW	95-04-112
222-30-070	AMD-C	95-04-073	230-25-055	AMD-P	95-07-111	245-02-110	NEW	95-04-112
222-30-070	AMD-E	95-04-074	230-25-070	AMD-P	95-07-111	245-02-115	NEW	95-04-112
222-30-075	NEW-C	95-04-073	230-25-330	AMD-P	95-07-111	245-02-120	NEW	95-04-112
222-30-075	NEW-E	95-04-074	230-40-400	AMD-E	95-05-070	245-02-125	NEW	95-04-112
222-30-100	AMD-C	95-04-073	230-40-400	AMD-P	95-06-011	245-02-130	NEW	95-04-112
222-30-100	AMD-E	95-04-074	230-46-010	AMD-P	95-07-111	245-02-131	NEW	95-04-112
222-38-020	AMD-C	95-04-073	230-48-010	NEW-E	95-07-065	245-02-135	NEW	95-04-112
222-38-020	AMD-E	95-04-074	230-48-010	NEW-P	95-07-096	245-02-140	NEW	95-04-112
222-38-030	AMD-C	95-04-073	230-50-010	AMD-C	95-04-040	245-02-145	NEW	95-04-112
222-38-030	AMD-E	95-04-074	230-50-010	AMD-C	95-06-013	245-02-150	NEW	95-04-112
230-02-010	AMD-P	95-04-043	230-50-010	AMD-C	95-07-097	245-02-155	NEW	95-04-112

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
245-02-160	NEW	95-04-112	245-04-025	NEW-W	95-07-033	246-170-001	REP	95-04-035
245-02-165	NEW	95-04-112	245-04-030	NEW-P	95-06-077	246-170-002	NEW	95-04-035
245-02-170	NEW	95-04-112	245-04-030	NEW-W	95-07-033	246-170-010	REP	95-04-035
245-02-175	NEW	95-04-112	245-04-040	NEW-P	95-06-077	246-170-011	NEW	95-04-035
245-02-180	NEW	95-04-112	245-04-040	NEW-W	95-07-033	246-170-020	REP	95-04-035
245-03-010	NEW-P	95-06-075	245-04-050	NEW-P	95-06-077	246-170-021	NEW	95-04-035
245-03-010	NEW-W	95-07-037	245-04-050	NEW-W	95-07-033	246-170-030	REP	95-04-035
245-03-020	NEW-P	95-06-075	245-04-060	NEW-P	95-06-077	246-170-031	NEW	95-04-035
245-03-020	NEW-W	95-07-037	245-04-060	NEW-W	95-07-033	246-170-040	REP	95-04-035
245-03-040	NEW-P	95-06-075	245-04-070	NEW-P	95-06-077	246-170-041	NEW	95-04-035
245-03-040	NEW-W	95-07-037	245-04-070	NEW-W	95-07-033	246-170-050	REP	95-04-035
245-03-050	NEW-P	95-06-075	245-04-080	NEW-P	95-06-077	246-170-051	NEW	95-04-035
245-03-050	NEW-W	95-07-037	245-04-080	NEW-W	95-07-033	246-170-055	NEW	95-04-035
245-03-080	NEW-P	95-06-075	245-04-090	AMD-P	95-03-101	246-170-060	REP	95-04-035
245-03-080	NEW-W	95-07-037	245-04-090	AMD	95-06-048	246-170-061	NEW	95-04-035
245-03-120	NEW-P	95-06-075	245-04-100	AMD-P	95-03-101	246-170-065	NEW	95-04-035
245-03-120	NEW-W	95-07-037	245-04-100	AMD	95-06-048	246-170-070	REP	95-04-035
245-03-140	NEW-P	95-06-075	245-04-110	AMD-P	95-03-101	246-170-080	REP	95-04-035
245-03-140	NEW-W	95-07-037	245-04-110	AMD	95-06-048	246-170-090	REP	95-04-035
245-03-160	NEW-P	95-06-075	245-04-115	AMD-P	95-03-101	246-249-020	AMD-P	95-04-100
245-03-160	NEW-W	95-07-037	245-04-115	AMD	95-06-048	246-249-080	AMD-P	95-04-100
245-03-180	NEW-P	95-06-075	245-04-125	NEW-P	95-04-113	246-254	PREP	95-05-058
245-03-180	NEW-W	95-07-037	245-04-130	NEW-P	95-04-113	246-254-053	AMD-P	95-08-066
245-03-200	NEW-P	95-06-075	245-04-135	NEW-P	95-04-113	246-254-070	AMD-P	95-08-066
245-03-200	NEW-W	95-07-037	245-04-140	NEW-P	95-04-113	246-254-080	AMD-P	95-08-066
245-03-220	NEW-P	95-06-075	245-04-145	NEW-P	95-04-113	246-254-090	AMD-P	95-08-066
245-03-220	NEW-W	95-07-037	245-04-150	NEW-P	95-04-113	246-254-100	AMD-P	95-08-066
245-03-240	NEW-P	95-06-075	245-04-155	NEW-P	95-04-113	246-254-120	AMD-P	95-08-066
245-03-240	NEW-W	95-07-037	245-04-160	NEW-P	95-04-113	246-255	PREP	95-05-058
245-03-260	NEW-P	95-06-075	245-04-165	NEW-P	95-04-113	246-272-25001	AMD-P	95-04-034
245-03-260	NEW-W	95-07-037	245-04-170	NEW-P	95-04-113	246-290-990	PREP	95-05-059
245-03-280	NEW-P	95-06-075	245-04-175	NEW-P	95-04-113	246-314	PREP	95-07-073
245-03-280	NEW-W	95-07-037	245-04-180	NEW-P	95-04-113	246-316	PREP	95-07-073
245-03-300	NEW-P	95-06-075	245-04-185	NEW-P	95-04-113	246-318	PREP	95-07-073
245-03-300	NEW-W	95-07-037	245-04-190	NEW-P	95-04-113	246-322	PREP	95-07-073
245-03-320	NEW-P	95-06-075	245-04-195	NEW-P	95-04-113	246-323	PREP	95-07-073
245-03-320	NEW-W	95-07-037	245-04-200	NEW-P	95-06-079	246-325	PREP	95-07-073
245-03-390	NEW-P	95-06-075	245-04-200	NEW-W	95-07-032	246-326	PREP	95-07-073
245-03-390	NEW-W	95-07-037	245-04-210	NEW-P	95-06-079	246-327	PREP	95-07-073
245-03-520	NEW-W	95-07-035	245-04-210	NEW-W	95-07-032	246-331	PREP	95-07-073
245-03-540	NEW-W	95-07-035	245-04-220	NEW-P	95-06-079	246-336	PREP	95-07-073
245-03-560	NEW-W	95-07-035	245-04-220	NEW-W	95-07-032	246-358-010	AMD-E	95-08-018
245-03-580	NEW-W	95-07-035	245-04-230	NEW-P	95-06-079	246-358-020	AMD-E	95-08-018
245-03-610	NEW-P	95-06-076	245-04-230	NEW-W	95-07-032	246-358-085	AMD-E	95-08-018
245-03-620	NEW-P	95-06-076	245-04-240	NEW-P	95-06-079	246-358-140	AMD-E	95-08-018
245-03-620	NEW-W	95-07-036	245-04-240	NEW-W	95-07-032	246-380	PREP	95-07-073
245-03-630	NEW-P	95-06-076	245-04-300	NEW-P	95-06-078	246-560-001	PREP	95-06-073
245-03-640	NEW-P	95-06-076	245-04-300	NEW-W	95-07-031	246-560-010	PREP	95-06-073
245-03-640	NEW-W	95-07-036	245-04-310	NEW-P	95-06-078	246-560-015	PREP	95-06-073
245-03-650	NEW-P	95-06-076	245-04-310	NEW-W	95-07-031	246-560-020	PREP	95-06-073
245-03-650	NEW-W	95-07-036	245-04-320	NEW-P	95-06-078	246-560-030	PREP	95-06-073
245-03-660	NEW-P	95-06-076	245-04-320	NEW-W	95-07-031	246-560-040	PREP	95-06-073
245-03-660	NEW-W	95-07-036	245-04-330	NEW-P	95-06-078	246-560-050	PREP	95-06-073
245-03-670	NEW-P	95-06-076	245-04-330	NEW-W	95-07-031	246-560-060	PREP	95-06-073
245-03-680	NEW-P	95-06-076	245-04-340	NEW-P	95-06-078	246-560-070	PREP	95-06-073
245-03-680	NEW-W	95-07-036	245-04-340	NEW-W	95-07-031	246-560-080	PREP	95-06-073
245-03-810	NEW-P	95-06-074	245-04-350	NEW-P	95-06-078	246-560-090	PREP	95-06-073
245-03-810	NEW-W	95-07-034	245-04-350	NEW-W	95-07-031	246-560-100	PREP	95-06-073
245-03-820	NEW-P	95-06-074	245-08-010	NEW-P	95-04-114	246-780	PREP	95-07-055
245-03-820	NEW-W	95-07-034	245-08-010	NEW-W	95-07-030	246-812	PREP	95-06-017
245-03-830	NEW-P	95-06-074	245-08-020	NEW-P	95-04-114	246-815-050	AMD-P	95-03-018
245-03-830	NEW-W	95-07-034	245-08-020	NEW-W	95-07-030	246-815-050	AMD	95-07-003
245-03-840	NEW-P	95-06-074	245-08-030	NEW-P	95-04-114	246-815-070	AMD	95-02-056
245-03-840	NEW-W	95-07-034	245-08-030	NEW-W	95-07-030	246-830-005	NEW-P	95-07-013
245-03-860	NEW-P	95-06-074	245-08-040	NEW-P	95-04-114	246-830-230	AMD-P	95-07-013
245-03-860	NEW-W	95-07-034	245-08-040	NEW-W	95-07-030	246-830-401	AMD-P	95-07-013
245-03-880	NEW-P	95-06-074	245-08-050	NEW-P	95-04-114	246-830-410	REP-P	95-07-013
245-03-880	NEW-W	95-07-034	245-08-050	NEW-W	95-07-030	246-830-420	AMD-P	95-07-013
245-04-010	NEW-P	95-06-077	246-01-040	AMD-P	95-07-054	246-830-430	AMD-P	95-07-013
245-04-010	NEW-W	95-07-033	246-01-080	AMD-P	95-07-054	246-830-440	AMD-P	95-07-013
245-04-020	NEW-P	95-06-077	246-100-166	PREP	95-05-012	246-830-450	AMD-P	95-07-013
245-04-020	NEW-W	95-07-033	246-100-236	AMD-S	95-08-026	246-830-475	AMD-P	95-07-013
245-04-025	NEW-P	95-06-077	246-170	AMD	95-04-035	246-830-610	AMD-P	95-07-013

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-830-990	AMD-P	95-07-013	284-30-910	NEW-S	95-06-086	296-23A-400	AMD	95-05-072
246-838-090	PREP	95-06-018	284-30-920	NEW-P	95-02-075	296-24-19501	PREP	95-06-090
246-838-100	PREP	95-06-018	284-30-920	NEW-S	95-06-086	296-24-19514	PREP	95-06-090
246-838-990	PREP	95-04-069	284-30-930	NEW-P	95-02-075	296-24-19517	PREP	95-06-090
246-838-990	REP-P	95-08-049	284-30-930	NEW-S	95-06-086	296-45-65047	AMD-P	95-05-061
246-839-080	PREP	95-06-018	284-30-940	NEW-P	95-02-075	296-52-401	AMD	95-07-014
246-839-090	PREP	95-06-018	284-30-940	NEW-S	95-06-086	296-52-409	AMD	95-07-014
246-839-990	PREP	95-04-069	284-30-950	NEW-P	95-02-075	296-52-413	AMD	95-07-014
246-839-990	REP-P	95-08-049	284-54-020	AMD-W	95-03-076	296-52-417	AMD	95-07-014
246-840-990	NEW-P	95-08-049	284-54-030	AMD-W	95-03-076	296-52-419	AMD	95-07-014
246-843-010	AMD	95-07-128	284-54-040	NEW-W	95-03-076	296-52-421	AMD	95-07-014
246-843-090	AMD	95-07-128	284-54-170	NEW-W	95-03-076	296-52-423	AMD	95-07-014
246-843-205	AMD	95-07-128	284-54-180	NEW-W	95-03-076	296-52-425	AMD	95-07-014
246-843-240	REP	95-07-128	284-54-190	NEW-W	95-03-076	296-52-429	AMD	95-07-014
246-843-320	AMD	95-07-128	284-54-205	NEW-W	95-03-076	296-52-433	AMD	95-07-014
246-851-560	NEW	95-04-084	284-54-270	AMD-W	95-03-076	296-52-437	AMD	95-07-014
246-858-020	PREP	95-06-036	284-54-300	AMD-W	95-03-076	296-52-441	AMD	95-07-014
246-861	AMD-C	95-03-070	284-54-350	AMD-W	95-03-076	296-52-449	AMD	95-07-014
246-861-010	AMD	95-08-019	284-87-030	AMD-P	95-02-076	296-52-453	AMD	95-07-014
246-861-020	AMD	95-08-019	284-87-030	AMD	95-05-034	296-52-461	AMD	95-07-014
246-861-030	REP-W	95-08-062	292-09-010	NEW	95-05-031	296-52-465	AMD	95-07-014
246-861-040	AMD	95-08-019	292-09-020	NEW	95-05-031	296-52-469	AMD	95-07-014
246-861-050	AMD	95-08-019	292-09-030	NEW	95-05-031	296-52-477	AMD	95-07-014
246-861-055	NEW	95-08-019	292-09-040	NEW	95-05-031	296-52-481	AMD	95-07-014
246-861-060	AMD	95-08-019	292-09-050	NEW	95-05-031	296-52-487	AMD	95-07-014
246-861-090	AMD-W	95-08-051	292-09-060	NEW	95-05-031	296-52-489	AMD	95-07-014
246-887-160	PREP	95-07-086	292-09-070	NEW	95-05-031	296-52-493	AMD	95-07-014
246-891-020	AMD-P	95-04-099	292-09-080	NEW	95-05-031	296-52-497	AMD	95-07-014
246-891-020	AMD	95-08-020	292-09-090	NEW	95-05-031	296-52-501	AMD	95-07-014
246-891-030	AMD-P	95-04-099	292-09-100	NEW	95-05-031	296-52-509	AMD	95-07-014
246-891-030	AMD	95-08-020	292-09-110	NEW	95-05-031	296-52-510	NEW	95-07-014
246-924-990	PREP	95-08-050	292-09-120	NEW	95-05-031	296-52-552	NEW	95-07-014
246-937-010	NEW	95-04-083	292-09-130	NEW	95-05-031	296-52-555	NEW	95-07-014
246-937-020	NEW	95-04-083	292-09-140	NEW	95-05-031	296-56-60001	AMD	95-04-007
246-937-030	NEW	95-04-083	292-09-150	NEW	95-05-031	296-56-60003	AMD	95-04-007
246-937-040	NEW	95-04-083	292-09-160	NEW	95-05-031	296-56-60005	AMD	95-04-007
246-937-050	NEW	95-04-083	292-09-170	NEW	95-05-031	296-56-60009	AMD	95-04-007
246-937-060	NEW	95-04-083	292-100-010	NEW-E	95-04-004	296-56-60062	AMD	95-04-007
246-937-070	NEW	95-04-083	292-100-020	NEW-E	95-04-004	296-56-60073	AMD	95-04-007
246-937-080	NEW	95-04-083	292-100-030	NEW-E	95-04-004	296-56-60083	AMD	95-04-007
246-937-090	NEW	95-04-083	292-100-040	NEW-E	95-04-004	296-56-60093	AMD	95-04-007
246-937-100	NEW	95-04-083	292-100-050	NEW-E	95-04-004	296-56-60095	AMD	95-04-007
246-937-110	NEW	95-04-083	292-100-060	NEW-E	95-04-004	296-56-60097	AMD	95-04-007
250-20-011	AMD-P	95-03-014	292-100-070	NEW-E	95-04-004	296-56-60098	AMD	95-04-007
250-20-021	AMD-P	95-03-014	292-100-080	NEW-E	95-04-004	296-56-60235	AMD	95-04-007
250-44	AMD-C	95-02-067	292-100-090	NEW-E	95-04-004	296-59-060	AMD	95-04-007
250-44-050	AMD-E	95-02-068	292-100-100	NEW-E	95-04-004	296-62-054	PREP	95-05-030
250-44-050	AMD	95-07-087	292-100-110	NEW-E	95-04-004	296-62-05403	AMD-P	95-05-061
250-44-110	AMD-E	95-02-068	296-04-001	AMD	95-07-117	296-62-05405	AMD-P	95-05-061
250-44-110	AMD	95-07-087	296-04-005	AMD	95-07-117	296-62-05411	AMD	95-04-006
250-44-130	AMD-E	95-02-068	296-04-015	AMD	95-07-117	296-62-05413	AMD-P	95-05-061
250-44-130	AMD	95-07-087	296-04-160	AMD	95-07-117	296-62-07105	AMD	95-04-007
253-16	PREP	95-07-131	296-04-165	AMD	95-07-117	296-62-07521	AMD	95-04-078
260-12-010	PREP	95-05-078	296-04-270	AMD	95-07-117	296-62-07711	AMD	95-04-007
260-12-010	AMD-P	95-07-140	296-04-320	REP	95-07-117	296-62-11001	AMD	95-04-007
260-12-250	NEW	95-07-142	296-04-440	AMD	95-07-117	296-62-145	AMD	95-04-007
260-40-100	PREP	95-05-078	296-17-320	AMD	95-08-052	296-62-14500	NEW	95-04-007
260-40-100	AMD-P	95-07-143	296-17-350	AMD	95-08-052	296-62-14501	AMD	95-04-007
260-48-320	AMD-P	95-05-079	296-17-35201	NEW	95-08-052	296-62-14501	PREP	95-06-091
260-48-320	AMD	95-07-141	296-17-904	AMD	95-06-069	296-62-14503	AMD	95-04-007
263-12-015	AMD	95-02-065	296-17-913	AMD	95-06-069	296-62-14505	AMD	95-04-007
263-12-080	AMD	95-02-065	296-17-914	AMD	95-06-069	296-62-14507	AMD	95-04-007
263-12-140	AMD	95-02-065	296-17-915	AMD	95-06-069	296-62-14509	AMD	95-04-007
263-12-155	AMD	95-02-065	296-17-919	AMD	95-06-069	296-62-14511	AMD	95-04-007
263-12-190	AMD	95-02-065	296-17-91901	AMD	95-06-069	296-62-14513	AMD	95-04-007
284-20-200	NEW-S	95-06-086	296-17-91902	AMD	95-06-069	296-62-14515	AMD	95-04-007
284-24-060	PREP	95-03-077	296-17-91903	AMD	95-06-069	296-62-14517	AMD	95-04-007
284-30	NEW-C	95-06-019	296-17-91904	AMD	95-06-069	296-62-14519	AMD	95-04-007
284-30-900	NEW-P	95-02-075	296-17-91905	AMD	95-06-069	296-62-14520	NEW	95-04-007
284-30-900	NEW-S	95-06-086	296-20-135	AMD	95-05-072	296-62-14521	AMD	95-04-007
284-30-905	NEW-P	95-02-075	296-23-220	AMD	95-05-072	296-62-14523	AMD	95-04-007
284-30-905	NEW-S	95-06-086	296-23-230	AMD	95-05-072	296-62-14525	AMD	95-04-007
284-30-910	NEW-P	95-02-075	296-23-265	AMD	95-04-056	296-62-14527	AMD	95-04-007

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-62-14529	AMD	95-04-007	296-304-03007	AMD	95-04-006	326-02-030	AMD-W	95-03-069
296-62-14529	PREP	95-06-091	296-304-04001	AMD	95-04-006	326-30-041	AMD-P	95-07-078
296-62-3010	AMD	95-04-007	296-304-04005	AMD	95-04-006	332-24-221	PREP	95-05-051
296-62-3040	AMD	95-04-007	296-304-06013	AMD	95-04-006	332-24-221	AMD-P	95-07-129
296-62-3170	AMD	95-04-006	296-304-08009	AMD	95-04-006	332-24-221	AMD-W	95-08-055
296-62-3195	NEW	95-04-006	296-401	PREP	95-05-029	332-24-221	AMD-P	95-08-056
296-81-007	AMD	95-04-005	308-12-025	AMD	95-04-080	352-32-010	AMD-P	95-04-091
296-81-306	NEW	95-04-005	308-12-083	REP	95-04-080	352-32-010	AMD	95-07-061
296-81-350	AMD	95-04-005	308-56A-030	PREP	95-06-015	352-32-035	AMD-C	95-07-118
296-86-060	AMD	95-04-005	308-88	PREP	95-04-001	352-32-036	REP-P	95-04-091
296-95-130	AMD	95-04-005	308-91-080	AMD	95-05-045	352-32-036	REP	95-07-061
296-95-272	AMD	95-04-005	308-91-150	AMD	95-05-045	352-32-036	AMD-W	95-07-112
296-95-318	AMD	95-04-005	308-93-070	PREP	95-06-015	352-32-037	AMD-P	95-04-091
296-104-411	NEW-W	95-07-029	308-94-030	PREP	95-06-015	352-32-037	AMD	95-07-061
296-115-015	AMD	95-04-007	308-96A	PREP	95-04-001	352-32-250	AMD-P	95-04-091
296-116-185	PREP	95-04-061	308-96A-035	PREP	95-06-015	352-32-250	AMD	95-07-061
296-116-185	AMD-P	95-04-096	308-96A-450	PREP	95-02-071	352-32-25001	AMD	95-03-005
296-116-185	AMD-C	95-07-120	308-96A-450	REP-P	95-05-066	352-32-25002	AMD	95-03-005
296-116-300	AMD-P	95-08-065	308-96A-450	REP	95-08-038	352-32-305	NEW-W	95-07-112
296-155-012	AMD	95-04-007	308-96A-460	PREP	95-02-071	356-06-110	NEW	95-03-090
296-155-100	AMD	95-04-007	308-96A-460	REP-P	95-05-066	356-34-030	AMD	95-03-090
296-155-17621	AMD-W	95-04-082	308-96A-460	REP	95-08-038	358-01-042	NEW-P	95-03-054
296-155-17623	AMD-W	95-04-082	308-96A-470	PREP	95-02-071	358-01-042	NEW	95-07-074
296-155-17652	AMD-W	95-04-082	308-96A-470	REP-P	95-05-066	358-01-044	NEW-P	95-03-054
296-155-17654	AMD-W	95-04-082	308-96A-470	REP	95-08-038	358-01-044	NEW	95-07-074
296-155-20301	AMD	95-04-007	308-96A-480	PREP	95-02-071	358-20-010	AMD-P	95-03-054
296-155-20301	PREP	95-06-091	308-96A-480	REP-P	95-05-066	358-20-010	AMD	95-07-074
296-155-245	NEW-P	95-05-061	308-96A-480	REP	95-08-038	358-20-020	AMD-P	95-03-054
296-155-24501	AMD-P	95-05-061	308-96A-490	PREP	95-02-071	358-20-020	AMD	95-07-074
296-155-24503	AMD-P	95-05-061	308-96A-490	REP-P	95-05-066	358-20-030	AMD-P	95-03-054
296-155-24505	AMD-P	95-05-061	308-96A-490	REP	95-08-038	358-20-030	AMD	95-07-074
296-155-24507	NEW-P	95-05-061	308-96A-550	AMD-P	95-07-136	358-20-032	NEW-P	95-03-054
296-155-24510	AMD	95-04-007	308-96A-560	AMD-P	95-07-136	358-20-032	NEW	95-07-074
296-155-24510	AMD-P	95-05-061	308-124-005	AMD	95-03-012	358-20-040	AMD-P	95-03-054
296-155-24515	AMD-P	95-05-061	308-124A-025	AMD	95-03-012	358-20-040	AMD	95-07-074
296-155-24519	NEW-P	95-05-061	308-124A-110	AMD	95-03-012	358-30-005	NEW-P	95-03-054
296-155-24520	AMD-P	95-05-061	308-124A-420	AMD	95-03-012	358-30-005	NEW	95-07-074
296-155-24521	AMD-P	95-05-061	308-124A-422	AMD	95-03-012	358-30-010	AMD-P	95-03-054
296-155-24522	NEW-P	95-05-061	308-124A-425	AMD	95-03-012	358-30-010	AMD	95-07-074
296-155-24523	NEW-P	95-05-061	308-124A-590	NEW	95-03-012	358-30-020	AMD-P	95-03-054
296-155-24524	NEW-P	95-05-061	308-124A-595	NEW	95-03-012	358-30-020	AMD	95-07-074
296-155-24525	AMD-P	95-05-061	308-124A-600	AMD	95-03-012	358-30-022	NEW-P	95-03-054
296-155-325	AMD-P	95-05-061	308-124H-011	AMD	95-03-012	358-30-022	NEW	95-07-074
296-155-407	AMD	95-04-007	308-124H-025	AMD	95-03-012	358-30-024	NEW-P	95-03-054
296-155-477	AMD-P	95-05-061	308-124H-035	REP	95-03-012	358-30-024	NEW	95-07-074
296-155-480	AMD-P	95-05-061	308-124H-036	REP	95-03-012	358-30-026	NEW-P	95-03-054
296-155-485	AMD-P	95-05-061	308-124H-037	REP	95-03-012	358-30-026	NEW	95-07-074
296-155-48531	AMD-P	95-05-061	308-124H-041	AMD	95-03-012	358-30-028	NEW-P	95-03-054
296-155-48533	AMD-P	95-05-061	308-124H-061	AMD	95-03-012	358-30-028	NEW	95-07-074
296-155-500	AMD-P	95-05-061	308-124H-080	REP	95-03-012	358-30-030	AMD-P	95-03-054
296-155-505	AMD-P	95-05-061	308-124H-310	AMD	95-03-012	358-30-030	AMD	95-07-074
296-155-50503	AMD-P	95-05-061	308-124H-540	AMD	95-03-012	358-30-042	NEW-P	95-03-054
296-155-515	AMD-P	95-05-061	308-124H-570	AMD	95-03-012	358-30-042	NEW	95-07-074
296-155-655	AMD-P	95-05-061	308-124H-800	AMD	95-03-012	358-30-045	NEW-P	95-03-054
296-155-682	AMD-P	95-05-061	314-10-030	AMD	95-04-044	358-30-045	NEW	95-07-074
296-155-715	AMD-P	95-05-061	314-12-140	PREP	95-08-017	358-30-060	AMD-P	95-03-054
296-155-730	AMD	95-04-007	314-12-170	AMD	95-05-006	358-30-060	AMD	95-07-074
296-155-740	AMD-P	95-05-061	314-18-080	AMD	95-04-044	358-30-070	AMD-P	95-03-054
296-155-745	AMD-P	95-05-061	314-70-050	AMD	95-04-044	358-30-070	AMD	95-07-074
296-304-010	AMD	95-04-006	315-11A-122	AMD-E	95-04-063	358-30-080	AMD-P	95-03-054
296-304-01001	AMD	95-04-006	315-11A-122	AMD-P	95-07-135	358-30-080	AMD	95-07-074
296-304-01005	NEW	95-04-006	315-11A-136	NEW	95-03-062	358-30-082	NEW-P	95-03-054
296-304-020	AMD	95-04-006	315-11A-137	NEW	95-03-062	358-30-082	NEW	95-07-074
296-304-02001	AMD	95-04-006	315-11A-138	NEW	95-03-062	358-30-084	NEW-P	95-03-054
296-304-02003	AMD	95-04-006	315-11A-138	AMD-P	95-07-135	358-30-084	NEW	95-07-074
296-304-02005	AMD	95-04-006	315-11A-139	NEW	95-03-062	358-30-090	AMD-P	95-03-054
296-304-02007	AMD	95-04-006	315-11A-140	NEW-P	95-03-100	358-30-090	AMD	95-07-074
296-304-02009	AMD	95-04-006	315-11A-140	NEW	95-07-050	358-30-110	AMD-P	95-03-054
296-304-02011	AMD	95-04-006	315-11A-141	NEW-P	95-03-100	358-30-110	AMD	95-07-074
296-304-02013	NEW	95-04-006	315-11A-141	NEW	95-07-050	358-30-170	AMD-P	95-03-054
296-304-02015	NEW	95-04-006	315-11A-142	NEW-P	95-07-135	358-30-170	AMD	95-07-074
296-304-03001	AMD	95-04-006	315-11A-143	NEW-P	95-07-135	358-30-190	AMD-P	95-03-054
296-304-03005	AMD	95-04-006	315-11A-144	NEW-P	95-07-135	358-30-190	AMD	95-07-074

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
358-30-220	AMD-P	95-03-054	388-73-214	REP-S	95-07-024	388-235-9000	AMD	95-03-048
358-30-220	AMD	95-07-074	388-73-216	REP-S	95-07-024	388-250-1200	AMD-P	95-05-014
365-04	PREP	95-06-051A	388-73-250	NEW-S	95-07-024	388-250-1200	AMD	95-07-123
365-06	PREP	95-06-051A	388-73-252	NEW-S	95-07-024	388-250-1700	AMD	95-03-046
365-08	PREP	95-06-051	388-73-254	NEW-S	95-07-024	388-300	PREP	95-08-021
365-140-030	AMD-P	95-07-100	388-73-256	NEW-S	95-07-024	388-505-0590	AMD	95-04-047
365-140-040	AMD-P	95-07-100	388-73-258	NEW-S	95-07-024	388-505-0590	PREP	95-07-090
365-140-045	REP-P	95-07-100	388-73-260	NEW-S	95-07-024	388-506-0610	AMD-P	95-07-049
365-140-050	AMD-P	95-07-100	388-73-262	NEW-S	95-07-024	388-507-0710	AMD	95-05-022
365-140-060	AMD-P	95-07-100	388-73-264	NEW-S	95-07-024	388-507-0710	PREP	95-08-009
374-50-010	AMD-E	95-08-039	388-73-266	NEW-S	95-07-024	388-508-0805	PREP	95-06-071
374-50-010	AMD-P	95-08-040	388-73-268	NEW-S	95-07-024	388-508-0805	AMD-P	95-08-045
374-50-020	AMD-E	95-08-039	388-73-270	NEW-S	95-07-024	388-508-0805	AMD-E	95-08-046
374-50-020	AMD-P	95-08-040	388-73-272	NEW-S	95-07-024	388-509-0920	PREP	95-06-071
374-50-030	AMD-E	95-08-039	388-73-274	NEW-S	95-07-024	388-509-0920	AMD-P	95-08-045
374-50-030	AMD-P	95-08-040	388-73-276	NEW-S	95-07-024	388-509-0920	AMD-E	95-08-046
374-50-035	NEW-E	95-08-039	388-73-278	NEW-S	95-07-024	388-509-0960	AMD	95-05-023
374-50-035	NEW-P	95-08-040	388-73-304	AMD-S	95-07-024	388-509-0960	PREP	95-06-071
374-50-040	AMD-E	95-08-039	388-73-400	REP-S	95-07-024	388-509-0960	AMD-P	95-08-045
374-50-040	AMD-P	95-08-040	388-73-402	REP-S	95-07-024	388-509-0960	AMD-E	95-08-046
374-50-050	AMD-E	95-08-039	388-73-403	REP-S	95-07-024	388-511-1105	AMD-P	95-06-072
374-50-050	AMD-P	95-08-040	388-73-404	REP-S	95-07-024	388-511-1105	AMD	95-08-070
374-50-060	AMD-E	95-08-039	388-73-406	REP-S	95-07-024	388-511-1130	AMD-P	95-06-072
374-50-060	AMD-P	95-08-040	388-73-408	REP-S	95-07-024	388-511-1130	AMD-W	95-08-071
374-50-070	AMD-E	95-08-039	388-73-409	REP-S	95-07-024	388-511-1140	AMD-P	95-06-072
374-50-070	AMD-P	95-08-040	388-73-410	REP-S	95-07-024	388-511-1140	AMD	95-08-070
374-50-080	AMD-E	95-08-039	388-73-412	REP-S	95-07-024	388-511-1160	AMD-P	95-06-072
374-50-080	AMD-P	95-08-040	388-73-414	REP-S	95-07-024	388-511-1160	AMD	95-08-070
374-50-090	AMD-E	95-08-039	388-73-430	REP-S	95-07-024	388-513-1300	NEW-P	95-03-084
374-50-090	AMD-P	95-08-040	388-73-432	REP-S	95-07-024	388-513-1300	NEW	95-06-025
381-70-400	AMD	95-06-008	388-73-434	REP-S	95-07-024	388-513-1330	PREP	95-07-072
388-18	PREP	95-06-034	388-73-436	REP-S	95-07-024	388-513-1350	AMD	95-05-022
388-43-010	AMD	95-03-049	388-73-438	REP-S	95-07-024	388-513-1380	AMD	95-05-022
388-43-020	AMD	95-03-049	388-73-440	REP-S	95-07-024	388-513-1380	PREP	95-06-071
388-43-130	NEW	95-03-049	388-73-510	REP-S	95-07-024	388-513-1380	AMD-P	95-08-045
388-49-020	AMD	95-06-028	388-73-511	NEW-S	95-07-024	388-513-1380	AMD-E	95-08-046
388-49-080	PREP	95-08-006	388-73-512	REP-S	95-07-024	388-517-1720	PREP	95-06-071
388-49-110	PREP	95-08-007	388-73-513	NEW-S	95-07-024	388-517-1720	AMD-P	95-08-045
388-49-160	AMD	95-06-030	388-73-516	NEW-S	95-07-024	388-517-1720	AMD-E	95-08-046
388-49-190	AMD	95-06-027	388-73-522	NEW-S	95-07-024	388-517-1740	PREP	95-06-071
388-49-190	PREP	95-06-025	388-73-524	NEW-S	95-07-024	388-517-1740	AMD-P	95-08-045
388-49-250	AMD	95-06-026	388-73-606	AMD-S	95-07-024	388-517-1740	AMD-E	95-08-046
388-49-260	AMD	95-06-029	388-86-030	PREP	95-08-043	388-517-1760	PREP	95-06-071
388-49-410	AMD-P	95-03-044	388-86-095	PREP	95-08-043	388-517-1760	AMD-P	95-08-045
388-49-410	AMD	95-06-031	388-87-072	AMD	95-04-033	388-517-1760	AMD-E	95-08-046
388-49-420	AMD-P	95-03-045	388-165	PREP	95-05-068	388-518-1805	AMD	95-04-049
388-49-420	AMD	95-06-032	388-165-005	NEW-P	95-08-044	388-522-2230	PREP	95-06-033
388-49-430	AMD-P	95-03-044	388-165-010	NEW-P	95-08-044	388-538-100	AMD	95-04-033
388-49-430	AMD	95-06-031	388-165-020	NEW-P	95-08-044	391-35-300	NEW-E	95-07-026
388-49-480	PREP	95-04-013	388-165-030	NEW-P	95-08-044	391-45-431	REP-E	95-06-087
388-49-480	AMD-P	95-05-013	388-165-040	NEW-P	95-08-044	391-45-560	NEW-E	95-07-026
388-49-480	AMD	95-07-122	388-165-050	NEW-P	95-08-044	392-121-106	AMD-E	95-04-055
388-49-500	PREP	95-07-053	388-165-060	NEW-P	95-08-044	392-121-106	AMD-P	95-06-059
388-49-505	PREP	95-07-071	388-165-070	NEW-P	95-08-044	392-122-205	AMD-P	95-05-020
388-51-210	AMD	95-03-047	388-165-080	NEW-P	95-08-044	392-122-205	AMD	95-08-025
388-51-220	NEW	95-03-047	388-165-090	NEW-P	95-08-044	392-122-214	REP-P	95-05-020
388-51-250	AMD	95-03-047	388-165-100	NEW-P	95-08-044	392-122-214	REP	95-08-025
388-73	AMD-C	95-05-024	388-218-1050	AMD	95-04-048	392-122-221	AMD-P	95-05-020
388-73-010	AMD-S	95-07-024	388-218-1200	PREP	95-08-023	392-122-221	AMD	95-08-025
388-73-012	AMD-S	95-07-024	388-218-1350	PREP	95-08-023	392-122-230	AMD-P	95-05-020
388-73-014	AMD-S	95-07-024	388-218-1400	AMD	95-04-048	392-122-230	AMD	95-08-025
388-73-01950	AMD-S	95-07-024	388-218-1450	PREP	95-08-023	392-122-260	REP-P	95-05-020
388-73-026	AMD-S	95-07-024	388-218-1500	AMD	95-04-048	392-122-260	REP	95-08-025
388-73-036	AMD-S	95-07-024	388-218-1520	AMD	95-04-048	392-122-275	AMD-P	95-05-020
388-73-054	AMD-S	95-07-024	388-218-1605	PREP	95-08-023	392-122-275	AMD	95-08-025
388-73-074	AMD-S	95-07-024	388-218-1610	PREP	95-08-023	392-169-005	AMD-P	95-06-084
388-73-076	AMD-S	95-07-024	388-218-1630	PREP	95-08-023	392-169-015	AMD-P	95-06-084
388-73-118	AMD-S	95-07-024	388-218-1680	PREP	95-08-023	392-169-020	AMD-P	95-06-084
388-73-144	AMD-S	95-07-024	388-218-1730	PREP	95-08-023	392-169-022	AMD-P	95-06-084
388-73-146	AMD-S	95-07-024	388-219-3000	PREP	95-06-035	392-169-023	AMD-P	95-06-084
388-73-200	AMD-S	95-07-024	388-225-0020	PREP	95-05-039	392-169-025	AMD-P	95-06-084
388-73-212	AMD-S	95-07-024	388-225-0020	AMD-P	95-08-010	392-169-033	NEW-P	95-06-084
388-73-213	REP-S	95-07-024	388-225-0300	REP-P	95-08-010	392-169-035	REP-P	95-06-084

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-169-045	AMD-P	95-06-084	434-09-050	AMD-E	95-05-050	456-10-525	AMD	95-05-032
392-169-050	AMD-P	95-06-084	434-09-060	AMD-E	95-05-050	456-10-530	AMD	95-05-032
392-169-055	AMD-P	95-06-084	434-09-070	AMD-E	95-05-050	456-10-730	AMD	95-05-032
392-169-057	AMD-P	95-06-084	434-09-080	AMD-E	95-05-050	456-10-755	AMD	95-05-032
392-169-060	AMD-P	95-06-084	434-09-090	AMD-E	95-05-050	458-08-010	REP-P	95-04-051
392-169-065	AMD-P	95-06-084	434-120-025	PREP	95-06-049	458-08-010	REP	95-07-067
392-169-075	AMD-P	95-06-084	434-120-025	AMD-P	95-08-073	458-08-020	REP-P	95-04-051
392-169-080	AMD-P	95-06-084	434-120-103	NEW-P	95-08-073	458-08-020	REP	95-07-067
392-169-085	AMD-P	95-06-084	434-120-105	PREP	95-06-049	458-08-030	REP-P	95-04-051
392-169-090	AMD-P	95-06-084	434-120-105	AMD-P	95-08-073	458-08-030	REP	95-07-067
392-169-100	AMD-P	95-06-084	434-120-125	PREP	95-06-049	458-08-040	REP-P	95-04-051
392-169-105	AMD-P	95-06-084	434-120-125	AMD-P	95-08-073	458-08-040	REP	95-07-067
392-169-110	AMD-P	95-06-084	434-120-130	PREP	95-06-049	458-08-050	REP-P	95-04-051
392-169-115	AMD-P	95-06-084	434-120-130	AMD-P	95-08-073	458-08-050	REP	95-07-067
392-169-120	AMD-P	95-06-084	434-120-140	PREP	95-06-049	458-08-060	REP-P	95-04-051
392-169-125	AMD-P	95-06-084	434-120-140	AMD-P	95-08-073	458-08-060	REP	95-07-067
392-171	PREP	95-04-089	434-120-145	PREP	95-06-049	458-08-070	REP-P	95-04-051
399-10-010	AMD-P	95-07-107	434-120-145	AMD-P	95-08-073	458-08-070	REP	95-07-067
399-20-020	AMD-P	95-07-108	434-120-200	NEW-P	95-08-073	458-08-080	REP-P	95-04-051
399-30-040	AMD-P	95-07-109	434-120-210	PREP	95-06-049	458-08-080	REP	95-07-067
415-112-409	NEW-W	95-02-058	434-120-215	PREP	95-06-049	458-08-090	REP-P	95-04-051
415-113-005	NEW	95-03-001	434-120-215	AMD-P	95-08-073	458-08-090	REP	95-07-067
415-113-010	REP	95-03-001	434-120-218	NEW-P	95-08-073	458-08-100	REP-P	95-04-051
415-113-020	REP	95-03-001	434-120-240	PREP	95-06-049	458-08-100	REP	95-07-067
415-113-030	AMD	95-03-001	434-120-255	PREP	95-06-049	458-08-110	REP-P	95-04-051
415-113-0301	NEW	95-03-001	434-120-255	AMD-P	95-08-073	458-08-110	REP	95-07-067
415-113-0302	NEW	95-03-001	434-120-260	PREP	95-06-049	458-08-120	REP-P	95-04-051
415-113-0303	NEW	95-03-001	434-120-260	AMD-P	95-08-073	458-08-120	REP	95-07-067
415-113-0304	NEW	95-03-001	434-120-265	PREP	95-06-049	458-08-130	REP-P	95-04-051
415-113-0305	NEW	95-03-001	434-120-265	AMD-P	95-08-073	458-08-130	REP	95-07-067
415-113-0306	NEW	95-03-001	434-120-300	PREP	95-06-050	458-08-140	REP-P	95-04-051
415-113-0307	NEW	95-03-001	434-120-300	AMD-P	95-08-072	458-08-140	REP	95-07-067
415-113-0308	NEW	95-03-001	434-120-305	PREP	95-06-050	458-08-150	REP-P	95-04-051
415-113-0309	NEW	95-03-001	434-120-305	AMD-P	95-08-072	458-08-150	REP	95-07-067
415-113-0310	NEW	95-03-001	434-120-310	PREP	95-06-050	458-08-160	REP-P	95-04-051
415-113-040	REP	95-03-001	434-120-310	AMD-P	95-08-072	458-08-160	REP	95-07-067
415-113-041	NEW	95-03-001	434-120-315	PREP	95-06-050	458-08-170	REP-P	95-04-051
415-113-042	NEW	95-03-001	434-120-315	NEW-P	95-08-072	458-08-170	REP	95-07-067
415-113-045	NEW	95-03-001	434-120-317	PREP	95-06-050	458-08-180	REP-P	95-04-051
415-113-050	REP	95-03-001	434-120-317	NEW-P	95-08-072	458-08-180	REP	95-07-067
415-113-055	NEW	95-03-001	434-120-330	PREP	95-06-050	458-08-190	REP-P	95-04-051
415-113-057	NEW	95-03-001	434-120-330	AMD-P	95-08-072	458-08-190	REP	95-07-067
415-113-059	NEW	95-03-001	434-120-335	PREP	95-06-050	458-08-200	REP-P	95-04-051
415-113-060	REP	95-03-001	434-120-335	AMD-P	95-08-072	458-08-200	REP	95-07-067
415-113-065	NEW	95-03-001	446-65-010	AMD-E	95-08-048	458-08-210	REP-P	95-04-051
415-113-070	NEW	95-03-001	446-65-020	NEW-E	95-08-048	458-08-210	REP	95-07-067
415-113-080	NEW	95-03-001	456-09-110	AMD	95-05-033	458-08-220	REP-P	95-04-051
415-113-082	NEW	95-03-001	456-09-130	AMD	95-05-033	458-08-220	REP	95-07-067
415-113-084	NEW	95-03-001	456-09-230	AMD	95-05-033	458-08-230	REP-P	95-04-051
415-113-090	NEW	95-03-001	456-09-320	AMD	95-05-033	458-08-230	REP	95-07-067
415-113-100	NEW	95-03-001	456-09-325	AMD	95-05-033	458-08-240	REP-P	95-04-051
419-18	AMD-P	95-03-091	456-09-330	AMD	95-05-033	458-08-240	REP	95-07-067
419-18	AMD	95-06-066	456-09-340	AMD	95-05-033	458-08-250	REP-P	95-04-051
419-18-020	AMD-P	95-03-091	456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067
419-18-020	AMD	95-06-066	456-09-365	AMD	95-05-033	458-08-260	REP-P	95-04-051
419-18-030	AMD-P	95-03-091	456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067
419-18-030	AMD	95-06-066	456-09-705	AMD	95-05-033	458-08-270	REP-P	95-04-051
419-18-040	AMD-P	95-03-091	456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067
419-18-040	AMD	95-06-066	456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139
419-18-045	NEW-P	95-03-091	456-09-730	AMD	95-05-033	458-14-015	PREP	95-07-139
419-18-045	NEW	95-06-066	456-09-930	AMD	95-05-033	458-14-056	PREP	95-07-139
419-18-050	AMD-P	95-03-091	456-09-935	AMD	95-05-033	458-14-066	PREP	95-07-139
419-18-050	AMD	95-06-066	456-09-945	AMD	95-05-033	458-14-116	PREP	95-07-139
419-18-060	AMD-P	95-03-091	456-09-955	AMD	95-05-033	458-14-127	PREP	95-07-139
419-18-060	AMD	95-06-066	456-10-110	AMD	95-05-032	458-14-146	PREP	95-07-139
419-18-070	AMD-P	95-03-091	456-10-140	AMD	95-05-032	458-14-160	PREP	95-07-139
419-18-070	AMD	95-06-066	456-10-320	AMD	95-05-032	458-14-170	PREP	95-07-139
419-18-080	NEW-P	95-03-091	456-10-325	AMD	95-05-032	458-14-171	PREP	95-07-139
419-18-080	NEW	95-06-066	456-10-330	AMD	95-05-032	458-16-265	REP	95-06-042
419-72-068	NEW-W	95-02-059	456-10-340	AMD	95-05-032	458-16A-010	NEW	95-06-041
434-09-020	AMD-E	95-05-050	456-10-360	AMD	95-05-032	458-16A-020	NEW	95-06-042
434-09-030	AMD-E	95-05-050	456-10-505	AMD	95-05-032	458-18-220	AMD-P	95-02-064
434-09-040	AMD-E	95-05-050	456-10-510	AMD	95-05-032	458-18-220	AMD	95-06-044

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-20-10001	NEW-P	95-04-054	478-168-380	AMD-P	95-08-053	479-116-035	AMD	95-04-072
458-20-10001	NEW	95-07-070	478-168-390	AMD-P	95-08-053	479-116-045	AMD	95-04-072
458-20-10002	NEW-P	95-04-052	479-01-010	AMD	95-04-072	479-116-070	NEW	95-04-072
458-20-10002	NEW	95-07-069	479-01-020	AMD	95-04-072	479-116-080	NEW	95-04-072
458-20-101	AMD-P	95-04-019	479-01-030	AMD	95-04-072	479-120-010	NEW	95-04-072
458-20-101	AMD	95-07-089	479-01-040	AMD	95-04-072	479-120-011	NEW	95-04-072
458-20-104	AMD-P	95-04-018	479-02-030	AMD	95-04-072	479-120-013	NEW	95-04-072
458-20-104	AMD	95-07-088	479-02-070	AMD	95-04-072	479-120-016	NEW	95-04-072
458-20-183	PREP	95-03-092	479-02-100	AMD	95-04-072	479-120-025	NEW	95-04-072
458-20-18601	AMD-P	95-04-053	479-02-110	AMD	95-04-072	479-120-027	NEW	95-04-072
458-20-18601	AMD	95-07-068	479-02-120	AMD	95-04-072	479-120-031	NEW	95-04-072
458-20-189	PREP	95-04-079	479-02-130	AMD	95-04-072	479-120-033	REP	95-04-072
458-20-211	PREP	95-05-025	479-12-005	NEW	95-04-072	479-120-037	NEW	95-04-072
458-20-258	AMD-P	95-03-050	479-12-008	NEW	95-04-072	479-120-086	NEW	95-04-072
458-30-262	PREP	95-02-063	479-12-010	AMD	95-04-072	479-120-089	NEW	95-04-072
458-30-262	AMD-P	95-06-040	479-12-020	AMD	95-04-072	479-120-095	NEW	95-04-072
458-30-590	AMD-P	95-02-062	479-13-010	AMD	95-04-072	479-216	AMD	95-04-072
458-30-590	AMD	95-06-043	479-13-011	NEW	95-04-072	479-216-050	AMD	95-04-072
458-40-610	PREP	95-04-094	479-13-025	AMD	95-04-072	479-310-050	AMD	95-04-072
458-40-615	PREP	95-08-078	479-13-035	AMD	95-04-072	479-310-200	AMD	95-04-072
458-40-640	PREP	95-08-078	479-13-060	REP	95-04-072	479-312-100	AMD	95-04-072
458-40-650	PREP	95-04-094	479-13-070	AMD	95-04-072	479-410-010	NEW	95-04-072
458-40-660	PREP	95-08-078	479-16-010	AMD	95-04-072	479-410-020	NEW	95-04-072
458-40-670	PREP	95-04-094	479-16-015	AMD	95-04-072	479-410-100	NEW	95-04-072
458-40-670	PREP	95-08-078	479-16-016	AMD	95-04-072	479-410-150	NEW	95-04-072
458-40-680	PREP	95-04-094	479-16-030	AMD	95-04-072	479-410-160	NEW	95-04-072
458-40-684	PREP	95-08-078	479-16-035	AMD	95-04-072	479-410-170	NEW	95-04-072
458-40-690	PREP	95-08-078	479-16-040	AMD	95-04-072	479-410-180	NEW	95-04-072
460-52A-010	AMD-P	95-08-016	479-16-045	AMD	95-04-072	479-410-200	NEW	95-04-072
460-80-315	AMD-P	95-04-097	479-16-060	AMD	95-04-072	479-412-020	NEW	95-04-072
460-80-315	AMD	95-08-015	479-16-070	REP	95-04-072	479-412-100	NEW	95-04-072
468-32-010	PREP	95-04-070	479-16-072	REP	95-04-072	479-412-150	NEW	95-04-072
468-32-010	NEW-P	95-04-071	479-16-080	AMD	95-04-072	479-412-200	NEW	95-04-072
468-32-010	NEW	95-07-106	479-16-085	NEW	95-04-072	479-412-250	NEW	95-04-072
468-95-100	AMD-E	95-07-051	479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072
468-95-100	AMD-P	95-07-081	479-16-091	REP	95-04-072	479-412-310	NEW	95-04-072
478-168	PREP	95-07-101	479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072
478-168-010	AMD-P	95-08-053	479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072
478-168-020	AMD-P	95-08-053	479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072
478-168-030	REP-P	95-08-053	479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072
478-168-035	NEW-P	95-08-053	479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072
478-168-040	REP-P	95-08-053	479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072
478-168-050	REP-P	95-08-053	479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072
478-168-060	REP-P	95-08-053	479-20-013	AMD	95-04-072	479-416-040	NEW	95-04-072
478-168-070	AMD-P	95-08-053	479-20-016	AMD	95-04-072	479-416-045	NEW	95-04-072
478-168-080	AMD-P	95-08-053	479-20-020	AMD	95-04-072	479-416-050	NEW	95-04-072
478-168-090	REP-P	95-08-053	479-20-025	AMD	95-04-072	479-420-010	NEW	95-04-072
478-168-092	AMD-P	95-08-053	479-20-027	AMD	95-04-072	479-420-011	NEW	95-04-072
478-168-094	AMD-P	95-08-053	479-20-031	AMD	95-04-072	479-420-013	NEW	95-04-072
478-168-096	AMD-P	95-08-053	479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072
478-168-100	REP-P	95-08-053	479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072
478-168-120	REP-P	95-08-053	479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072
478-168-130	REP-P	95-08-053	479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-112	AMD	95-04-072	479-420-089	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-112-003	NEW	95-04-072	480-09	PREP	95-06-089
478-168-200	AMD-P	95-08-053	479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088
478-168-270	AMD-P	95-08-053	479-112-0055	NEW	95-04-072	480-93-005	AMD-E	95-05-047
478-168-280	AMD-P	95-08-053	479-112-008	AMD	95-04-072	480-93-005	AMD-P	95-08-067
478-168-290	AMD-P	95-08-053	479-112-009	AMD	95-04-072	480-93-010	AMD-E	95-05-047
478-168-294	AMD-P	95-08-053	479-112-017	AMD	95-04-072	480-93-010	AMD-P	95-08-067
478-168-300	AMD-P	95-08-053	479-113-010	AMD	95-04-072	480-120-081	AMD	95-05-003
478-168-310	AMD-P	95-08-053	479-113-011	AMD	95-04-072	480-120-141	PREP	95-05-046
478-168-320	AMD-P	95-08-053	479-113-029	AMD	95-04-072	480-120-141	AMD-P	95-07-130
478-168-325	NEW-P	95-08-053	479-113-031	AMD	95-04-072	480-120-530	AMD-P	95-04-111
478-168-330	AMD-P	95-08-053	479-113-032	REP	95-04-072	480-146-010	AMD-P	95-08-068
478-168-340	AMD-P	95-08-053	479-113-035	AMD	95-04-072	480-146-020	AMD-P	95-08-068
478-168-345	NEW-P	95-08-053	479-113-070	NEW	95-04-072	480-146-030	AMD-P	95-08-068
478-168-350	AMD-P	95-08-053	479-116-010	NEW	95-04-072	480-146-050	AMD-P	95-08-068
478-168-360	AMD-P	95-08-053	479-116-016	AMD	95-04-072	480-146-060	AMD-P	95-08-068

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-146-070	PREP	95-03-094	490-500-445	AMD	95-04-050	504-25-015	AMD	95-07-001
480-146-070	AMD-P	95-08-068	490-500-450	AMD	95-04-050	504-25-020	AMD	95-07-045
480-146-080	PREP	95-03-094	490-500-455	AMD	95-04-050	504-25-025	AMD	95-07-045
480-146-080	AMD-P	95-08-068	490-500-460	NEW	95-04-050	504-25-035	AMD	95-07-045
480-146-100	PREP	95-03-094	490-500-465	NEW	95-04-050	504-25-050	AMD	95-07-045
480-146-100	REP-P	95-08-068	490-500-470	NEW	95-04-050	504-25-055	AMD	95-07-045
480-146-200	PREP	95-03-094	490-500-475	NEW	95-04-050	504-25-060	AMD	95-07-045
480-146-200	AMD-P	95-08-068	490-500-477	NEW	95-04-050	504-25-080	AMD	95-07-045
480-146-210	PREP	95-03-094	490-500-480	NEW	95-04-050	504-25-100	AMD	95-07-045
480-146-210	AMD-P	95-08-068	490-500-485	NEW	95-04-050	504-25-120	AMD	95-07-045
480-146-220	PREP	95-03-094	490-500-500	AMD	95-04-050	504-25-138	NEW	95-07-045
480-146-220	AMD-P	95-08-068	490-500-505	AMD	95-04-050	504-25-210	AMD	95-07-045
480-146-230	NEW-P	95-08-068	490-500-510	AMD	95-04-050	504-25-215	AMD	95-07-045
484-20-065	AMD-P	95-02-072	490-500-520	AMD	95-04-050	504-25-220	AMD	95-07-045
484-20-065	AMD	95-07-082	490-500-525	AMD	95-04-050	504-25-225	AMD	95-07-045
484-20-085	AMD	95-03-053	490-500-530	AMD	95-04-050	504-25-230	AMD	95-07-045
490-500	AMD	95-04-050	490-500-540	REP	95-04-050	504-25-235	AMD	95-07-045
490-500-005	AMD	95-04-050	490-500-542	NEW	95-04-050	504-25-240	AMD	95-07-045
490-500-010	AMD	95-04-050	490-500-545	AMD	95-04-050	504-25-245	AMD	95-07-045
490-500-015	AMD	95-04-050	490-500-550	REP	95-04-050	504-25-300	NEW	95-07-001
490-500-020	REP	95-04-050	490-500-555	NEW	95-04-050	504-25-305	NEW	95-07-001
490-500-022	NEW	95-04-050	490-500-560	AMD	95-04-050	504-25-310	NEW	95-07-001
490-500-025	AMD	95-04-050	490-500-570	REP	95-04-050	504-25-315	NEW	95-07-001
490-500-030	AMD	95-04-050	490-500-580	NEW	95-04-050	504-25-320	NEW	95-07-001
490-500-050	AMD	95-04-050	490-500-590	AMD	95-04-050	504-25-325	NEW	95-07-001
490-500-055	AMD	95-04-050	490-500-600	AMD	95-04-050	504-25-330	NEW	95-07-001
490-500-060	REP	95-04-050	490-500-605	AMD	95-04-050	504-25-335	NEW	95-07-001
490-500-065	NEW	95-04-050	490-500-610	PREP	95-08-047	504-25-340	NEW	95-07-001
490-500-070	AMD	95-04-050	490-500-610	REP-P	95-08-054	504-25-350	NEW	95-07-001
490-500-075	REP	95-04-050	490-500-615	AMD	95-04-050	504-25-355	NEW	95-07-001
490-500-077	REP	95-04-050	490-500-620	AMD	95-04-050	504-25-360	NEW	95-07-001
490-500-080	AMD	95-04-050	490-500-622	NEW	95-04-050	504-25-365	NEW	95-07-001
490-500-085	REP	95-04-050	490-500-625	AMD	95-04-050	504-25-370	NEW	95-07-001
490-500-090	REP	95-04-050	490-500-627	NEW	95-04-050	504-25-375	NEW	95-07-001
490-500-095	REP	95-04-050	490-500-630	NEW	95-04-050	504-28-010	AMD	95-07-046
490-500-100	REP	95-04-050	490-500-635	NEW	95-04-050	504-28-020	AMD	95-07-046
490-500-105	REP	95-04-050	504-15-060	AMD-P	95-06-061	504-28-030	AMD	95-07-046
490-500-110	REP	95-04-050	504-15-100	AMD-P	95-06-061	504-28-050	AMD	95-07-046
490-500-120	REP	95-04-050	504-15-210	AMD-P	95-06-061	504-28-060	REP	95-07-046
490-500-145	REP	95-04-050	504-15-250	AMD-P	95-06-061	504-34-140	NEW	95-07-047
490-500-170	NEW	95-04-050	504-15-350	AMD-P	95-06-061	504-40-010	AMD-P	95-04-028
490-500-180	AMD	95-04-050	504-15-450	AMD-P	95-06-061	504-40-020	AMD-P	95-04-028
490-500-185	AMD	95-04-050	504-15-460	AMD-P	95-06-061	504-40-030	AMD-P	95-04-028
490-500-190	AMD	95-04-050	504-15-470	AMD-P	95-06-061	504-40-040	REP-P	95-04-028
490-500-200	AMD	95-04-050	504-15-540	AMD-P	95-06-061	504-40-045	NEW-P	95-04-028
490-500-205	NEW	95-04-050	504-15-560	AMD-P	95-06-061	504-40-050	REP-P	95-04-028
490-500-255	REP	95-04-050	504-15-580	AMD-P	95-06-061	504-40-055	NEW-P	95-04-028
490-500-257	AMD	95-04-050	504-15-600	AMD-P	95-06-061	504-40-060	AMD-P	95-04-028
490-500-260	AMD	95-04-050	504-15-650	AMD-P	95-06-061	516-12-400	AMD-P	95-05-073
490-500-270	AMD	95-04-050	504-15-750	AMD-P	95-06-061	516-12-470	AMD-P	95-05-073
490-500-275	AMD	95-04-050	504-15-810	AMD-P	95-06-061			
490-500-280	REP	95-04-050	504-15-830	AMD-P	95-06-061			
490-500-300	AMD	95-04-050	504-15-860	AMD-P	95-06-061			
490-500-325	AMD	95-04-050	504-15-930	NEW-P	95-06-061			
490-500-340	REP	95-04-050	504-18-110	AMD	95-07-042			
490-500-350	AMD	95-04-050	504-18-120	AMD	95-07-042			
490-500-380	AMD	95-04-050	504-18-140	AMD	95-07-042			
490-500-385	AMD	95-04-050	504-18-150	AMD	95-07-042			
490-500-389	AMD	95-04-050	504-18-170	AMD	95-07-042			
490-500-390	AMD	95-04-050	504-21-030	AMD	95-07-043			
490-500-395	REP	95-04-050	504-21-040	AMD	95-07-043			
490-500-400	REP	95-04-050	504-21-050	AMD	95-07-043			
490-500-405	REP	95-04-050	504-21-070	AMD	95-07-043			
490-500-410	REP	95-04-050	504-21-080	AMD	95-07-043			
490-500-415	REP	95-04-050	504-21-090	AMD	95-07-043			
490-500-417	REP	95-04-050	504-24	AMD	95-07-044			
490-500-418	AMD	95-04-050	504-24-015	REP	95-07-044			
490-500-420	AMD	95-04-050	504-24-020	REP-P	95-06-062			
490-500-425	REP	95-04-050	504-24-030	AMD	95-07-044			
490-500-430	AMD	95-04-050	504-24-035	NEW	95-07-044			
490-500-435	AMD	95-04-050	504-24-040	NEW	95-07-044			
490-500-437	NEW	95-04-050	504-25-005	AMD	95-07-001			
490-500-440	REP	95-04-050	504-25-010	AMD	95-07-045			

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ADMINISTRATIVE RULES REVIEW, JOINT COMMITTEE			County treasurers, service charges for special assessments (1994, No. 24)	MISC	95-02-031
Social and health services, department of inmate medical costs	MISC	95-06-053	Court reporters, transcription services fees (1994, No. 23)	MISC	95-01-086
AGRICULTURE, DEPARTMENT OF			Firearms dealers' licenses (1994, No. 22)	MISC	95-01-085
Agricultural emergency, definition and declaration	PERM	95-01-077	School district facilities, use by student groups for religious purposes (1995, No. 3)	MISC	95-08-075
Asparagus commission board members, nomination and election	PREP	95-08-003	Notice of request for attorney general's opinion	MISC	95-01-122
Barley commission meetings	MISC	95-01-023		MISC	95-02-061
	MISC	95-06-021		MISC	95-04-103
Beef commission assessments	PROP	95-06-085		MISC	95-05-075
brand inspection assessments meetings	PREP	95-04-090		MISC	95-07-133
	MISC	95-01-022	BELLEVUE COMMUNITY COLLEGE		
Dry pea and lentil commission board members, nomination and election	PREP	95-08-005	Meetings	MISC	95-01-025
Farmed salmon commission marketing order continuation	PREP	95-08-004	BELLINGHAM TECHNICAL COLLEGE		
Food processing civil penalties	PREP	95-01-014	Meetings	MISC	95-01-095
plants, sanitary certificates	PERM	95-02-016		MISC	95-02-074
Food safety civil penalties	PREP	95-01-014		MISC	95-05-015
frozen dessert mixes, pasteurization	EMER	95-02-032		MISC	95-07-007
	PREP	95-06-039		MISC	95-07-008
	PERM	95-02-017	Rules coordinator	MISC	95-01-096
intrastate shipment standards			BENTON COUNTY CLEAN AIR AUTHORITY		
Hop commission meetings	MISC	95-01-055	Meetings	MISC	95-04-026
Milk and milk products pasteurized milk ordinance	PROP	95-02-014	BLIND, DEPARTMENT OF SERVICES FOR THE		
	PREP	95-08-011	Vendors		
	PROP	95-04-036	agreements with department facilities, bidding and assignment responsibilities of vendors and department	PERM	95-01-066
pasteurized milk standards	PROP	95-04-036		PERM	95-01-066
Noxious weed control board noxious weed list scheduled of penalties	PERM	95-06-002	Vocational rehabilitation services	PREP	95-04-012
	PERM	95-06-002		PROP	95-05-040
Organic foods handlers, certification processors, certification vendors, standards and certification	PREP	95-07-017	BOILER RULES, BOARD OF	PERM	95-06-057
	PREP	95-07-015	(See LABOR AND INDUSTRIES, DEPARTMENT OF)		
Pesticides agricultural emergencies, definition and declaration	PERM	95-01-077	BUILDING CODE COUNCIL		
dessicants and defoliant eastern Washington	PREP	95-07-121	Energy code		
Walla Walla county phosdrin, use restrictions	PREP	95-06-070	log and solid timber homes	PERM	95-01-126
	PERM	95-01-075	Fire code		
	PERM	95-01-076	adoption and amendment of 1994 uniform fire code	PERM	95-01-125
vegetable seeds, pesticide application	PERM	95-01-019		PROP	95-05-054
Puget Sound gillnet salmon commission creation	PREP	95-01-018	fireplace design standards	PREP	95-03-087
	PROP	95-05-071		PREP	95-04-105
Red raspberry commission meetings	MISC	95-02-019	repeal of 1991 edition	PREP	95-03-086
Strawberry commission	MISC	95-04-093		PROP	95-04-106
Vegetables seeds, pesticide application	PERM	95-01-019	Mechanical code		
Weights and measures calibration service fees	PREP	95-07-084	adoption and amendment of 1994 uniform mechanical code	PERM	95-01-123
equipment, compliance with national standards	PREP	95-07-083	repeal of 1991 edition	PREP	95-03-086
inspection fees	PREP	95-06-092		PROP	95-04-106
			Meetings	MISC	95-05-019
ASIAN AMERICAN AFFAIRS, COMMISSION ON			Plumbing code		
Meetings	MISC	95-04-059	amendment of 1991 uniform plumbing code	PERM	95-01-124
Rules coordinator	MISC	95-04-059	State building code		
ATTORNEY GENERAL'S OFFICE			adoption and amendment of 1994 uniform building code and standards	PERM	95-01-127
Agricultural products' embargo, food control areas (1995, No. 1)	MISC	95-04-029		PERM	95-01-129
			repeal of 1991 edition	PROP	95-05-055
				PREP	95-03-086
			Ventilation and indoor air quality code	PROP	95-04-106
			CENTRAL WASHINGTON UNIVERSITY	PERM	95-01-128
			Meetings	MISC	95-01-024
				MISC	95-03-065
			CENTRALIA COLLEGE		
			Meetings	MISC	95-01-047
			Rules coordinator	MISC	95-03-009

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

CLARK COLLEGE			Rules coordinator	MISC	95-08-074
Meetings	MISC	95-01-083			
Rule-making agenda	MISC	95-02-007	EASTERN WASHINGTON UNIVERSITY		
Rules coordinator	MISC	95-01-112	Meetings	MISC	95-04-027
				MISC	95-06-020
				MISC	95-07-115
CLEMENCY AND PARDONS BOARD				MISC	95-08-059
(See GOVERNOR, OFFICE OF THE)				MISC	95-02-057
CLOVER PARK TECHNICAL COLLEGE			Rule-making agenda		
Meetings	MISC	95-01-084	ECOLOGY, DEPARTMENT OF		
			Air quality		
COLUMBIA BASIN COLLEGE			agricultural burning program	PERM	95-03-083
Meetings	MISC	95-01-032	motor vehicle emission inspection program	PERM	95-06-068
			particulate matter standard		
COLUMBIA RIVER GORGE COMMISSION			Seattle, Duwamish Valley, and Tacoma tideflats	MISC	95-01-103
Appeals from decisions under gorge commission ordinances	MISC	95-02-008		MISC	95-02-060
Land use ordinances	MISC	95-02-021	registration program	PROP	95-01-104
				PERM	95-07-126
COMBINED FUND DRIVE, STATE EMPLOYEE			sources, regulations	PREP	95-06-067
(See GOVERNOR, OFFICE OF THE)			Dangerous waste		
COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR			waste management and testing	PREP	95-05-062
Retirement, mandatory retirement age	PREP	95-05-026	Director, delegation of authority	PREP	95-01-089
	PROP	95-06-064	Ecological commission	PROP	95-05-065
Running start program	PROP	95-06-054	Fish hatcheries		
Tuition and fees			marine net-pens, waste discharge	PREP	95-07-057
waivers	EMER	95-07-004	upland fin-fish hatching and rearing facilities, permits	MISC	95-04-109
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			Flood control		
Community economic revitalization board meetings	MISC	95-05-074	grant awards	MISC	95-04-077
Emergency food assistance program pilot projects	PREP	95-05-002	Ground water management area programs		
	PROP	95-07-100	Blaine	MISC	95-01-087
Emergency response commission meetings	MISC	95-02-048	Issaquah Creek Valley	MISC	95-07-124
Fire protection policy board meetings	MISC	95-03-022	Redmond-Bear Creek	MISC	95-03-079
Fire protection services division meetings	MISC	95-01-045	Growth Management Act integration with State Environmental Policy Act (SEPA)	EMER	95-03-059
	MISC	95-04-014		PERM	95-07-023
Hardwoods commission meetings	MISC	95-07-062	Model Toxics Control Act integration with State Environmental Policy Act (SEPA)	PERM	95-08-041
	MISC	95-08-064		PROP	95-08-061
Manufactured housing installer training and certification	PREP	95-08-024	Practice and procedure	PREP	95-03-080
Public records, procedures	PREP	95-06-051A	Rules coordinator	PROP	95-03-081
Public works board			Shoreline master programs	PERM	95-07-058
application evaluation procedures	PROP	95-07-109	King County	MISC	95-01-088
definitions	PROP	95-07-108			
meetings	MISC	95-01-033	Kitsap County	PREP	95-04-101
	MISC	95-05-027		PROP	95-07-144
	MISC	95-05-028	Lake Forest Park, city of	PREP	95-04-076
	MISC	95-07-059	Mercer Island, city of	PROP	95-05-064
	MISC	95-07-114	Orting, city of	PREP	95-05-063
organization and operation	PROP	95-07-107		PREP	95-07-020
Uniform procedural rules	PREP	95-06-051	Redmond, city of	PROP	95-03-082
			San Juan County	PREP	95-07-022
				PREP	95-07-019
				PERM	95-07-125
CONVENTION AND TRADE CENTER			Seattle, city of	PREP	95-07-021
Meetings	MISC	95-01-081	Tacoma, city of	PROP	95-03-078
	MISC	95-01-082	State Environmental Policy Act (SEPA)		
	MISC	95-03-006	integration with Growth Management Act	EMER	95-03-059
	MISC	95-06-006		PERM	95-07-023
	MISC	95-07-060	integration with Model Toxics Control Act	PERM	95-08-041
COUNTY ROAD ADMINISTRATION BOARD				PROP	95-08-042
Meetings	MISC	95-07-048	Stormwater, municipal discharge permits	MISC	95-06-082
CRIMINAL JUSTICE TRAINING COMMISSION			Underground storage tanks		
Correctional employees training exemptions	PREP	95-03-020	contractor certification program	PERM	95-04-102
	PROP	95-04-068	Water quality		
	PERM	95-08-036	marine net-pens, waste discharge	PREP	95-07-057
Meetings	MISC	95-01-056	Water resources		
EASTERN WASHINGTON HISTORICAL SOCIETY			Columbia River		
			withdrawal of unappropriated waters	PERM	95-02-066

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Methow Valley River Basin domestic water systems	PROP 95-06-055 EMER 95-07-009		
water conservation and management	PROP 95-06-055 EMER 95-07-009		
Snake River withdrawal of unappropriated waters	PERM 95-02-066		
ECONOMIC DEVELOPMENT FINANCE AUTHORITY			
Meetings	MISC 95-03-043		
Policies	PREP 95-04-016 PROP 95-04-017 PERM 95-08-008		
EDMONDS COMMUNITY COLLEGE			
Meetings	MISC 95-01-036 MISC 95-04-009 MISC 95-06-005 MISC 95-07-079		
EDUCATION, STATE BOARD OF			
Certification fees, use	PREP 95-05-043 PROP 95-05-076		
Educational clinics	PERM 95-08-029		
Interscholastic activities	PROP 95-05-077 PERM 95-08-028		
Meetings	MISC 95-06-058		
School construction contracts, award	PREP 95-05-035 PROP 95-05-080 PERM 95-08-030		
inventory of available space, exclusions	PREP 95-05-038 PROP 95-05-083 PERM 95-08-032		
procedures project approval public works compliance	PREP 95-05-037 PREP 95-05-036 PROP 95-05-082 PERM 95-08-031		
state support level, additional assistance study and survey	PROP 95-01-016 PROP 95-05-081 PERM 95-08-033		
Teachers preparation program review	PREP 95-06-024 PROP 95-08-057		
Vocational certification	PREP 95-05-042 PROP 95-08-058		
EMPLOYMENT SECURITY DEPARTMENT			
Benefits claims, filing procedures eligibility	PREP 95-04-104 PREP 95-01-115 PREP 95-03-098 PROP 95-08-077		
mail-in applications	PREP 95-07-075		
Housekeeping changes	PROP 95-06-081		
Family independence program employment, training, and education	PROP 95-01-113 PERM 95-05-048		
Reemployment services, directive to report for	PROP 95-08-077		
Temporary total disability benefit eligibility	PREP 95-01-114		
ENERGY FACILITY SITE EVALUATION COUNCIL			
Meetings	MISC 95-02-006		
EXECUTIVE ETHICS BOARD			
Ethical standards implementation procedures organization and procedural rules Meetings	PREP 95-04-003 EMER 95-04-004 MISC 95-01-117		
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Credit unions department charges and assessments		MISC 95-01-121 PROP 95-03-091 PERM 95-06-066 PROP 95-02-059	
field of membership expansion			
Franchises uniform franchise offering circular		PROP 95-04-097 PERM 95-08-015	
Mortgage brokers licensing		PROP 95-05-084	
Securities nonprofit organization registration exemption		PROP 95-08-016	
FINANCIAL MANAGEMENT, OFFICE OF			
Rules coordinator		MISC 95-03-052	
FISH AND WILDLIFE, DEPARTMENT OF			
Dogs harassing deer or elk, custody or destruction		EMER 95-01-030	
<u>Fishing, commercial</u> coastal bottomfish catch limits		EMER 95-02-012 EMER 95-05-007 EMER 95-05-021 PROP 95-06-094 EMER 95-08-034 PERM 95-08-069	
trawl rules crab fishery		PREP 95-04-116 EMER 95-01-052 EMER 95-05-056 EMER 95-06-001 EMER 95-06-016 EMER 95-07-027	
herring areas and seasons		EMER 95-04-088	
salmon Columbia River above Bonneville Klickitat River license buy-back program		EMER 95-07-010 EMER 95-01-015 PROP 95-03-088 PERM 95-07-012	
sea urchins areas and seasons		EMER 95-02-029 EMER 95-03-064 EMER 95-03-067 EMER 95-07-080 EMER 95-07-119	
smelt areas and seasons		EMER 95-03-013	
sturgeon areas and seasons		EMER 95-03-002 EMER 95-04-087	
<u>Fishing, personal use</u> game fish seasons and catch limits, 1994-95		PROP 95-06-093 PROP 95-03-066 EMER 95-01-046 EMER 95-08-037 PROP 95-06-093 PROP 95-06-093 EMER 95-08-037 PROP 95-06-093 PROP 95-06-093 PROP 95-06-093 EMER 95-04-065 PROP 95-06-093 EMER 95-07-018 PROP 95-06-093 EMER 95-01-046 EMER 95-01-046 PROP 95-06-093 PROP 95-06-093 PROP 95-06-093	
Alkali Flat Creek			
Alkali Lake			
Cedar River			
Columbia River			
Crab Creek			
Green/Duwamish River			
Icicle River			
Kalama River			
Klickitat River			
Lake Washington			
Lewis River			
Methow River			
opening day			
Palouse River			
regional exceptions			
Roosevelt Lake			
Salmon Bay			
Sammamish River			
Toutle River			
Tucannon River			
Washougal River			

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

Wenatchee River	EMER	95-08-037	GAMBLING COMMISSION		
White Salmon River	EMER	95-08-037	Adjusted net gambling receipts	PROP	95-06-012
Wind River	PROP	95-06-093	Amusement games		
recreational foodfish	EMER	95-05-049	conduct	PROP	95-06-010
rules and definitions	PROP	95-04-064	Assistant directors	PREP	95-03-057
	PERM	95-04-066		PROP	95-04-043
salmon				PERM	95-07-095
areas and seasons	EMER	95-02-054	Bingo		
	EMER	95-02-069	retail sales establishments	PROP	95-06-010
	EMER	95-05-049	Cardrooms		
shellfish			hours of operation	PREP	95-05-069
areas and seasons				EMER	95-05-070
native clams	EMER	95-01-053	Commercial stimulants	PROP	95-06-011
	EMER	95-04-086		PREP	95-03-056
oysters	EMER	95-01-053		PROP	95-04-038
	EMER	95-04-086		PROP	95-06-012
razor clams	EMER	95-07-028	Equipment or paraphernalia sales	PERM	95-07-094
sport fishing	PERM	95-05-008		EMER	95-06-060
steelhead				EMER	95-07-064
areas and seasons	EMER	95-01-046		PROP	95-07-098
	EMER	95-02-053	Fee schedule	PERM	95-02-003
Game management units			Gambling managers	PREP	95-03-058
boundary descriptions	PERM	95-03-024		PROP	95-04-037
	PERM	95-03-025	Meetings	PROP	95-07-099
	PERM	95-03-026	Raffles	MISC	95-04-041
	PERM	95-03-027		PREP	95-03-055
	PERM	95-03-028		PROP	95-04-039
	PERM	95-03-029	Rules coordinator	PERM	95-07-093
	PERM	95-03-030		MISC	95-04-042
	PERM	95-03-040	Taxation, compliance requirements	MISC	95-06-009
	PROP	95-06-100		PROP	95-04-040
	PERM	95-02-070		PROP	95-06-013
Hunter education program				PREP	95-07-091
<u>Hunting seasons</u>				PREP	95-07-092
big game auction permits	PROP	95-06-096	Tribal casinos	PROP	95-07-097
bighorn sheep, 1995	PERM	95-03-037	hours of operation	PROP	95-07-110
	PROP	95-06-101		PROP	95-07-111
bighorn sheep, 1996	PROP	95-06-105			
Canada goose, 1994-95	EMER	95-01-093	wagering limits	PREP	95-07-063
cougar, 1995-96	PROP	95-06-104		EMER	95-07-065
deer, permit quotas	PROP	95-06-097		PROP	95-07-096
deer and bear, 1994-97	PERM	95-03-031		PREP	95-07-063
deer and elk, 1994-95				EMER	95-07-065
deer and elk, 1995-96	PERM	95-03-036		PROP	95-07-096
	EMER	95-03-068			
	PROP	95-06-107	GENERAL ADMINISTRATION, DEPARTMENT OF		
elk, 1994-97	PERM	95-03-033	Capitol campus design advisory committee		
elk, 1995-96	PROP	95-06-098	meetings	MISC	95-03-023
hunting hours and small game seasons, 1994-97	PERM	95-03-032	Parking program for facilities off state capitol grounds	PERM	95-05-044
	PERM	95-03-035			
migratory game birds, 1995-97	PERM	95-03-035	GOVERNOR, OFFICE OF THE		
moose, 1995	PROP	95-06-102	Clemency and pardons board		
mountain goat	PROP	95-06-103	meetings	MISC	95-04-015
special closures and firearm restriction areas	PROP	95-06-099	Combined fund drive, state employee charity participation criteria	PREP	95-01-090
special closures and firearm restriction areas, 1995-96	PERM	95-03-038		PROP	95-02-033
	PROP	95-06-106	Flooding, state of emergency declared	MISC	95-03-019
	PERM	95-03-034		MISC	95-05-011
special hunting and trapping seasons	PROP	95-06-099		MISC	95-05-052
special species, 1994-95	PROP	95-06-099	Homelessness, advisory committee on establishment	MISC	95-01-109
special species, 1995-96	PERM	95-03-039	Optometry board policy statements and guidelines, joint administrative rules review committee review	MISC	95-02-055
Road killed animals	PREP	95-05-087	Substance abuse, governor's council on reestablishment	MISC	95-06-047
	PROP	95-06-095	Wahkiakum County, state of emergency proclaimed	MISC	95-05-011
FOREST PRACTICES BOARD					
Marbled murrelet			GREEN RIVER COMMUNITY COLLEGE		
critical wildlife habitats	EMER	95-04-074	Meetings	MISC	95-03-007
	PROP	95-04-073			
Meetings	MISC	95-01-130	GROWTH MANAGEMENT HEARINGS BOARDS		
Spotted owl			Meetings	MISC	95-04-030
critical wildlife habitats	PREP	95-04-073			
	EMER	95-04-074			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Rules coordinator	MISC	95-03-093	Dental hygienists examination content	PROP	95-03-018
	MISC	95-04-030		PERM	95-07-003
	MISC	95-04-067		PERM	95-02-056
HARDWOODS COMMISSION			reexamination criteria		
(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			Denturists		
HEALTH CARE AUTHORITY			conduct of business	PREP	95-06-017
Basic health plan administration	PREP	95-04-058	Department organization	PROP	95-07-054
	EMER	95-04-075	Facilities, fees	PREP	95-07-073
eligibility	PREP	95-04-058	Farmer's market nutrition program	PREP	95-07-055
	EMER	95-04-075	Farmworker housing	PREP	95-06-056
Community health clinics standards and funding	PREP	95-07-076		EMER	95-08-018
	PROP	95-08-060	Fees, health care facilities	PREP	95-07-073
Group purchasing association caregivers health plan enrollment eligibility	EMER	95-08-001	HIV treatment programs	PREP	95-07-127
Medicare supplement coverage, participation criteria	EMER	95-02-049	Laboratories		
	PROP	95-03-063	reportable diseases, duties	PROP	95-08-026
	PROP	95-03-074	Massage profession education	PROP	95-07-013
	PROP	95-03-075	Medical quality assurance commission disciplinary action	PREP	95-01-062
	PERM	95-07-011	licenses	PREP	95-01-062
	PREP	95-04-057	Nursing care quality assurance commission advanced registered nurse practitioners education requirements	PERM	95-01-107
Practice and procedure			interstate endorsement	PREP	95-06-018
Public employees benefits board eligibility	PREP	95-04-057	licensed practical nurses delegation of duties	PREP	95-04-085
	EMER	95-08-002	fees	PREP	95-04-069
Rule-making agenda	MISC	95-03-042		PROP	95-08-049
HEALTH SERVICES COMMISSION			registered nurses delegation of duties	PREP	95-04-085
Antitrust immunity and competitive oversight	PERM	95-04-112	fees	PREP	95-04-069
	PERM	95-04-115	scope of practice	PERM	95-01-107
Availability and accessibility of services	PROP	95-07-032	Nursing home administrators, board of examinations	PROP	95-01-106
Benefits and premium payments, coordination	PROP	95-07-035		PERM	95-07-128
Certification of plans	PROP	95-07-033	licenses	PROP	95-01-106
Certified health plans and registered employer health plans			meetings	PERM	95-07-128
availability and accessibility of services	PROP	95-06-079	standards of conduct	MISC	95-07-056
certification	PROP	95-06-077		PROP	95-01-106
enrollment standards	PROP	95-06-077	On-site sewage systems multiple site waivers	EMER	95-01-105
quality assurance and improvement	PROP	95-06-078		PREP	95-02-004
Community-rated maximum premium	PROP	95-07-034	Opticians	PROP	95-04-034
Enrollee costs	PROP	95-07-036	dispensing optician committee meetings		
Health services information system advisory council duties	PROP	95-07-030		MISC	95-04-098
management and governance	PROP	95-04-114	Optometry board adjudicative procedures	PERM	95-04-084
Meetings	MISC	95-03-061	Osteopathic medicine and surgery, board of physicians assistants prescriptions	PROP	95-01-001
Northpointe Orthopedics, Inc., and Northwest Orthopedic and Fracture Clinic, P.S.	MISC	95-07-052	Pharmacy, board of condoms, expiration date	PREP	95-04-002
Provider selection, termination, and dispute resolution	PROP	95-03-101		PROP	95-04-099
	PROP	95-04-113	continuing education	PERM	95-08-020
	PERM	95-06-048		PROP	95-03-070
	PROP	95-07-031	educational requirements	PERM	95-08-019
Quality assurance and improvement			steroids	PROP	95-08-051
St. Luke's rehabilitation institute approval of conduct of business	MISC	95-05-067	addition to schedule III	PROP	95-08-062
Uniform benefits package			Professional boards and department relationship and organization	PREP	95-06-036
benefits	PROP	95-07-037		PROP	95-07-054
community-rated maximum premium	PROP	95-06-074	Psychology, examining board of fees	PREP	95-08-050
	PROP	95-07-034	meetings	MISC	95-05-060
enrollee financial participation	PROP	95-06-076		MISC	95-07-085
	PROP	95-07-036	Radiation protection, division of emergency preparedness fees	PERM	95-01-108
health services, required offerings	PROP	95-06-075		PREP	95-05-058
	PROP	95-07-035	incident notification and reporting	PROP	95-08-066
HEALTH, DEPARTMENT OF				PERM	95-01-108
Acupuncture fees	PERM	95-01-038			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

radiation protection standards	PERM	95-01-108	INTEREST RATES		
radioactive waste			(See inside front cover)		
disposal site permits	PROP	95-04-100	INVESTMENT BOARD		
Rural health system development	PREP	95-06-073	Meetings	MISC	95-02-011
Tuberculosis control	PERM	95-04-035		MISC	95-02-022
Vaccination schedule for school-aged children	PREP	95-05-012	JUDICIAL CONDUCT, COMMISSION ON		
Veterinary board of governors			Adjudicative proceedings	PROP	95-01-099
veterinary medication clerks				EMER	95-01-100
registration	PERM	95-04-083		PERM	95-05-031
scope of functions	PERM	95-04-083	Meetings	MISC	95-01-020
Water systems				MISC	95-01-021
project review and approval fees	PREP	95-05-059	Organization and operation	PROP	95-01-099
				EMER	95-01-100
				PERM	95-05-031
HIGHER EDUCATION COORDINATING BOARD					
Contract award process	EMER	95-02-068	LABOR AND INDUSTRIES, DEPARTMENT OF		
	PERM	95-07-087	Apprenticeship and training council		
Degree Authorization Act			programs, registration and operation	PERM	95-07-117
administration and governance	PERM	95-01-003	Boiler rules, board of		
Displaced homemaker program	PROP	95-02-067	inspections	PROP	95-07-029
Meetings	MISC	95-02-035	Crime victims compensation		
State need grant program	PROP	95-03-014	medical assistance eligibility	EMER	95-01-048
	PREP	95-06-063	Electricians		
WICHE professional student exchange program			certification fees	PREP	95-05-029
osteopathic medicine	PROP	95-01-067	Occupational health standards		
			confined space standards	PREP	95-06-091
HIGHER EDUCATION FACILITIES AUTHORITY			general	PERM	95-04-006
Financial assistance				PERM	95-04-007
applications	PREP	95-07-131		PROP	95-05-061
Organization and operation	PERM	95-01-007	lead exposure	PERM	95-04-078
Underwriters, selection	PERM	95-01-007	Safety standards		
			construction	PREP	95-04-032
HIGHLINE COMMUNITY COLLEGE				PROP	95-04-082
Meetings	MISC	95-04-025		PROP	95-05-061
	MISC	95-06-022		PROP	95-05-061
Tuition and fee waivers	PREP	95-06-004	electrical workers		
	PROP	95-06-083	elevators, dumbwaiters, escalators,		
			and moving walks	PERM	95-04-005
HISPANIC AFFAIRS, COMMISSION ON			explosives, handling and possession	PERM	95-07-014
Rules coordinator	MISC	95-04-022	hazard communication standard	PREP	95-05-030
			longshore, stevedore, and related		
HORSE RACING COMMISSION			waterfront operations	PERM	95-04-007
Horses			shipyards	PERM	95-04-006
past performance, eligibility	PREP	95-05-078	OSHA compliance	PREP	95-06-090
	PROP	95-07-140	Workers' compensation		
performance records	PROP	95-07-143	classifications	PERM	95-08-052
Problem gambling information sign	PERM	95-07-142	medical examinations		
Races			independent	PERM	95-04-056
daily double wagers	PROP	95-05-079	medical services reimbursement method	PERM	95-05-072
	PERM	95-07-141	rates and rating system	PERM	95-08-052
			retrospective rating	PROP	95-01-116
				PERM	95-06-069
HUMAN RIGHTS COMMISSION					
Meetings	MISC	95-01-097	LAKE WASHINGTON TECHNICAL COLLEGE		
	MISC	95-01-098	Meetings	MISC	95-04-046
	MISC	95-03-085			
INDETERMINATE SENTENCE REVIEW BOARD			LEGAL FOUNDATION OF WASHINGTON		
Evidence, admissibility	MISC	95-06-008	Meetings	MISC	95-07-002
INDUSTRIAL INSURANCE APPEALS, BOARD OF			LICENSING, DEPARTMENT OF		
Practice and procedure	PERM	95-02-065	Architects, board of registration for		
			examinations	PERM	95-04-080
INFORMATION SERVICES, DEPARTMENT OF			meetings	MISC	95-03-051
Information services board			Escrow commission		
meetings	MISC	95-01-070	meetings	MISC	95-01-094
			Motor vehicles		
INSURANCE COMMISSIONER, OFFICE OF			collegiate license plates	PROP	95-07-136
Actuarial opinion and memorandum	PERM	95-02-036	fleet vehicles		
Environmental claims	PROP	95-02-075	temporary authorization permits	PERM	95-03-099
	PROP	95-06-019		PERM	95-05-045
	PROP	95-06-086	licenses		
Long-term care insurance			identification, use of assigned		
benefits	PROP	95-03-076	identification on documents	PREP	95-06-015
contract	PROP	95-03-076			
inflation protection	PROP	95-03-076			
Midwifery and birthing center joint					
underwriting association	PROP	95-02-076			
	PERM	95-05-034			
Rate filing requirements	PREP	95-03-077			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

registration			Natural resources, board of meetings	MISC	95-03-096
confiscation of arrested person's registration	PREP	95-02-071		MISC	95-03-097
	PROP	95-05-066		MISC	95-04-081
	PERM	95-08-038	NORTHWEST AIR POLLUTION AUTHORITY		
identification, use of assigned identification on documents	PREP	95-06-015	Compliance standards and enforcement	PROP	95-07-116
rental cars			Sources		
business registration	PREP	95-04-001	fees	PROP	95-07-116
vehicle registration	PREP	95-04-001	review and exemptions	PROP	95-07-116
trip permits	PROP	95-01-017	OLYMPIC COLLEGE		
Real estate commission			Meetings	MISC	95-01-005
meetings	MISC	95-01-094		MISC	95-03-008
real estate education	PERM	95-03-012	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR		
Title and registration advisory committee			Meetings	MISC	95-03-010
meetings	MISC	95-06-014		MISC	95-03-017
				MISC	95-04-062
				MISC	95-06-023
			Rules coordinator	MISC	95-03-041
LIQUOR CONTROL BOARD			PARKS AND RECREATION COMMISSION		
Licensees			Campsite reservation	EMER	95-02-051
food products, minimum inventory	PREP	95-05-005		PROP	95-02-052
hours of operation	PERM	95-04-044		PROP	95-07-118
local health requirements, enforcement	PREP	95-05-004	Environmental education and interpretation services	PREP	95-03-003
Manufacturers				PROP	95-04-091
licenses	PREP	95-08-076		PERM	95-07-061
Private clubs				PROP	95-07-112
public membership functions	PREP	95-02-015	Fees		
Schematics for stocking, valuation	PREP	95-08-017	Fort Worden		
Seizure and confiscation of liquor	PERM	95-04-044	fees and reservations	PERM	95-03-005
Tobacco products			Meetings	MISC	95-03-004
vending machines, location	PERM	95-04-044	PENINSULA COLLEGE		
Violations and penalties	PERM	95-05-006	Meetings	MISC	95-01-110
Wineries				MISC	95-08-063
construction and sanitation standards	PREP	95-07-066	PERSONNEL APPEALS BOARD		
			Appeals	PROP	95-03-054
LOTTERY COMMISSION				PERM	95-07-074
Instant game 122 - High Card	EMER	95-04-063	Hearings	PROP	95-03-054
	PROP	95-07-135		PERM	95-07-074
Instant game number 136 - Ace in the Hole	PERM	95-03-062	Practice and procedure	PROP	95-03-054
Instant game number 137 - Walla Walla Walla	PERM	95-03-062		PERM	95-07-074
Instant game number 138 - \$2 Bank Roll	PROP	95-07-135	PERSONNEL RESOURCES BOARD		
	PERM	95-03-062	Classification plan	PROP	95-01-071
Instant game number 139 - 100 Grands	PERM	95-03-062		PROP	95-01-072
Instant game number 140 - Joker's Wild	PROP	95-03-100	Drug testing, limitations and uses	PERM	95-01-074
	PERM	95-07-050	Federal Fair Labor Standards Act,		
Instant game number 141 - Go Bananas	PROP	95-03-100	consistency with	PROP	95-01-073
	PERM	95-07-050		PERM	95-03-090
Instant game number 142 - Lucky Queen	PROP	95-07-135	Meetings	MISC	95-02-030
Instant game number 143 - High Stakes	PROP	95-07-135		MISC	95-06-080
Instant Game number 144 - Pay Day	PROP	95-07-135	Salaries		
			reallocation	PROP	95-01-071
LOWER COLUMBIA COLLEGE			PERSONNEL, DEPARTMENT OF		
Adjudicative proceedings	PREP	95-06-046	Personnel resources board		
	PROP	95-06-052	(See PERSONNEL RESOURCES BOARD)		
			PIERCE COLLEGE		
MARINE SAFETY, OFFICE OF			Meetings	MISC	95-01-031
Oil spill prevention plan	PERM	95-01-029		MISC	95-05-053
Vessel operation			PILOTAGE COMMISSIONERS, BOARD OF		
substantial risk standards	PREP	95-08-012	Pilotage tariff rates		
			Grays Harbor district	PREP	95-04-061
MARITIME COMMISSION				PROP	95-04-096
Meetings	MISC	95-01-069		PROP	95-07-120
	MISC	95-06-045	Puget Sound district	PREP	95-04-095
	MISC	95-07-104		PROP	95-08-065
MINORITY AND WOMEN'S BUSINESS AFFAIRS, OFFICE OF					
Annual goals for participation	PROP	95-07-078			
Compliance with bid specification goals	PREP	95-07-077			
Definitions	PROP	95-03-069			
NATURAL RESOURCES, DEPARTMENT OF					
Burning permit program					
fees	PREP	95-05-051			
	PROP	95-07-129			
	PROP	95-08-055			
	PROP	95-08-056			
Forest practices board					
(See FOREST PRACTICES BOARD)					

Subject/Agency Index

(Citation in bold type refer to material in this issue)

POLLUTION LIABILITY INSURANCE AGENCY

Applicants' eligibility,
determination costs EMER 95-08-039
PROP 95-08-040

PROFESSIONAL ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR

Meetings MISC 95-01-004

PUBLIC DISCLOSURE COMMISSION

Contributions
annual report PERM 95-01-074A
independent expenditures PREP 95-07-138
Lobbyists and lobbying
expense reporting PERM 95-01-074A
Political advertising PERM 95-01-074A

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Repeal of outdated section EMER 95-06-087
Rules coordinator MISC 95-05-009
School employees
extracurricular activities jobs EMER 95-07-026

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Funding
enrolled student, definition PROP 95-06-059
enrollment counting PERM 95-01-013
EMER 95-04-055
PREP 95-04-107
Running start program PROP 95-06-084
School districts
contracting out of services PREP 95-08-035
Special education
due process hearings PREP 95-04-089
State institutions education program PROP 95-05-020
PERM 95-08-025
PROP 95-01-002
Teacher assistance program

PUBLIC WORKS BOARD

(See COMMUNITY, TRADE AND ECONOMIC
DEVELOPMENT, DEPARTMENT OF)

PUGET SOUND AIR POLLUTION CONTROL AGENCY

Ambient air quality standard
contingency plan to meet requirements PERM 95-01-026
PROP 95-02-009
Compliance with standards PERM 95-06-003
Emission standards
compliance PROP 95-02-009
PERM 95-06-003
Outdoor fires
prohibited areas PROP 95-02-009
PERM 95-06-003
Particulate matter deposition PROP 95-02-009
PERM 95-06-003
Toxic air contaminants, impact evaluation PROP 95-07-134

PUGET SOUND WATER QUALITY AUTHORITY

Meetings MISC 95-02-005

RENTON TECHNICAL COLLEGE

Meetings MISC 95-03-021

RETIREMENT SYSTEMS, DEPARTMENT OF

Membership eligibility PREP 95-05-086
PREP 95-07-006
PORTABILITY OF BENEFITS PERM 95-03-001
Reporting
fee for untimely or inaccurate reports PREP 95-07-113
Retirement allowance calculation vehicle
allowances and costs PREP 95-07-005
Service credit purchases PREP 95-07-006
Standby pay PROP 95-02-058
Unpaid leave, service credit PREP 95-05-085

REVENUE, DEPARTMENT OF

Adjudicative proceedings PROP 95-04-052
PROP 95-04-053
PROP 95-04-054
PERM 95-07-068
PERM 95-07-069
PERM 95-07-070
Business and occupation tax
gross receipts tax relief PROP 95-04-018
PERM 95-07-088
PREP 95-04-108
legal services
Contested cases
procedural rules PROP 95-04-051
PERM 95-07-067
Cigarette tax
adjudicative proceedings PROP 95-04-053
PROP 95-04-054
PERM 95-07-068
PERM 95-07-070
Excise taxes
nonprofit homes for the aging PERM 95-06-041
PERM 95-06-042
PROP 95-02-062
PERM 95-06-043
Inflation rates
Property tax
agricultural land valuation PREP 95-02-063
PROP 95-06-040
PREP 95-07-139
PERM 95-02-039
EMER 95-01-078
EMER 95-01-079
PROP 95-02-064
PERM 95-06-044
refunds, rate of interest
Sales tax
equipment rentals PREP 95-05-025
physical fitness services PREP 95-04-079
recreation activities and businesses PREP 95-03-092
travel agents and tour operators PROP 95-03-050
Tax registration PROP 95-04-019
PERM 95-07-089
Telecommunications policy coordination task force
meetings MISC 95-03-072
MISC 95-04-092
Timber excise tax
definitions EMER 95-02-040
PREP 95-04-094
PREP 95-04-094
PERM 95-02-037
PERM 95-02-038
EMER 95-02-041
EMER 95-02-042
EMER 95-02-043
PREP 95-04-094
PREP 95-08-078
scaling and grading methods
stumpage values
taper factor for scaling
lodgepole pine EMER 95-02-043
timber quality codes PREP 95-04-094

RULES COORDINATORS

(See Issue 95-01 for a complete list of rules
coordinators designated as of 12/21/94)
Asian American affairs, commission on MISC 95-04-059
Bellingham Technical College MISC 95-01-096
Centralia College MISC 95-03-009
Clark College MISC 95-01-112
Eastern Washington historical society MISC 95-08-074
Ecology, department of MISC 95-01-088
Financial management, office of MISC 95-03-052
MISC 95-04-042
Gambling commission MISC 95-06-009
Growth management hearings boards MISC 95-03-093
MISC 95-04-030
MISC 95-04-067
Hispanic affairs, commission on MISC 95-04-022
Outdoor recreation, interagency committee for MISC 95-03-041

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Public employment relations commission	MISC	95-05-009	utility allowances	PREP	95-07-071
Traffic safety commission	MISC	95-03-073		PREP	95-08-006
Tax appeals, board of	MISC	95-01-009	verification policy	PREP	95-08-007
SEATTLE COMMUNITY COLLEGES			General assistance		
Meetings	MISC	95-01-034	allocation of income	PREP	95-06-035
	MISC	95-03-016	children, eligibility	PREP	95-01-060
	MISC	95-05-041	standards of assistance	PREP	95-01-064
	MISC	95-07-040		EMER	95-02-024
	MISC	95-08-013	Income assistance		
			standards of assistance	PERM	95-03-046
SECRETARY OF STATE				PROP	95-05-014
Charitable solicitations				PERM	95-07-123
financial reporting	PREP	95-06-049	Independent living program		
	PROP	95-08-073	order of selection	PREP	95-08-047
registration	PREP	95-06-049		PROP	95-08-054
	PROP	95-08-073	Inmate medical cost reimbursement	MISC	95-06-053
surety bonds	PREP	95-06-049	Job opportunities and basic skills		
	PROP	95-08-073	program (JOBS)	PERM	95-03-047
Charitable trusts				PREP	95-08-021
registrations	PREP	95-06-050	Long-term care ombudsman program	PREP	95-06-034
	PROP	95-08-072	Medical assistance		
reporting	PREP	95-06-050	AFDC-related medical programs	PROP	95-07-049
	PROP	95-08-072		PREP	95-08-009
Citizens commission on salaries for			alternate living situations	PROP	95-03-084
elected officials				PERM	95-06-025
membership	EMER	95-05-050	assets, transfer	PERM	95-02-027
SHORELINE COMMUNITY COLLEGE			cataract surgeries	PREP	95-08-043
Rule-making agenda	MISC	95-03-015	eligibility	PREP	95-06-071
Reduction in force and tenure code	PROP	95-04-008		PROP	95-06-072
	PERM	95-07-103		PERM	95-08-070
SKAGIT VALLEY COLLEGE			eligibility review process	PROP	95-08-071
Meetings	MISC	95-02-018	children, eligibility	PREP	95-06-033
SOCIAL AND HEALTH SERVICES,				PREP	95-01-059
DEPARTMENT OF				PREP	95-01-080
Aid to families with dependent children				PROP	95-02-045
eligibility	PERM	95-03-048		EMER	95-02-046
income policies	PROP	95-01-027	hospital care	PERM	95-05-023
	EMER	95-01-028		PROP	95-01-063
	PERM	95-04-048	income eligibility standards	PERM	95-04-033
	PREP	95-08-023		PROP	95-01-061
medical programs, eligibility	PROP	95-07-049		PROP	95-02-044
	PREP	95-08-009		EMER	95-02-047
Child care agencies				PERM	95-04-047
licensing and certification	PROP	95-05-024		PERM	95-05-022
	PROP	95-07-024		PREP	95-07-072
Children and family services, division of				PREP	95-07-090
dependent child, foster care	PREP	95-05-039		PREP	95-08-009
emergency assistance program (CEAP)	PREP	95-05-068		PROP	95-08-045
	PROP	95-08-010	institutionalized client	EMER	95-08-046
	PROP	95-08-044	income eligibility		
Deaf and hard of hearing services			rules applicability	PERM	95-02-028
equipment, availability	PERM	95-03-049		PROP	95-03-084
Food stamp program			limited casualty program--medically indigent	PERM	95-06-025
boarders in household	PROP	95-02-002	(LCP-MI), eligibility	PROP	95-01-037
	PERM	95-06-026		PERM	95-04-049
definitions	PROP	95-01-012	permanently and totally disabled	PERM	95-02-025
	PERM	95-06-028	resources, exemption	PERM	95-02-026
exempt resources	PROP	95-03-044	Vocational rehabilitation and services		
	PERM	95-06-031	for handicapped persons	PERM	95-04-050
household concept	PREP	95-07-025	SOUTH PUGET SOUND COMMUNITY COLLEGE		
household members, eligibility	PROP	95-01-010	Meetings	MISC	95-05-016
	PREP	95-04-013		MISC	95-05-017
	PROP	95-05-013		MISC	95-08-027
	PERM	95-06-027	SOUTHWEST AIR POLLUTION CONTROL AUTHORITY		
	PERM	95-06-030	Sources, general regulations	PROP	95-01-058
	PERM	95-07-122	Toxic air pollutants, new sources control	PROP	95-01-057
income deductions	PERM	95-02-023			
	PREP	95-07-053	SPOKANE COUNTY AIR POLLUTION CONTROL		
nonexempt resources	PROP	95-03-045	AUTHORITY		
	PERM	95-06-032	Agricultural burning	PROP	95-07-041
students, eligibility	PROP	95-01-011	Grass field burning	PROP	95-07-041
	PROP	95-03-045	Oxygenated gasoline specifications	PROP	95-03-071
	PERM	95-06-029			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

SPOKANE, COMMUNITY COLLEGES OF

Assault	PERM	95-01-042
Computer misuse	PERM	95-01-041
Meetings	MISC	95-08-022
Plagiarism	PERM	95-01-040
Stalking	PERM	95-01-044
Student conduct code	PERM	95-01-040
	PERM	95-01-041
	PERM	95-01-042
	PERM	95-01-043
	PERM	95-01-044
	PERM	95-01-044
	PERM	95-03-060
	PERM	95-01-043
Threatening or objectionable behavior	PERM	95-01-043

SUPREME COURT

Judicial administration, board for membership	MISC	95-06-037
---	------	-----------

TACOMA COMMUNITY COLLEGE

Meetings	MISC	95-01-035
----------	------	-----------

TAX APPEALS, BOARD OF

Hearings	PROP	95-01-101
	PROP	95-01-102
	PERM	95-05-032
	PERM	95-05-033
Meetings	MISC	95-01-008
Practice and procedure	PROP	95-01-101
	PROP	95-01-102
	PERM	95-05-032
	PERM	95-05-033
Rules coordinator	MISC	95-01-009

THE EVERGREEN STATE COLLEGE

Parking and traffic	PREP	95-05-010
	PROP	95-07-132

TRAFFIC SAFETY COMMISSION

Meetings	MISC	95-01-065
Rules coordinator	MISC	95-03-073

TRANSPORTATION COMMISSION

Meetings	MISC	95-01-091
	MISC	95-01-092
	MISC	95-04-045
	MISC	95-06-038
	MISC	95-07-102

TRANSPORTATION IMPROVEMENT BOARD

City hardship assistance program	PROP	95-01-054
	PERM	95-04-072
Meetings	MISC	95-02-013
	MISC	95-03-011
	MISC	95-07-039
Organization	PROP	95-01-054
	PROP	95-04-072
Project submission	PROP	95-01-054
	PERM	95-04-072
Records, public access	PROP	95-01-054
	PERM	95-04-072
SEPA guidelines	PROP	95-01-054
	PERM	95-04-072
Six-year plans	PROP	95-01-054
	PERM	95-04-072
Urban arterial projects	PROP	95-01-054
	PERM	95-04-072

TRANSPORTATION, DEPARTMENT OF

Rest areas	PREP	95-04-070
	PROP	95-04-071
	PERM	95-07-106
Traffic control techniques	PREP	95-05-057
	EMER	95-07-051
	PROP	95-07-081

UNIVERSITY OF WASHINGTON

Library use	PREP	95-07-101
	PROP	95-08-053
Meetings	MISC	95-01-111
	MISC	95-02-034
	MISC	95-02-073
	MISC	95-04-021
	MISC	95-04-031

UTILITIES AND TRANSPORTATION COMMISSION

Administrative procedure	PREP	95-06-088
	PREP	95-06-089
Electric utilities		
competitive bidding	PREP	95-01-118
complaints and disputes	PERM	95-01-051
discontinuance of service	PERM	95-01-051
least-cost resource planning	PREP	95-01-118
meters, accuracy	PERM	95-01-051
payments	PERM	95-01-051
records	PERM	95-01-051
Formal investigation and fact finding	PREP	95-06-088
Gas utilities		
complaints and disputes	PERM	95-01-050
discontinuance of service	PERM	95-01-050
meters, accuracy	PERM	95-01-050
payments	PERM	95-01-050
pipeline safety	PREP	95-04-110
	EMER	95-05-047
	PROP	95-08-067
records	PERM	95-01-050
Meetings	MISC	95-01-049
Motor carriers		
federal preemption of regulation, exceptions	PERM	95-02-050
	PREP	95-03-095
household goods carriers and common carrier brokers	PERM	95-02-050
Securities of companies regulated by commission	PREP	95-03-094
	PROP	95-08-068
Telecommunications companies		
911 circuit testing	PROP	95-04-111
alternate operator service companies	PREP	95-05-046
	PROP	95-07-130
disconnection of service	PROP	95-01-120
	PERM	95-05-003
mandatory cost changes	PREP	95-01-119

VETERANS AFFAIRS, DEPARTMENT OF

State veterans homes		
resident income and resources	PROP	95-02-072
	PERM	95-07-082
residents' rights and facility rules	PERM	95-03-053

VOCATIONAL-TECHNICAL EDUCATION, COUNCIL ON

Meetings	MISC	95-07-038
----------	------	-----------

WALLA WALLA COMMUNITY COLLEGE

Meetings	MISC	95-02-020
	MISC	95-07-105

WASHINGTON STATE LIBRARY

Library commission		
meetings	MISC	95-04-024
Public information access policy taskforce		
meetings	MISC	95-01-068
	MISC	95-04-011
	MISC	95-06-007

WASHINGTON STATE PATROL

Commercial vehicles		
drivers, physical qualifications	EMER	95-08-048
tire chains or traction devices	PROP	95-03-089
	PERM	95-07-137
transportation requirements	EMER	95-08-048

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Seat belting of prisoners
EMER 95-04-060
PREP 95-05-001
PROP 95-06-065

WASHINGTON STATE UNIVERSITY

Academic integrity
standards
EMER 95-01-039
PERM 95-07-001
violations
EMER 95-01-039
PERM 95-07-001
Advertising on campus
PERM 95-07-047
Library policies
PROP 95-04-028
Nursing education center parking
PERM 95-07-042
Parking
PROP 95-06-061
Residence halls
visitation policy
PROP 95-06-062
Student disciplinary process
PERM 95-07-045
Student living groups
alcohol policies
PERM 95-07-044
conduct regulations
PERM 95-07-044
Student organizations
PERM 95-07-046
Student records
PERM 95-07-043

WESTERN WASHINGTON UNIVERSITY

Parking
violations, impound alternative
PREP 95-04-010
PROP 95-05-073
Smoking on campus
PERM 95-01-006

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings
MISC 95-02-001
MISC 95-02-010
MISC 95-04-020
MISC **95-08-014**

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